



# FULL CIRCLE

the  
aboriginal  
healing  
foundation  
& the  
unfinished work  
of hope,  
healing  
& reconciliation

WAYNE K SPEAR

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**WAYNE K SPEAR**

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# acknowledgments

“Writing a book,” said George Orwell, “is a horrible, exhausting struggle, like a long bout with some painful illness.” In the writing of this book, the usual drudgery was offset by the pleasure of interviewing a good many interesting, thoughtful and extraordinary people. I am grateful to them for their generous offering of their time and attention. It is no exaggeration to say that without the wealth of material they provided, this book would not have been possible.

The twelve years I spent at the Aboriginal Healing Foundation were among my most challenging and rewarding. I am grateful to Georges Erasmus, with whom I enjoyed an especially productive collaboration. Whether they know it or not, everyone who ever worked at the Aboriginal Healing Foundation was the beneficiary of his calm, competent and principled leadership.

The AHF Board of Directors were, to an individual, among the most professional and inspirational people with whom I’ve had the good fortune of working. Here I must mention my friend



Garnet Angeconeb, a residential school survivor who exemplifies resilience, and a giant among men. The large-hearted Maggie Hodgson was characteristically generous: as anyone who knows her will attest, she is the rare and invaluable person who'll tell you what you need to hear, in direct terms, no matter the inconvenience.

Mike DeGagné was my boss but also, at the end of my days at the Foundation, a friend. I valued his generous leadership and his keen sense of humour. He expected the best of his staff and made every effort to support and further them in their professional endeavours, not only while at the Aboriginal Healing Foundation but in their years beyond. This book would not have been written without Mike's support.

I wish I could name every colleague from whose acquaintance I've benefitted, but that would be a book in itself. I miss my colleague Gail Valaskakis, and the thought that she'll never read this book sorely me. Linda Côté, our Corporate Secretary, was the very model of professional competence, and she kept the AHF running smoothly. It's astonishing to me how many talented folks flowed through the Foundation, proving that aboriginal people can indeed run effective and efficient organizations. Or even, as in the case of the AHF, create them.

The careful and trained eye of Flora Kallies caught more errors in this book of mine than I'd like to admit. A good reader is every writer's secret weapon, but I'll make no secret of the fact that this is a better book on account of her diligence. Somewhere around 2010, I asked Kateri Akiwenzie-Damm to research and write what became Chapter 5 (An Approaching Storm). In 2013, she contributed an additional section, on the Legacy of Hope Foundation. Kateri, a well-known and respected author, worked

closely with me and with the AHF board on these sections. I edited her contributions for the purpose of tonal and stylistic consistency. I still regard them however as her work, and I hope my changes were sensitive enough that she still regards them this way too.

I was hired in 1999 by my first boss at the AHF, Kanatiio Gabriel. A man of great principle and compassion, Kanatiio created the Communications department which I would lead after 2006. To him I am much indebted, for his example of personal integrity and for my lucky inheritance of a shop he had put on solid ground.

I'm mindful of the fact that my parents have supported my writing from the very beginning, and that this support is the foundation of my accomplishments. So much in one's life is a matter of mere fortune, and I've been lucky to have had loving parents who provided me every advantage necessary to a good and happy life.

I had no interest in applying for the Communications Officer posting when my partner brought to my attention the *Globe and Mail* advertisement in the Summer of 1999. I did it merely to appease her. I'd worked for years in aboriginal organizations, and the last thing I wanted was more of the nepotism and dysfunction that I had come to regard as inevitable. The Aboriginal Healing Foundation changed my thinking, and it changed my life. I thank my partner Nicole for setting in motion one of the most amazing rides of my life.



# a preface

by Phil Fontaine\*

I was the Manitoba Vice-Chief at the Assembly of First Nations in 1990 when I first spoke publicly about the physical and sexual abuses I experienced in the Fort Alexander Indian Residential School, in Manitoba. This was, needless to say, an incredibly sensitive and private matter, not something that one talks about easily.

I'd been preparing myself for months to talk about the residential schools, which I did at a gathering of Assembly of First Nations Chiefs in Whitehorse. I told my audience on that day it was time for a conversation about residential schools to begin, and that until we had this discussion our people would be unable to deal effectively with the many issues facing our communities, from poverty and addiction to treaties and self-government.

The phrase “residential school syndrome” had been around as early as the 1980s, yet the residential school was still a taboo subject in the early 90s. My hope was that by coming forward with my story, I would make it easier for others to do the same, and that by breaking through the walls of fear and shame which imprisoned us we could all begin a healing process. Also important was to record for posterity the collective experiences of our people, so that there would be understanding not only of what had happened but of its effects on former students, their families and communities. This remained an important goal

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\* Assembly of First Nations National Chief, 1997–2000 and 2003–2009

when it came time to establish the Truth and Reconciliation Commission of Canada.

Before I spoke in public, I had conversations with church officials to determine if there was any willingness on their part to begin a disclosure process. These discussions convinced me that the time to deal with this terrible history had arrived. What I did not anticipate, however, was that this matter would so quickly become so public. It's true I had spoken openly to the Chiefs, but I hadn't expected the journalists in attendance to turn this into national headline news. As strange as it may seem today, I was taken completely by surprise.

It would be fifteen years from this first public disclosure in Whitehorse to the Prime Minister's very public apology on the floor of the House of Commons in Ottawa. In many respects, the Indian Residential School System dominated my work during this entire time. As early as 1990, those of us committed to addressing the residential school abuses were clear about what had to happen: we called for a public inquiry, stressing that a healing process had to be an integral part of this work. Furthermore, we didn't want our memories to disappear and urged that the testimonies of survivors should become part of Canada's historical record. I feel now, as I did then, that all Canadians should know this history and have some understanding of what it means to indigenous people.

The Indian Residential Schools Settlement Agreement is an accomplishment of survivors. It simply wouldn't have happened without their courage and unyielding commitment. Survivors came forward by the hundreds with their stories, determined to make certain that the truth about the residential schools was known and that the injustices they suffered as children were

addressed. I am very honoured to have been able to serve them as National Chief, from roughly the time that the Aboriginal Healing Foundation was first established in 1998 to the time of the Prime Minister's apology in 2008. The AHF was very important, and its work was essential to addressing the legacy of the century-long residential school system. It was furthermore an honour to have been involved in the creation of the Common Experience Payment and the Truth and Reconciliation Commission of Canada. The Indian Residential Schools Settlement Agreement was not perfect, but I believe it was a very good agreement, showing what we can accomplish when we work together.

The effects of the residential schools are still with us, and will be for some time to come. But the efforts of the past twenty years—the work of healing and reconciliation which is the subject of this book—has ensured that we will never go back to the silence and shame of the past. Never again will the Indian Residential School System, and its many abuses, be imposed on our children. This is cause for hope and celebration—proof of the resilience and endurance of our people and cultures. We will never forget this history, but neither will we be forever defined by it.

Countless people were involved in bringing the residential school history to public awareness and pushing for a just and fair settlement. This book examines the roles and perspectives of many of these individuals, looking ahead to the challenges of the future. I acknowledge and honour the contributions of survivors, community leaders, front-line workers, politicians, church officials and citizens. Together we accomplished a great deal, although the healing is not complete. Many said at the beginning that the residential schools affected generations of First Nations, Métis and Inuit people, and that it would take time and commitment to right the wrongs of the past.

As this book comes out, survivors are at different stages along the healing path. Some are far along, some are just setting out. There are sensitive issues—student-on-student abuse, for example—which have yet to become public. I spoke about this very topic when I was interviewed by Canadian media over twenty years ago. I explained that many students had learned behaviours in the residential school, and that you do what has been done to you as a child. The priests and nuns ran our lives: everything we knew about parenting, community and survival was formed in these institutions. Everything we knew about life was shaped by the residential school. When we understand this, we begin to see that there are still areas where healing and reconciliation have to occur. Healing and reconciliation have to happen not only between indigenous people and the government of Canada, but within our families and communities.

I believe that when we get to this place, where we have overcome the anger and shame and dysfunction inherited from the residential schools, we will reclaim the full inheritance of our ancestors: the beauty, dignity and strength of our cultures and our ways. For a time, the residential school tried to sever us entirely from the things which make us whole, which make us human. It was in the service of fully exposing and addressing this history that I worked as the National Chief, and it is in service of this vision that the healing must continue.







# Introduction

As required by its 1998 funding agreement with the Government of Canada, the Aboriginal Healing Foundation issued a final report in 2006 and prepared for the winding-down of its mandate. In 2004, and again in 2007, the lifespan of this publicly funded, arms-length not-for-profit corporation was extended, ultimately to 2014. Over the years an aggressively evaluated and oft-studied federally funded agency, the Aboriginal Healing Foundation in 2010 once more confronted the matter of a final report—as some humorously termed it, the final final report.

This book is about the Aboriginal Healing Foundation, but much more besides. That is because the Foundation's board of directors were eager to tell a story, rather than issue a multi-volume quantitative academic analysis. Formal reports of this character have great value, and the reader who wishes material of that kind may obtain it. The book you are reading has another purpose. It tells the story not only of the Aboriginal Healing Foundation but the work of consciousness-raising, public education, restitution and reconciliation which absorbed the efforts of thousands of individuals, in many cases for well over a decade.

At the core of the story is Canada's Indian Residential School System, a church-state partnership which between 1892 and 1969 undertook a nation-wide program of coercive social and cultural re-engineering. When I joined the Aboriginal Healing Foundation as a Communications Officer, in July 1999, Canada was only beginning to respond to the many public disclosures of abuses

and the growing number of legal claims issuing from this system. By mid-2000, the residential schools were a daily front-page item. The federal government's response to the Indian Residential School System had escalated from a challenge to a crisis.

In the decade immediately preceding the Aboriginal Healing Foundation, harms inflicted upon individuals by the state had been the focus of public inquiries, media reports, legal challenges and grassroots agitation. The Japanese internments, the Chinese head tax, the tainted blood scandal and the abuse of children in provincial and federal institutions brought the notion of historic injustices to the public foreground. The Aboriginal Healing Foundation in 1998 joined a series of government initiatives conceived to address historic wrongs. Make no error: others are on the way for past policy arrangements such as the Indian Day Schools and the Sixties Scoop. History is not finished with us yet.

The Indian Residential School System, the Indian Residential Schools Settlement Agreement, the Truth and Reconciliation Commission of Canada and the Aboriginal Healing Foundation are today well-known public initiatives. The purpose of this book is to tell the less-known human story behind this public work of healing, restitution and reconciliation. I have endeavoured to tell the story by interviewing former students, government officials, church leaders, bureaucrats, journalists, social workers, lawyers and citizens, reproducing their many diverse and contradicting viewpoints. Where I encountered negative statements about the agency for which I worked—the Aboriginal Healing Foundation—I included them.

The skepticism of the reader concerning ambitious public schemes to right past wrongs is welcomed. I am bettered by having my share of critics and detractors, and I know as a reader

that history written as mere propaganda is both boring and bad. This book nonetheless argues a thesis that non-political arms-length agencies (like the Aboriginal Healing Foundation) are in fact a useful public policy instrument. I furthermore assert that aboriginal-designed and -managed public agencies, accountable to aboriginal people and communities, are a viable alternative to service delivery through the federal Aboriginal Affairs bureaucracy.

The establishment of an aboriginal-designed and aboriginal-run national agency, mandated to support local community-driven healing initiatives, represented a creative and visionary departure from Ottawa business-as-usual. Whether on the economic or on the health and social services front, community development foundations are tools with great potential. The Aboriginal Healing Foundation is at the very least a model worth studying. Indeed, between the years 1998 and 2007 community leaders sitting at the table with government officials developed a number of unprecedented agencies and public policy instruments. The 2006 Indian Residential Schools Settlement Agreement, for example, is not only the largest court-mandated settlement in Canadian history, it is qualitatively unlike any other. For a few promising years, aboriginal people were involved at a high level in the design of public policy instruments. It was a promising but short-lived development, and there is no reason in principle it may not be revisited. I, for my part, believe it must.

In the meanwhile, we are back to the conventional approach in which Ottawa owns and controls the levers of aboriginal policy and decides what is best for aboriginal people. The reader, I hope, will be fascinated by this story of a brief period in which bold experiments were very near the norm. A common theme among the many dozens of people I interviewed was the uniqueness of the time. A number of civil servants told me that they had

never before been assigned such an important and emotionally charged portfolio, and that as they look back, their time working on these enormous matters of historic wrongs represents the apex of a career. On several occasions, I found myself in the unusual position of watching a government official break into tears during an interview. The federal government's efforts to achieve a lasting and fair resolution of the Indian Residential School System— independent of the question whether these efforts were or were not good and effective and adequate—took many public servants to places they had never been before. I hope to perform precisely this service for the reader, by looking behind the scenes of a set of related initiatives which deserve the qualifier “historic.”

The reality of an interview based book is that one can not predict the outcome. The story will necessarily go where the people go. I have disclosed already the propaganda functions (also known as the thesis) of this book: the assertion of the arms-length foundation as a viable policy instrument and the urging of such an instrument in the years ahead when addressing historic wrongs perpetrated by the state. I also wish to put forward the implicit lesson of this book, that what I shall call a “coalition of the willing” can achieve enormous advances in a time of political impasse. The injustices of the Indian Residential School System brought together an enormous number and range of individuals, and so I came into this project wanting to honour the personal truth of all involved, both for its own sake and for the sake of a richer, more compelling narrative.

Having written this book, I think myself qualified to address the detractors who hear the phrase Indian Residential School System and say, “Get over it.” If you wish to meet someone who really does want to get over it, let me recommend the many survivors of institutional rape, beatings, degradations and deprivations

for whom the residential school is a fixture of living memory. The refusal to address the past will guarantee its persistence, and the fact that I was able to interview the survivors of appalling injustices belies the notion that these wrongs took place in some remote and irrelevant past. This is a living story, populated by your political leaders and your neighbours and your compatriots. It also is part of the story of your country.



# chapter one

## the creation of the aboriginal healing foundation

### **a broken relationship: from anger to RCAP**

Our story begins in the late 1980s, as Canada entered a period of extraordinary unrest. A book titled *Drumbeat: Anger and Renewal in Indian Country* summarizes the mood of aboriginal people at this time:

Sadly, as we head towards the 1990s, we, the people of the First Nations, have to admit that our relations with Canadian government have never been worse. Our rising expectations of recent decades, our hopes for a better future, have unfortunately turned out to be illusory, shattered by the grim reality that governments, whether Liberal or Tory or NDP, are still not ready to work honestly with us to resolve issues that have been outstanding for centuries.<sup>1</sup>

These words, extracted from an introduction written by the then-National Chief of the Assembly of First Nations, Georges Erasmus, looked not only back to the recent past, but forward. A warning of a kind, *Drumbeat* rehearsed the AFN's "solemn



decision to create the kind of pressures that we hope will bring Canadian governments back to the negotiating table.”<sup>2</sup>

These pressures included the many then-recent “direct actions” engaged by aboriginal people across the country—the Haida’s impeding of logging machines in British Columbia, the Lubicon and Teme-Augama blocking of roads in Alberta and Ontario, the Mohawk affirmations of the sovereign right freely to cross the US–Canada border at Akwesasne, the Mi’kmaq and Malaseet defiance of Nova Scotia’s hunting and fishing restrictions, the Gitksan-Wet’suwet’en court battle to affirm their land title in northern BC, the Innu of Labrador invasion of a NATO airbase to protest low-level flights which threatened their hunting and the Algonquins of Ontario road blocks and occupation of Parliament Hill to express their frustration at government indifference.

As it happened, a confrontation yet to occur at the time of this book’s 1989 publication would capture the country’s attention: an event known as, among its other designations, the Oka Crisis. This confrontation at Oka, Quebec, between the Canadian army and a group of individuals, some residents of the local community and some drawn into the standoff from across Canada and the United States, itself had roots in a three-century land dispute between the Kanien’keha:ke (Mohawks) of Kanesatake and the Sulpicians, a Roman Catholic order based in France. In 1990, the immediate occasion of the conflict was a proposed golf course expansion into territory claimed by the Mohawks, the realization of which was prevented by barricade. Over the Summer of 1990, the events at Oka exposed to the eyes of Canada and to the world the poisoned and potentially deadly character of the relationship between the Government of Canada and indigenous people. The Oka crisis represented an enormous political failure and alerted Canadians to the fact that festering historical injustices (or, as

Erasmus wrote in his introduction, “Canadian history as we have lived it, not the version of it that finds its way into Canadian textbooks”) could give rise to violence. As the crisis lengthened, the potential of a land dispute to escalate and transform into war was apparent. The federal government, under Prime Minister Brian Mulroney, was largely responsible for allowing the conflict to reach its terrible pitch. In retrospect, it was clear that some manner of response, even if symbolic, was required.

The Prime Minister responded to the Oka Crisis by establishing in 1991 the Royal Commission on Aboriginal Peoples, or RCAP. Its task was to examine in a comprehensive fashion the historical relationship between Canada and aboriginal peoples, with special attention to the root causes of current-day problems. In its multi-volume final report of November 1996, RCAP analyzed the full familiar range of issues, including land disputes and the Indian Act. As the Royal Commission undertook its mandate, visiting communities from coast to coast to coast, one topic consistently emerged: the Indian residential school. Indeed, it not only emerged, it was well in the foreground. Near the outset of RCAP’s work, the future national chief of the Assembly of First Nations, Phil Fontaine, told his personal story of physical and sexual abuse to the media. In doing so, he emboldened others.

As late as the 1980s, few former students wanted to talk about residential schools. The pain was widespread in communities and kept mostly buried, and those who broke the taboo of silence invariably faced denial and other forms of opposition. The government didn’t want to confront this history, and the churches were not equipped to address the abuse. There was no avenue and no process available to those who had suffered, and who continued to suffer. All of this was beginning to change, however, as the shame attached to the residential school gradually

yielded in the 1990s to a new-found courage and determination to seek acknowledgment and justice. Into this development stepped the commissioners of RCAP. Having collected the testimonies of former students, the Royal Commission on Aboriginal Peoples set about to produce for the first time a detailed analysis of this system of forced assimilation.

The historian and academic John Milloy was tasked with the job of producing RCAP's study of the Indian Residential School System. Supported by the quasi-judicial authority invested in the Royal Commission under the Public Inquiries Act, Milloy enjoyed unprecedented civilian privileges.<sup>3</sup> Chief among them was his access to the voluminous "RG 10," a designation given to the vast holdings of the Department of Aboriginal Affairs and its institutional forebears. Perhaps here the word privilege should be qualified, for in Milloy's case it must have felt more a torment. RG 10 was an insurmountable mountain of documents, so massive and unorganized that no one could say as certain what resided therein. Given the extraordinary opportunity, Milloy employed his best efforts and turned in a document that would become Volume One, Part Two, Chapter 10 of the final report. Characterizing the residential schools as "opportunistic sites of abuse," the RCAP final report would contribute a critical insight central to the analysis and understanding of this system's effects and multi-generational legacy.

This insight is the concept of "historic trauma," which itself is an outcome of profound catastrophe such as war, genocide or plague. RCAP considered the Indian residential school system within a comprehensive framework of organized and systemic conquest, whereby the very foundations of material and cultural survival were swept away. In no way a mere coincidence, the emergence of the Indian Residential School System was historically concurrent

with the elimination, in the Prairies, of the food supply and with the introduction of the Indian Act and the effort to create a sovereign Canada from sea to sea to sea, on what only a generation ago had been Indian land. Submitted to the blitzkrieg of disease, starvation, and sudden political disintegration, Aboriginal people were overwhelmed. Their resilience, most evident in the proactive recourse to treaty negotiations (a skill with which many Aboriginal leaders were abundantly supplied) might well have been sufficient to overcome all the challenges. Unfortunately, Canada and the missionary societies colluded to undermine the spirit of the treaties. Aboriginal people had negotiated, in exchange for use of their territories, training of their youth in the skills of the “white man.” Instead, they got the assimilationist program of Indian residential schools, designed not to complement and thereby sustain aboriginal ways of living in the world, but rather to supplant them.

The RCAP final report laid bare this colonialist program, of which the residential school was but one instrument among many. Moreover, RCAP made clear that the Indian residential schools had been replaced by other instruments of a policy that remained unaltered up to the present. This policy of assimilation through coercion was identified by RCAP as the rot at the core of the relationship. The remedy consisted in a full rejection of this policy and its replacement by a “people to people” consensus-based relationship of mutual respect. Prior even to this, however, intergenerational historic trauma necessitated a healing of historic wounds. In its residential school-related recommendations, the final report urged the following:<sup>4</sup>

### **Recommendations**

The Commission recommends that

**1.10.1**

Under Part I of the *Public Inquiries Act*, the government of Canada establish a public inquiry instructed to

(a) investigate and document the origins and effects of residential school policies and practices respecting all Aboriginal peoples, with particular attention to the nature and extent of effects on subsequent generations of individuals and families, and on communities and Aboriginal societies;

(b) conduct public hearings across the country with sufficient funding to enable the testimony of affected persons to be heard;

(c) commission research and analysis of the breadth of the effects of these policies and practices;

(d) investigate the record of residential schools with a view to the identification of abuse and what action, if any, is considered appropriate; and

(e) recommend remedial action by governments and the responsible churches deemed necessary by the inquiry to relieve conditions created by the residential school experience, including as appropriate,

- apologies by those responsible;
- compensation of communities to design and administer programs that help the healing process and rebuild their community life; and
- funding for treatment of affected individuals and their families.

**1.10.2**

A majority of commissioners appointed to this public inquiry be Aboriginal.

### 1.10.3

The government of Canada fund establishment of a national repository of records and video collections related to residential schools, co-ordinated with planning of the recommended Aboriginal Peoples' International University (see Volume 3, Chapter 5) and its electronic clearinghouse, to

- facilitate access to documentation and electronic exchange of research on residential schools;
- provide financial assistance for the collection of testimony and continuing research;
- work with educators in the design of Aboriginal curriculum that explains the history and effects of residential schools; and
- conduct public education programs on the history and effects of residential schools and remedies applied to relieve their negative effects.

### **the Government of Canada responds**

Recommendation 1.10.1(e)—calling for “funding for treatment of affected individuals and their families”—establishes the link between Oka and the Aboriginal Healing Foundation. Within two years of the publication of the final report, the Government of Canada responded with a bundle of initiatives organized under the title *Gathering Strength—Canada's Aboriginal Action Plan*.<sup>5</sup>

The announcement of *Gathering Strength* arrived on January 4, 1998 and was delivered by the recently-named Minister of Indian Affairs and Northern Development, Jane Stewart. Behind this announcement was what the former Minister calls “a long journey in a short period of time.” She had read the RCAP final report and was determined to do something in response to the residential school recommendations. After cabinet meetings she introduced the topic of Indian residential schools to her colleagues and urged the bringing of this history “out of the closet,” taking up the dual role

of educator and advocate. The human stories of residential school abuses and suffering were already by this time well known among senior officials in the Department of Indian Affairs, and while the members of the Chrétien Government accepted the reality of this pain, there was reluctance in some quarters to respond in the way urged by the Minister of Indian Affairs. To her proposal she recalls one response in particular: “governments don’t apologize; they move on.”

Then a critical moment arrived when Finance Minister Paul Martin agreed to a meeting with Stewart and National Chief Phil Fontaine to discuss the creation of a fund dedicated to healing. Martin recalls that

There was not a great deal of support for putting up three hundred and fifty million dollars for anything in the Department of Finance. If you’re in government, you know that the Department of Finance does not spend money easily. Jane came to see me and made the argument very strongly that this healing foundation was an absolute necessity if we were going to begin what was to be the long road back from residential schools. I was very sympathetic to the need for healing—I did however raise some issues. “Now, look, this is \$350 million at a time we’re cutting spending elsewhere. Should we be spending this money here? Is this the right place to spend it?” At this meeting Phil made the argument for healing as cogently as I’ve ever heard it. It was then that I really truly began to understand.

Fontaine for his part recalls the Finance Minister’s approach to decision making as follows, reflecting on a discussion years later over the Indian Residential Schools Settlement Agreement:

Over the years we had a number of meetings. He applied the same approach each time we talked about residential school, which was to

raise a number of questions, challenging my assertions, wanting to know why this was so incredibly important. I began to understand it was with good reason. He wanted to understand the issues, in a way that most Canadians wouldn't, because he had to make some fairly significant decisions—including financial decisions. I recall our dinner meeting in Rome, when we finally agreed on the [2006 Indian Residential School] Settlement Agreement, which we knew was going to be a lot of money. He agreed—after he had asked me so many questions. He applied a rigorous line of questioning, and I'm glad that he was around then.

In the end, with the backing of the Minister of Finance and the Prime Minister, Stewart prevailed. She met with survivors to ask them for guidance in how the government might address this historical legacy, hearing along the way many stories. This work culminated in another critical event, again involving the Minister of Finance. At a meeting of the National Action Committee on the Status of Women, a survivor named Donna Dixon shared her childhood experiences in an Indian residential school. The crowd, horrified and disgusted by what they heard, turned on Stewart, demanding a response. On that day, she and the Finance Minister, Paul Martin, made clear the government's intention to respond. The die was cast.

Donna Dixon was sitting at Minister Stewart's left on January 7, 1998. A "cornerstone" of the initiative (the metaphor is Canada's), the Statement of Reconciliation introduced a commitment of \$350 million to what would quickly become known, in some quarters derisively, as the "healing fund." As *Gathering Strength* explained, the Government of Canada was "committed to assisting in community healing to address the profound impacts of abuse at Residential Schools," and toward this end "would design healing initiatives in partnership with the Aboriginal



leadership and victims groups” to be delivered “in the broadest possible fashion to all Aboriginal people, including Métis and off-reserve individuals and communities that have been impacted by the residential school system.” In his formal response to the Minister—“A New Beginning”—the Assembly of First Nations National Chief, Phil Fontaine, said that

this gathering celebrates the beginning of a new era in the relationship between the Government of Canada and the First Peoples of this land. [...] It took some courage on the part of the Minister and government to take this historic step, to break with the past, and to apologize for the historic wrongs and injustices committed against our peoples. It is therefore a great honour for me, on behalf of the First Nations, to accept the apology of the government and people of Canada. [...] Let this moment mark the end of paternalism in our relations and the beginning of the empowerment of First Peoples... the end of assimilationist policies, and the beginning of mutual respect and cooperation.”<sup>6</sup>

This positive assessment of the Statement of Reconciliation and its champion Jane Stewart was echoed by others, among them Leslie A. Pal who, reflecting on the Government’s 1998–1999 budget, singled out the Minister’s “imaginative policy.”<sup>7</sup> Taking care to employ RCAP’s language of relationship and renewal, *Gathering Strength* appeared to signal the Government’s acceptance of RCAP’s assessment that healing and reconciliation were important public goals. As such, *Gathering Strength* formally inaugurated the federal healing and reconciliation agenda that would culminate in the 2007 Indian Residential Schools Settlement Agreement.

As one would expect, the *Gathering Strength* initiative had both its supporters and detractors. Many survivors look back upon, as Stewart herself puts it, an “extremely important day.” Critics

of the “Statement of Reconciliation” noticed the absence of “apology” and “apologize” and derided the Government’s choice to assign the statement to a Minister. Looking back at the discussions leading up to the Statement of Reconciliation, then-Indian Affairs bureaucrat Shawn Tupper says that

we actually consciously didn’t use the word “apology” because the only real example we had in Canada at that time that we thought was a great learning example was what the government had done for Japanese Canadians in the context of internment. We understood from colleagues at the Department of Heritage that they had purposely not apologized to Japanese Canadians because the victims had said they didn’t want an apology. Their view was that apologies were things you had to live up to, and they were about building relationships. And Japanese representatives in that instance weren’t convinced that government was prepared to do that. So we kind of avoided the word apology and talked about reconciliation and building relations. I must truthfully say that I can’t imagine how anybody could read the words in the Statement of Reconciliation and not be affected by what the government attempted to do there.

Indeed, the government’s effort was met in some quarters with open hostility. Leaders of both the Native Women’s Association of Canada and the Congress of Aboriginal Peoples condemned the statement as useless and worthless. For many survivors, a meaningful apology could come only from the floor of the House of Commons, and only from the Prime Minister. Anything less was perceived as an insult. Not all survivors agreed, and indeed there were those who felt Minister Stewart had given a sincere apology. Among them was Garnet Angeconeb, who later in 1998 would become one of the board members of the Aboriginal Healing Foundation. Deeply moved, he regarded the Statement of Reconciliation as an important moment in his own healing

journey. Years later, Jane Stewart would maintain that she had indeed given an apology “in everything except name,” rejecting the common assertion then and later that lawyers had shaped her statement and pressured her to stay on-script and not say anything which would incriminate Canada. Nonetheless, and for reasons not divulged to the author of this book, the Minister was told that “it wasn’t appropriate formally” to call her statement an apology. Likely an unresolvable disagreement, the debate lost much of its force when a decade later the Prime Minister of Canada apologized in the House of Commons, Aboriginal leaders and former students and the national media in attendance.

### **the creation of the aboriginal healing foundation**

Jane Stewart’s announcement of a \$350 million fund posed the following unanswered questions: who would administer the money? and how? according to what process? To complicate matters further, these dollars had been earmarked in the federal budget of 1998–1999 and were scheduled to return to the federal government’s Consolidated Revenue Fund on April 1, 1998, unless deposited by that time in the account of a designated recipient. This provided less than three months to establish or identify an agency and to negotiate a funding agreement between that entity and the feds. On the Government side, the participation and consent of the Privy Council and Treasury Board would be required. Opaque, cautious, and Byzantine, these bureaucracies were notoriously slow moving, even obdurate. Neither was smooth sailing assured on the Aboriginal side, where the necessary leadership would be taken up by the five national Aboriginal political organizations: the Assembly of First Nations, the Congress of Aboriginal Peoples, the Inuit Tapirisat of Canada (renamed Inuit Tapiriit Kanatami in 2001, at the time Jose Kusugak was President), the Métis National Council, and the Native Women’s Association of Canada. These

organizations could at times be fiercely territorial, and as is always the case in politics, personalities and personal agendas might play a decisive role.

This staggering undertaking of setting up a foundation came with great pressures. A one-time offer of \$350 million was at stake, and any party who upset the consensus would likely face political repercussions. There was a limited time to work out the details, and no chance to defer contentious matters to a later date. The five political organizations were under intense scrutiny and needed to achieve results. Despite this, impediments emerged readily enough as the President of the Native Women's Association of Canada, Marilyn Buffalo, chose to take offence to what she regarded as the pitifully meager sums on offer. At first she refused to participate, casting the outcome into uncertainties. In the end, she was brought around and NWAC joined the other four political organizations at the table. Having established a suitable recipient entity, the working group/founding board entered negotiations for the funding agreement with the federal government caucus, led by the Intergovernmental Affairs Branch of the Privy Council.

Work began in the middle of February. The five national Aboriginal political organizations assembled a negotiating team who would later become the interim board of the Aboriginal Healing Foundation. In the mornings, the team would discuss and debate amongst themselves the language of the incorporation papers and the letters patent and the by-laws, sending away the lawyers to do the work of drafting. The next morning, the draft yielded from the previous day's work would be tabled, and the discussion would continue. In the afternoons, a parallel process was underway in which the interim board discussed and debated the funding agreement with lawyers representing the Government of Canada, likewise producing drafts for the next afternoon's

consideration. One of the lawyers working on these daily drafts on behalf of the Aboriginal Healing Foundation interim board, Rick Brooks, recalls that

I realized from the moment I met them that this wasn't going to be just a normal client meeting. There was something big going on here. There was nothing boilerplate about it. And, as white lawyers, we came in with a cultural *naïveté* and a lot of learning to do. It was an interesting process because of the desire to achieve resolution by consensus and the great respect that I noted each person showed to the others in the room. Quite often we'd talk for an hour about a paragraph. Then we'd be told, "Go draft it." We'd go back to the office, and we'd say, "Well? What was decided? What *are* we drafting?" We had no idea. Eventually we realized how to glean the essence of these discussions. We kept drafting and redrafting, meeting and meeting. We'd meet all day and draft all night. It was a heck of a month.

For Brooks, setting up an organization of this size "was almost like creating Petro Canada from scratch," the documents involved generating "staggering amounts of debate." Georges Erasmus likewise remembers "the enormous amount of work involved":

In the afternoons we met on the funding agreement, and in the mornings we were dealing with incorporation papers. We had internal discussions about the composition of the board, how it had to reflect the respective aboriginal peoples, the by-laws, and so on. We'd send out people to draft the latest version from the morning discussions, and then go into the afternoon discussions with Canada to work on the next draft of those negotiations. The following morning we'd have updated incorporation papers, and then at one in the afternoon we'd have an updated version of the funding agreement. It was day and night reviewing of documents.



Phil Fontaine appears on cbc's *The Journal*, with host Barbara Frum, on October 30, 1990. For the first time, Indian residential school abuses are widely reported in the mainstream Canadian media.

The morning debate was internal, among the aboriginal groups drafting the AHF incorporation papers, while the afternoon debate was between the aboriginal groups and government lawyers working out the details of the funding agreement. In the meetings with Canada, according to Erasmus, “we had a common enemy, and so we closed ranks. But in the morning, if there were any little suspicions or cracks in the relationship between the Métis, Inuit and First Nations participants, they would come out.”

The internal debates largely concerned how best to achieve a balancing of the representation of the Métis, Inuit and First Nations. Eventually the interim board settled on an arrangement by which a fixed number of board seats would be provisioned to the Métis, Inuit and First Nations respectively. According to the Foundation's By-law Number 1:

Within the period of ninety (90) days referred to in Article 3.01(b) hereof, but subsequent to their confirmation as set out in the said Article 3.01(b), the applicants for incorporation, being the initial nine (9) directors, shall solicit and obtain, in as broad a manner as possible, the names of prospective Members who may qualify under the provisions of Article 7.02(g) from representative groups, Residential School survivors, Residential School survivors' organizations, healing organizations, other interested groups and, in particular, the Assembly of First Nations, the Inuit Tapirisat of Canada [later renamed the Inuit Tapiriit Kanatami], the Métis National Council, the Congress of Aboriginal Peoples and the Native Women's Association of Canada. The Board of Directors shall consider the names obtained when electing Directors. [...] Once having received the nominations referred to in paragraph 3.01(c), the initial nine (9) directors shall then elect a further eight (8) directors as follows:

- i. five (5) of whom shall be members of First Nations and/or First Nations persons;
- ii. one (1) of whom shall be an Inuk;
- iii. one (1) of whom shall be Métis; and
- iv. one (1) of whom shall be either Inuit or Métis.<sup>8</sup>

Since the nine appointed board members were appointed by the Inuit, Métis and First Nations national political organizations, as well as by the Federal Government, they too represented in a fixed proportion the respective aboriginal groups.

In the afternoon sessions, disagreement concerned the scope of the Foundation's work, which the feds seemed determined to limit. Conflict also ensued over what the First Nations, Métis, and Inuit negotiators perceived as overly restrictive limits on the nature of investments and eligible projects. Research was off the

table, as was funding for language and culture and for treatment of abuses other than physical and sexual (such as emotional, spiritual and psychological abuse). The interim board argued that research was critical to the design and implementation of effective healing projects. How could they support and promote healing if they didn't have good up-to-date research into effective program delivery? Having just invested millions into the Royal Commission on Aboriginal Peoples (whose final report was being distributed as the AHF negotiations were underway), the government adopted an attitude of "been there done that." Nonetheless, they couldn't in the end dismiss the obvious rationality of studying residential schools as a social and health issue. A good thing, for the AHF's research agenda would become in the years ahead an internationally recognized and valued asset.

The interim board achieved a victory in the battle over the Foundation's research agenda, but the strict conditions on investment and the disbursement timeline remained. The board was deeply and principally concerned, however, with the issue of language and culture. How, they argued, could a system designed to extinguish indigenous languages and cultures be addressed by a mandate which excluded program funding for language and culture initiatives? The refusal of the government to bend even slightly was a source of consternation, but this point seemed too important to the negotiating interim board to let alone, and the reality was that a deal had to be struck by March 31. Georges Erasmus approached Minister of Indian Affairs Jane Stewart to obtain a cabinet-level solution, but the Minister replied that she could not go back to cabinet to revisit their decisions. Stewart advised Erasmus, who in any case was himself aware of the difficulties, to address their concerns as much as possible within the existing framework, adding that the cabinet had intended concepts like "intergenerational impacts" to be broadly interpreted. As for



issues such as the investment restrictions, she said, there would be opportunity to revisit the matter at a later date.

As we will later see, the board took the Minister's advice. On the very last day of work, the government—evidently having grown tired of the back-and-forth exchange of documents—brought the Privy Council and its human and mechanical infrastructure to the meeting. With secretaries, fax machines, computers, and printers assembled, the Privy Council finished the deal on site, printing and signing the official documents on March 31, 1998, at 11 o'clock p.m. Signing for the Government of Canada was the Honourable Jane Stewart, Minister of Indian Affairs and Northern Development, and for the interim board Georges Erasmus, Janet Brewster Montague, Jerome Berthelette, Debbie Reid, Teresa Nahanee, Gene Rheaume, Paul Chartrand, Wendy Grant-John, and Marjorie (Maggie) Hodgson. The Aboriginal Healing Foundation had come into being.

### **the emergence of institutional abuse as a public issue in Canada**

The institutional abuse of children across past decades was a matter arriving into Canadian public consciousness as early as the 1980s. Political and social efforts directed at these crimes of the past, as well as the present and future safety of children, often situated child abuse within a comprehensive critique of social institutions and ideology. The struggle to establish policies and laws advancing the welfare of children in institutional care concurred with other consciousness-raising struggles—most notably the effort to transform family violence from a private “domestic matter” into a public issue requiring state intervention. As the Law Commission of Canada explained, “awareness of child abuse was partly a by-product of the efforts of feminists to

obtain recognition of abuse as stemming from the vulnerability and lack of power of dependent women and children. Child abuse came to be seen as part of a category of pathologies referred to as “family violence” or “domestic violence.”<sup>9</sup> Throughout the Western, democratic nation-states, the human rights agenda was, and is, steadily acquiring greater and greater momentum, largely as a result of the work of women.

The rights and dignity of women were the focus of efforts already by the 1980s many decades along. One could cite the nineteenth century *suffrage* movement and the Persons Case of the early twentieth century as important landmarks. In Canada, as elsewhere, social transformation necessarily occurred gradually and on several interrelated fronts. The immediate challenge was to discredit the ancient and deeply rooted paternalistic attitudes which nourished the status quo—the discounting of children and women perhaps best summarized in the infamous “Drei K” of Kinder, Küche, Kirche (“children, kitchen, and church,” a chauvinist formula denoting the “proper” places for a German woman). Chipping away the veneer of attitude, however, one becomes aware of the complex and interdependent arrangements which the attitudes serve to legitimize. Challenging violence against indigenous women and children furthermore requires an understanding of “a colonial process that involved a deliberate strategy to undermine the influence and respect held by Aboriginal women and replaces the existing social, economic and political systems of Aboriginal peoples with ones rooted in patriarchy and European understandings of femininity and masculinity.”<sup>10</sup> As grassroots mobilizations over time put the advancement of the rights of women and children and persons of colour and the disabled on the political agenda, it became apparent that a broad approach, including economic and legal reform, would be

required. It was during the 1980s that this comprehensive work at last was underway.

The institutional abuse of children appeared in the context of other violations of human rights, and was addressed in a similar manner. In the 1980s and 1990s Canadian society faced a range of issues at the centre of which was the treatment of women and children. In 1983, the Royal Commission on Equality in Employment, chaired by Judge Rosalie Abella, looked at the economic barriers and discrimination routinely faced by Canadian women in the workforce. Bill C-31, which received Royal Assent on June 28, 1985, addressed gender discrimination in the Indian Act.<sup>11</sup> Canada in 1980 established the Committee on Sexual Offences Against Children and Youths, reporting to the Ministers of Justice and National Health and Welfare and tasked with a national fact-finding study of sexual offences against children and youths—published in 1984 and known as the Badgley Report. Later in the decade, the Mount Cashel orphanage of Newfoundland became the first high-profile case in Canada of institutional abuse, leading to public inquiries and compensation for victims. Disclosure of the abuses committed by the Christian Brothers at Mount Cashel was very soon followed by other news reports of other institutional abuses of children.

One particularly chilling disclosure was the Jericho Hill Provincial School for the Deaf, in Vancouver. An investigation of Jericho Hill's 42-year history, led by Justice Thomas Berger, confirmed widespread abuse and noted the "increased vulnerability" of children who "usually did not have the ability or the means to communicate... about sexual abuse."<sup>12</sup> The Jericho Hill School lawsuit, *L.R. v. British Columbia*, was joined by others such as *Bazley v. Curry* and *Jacobi v. Griffiths* in establishing the Canadian legal precedents invoked during the Indian residential school



AHF President, Georges Erasmus, presents a George Littlechild painting to artist Nathalie Coutou, the designer of the Aboriginal Healing Foundation's logo.

trials. Gradually, the mere volume of abuse cases concerning children in various forms of institutional care began to impress upon the public. It came to seem as if nothing were impossible, the trial *Muir v. The Queen in the Right of Alberta* (1996) disclosing that even Nazi approaches to social engineering—forced sterilization in the cause of “raising and safeguarding the purity of the race”—had been applied in Canada between 1928 and 1972 by the Alberta Eugenics Board.<sup>13</sup> According to Olena Hankivsky, by 2005 there had been “twenty-three non-Aboriginal institutions in the provinces of Newfoundland, Nova Scotia, New Brunswick, Quebec, Ontario, Alberta, and British Columbia at which residents were physically, sexually, and psychologically abused.”<sup>14</sup> To this one could add the crimes committed against thousands of children in over 130 Indian residential schools. Throughout the twenty years between 1989 and 2009, the media presented to the Canadian public a steady and transformative stream of narratives. Even by the launch

of the Royal Commission on Aboriginal Peoples in 1991, the initial shock and incredulity of the public had begun to yield to acknowledgment and disillusioned resignation. Nor have we reached the end of the disclosures, as issues identified thirty years ago, in the 1981 Kimelman Inquiry into Manitoba's First Nations child welfare system and the "Sixties Scoop" (covered in another chapter), are only now finding their way into the court system.

The first comprehensive study of the legal issues surrounding institutional child abuse was published in 2000 by the Law Commission of Canada. Titled *Restoring Dignity: Responding to Child Abuse in Canadian Institutions*, the 462-page report examined the entire range of "government-run, government-funded, or government-sponsored" institutions and recommended approaches to redress harms and provide for the needs of those abused. In some important respects, the Law Commission's work complemented the findings and recommendations of other reports on related topics, in particular the Aboriginal Justice Inquiry of Manitoba (1999) and the Royal Commission on Aboriginal Peoples (1996). All of these reports underscored "the need for more alternative approaches involving the community," as the Aboriginal Justice Implementation Commission phrased it.<sup>15</sup> By 2000, the call for broad, community-based and community-driven reform was in the air.

Needless to say there is an enormous qualitative difference between calling for wholesale social and legal reform and doing it. Fifteen years after its unveiling, RCAP's ambitious twenty-year agenda is largely unfulfilled.<sup>16</sup> Not only has the Law Commission's report languished, but in September 2006 the newly-elected Stephen Harper government withdrew funding from the organization, bringing its nine-year lifespan (31 years if we include the earlier

Law Reform Commission of Canada, terminated in 1993 by Prime Minister Mulroney) to an abrupt end. While few Canadians have read these or other reports mentioned in the preceding paragraphs, many have doubtless been affected by the events which led to the inquiries and fact-finding missions and eventual recommendations. The point of this cursory overview is simply that the past thirty years have yielded numerous public disclosures of institutional harms ranging from criminal, as Associate Chief Judge Edwin C. Kimelman described it in his report *No Quiet Place*, to “well-intentioned but misguided”:

It would be reassuring if blame could be laid to any single part of the system. The appalling reality is that everyone involved believed they were doing their best and stood firm in their belief that the system was working well. Some administrators took the ostrich approach to child welfare problems—they just did not exist. The miracle is that there were not more children lost in this system run by so many well-intentioned people. The road to hell was paved with good intentions, and the child welfare system was the paving contractor.<sup>17</sup>

If the best intentions could lead to hell, what did that say of the intentions of predators? The revelations of these many reports all pointed to the same conclusion: the institutions into which the public had placed their implicit trust had failed. The “system,” in other words, was part of the problem, not separate from it. Over and again, Canadians were learning that the most vulnerable among them had been violated in brutal and disgusting ways, and that the violations had been going on for generations. While Canadians would continue to disagree over the human rights agenda, and in particular its expression in the Canadian Charter of Rights and Freedoms—also a product of the 1980s—a consensus was advanced that the abuses had indeed

occurred, that they were criminal acts, and that reparations and preventative measures were in order.

Discouragingly, but also realistically, the Law Commission of Canada “insisted” that “stopping child abuse is not so much a question of knowledge as it is a question of will. [...] Although child protection laws have been extended over the years, their primary focus remains on abuse arising in the home and family environment, not institutional settings.”<sup>18</sup> For these reasons and others, the Law Commission of Canada cautions us against reposing in the hope and expectation that public awareness and attitudes will bring about the necessary changes.

### **the silence ends, the dialogue begins**

Just prior to the deadline of the Meech Lake Accord and the 1990 Oka confrontation, the 46 year-old Grand Chief of the Assembly of Manitoba Chiefs was attending an AFN Chiefs’ Assembly in Whitehorse, Yukon. As the discussion turned to the future work of the Assembly, the Grand Chief argued that the Assembly of First Nations and indeed First Nations people would be unable to move forward effectively without first dealing with an issue that was “a black cloud, and a plague in our communities.” This issue, he said, was residential schools:

I recall quite clearly a couple of women chiefs coming to me afterward in tears. They told me what I’d said had brought back so many memories about their own experience in residential school. The National Chief, Georges Erasmus, came to me and praised my efforts on that day. But then I encountered another chief who chastized me for raising such an issue. As we talked, I discovered he had been abused himself. That was the reaction of a number of people: denial. Even those close to me.

The AMC Grand Chief left the Yukon and continued on his travels. Now that he had raised the topic of Indian residential schools, there would be no going back to the days of silence. Little did he know however that he was about to affect the course of Canadian history. Some months after the AFN meeting, journalists in Toronto approached him for a conversation that he says “was supposed to be off-the-record.” Fontaine again raised the matter of residential schools. In the Yukon, the Chief had spoken only in general terms, but now he ventured into his personal experiences of abuse in the Sagkeeng and Assiniboia residential schools. He also said what he was going to do about the issue of abuse as a political leader. A few days later, back home in Winnipeg, Phil Fontaine discovered that his story had been reported in the national media and that it was reverberating across the country. “It hadn’t been said to create a story,” he would later reflect. “Now when I think back, this one issue overshadowed everything else.”

In the years ahead, and despite the breadth of his work, Phil Fontaine would be the political face of the Indian residential school issue, to the near-complete exclusion of all else. As National Chief of the Assembly of First Nations (from 1997 to 2000 and again from 2003 to 2009) he had negotiated with Minister of Indian Affairs Jim Prentice a \$2.5 billion piece of federal legislation to deal with “specific” land claims—an issue that had lingered unresolved for sixty years. He had secured \$1.5 billion for First Nations as part of the stimulus budget. He had put the Assembly of First Nations on secure financial ground after the organization received severe funding cuts from the federal government, under the previous national chief, Matthew Coon Come. As proud and pleased as he was to have negotiated the Indian Residential Schools Settlement Agreement, with some consternation, Fontaine noted that these and other achievements



were routinely overlooked. “These are never mentioned in the list of accomplishments. Every time I’m introduced, that’s the one issue that’s prominent. Residential school experiences and the Settlement Agreement, and whatnot.”

Once Fontaine’s story was in the public domain, there would be no turning back. Today, many survivors of abuse in Indian residential schools look back on that October 1990 day as a turning point. The combination of this disclosure, the lawsuits which began to be filed against the Canadian government, the many published stories and reports throughout the 90s (among which the 1991 Cariboo Tribal Council’s *Impact of the Residential School* was an especially important early work) and the final report of the Royal Commission on Aboriginal Peoples brought forward a nationwide momentum, not only throughout Aboriginal Country but within the federal bureaucracy. In 1990 the Indian Residential School System was a media revelation; by 1996 there was a large body of publicly available documentation, and the government was preparing its response.

One man who took up the file within the federal public service and provided bureaucratic leadership was an Indian Affairs official named Shawn Tupper. Having recently concluded the negotiations of the Davis Inlet relocation, Tupper was, as he puts it, “casting his mind” and wondering “what would be a challenge that would even approximate what we’d just accomplished.” As chance would have it, the RCAP report was then released and a team of Indian Affairs employees began to sift through its 440 recommendations. It was soon clear to senior government staff that the RCAP report raised issues that were going to have to be addressed by Canada. The residential schools stood out in particular as a matter that would require a response. At a

departmental meeting, Tupper raised his hand and said, “I’m interested in that.”

I had no idea what I was getting into. At that point I’d probably looked only at the fifty-three pages of the RCAP chapter on residential schools. Through 1997, we spent pretty much that whole year taking on the files that existed within Indian Affairs, building up our understanding of the history and the system. We looked at what else was going on in Canada in terms of institutional abuse of children. We have a sad history in Canada. There were thirteen other institutions, primarily provincial, where kids had been abused. So we looked at what the provinces had done to address those situations. Mount Cashel was the biggest. It was really clear in everything we studied that one of the big critical things was you had to work directly with the survivors of abuse.

Drawing from the lessons of these precedents, Tupper’s team initiated the “national exploratory dialogues” with survivors of abuses at Indian residential schools. Within a year the number of court claims had risen from about 90 to over 400, and the government had decided that litigating was not the way they wanted to go. Tupper’s team, now ironically known as the Litigation Management Unit, instead began to have internal discussions about alternative dispute resolution. With the government’s support, Tupper had the authority to “do some experimentation” and to find innovative approaches in addressing the legacy of Indian residential schools. What Tupper sought was a sensitive, survivor-centred and effective resolution process built up through the collaboration and consensus of aboriginal people, government and the churches. Having studied both Canadian and international models of dispute resolution and reparations, the Indian Affairs Litigation Management Unit held regional dialogues in every province (Atlantic Canada was grouped into

one unit), inviting up to 50 people to each meeting. Survivors and community front-line workers, political leaders, church representatives and a small contingent of federal officials led by a deputy minister came together. Chief Bobby Joseph, the Executive Director of the British Columbia Provincial Residential School Project (later renamed the Indian Residential School Survivors Society) recalls one of these national dialogue meetings:

The national dialogues was one of the really, really important processes. It was the instrument on which everything else was built. When we first got together we were angry. There was not much will on the part of aboriginal people at that time to trust or be involved with the government in responding to this legacy of residential schools. We were pounding tables, cursing. It was very hostile. But lo and behold, as the national dialogues moved across the country, everyone began to appreciate that we had a huge problem and that maybe the only way to really resolve it would be if all of us put our heads together and worked together. It was amazing to watch that national dialogue unfold. We began to hear each other. These were the first steps in reconciliation. Tears were shed, people were hugging, publicly forgiving one another, apologizing and accepting apologies. It was a real miracle—a consensus-building process that established the bedrock of principles upon which we would all move forward.

These principles of a just settlement would remain a constant, years later a source of proud reflection for Shawn Tupper. His “little shop at INAC”—Indian and Northern Affairs Canada—had successfully arrived at what he felt strongly was the better approach. As we will see in a later chapter, however, while principles would remain, most everything else would change in the period 1997 to 2007, the year of the Indian Residential Schools Settlement Agreement’s implementation. Leading the way of change would be AFN National Chief Phil Fontaine, who was

present at the first of the exploratory national dialogues. Fontaine, who not only participated in the discussions but endorsed the eventual recommendation of an ADR process, today asserts that “the national dialogues were very important, but the ADR process ended up being flawed for a whole number of reasons. And not because the people who helped create it weren’t committed. It just evolved that way.” The government official who one could argue was more than any other public servant instrumental in getting the discussion started—a person who threw himself whole into the work of conversation and consensus-building—in 2005 left Indian Affairs, discouraged by what he regarded as a betrayal of the national dialogue’s bedrock principles.

Shawn Tupper looks back on his work with survivors on the ADR process and on the many friendships that thereby developed. “We had a pretty good long run. By far we did a better job than the alternatives. As critical as some were of what we were doing, it was exactly the same process afterward. They just renamed it and constituted it as the class action settlement process. Of course they would never admit it.”

### **from gathering strength to the squamish gathering**

*Gathering Strength*, the Government’s response to the Royal Commission on Aboriginal Peoples (RCAP), was an initiative for which Jane Stewart deserved much of the credit. With encouragement from Phil Fontaine and Georges Erasmus—the former National Chief of the Assembly of First Nations and the latter the former National Chief at the onset of the Oka Crisis, co-chair of RCAP, and by mid-February 1998 an AHF interim board member—Stewart pushed for an ambitious program to be informed by RCAP’s assertion that issues of governance, land

claims and economic development would not be fully resolved until healing took place.

Now that an organization had been established to manage the healing fund, the board turned their attention to the communities. An enormous challenge lay ahead. In the spring of 1998 the Aboriginal Healing Foundation was a post office box and a bank account, with no staff, mission statement, funding process or even a logo. The final appointments which established the 17-member board of directors were made at the end of June, and soon after office space was acquired and legal counsel retained. Already expectations across the country were high, as was skepticism. Survivors wondered what sort of creature this AHF would be, and some already suspected the worst—that it would be just another Ottawa bureaucracy with no benefit to Aboriginal Country. The board would soon have an abundance of practical as well as principled recommendations, the eventual result of an offer to host a ceremony, for the purpose of seeking the guidance of survivors, extended by Squamish Nation hereditary chief Bill Williams.

The three-day “Residential School Healing Strategy Conference,” held in July 1998 on Squamish territory (North Vancouver), provided the AHF an opportunity to present a public update and discuss the work of healing. (The first such meeting was a smaller gathering with survivors that had taken place in March.) Chairperson Erasmus rehearsed the brief history of the Foundation and stressed the commitment of his colleagues to open and honest dialogue. The board, he said, was at Squamish to listen. To this end, survivors from 21 Indian residential schools had gathered to talk about their experiences and their visions of a healing journey. In later years, the Squamish gathering was recollected as an expression of raw emotion, the pain of long

ago very much present and, in some cases for the first time, at the surface. Part ceremony, part conference, part workshop, the Squamish gathering (which was funded by the federal government) considered everything from the meaning of healing to the design of an application form.

One of the Foundation's first staff members, Virginia Toulouse, had been tasked with helping to organize the Squamish conference. By her account, the emotion had a variety of understandable sources:

Part of it I think was that there was a lot of Survivors who felt that the money belonged to them. There was a lot of anger as well that only so many could attend. The First Nations, Métis and Inuit organizations each had so many seats for the gathering, and they provided us with a list of who to invite, and who was being sponsored to attend. We didn't close the door on anybody who wanted to attend, but there was an expectation that people who made it there on their own would be reimbursed. We just didn't have the resources to do this. The assumption was we had all this money, but we hadn't received it yet. There was a lot of anger about that. The feeling was, "Who were *you* to say who should be sponsored; we're all survivors. We should all be sponsored to shape the healing foundation."

While the negotiations with the federal government over the AHF funding agreement had been, as we saw in an earlier chapter, swift and effective, they were not without their drawbacks—at least from the perspective of the interim board. As the Squamish audience learned, only proposals which addressed the legacy of physical and sexual abuse would be eligible for funding. The Foundation working group found this limitation difficult to abide, and knew it would be poorly received (and for good

reasons), but the constraints of the negotiations compelled them to accept.

Despite this compromise, the board was in the end put under strict limitations which they well knew would be poorly received. Survivors invariably spoke of the impacts of residential schools on aboriginal languages and cultures and the need to address specifically these assaults. For many, the undermining of the traditional ways was the most painful and devastating day-to-day reality of community life. The exclusion of this from the AHF mission constituted an enormous gap, if not worse. A representative example of the public response is the Western Cree Tribal Council Vice-Chief, Jerry Goodswimmer, who put it as follows in a December 2000 issue of *Alberta Sweetgrass*: “the cultural perspective has to be recognized [...] The Aboriginal Healing Foundation is just another institution imposed on First Nations people.”<sup>19</sup>

Although highly valuable and important, the plenary discussions were not where most of the nuts and bolts issues were addressed. In the breakaway workshop sessions, attendees broke things down into manageable bits: the wording of the mission statement, types of projects to fund, an application process, ways to reach youth, operating principles of the board, communication strategies, how to honour those who died in the schools, ensuring the inclusion of Métis and Inuit and off-reserve individuals and so on. The conference in the end yielded 52 recommendations and provided the Foundation with guiding principles. Ten of the recommendations, pertaining specifically to the conduct and composition of the board, were extracted from the conference and rendered as a table in the eventual Squamish report:

### Recommendations to Board Members

- Board members should be on their own healing journey: sober, drug free, and walk their talk. Board members need to be role models.
- Board and staff should have a code of ethics.
- Survivors need to be strongly recognized on the Board.
- The Foundation must establish and build trust.
- There should be ownership of the Foundation by the communities it serves.
- The Board must stay at the grass roots level and not place too much priority on administration. Professional help is needed by all members of survivors' families.
- The Board membership should be restricted to survivors and one Elder.
- The Board should communicate with survivors by a communication which is truthful, honest and open.
- The ways of operating should be traditional and holistic.
- Foundation bylaws should not conflict with existing treaties and research should be done with respect to research on any conflict with the Charter of Rights and Freedoms.

The limitations of the funding agreement would continue to be a stumbling block and irritant, but as we will see in later chapters, aboriginal people found creative ways as they always do within, and even around, them.

### **building the foundation**

In the 1970s the twenty-something year-old Georges Erasmus was a Dene politician who read Saul Alinsky and whose fiery rhetoric and commitment to self-determination of the Dene yielded the media description of him as a radical “native rights crusader” (a phrase employed by the CBC). His political rise was



swift: before age 30 he was President of the Indian Brotherhood of the Northwest Territories (an organization later renamed as simply the Dene Nation) and not long after National Chief of the Assembly of First Nations. Born on August 8, 1948, at Fort Rae in the Northwest Territories, Erasmus was a natural and lifelong leader of the Dene, returning to the North from his Ottawa-based career in order to lead the negotiations which would fulfill a vision of self-determination that had first driven him decades earlier.

An individual of considerable political and negotiating skills, he was nonetheless the beneficiary of what one might regard as extraordinary good fortune. Always at the right place at the right time, the curriculum vitae of Georges Erasmus reads like a modern history of aboriginal politics. He was President of the Dene Nation at the time of the Dene Declaration and the high profile Justice Berger Mackenzie Valley Pipeline Inquiry. He was the National Chief of the AFN when the nation's eyes were on Oka. When the Indian Residential School System erupted into the public consciousness and became an almost daily front page story, Chairman Erasmus was uniquely situated to address one of Canada's most painful and seemingly insurmountable challenges. In every major development of the past 40 years—from the emergence of “Indian radicalism” in the 1960s and 70s to the constitutional discussions of the 1980s and the Indian residential schools lawsuits of the 1990s and 2000s—Georges Erasmus happened to be the leader of the organizations to which the media and public turned for solutions and comment and insight. A Dene Winston Churchill of sorts, he seemed to have been selected from among his generation by the enigmatic forces of history.

Enigmatic forces aside, in 1998 all Georges Erasmus wanted was a holiday. He had just finished his near seven-year tenure at the

Royal Commission on Aboriginal Peoples, spending the past year travelling extensively to do interviews, give speeches, and discuss the final report's findings and recommendations.

Finally I went into hiding. The office continued to operate, and people were calling. I decided I was going to take time off. In the middle of the ice storm, I got a desperate call from Indian Affairs, saying, "You have to get involved in this." I said, "I don't need to get involved in anything." I'd just put down the phone when I get a call from Phil Fontaine. "Could you come on board and be our negotiator for this \$350 million? It all has to be done in six weeks." I said, "Phil, I'm not looking for a job." He said, "I know, but we're going to lose the money if we don't get an agreement. It's got to be done, or we're going to lose everything." So I said, "Okay, but only for six weeks." That's how I got hooked. I really got interested in this work. Later, I had a chat with Phil and he just laughed. "I knew it would happen," he said.

Georges Erasmus had his critics and detractors. At Squamish, an individual who felt the board should be composed entirely of survivors called for his resignation. (Erasmus had not gone to a residential school.) Other criticisms derived from apprehensions that Erasmus was a Dene politician who might be overly attentive to his own, or that as a former National Chief of the AFN and an RCAP co-chair he had arrived at his current position less through personal and professional merit than through his connections. Paradoxically, his successes were counted by some as points against him. Rather than construe these arguments as personal, he gave an account of the events and deliberations by which he had arrived at the AHF. For example, he explained that he had in fact decided after RCAP not to take any work for a time, but that the urgent need to establish an entity for the healing fund by March 31, 1998 had altered his plans. He explained that the

Assembly of First Nations had approached him in February 1998, based on his proven record as a trusted and effective leader who had already chaired or otherwise presided over several organizations. The Royal Commission on Aboriginal Peoples had furthermore given him a good deal of insight into the effects of Indian residential schools and the sort of work which would be required to heal communities. As for the fact that he was not a survivor, the Chairman noted that he had grown up with the effects of the residential school all around him. It was this that made him realize how important healing was.

A number of others who played an important role in the history of the Foundation were at Squamish. Maggie Hodgson, an interim board member appointed by the Aboriginal Healing Foundation, was already by 1998 an important and longstanding figure in the healing movement. The Director of the Nechi Institute in Edmonton, Hodgson was a formidable and legendary character in Aboriginal Country who would gain international renown through her establishment of Healing Our Spirit Worldwide.

Our first community forum was in Ottawa. People were for the first time giving voice to their huge anger. Canada still had the cheque book at that point, because money hadn't been transferred to the Foundation. They rented this small room that might hold fifty people. Well, I'll tell you, there was a heck of a lot more than fifty people in that room. And they were very angry. A large part of this anger had to do with the fact that they thought that this money for the healing foundation would be coming out of their settlements. The next forum was in the community just beside Vancouver. The interim board was sitting there, and people were coming up to the mic, mostly venting. Board members would get up and get a coffee, and they wouldn't come back. They'd go sit in the audience. One person got up and he didn't talk, he yelled for at least three-quarters of an hour. His pain

was so immense, you could tie yourself up in knots and turn off his mic, if you were just responding to his actions. But if you could see past his words and his actions, he had forty years of pain and this was the first doorway to vent that pain. He'd been in a trial for five years, the Blackwater trial, and he was *extremely* angry. Pretty soon the only two board members left at the table listening were Georges and I. And I was reluctant even to go and have a pee, because I didn't want to leave Georges by himself. That was an important beginning, showing us the immense volume of pain that existed. It showed how desperately we needed resources like an Aboriginal Healing Foundation.

Also in attendance were board members Garnet Angeconeb and Charlene Belleau. Director Angeconeb had recently been involved in a criminal proceeding against an Anglican minister, Leonard Hands, and in later years he would play a leading role in healing and reconciliation through his work as co-chair of the Sioux Lookout Coalition for Healing and Reconciliation. Charlene Belleau, whose home community of Alkali Lake was infamous in the healing movement,<sup>20</sup> began researching the history and effects of Indian residential schools in 1980. Eventually she produced work that both raised awareness and supported the legal actions of former students. Representing the Government of Canada was Shawn Tupper, who in the years ahead would be a committed and unwavering voice within the federal bureaucracy for a just redress of the Indian Residential School System and for adequate government support in healing. On the final day of the conference, Chief Bobby Joseph introduced the rattle and explained that “the intention of the rattle is to focus attention on what we are doing here . . . on feeling and thinking the way we are supposed to be doing . . . on putting aside our differences.” Here as elsewhere, Chief Joseph was focused on healing and unity and spoke powerfully of his vision of rebuilding indigenous nations.

The staff of the Aboriginal Healing Foundation were recruited from among diverse geographical, professional, demographic and personal backgrounds. Michael DeGagné, who in October 1998 became Executive Director, was a young man with a bright future and a good deal of experience working in the federal government and in aboriginal non-government organizations. An Ojibway from a series of small towns in northwestern Ontario, DeGagné was the son of a father whose own career had taken the family to east Africa, beyond the imaginings of most aboriginal people in Canada. Having grown up in places where the Indian reserve and the town were in proximity, he came to see the two worlds as interrelated rather than remote from one another. He was young enough to have grown up at a time when the shift from residential schooling to day schools, from segregation to integration, was well underway. One-half of the children in his school were from the reserve, and one-half from the town.

I had grown up in places that people describe as being really racist, but I didn't really see it as racism. It was just accepted. That was a time there would be drunken aboriginal people on the sidewalk, and people would step over them going into hotels and shops. It wasn't that people would say "isn't that awful; why are they like that?" Years later I realized that Indian people didn't get served first, they got served last.

His work began as a community youth worker in the White Fish Lake reserve while attending university. "It was really very simple," he recalls: "make sure none of the kids kill themselves and keep them busy all summer." He and his co-workers took the kids swimming, camping and canoeing, buying them clothing and in some respects filling in as parents. Some of the kids were left alone at home for days at a time and, as DeGagné recalls, were "really lost." From here, he went on to do community outreach

for a foundation whose focus was drug abuse. He was approached by Maggie Hodgson, who asked him, “Why are you working for a non-native group?” She helped him find a position in the National Native Alcohol and Drug Abuse Program (NNADAP), working in a branch of the Health Canada bureaucracy called the First Nations and Inuit Health Directorate.

It was during his time as an employee within Health Canada that he discovered, quite by accident, the corruption of Paul Cochrane—at the time an Assistant Deputy Minister at Health Canada and later a defendant in a RCMP fraud probe and court case at the centre of which was the Virginia Fontaine Addictions Foundation.<sup>21</sup> DeGagné might well have attributed the financial inconsistencies he noticed, in an audit, to a mistake that could be cleared up with further information. It was the “over-reaction” to his concerns, by those involved in the fraud, which drew his suspicion. He reported the irregularities, but with the chief perpetrator still at Health Canada, and in a position to make his life unpleasant, he took a position at Indian and Northern Affairs Canada.

Again Maggie Hodgson entered the picture, this time with news of a recently created organization looking for an executive director. “I put your name forward,” she said. DeGagné thanked her and went on his way, only to be asked a few weeks later if he had contacted the recruiters. “No, Maggie, it’s just going to be another political aboriginal organization.” This wasn’t the answer she wanted to hear. “I stuck my neck out and put my reputation on the line! I gave my word in support of your candidacy, and I would have expected you to have the courage to at least give them your CV.” Thusly chastened, he emailed his CV and heard nothing. This time, his wife intervened, “Have you heard anything about that healing organization?” He decided to

call, and having done so was told by a headhunter at Caldwell Partners that the file had arrived but couldn't be opened on the computer. He offered to send another by fax but was told, "it's a little late now, and we're already going down the short list."

I said, "Look, I will send you my CV. I did send it on time, and I think as a courtesy it deserves to be looked at." She said, "Yeah, but we really don't have time to pre-interview you. Maybe what we can do is we'll do a phone interview tomorrow morning. My boss will call you." I said, "Where is your boss calling me from?" "Here in Toronto." I said, "I'm in Toronto tomorrow morning; I'll come and see her. How would it be if she had breakfast with me?" Of course I didn't have anything in Toronto. At the end of the day, I got an interview.

Well traveled, educated—he held a Master's degree in Health Administration from Central Michigan University and was completing a Ph.D. at Michigan State—articulate and easy-going, Mike DeGagné possessed a useful combination of professional administrative experience in Aboriginal health-related organizations and familiarity with the workings of government. He was a personable and competent leader, an honest broker able to bridge the worlds of Aboriginal Country and the federal government bureaucracy.

By a bizarre coincidence, a member of the AHF Board, Ken Courchene, was one of the individuals involved in DeGagné's whistle blowing at Health Canada. Courchene eventually launched a countersuit against the Virginia Fontaine Addictions Foundation President Perry Fontaine, amended to include the federal government for its "failure to protect" the centre's staff against an alleged Cochrane-Fontaine conspiracy. Ken Courchene, who must have been shocked by this unanticipated

convergence, vigorously opposed the candidacy of the former Health Canada employee. Nonetheless, DeGagné was hired in October 1998.

The Board of Directors meanwhile had hired a Director of Finance named Ernie Daniels. By mid-1998, Daniels had been working “on a short-term basis” for three years at the Dene Cultural Institute. A former residential school student, he had taken an interest in the healing programs offered by the centre. One day he noticed a posting for a job at a healing foundation. At the same time, and unbeknownst to him, an acquaintance had forwarded his name to the recruiter Brenda Higgins. Each was resolved to phoning the other, but it was Daniels who made the first move:

I called her and she said, “I was just about to call *you*.” We talked, and at the end I said, “Let me think about this.” I wasn’t really interested at the time in sending in an application. I just wanted to find out more about it. She called back in a couple of weeks and said, “Are you going to send in a resume?” We talked for a long time on a Saturday afternoon, and I decided to send in an application. Lo and behold, I made it to the final four or five. I came to Ottawa for an interview around Remembrance Day in 1998, and got the job. When I started in January 1999, I think there were about seven people in the office. We had to scramble to put policies and procedures in place.

Ernie Daniels was in many ways the perfect person for the job. He had a solid business background as well as experience creating and managing not-for-profit organizations. He had experience in the north at the community level and had been to a residential school. He knew about boards of directors and had himself been the chair of a committee studying the construction of the NWT Legislative



Assembly in Yellowknife. He was a certified general accountant, and he was very interested in healing because he saw the difference it was making. Candidates with this precise mix of experience and skill were a rarity. The AHF appreciated what Daniels brought to the table, and the appreciation was reciprocated. Many Foundation staff had great familiarity with cash-strapped aboriginal agencies, and Ernie Daniels was no different:

Going from an organization that was struggling to one with three hundred and fifty million dollars was great. We had money to buy what we needed to buy—expertise, everything. With those resources and with structures and policies and procedures in place—everything was well done. That’s what I look back on. I see it as a solid foundation, for lack of a better word.

To populate further his management team, DeGagné approached the co-founder of Manitou College and a former Concordia University dean originally from Lac du Flambeau, home to an Anishinabe people in what is today Wisconsin. A media and communications expert, she had spent years in the north of Canada studying the impacts and potential of satellite technology in remote aboriginal communities. She was instrumental in shaping Canada’s Northern Native Broadcast Access Program, established in 1983 to support aboriginal communications societies and the production and distribution of aboriginal programming in Canada’s North. Gail Guthrie Valaskakis was in 1998 looking forward to retirement. A new career was as far from her plans as Madison is from Grise Fiord. Nonetheless, the new Executive Director wanted Valaskakis and was determined to do his utmost to get her.

Valaskakis (who died in July 2007) was in many respects a person of contradictions and curiosities—outgoing and yet



An early board meeting, circa 1999. Left: Garnet Angeconeb, Right: Board Elder, Dorris Peters.

private, ambitious and understated, a discrete and stylish woman with an enormous and infectious train-wreck of a laugh. Her professional credentials were superb, and her undeniable charm derived principally from the fact that she never forgot, and always cherished, her roots.

Among those with whom she had worked over the years, she also had a reputation for freely giving her time and expertise to anyone who asked. She had mentored many students at Concordia and encouraged many young people in their professional aspirations. With retirement on the horizon, she was now about to be asked by the Executive Director of something called the Aboriginal Healing Foundation to take a major life detour. Years later, DeGagné recalled their initial meeting as follows:

We were using a young hiring consultant named Brenda Higgins, and in came the application. I went by train to meet Gail at the

Queen Elizabeth Hotel in Montreal. She was very low key, extremely humble and self-effacing. She said, “well, you know, if I can be of any assistance to you I would be grateful for that.” She was so low-key I thought she didn’t really want the job. Fortunately, just at the very end of our discussion, a very free ranging discussion, she mentioned the name of somebody I knew—Kendall Lougheed. So I got on the train and called him. I said, “Do you know Gail Valaskakis?” He said, “I certainly do, I’ve worked with her for years.” “Well, between you and me, I just talked to her and I think she wants a job as the Foundation’s Director of Research. What would *you* do?” He said, “If I were in my car, I’d turn around. I’d find her and beg her to come join me. Don’t waste another second, Mike. Offer her the position.”

With a Director of Research on board, it was time to recruit the Director of Communications. Kanatïio (Allen) Gabriel was a Kanien’keha:ke—in English, Mohawk—who had been at his home community of Kanesatake throughout the Oka confrontation with the Canadian army. At RCAP he had worked with and learned from the Director of Communications, Dan Gaspé. DeGagné remembers him as someone “deeply changed by 1990,” as indeed many in the community were. Invaded and occupied by the Sûreté du Québec, by the military forces of Canada and by outside indigenous criminal elements—the so-called Mohawk “Warriors,” whose agenda had more to do with protecting a lucrative drug trade than with land or sovereignty—Kanesatake was in the literal crossfire. Kanatïio recalled with indignation the cynical way the children and women of the community had been deliberately exploited and endangered, placed between the Warriors and the army. To most of the world, the “Oka crisis” was a stand-off between Canada and the people of Kanesatake, but Kanatïio would characterize this as a false

portrayal: the community had been once again colonized by violence and rendered voiceless.

Kanatiio was working with the Algonquins of Golden Lake and becoming disenchanted with a process which was “going nowhere,” when he first heard about the Aboriginal Healing Foundation. It was a phone call from a former RCAP colleague and now a Foundation employee that led to his applying for a position at the new organization. The first interview took place in October 1998, and as Kanatiio recalls it took a long time for the Foundation to make a decision. The reason for this is provided by Executive Director DeGagné:

Nothing that Al said was consistent with anything that I particularly thought or valued. He just had a totally different value system and a totally different way of seeing the world. He was going to tell us “I’m going to do this, and I won’t do this.” I thought, well, this is not the way we want to start off an organization. But then I thought about it. It started to really bug me. If we were going to do this, we had to get people who thought completely different from one another. If I hired only people who thought exactly as I did, we wouldn’t get anywhere.

He called Kanatiio, and on December 31 the two met in an Ottawa cafe. For DeGagné “it was a totally different conversation. It was just he and I, and we just talked. He wanted an organization with honest and direct communication—simple, direct and accurate. And that’s how he wrote.” What became clear was that Kanatiio was a dedicated and principled person who didn’t hesitate to say what he really thought. Kanatiio, for his part, thought of himself foremost as an activist and an advocate of justice for indigenous peoples, in particular the Haudenosaunee (Iroquois). Just as RCAP was his logical next step after Oka, the Aboriginal Healing

Foundation seemed to Kanatiiio a natural progression from RCAP. The AHF was after all one of the recommendations of the Royal Commission on Aboriginal Peoples, in the words of Jane Stewart, “something concrete and tangible that would focus on the healing that [RCAP] told us was necessary.” Kanatiiio’s first day as Director of Communications was his daughter’s twelfth birthday, January 4, 1999.

The final hire of the senior management team was a Métis lawyer widely active as a volunteer on numerous community boards and committees and employed as Director at the Saskatoon Tribal Council’s Department of Justice. With a \$20,000 budget and no staff, Yvonne Boyer for a time was a one-woman department, tasked with finding creative ways to keep the Tribal Council’s youth out of the justice system. Her work—she developed urban and community-based justice programs for the seven bands of the Tribal Council and was responsible for the Native Court Worker program—kept her in close contact with survivors and their descendants. She worked closely with Elders and could see that many youth in the criminal justice system were hurting from the effects of residential school. These were the things with which she was struggling when she saw the advertisement for a job at the Aboriginal Healing Foundation:

The step of going to Ottawa from community-based and regionally-based was just a different step. I felt that if I went to Ottawa, I could do what we had done in Saskatoon and the surrounding area. I was there for two and-a-half years, and it was phenomenal. I went from \$20,000 to \$500,000 and sixteen employees. I built it from scratch with the help of people I had picked very carefully. I thought I could take this knowledge to a national base and see what can be done. It could affect more people. That was my primary reason for going to Ottawa.

Boyer was ecstatic when she received an invitation to a job interview in Vancouver. This rare opportunity for a road trip was “a really big deal, a huge adventure.” She took a day trip, stopping at a market on her way to the interview to buy potatoes and peas. Arriving at the interview, she put the peas in the centre of the table and, as they talked, everyone shucked and ate. Two weeks later, she was living in Ottawa.

### **working out the wrinkles**

As discussed earlier, less than three months transpired between Minister Stewart’s announcement of a healing fund and the submission of Letters Patent establishing the not-for-profit private corporation called the Aboriginal Healing Foundation. One day following incorporation, on 31 March, 1998, the nine-member interim board signed the funding agreement they had negotiated with the federal government. By late June, a 17-member board was in place (and was publicly announced by Chairman Erasmus on June 23)—nine members having been appointed by the five national Aboriginal political organizations and the Government, and eight additional members having been selected by these nine from among the approximate 160 candidates nominated by the public-at-large. Having convened the July 1998 Squamish Conference in North Vancouver, the board applied themselves to the immediate task of staffing. At the top of the to-do list was the recruitment of an executive director.

Just as there had been an interim founding board, so too there had been interim staff. Prior to the arrival of Mike DeGagné in October, the AHF’s interim Executive Director, Paul Kyba, oversaw the groundwork, including the initial hirings of staff. Like Kyba, Roberta Greyeyes was brought to the AHF from Health Canada. Virginia Toulouse was recruited from the Assembly of

First Nations to help organize the June 1998 Squamish gathering and to recruit board members and staff. She eventually replaced Kyba as interim Executive Director, from July until October 1998. Thereafter, she headed the Programs section, staying with the organization until 2012—making her the second-longest serving staff member after Corporate Secretary Linda Côté. Rod Jeffries likewise played an early role in the development of the AHF's Programs section, whose staff would bear responsibility for a range of tasks including the in-take and screening of proposals and the assistance of individuals in the preparation of submissions. In these early days, the AHF consisted of an interim board, an interim executive director, an interim programs director, a one-person IT department and the respective staff of each of these sections. Every three weeks there was a board meeting, the board acting in many respects as staff. Much of the initial work of setting up the Foundation in the first weeks was done by telephone. (Virginia Toulouse worked from home, and so the first AHF telephone was a toll-free number installed in her house and later transferred to the newly established office.) With no pre-existing model of a national aboriginal-run funding agency from which to draw, upon and with both enormous expectation and a degree of reigning chaos, the staff and interim board set out into unchartered territory.

It was not the case, as the above may suggest, that substance would be drawn *ex nihilo*. The funding agreement and by-law provided a detailed framework and to some degree a direction for the organization. The board knew for instance that they would be funding community-based healing initiatives which addressed the legacy of physical and sexual abuse in the residential schools, including intergenerational impacts. Under the funding agreement, capital expenditures (the buying of buildings, etc.) were ineligible for funding, as were "costs related to

compensation,” litigation, public inquiries and advocacy. As the board would soon discern, the line between healing and advocacy or healing and litigation was not always clearly drawn. While the AHF was emphatically not a political organization, its mandate required that it promote healing, work which at times would touch upon the political issues of the day. Was promotion of a healing agenda “advocacy”? What about the provision of healing support to survivors who were suing the federal government, was this “a cost related to” compensation and litigation? The board would have to weigh these questions with care, as any violation of the funding agreement could lead to the Minister of Indian Affairs’ unilateral dissolution of the corporation.

Outside the Foundation, in Aboriginal Country, the lines of demarcation were often non-existent. The AHF was for many simply a pot of money which rightly belonged to survivors. The idea of meeting someone’s criteria in order to claim money that was rightfully one’s own caused offence and generated hostility. Those who demanded that the AHF divide the 350 million dollars among survivors and issue each a cheque tended to regard the Foundation as “worse than Indian Affairs.” The board nonetheless stood on principle, trying to find the balance between many competing interests and groups and ideas. With five years to commit the healing fund, the board was once again under the constraint of an impending deadline; only now the parties to the process included the entire Aboriginal population. Once the board had worked out a process, they would have to communicate it throughout the country, to people who in some cases lived in remote communities where the principal language was neither English nor French. Then these same individuals, many of whom had never created a proposal for a community project, would be required to assess their needs, consult their people, design a program, create budgets and work plans and submit an eligible



proposal—all within the next few years. The terrible reality, as the board knew, was that many communities across Canada would not be ready to take on a healing project until it was too late. This would be the case even if the Foundation had the resources to communicate directly with, and to provide one-on-one proposal support, to every Aboriginal hamlet, settlement, reserve, shelter, band office and community centre. Needless to say, it did not.

The Foundation did however have considerable resources by aboriginal standards. Indeed, it was alone in having the funds necessary to compete successfully with other public agencies, including even the federal government itself, in the recruiting of staff. The AHF's vision, mission and values statement especially attracted prospective employees, who saw in the organization a unique opportunity to make a positive difference. The vision, mission and values of the organization provided compelling points of unity, while transcending the too-familiar factionalism and nepotism of communities. Like the vision, mission and values statement, the code of conduct and ethical guidelines aimed high. From a great height may come a great fall, but the board had a unique opportunity before them and were of a common conviction that it was their moral duty to make the most of it.

In the first year, as staff and board members recall, there was a lot of meetings: daily, in the beginning, then weekly. There was a couple of contentious board meetings also in that first year, an evident degree of mistrust and territoriality undermining the good will of some members. The Executive Director, Mike DeGagné, had worked with boards before, but he observed that “this one was more contentious”:

The first day on the job I went into my office and there was a red file folder on my desk. I opened that file folder and I thought, “Oh

my god, you've got to be kidding.” There were problems with the board that were going to be really difficult to address. This led up to a December 8 meeting, just after our first call for proposals, where all hell broke loose. Different factions were fighting, expressing their view that they were getting a raw deal or not enough of their share. It looked like we weren't going to be able to cooperate and move forward.

The Chair, Georges Erasmus, discerned what Board Secretary Garnet Angeconeb euphemistically called “the wrinkles” and perceived them as rooted in a lack of trust:

The reality was that this was a different organization: this was national, with different aboriginal peoples. If you were Métis, there might be only two of you on the board to make sure there was equality; the representative appointed by the Congress of Aboriginal Peoples was concerned about urban people; the Inuit wanted to be sure we were fair to the North. Everyone had different interests.

As a result of these territorial matters there were board members who appeared not to trust the staff or other board members. Erasmus explained to his colleagues that although they had been appointed by representative organizations, they were members of the Aboriginal Healing Foundation and had to work together to support the mandate and mission of the organization. Circumstances had furthermore forced them to be very hands-on, and having become micro-managers some were reluctant to loosen the grip. On at least three separate occasions, the Executive Director had to be talked out of quitting. “We had to get to know each other,” Erasmus concluded. Easily said, but as the interim Executive Director and eventual Programs Manager Virginia Toulouse could see, “there were very strong

personalities on the board. That's a challenge in itself, having very strong individuals.”

Among the personalities on the board was the easy-going actor Richard Kistabish. On the one-year anniversary of his late wife's cancer diagnosis, Kistabish received the fateful call from Georges Erasmus. The future AHF Vice-President was a father of two small children, a former Grand Chief of the Algonquin Nation and a respected man of heart and great humour. He was a film actor and a bon-vivant, and while you never knew what he might say, you could be sure it would be said as only Richard Kistabish could say it. And he could say it in several languages: English was his third language and French his second, having been colonized twice. A residential school survivor himself, he cared deeply about the work of healing and had been promoting awareness of residential schools for almost two decades. He felt his appointment to the board was akin to being “reborn,” and he arrived to Ottawa with extraordinary hopes. Then came the wrinkles.

There were moments of frustration during that period. Seventeen people talking sounds like seventeen people who are angry. Seventeen people bubbling over with excitement, causing a stir, brainstorming. Absolutely scary. The work was great, the discussions were energetic, thorough. We had our squabbles, our quarrels. We cried. We did all those things, bringing together our minds in order to get the work done. I think they were difficult moments for each and everyone, adjusting to our different personalities, behaviours, to our life experiences and work experiences.

It was the Board Elder, Dorris Peters, who made the decisive contribution in “bringing together our minds in order to get the work done.” According to DeGagné, “she stood up and said,

“This isn’t how we should speak to one another. If we don’t begin to talk to one another as people, then we can’t move forward. Who are you as a person? Why are you here? I don’t want to hear about your work and your titles. Save that for business. I want to know who you are and how we can learn to talk to one another.” Himself a private man, Erasmus noted in retrospect that

it was a little awkward at the beginning to talk about yourself, to tell people who you are, and all the rest of it. She developed the process of what we started to call Aboriginal Sharing. It became second nature. Over a decade later it remained the way we began every meeting. It helped us build a really strong, cohesive board, and to deal with the real issues—how are we going to make sure that every region in Canada, every aboriginal group, gets a fair share? As we set up the policies and practices to do this, we became closer. People could see that the walk and the talk were one, and that we were all sincere in wanting to do this.

In the years that followed, there would be no issue that the board couldn’t resolve through the application of patience, listening and sharing. Members came to the AHF with their differing interests, but as time went on and relationships developed, each decision was made deliberately to foster trust. “Every decision we made would do one or the other,” notes Chairman Erasmus. “Build suspicion or trust. And over time, everyone became convinced it was a fair and good organization to be part of.” As the conversation led to practical solutions, the board came to trust the staff as well. As for the Inuit, Métis and First Nations learning to work closely together toward a common goal and under a single roof, Erasmus concludes that “folks always criticize aboriginal people. The example of the Foundation is that everything was theory up to that point. The AHF made it clear that unity really can happen.”

There were other wrinkles, of a more technical nature, pertaining to the work of the staff. In the immediate months following the Squamish conference, the board in collaboration with staff had developed internal operational procedures and the outlines of a plan to call for, receive and review proposals. An executive director was hired in October, and in December the *Program Handbook 1999* was released as part of the first call for proposals. The Handbook, whose green cover featured the George Littlechild painting “North American Indian Prison Camp,” included a definitions section, an overview of the Foundation and a detailed explanation of the funding criteria and the application process. Compartmentalized into four “program themes,” this first call for proposals invited applicants to submit their packages under one of three theme-specific deadlines, January 15 (“Developing & Enhancing Aboriginal Capacity” and “Community Therapeutic Healing”), February 26 (“Healing Centres”—not really one of the four themes, but rather a separate program with its own application form) and March 31 (“Restoring Balance” and “Honor & History”). A “sub-theme,” *Returning Voice to the Women*, provided targeted funding across the themes in order to address specifically the unique impacts of residential school physical and sexual abuse and the removal of children to residential schools (and later, as the annual report noted, to foster and adoption homes) on “the bonds between women and children.” To assist applicants throughout the application process, the Foundation hosted 18 workshops across the country and apportioned Program Information Officers to a telephone help line by means of which callers could ask questions about the Program Handbook and receive guidance in the completion of their submissions.

Although many of these ideas were derived from the perceived demands of communities, it soon became apparent that changes



Mike DeGagné talks to the AHF's lawyer, Rick Brooks, at the first program handbook launch.

would be necessary. The decision to have a deadline in January, only six weeks from the call for proposals, was meant to get the money into communities quickly—which is after all what the communities seemed to want. Those needing more time could apply for proposal development grants under the theme *Developing and Enhancing Aboriginal Capacities*. On paper, the board's compromises (in this case between a swift process and an amply deliberated one) appeared to offer something to everyone, but the responses suggested otherwise. The program themes tended to confuse rather than clarify, while the January deadline provoked the angry charge that the Foundation was imposing unreasonable demands. Remote communities, and especially remote Métis and Inuit communities, complained (not without justice) that they were at a disadvantage relative to more experienced and resourced applicants. According to Programs Manager Virginia Toulouse,

we found that there were some regions that were up and running, like British Columbia. They had already been working on residential schools. Saskatchewan had a lot of submissions. There were regions where everything coming in was getting really high evaluations. For Ontario it was really hard; nothing was getting through. Almost nothing came in from Manitoba. Their approach was “don’t send anything in.” They were pushing to have their own review process. And Inuit I think felt that they didn’t qualify for funding.

In the recollections of one AHF staff member, “the first year was a real nightmare”:

Some of the things we did in the very beginning were very hard for people, for example the January deadline. I couldn’t believe it. We had a big snow storm, and we got calls that people had sent the proposals by courier. But everything was shut down and there were all kinds of proposals stuck in Toronto. I felt really bad for people. I said, “the stuff would have arrived in time, but the weather has shut everything down.” The decision was, “No, we have to follow the procedures.” So there was a lot of bitterness from that, but at the same time I guess we had to have some sort of ground rules and structure or else anything would go. That’s the other side of it. We were very rigid that first year.

The board responded to criticisms by introducing a short-term initiative, Proposal Development Assistance funding, or PDA. In a board meeting Paul Chartrand argued forcefully that the Métis were not on a level playing field and that the Foundation needed to act. In late 1998, staff developed these lump-sum grants of \$5,000, issued between January and March 1999 to recipients who met eligibility criteria. At first intended as a fund targeted to the Métis, PDA was open to all aboriginal peoples and joined

the list of board efforts to raise the capacity of applicants, thereby improving community access to the healing fund. Twelve hundred and sixty-eight applications for a PDA grant were submitted, 917 of which were eventually funded. By the end of fiscal year 1999–2000, 414 PDA-supported proposals were submitted—a 45 percent rate of return. In total, 1,066 project proposals arrived by the end of the third deadline of March 31. Proposals arriving late however were returned, their seals unbroken, another policy which had behind it concerns over fairness and transparency but which in the end generated considerable ill-will.

Another matter to iron out was the scoring of proposals. When the first of the three initial deadlines came, there were no internal staff to review the submissions. The board was completely hands-on, trying to do everything itself. This had been the result of a discussion whose core concern was, once again, fairness. Some board members felt that the best way to promote fairness was to hire qualified external reviewers with no personal connection to the board. This way, the argument went, no one could reasonably accuse the Foundation of conflicts of interest. Others argued that a team of professional internal staff was necessary. One thing however became quickly evident: the board was in over its head. According to Vice-President Richard Kistabish,

We realized that despite our willingness as members of the board, despite our experiences, we needed help. And believe me, we really needed help. We were not able to find solutions to our problems, how should we share, divide up the money we had received, and that's when the reality of the situation started to hit me.

The board started to look outward. They hired external reviewers to whom the staff mailed the proposals. The volume was high and the review deadlines were very tight. Each proposal was to



receive two in-depth evaluations and a score, based upon criteria provided to the reviewers by the Foundation. When the first post-deadline board meeting took place, the directors were presented with the proposal submissions and the external reviewers' notes. Everything was shipped from Ottawa to the board meeting in Yellowknife, including the proposals which did not meet the mandatory criteria. This approach proved to be time-consuming, cumbersome, expensive and inefficient. Staff, who had no direct involvement in the reviews, could not respond to any of the board members' requests for clarification. The external reviewers were just that: external. They had other jobs in communities from one end of the country to the other, and in most cases they could not drop everything to attend a three-day meeting far from home. Because the reviewers were a diverse group, physically removed one from another, there were inconsistencies in the way proposals were being assessed. The reviewers weren't even in the same time zone, let alone on the same page, and the tight deadlines meant they had to work hastily. The board quickly grasped the need to develop a coherent and effective internal process and to recruit and train the staff who would carry it out.

Complaints and criticisms for the moment aside, the volume of applications received made it clear that the demand for funding was high and that there would be no shortage of eligible applicants. The applications, both culturally and programmatically diverse, came up against the limitations of the funding agreement and the Squamish recommendations. The board realized that the program themes were too restrictive and that a more flexible approach was needed. The *1999 Program Handbook* was revised, and within the year a simplified 2nd edition was produced. While the program themes were retained, their status was demoted to that of a guide to help provide ideas. No longer did applicants have to fit their proposal into one of the categories. In like

manner, the year 2000 deadlines were more accommodating. Late applications would still be considered, but only after those arriving by the deadline. Applicants whose proposals were declined were encouraged to resubmit and were given concrete and practical suggestions by AHF proposal review staff to help them improve their application. Within a year of the first round of submissions the Foundation had addressed the major concerns of applicants, creating a simpler application form, effectively doing away with deadlines, removing the restrictive program themes, increasing staff assistance to applicants, introducing multi-year funding and targeting high needs and under-served areas (Inuit and Métis). These decisions together addressed the principal grievances of applicants and generated a large degree of good will.

Although no grants were issued in the fiscal year ending March 31, 1999, the board committed \$19.4 million to project funding for the first deadline in January 1999 and \$50 million for the fiscal year 1998–1999 (i.e., all three deadlines combined). On June 23, 1998, a press release issued the news of funding to the first 35 projects. “The projects being funded today,” it began, “offer hope and support in communities struggling to bind the wounds arising from the trauma suffered in Residential Schools. The cycle of abuse and dysfunction within families will begin to be broken.”

At a press conference held at the Native Canadian Centre of Toronto, Georges Erasmus explained to media that a number of proposals received could not be funded this time around, some having missed the deadline and others requiring more work. “Applicants whose proposals were returned should not be discouraged,” Erasmus emphasized. “We have told them we will work with them to refine their proposals so they can resubmit

them in the next rounds. We will carry out several funding cycles over the life of the Foundation, so everyone should have the opportunity to submit a proposal.” Also emphasized was that the Aboriginal Healing Foundation had four years to commit its money, and that the board wanted to get it flowing through the communities as quickly as possible.

By the time the *1999 Annual Report* was released, in the fall of 1999, there were 75 approved proposals across Canada totaling \$16.8 million. The annual report included an organizational chart which identified 42 employees in four areas: Executive (4 employees), Programs (17), Finance (14), Research (2), and Communications (5). The Aboriginal Healing Foundation was on its way.





## chapter two

### the healing begins

#### **up and running**

The year 1999 witnessed an intense effort to establish the Aboriginal Healing Foundation both as a legal entity and a physical office equipped to meet the challenges of its unique nation-wide mandate. Over the years 1999–2003, the AHF would grow to an Ottawa-based staff of 64 with a community-based support staff of 12—the regional community support workers—approximately ninety percent of whom were aboriginal. In place were put the internal policies and procedures, dozens of them, governing everything from asset protection, commercial liability, sexual harassment and risk management to the storage of files, processing of applications, appointment of Elders and ethical codes governing the conduct of the Foundation board and staff. The board adopted a governance model informed by the Squamish recommendations, traditional aboriginal principles, its funding agreement with Canada and the guidance received from accountants and legal counsel. The board directors played the role of a governance body, approving proposals, developing policy and supervising the investments, while day-to-day staff operations were directed and supervised by the Executive Director. Detailed responsibilities were apportioned accordingly to four teams, each led by a director: Finance, Programs, Research and Communications.

From the beginning the AHF maintained a busy schedule of meetings, providing regular in-person updates to survivor

groups, the Ministers of Indian Affairs and Health (and later Indian Residential Schools Resolutions Canada), the five national aboriginal political organizations, funded projects, communities, the churches and anyone else who submitted a request. Internal communications policies dictated that a board member or the Executive Director would deliver presentations and conduct interviews in which matters of policy (and especially announcements of new policy) were involved, while the Director of Communications would give interviews concerning “the corporate line.” In these early years, policies were undergoing a tireless process of development and revision driven by the dialogue among the board and the communities and the staff.

On July 21, 1999—one month after a June 23 simultaneous Montreal/Toronto press conference to announce the first thirty-five projects—a presentation was given to the Assembly of First Nations at their annual general assembly. The audience of regional chiefs was informed that a 17-member board of directors was in place, as were funding proposal criteria, and that the first funding cycle was nearing completion. By this time, the Foundation was funding projects in all regions of the country, providing proposal development assistance to encourage greater numbers of applicants. Between December 1998 and February 1999, the Foundation had hosted 18 nation-wide information sessions to guide communities through the work of preparing and submitting project proposals.

An update prepared at the time provided a detailed snapshot of the Foundation’s activities, which included (among many other things) the launch of a first call for proposals and a Program Handbook, the development of application forms and a Proposal Development Assistance Fund (or PDA) and 18 information sessions across the country (between December 1998 and February 1999). With the help of 120 community-based external reviewers,



The first Aboriginal Healing Foundation Board of Directors and Staff, 1998. Back row, left to right: Paul Kyba, Jerome Berthelette, Wendy John, Louise Mianscum, Gene Rheaume, Maggie Hodgson, Janet Gomboc, Paul Chartrand. Front row, left to right: Teresa Nahanee, Georges Erasmus, Janet Brewster.

the Foundation was in the process of completing the first funding cycle, while over 30 staff had been recruited to work in the Ottawa office. Under the first deadline of January 15, 1999, 370 proposals had been received, approved projects ranging in size from \$19,200 to \$1.1 million and averaging \$210,000. The types of projects funded included sex offender programs, education, counselling, trauma work and training of community members.

### **the push for a long-term mandate**

In 1998, the Minister of Indian Affairs Jane Stewart had suggested revisiting the restrictive investment and disbursement limitations of the funding agreement at a later date. The board had never forgotten this notion and within a couple of years was preparing the groundwork for a proposal. A June 2001 internal report, “Operational Update & Rationale for Modifying the Mandate of the Aboriginal Healing Foundation,” began with



a frontispiece quotation from the man who had succeeded Stewart: “It is important to understand that change can’t be made overnight. The government’s comprehensive approach is long-term because it has to be”—Minister of Indian Affairs, the Hon. Robert Nault.

The reasoning behind the board’s push for a longer term organization and mandate merits some explanation. To some on the outside, it appeared a mere case of “fat cats” ensuring their job security. The board members however understood that in the timeframe provided, they would only be “scratching the surface” (as Georges Erasmus put it) of the residential school legacy. Their own personal experience made plain the depths of the challenge ahead. In 1998, many communities and individuals were years away from being ready for the services on offer at the Aboriginal Healing Foundation. In the North, the Inuit were busy establishing Nunavut. Many survivors across the country were still in denial. Even assuming a community’s readiness in 1998, the board understood that a ten-year span was not truly “long term,” and that change could not be effected—as Minister Nault had put it—overnight. The AHF was endeavouring to promote a broad and meaningful healing effort, and to do so would need commensurate time and resources. Wasn’t that the point of a foundation—to be a long-term vehicle with a nurtured endowment?

Among the foundations created by the Jean Chrétien Government, while Paul Martin was Finance Minister of Canada, the AHF was not a foundation in the sense by which the word is popularly understood. The term “foundation” itself has a number of possible legal meanings. Most people however, when they encounter the word, imagine an entity which operates and provides project funding out of the proceeds of an invested

endowment. The \$350 million “healing fund,” as it came to be called, was not an endowment of this sort—as the Funding Agreement made clear:

#### ARTICLE VIII: COMMITMENTS AND DISBURSEMENTS

**8.01 Commitments.** The Foundation shall make best efforts to commit the Amount over a period of four years from either the date of the approval of the first Eligible Project or from one year following the signing of this Funding Agreement, which ever comes first.

**8.01 Disbursement.** The Foundation shall disburse the Amount over a ten year period from the date of approval of the first Eligible Project, or from one year following the signing of this Funding Agreement, whichever comes first.

The Aboriginal Healing Foundation was in fact a not-for-profit, private corporation federally incorporated under the Canada Corporations Act—Part II. Its funding agreement with Canada specified everything from investment restrictions and remuneration to eligible costs, audits, conflicts of interest, arbitration and termination—and much else besides. Here, for example, is what the funding agreement had to say about eligible projects:

In order to be eligible, projects:

- (a) shall address healing needs of Aboriginal People affected by the Legacy of Physical and Sexual Abuse in Residential Schools, which could include the intergenerational impacts;
- (b) shall establish complementary linkages, where possible in the opinion of the Board, to other health/social programs and services (federal/provincial/territorial/aboriginal); and

(c) shall be designed and administered in a manner that is consistent with Canadian Charter of Rights and Freedoms and applicable human rights legislation.

An Eligible Project may, but need not:

- (a) focus on prevention and early detection of the effects of the Legacy of Physical and Sexual Abuse in Residential Schools, including the intergenerational impacts on all generations;
- (b) include elements of research and of capacity building for communities, including Communities of Interest, to address their long-term healing needs;
- (c) include, where and when possible, and depending on local needs and circumstances, a holistic approach including medical and traditional methodologies;
- (d) address special needs of segments of the population, including those of the elderly, youth and women; and
- (e) be based on a community healing approach designed to address needs of individuals, families and communities, which may include Communities of Interest.

Two areas of the funding agreement which were topics of special interest for the board were the Commitments and Disbursements, reproduced above, and the Investment Guidelines of Schedule 4.02. These guidelines specified in detail the types and mixture of securities in which the Foundation could invest, consisting in

banker's acceptances, bank certificates of deposit, commercial paper, bonds and notes—issued and guaranteed by the federal government, provincial governments, territorial governments, municipal governments and corporations—government and corporate strip bonds, deposits at deposit-taking institutions in Canada, the commercial paper or short-term securities which have a

credit rating of at least AA, asset-backed securities, and collateralized mortgage obligations, with a maximum remaining term to maturity of eight years.

There had been a consensus among the interim board members that it would be better if the AHF operated as a true foundation. Thanks to the committed and diligent work of Graham Sanders—who over the years ably managed the AHF portfolio and advised the board on financial matters—the foundation was able to grow its fund by a respectable amount, given its restrictions. In the end over 107 million dollars would be yielded from investments, enough to pay administration costs and commit over 10 million dollars beyond what was provided by government to the AHF.

Graham Sanders played an enormous role in the AHF's investment strategy. It was initially his idea to set aside enough money to have a fund guaranteed for perpetuity. Unfortunately, the government would not budge either on the ultra-conservative investment restrictions or the timeframe of disbursements. At one point, Georges Erasmus went so far as to take the matter up with the Minister of Indian Affairs:

In the middle of the funding agreement negotiations, I tried calling Jane Stewart. We were on fairly good talking terms. I talked to her about the agreement being too limited—limited to physical and sexual abuse, despite the emotional and spiritual abuses that were inflicted. Too limited in the investments and timeframe. These restrictive terms were a concern for all of us on the interim board. We didn't have a broad enough stroke, we thought. She said she couldn't do any more than what we had. She told me, "Look, get this done, get the money. Come back later for more authority. I've been to cabinet and I can't go back." So that's what we tried to do.

When the time arrived to revisit the funding agreement, the Minister of Indian Affairs was Robert Nault. The Aboriginal Healing Foundation approached government in early 2000 to re-open the discussion. Mike DeGagné was “fully invested in trying to go forward,” but his hopes were not high:

Growing the money and changing the [investment] conditions of the money was a key question in my interview when I was hired. So within a month of my hiring I had talked to some people from the Privy Council Office, and when I asked them about this they said, “This is not going to go anywhere. We are not prepared to give you that much autonomy. To be frank, we’ll be grateful if you just don’t run off with the money.” It was like they were worried we’d become some sort of political pain in the ass, so there had to be a leash there that we would always feel.

Behind the Foundation’s decision to pursue this greater autonomy were several practical concerns. The Commitments and Disbursements guidelines in the funding agreement had the Board spending money at what seemed a hurried pace. There was a certain amount of pressure to get the money out of the door. The problem was not a shortage of eligible recipients (far from it), but rather a growing queue of applicants. On the other hand were conservative investment restrictions which kept the return on investment quite low. What if these restrictions were loosened just a bit (but kept well within the realm of prudence) while the pace of expenditures were slowed? It seemed to the board an elegant solution: increase the yield, fund more projects, maximize the reach and effectiveness of the fund.

KPMG and ScotiaMcLeod were hired to analyse several scenarios, from an extension of the disbursement period by a few years to an extension in perpetuity, with the options of 15 and 30 years

falling between. The accountants considered varying mixes of securities in combination with varying disbursement horizons. Their report, completed on February 9, 2000, forecast how each scenario would unfold. The findings were then presented to Government in a document which began:

KPMG LLP and ScotiaMcLeod Inc., were engaged by us to perform an analysis of our current investment policy and analyze alternative investment policies and the potential financial benefits under a variety of scenarios. Specifically, they have analyzed for us the following:

- Our current investment policy as restricted by our Funding Agreement, and the increased benefits of potential investment policy alternatives.
- The increased benefits of various potential investment policy alternatives over 15 and 30 year mandates, in addition to that of a continuous endowment.
- The required capital to fund our existing program capacity as a continuous endowment.
- Sample investment policies of other Canadian foundations, and their historical results.

The Government's response was encouraging, as officials were open to exploring these options. Exploration however takes time, and many meetings and discussions would follow. A year had passed when, on March 13, 2001, the KPMG/ScotiaMcLeod analysis was sent to the Minister of Indian Affairs, Robert Nault, and to Denis Desautels, the Auditor General of Canada. The covering letters which accompanied this study (included in the appendices along with the ensuing correspondence) noted that KPMG and ScotiaMcLeod had concluded that prudent modifications of the Aboriginal Healing Foundation's mandate and investment restrictions—"a longer time-frame and a balanced portfolio"—

would “allow for a greater return on investment and, as a result, a greater ability to invest in the long-term healing of residential school survivors, their families and descendants.”

To the Auditor General, Erasmus wrote that the Foundation’s board was “led to believe that your office may originally have had concerns about the length of our mandate” and posed the question “are you aware of any reason we should be restricted to a three- or four-year period to spend or commit the original endowment provided to us by the federal government?” Optimistically, the AHF President’s letter concluded: “I trust that the enclosed study will make apparent the reasons informing our request, and I am seeking your support in this matter, hopeful that we may take this opportunity to maximise the healing fund’s long-term effectiveness.”

What the KPMG analysis had shown was that, with a longer mandate and a modification of the investment restrictions which would still qualify as risk-averse, the Aboriginal Healing Foundation could provide communities after 30 years of operation with as much as nearly \$1 billion dollars in funding support (\$908.7 million, to be precise) while growing the original \$350 million into a \$768.4 million endowment. As for operating in perpetuity, the KPMG/ScotiaMcLeod analysis concluded that the capital required to do so at then-current program and expenditure levels (\$45.8 million of programs annually, growing at an estimated 3% annual inflation) would be \$727 million, “assuming that the investment policy was less rigid, to provide for the investment in domestic and foreign bonds, as well as domestic and foreign securities.”

Among the obstacles to any kind of amendment of the Foundation’s mandate was the aversion of the Auditor General.

Even the current ten-year mandate of the Foundation (plus one year for start-up activities) had met with his skepticism. Once Desautels was succeeded by Sheila Fraser, the very idea of arms-length, government-funded foundations would come under intense scrutiny. In early 2001, however, the board's suggestion seemed very defensible. They awaited the Minister's response.

The reply was, for the board of directors, a matter of both good and bad news. The good news was that the Minister had agreed to offer a Proposal to Amend the Funding Agreement, consisting of a two-year extension of the disbursement deadline, albeit without any loosening of the investment restrictions. The bad news was that the reply came 33 months later, on February 19, 2003. Since the AHF had been beholden in the interim to the timeframe of the original 1998 funding agreement, most of the money had been spent and the window of opportunity had closed long ago. After consulting with his board, President Georges Erasmus replied on April 25 that "it is with regret that I decline your offer of an extension, which was required three years ago to be of benefit to the Aboriginal Healing Foundation."

This discussion had reached a cul-de-sac, but the subject of extending the life of the Foundation would be revisited in 2004 when the Aboriginal Healing Foundation was placed under Denis Coderre, the Minister responsible for the Office of Indian Residential Schools Resolution. In the months leading up to the 2005 budget, there was hope that Government would provide the level of resources which would enable the Foundation to go into the many unreached communities in need of support. The board knew that, given time and assistance, these not-yet-served communities could improve their capacity and produce viable proposals. The government officials with whom the staff were in regular contact, as they briefed their ministers and prepared the



Memoranda to Cabinet, were well aware of the situation. The reality however was that the political environment was quite fluid. The Martin Government was under attack for the Sponsorship Scandal, and any substantial funding commitment was likely to become a political issue. Speculations of numbers large and small were coming from the bureaucracy, but as would be the case in 2010, it was only on budget day itself that the truth would be revealed.

The “ask” which had been submitted to Government in correspondence and meetings throughout 2004 was \$600 million. With this amount in its investment portfolio, the Foundation would put \$25 million into communities each year. Late in 2004, there came private assurances from politicians that the Aboriginal Healing Foundation would receive this requested \$600 million at some point beyond Christmas. After years of correspondence and PowerPoints and studies and briefings and Memoranda to Cabinet, it appeared the government was at last acting upon its assertions that the message contained in these exchanges— healing requires a longer term funding commitment—had gotten through. Everyone went home for the holidays in anticipation of 2005 and a new chapter in the story of the Aboriginal Healing Foundation.

The new year arrived, but the \$600 million did not. Over the holidays, on December 26, 2004, a tsunami—the result of a massive earthquake under the Indian Ocean—was headline news around the world. On January 10, 2005, Prime Minister Paul Martin announced the Government’s decision to increase its relief aid from the \$80 million committed in the previous week to \$425 million. Rumour on the Hill was that the humanitarian crisis had put political pressure on the Government to respond, and that the Aboriginal Healing Foundation had therefore fallen

in the list of government priorities. While not confirming that the AHF funds had been redirected to tsunami relief, the Government gave assurances that there would be money in the 2005 federal budget—the exact amount was \$40 million—and that this would be a bridge fund. The matter of a larger endowment, officials said, would be revisited in the negotiations of a comprehensive residential schools settlement agreement.

The 2005 federal budget's commitment of \$40 million was a helpful contribution, but as a stop-gap it fell far short of the amounts which had been discussed with government. In public the board and staff expressed appreciation for this injection of funds and acknowledged the government's commitment to helping survivors. In private, however, the discussion began with a realization that this amount put the board in an awkward position: 40 million was a large enough sum that communities would have great expectations (including a call for new proposals), but not large enough even to extend all the existing projects. Then there were the hundreds of millions of dollars worth of applications already in the system. The government's assurances that there would be more money in the settlement agreement were fine and good, but there were no certainties in politics. In spring 2005 the settlement process was still early in the making, and the board could hardly plan for the outcome, let alone issue an announcement.

How would the communities take the bad news that there would be no funding for new projects? The communities accepted the decision and trusted that the board had made it for the reasons given, and not according to a hidden agenda. By 2005, the media too were writing in more positive terms about healing and the work supported by the Foundation. Journalists like Marie Wadden and Shelagh Rogers had become active supporters. In

the North especially, print and broadcast media regularly featured stories on projects, interviewing participants and educating their readers about the residential schools. These and other trends were a positive indication that there was public support for the Foundation and, more important, for community healing.

### **the view from the grassroots**

The Funding Agreement of the Aboriginal Healing Foundation states, under Article X, that “the Foundation shall implement a public communications and accountability strategy to communicate its annual report and publicly account for its activities during the year, including participation in public meeting(s).” Over the years, the obligations of article 10.06 were fulfilled principally through board directors’ attendance at gatherings, conferences, and annual meetings of the five national aboriginal political organizations: Inuit Tapiriit Kanatami, Native Women’s Association of Canada, the Métis National Council, the Congress of Aboriginal Peoples and the Assembly of First Nations. Among the Foundation’s public communications and accountability strategies were the many “regional gatherings” held across the country and hosted by the AHF to report to, and hear from, the grassroots.

As the name suggests, the gatherings would be held in a region of Canada—each year four to six meetings, usually one in the west, one in the east, one in the north and one to three centrally in the Prairies and/or in central Canada. The first were held in 1999, and the last six in 2006 for the release of a final report, which followed upon the full commitment of the initial \$350 million healing fund and drew from the extensive research of the Aboriginal Healing Foundation’s funded projects. Although the final report was published three years before the expected closure

of the organization, it was produced on schedule. Each year the regional gatherings would be organized around a message, whether it be a call for proposals or new initiatives. The Chairman would present the latest annual report and read a speech—in other words, the usual business of a shareholder meeting. Here however the resemblance to the mainstream corporate meeting would end. Regional gatherings were open to the public, and to a great degree the public set the agenda. In other words, the Aboriginal Healing Foundation was there to listen.

The AHF President Georges Erasmus was well accustomed to this arrangement, having years earlier served as the Co-Chair of the Royal Commission on Aboriginal Peoples. He would later recall the RCAP community meetings that went well into the night, as speaker after speaker availed themselves to the rare and special occasion of a government commission having come around for the simple but extraordinary purpose of listening to the people. Witnesses arrived with their prepared statements on education, housing, self-government, land claims and so on and so forth. But as Erasmus observed, it took only one person to raise the matter of residential schools—as each night someone invariably did—and others would then share their own experiences in the residential school before making their prepared submission. “When that discussion started, we received quite an amount of impromptu presentations,” Erasmus reflected.

In their format, the Aboriginal Healing Foundation regional gatherings were much the same. Chairs were set in a circle, and among them were placed several microphones. Anyone was free to say whatever he or she pleased, a format which abetted the telling of serpentine, impromptu and fulsome narratives. The meetings poignantly disclosed Aboriginal Country’s hunger for a hearing, in every sense of the word. All over Canada, aboriginal

people were suffering, and for an untold time had been suffering, and there was no one to talk to and no one to blame or strike out at or forgive. This is the reason so many books and articles on the residential schools have taken as their title some variant on the theme “breaking the silence.” If talk is therapeutic, the regional gathering constituted the first occasion on which some survivors had seen a doctor.

The first rounds of the regional gatherings were occasions of intense scrutiny, raw emotion, anger, mistrust and tears. Some of the anger was directed at the Foundation, critical for instance of its complicated application forms and its unsuitability to either very small or very large projects, but much was not. Foundation staff answered many practical, thoughtful questions and harvested numerous useful suggestions which were then applied to the workings of the organization. Minutes of each meeting were taken, the recommendations and audience comments extracted and documented in summary reports. As is the case with RCAP, the stories were recorded (anonymously), transcribed and securely stored, nor were the stories uniformly in the tragic mode:

I used my native language in a way that our ancestors and our grandparents used it. That way was taken away from us, or stamped out of some of us. For many years I didn't speak my language when I went to residential school. We weren't allowed to talk our own language, and for many years it was a shame for us to talk our own language. So in this way, when we deal with hurts on the West Coast, we turn to our Elders, to look for guidance. And some of us use them for our therapists. I just wanted to share and say thank you to those people sitting there for making it possible for our parents to talk to one another, because that's what the AHF has done for us. I just wanted to say thank you to each one of you that have

been a part of this program. We've had a lot of positive experiences, workshops with men.

I wanted to share a story. I don't know if there's anyone here that went to a Roman Catholic church school. They had a belief at that time that you weren't supposed to eat meat on Fridays. This priest came over to a reserve on the west coast and said he would save us all if we adjusted a few things. One of them was to not eat meat on Fridays. He asked a man his name, and the man gave him his Indian name, and the priest couldn't pronounce it, so he baptized him as "John." John went hunting, killed a deer, hung it up. Friday came along and he felt guilty, but decided to cut it up and cook it. The priest came along and found out John was cooking meat. He started really going at him, and John said, "It's okay, don't get too excited." John said, "Remember when you first came around, you couldn't pronounce my name? I got this deer and put a stick on it and changed its name to 'Fish.'"<sup>22</sup>

Both this speaker and the story told exhibit the resilience, humour and cunning which are common among Aboriginal people in Canada. The meetings, especially in the early days, were saturated with this improbable combination of hurt, irony, despair, pride and determination. Part sharing circle, part stakeholder meeting, the regional gathering was an opportunity to share information but also to build the trust which was the necessary foundation for healing.

Following presentations on the audited financial statements and the recent work of the AHF, the board members and staff answered specific questions on topics such as the annual report, investment policies, administration costs and salaries, the funding process and so on. (To keep costs as low as practically possible, a small contingent of three or four staff and two or perhaps three board members would attend—the President, the Executive

Director, the Finance Director, a minutes taker and the board director from that region.) The question-and-answer period having concluded, the meeting would be opened to general comments. At this point, the AHF would hear many stories like the following, recorded at the Air Cadet Hall (Royal Canadian Legion) on September 28, 2000:

I grew up here, in Iqaluit. There is one thing that I've always worked hard at. When I was a little child going to school, I was abused by one of my teachers. I had no one to turn to, and then the person that I confided to told me I should contact the RCMP, but there was nothing done and it has had a big impact on me. As I was growing up, I have been told numerous times by the Elders to talk to people that I can confide in, but at times my mind overcomes all with thoughts of suicide.

At times it's very hard, because I see that person every day. Because I've been taught not to hurt, I don't hurt this person. I've worked sporadically from time to time, but often when I apply for jobs I don't get them because of the abrupt cut in my education. I used to sniff gas, but then questioned if it was affecting my mental ability and then stopped. And now I help people, no matter what their ethnic origin. I have helped a lot of people right here in this community. I enjoy helping other people, and I look for jobs but I just want to further my education so I can get a better job. I have talked to the local education authority, but they tell me there are no placements. I have approached them when courses are going to be opening up. I just wanted to make those comments.

I want to let go of this thing that has hurt me for years, I don't want to have it in me anymore, but I think that I want to apologize to the people out there. We all have to apologize and work hard because sometimes it's very hard to find someone to confide in when you have problems. I just want to follow the advice of the Elders

because I'm an Inuk. The Elders can give me advice and I can be very open with that.

Or this, from an Ottawa Regional Gathering of November 9, 2000, held at the Odawa Friendship Centre:

As far as I'm concerned, I was lost on day one. I didn't hear the drum beat, I heard the organ. It took me thirty-six years to find out who I am. One of the spirit songs I was given to sing says for grandfather to watch over us because we are your children. I was asked to use this song in every place that I go to. That is something I did not acknowledge earlier, but my spirit tells me that I have to sing this song for the spirit. There's a lot of teachings towards healing. We have seven gifts: there is a meaning and a direction to every gift. If we can follow those, maybe we can find meaning. Open your heart and you will find strength. When I was given my Indian name my spirit came into my life so strong as to what I'm supposed to do in this life that I'm living today. Through native spirituality of our Elders is the way that I found healing for myself. Sometimes I wish it could be that easy for everyone else.

I hated everything when I was in residential school. I never found anything there, but I found the power of healing and faith through our ancestors. It doesn't matter how hard it is, or how difficult it gets, but while I'm sitting there I think about my past and cry about the pain that I've gone through. I get angry. The power of tobacco helps me stay strong when I need it the most, because of the faith I have in my ancestors. These are the ways that I've found my own healing. I do not preach to my brothers and sisters on the streets about the church, detox, etc. I try to be an example for them to show them how simple it is when you put your heart and mind to something that you really want. Open your heart and let the light



shine in so you can see instead of wandering around in the dark. Use what you've learned in a positive way.

I'm only one year old in sobriety. Thirty-five years I've wasted. Half of it was wasted through the hands of a white man trying to show me how to pray, talk, be. I can't live those ways anymore. I've been in and out of the circle for so long, I'm tired of being an insider-outsider. We all belong in the circle. When we use drugs and alcohol we're outside the circle. We're thinking with a different mind that's not us.

I love my life today. It's difficult, but it's a good feeling when I get up in the morning without having to think about the pain that I went through in residential school. I try not to ask for too much strength, and I ask for balance for others to follow my example. All I can be is a messenger through songs, prayers, and teachings. I laugh every day, but at night I cry because of the brothers and sisters I leave on the street. They say that children are lost because their parents were lost. There should be an AHF Children of Lost Parents program. If anyone truly cares, they will do something in a good way about this healing centre to help out these little people that are powerless over alcohol, drugs, and mental anguish. We're all lost because we can never get to the truth—to be honest with yourself so you can be honest with everyone else. Titles and labels don't mean anything to me. It's how you use your heart that matters to me. That is one of the most important things that was given to us.

These statements, hundreds of which have been recorded and archived, convey the admixture of desperate pain and hopeful willpower that propels the work of healing. This work has always been a grassroots-driven undertaking, and when the Aboriginal Healing Foundation came along in the late 1990s it was already over two decades along. The healing movement originated in the radical Indian politics of the 1960s and 1970s, the defining characteristics of which were critical analysis of capitalism and

the state, international solidarity with indigenous peoples, the sobriety movement and the reclamation of Indian cultures and political rights. Across the intervening years—roughly from the establishment of Indian political groups such as the American Indian Movement and the National Indian Brotherhood in the 50s and 60s, (perhaps better described as a “re-establishment,” considering the existence of earlier groups like the League of Indians of Canada, the Indian Association of Alberta and the Federation of Saskatchewan Indians) to the emergence of residential school survivor groups and international networks like Healing Our Spirit Worldwide in the late 1990s—the focus of the healing movement had shifted from alcohol and drug abuse to the intergenerational effects of historic trauma.

The intellectual framework of intergenerational historic trauma was wrought by researchers investigating the effects on survivors of war, genocide and natural catastrophe. What was once demotically referred to as (for example) “shell shock” eventually took the diagnostic name “post-traumatic stress disorder,” or PTSD. Judith Herman, in her book *Trauma & Recovery*, adapted this work on PTSD to the specific psychological injuries she observed as issuing from chronic and repetitive trauma—specifically sexual, physical and emotional abuses.<sup>23</sup> To these she applied the term “Complex post-traumatic stress disorder” (C-PTSD), which resembles but also goes beyond PTSD insofar as it involves pervasive insecurity, mistrust of others, “insecure attachment” and loss of a coherent sense of self. According to Herman, complex post-traumatic stress disorder is the outcome of severe and protracted trauma coupled with disempowerment and a lack or loss of control. This aptly describes the experience of many Aboriginal children, forcibly placed in what Erving Goffman called “total institutions,” every aspect of their daily lives prescribed, regulated, supervised and rewarded or punished

in accordance with the opaque and arbitrary whim of an unquestionable authority.<sup>24</sup>

The regional gathering minutes speak amply of this traumatic history, as of other instances of historic trauma: stories of forced community relocations, rape and molestation (as some of those abused returned to the community as abusers), removal of children through adoption, prohibitions of ceremony and culture and multi-generational unemployment, poverty and addiction. Now the grassroots were beginning to address this painful history, disclosing as they did the necessary paradox at the core of healing. The common view was that the people and the culture were the greatest community assets and the way out of the harmful legacy of the schools, a view whose leading intellectual and academic champions were Michael and Judy Bopp (co-founders of Four Worlds International). But the people and the culture were also the chief victims of the residential school system. This paradox manifested itself in the consternation of some of the survivors, who felt that all the talk of intergenerational trauma and dysfunction cast them as akin to diseased blankets, returned from the residential school in order to spread the sickness throughout an unsuspecting community. As a survivor at the November 23, 2000, Moncton regional gathering put it, “you can’t blame the survivors for the problems on the reserve. I didn’t grow up on the reserve. I’m just a survivor like everyone else. The schools taught us how to survive hatred and to get by. When you look at any one of us, we are all part of one big scar. No matter what you do to us we will survive and we will fight together.” Although it was a minor theme, it too is recorded in the minutes of the regional gatherings.

Difficult to generalize, the multiple themes of the regional gatherings are nonetheless rooted with near universality in the shared understanding that history constitutes for indigenous peoples in Canada a present and heavy burden. The Foundation, in its travels, was the recipient of appreciation as well as hostility. Even when the staff were roughly handled, however, the day usually ended with an acknowledgment that “it’s not you we’re upset with.” The discussions were wide-ranging, emotional and candid. The Foundation was often, over its lifetime, the bearer of bad news. By 2000, if not sooner, basic math alone was going to tell you that more people would hear “No” from the board of directors than hear “Yes.” The implicit guiding principle was “no bullshit.” The board knew it was far better to give credible but unpleasant answers than to give pleasant sounding responses made of nothing but wishing-for. The respect inherent in this approach was amply reciprocated. The Foundation was imperfect, as it acknowledged every time it adopted a recommendation. It would never please everyone. What the Aboriginal Healing Foundation would do however is account for its decisions. This went a long way toward establishing trust, even (and especially) in cases where there was disappointment over and disagreement with those decisions. Because funding is a zero-sum undertaking, in which a dollar directed to one recipient is a dollar not directed to another, every board decision could be parsed into the moral grammar of victors and victims. Survivors knew unfairness down to their marrow. The Foundation struggled to find this elusive state called fairness, and judgment of the results must be left to the reader. Whatever the verdict, acknowledgment is due to the many applicants who did not receive funding but whose character was such that they pushed forward, regarding in solidarity rather than in rivalry those communities who did receive funds. This was the grassroots at its best. It was in this spirit of generosity and dignity that a survivor at a Moncton regional gathering said,

“today is a good day because we are still here to talk about our history of what happened and we are here with people who love and support us. Sure it’s not perfect, but the AHF is fair, the money will go to help survivors. This is the commitment that we have as survivors. That’s why they call us survivors. We will survive through the storm to come down here and help our children, our families and our communities.”

### **building trust**

From the beginning, a considerable degree of conscious effort was applied to the building of trust in aboriginal communities. The board and staff well understood that without trust it would be difficult if not impossible to effect meaningful, positive change. Several impediments were immediately discernible. Because the Aboriginal Healing Foundation was created and funded by Government, it was perceived as yet another government department, nothing more than an adjunct to Indian Affairs and Northern Development. In the first year of its operations, the Aboriginal Healing Foundation was subjected to suspicion and hostility. Representative of this skepticism and antipathy were a highly mistrustful (one could argue conspiratorial) July 19, 1999, APTN documentary by Stephanie Woods, “Where’s the money for healing?”<sup>11</sup> and an article by the Ojibway journalist Gilbert Oskaboos titled, “The Aboriginal Healing Foundation: A Nest of Maggots”:

The federal government has thrown 350 million at the problems in Indian Country brought about by native residential schools. Its bastard offspring, the AHF, is now preparing to throw 1-2 hundred thousand at whatever native community is clever enough to get by their bullshit applications and to fight and scramble for the bucks. Exactly the same basic tactic by the same “type” of bureaucracy.

Same basic game as the Jesuits flinging out candy into the yard, then laughing at us kids fighting over it.<sup>12</sup>

That 350 million should have went directly to Survivors and their families. The Survivors and their families are the ones who have already paid the bitter price for government and church stupidity and they are the ones that will go on paying until the day they die. Not the fat cat maggots who are now going to profit handsomely from the pain, suffering and humiliation of others.

Who is bullshitting who with all this talk of “healing.” Aboriginal Healing Foundation, my ass. We will never heal or recover from this experience. The best we can ever do is survive. I was at a meeting of my own law suit a few weeks back and saw a dignified old elder reduced to tears over an abuse incident that happened to him over 79 years ago. Now there is the truth of it. That’s the reality.

There could perhaps be no amount of effort that would effect a universal alteration of this view. Gilbert Oskaboose wrote the above words with authenticity, expressing the anger and pain which were the legacy of his mistreatment in an Indian residential school. He expressed the rage and disgust of many survivors. Nor is dislike of government bureaucracy and of Ottawa restricted to those aboriginal people who have attended a residential school. There was a great deal of work to be done if any trust and credibility was to be had.

The board of directors had many discussions on this and related topics. One of the first challenges to present itself was the manner in which the money entrusted to the Foundation was to be disbursed. How would funding decisions be made? What would be the criteria? Gilbert Oskaboose suggested that the money be given directly to survivors and their families, and indeed among the first batch of applications to arrive at the AHF office was a

request for the entire \$350 million, deemed by the applicant to be a fair sum by way of compensation, if perhaps a bit short. The board however were well aware that compensation was not among their objectives (the funding agreement made this clear: “The Foundation shall not use the Amount to pay costs related to compensation of individuals or litigation in any way related to Residential Schools”). Only healing and reconciliation were. The board were of one mind that they had before them a unique opportunity to do something extraordinary. But what, and how? The Letters Patent and the March 31, 1998. Funding Agreement with Canada provided a framework, but much of the detail remained to be crafted.

Among the debates of the early days was how to achieve a reasonable degree of fairness in the disbursement of funds. The debate yielded two kinds of approach: the AHF could fund communities with the greatest need or it could fund communities with demonstrated capacity and relatively strong funding proposals. The first made moral and intuitive sense, and appealed to one’s sympathies, but the second approach was objectively safer and more conventional for a funding agency. It might also be possible to bring about a balancing of the two, directing resources into projects with a high likelihood of success while smoothing the approach for communities less experienced in proposal and program development. Indeed, the board would eventually take just this route, and the result would be some of the most successful projects in areas (remote Inuit communities for instance) where applications were initially scarce and comparatively weak.

Long before the details were wrought, the board knew that any decision would be challenged on the ground of fairness and that charges of nepotism, political connectedness and corruption would follow. The reason for this was simple—such conditions

could be found in many aboriginal communities. Whatever the consensus, all involved in the debate knew that they had a moral as well as legal obligation to tell survivors and their families by what criteria the funding decisions would be made. Regardless of the process established, its workings must be transparent and responsive to the needs and recommendations of survivors. The decisions, as well as their underlying reasoning, would have to be communicated in a clear and consistent manner. Looking back at the 1998 Squamish gathering, the AHF Communications Strategy articulated the matter as follows:

One message that rang clear from survivors is that they expect a high degree of accountability from the Board. In order to maintain credibility and to garner trust, the Board must communicate that they are accountable to residential school survivors, that the Foundation is responding to their recommendations and that people at the grassroots are guiding the work of the Foundation. In addition to demonstrating accountability to survivors, their families and descendants, the Foundation must also demonstrate its relevance to the national organizations and the Canadian government and people.

While much of the coverage of the Aboriginal Healing Foundation—both in aboriginal and non-aboriginal media—disclosed mistrust, communities nonetheless responded overwhelmingly to the first call for applications on December 3, 1998. Within two years, the AHF would receive \$1.5 billion worth of eligible applications against its \$350 million fund. There would at least be no lack of demand as the board looked ahead to its 2003 funding commitments deadline. The first wave of applications arrived from British Columbia, which was also the province where one of the first survivors groups, the Indian Residential School Survivors Society, had formed. Under their Executive



Director, Chief Bobby Joseph, the IRSSS would become a close partner of the AHF in the work of healing and reconciliation for over a decade. In British Columbia some of the first AHF-funded healing projects took root, and in British Columbia the AHF began to develop the trust which it would soon cultivate in other regions as well. The First Nations of Saskatchewan, Manitoba and Ontario and the Métis would constitute the next waves of applicants, followed by the Maritimes, Quebec and—finally—by the Inuit of Nunavut and Nunavik.

There is no mystery to the trust of successful funding applicants. The test of the Aboriginal Healing Foundation was how it communicated with and how it was perceived by the unsuccessful applicant. A few early decisions of the board and staff greatly advanced the cause of trust. One was to maintain a flexible approach, discarding what did not work and adopting the recommendations of community members and, in particular, of applicants. The board acknowledged, for example, the plain fact voiced by proposal developers that the initial funding applications were overly complicated, and soon simpler versions were developed. When, by 2001–2002, much of the funds had been committed, the board concluded that its funding criteria would have to be restricted. Until this time, a broad range of proposals—including books, conferences, plays, films and group activities—had received approval. One AHF-funded film, Nadia McLaren's 2008 *Muffins for Granny*, had received wide distribution, including film festivals and mainstream video stores such as Blockbuster. The board debated the matter and concluded that for the final funding deadline, only direct therapeutic services (e.g., counselling, addictions and trauma treatment and healing circles) should be considered.

An even more difficult decision had the result that, after 2003, no new funding proposals would be considered. From that point forward, the additional funds provided by the 2005 federal budget (\$40 million) and the 2007 Indian Residential Schools Settlement Agreement (\$125 million) went toward extensions of existing projects. The board reasoned that this approach would bring about the widest and deepest benefit, and that allowing projects to lapse would constitute not only a violation of trust (for those who had rendered themselves vulnerable by initiating their healing) but also a contradiction of the Foundation's research findings, principally that it takes sustained effort for up to 20 years to effect lasting positive change in a community.<sup>26</sup> All the facts inclined toward the same conclusion that resources put into new projects—albeit worthy and deserving ones—would divert from a national “healing network” which was not only yielding positive results but which was arguably approaching a critical mass. In this instance there was no middle-ground compromise, as there had been between the needs versus capacity debate. The Aboriginal Healing Foundation did not have anywhere near the resources it would require to sustain the work underway while reaching out to the communities which had been patiently waiting for their opportunity since 1998.

Patient they were—remarkably so. In radio interviews, in the grocery store lines of their home communities, by telephone and in written correspondence, the board and staff explained the decision not to fund new projects with the \$40 million received in 2005 and the \$125 million received in 2007. The near-universal gracious reception of this depressing and disheartening news was humbling. It disclosed the solidarity of aboriginal people and a lack of envy and ill-will. For the fact was that the board had made a zero-sum decision, and the benefit of one community would come at the loss of another. This was a very agonizing decision,

involving much deliberation. The AHF board of directors were drawn from all regions of Canada and could therefore speak from direct personal experience of their respective territories and of the places the healing fund had yet to reach.

When board member Richard Kistabish reflects on 1998 and the arrival of a \$350 million healing fund, his is a recollection of sky-high hopes crashing upon the cold terrain of necessity:

The first time you've seen the figures, it's a lot, a lot of money. It makes no sense—nine figures before the dot, after which you have the two small zeros. \$350,000,000.00. Lordy, lordy. I dreamed all summer about the \$350 million. I dreamed I had come upon a magic lantern, and there was that guy straight out of the desert who says, "You have three wishes, Richard, to achieve what you want to do." That's how I saw it. The dreams were beautiful, all colourful. I dreamt that we were arranging to have medicine men and medicine women who would all at once rise up from the Earth, who would present themselves to the communities. Everyone in the communities would stand proud with their feathers and their customs in full colour. There were people with the gift of healing coming forth helping people. I could see spirituality arising from their activities. It was nice to see spirituality taking its rightful place, becoming stronger, the drums starting to play. All the pow wows that were becoming slowly but surely part of all the ceremonies, all the rituals of name giving that is ours, the significance of our names, the significance of why we're on this Earth. All this dimension that was instilled in me from when I came into this world, in the woods, to begin my own life, my own existence. The teachings my grandmother gave me up until I was six years old. I saw all that again during that period. And when I arrived at my first meeting in Ottawa, that was my first let-down. I was on an emotional high. I was floating in the air when I arrived in Ottawa. The moment when

the proposals started to come in was an absolutely extraordinary moment. I was very disappointed at the beginning, when the proposals arrived and the amount requested was one billion plus, and we had only \$350 million. And, above all, it was the fact that we had to spend it within five years. Wow! I felt depressed for quite a while as a result. \$350 million; I thought it was a lot of money. Heavens, it wasn't very much. It sent me in a hell of a whirl. It turned me upside down to be aware of the needs of the communities faced with the amount of money we had.

Before arriving at the Foundation Kistabish had spent years working in Kitcisakik (formerly Grand-Lac Victoria), an especially disadvantaged community. With no reserve status, it had no access to federal Indian Act funding. It lacked infrastructure, electricity and running water. Kistabish had been brought in by the Chief to work with provincial and federal authorities on introducing basic social and health services. Some of the changes were small but important—the use of insulation in the community's log cabins to eliminate sicknesses, a dispensary, the introduction of the topic of residential school impacts—a particular interest of Kistabish—and their relation to community health. “That's something that I wanted people to discuss. I decided to do something during my spare time—weekends and evenings I would do research. Slowly but surely, I introduced in the social intervention work a little bit of the concepts related to the impacts of the residential schools, the impact on our community when we're taken away from our family to return to the community acculturated—spiritually, psychologically, physically. In every which way.” With these and other efforts underway, the community had progressed. But there was so far to go, and now, as an AHF board member, Kistabish had to go back to an impoverished community with bad news:

When I returned to Kitcisakik to tell them that the project was not accepted, I felt as though I was living through a moment of betrayal. These moments were painful. These painful moments lasted throughout a couple of years, up until reason took over. You know, the way we accepted the decision, the formula we agreed upon, one needed to understand it, to dissect it, to explain it. And that's how I was able to survive that period. Talking to administrators, accountants—accountants have no heart. Finance people have no heart, no feelings, nothing. They are cold. They explain things straight, direct, like a surgeon. When a surgeon discovers cancer, there is no fooling around on his part. He says, "I operate, take it out, and you have no chance to survive even if I do it in 30 seconds." When my wife got her diagnosis on July 7, 1997, the surgeon told her, "We can't operate the type of cancer you have. Your cancer has spread about 75%. You have a brain lesion. We'll do radiation treatment on the brain lesion, but for the rest, we can't do anything, it's terminal." Your life in thirty-five seconds. How about that, eh! A hell of a thing. I had the same feeling, so I took the position of the surgeon and the finance people to tell people "that's how it is." Try saying that with no feelings, heartlessly. Well, it had to be done, so I did it. And I was happy after a few years, happy for the experience. It made me take tougher stands, hardened my heart, but it increased my capacity to approach things on a more intellectual, rational basis, to reason things out looking for solutions. It opened up a dimension that I had never developed. I had never approached things on an intellectual basis, to reason things through and to set aside a bit the heart, the emotions. It gave me that, and I'm very grateful to all those who did give me that—Georges and Garnet and Mike.

Over time, trust developed. Mike DeGagné looks back to the July 8–10 National Commemoration Gathering in Edmonton, Alberta, as “in many ways a turning point”:

Before that, we spent a lot of time and energy trying to tell people we were acting in a good way. We had to earn peoples’ trust. The National Commemoration was when people started to see it was a good movement and that it would help people get better.

Drawing aboriginal people from all parts of the country and beyond, the 2004 gathering was for Georges Erasmus a peak event. Including 700 former students, staff from 390 AHF-funded projects, church officials, federal, provincial and local politicians, community members, youth, elders and media—a total of over 2000 were present for this three-day honouring of survivors. A year and more in the making, the event featured sunrise ceremonies, workshops, speeches, networking and a powerful ceremony in which former Indian residential school students were presented with a commemorative blanket designed exclusively for the gathering. Attending the gathering was evidence of a growing trust in one’s identity. The Edmonton event confirmed the advances being made in communities. According to the Aboriginal Healing Foundation’s Final Report

participants at the AHF National Gathering in Edmonton discussed some of the changes they are seeing among young people in their communities. For example, teachers are noticing positive changes in the behaviour of their students, including increased levels of self-confidence. Youth are proud of their Aboriginal identity and they are participating more in cultural events. Some are reaching out and teaching their peers and mentoring younger children.

Some are learning and speaking their language, spending time with Elders, asking questions and beginning to share stories about their grandfathers and grandmothers. More youth are staying in school and more are attending post-secondary institutions. Many, many young people are passionate, energized and committed to life.<sup>27</sup>

As Richard Kistabish and the rest of the AHF board knew well, the Aboriginal Healing Foundation did not have the resources to be everything to everyone. By the time of the National Commemoration Gathering, however, there was ample evidence that the mood in Aboriginal Country had changed. The healing had indeed begun.

### **the aboriginal healing foundation and the media**

It is impossible to say with certainty how Canadian and international media shaped perceptions of the Indian Residential School System and its political and legal outcomes, but that they did shape them is likely. The Aboriginal Healing Foundation received much media attention, doubtless a good portion owing to the prominence of the issue as survivors came forward with their stories and as the number of lawsuits grew. In January 2000, the Angus Reid Group published opinion poll findings on subjects ranging from awareness and views of past abuses to the Government's apology and the prospect of diocesan bankruptcies.<sup>28</sup> The *National Post* ran on its front page a series of articles by Richard Foot and Rick Mofina focusing on the courts and predicting a multi-billion-dollar claim against the taxpayers. (Foot reported an estimate of ten billion.)<sup>29</sup> Meanwhile, the *National Post* printed op-eds by David Frum and John Siebert defending the churches and dismissing the legitimacy of calls for healing and compensation.<sup>30</sup> With some consternation, on

April 18, 2000, the AHF Director of Communications, Kanatiio Gabriel, observed in an internal memo that

To date, Canadian media have shown little interest in our good work. They have, however, been more than happy to look for controversy, or create it if it didn't exist. The *National Post* covered the Duck Lake issue last summer. A project we funded hired a convicted sex offender to coordinate a sexual assault needs assessment study (this item made their front page on July 21, 1999). A few reporters also came sniffing around during their HRDC feeding frenzy, and their coverage was factually inaccurate. Other than that, their interest level has been next to non-existent.

The Duck Lake story concerned Dave Cameron, a former child-care worker and sports and recreation director at St. Michael's Indian Residential School, in Saskatchewan. Found guilty in 1996 of sexual assault, he served a nine-month sentence and following his release entered therapy and a men's healing group. Hired by the Beardy's and Okemasis First Nation on a six-month contract to help develop the community's healing programs, Cameron resigned within days of the *Post* article.

This case highlighted many of the complex and nuanced issues involved in community healing, ranging from the work of restorative justice to the sensitive—and still largely unaddressed—topic of student-to-student abuse. (As well as being an abuser, Cameron has disclosed that he was sexually abused himself at St. Michael's in the 1950s and 60s.) As Chief Rick Gamble noted in the days following the *Post* article, unlike the mainstream Canadian justice system, First Nations' justice endeavours to bring offending individuals back into the community: "At what point does an individual, who has been convicted, sentenced and counselled, claim the right to come back as a contributing



member of society?” he asked, accompanied by elders at a news conference.<sup>31</sup> The hiring divided members of the community, underscoring the difficult work of balancing the safety of victims with the rehabilitation and reintegration of offenders. To make matters more challenging, the offender in this instance was also a victim. Under national media scrutiny, and confronted by the protests of Cameron’s victim, the debate yielded to practical necessity. But the painful and tangled issues it raised remained.

From the establishment of the Aboriginal Healing Foundation in 1998 to the apology almost ten years later (on Wednesday, June 11, 2008), the Indian residential school was a high-profile issue. Only over time, however, was the centrality of the survivors and their healing established. Throughout the early years of the Aboriginal Healing Foundation, the focus of media reports was above all else on the enormous sums of money the claims would likely cost the beleaguered Canadian taxpayer. In a spring 2001 analysis of media reports, prepared for the AHF newsletter *Healing Words* (Volume 2 Number 3, pages 10–11) and looking at the press clippings during the month of February, 64 percent of the articles focused on lawsuits, in contrast to the 25 twenty-five percent which focused on abuse, trauma and the need for redress—whether healing or compensation, or both.<sup>32</sup> For reasons that are not difficult to determine, much of this media coverage was Ottawa-based and more heavy with quotations from government and church officials than from former students. The cultural dominance which had yielded the Indian Residential School System in the first place was now yielding a media which couldn’t help but see the issue foremost as an institutional crisis, a dangerous challenge to the establishment by what Noel Wright (of *North Shore News*, in Vancouver) termed “the native victims industry.”<sup>33</sup> This prejudice—that the healing fund was a shakedown scam orchestrated by Native “fat



Political Cartoon courtesy of Andy Donato Toronto Sun.

cats”—was evident in the Canadian media from the beginning, giving rise for instance to a corrosive January 1998 *Toronto Sun* Donato editorial cartoon featuring a grinning, business-suited Indian, feathers on his head and a briefcase overflowing with cash in hand. “Well-healed,” read the caption.

There were many counter-examples and regional variations. The Aboriginal Peoples Television Network, CBC and Vision TV produced a television special, “Residential Schools: Moving Beyond Survival,” which focused on the stories of those abused. Even the *National Post*, which led the media pack both in the volume of articles printed and in skepticism, presented differing viewpoints. In a February 21, 2001 article, Richard Foot interviewed Senator Douglas Roche, who argued that Ottawa must pay for cultural abuses “for the good of our society.” In a February 3, 2001, *Globe and Mail* article, Peter Gzowski went as far as to argue for the rebuilding of aboriginal languages, and a February 21 *Globe*

*and Mail* article by William Johnson considered “the fundamental issues which divide Canadian society and aboriginal peoples.” An interesting and contentious regional variant could be discerned in British Columbia, where the Indian residential schools had been caught up in the larger considerations of BC land claims, treaty negotiations and race relations. There, one could find in the letters and op-eds an unusual degree of polarization and hostility, as well as bridge-building.

The coverage of the Aboriginal Healing Foundation, as a part of healing itself, was situated among these legal battles, in particular the class action lawsuits. Typical among the early coverage of the AHF were the editorial and front-page article published February 23, 2000, in the *Hamilton Spectator*. Howard Elliot’s editorial, “Fund managers help themselves,” and Gloria Galloway’s article, “Native fund cash cow,” compared the AHF to the “ongoing Human Resources Development Canada mess” and accused the Foundation board members of paying out “only a small fraction of the money while helping themselves to large honoraria”:

Documents obtained by The Spectator show the 17 volunteer board members each receive an honorarium of \$2,000 per year, for which they are required to attend at least two of four scheduled meetings. If they cannot attend the meetings, the members can still claim the honoraria by attending a “public relations event.” But if they do make it to one of the three-day board meetings, they are each given \$500 for each day they attend. One such meeting that was held in Vancouver in December 1998 cost the foundation \$426,694 [in fact, the federal government had covered these costs], not including honorariums, the documents show.

A quote from the Reform Party’s Indian Affairs critic, Mike Scott, supplies the article’s verdict: “It’s pretty obvious that what’s

happened is that the board that has been established is focused on its own interests well ahead of the interests of what it's set up to do.”

This conclusion was understandable. It came as no surprise to Foundation board and staff, who had seen the same accusations leveled before and would see them leveled against others in the years ahead. At issue were the necessary start-up costs faced by all new organizations. A press release (included in the appendices), issued by the AHF the following day, went painstakingly through the *Spectator's* arguments and numbers, providing where necessary corrections, qualifications and explanations. It pointed out that in the absence of staff during the first year of operations, the board had functioned both as a governing and an operational body. As a result, honoraria in the start-up phase was paid more frequently than in 1999 onward. Other details, such as the additional annual honorarium of \$2,000 and the tax exemptions, were pointed out as being inaccurate. (The Foundation was not a tax exempt organization.) Point by point, the AHF set straight the inaccuracies and misinterpretations of the *Spectator* article.

At the core of this and other similar controversies was a matter which could and would be—and was—resolved only by time. By the end of its life, the AHF would spend far more money on community projects than on its own administration (including honoraria and salaries), its operational costs coming entirely out of a portion of the interest generated by the conservative investment of its fund. In fact, \$8,000,000 more would be given to communities than had been given to the Foundation by Government—\$515 million versus \$523 million—and the Foundation's administrative share of the total fund would be a respectable 12 percent, well below the industry average of 15.

In 2000, however, the math was less flattering. One could explain the numbers, as the Communications staff of the Foundation did, but the numbers stood. It was the case that the bulk of expenditures in the first year went toward creating an organization, and not toward projects. At the time of the February 23 article, this arrangement had reversed. The details and their explanations required column space few media outlets were willing to provide, especially at a time when the HRDC scandal was providing a ready and compelling narrative of waste and fraud. The association of Jane Stewart with both Indian Affairs (1997–1999) and Human Resources Development Canada (1999–2003) only furthered the notion that the AHF was another taxpayer-funded “boondoggle”—in the words of Howard Elliot, a “new political and ethical controversy”<sup>34</sup> bearing likeness to the Sponsorship Scandal. This cliché—the AHF as a HRDC-styled boondoggle—would serve media for years to come.

The media however neither could nor did ignore abuses and the need for redress they presented. In 1989, widely reported sexual abuses at the Mount Cashel Orphanage, in St. John’s, Newfoundland and Labrador, had raised public awareness. Now confronted with the abuses of the Indian Residential School System, most editorials in the early 2000s were aligned with public opinion, as it appeared in an Angus Reid poll commissioned by the churches,<sup>35</sup> endorsing compensation for those who had suffered physical and sexual abuse and calling upon the federal government to protect churches from bankruptcy by paying the majority share of the costs. As if consciously reflecting the public mood (or perhaps informing it, or both), articles focused on the crisis of impending church liabilities, and interspersed throughout their reporting were personal stories of suffering.

The consensus appeared that there was an enormous and growing problem and that no credible resolution was in sight. An August 26, 2000, *Toronto Star* “Saturday Special” article, “Churches reaping harvest of residential school abuse,” presented in great detail the approaching “avalanche.” Assembly of First Nations National Chief Matthew Coon Come, in an August 29 *National Post* letter, used the phrase “cultural genocide” and characterized the residential school abuses as “of the highest magnitude.” Across Canada, news outlets were sounding the alarms. On the fringes of the debate were people like John Siebert, who in March 17 and 20, 2001, articles dismissed John Milloy’s research on the Indian Residential School System (published as a chapter in the final report of the Royal Commission on Aboriginal Peoples, or RCAP) as “shoddy.” According to Richard Foot, who conducted the interviews and wrote the articles for the *National Post*, Siebert argued that his own research of archived federal files had convinced him the schools were not the prime cause of contemporary problems, and that in any case statistics showed that most native people had never attended a residential school and were already Christianized in those instances where they did. A May 19, 2001, Richard Foot article presented the view of Anglican Bishop of the Arctic Christopher Williams that “to have allowed, even by default, the Inuit and Indians to be bypassed by progress, would have been an act of apartheid as great as any committed in South Africa.”<sup>36</sup> The residential schools, in his view, provided enormous benefits, letting aboriginals participate in the modern economy and the “modern lifestyle we all enjoy as Canadians.” These arguments, to which the Foundation responded in press releases and letters to the editor, did nothing to slow the avalanche.

The curious thing is that, although the Aboriginal Healing Foundation was created to address the legacy of abuses in the Indian residential schools, the media had not yet found a

way to assimilate this work into the narrative of the Indian Residential School System. Coverage of the Foundation tended to be a separate and independent matter, articles on the one hand focusing on litigation and on the other the healing fund boondoggle. Pieces on the class action lawsuits and the prospect of church bankruptcy might mention the \$350 million healing fund in passing, but in the years 1999–2003 healing was at most a side concern. This was something the Aboriginal Healing Foundation very much wanted to change. Its staff and board members knew they *must* change it—or the type of communities envisioned in the AHF statement of mission, vision and values would never become a reality.

It is difficult to determine at what precise moment media perceptions of healing and of the Aboriginal Healing Foundation began to change, but in 2010 news outlets were reporting the March 31 closure of AHF-funded projects and the approaching end of the AHF itself in the language of crisis they had formerly applied to the anticipated bankruptcy of churches. In part this may have been due to the Foundation's eventual “underdog” status: the narrative was now no longer organized around the theme of boondoggle, but instead of abuse victims losing an effective source of healing support only months after the Prime Minister's apology and display of contrition. Other noteworthy milestones had been set in the years between Richard Foot's 2001 John Siebert article and the federal budget of 2010, which confirmed the Government's decision not to fund the Aboriginal Healing Foundation. Among the milestones were positive independent evaluations of the AHF (including one by Indian Affairs, calling for a renewal of funding and released within hours of Finance Minister Flaherty's 2010 budget speech) and repeated petitions, from government committees, for an extension of the healing fund. The list of friends and supporters grew steadily, and

included not only government officials but also journalists like Shelagh Rogers and Marie Wadden, the latter of whom wrote a series of articles for the *Toronto Star* showing the importance of healing in a personal and powerful manner. From every quarter, the work of community healing received support. None of these examples is meant to suggest that skepticism was dispelled. Curt Petrovich and Christie Blatchford, known for their scandal-oriented brand of journalism, put their effort into the business of discovering the rot. They conducted interviews, went through files, asked many questions and, in the case of Petrovich, visited the office. Both in the end concluded that the boondoggle template would be ill-applied, and thus finding nothing rotten in the state of Denmark, they moved on to other pastures.

### **engaging the canadian public**

There were many times Aboriginal Healing Foundation staff, and in particular its Chairman Georges Erasmus, were compelled to comment on public matters—in some cases unrelated to the Indian Residential School System. Typically these “unrelated” occasions would intrude at especially hectic times. In late 2002 for example the Foundation was at the peak of its operations. At this point an organization of 60 staff, with roughly 40 million dollars per annum worth of projects across the country, the Foundation was in the midst of discussions with senior government officials over its future when some comments made at a health conference captured national attention.

The event in question was organized by a nurse named Darlene Arnault and took place December 13, 2002, at the Bessborough Hotel in Saskatoon. Sponsored by the Federation of Saskatchewan Indian Nations (FSIN), the event brought together both aboriginal and non-aboriginal individuals, including representatives of the



World Health Organization, the Colleges of Physicians and Surgeons and Dentistry and Amnesty International. A well-known Saskatchewan politician and Order of Canada recipient, who was currently the Chair of the FSIN Senate and in 1985 had been dispossessed of his title as the National Chief of the Assembly of First Nations by Georges Erasmus, approached the podium. The focus of this health conference was a recent federal dictate that First Nations individuals sign a consent form to receive medical services at government's expense. The speaker however chose to deliver a 45 minute speech which was later characterized by a judge as "wide ranging and riddled with profanity" at the 2005 hate crime trial that resulted.

The speaker was David Ahenakew, and the speech delivered before an audience of 500 contained (among other things) the assertion of some German soccer-playing friends that "the Second World War was created by the Jews." Among the crowd was *Star-Phoenix* journalist James Parker, who for years had covered the native beat and had become well-known for his aggressive and critical style. (Within a few years he would be an Indian Affairs employee, working for one of the very organizations he had often criticized.) As Ahenakew stepped away, Parker approached the podium and asked for an interview. He began with the story of Ahenakew's German friends, asking the question, "Do you agree?"—i.e., with the claim that Jews created the war. The entire exchange, reproduced in Justice Irwin's July 8, 2005, *R. v. Ahenakew* judgment, was captured on Parker's recorder and included the following:

Q. You agree with them?

A. The Jews damn near owned all of Germany. Prior to the war. That, that's how Hitler came in, that he was gonna make damn sure that

the Jews didn't take over Germany or Europe. That's why he fried six million of them you know.

Q. Okay. D'you think that it was a good thing that he, that he killed six million Jews? Isn't that a horrible thing?

A. Well, Jews, Jews owned the goddamn world and look at what they're doing. They're killing people in the Arab countries. I was there, I was there.

Q. I know, but how can you justify the holocaust? Six million?

A. You know, how, how do you get rid of a, a, a, you know, a disease like that that's gonna take over, that's gonna dominate, that's gonna everything, and the poor people, they...

Q. How were they taking over Germany? How were they taking over Germany?

A. They owned the banks, they owned the factories, they owned everything. They loaned money out to the peasants knowing damn well that they can't pay it back so they took their land.

Ahenakew's comments, which were swiftly broadcast by Canadian media, raised a unique set of issues for the Aboriginal Healing Foundation. This would not be the first time the AHF would step outside the carefully demarcated territory of residential schools. Never before however had such a raw and hurtful pronouncement been made by an aboriginal person on such a sensitive matter. AHF President Georges Erasmus was disgusted and horrified, but he also had several compelling professional obligations to denounce what Ahenakew had said. As himself a former AFN National Chief, Erasmus had been a

political adversary of Ahenakew and had undertaken reforms to set the organization on a different course after his predecessor's 1985 departure. Ahenakew had arguably soiled the reputation of many institutions and groups with which Erasmus too had been involved. Among the AHF's partners and supporters were Jewish individuals and groups—who for historical reasons had a rare intuitive grasp of historical trauma—and yet now one had to contemplate the depressing likelihood that great damage had been done to the relationship between Jewish and aboriginal peoples. A perfect example of the professional obligations faced by Erasmus was the ensuing debate over revoking Ahenakew's Order of Canada. For the AHF President this was no mere academic matter: he was a member of the very committee which would recommend the question to the Governor General and which would ultimately decide.

With these and other related issues on the doorstep, the AHF's Communications shop prepared a statement. On the 16th of December, Julie VanDusen of CBC television interviewed Erasmus and between December 18 and 23 the prepared text was published in the *Globe and Mail*, *Ottawa Citizen*, *National Post* and *Le Devoir*. Among other things, it stated that:

We have all seen the words spoken last week by David Ahenakew. Their spirit is familiar. Here, again, the ugly spectre of anti-Semitism. We have heard also the apology. What is it that Aboriginal and Jewish peoples share, if not acquaintance with this swaggering abomination called hatred? It has devoured our peoples, has multiplied despair, has forged the machinery of domination and death.

I acknowledge and honour the many Jewish people who have been active in the healing movement. I am saddened and sickened by these hurtful comments. He has offended Jewish people

everywhere, and has marred a relationship between peoples which I nonetheless believe will remain positive.

As one might imagine, a good deal of discussion occurred at the Foundation before, during and after the composition of this statement. The immediate danger, posed by the emotional charge of the moment, was a response that either at first glance or in retrospect (or both) would appear overwrought, self-serving, self-important or simply maudlin. Here the reader must be the judge. In any case, it seemed clear to all involved that as a *healing* foundation the AHF carried a moral responsibility to address the harms that had been done by Ahenakew's words. There *was* a link between hatred of "the Jews" and the idea that Indians were "dirty savages." The "swaggering abomination" took many forms, and so it was necessary to peel away the surface manifestation in order to expose the universal underlying business of colonization and oppression and domination. A bit too radical, you might say, and well beyond the proper mandate of the Aboriginal Healing Foundation. The point is that the case of David Ahenakew brought into the bright light of consciousness ideas which until that moment had been latent.

The foremost idea was that the AHF could and should aim high. By 2002 an informal arrangement had been struck, according to which Executive Director Mike DeGagné would be sent out to say the difficult or controversial or unpopular things that needed to be said, while Chairman Erasmus would function as a sort of statesman, rising above the fray and appealing to the greater good. A sort of good cop/bad cop dichotomy, one could speak for example to the limitations or failures of government policy while the other raised the tone in all things related to healing and reconciliation. There would be exceptions—Georges Erasmus's caustic November 21, 2006, speech on RCAP's many unfulfilled

recommendations is a good example—but as a general rule the Statesman/Street Fighter arrangement (although perhaps a bit too flattering on each side) was scrupulously observed. The reason was simple enough: there were times the Foundation needed to speak in each of these modes.

It was also clear after Ahenakew that only in extraordinary cases were hate and its roots aired. What possible advances could be made in the work of healing and reconciliation when the subterranean was avoided? Much submerged pain and anger stood between the present state of affairs and the future described in the Foundation's statement of vision. An occasional shaking up of the public was not going to bring about the transformation. More worrisome yet, as Ahenakew had shown, normal could at any moment become *worse*. The cringe-inducing slurs captured by James Parker belied the overly simple notion that Canada's healing and reconciliation journey concerned the "white" colonizer and his indigenous victims. The reality was much more complex, as a 2011 book produced by the AHF, *Cultivating Canada*, attempted to show.<sup>37</sup> The AHF existed within a multicultural environment, and the fulfillment of its mandate would require the engagement of these many cultures. Many had arrived to Canada, or would arrive, with their own history of colonization, conquest, war and genocide; some were the indigenous people of the lands from which they had fled. Having become Canadian citizens, where precisely was their place at the virtual table of reconciliation? A staggering question, but also a necessary one.

Over the years the Foundation addressed many thousands in Canada and abroad, through speeches, formal presentations, media interviews and publications. The Executive Director alone had hundreds of invitations to speaking engagements each year,

and knew something of the challenge of communicating to many kinds of audiences:

This was an opportunity to practice constantly. You're sitting in a room in Kelowna, looking out at the people and wondering, "What in the world can I say to you that might actually grab your interest? If you need the speech, you're in trouble, because sometimes the winds are going to suddenly blow differently. In the first half of our mandate, I spoke to aboriginal audiences exclusively. In the second half, there was more focus on non-aboriginal people—students, academics, opinion makers. They're very hungry for this. In the early days, when the conversation was mostly among aboriginal people, there was a connection. People saying, "Yeah, that happened to me too." Everybody got it. And then we were out talking to university students in law and medical school, and we tapped into something different. It was a passion and an anger. "How come we didn't know more about this? This is a goddam outrage! What can I do?" That's what I've seen. The discussion evolves and shifts, and you have to try and find your way in and through it.

One moment along this ever-evolving and shifting conversation arrived on March 10, 2002, when Georges Erasmus delivered the Lafontaine–Baldwin lecture in Vancouver, British Columbia. Mike DeGagné today recalls that evening as an early testing of the waters:

The interesting part of that speech, for me, is that it occurred at a time when we didn't know how much support we had out there among the general public. Here we are, having shown up at a hotel in Vancouver. And it's packed—two ballrooms of people. Then a fellow stands up afterward, comes to the microphone. It's the uncle of Paul Kariya, the Vancouver-born NHL hockey player. "What do we do?" he asks. Georges's response began by saying, "Look at the

goodwill of Canadians, as evidenced by the turnout to this speech.” It was true. We saw that night the hunger of many Canadians for solutions to these seemingly intractable problems. The political forces, then and later, did not understand how much support there was for the AHF, and for this sort of work.

Shelagh Rogers knows something about the work of finding one’s way into a topic in a manner that engages Canadians. As the host of many CBC programs, she has made not only a living but a life out of fostering conversations. She also knew well the outrage and shame that so many Canadians expressed when they learned of the Indian Residential School System. Her education began in 2007, during the *Sounds Like Canada* series “Our Home and Native Land.”

I considered myself a fairly informed person, and yet my knowledge of residential schools was empty. I had no idea. Almost every interview I did for the series involved residential schools. It kept coming up. One of my producers said, “What is it about this residential school stuff?” and I said, “I don’t know, but let’s start talking to some survivors.”

Several weeks before the Prime Minister’s apology, Rogers interviewed John Jones, a survivor of the Port Alberni school in British Columbia, at his home. With her were producer Sue Campbell, Yvonne Rigsby-Jones (of the Tsow-Tun Le Lum Society, in Lantzville), Maggie Hodgson and Jones’s daughter Liliane and granddaughter Victoria. “It was an incredible honour,” she recalled. “It was the beginning of a friendship. I couldn’t believe what they shared with me that morning, having never met me before.”

In many respects this meeting and what followed are representative of the encounters between survivors and “average Canadians.” Rogers was shocked by what she heard, but inspired also. In her view, “the fact that John Jones was still alive was a great triumph.” Being his guest, and hearing his story of abuse, pain and healing, and of reconciliation with his daughter and granddaughter, was “a beautiful thing which made me think that reconciliation is possible on all kinds of levels.” The experience also brought forth some nagging questions:

I was embarrassed to the point of shame. Being in the media, I should have known. Why didn't I know this when I was going to school? It made me question who tells us what our history is, when it comes packaged in a textbook that goes out all across the country. I don't think there was even a reference to residential schools in my history textbooks. What is the real history of Canada? I'm in love with this country, and now I'm finding out after years of loving the beauty of the country that the way we came to be a country was by taking things and stealing things. We're living off of stolen land. This made me question our very ability to stand with integrity on this land. The more positive question is, Now what can I do in the limited time left to me on this planet? For me, it's become a passion, the thing that I want to see change before I die.

Here we have, then, the universal arc of the journey from shame and pain and anger to the overwhelming question: What can be done? All the evidence rendered to a final analysis suggests that simple, basic human connection is the only sure answer we have. And it makes abundant sense: the foremost crime of the Indian Residential School System was the breaking of human connections. As Shelagh Rogers says, “the very first abuse is taking the child away from his or her parents. It's not just



heartbreaking, it's wrong—I would say sinful, if you want to get into church lingo.” By way of redressing this abuse, and this sin, the story of a survivor plainly and honestly told, and listened to and acknowledged with respect, will in most if not all cases make a more profound and lasting difference than a handsomely furnished library. After experiencing the first Shingwauk survivors' reunion in 1981, political science professor Don Jackson sat in his office chair and told his books, “Not one of you prepared me for this.” “The answers for our future,” says Kanatiio Gabriel, “are in the past. I believe in Onkwehonen things, I believe in Kanien'kehá:ka things, and that's what I work to try to restore. For me that's the bottom line.” The United Church's Jamie Scott notes that “it's not all about negatives and harms; there is also an opportunity. Our first apology said ‘We didn't listen. We did not hear you when you offered your gifts.’” The interim executive director of Canada's Truth and Reconciliation Commission, Bob Watts, recalls once being mocked for his optimism:

I said, look. I don't think of reconciliation as the Prime Minister of Canada and the National Chief of the Assembly of First Nations having some sort of hugfest on Parliament Hill, and then everything will be okay. I think about my friend Ken, who was in his sixties when he told his daughter for the first time that he loved her. He didn't know that was part of the deal being a parent, because he never got that himself as a kid. To me that's reconciliation. I think there's going to be hundreds and thousands and maybe tens of thousands of little wee tiny reconciliations. But all those have a force.

In this connection, the final word shall come from Maggie Hodgson: “We're a hell of a long ways from arriving. But we're going to get where we're going by our faith in the collective.

Even if the powers that be pull out all the supports, we're going to get there, through ceremony and pulling together."



## chapter three

### long-term visions and short-term politics

#### **a shifting of the political landscape**

In the years 2001, 2002 and 2005, the Auditor General of Canada released four reports which discussed the use of shared-governance corporations<sup>38</sup>—a favoured instrument of the Chrétien governments—to achieve government’s policy objectives. The Aboriginal Healing Foundation was one of such “arms-length” foundations established near the end of the 1990s. A politician with a keen interest in policy, Paul Martin saw the not-for-profit foundation as a good mechanism to commit government funds. On his side he had several points. Because a foundation may draw its operational funds as well as its project disbursements from the interest generated by an endowment, it has the capacity to grow its initial government investment. A foundation may furthermore operate in perpetuity, without the need for additional investments. The Treasury Board Secretariat, which between September 2006 and January 2007 conducted a government-wide evaluation of the use of foundations as instruments of public policy, put the matter as follows in its March 14, 2007, report:

Our review of the characteristics of these foundations and their effectiveness in meeting their objectives indicates that the foundation approach is appropriate in situations when there is a combination of specific multi-year needs, capacity for independent non-partisan

decision making, flexible multi-year funding of supported activities and, ideally, opportunities to obtain additional funding for activities from third parties. Unlike foundations, departmental programs are constrained by the annual appropriation process and related financial administration issues, have less flexibility to respond to federal–provincial–territorial jurisdictional considerations in a timely manner, and less flexibility to make project selection decisions on the basis of single-focus criteria such as scientific excellence.<sup>39</sup>

These facts together establish a double benefit: an organization thus constituted may maximize economic benefits while adopting and pursuing a long-term strategic vision. In the world of electoral politics, where a ruling party may be brought down at any time and where “long-term” pertains to months and at most a few years, the arms-length nature of a foundation provides a buffer from the vicissitudes of party politics. With changes of government come changes of priority. Even at the best of times, when the fiscal and policy environment favour a particular government-funded agency, the effort to secure next year’s funding will necessarily absorb much of that agency’s human resources. In establishing the foundation as a policy instrument, Martin sought to exploit the efficiencies and stability inherent in this arrangement. By 2005, however, the Auditor General would render these institutions politically untenable.

None of the Auditor General’s assertions concerning foundations was intended as a judgment upon the effectiveness of the organizations themselves. Her stated purpose was to identify the weaknesses and potential shortcomings of arms-length foundations as a general category of a policy instrument. Two concerns were brought to the fore. The first was that the government funded arms-length foundation might weaken parliamentary accountability over the use of public funds. The second was that the manner in

which the government accounted for these expenditures did not reflect the real-time dispositions of public money. At the core of the Auditor General's critique was a technical argument about the ways in which government went about its bookkeeping. The report advocated strengthening the integration of delegated funding arrangements (such as foundations and crown corporations) into government departments and moving as soon as possible to accrual, or real-time, accounting.

The Auditor General had noted, in a December 4, 2001, report, "a concern that Parliament has only limited means of holding the government to account for the public policy functions performed by these foundations"<sup>40</sup> and that "just under two thirds of these transfers are statutory and thus do not require Parliament's approval each year."<sup>41</sup> The Auditor General's April 16, 2002, report contained a chapter titled, "Placing the Public's Money Beyond Parliament's Reach." Here it was asserted that "delegated program responsibilities are often beyond Parliament's scrutiny" and "essential requirements for accountability—credible reporting of results, effective ministerial oversight, and adequate external audit—are not being met." The report recommended that the "Parliament's auditor should be appointed as the external auditor of existing foundations" and that in future delegated arrangements should be made through direct legislation, the decision to transfer taxpayers money being "based on sound economic and policy analysis." There were other recommendations also, concerning for examples the need for compliance and value for money audits and corporate plans and provision for public access to information.<sup>42</sup>

Not surprising, Canadian media cast the matter in the familiar terms of scandal. Following a February 15, 2005, Auditor General Status Report (Chapter 4: "Accountability of Foundations"), Bruce Chedale of Canadian Press wrote, "the woman who blew

the lid off the sponsorship scandal turns her attention Tuesday to Crown corporations, airport leases, foreign aid, and tax dollars hidden in research foundations.<sup>43</sup> The *Sun* papers ran an editorial the next day written by Greg Weston under the headline “Suspect worst of foundations.”<sup>44</sup> The *Toronto Star* published an article, “Billions said beyond reach: Watchdog can’t audit foundations,” which quoted Fraser saying, “for some years now I have been concerned about the lack of adequate accountability of foundations to Parliament—and I am still concerned.”<sup>45</sup>

The Aboriginal Healing Foundation had issued a press release on Friday, September 28, 2001, to make clear its practical commitment to transparency and accountability. In interviews, Executive Director Mike DeGagné explained that the Auditor General had made categorical points rather than particular assessments. In the case of the Aboriginal Healing Foundation, the Auditor General was in fact the Foundation’s auditor—it was her people the AHF had chosen to conduct the yearly audits. (Years later, DeGagné would recall phoning the AHF auditors and hearing the answer “Auditor General’s office” on the other end.) Nor was the money being hidden or hoarded, for the Aboriginal Healing Foundation was not a foundation. Unlike all of the other Martin-created foundations, this one was mandated by its funding agreement with Canada to commit its funds to projects within five years and to spend them within eleven.

Furthermore, two Government representatives sat on the board of directors and held limited but strategic veto powers over certain kinds of decisions. These decisions included amendments to the incorporating documents and funding agreement, as well as dissolution of the corporation. The board could not effect changes in these areas without the assenting votes of these two members. The Foundation reported to federal ministers, as did

staff in regular meetings and briefings. The funding agreement arrogated to government a good degree of power over the Foundation, including the power to dissolve the corporation in case of violations of the agreement. Audited financial statements and annual reports were required to be submitted to Parliament, where they would then be tabled by the sponsoring minister. Where the Auditor General had identified areas for reporting improvements—such as value for money audits and the production of yearly corporate plans—the AHF immediately and voluntarily integrated the recommendations which had not yet been proactively adopted. In most cases, the Aboriginal Healing Foundation was already doing what the Auditor General advocated.

The board of directors welcomed any opportunity to improve the organization's performance. AHF President Georges Erasmus enjoyed an amicable, professional relationship with Sheila Fraser, and the two met on a number of occasions. Unfortunately, from the AHF's point of view, the Auditor General's concerns were interpreted and disseminated in a manner which seriously undermined the viability not only of the Aboriginal Healing Foundation but of any such arrangement in future. The Aboriginal Healing Foundation was an aboriginal-run funding agency serving aboriginal communities. In 1998, as the initial board set up the organization, everyone involved was well aware that the AHF would be carefully scrutinized and that any verdict rendered over its performance would be a verdict cast upon the notion of aboriginal management itself.

This may appear as an instance of megalomania. Consider however the novelty of a national, federally funded, arms-length private corporation mandated to fund community-designed, and cultural-based aboriginal services—delivered by aboriginal



people for aboriginal people. Before 1998, the services provided by the Aboriginal Healing Foundation would have been designed and delivered by a government agency. In the months leading up to the government's decision in 2010, whether to renew AHF funding, there was an extraordinary amount of debate at the centre of which was the relative merits of competing service delivery mechanisms. In committees and in an emergency parliamentary debate on the 30th of March 2010, many spoke in support not only of the AHF as such, but in defence of the principle of enhancing the capacity of aboriginal communities by moving away from paternalistic models of service delivery. Liberal Member of Parliament Hedy Fry, for example, spoke to her support:

Madam Speaker, I think the honourable member knows that if Health Canada is again in charge of programs, it decides what programs are best. It makes a decision about what will happen, and there we go again; we are making decisions for Aboriginal people once more and telling them what is best for them. The Aboriginal Healing Fund allowed Aboriginal people to decide what was the best thing for them to do, depending on their communities, depending on their needs. It worked because it gave them back a sense of control over their lives. Healing must be theirs if we are to empower Aboriginal people again, and in empowerment will come healing.<sup>46</sup>

The Government's position was put forward by the Minister of Indian Affairs, Chuck Strahl:

The government asks what it can do to help. In an earlier speech someone said, and I acknowledge it, that there are people affected by this and it is reflected in the suicide rate. We have developed through Health Canada programming a national suicide prevention

strategy because that is important. That is not all, of course, but it is important. [...] We want to make sure that the future care program that is tied into the independent assessment process allows people to choose the type of help they need. Some may say they want a traditional healing experience. Others may say they want a more western approach. Some may say they want to deal with the elders. We say they can have help for all of that. Those are all available and more. We do not want to leave the impression with the winding down of the Aboriginal Healing Foundation that we are pulling supports out from underneath aboriginal people. That is not the case. In fact, we are expanding those supports in this latest budget.

With the spring 2010 budget of the Conservative Harper Government, the message was clear. There would be no more delegated arrangements. The Auditor General's concerns, it appeared, had put an end to the policies introduced by the Chrétien Government.

### **making a case for a healing foundation**

We have considered in brief the Auditor General of Canada's concerns related to government-funded, arms-length foundations. These observations for the meantime put aside, the Aboriginal Healing Foundation represents an innovative approach to the delivery of services in Aboriginal communities. The board directors and staff of the Foundation were from the beginning aware of the ground-breaking nature of the organization, and being aware they did their work expecting to be scrutinized in the manner of a test case.

The mental atmosphere of the early days is well disclosed in the AHF's "Mission, vision, and values statement." Hopeful,

comprehensive and ambitious, it displays a high degree of self-awareness. The language of the statement was crafted by the board of directors with great care, and it guided their deliberations throughout the Foundation's life. (In 2009 the text was modified to capture more broadly the legacy of residential school abuses and to reflect the work of truth and reconciliation which was underway.) Here is the text in full:

The Aboriginal Healing Foundation's mission is to encourage and support Aboriginal people in building and reinforcing sustainable healing processes that address the legacy of physical abuse and sexual abuse in the Residential School System, including intergenerational impacts.

We see our role as facilitators in the healing process by helping Aboriginal people help themselves, by providing resources for healing initiatives, by promoting awareness of healing issues and needs, and by nurturing a supportive public environment. We also work to engage Canadians in this healing process by encouraging them to walk with us on the path of reconciliation.

Ours is a holistic approach. Our goal is to help create, reinforce and sustain conditions conducive to healing, reconciliation and self determination. We are committed to addressing the legacy of abuse in all its forms and manifestations, direct, indirect and intergenerational, by building on the strengths and resiliency of Aboriginal people.

We emphasize approaches that address the needs of Aboriginal individuals, families and the broader community. We view prevention of future abuse, and the process of reconciliation between victims and offenders, and between Aboriginal people and Canadians as vital elements in building healthy, sustainable communities.

By making strategic investments of the resources entrusted to us, and by contributing to a climate of care, safety, good will

and understanding, we can support the full participation of all Aboriginal people, including Métis, Inuit and First Nations, both on and off reserves and both status and non status, in effective healing processes relevant to our diverse needs and circumstances.

Our vision is one where those affected by the legacy of physical abuse and sexual abuse experienced in residential schools have addressed the effects of unresolved trauma in meaningful terms, have broken the cycle of abuse, and have enhanced their capacity as individuals, families, communities and nations to sustain their well being and that of future generations.

The mandate of the Aboriginal Healing Foundation was first articulated in *Gathering Strength—Canada's Aboriginal Action Plan*. This “national Aboriginal strategy . . . aimed at renewing the partnership with Aboriginal People” committed the Government of Canada to supporting “the creation of a healing strategy to address the healing needs of Aboriginal People affected by the Legacy of Physical and Sexual Abuse in Residential Schools, including the intergenerational impacts.” As the 1998 Statement of Reconciliation acknowledged, the residential school system was one piece in a larger, historic trajectory. It was this larger historic context—the burdens of multi-generational, historic trauma and the scale both of the challenge and opportunity—which pressed upon and molded the language of the founding mission, vision and values statement. There is no avoiding the fact that the Aboriginal Healing Foundation was, to use an overused term, historic.

The uniqueness of the Foundation subsisted in the mandate as well as in the means by which it would be fulfilled. For the first time, an aboriginal-run, and mostly aboriginal-staffed, not-for-profit private corporation would fund services developed by and provided to aboriginal people themselves. Eligible projects

would focus on addressing the direct and intergenerational effects of physical and sexual abuse in residential schools, providing therapeutic services through a “holistic approach” that meets the long-term healing needs of the local population—including the special needs of the elderly, youth and women. This approach went beyond mere program delivery, yielding as it did the prospect of community self-empowerment. The idea itself that aboriginal people would now be taking control of their healing was inherently therapeutic; one might even call it subversive, a tipping over of the prevailing order in which a program is developed by well-meaning Ottawa bureaucrats, following consultation, to then be sprinkled upon a passive clientele.

If this seems overly harsh toward the “Ottawa bureaucrats,” then perhaps it may round out the portrait to note that the new approach was welcomed by the bureaucracy. Indeed, it wouldn’t have come about otherwise. There were many in the public service who wanted the business of program delivery to be subverted in just this manner. By the arrival of *Gathering Strength*, the weight of official consensus was pushing against “one size fits all” and the structural paternalism of community development from above and afar. The Aboriginal Healing Foundation was an exciting prospect for those bureaucrats who wanted, paradoxically, to lead from behind. As the AHF Funding Agreement made clear, there would be ample mechanisms for accountability, transparency and fiscal prudence—but the government would not be micromanaging the process. Both the working out of the small details and the heavy lifting would be done by aboriginal people.

In practice, this arrangement created a peculiar set of relationships. The Aboriginal Healing Foundation was a creation of government, and yet it was not a government department the way for instance the Indian Residential School

Unit, under Shawn Tupper, was. The response throughout Aboriginal Country to the AHF's arrival was mixed, some seeing it as nothing more or less than another Ottawa bureaucracy, others as a friend and ally. As one would expect, those who received funds looked upon this new organization favourably. The point however is that many community projects considered the Aboriginal Healing Foundation to be part of the family, which was not typical of the relationship between government agencies and the communities who received their funding. This should not be construed as a fault or shortcoming of public service employees, who as a group are dedicated and hard-working. Where the Foundation received positive and even privileged community regard, its derivation was at least in part from structural origins. To put this another way, the AHF had built-in advantages, chief among them stable and relatively long-term funding (most not-for-profits subsisted year-to-year: the healing fund had a ten-year life), a degree of independence, a non-political character and staff drawn from communities across the country—only possible because there were resources to recruit and relocate them. Any one of these alone would have been a powerful asset: in combination they represented an unparalleled starting point for an Aboriginal agency.

These strengths, and in particular the non-political nature of the AHF, had some remarkable consequences. One such consequence are the productive and positive relationships the Aboriginal Healing Foundation had over its entire life with all who were involved in the work of healing, litigation, compensation and reconciliation—including survivor groups, government, the churches, lawyers, and Inuit, Métis and First Nations leaders and organizations. In environments which could be, and at times were, adversarial and acrimonious, the Aboriginal Healing Foundation sat at the table, never across. This too was a dividend

on the initial structural investment described earlier, and the board and staff being ever mindful of their good fortune were careful to safeguard it.

### **historic trauma**

The mandate of the Aboriginal Healing Foundation was conceived as two related components: healing and reconciliation. As a funding agency, the AHF supported these with money and community support workers and other clerical services. Another large part of the Foundation's work and legacy subsisted in its research agenda, which by 2010 had produced 20 studies all focused upon the Indian Residential School System and its current-day manifestations. The research was meant to advance one objective above all others: healing. The topics explored were enormously complex and included fetal alcohol syndrome, incarceration, domestic violence, sexual offenses and addiction. Behind the complex subjects however were practical questions: what relationship does the Indian Residential School System have to the realities of current-day life? Is there an underlying and perhaps even unifying agent which may account for the many apparent diverse forms of physical and emotional turmoil we can discern in indigenous communities? When communities undertake to solve their problems for themselves, what works, and why? Such were the sort of concrete prospects to which the research agenda was directed.

In 2006, the terrain was sufficiently mapped to facilitate the three-volume 1,150-page journey represented in the Aboriginal Healing Foundation's final report. Volume I of this report ("A Healing Journey: Reclaiming Wellness") was authored by Kanien'keha:ke scholar Marlene Brant Castellano and considered in detail the background of the Foundation, its establishment

and activities. A large portion of this volume rehearsed the findings of project evaluations and described promising healing practices in Aboriginal communities, closing with a chapter called “The Road Ahead.” Volume II (“Measuring Progress: Program Evaluation”) analyzed the projects funded by the AHF since 1999. Project design, numbers and types of participants, project strategies, sustainability, impacts and outcomes, the healing journey and performance measurements—and a good deal besides—were scrutinized. Three hundred pages of appendices, figures and tables provided the quantitative data and methodology underlying the findings. Volume III (“Promising Healing Practices in Communities”) focused on historic trauma, models of therapeutic healing and healing strategies for distinct groups (Inuit, Métis, urban areas, women, men and youth). Taken together, these volumes provide a thorough overview of the Aboriginal Healing Foundation and its funded projects from 1999 to the time of publication in 2006.

The core finding of the final report may be summarized as follows. While most funded projects adopted a combination of traditional, Aboriginal and “Western” academic-based therapeutic strategies, activities derived from and utilizing indigenous cultures, languages and ceremonies were as a matter of general principle felt by participants to be the most effective. As the final report puts it, “research conducted as part of this study supports the conclusion that culture is good medicine.”<sup>47</sup> Especially considered beneficial were projects which brought together youth and elders and which thereby reinforced cultural values and practices. Projects commonly faced a protracted start-up period, during which they struggled with the inevitable challenges of gaining community trust, breaching taboos (for example around sexual abuse), and earning the confidence of participants. Periods of success were typically followed by something identified in the final report as



“hitting the wall”—a phase during which apparent and promising progress, buoyed by excitement and a sense of newness, yields to fatigue and an unforeseen setback such as a suicide or the emergence of a new social problem in the community (gang violence, criminal activity, etc.). Eventually the projects which break through this wall begin to establish the conditions which yield community transformation:

Teams told us that when transformation is complete it would become obvious because children would be safe, addictions would be rare, women would be free from fear of violence and a sense of belonging and ownership would prevail. A climate of cultural renaissance, hope and optimism would be apparent, Aboriginal languages would flourish, and Survivors and their families would have the power to influence their communities. There would be movement away from the management of service industries designed to address the impacts of residential school, to the creation of culturally grounded, adequately resourced and self-sustaining institutions that function to maximize social strength. Survivors and their families would enjoy a quality of life second to none in Canada.<sup>48</sup>

The final report concluded that change of this character requires a minimum ten years of continuous activity in a community on average and that “the minimum time line projected to implement the priorities set out above and reach a new, healthier steady-state is 30 years.”<sup>49</sup> Because very few communities would ever approach even the minimum ten-year average threshold of AHF funding at which lasting change was said to begin to take hold, and since many communities had yet even to begin the journey (for many reasons, including denial and other pressing issues), the report recommended a \$600 million federal commitment to an “endowment strategy” which would support thirty years

worth of healing initiatives, for a total value between 1.1 billion and 1.8 billion dollars, to September 2035.<sup>50</sup>

Around this time, the Standing Senate Committee on Social Affairs, Science and Technology released a report entitled *Out of the Shadows at Last: Transforming Mental Health, Mental Illness and Addiction Services in Canada*. Chaired by the Honourable Michael J.L. Kirby, this committee took a great interest in the issue of aboriginal mental health. Some months before they had heard testimony from the Director of Research, Dr. Gail Guthrie Valaskakis, the substance of which included data, conclusions and recommendations of the AHF final report. Others, among them the future National Chief of the Assembly of First Nations, Shawn A-in-chut Atleo, gave personal accounts of the community benefits of healing and the need for a long-term strategy.

Representatives of First Nations and Inuit spoke about the need for long-term renewal of the Foundation's funding in order to expand and sustain community healing projects. For BC Regional Chief Shawn A-in-chut Atleo, its funding of healing efforts at the community level were crucial to increased emotional wellness in his community. Having observed a decline in suicide attempts among the Nuu-chah-nulth, he noted that

While there is no one factor that we can point to, I know that the work of the Aboriginal Healing Foundation was tremendous for our people. The foundation allowed for community-based design and delivery of healing.<sup>51</sup>

The author(s) of *Out of the Shadows* ably articulated the central structural impediment, that healing required a long-term vision and strategy alien to the necessary short-term business of electoral politics: "The Foundation's funding ends in 2007 and, for many

groups, this constitutes another example of the instability created by short-term funding. By the time that communities develop the capacity to apply for funding through the Foundation, none will be available.”<sup>52</sup> The funding did not however end in 2007, the year that the Indian Residential Schools Settlement Agreement (IRSSA) delivered a further \$125 million for community-delivered services. Negotiated toward the end of the short-lived Martin Government, the Settlement Agreement reflected the Standing Committee’s recommendation to “renew the mandate of the Aboriginal Healing Foundation and provide funding for another three years.”<sup>53</sup> These funds were a good and welcomed component of the agreement, even if they did little to address the “instability created by short-term funding.”

Neither the Standing Committee—which “commend[ed] the work done by the Aboriginal Healing Foundation and agree[d] with those who call for a long-term commitment to its work”<sup>54</sup>—nor the many other advocates of the longer term vision could prevail against the politics of the arms-length foundation. The HRDC Sponsorship Scandal and the Auditor General’s criticisms of delegated funding arrangements rendered an endowment a political improbability. Given the weakness of the Martin Government in 2005 and 2006, and the pressure imposed by the opposition, the \$125 million committed to healing initiatives is in retrospect remarkable. Nonetheless, it was another short-term solution, putting off three years for the 2007 scenario foreseen by the Kirby report.

There is another challenge encountered by everyone working within the mental health field, related to and even more daunting than the challenges of funding cycles and their short-term instability. This challenge is the necessity for bridging an “understanding gap” which is obtained between the mental health

and wellness professionals on the one hand and the politicians and general public on the other. One must take care not to overindulge this dichotomy, since there are politicians and non-professionals who have an understanding of, and who support, therapeutic approaches to individual and social problems. There are also many who are unfamiliar, or only very slightly familiar, with concepts such as historic trauma. Then there are those who dismiss the very concept of “social problems,” construing the therapy industry as little beyond a self-enriching racket forever inventing esoteric problems which require ever more public funds. Now and again, one of these skeptics becomes a portfolio- holding minister with whom a government-funded NGO program coordinator is obliged to meet, as part of the not-for-profit ritual of securing the next short-term funding cycle. The securing of public and political support for the work of healing poses such a challenge. Here also the AHF research agenda was pressed into the service of public education, better to cultivate an environment conducive to supporting the work of aboriginal communities.

This was an issue that came up frequently in board meetings. The Canadian (and international) public was gradually becoming informed about the existence of Indian residential schools and the abuses which took place within them. The difference between ignorance and information was great, but greater still was the difference between information and understanding. One could know that the schools existed and that many were abused without understanding what this meant in contemporary Canada. The discussions of board members grappled with the practical challenges of facilitating the gradual transformation of ignorance into information and information into understanding. It posed an intractable problem, year upon year requiring a redoubling of effort and a rethinking of approach. How to explain the

residential school experience to the “ordinary Canadian” so that they will *understand* was a riddle that presented itself with each speech, press release, article, high school presentation, conference and interview. Perhaps it couldn't be done, and the best one could aim for was approximation. Aboriginal people had been taken from their home, their mothers and fathers, their aunts and uncles and grandparents. They had been placed in the care of people who, whether motivated by well-meaning intentions, regarded Indian cultures and languages and social relationships as hopeless anachronisms with no present and future prospects. The children thus institutionalized were experiments in social engineering, their lives a protracted admixture of fear and loneliness and hunger in many cases punctuated by unspeakable violence and trauma. What few “white” Canadians could ever be expected to feel down in their gut was the buried shame and self-loathing of helpless children tossed into the machinery of the master race.

The people who were there in the early days of the healing movement recall the first steps along the journey, in the work of dealing with alcohol and drug addictions. “I think that was one of the key moments in the healing movement,” says Maggie Hodgson:

It was one of the first big moves that took us outside, in a formal and structured funding formula, what Western society thought was needed to heal us. We utilized knowledge and skills that were Western based and traditional based. But most important, the concept of identity and the importance of the spiritual collective were instituted. The traditional model is different from the Western model. It's the sense of the self as part of the collective.

For Hodgson it was imperative that people who didn't have the solutions “stay out of our road” and trust the ability of aboriginal

people to move forward with their own healing, drawing upon ceremony, culture and pride, thereby restoring a sense of responsibility for the collective as well as a sense of relationship to, and a place in, the community.

The work of addictions had a historical context. Here, Hodgson uses the metaphor of the community having its hands tied behind its back, rendered powerless and spiritually injured. With this insight into spiritual harm, the healing movement went further along the path of understanding. In the 1980s, certain isolated cases of emotional turmoil and behavioural anomaly came under the term “post-traumatic stress disorder,” or PTSD. This clinical diagnosis could make sense of the experiences of the individual victim of physical or sexual abuse, but it fell short of accounting for the emotional and psychological character of a community. What might be said of a population in which lack of trust, despair, violence, apathy and low self-regard seemed to be widespread, and in which many had simply ceased to care for themselves and for one another? Many aboriginal communities did not, and do not, resemble this characterization—but what of those which did? A famous example was Alkali Lake, where alcoholism was near universal. Across Canada there were aboriginal communities which for generations had known only catastrophe, poverty and stasis. Elders would tell you that, although their great-grandfathers and great-grandmothers had very little, materially speaking, they had not known poverty. Impoverishment came later, when the land was taken and communities were forced to relocate. The difference between subsistence and poverty was an epochal difference, a cultural sea-change. Subsistence was a challenge that required people to co-operate and share. Poverty results when these supportive relationships are shattered. With the sudden arrival of land-hungry settlers, aboriginal people experienced a disruption of the food supply and an overwhelming competition

for land, followed by colonial domination. They experienced, in short, impoverishment.

By the last quarter of the twentieth century, the old ways were under systemic attack from a colonial administration which claimed for itself authority over indigenous populations. Canada arrogated to itself the power to define who was an Indian, and having done so to circumscribe the accompanying rights and obligations. On behalf of distant Ottawa, Indian agents invigilated reserve populations, enforcing the pass and permit laws and bans on cultural practices. Some, like Hayter Reed (whose nickname was Iron Heart), used food as a weapon, starving those who were insufficiently compliant. Death, disease and humiliation overtook what once were proud and independent peoples. Resilience and defiance did not entirely disappear, and forward-looking indigenous leaders successfully negotiated treaties to secure the long-term well-being of their people. Courage, intelligence and principle guided the warriors of this era. Unfortunately, no one could prevent misfortunes like the spread of European diseases, nor could they bring back the Buffalo herds. The overwhelming catastrophes of the late nineteenth century threw everything into the winds. For those who lived through the upheavals, it must have seemed at times as if the world was coming to an abrupt end. It is precisely this sense of overwhelming disaster—of having the secure and familiar foundations of one's existence suddenly revoked—that many therapists believe is at the root of today's social problems. Nor are these problems unique to aboriginal people: the spiritual toxins, whether addiction or welfare dependence or loss of cultural pride, are the products of material conditions that exist throughout the world. Poverty, in other words, is the objective endgame of social policies which actively impoverish.

The terms that have come to be employed are “complex post-traumatic stress disorder,” and the related but broader concept of historic trauma.

One commonly encounters the notion that residential schools happened a long time ago and that “people need to move on.” In fact, the residential schools were recent, and many who were in one are alive today and still living with the experience. They are the root of the catastrophes, cursively regarded in the previous paragraph, which were a long time ago. The years roughly 1870–1920 demarcate a period when many functioning communities saw their capacity to care for themselves severely undermined. Those alive at that time knew what had taken place because they had seen it with their own eyes. Their lives went on, their thoughts and efforts dominated by the necessity of rebuilding an existence out of the debris left by disease and relocation to the small and often sterile patch of ground called an “Indian reserve.” Their children were placed in the Indian industrial, boarding and residential schools, where the churches and government colluded—unbeknownst to the Indigenous negotiators of the numbered treaties, who meant to exchange the use of their traditional hunting grounds for practical skills training and not for a church–government project of assimilation and Christianization. In the words of educator and activist Don Jackson, “the government has used treaties as part of an extinguishment process and the residential schools as part of an assimilationist process. The two are opposite sides of the same coin.” As the generations came and went, each subjected to the government’s policies of expropriation and assimilation, the memory of the trauma of initial contact receded, but the effects did not. Aboriginal people continued to live under the Indian Act, and thereby continued to be impoverished. This was the new reality, the old ways now shrouded in the fog of yesterday.



The assertion to “get over it” betrays a failure to grasp the nature of trauma. Imagine you had once lived in relative comfort, secure and confident in the knowledge that, whatever happened, you would be able to care for yourself and your family. Then one day a misfortune (perhaps a car accident) took from you not only your material comforts, but your memory of yourself as a confident, capable person. Bereft of identity, your life would doubtless suffer. The generations who lived through the very worst of the misfortunes at least had this: knowledge that there had been better times and that it was not the stupidity, laziness, backwardness or wickedness of the people which had brought forth their lot. They had suffered particular traumatic events that were beyond their control. The generations which came along decades later often had no personal connection to these memories. Looking around them and seeing the effects of the historic trauma, they concluded that “this was just how it is for us.”

Resignation and shame are the primary intergenerational effects of historic trauma, and in many ways the most difficult to counter because they are attended by a sense of inevitability and permanence. One can have few material possessions and be rich in spirit. Historic trauma, in contrast, has impoverished the spirits of aboriginal people. Feeling for the words to describe their emotional and spiritual reality—the pervasive sense that something was broken or missing inside them—people in the 1980s began to speak of the “residential school syndrome.” This syndrome somehow related to a lack of affection and an inability to connect with others and to maintain healthy personal relationships. For the survivors of residential school abuse, the pain was related to their childhood experiences. For later generations of indigenous people, who knew nothing of the schools, it seemed as if the Indian fell from the sky to become a broken and backward creature with no hope of improvement—

precisely how many nineteenth century Indian Department bureaucrats saw him.

Perhaps the simplest way to summarize why an Aboriginal Healing Foundation was necessary is to cite this disempowering view of indigenous people. Grounded as it is in the pseudo-scientific and ahistorical notion of racial character, the view that aboriginal people are the victims only of their own cultures and natures impedes understanding and ensures that nothing will ever change. A good example of this is the chronic dependence upon social assistance in aboriginal communities, which has nothing to do with race or cultural inferiority but which reflects a poverty of spirit. One could argue that much of the anger and racism directed toward aboriginal people is an expression of frustration based on a lack of understanding and therefore of empathy. Awareness of the history of colonization in Canada, and of the historic trauma that resulted, is a prerequisite both of healing and reconciliation. A good deal of Canadian history has been marginalized and suppressed because it is too unpleasant and too unflattering. Current generations pay a price for this deliberate act of revisionism. Ignorant of their past, citizens today pay for the social and economic costs of their government's historic policies—costs incurred in the ongoing management of symptoms rather than in the resolution of primary root causes.

The foundation's research built upon the work and insights of, among others, Clare Brant, Michael J. Chandler, Phil Lane, Jr., Julian Norris, Michael and Judie Bopp, William J. Mussell and Judith Herman. The Foundation pressed the accumulated work of health researchers into the service of evaluating its nascent and nation-wide network of healing initiatives. Here was a rare undertaking indeed: support, promote, measure, analyze and refine Aboriginal-designed and -delivered therapeutic

services tailored to the local needs of former Indian residential school students and their families. Every study was printed and distributed to the public free-of-charge, with permission to reproduce and further distribute for non-commercial use freely granted. Although the Aboriginal Healing Foundation enlisted the services and expertise of professional academics and produced some studies of a strenuously academic character, the research agenda was designed to promote the work of the grassroots and to promote general awareness and understanding of the legacy of Indian residential schools. In academic publishing a mountain top/market dichotomy commonly inheres, but the grassroots hunger for resources and support was such that these AHF publications readily found their way into many communities.

### **the funds are committed**

In the fall of 2003, the board of directors committed the last of the \$350 million with which the Aboriginal Healing Foundation was entrusted. These commitments took place during an October board meeting in Ottawa. In preparation for this meeting, the Foundation had issued what would turn out to be its final call for new funding proposals, placing ads in media across the country to announce the February 28, 2003, deadline. With the funds committed, and with an abundance of research coming in, the board decided to host another round of regional gatherings—this time in Montreal, Iqaluit, Sudbury, Vancouver and Watson Lake. (The year before, 2002, gatherings were held in Inuvik, Calgary, Prince Albert, Prince George, Kenora, Moncton and Quebec City.)

The regional gatherings of that year took the usual form: an update from President Georges Erasmus a presentation of the latest annual report by Director of Finance Ernie Daniels and

some brief words from the board members present. For this round of gatherings, however, researcher Kim Scott was brought along to provide an overview of the findings garnered from three evaluation reports focusing on the programs financed since 1999 by the Aboriginal Healing Foundation. The Legacy of Hope Foundation's Manager of Development, Angie Bruce, spoke about the background and work of her charitable organization established by members of the AHF board.

The first regional gathering had taken place on September 30, 1999, during the organization's infancy. Four years and twenty-three gatherings later, the Foundation was taking to the road at the peak of its operations: neither before nor after would there be a greater volume of funding flowing out to the communities, more active AHF-funded projects and more staff. Although the outside world would take little notice until the federal budget of March 2010, 2004, was the beginning of the downward path of the Foundation's arc. In his speeches at the 2003 gatherings, President Erasmus saw fit to observe that "in the past, we've traveled with less people. However, there is a lot of news these days, and we thought it best to bring along the people who can best share it with you."

Researcher Kim Scott and the Director of Research at the AHF, Gail Valaskakis, presented a summary of research findings. The presentation began with some background on the Indian Residential School System and the work of the AHF. Those in attendance learned that the Foundation had committed over \$328 million to projects as of September 30, 2003, and that during the very recent board meeting in October a further \$62 million had been committed, for a total of \$390,560,312. The presentation then rehearsed evaluation findings, derived from "a detailed look at thirteen AHF-funded projects," copies of which

were available for distribution. Looking forward, the Director of Research noted that the bulk of the AHF's workload would shift in 2004 from proposal processing to project monitoring and publishing of research—including a final report—in fulfillment of its mandate.

By October 2003 the Foundation had approved roughly 1,300 grants, those currently active due to expire in March 2007. There was hope earlier in the year that Prime Minister Jean Chrétien would provide further funding. With the announcement of his intention to retire, this hope reposed in the anticipated dispensation of “legacy monies,” but as his retirement approached and as it became clear his priorities lay elsewhere, the attention turned to his potential successors. It was during the week of the AHF Iqaluit regional gathering, in November 2003, that Paul Martin was formally declared the leader of the Federal Liberal Party of Canada. It was a matter of record that the former Finance Minister and now Prime Minister to-be took an interest in the health and education of aboriginal peoples, a reputation which would later be confirmed by the Kelowna Accord, as well as by efforts on behalf of aboriginal issues during his final two years as a backbencher.

If the fall of 2003 constituted a “peak” in one sense, it was only the beginning in another. A good part of the Foundation's mandate concerned research and reporting of what were becoming known as “best healing practices.” Well before 2003, the Foundation had actively been gathering staff members of its funded projects together to discuss, share and celebrate the most successful and promising healing initiatives. One meeting, in the Pinnacle Room of Ottawa's Crowne Plaza Hotel, brought together representatives from aboriginal communities across Canada in order to hear their ideas and experiences. The Foundation also

took this opportunity to receive recommendations concerning the project evaluations (the findings of which were presented at the 2003 regional gatherings) and the highly anticipated and ambitious July 2004 AHF National Commemoration Gathering, in Edmonton. In attendance at this three-day meeting (from March 28 to 30, inclusive) were representatives from Correctional Services Canada, Health Canada, Justice Canada, Indian and Northern Affairs Canada, Indian Residential Schools Resolution Canada, Inuit Tapirisat Canada (later known as ITK) and the churches. Even as the Foundation and its partners confronted the full commitment of available healing resources and the gradual phasing-out of the AHF, the capacity, expertise and knowledge-base required to create lasting change were beginning to take shape. Everyone was beginning to see where things needed to go at the very moment the exhaustion of the resources needed to go there was arriving.

The efforts to secure longer term funding support for a nationwide network of aboriginal-designed and aboriginal-managed community programs are described elsewhere in this book and therefore will not be considered here. Given the sharp curve of the Foundation's start-up phase, and the briskness with which funding commitments were necessarily made (under the terms of the funding agreement), it should come to the present reader as no surprise that the AHF board of directors had before them, at one and the same time, an exit strategy and research data showing that the healing had begun. The Minister of Indian Affairs, Robert Nault, had expressed his concern in a letter to Georges Erasmus that the AHF would not meet its 2003 deadline for the commitment of its funds. There was no basis for this, as the Minister and his staff had been briefed on a number of occasions regarding the status of funding commitments, and the briefings made it clear that the commitments were on track. It was thus

both a surprise and an irritant when Minister Nault amended the Aboriginal Healing Foundation's funding agreement, extending the commitment period three years (from March 31, 2003, to March 31, 2006) and doubling the reporting requirements. As President Erasmus noted, in response to the Minister's February 19 letter forcing the issue of an amendment, the funds were 98.5 percent committed, "well within the [funding agreement's] parameters of 'best efforts' by any reasonable definition":

You state that the wording of the Amendment was developed in consultation with the AHF. In fact, we had brief meetings with people from your department. This hardly constitutes serious consultation by any objective measure. Mike DeGagné, the AHF's Executive Director, strenuously objected, from the outset, to your proposed wording about the issue of doubling our reporting requirements. Mr. DeGagné emphasized that it would be embarrassing to bring such an amendment to our Board, which he nevertheless did. Your officials insisted on the wording, advising us that it was included at the behest of the Auditor General. We have contacted the Auditor General to verify this. Mrs. Fraser not only told us that she had nothing to do with the wording, she went on to say that she would prefer that we not double our reporting. My letter of July 24, 2002 was a polite acknowledgment of your proposed approach. It was written in anticipation of a meeting with the as yet unnamed official from your department who, you told us, would contact us shortly to discuss the extension and an exit strategy. Eight months have now gone by, we have yet to hear from your official, and you have chosen to proceed with your amendment regardless.

In retrospect, the issue of an amendment appears to have been at least partly a failure of communication (it took the federal government two years, for example, to respond to a written

request for a longer commitment phase, by which time it was a dead question) and partly a misunderstanding. The larger and more important matter was that the communities were beginning to deal effectively with the traumas inflicted by the Indian Residential School System: the long-term prospects of a community-driven approach were brightening, but government seemed unable or unwilling to take the opportunity this represented.

### **partnerships and possibilities**

Early in 2003, the board of directors considered an internal document entitled “Future Possibilities of the AHF.” These “possibilities” concerned the interest of Canadian Heritage and Indian Residential Schools Resolution Canada (more commonly known by its phonetic rendering as “Irsk”) in entering into a formal service delivery arrangement with the Foundation.

On December 19, 2002, Minister of Canadian Heritage Sheila Copps had announced an eleven-year federal commitment of \$172.5 million to a proposed Aboriginal Languages and Cultures Centre (ALCC). The initiative, first announced in that year’s Speech from the Throne, affirmed the importance of language and culture revitalization and set out to fill a gap which had for years vexed the AHF board of directors. Anticipating Copps’s announcement, the Aboriginal Healing Foundation board of directors in September 2002 decided not to pursue a mandate for language and culture programming. Instead, they deliberated Heritage Canada’s exploratory notion of collaborating with—as the discussion document put it—“organizations that have developed expertise in programmatic responses to Aboriginal issues.” On March 26, 2003, AHF Executive Director Mike DeGagné and Director of Communications Kanatii Gabriel



met with Norman Williams and Pamela Shaw of Heritage Canada, discussing a range of ideas which included subletting office space to the ALCC and assisting in the organizational start-up and consultation processes.

The Aboriginal Languages and Cultures Centre envisioned by the Liberal Government would resemble the AHF in several respects. It would be a not-for-profit corporation, funded by and accountable to the Government of Canada but operated and staffed by aboriginal people. It therefore made sense to government officials to draw upon the Foundation's staff, board, experiences and policies as "stakeholders" undertook the creation of a new AHF-like entity. According to the plan as it stood in March 2003, the existing Heritage Canada Aboriginal Languages Initiative would be extended two years while a task force prepared recommendations to Cabinet in anticipation of a 2004–2005 date of implementation. In the meanwhile, the board at its April 2003 meeting would consider a resolution to pursue further discussions and an eventual contribution agreement.

The other possibility on the table at this time arose from IRSRC's recently announced "ADR"—the Alternative Dispute Resolution Framework. The day following Copps's announcement, Minister Ralph Goodale appeared on television to promote the virtues of Canada's out-of-court settlement process, underscoring litigation's adversarial nature and the decades-long queue which would see most former students dead long before their day in court. The chief merits of their "unified and holistic plan," as the Government portrayed it, were its "more efficient and humane manner" of resolving claims:

The formal litigation route is the most expensive, time consuming and emotionally charged process that could be used," said Minister

Goodale. “The Resolution Framework will provide alternatives to the courts. It could help in a major way to handle and resolve the unprecedented number of these claims across Canada in a more efficient and humane manner—designed to help move the victims of sexual and physical abuse toward healing and reconciliation.”<sup>55</sup>

According to Government, what would take fifty-three years in the court system would take only seven under the Resolution Framework. Furthermore, Goodale stressed that this new initiative would ensure the safety of claimants by providing them access to mental health supports. The media release, from which the above quotation is drawn, referred also to the previous day’s Canadian Heritage announcement:

Of the current 12,000 claims, 90% allege physical abuse and 60% allege sexual abuse. As well, 90% of the claims include loss of languages and culture. These claims are to be addressed by current federal programming that supports Aboriginal languages worth some \$30M per year. In addition, it is anticipated that the recently announced \$172.5M, through the federal department of Canadian Heritage, will speak fully to the needs of former students, their communities and the inter-generational needs of Aboriginal people.

Here the government fully acknowledged not only the relationship of Indian residential schools to the erosion of languages and cultures, but its intention to “address” the damages it had inflicted. To this end, a set of programs was undertaken. Heritage Canada would support culture and language initiatives, while IRSRC and Health Canada were to collaborate on the development of health and safety support programs. Again, a partnership with the Aboriginal Healing Foundation was sought by government officials. As the board heard at its April 2003 meeting, “IRSRC is interested in pursuing a ‘single window’

approach whereby the AHF would take on the administration of certain elements of the DRF HSS [Health and Safety Support].” Specifically, a toll-free help line, regional or national help desks and a network of Resolution Support Workers modeled upon the AHF’s Community Support Coordinators.

These discussions occurred before the backdrop of a larger board concern: with the \$350 million fund about to be committed and with so much capacity built-up throughout Aboriginal Country and so many promising lessons learned—and so much remaining to be done—was there no alternative but to flip the switch? The implicit message of IRSRC, Health and Heritage Canada was that the Aboriginal Healing Foundation represented a good and valuable resource. As the Foundation was already asserting in its own propaganda, it was a “good news story,” the one agency which could credibly boast a uniformly positive working relationship with government, aboriginal political organizations, the churches and survivors. While from the outside it doubtless appeared self-serving of them to attempt prolonging the Foundation, the board had compelling non-selfish reasons for doing so. Some of these reasons were congregated in “Future Possibilities of the AHF,” under the heading “Rationale for AHF Involvement.”

The AHF is a viable option for both these initiatives [IRSRC and Heritage Canada] because:

- It has proven it can manage effectively (10% overall administrative costs);
- It is a non-political organization;
- The AHF’s mandate is geared to healing and reconciliation. Both these initiatives have the potential to build on that mandate;
- AHF had developed a cadre of skilled human resources that can be allocated to these initiatives. These human resources can be

reallocated to these initiatives rather than letting them scatter to the winds;

- AHF has developed a significant network of contacts (local, regional, national and international);
- AHF has developed expertise to deal with historical grievances in a productive, proactive manner;
- AHF helps empower people in communities by allowing them to develop programmatic approaches;
- AHF has become a central repository of Residential School information. It can expand that role to include Language and Culture materials.

These points established not only the “rationale for involvement,” but many of the principal strengths of the AHF. Years later, its non-political nature and low administrative costs (to cite only the first two points) would be marshalled by supporters advocating an extension of the mandate. Arguments aside, the feeling of the board in 2003 was that the work had just begun and that it would be wickedly capricious to toss away a nation-wide healing-centred network—and the vulnerable people it served—into which enormous effort and resources had been invested.

The AHF lawyers noted that nothing in the funding agreement precluded entering into a partnership with a public or private agency, but that to do so would require separate contribution agreements and accounting. The Foundation board decided to go forward. In the end it was government which had a change of plan. Canadian Heritage, at whose helm was now the new Minister Hélène Chalifour Scherrer, deferred to a committee made up of representatives from the Assembly of First Nations, the Inuit Tapiriit Kanatami and the Métis National Council. On the 2nd of December of 2003, Ms. Scherrer announced the ten-member task force assembled by the AFN, ITK and MNC.

These individuals—Bruce Flamont, Ron Ignace (Chair), Mary Jane Jim (Co-Chair), Amos Key, Jr., Helen Klengenberg, Alexina Kublu, Rosemarie McPherson, Ruth Norton, Frank Parnell and Linda Pelly-Landrie—would carry out the duties to advise government on the Aboriginal Languages and Cultures Centre’s objectives, activities and operational structure, as well as to make practical recommendations on how the ALCC would best revitalize aboriginal languages and cultures in Canada. The task force was given one year to consult, research and present its recommendations.

In June 2005, six months past deadline, the task force submitted a document titled, “Towards a new beginning: a foundational report for a strategy to revitalize First Nation, Inuit and Métis languages and cultures.”<sup>6</sup> The report, which among other things linked residential school healing and the redress of language and culture loss, made twenty-five recommendations, among which was the establishment of a “language endowment fund” to finance community-based language programs in perpetuity. Unfortunately for the task force, the era of the aboriginal-run, arms-length, not-for-profit shared governance corporation was coming to a close. Following the election of the Harper Government in 2006, Canadian Heritage Minister Bev Oda announced that the funds allocated to the Languages and Cultures Centre were being revoked. The task force had submitted a wide-ranging and ambitious set of recommendations whose cost would doubtless exceed even the Liberal government’s commitment of \$172.5 million. Now, the Conservatives were replacing this plan with an eight year, \$40 million extension (\$5 million per year to 2014) of the Aboriginal Languages Initiative program. That was the end of that.

The prospective collaboration between AHF and IRSRC met a quick end when the modest scope of the latter's commitment became evident. As was so often the case, the fanfare of federal announcements raised great expectations against which a meager commitment of resources would eventually mitigate. The 2006 Settlement Agreement was a noteworthy exception to the general tendency of Government to address the Indian Residential School System on the cheap. The Dispute Resolution Framework propaganda spoke grandly of the Government's humane and effective seven-year out-of-court process, but the resources dedicated to this program spoke plainly of an overriding concern with cost control. Such was the prerogative of the feds, but the Aboriginal Healing Foundation had no interest in bearing champagne obligations on a soda budget. The Foundation's board, familiar with the nature and scale of the trauma suffered by Aboriginal people in Indian residential schools, looked with incredulity upon Canada's proposal to institute nation-wide health support and clerical services on the order of a few tens of thousands of dollars. At \$40 million a year, the Foundation itself was far from meeting the eligible demand for services. IRSRC's proposals seemed out of proportion, and as such offered to the AHF an opportunity to step into a great expectation / great disappointment bear trap. With much to lose, and little to be gained, the Foundation respectfully declined.

### **the way forward: building a consensus**

For years across Canada in hotel lobbies and coffee shops and offices and taxis, countless informal discussions had occurred over the vast topic of the way forward. Along the way, there were defining moments when the outlines of definite ideas and commitments took shape. One example was the United Church of Canada's 38th General Council in Wolfville, Nova Scotia, in

August 2003. On the 14th day of that month, Georges Erasmus delivered a keynote address, “Justice From Now On,” whose title alluded to a 1924 address of the Six Nations Speaker, Deskaheh:

I do not mean that we are calling on your governments—we are tired of calling on the governments of pale-faced peoples in America and in Europe. We have tried that and found it was no use. They deal only in fine words. We want something more than that. We want justice from now on. After all that has happened to us, that is not too much to ask.

Prior to the Wolfville meeting, a discussion took place in Toronto between AHF’s Mike DeGagné and Georges Erasmus and United Church’s Special Advisor to the General Council David MacDonald. At the meeting Erasmus stressed the need for a series of concrete actions, rather than one grand gesture or statement. MacDonald for his part expressed the General Council’s desire to do something meaningful, and indicated that the keynote address would be an opportunity to present recommendations. Taking his cue, Georges Erasmus went to Wolfville to challenge the United Church to take action, delivering a speech that echoed not only Deskaheh but Hebrews 11:1:

I have read the words of the United Church of Canada contained in the residential school study guide, “Toward Justice and Right Relationship: A Beginning.” They are good words—words of understanding, humility, and wisdom. And yet, it must be admitted that our paths are littered with the many, many good words of yesterday and today. The Cayuga leader, *Deskaheh*, said in 1924, “We want something more than that. We want justice from now on.” Good words show us what could be. They are the token of things unseen. But although we speak in the subjunctive, we live in

the indicative. And so I will offer some practical suggestions for the days ahead.

The United Church took up the challenge. In the months and years ahead, MacDonald and church colleagues such as Jamie Scott put their shoulders behind a number of Erasmus's many recommendations—including promoting awareness of the residential school history among church congregations, writing letters to Members of Parliament “on issues related to government actions,” promoting “a national public inquiry of the sort recommended by RCAP in 1995” and fostering “partnerships with local Aboriginal organizations to design specific, outcome-oriented community activities (e.g., gatherings, feasts, sharing circles).”

Another installment of the defining moment arrived on March 29, 2004, when the Aboriginal Healing Foundation hosted a discussion of practical ways to advance healing and reconciliation. This “watershed” gathering, held in Ottawa, pondered the future of the residential school healing movement. The list of attendees was lengthy and reads much as a “who’s who,” including (in addition to AHF board and staff) Joan Atkinson and Trudy Connelly (Indian and Native Affairs Canada), Ron Boyer and Gerry Kelly (Canadian Conference of Catholic Bishops), Patrick Brazeau and Carl Dubé (Congress of Aboriginal Peoples), Carol Carifelle-Brzezicki (Métis Settlements General Council), Mario Dion, Shawn Tupper, Chief Robert (Bobby) Joseph and Yvonne Still (Indian Residential Schools Resolution Canada), Philip Dore (Canadian Heritage), David MacDonald, James Scott, and Alf Dumont (United Church of Canada), Gordon Haynes (The Presbyterian Church in Canada), Maggie Hodgson (Native Counselling Services of Alberta), Jose Kusugak (Inuit Tapiriit Kanatami), Audrey Poitras (Métis National Council and Métis



Nation of Alberta), Mildred Poplar (Anglican Church), Yvonne Rigsby-Jones (Twow-Tun Le Lum Treatment Centre), Jacques Gagné (OMD) and James Fiori (OMI Lacombe Canada).

AHF Communications Director Kanatii Gabriel prepared a seventy-one page document for the meeting titled, *The Future of the Residential School Healing Movement: March 2004—A Discussion Paper*, which opened with a statement of purpose:

This discussion document has been produced for presentation to stakeholders who gathered in Ottawa on March 28 and 29, 2004.

It is intended to acknowledge that much progress has been made in the healing movement thus far. That progress is the result of hard work, dedication and commitment to changing the dynamics that have plagued relations between Aboriginal people, the Government of Canada, church entities and Canadians.

Despite all that has been accomplished, we still have a long way to go. Healing and reconciliation are critical to our collective ability to move to a better place. We have begun to lay the foundation of a new legacy. The purpose of this document is to help focus dialogue, share ideas on how to instill hope in those who have yet to begin their healing journey and explore avenues for continued progress.

By 2004 the outlines of the territory were clearly demarcated. Although the Indian Residential Schools Settlement Agreement was some years in the future, there was no question that some kind of compensation would be a major focus of survivors, government and churches. Anyone who had spoken to survivors knew that they wanted justice in the form of recognition and an apology. The sad fact was that in relation to the needs of those who as defenceless children had suffered forcible removal from family, humiliation, rape or beatings, Canada was greatly

inadequate. Nothing and no one could restore a lost childhood or a broken family. What Canada had was laws and lawyers and courts, and it was to these survivors would necessarily turn for the only form of redress on the table: money.

The Watershed was a gathering of people who recognized the legitimacy of the court but saw also its limitations. Class action lawsuits and individual litigation had their place and purposes, but what they did not have was a sensitivity to the emotional and psychological needs of people who had experienced chronic abuses—in particular the abuse of institutionalization, which was one of many historical expressions of the government policy of forced assimilation.

The watershed meetings therefore focused on the healing needs of survivors, taking as their starting point the view that “healing on a larger societal scale requires the broad, cooperative participation of Canadian and Aboriginal peoples.” At this early point in the conversation, participants looked to the examples of reconciliation initiatives in Northern Ireland, Australia and Africa. The fundamentals had to be considered; for instance, the question “What is healing?” Any existing model would have to be adapted to the unique history and circumstances of Canada. One such circumstance was the Indian Residential School System’s attack on aboriginal languages and cultures. The phrase “cultural genocide” had already been in existence for over sixty years to describe what Captain Richard H. Pratt of the Carlisle Indian Industrial School had referred to in the 1800s as killing the Indian in the child.<sup>57</sup> To many addressing the legacy of such undertakings, it seemed only logical that healing should at the very least involve restoring what had been repressed or taken away by force. The rub was how to go about it.

One idea, an Aboriginal Languages and Cultures Centre, went back at least as far as the Royal Commission on Aboriginal Peoples (RCAP). Like the Aboriginal Healing Foundation, it would encourage and support community-based programs. The work of reviving and nurturing language and culture would be directed by the people. To the grassroots would be given the responsibility of determining the local needs and the best ways to go about meeting them, with support from agencies possessing resources and expertise. The Aboriginal Healing Foundation was a model of how such a partnership could work, and the board of directors believed it could be adapted to other issues beyond the residential schools.

The problem was that there was no other Aboriginal Healing Foundation to take up this broader mandate, and indeed there may not even be an Aboriginal Healing Foundation in the foreseeable future. At the time of the watershed meetings, the board had committed all of the money at its disposal. Once the AHF was gone, there would be no organization committed to funding community-directed Indian residential school healing initiatives across the country, or anywhere for that matter. Recognizing the long-term nature of this work, the board had set up a charity called the “Legacy of Hope Foundation,” or LHF. In theory this entity, unlike the AHF, would be able to take donations and operate in perpetuity with complete independence from government. The discussions which eventually led to the establishment of this organization had begun several years earlier, but in 2003 the idea of an alternative to the AHF became a matter of some urgency.

Representatives of churches and of the AHF first met on September 13, 2003, to discuss a “Legacy of Hope Coalition” (unrelated to the Legacy of Hope Foundation)—a formal partnership of

aboriginal organizations, church entities and their foundations dedicated to the continuation of the healing movement in aboriginal communities. Other meetings followed on October 2, November 4 and November 23. At this last meeting, AHF Executive Director Mike DeGagné informed those present that the Congress of Aboriginal Peoples, the Inuit Tapiriit Kanatami, the Métis National Council and the Assembly of First Nations had agreed to attend a meeting in March 2004 to discuss AHF's winding down, continuation of the healing movement and approaches to reconciliation. At this point, the Aboriginal Healing Foundation also committed to researching the complex terrain of reconciliation, an undertaking that would yield some of AHF's most widely distributed work.

### **the legacy of hope foundation**

In July 1998, when residential school survivors met in Squamish, British Columbia, to discuss the creation of the Aboriginal Healing Foundation, one woman was so moved by the potential of healing for survivors and their communities that she donated \$100 of her own money to help the Foundation begin its work. Inspired by her donation, the board considered the idea of creating a charitable organization, either within or separate from the Foundation. At the time, according to AHF Executive Director and LHF Board Member Mike DeGagné, "we thought, what if more people wanted to give money to this healing movement?" The Foundation was not registered as a charitable organization, and so the board set about to create a separate charity.

In early discussions, the idea that was settled upon was to create a national archive. However, since there was no intention to build a bricks-and-mortar archive, the board was encouraged by Canada Revenue Agency's (then Revenue Canada) Charities Division to

rethink the mandate. The board members decided that the charity would focus instead on public awareness and education and on continuing the work begun by the AHF of addressing the long-term implications of the damage done to aboriginal children and their families by the Indian Residential School System.

According to the first LHF executive director, Angie Bruce, setting up the charitable organization was an administratively demanding year-long process. Originally named the Aboriginal Healing Charitable Association, the new entity was launched in 2000 to collect charitable contributions in support of the AHF's healing projects. Renamed the Legacy of Hope Foundation in 2001, its mission was broadened to focus on healing as well as public awareness and education.

In the early days, the plan was to raise charitable donations so that the work of the Aboriginal Healing Foundation could continue long after the AHF itself closed. In its first full year of operations, however, the LHF collected only \$30,000 in charitable donations. These contributions, representing the generosity of many good people, were greatly appreciated. Unfortunately, 95 percent of the LHF's funding was coming from government, a pattern which would continue in the years ahead. The Legacy of Hope Foundation, in other words, was no more sustainable without government funding than the Aboriginal Healing Foundation. Even the charitable donations themselves had flowed to the LHF mostly through an annual fundraising golf tournament hosted by the Aboriginal Healing Foundation. In its best year, this event had raised approximately \$75,000—again, a decent amount—but nothing like the amounts going into the community work of healing across the country.

Reliance on government funding posed challenges for the Legacy of Hope familiar to many similar agencies. The government's fiscal year ends on March 31st; however, funding for the new fiscal year is generally not sent out until September, leaving organizations like the LHF without money for the first six months of the year. Richard Kistabish, the LHF's President, is straightforward about the character of the challenge: "it's money. We spend months and months without money. It's very difficult." To overcome this problem, the AHF acts as a management firm for the LHF to ensure it can survive and carry on its work. The relationship between the AHF and LHF is carefully managed. As a charitable organization, the LHF must remain a completely separate financial entity, raising and spending its own money. The AHF cannot fund the LHF, therefore all costs of the charity incurred by the AHF are carefully tracked and reimbursed.

Despite the challenges the LHF forged ahead, looking for ways to adapt and evolve. Meanwhile, this resources-restricted agency produced a range of highly regarded public awareness and education materials focusing on the Indian Residential School System. In late 2012 (to cite only one of many possible examples) the political leaders of Nunavut and the Northwest Territories announced the introduction of LHF's residential school curriculum into the public school system. For years, many had urged the importance of developing quality curriculum on the Indian Residential School System for use in Canadian schools. The Legacy of Hope rose to the challenge, and their package of educational resources, "100 Years of Loss," was the inauguration of residential school curriculum in Canada.

The AHF, LHF and National Archives of Canada (later renamed Library and Archives Canada) co-developed an Indian Residential School System exhibit entitled *Where Are the Children? Healing*

*the Legacy of Residential Schools*. On June 17, 2002, this installation was officially launched at the National Archives of Canada, with senior government officials (among them Governor General of Canada Adrienne Clarkson) in attendance. Curated by Haudenosaunee photographer and curator Jeff Thomas, *Where Are the Children?* was adapted into a powerful and innovative traveling exhibit which opened July 4, 2002, at the Museum of Anthropology, at the University of British Columbia. This traveling version of *Where Are the Children?* has now been seen by thousands of people in dozens of communities across the country. This work consists of 118 framed archival photographs, historical government papers, original classroom texts, maps, and text panels, spanning over 125 years from the 1880s to the present. An exhibition catalogue, an even more compact and easily transported version of the traveling exhibition (for use in smaller venues), an interactive website and smartphone/tablet apps have also been created.<sup>58</sup>

The LHF manages year to year with an Ottawa-based staff of five. “One of the strongest assets of the LHF has been the people,” says Richard Kistabish, “Their compassion, their dedication.... When we gave projects to people like Guy [Freedman] and Trina [Bolam], they really carried them on their shoulders.” The projects of the LHF have been well-received and, by engaging the general public and teachers and students, successful in raising awareness and understanding of residential schools. Among the LHF’s most successful projects are *Where Are the Children? Healing the Legacy of Residential Schools*; *We Were So Far Away, The Inuit Experience of Residential Schools*; *Our Stories, Our Strength*; and *100 Years of Loss*.

The LHF exhibits—which include photographs, text panels and historical artifacts—take visitors on a journey through the residential schools, from leaving home to arriving at an

institution in which every aspect and moment of life is supervised and regulated. The exhibition tackles the range of childhood experiences and includes an acknowledgment of former students who have become role models, as well as the many children who never returned home and who were therefore deprived of an adulthood.

Launched at the National Library in June 2002 (where it stayed until November 2003), the exhibition traveled extensively throughout Canada and the United States to 2005. For many who saw it, *Where Are the Children?: Healing the Legacy of Residential Schools* was the very first introduction to Indian residential schools. Because of this, the exhibit provided a basis for how many Canadians would come to view and understand the issue, helping

to inform visitors of the impact that residential schools have had on shaping relations between Aboriginal and non-Aboriginal Canadians, and on shaping the history of this country. *Where are the Children?* allows Canadians to come to grips with this part of their history and to challenge their assumptions and understandings about residential schools.<sup>59</sup>

Despite the success of its projects, by May of 2005, during a strategic planning session to map out the organization's direction for the next five years, it became clear to the LHF board that the original goal of the foundation to continue the work of the AHF was unrealistic. To do so would require about \$50 million per year, far more than the foundation had been able to raise through government funding and charitable donations. After much deliberation, the LHF board changed the mission of the organization to better reflect its organizational capacity and expertise. From that point, it focused exclusively on the



development and implementation of education and awareness programming that supports the ongoing healing of survivors and their descendants.

In 2007, recognizing the need to portray and record the unique Inuit experiences of residential school, the Legacy of Hope Foundation, Library and Archives Canada, and the Aboriginal Healing Foundation once again partnered to create the exhibition *We Were So Far Away, The Inuit Experience of Residential Schools*. The exhibition is centred on the stories of eight survivors, two from each of the four Inuit geographic regions (Nunavik, Nunavut, Nunatsiavut, and Inuvialuit). These eight survivors shared their personal stories with the LHF in the spring of 2008. Curator Heather Igloliorte then developed the *We Were So Far Away* exhibition to present the survivors' stories, in their own words, illustrated with their personal photographs and objects and contextualized by historical photographs. In 2010, an exhibition catalogue was produced which includes the survivor story transcripts, all of the archival images, a history of the Inuit residential school experience, a historical timeline, a map of Northern Canada and statements from the three exhibition partners.

As was the case with *Where are the Children? We Were So Far Away* introduced many visitors to new ideas and experiences. This later exhibit drew the distinctions between the Inuit, First Nations and Métis experiences of residential school. Many commented that the focus on individual Survivors personalized and brought home the message of the legacy of residential schools in ways that other educational resources could not.

One of LHF's most ambitious and important projects is *Our Stories, Our Strength*, a national commemoration and education

project that has collected, organized and shared the stories of residential school survivors and others affected by the schools. According to Richard Kistabish, LHF's first executive director, Angie Bruce, was "the heart and soul of that idea." A lot of support for the idea also came from survivors, many of whom were willing to have their stories recorded either publicly or in private, in one-on-one interviews. The project was intended to honour survivors and their experiences and to tell the history of the residential schools through the stories of the survivors themselves. The collected stories were to be used to produce and develop a range of educational materials that would be made accessible to all Canadians. Furthermore, the recordings were to be safeguarded and preserved for future generations.

Since 2006, the LHF has worked with twenty-two indigenous communities and organizations across Canada to coordinate gatherings where survivors, their families and their communities have had a forum to share their experiences with others, learn about healing programs available, obtain information about residential schools, and have their stories recorded and preserved in audio and video. Close to 600 stories have been collected. In 2010, the stories were transferred to a local archival storage facility with a secure, climate-controlled environment. The collection was smudged by Ottawa-based Elder Irene Lindsay and packed with tobacco and sweetgrass. "LHF staff routinely access the digitized version of the collection to ensure that survivor experiences inform and appear in all educational materials. This collection provides an invaluable resource, which, combined with archival records and research, forms the basis of how the history and legacy of residential schools is communicated in all LHF materials.

In 2010–2011, two new educational resources, a mobile exhibition and an educational kit were developed by the LHF in response

to demand from educators for complete in-class resources. Acting as an “entry-point” to the subject and to other LHF resources such as *Where are the Children?*, these tools promote an understanding of the history and legacy of residential schools, sensitize and educate young Canadians, including Aboriginal, non-Aboriginal and new Canadians, challenge stereotypes, and contribute to shifting opinions that foster inquiry, dialogue, and action. Both products are targeted at the 11–18 age group and were designed to help educators and administrators in raising awareness of residential schools. They were ready for use in classrooms in January 2012.

The *100 Years of Loss* mobile exhibition is “designed to raise awareness about the history and legacy of residential school” and is composed of eight thematic pods and a wall that presents an interweaving timeline. The exhibition is geared to grades nine to twelve. The *100 Years of Loss* “Edu-Kit” targets grades seven to ten and includes a small-scale wall-mounted timeline, videos that include survivor stories, and a teacher guide. Demand for the kits was high, and by 2013 only a limited supply of Edu-Kits were available.

What lies ahead for the LHF is unknown. Despite minimal staffing and ongoing funding challenges, “the LHF has produced high quality and impactful materials... [and]... is highly regarded for producing quality materials. It’s done so with a staff of five.” In Mike DeGagné’s estimation, “it’s been very successful.” He believes that the LHF has adapted very well to the circumstances it has faced by concentrating on public events, education and curriculum development and doing it “extremely well.”

The past thirteen years have proven that despite the involvement of dedicated people, the many good intentions, the widespread

support and acclaim for the projects and their goals, and a great deal of hard work on the part of staff, board and partners, the LHF is unable to exist independently—at least under the current funding regime. Without considerably more charitable donations or changes to the roll-out of government funding, it simply can't survive as a stand-alone organization. Because it is a charitable organization, and achieving charitable status is so difficult, there is support for ensuring that it continues beyond 2014 (i.e., beyond the AHF). This would be possible if it could be transferred to another, suitable organization which could ensure its survival and ability to continue its work in creating public awareness and education materials. "It's an organization," suggests Mike DeGagné, "that is an excellent addition to an existing organization such as a university, for example."



# Chapter four

## Canada closes the chapter

### **a change of course: from ADR to Settlement Agreement**

The development of an Alternative Dispute Resolution (ADR) process which began in 1997, when the Government of Canada initiated discussions with former students of residential schools, underscores the fact that the work of addressing the residential schools issue did not begin with the creation of the Aboriginal Healing Foundation, even on the government side. Everyone knew this work would not end when the Foundation closed its doors, as it was originally scheduled to do in 2009. A community of like-minded was congregating around the idea that healing and reconciliation were long-term undertakings, requiring long-term vision and support, but that more immediate resolutions were also required. Not only financial (although certainly that), but political resources were being deployed to this end. Among this community were survivors, federal government employees, aboriginal and non-aboriginal politicians, church leaders, academics, health professionals and journalists. Their mood was an admixture of anticipation, restlessness, hope and determination. The consensus was that much had been accomplished, but much more remained to be done.

On the accomplishment side of the ledger were the apologies and healing funds of the churches and federal government and the establishment of the Aboriginal Healing Foundation. In order to address the other side of the ledger, the many unresolved abuse

claims, on June 7, 2001, the Government created the Office of Indian Residential Schools Resolution of Canada (an unwieldy acronym which was soon rendered IRSRC and pronounced by its staff “Irsk”), which took the lead in an earlier time assigned to the Litigation Management Unit under Shawn Tupper. The task of carrying the work forward now fell to the long-serving Liberal Member of Parliament and Deputy Prime Minister. Herb Gray, widely regarded as a reliable and generous man, had a long and distinguished career going back to his early days as an MP serving his home city of Windsor, Ontario. As Deputy Prime Minister, Gray’s duties included such things as replacing the Prime Minister as needed at Question Period and speaking on his behalf in caucus. When Prime Minister Chrétien required someone dependable to expedite the mounting residential school lawsuits, Gray volunteered “to give it a try”:

I think my initial mandate was to get the churches involved. By involved I mean put up money. It was soon obvious to me however that they didn’t have any money to put up. All of their resources were linked with maintaining their present premises and carrying on programs, such as for the homeless and the needy and so forth. What they were doing now was not in any way consistent with the residential schools, and they made the argument very strongly that they couldn’t come up with any money to take part in a settlement with the residential school survivors.

Gray left partisan politics in January of 2002, but not before having overseen the establishment of a process in which the churches were indeed involved. Here due credit must be given to Gray’s deputy, the late and highly regarded Jack Stagg—a man Mario Dion refers to as “the father of ADR”—who was the chief federal negotiator working with church leaders on the substance of a shared responsibility scheme for residential school compensation.

As a result of this work, on October 29, 2001, the Deputy Prime Minister was able to announce a 70/30 formula whereby the federal government would pay the bulk of any settlement found to be owed jointly by the churches and the feds. In January 2002 responsibility for IRSRC passed to Ralph Goodale, who in December announced the Dispute Resolution Framework, followed on June 23, 2003, by the announcement of Chief Adjudicator Ted Hughes and the creation of a Regina-based “Adjudication Secretariat” to facilitate the ADR process. The Government formally launched its ADR process on November 6, 2003.

As we saw in an earlier chapter, Ralph Goodale had promoted ADR as a way to resolve abuse claims in “a more efficient and humane manner” than could be had in the courts. Within less than three months, by early 2004, the outcomes of this alternative dispute resolution framework were receiving merciless coverage in the Canadian media. The problems began when the government’s forty-page application and grid system—characterized by AFN’s Bob Watts as a “very legalistic approach, almost like a worker’s compensation approach to harm”—was released to the public. The Canadian Bar Association called the paperwork “daunting,” while noting the inherent unfairness of a grid system which awarded survivors different levels of compensation depending upon jurisdiction.<sup>60</sup> In a February 23 broadcast of CBC’s *The Current*, the founder and chairman of the Four World’s International Institute, Phil Lane, Jr., described this “humane” alternative to litigation as “one of the most shameful, despicable acts towards our indigenous peoples of Canada that I’ve seen around the world.” Shawn Tupper, now the committed and compassionate Director General at IRSRC, had the difficult task on this day (as on others) of justifying the Government’s program. He explained to Anna Maria Tremonti’s audience the complexity of the issues and of the work, the challenges of communicating with survivors, and



the outreach, commemoration, and healing activities which were part of the bureaucracy's much-criticized administration costs. "In our view we can, through working with survivors, talk about commemoration, we can do a lot more outreach, we can focus on their healing needs while they're going through a process," he explained. Nonetheless, the proverbial back-breaking straw arrived that same day—February 23, 2004—when Bill Curry reported the story of Flora Merrick for the *Globe and Mail*. Ms. Merrick was at the time an 88-year-old survivor who had, among other things, been beaten and locked for two weeks in "a small, dark room" as punishment for running away. The government spent \$20,000 to challenge her \$1,500 settlement on the grounds that such treatment was consistent with the standards of the day.<sup>61</sup>

"I wrote a critique of ADR," says University of Calgary professor and AFN lawyer Kathleen Mahoney, "because I could see it was very flawed from both a tort perspective as well as a human rights perspective." Over the years she would come to know ADR intimately, both from a theoretical as well as practical perspective. Mahoney represented survivors in the ADR process and toured Ireland to study that country's reparations initiatives. She made a point of hearing the views of everyone from survivors of institutional abuse to senior government officials, both in Canada and abroad. Today she recalls the words of an Irish minister of education. He said, "if you can bring back one message from me to the Canadian government officials, it's simply this: be generous."

That rang bells in my head, because I had told Department of Justice Canada officials already that the main problem with ADR was the attitude behind it. It was an ungenerous attitude. There was a meanness to it, "mean" both in the economic sense as well as unkind. I told the department officials that this attitude was highly exemplified by a statement in the ADR guidelines that if the

settlement calculations they had set out came to an uneven number, you should round that number down. Why wouldn't you round up? By not rounding up you're indicating your frame of mind, which is meanness.

The embarrassments suffered by Canada as a result of alternative dispute resolution “meanness” led to a series of meetings between representatives of survivor groups, the aboriginal political leadership, and federal officials. According to National Chief Fontaine,

my team—it was slowly emerging as my team—had come up against so many problems with ADR. Survivors who had accepted the alternative dispute resolution process as the way to resolve their claims were frustrated time and again. It was slow, it was cumbersome, and they felt they were being victimized all over again. As much as it was built on something that came directly from survivors, it just wasn't working.

From March 12 to 14, 2004, the AFN and the University of Calgary Law School together sponsored a conference organized by Kathleen Mahoney and titled “Is Reconciliation Possible?”, following which a series of meetings was held across Canada to cultivate a conversation as broad and inclusive as practical. According to Mahoney,

My objective [at the University of Calgary conference] was to invite a range of people who would bring different types of experiences. I asked them all to consider the question, Will the government proposals—the ADR proposal—result in reconciliation and healing? I asked medical doctors who gave testimony in the courts, lawyers, judges, native studies professors, elders, claimants, survivors, religious studies people, church representatives, and government officials to

bring their expertise to bear on this question. After two and a-half days the unanimous opinion was that ADR as it was written would not achieve those goals, notwithstanding the fact that they were the stated goals of ADR.

Mahoney adds that the Deputy Minister of Indian Residential Schools Resolution Canada, Mario Dion, “could see what was happening to ADR. It was crumbling, and couldn’t really survive. So he said to Phil [Fontaine], ‘What should we do to fix it?’” The National Chief recalls that after the last day of the conference,

I went off to the side with Mario Dion [Deputy Minister of IRSRC], and I said, “Look, Mario. We’ve heard and we’ve witnessed. Why don’t you give us a chance to figure this out. I’ll put the best brains together, and we’ll look at this. And I guarantee we’ll come up with something that will be far superior to ADR.” And he said, “Okay. How much do you need?” I gave him a number, and he said, “Okay.”

That number, according to Kathleen Mahoney, was \$250,000. With these resources, Mahoney took up the challenge of crafting a comprehensive legal agreement which would address the needs and recommendations of survivors. Once again, the game plan had changed.

The new Deputy Minister was amply aware that all was not well with the Government’s alternative dispute resolution framework even before the fateful Calgary conference: that had been the reason he had been called by Alex Himmelfarb, the Clerk of the Privy Council, with an offer to replace the outgoing deputy, Jack Stagg:

He said, “the Prime Minister and I have discussed your situation, and we think you have the right stuff.” So I got there and I looked

at how things were being done. I still remember the numbers. For every dollar paid to a survivor, the government was spending \$3 in administrative and legal costs. The estimate was that it would take 53 years before the last file could be closed. The average former student was 68. This was not a workable solution. The ADR was a good thing to have active in 2003 to 2005, because it was an avenue to get justice in the meantime. We fully used it because there was no guarantee the negotiations [for the Settlement Agreement] would work. So the ADR had to be there. You have to deal with the present before you dream too much about the future.

Mario Dion, who had spent a good portion of his career at Justice Canada, accepted the job because he had “a feeling this was worthwhile.” His background was not in aboriginal affairs, so he had some work to do. When he looked at the details of the ADR process, he noted that the Treasury Board had imposed a “straightjacket.” Every settlement, from \$200 to \$200,000 had to be approved personally by the Deputy Minister of IRSRC. Every settlement had to undergo a comprehensive legal risk analysis. A process like this, vigorously risk-averse and exhaustively circumspect, was bound to be slow, aggressive toward claimants, and expensive.

Dion set out to find something “more humane, while still protecting the interests of the Crown.” He spent a year listening to survivors, chiefs, and elders. Like others in government, he studied the options. Prime Minister Paul Martin was very sympathetic toward the idea of finding a comprehensive alternative to ADR, but it took Dion some months to convince his boss, the Deputy Prime Minister and Minister of IRSRC, Anne McLellan. Like Mario Dion, McLellan had a background at Justice Canada and appeared especially keen on matters such as risk management and protecting the interests of the Crown. She scoffed at the notion

of providing compensation for things like loss of culture and language. In an effort to convince her that a new approach was proper and necessary, Dion invited two important acquaintances, Maggie Hodgson and Bobby Joseph, to a meeting at which she would be present. “I wanted Anne McLellan to hear it first-hand from two survivors who were very knowledgeable about the limitation of ADR—who could explain to her much better than a white lawyer.” At the Deputy Prime Minister’s riding office in Edmonton, the two spoke candidly about the existing process and laid out arguments for among other things a common experience payment. According to Bobby Joseph, McLellan was “just livid about it. No way was the government ever going to pay for loss of language and culture!” But gradually she was coming around to the point of view of people like Paul Martin and Ralph Goodale, the previous Minister of IRSRC who now, as Minister of Finance, wanted to do something different on the residential school front.

With the government now behind him, Mario Dion could move forward in his role as a conduit between the government and the many other parties to the eventual agreement. Dion bounced ideas off of the people he most trusted, folks like Phil Fontaine and Jamie Scott, from the United Church of Canada. To Chief Joseph he was “key to moving the yard sticks—he opened doors and created a further dialogue, a deeper dialogue at a higher level. A really wonderful guy.” This “deeper dialogue” was for Dion a matter of the stars aligning. The criticism of ADR was gaining momentum. The Government had a fiscal surplus. There was political will to reach a final and lasting settlement. An election was coming, and so there was a good chance that the political landscape would soon alter. Everyone who needed to be on-board appeared to be just that, but without an agreement soon the stars could realign in a less auspicious manner.

The AFN set out to develop the outline of a settlement package, hosting a series of meetings which culminated in the University of Calgary conference. On November 18, 2004, the AFN released Mahoney's "Report on Canada's Dispute Resolution Plan to Compensate for Abuses in Indian Residential Schools." The AFN's survivor-derived recommendations, referred for further study by Canada to the Canadian Bar Association, were almost without exception agreed to by the government and churches, establishing the May 30, 2005, Political Accord between the AFN and Canada. This accord—whose wording was finalized between Mario Dion and the AFN's Kathleen Mahoney and Bob Watts on a Saturday, over the telephone and from three different cities—committed the parties to a comprehensive settlement and laid the groundwork for an Agreement In Principle (signed in Toronto on November 20, 2005) and the eventual 2007 Indian Residential Schools Settlement Agreement. Following the breakthrough represented by the Accord, and with the principles and skeleton of an agreement in place, a national conference was held in Vancouver on July 19–21, 2005. This conference would flesh out in greater detail the components of the comprehensive residential schools settlement.

Meanwhile the political machinery was grinding a still-existing ADR process into dust. On February 17, 2005, the Standing Committee on Aboriginal Affairs and Northern Development heard Flora Merrick's story, along with the testimony of others familiar with the Government's dispute resolution framework. During that meeting, NDP Critic for Indian Affairs, Pat Martin, noted that

The Assembly of First Nations has pointed out how wrong the current process is and that it's not only failing but it's wrong in principle and in concept. Three months ago they put forward their own proposal as

a way of dealing with all of this and they gave a three-month deadline. That deadline is today. On November 17, 2004, they submitted a proposal to address this whole failure and they gave the government three months. Today is February 17, 2005. So it's very fitting that you're here today with your message on this anniversary date.

What I'm getting at is that a key part of the proposal from the Assembly of First Nations is not only the money. I think you're getting consensus here that eligibility for compensation should only be based on proof of attendance. If you can show that you were a student during these periods at these residential schools, we can assume that you've been victimized and no one else will make you relive that.

The second thing that the Assembly of First Nations is calling for is a truth and reconciliation healing process, not only for you to tell your story and hopefully tell the world what happened, but for us too, for the general population, for Canadians to be part of that healing process. Would you say that's part of your message today, to call for not only fair, reasonable compensation, but a national conciliation and truth-telling forum as per the Assembly of First Nations document?

The answer from the National Chief, needless to say, was "Yes." The AFN was indeed calling for a new direction, and few were now defending the old. The Standing Committee on Aboriginal Affairs and Northern Development was, in the words of one of its own reports on the subject, "drawn to the inescapable conclusion that the ADR process is an excessively costly and inappropriately applied failure, for which the Minister and her officials are unable to raise a convincing defence."<sup>62</sup> Everyone agreed there had to be a better way—including the lawyers themselves, on behalf of whom the Canadian Bar Association in February 2005 issued a report, "The Logical Next Step: Reconciliation Payments for All Indian Residential School Survivors."

Eight years after its conception, the alternative dispute resolution process was now thoroughly discredited, politically speaking. The Office of Indian Residential Schools Resolution Canada now dedicated itself to the implementation of a “National Resolution Framework,” at the centre of which was the class action settlement known as the “Common Experience Payment.” The Deputy Minister proposed the appointment of his former Deputy Minister at Justice Canada, the retired Supreme Court of Canada justice, Frank Iacobucci, to lead the negotiations. This massive undertaking involved lawyers representing Iacobucci’s firm *Torys*, the four churches, the Government, 23 class action lawsuits, the Assembly of First Nations and Inuit political organizations, and roughly 15,000 individual actions. The lawyers met in Vancouver, Calgary, Edmonton, Saskatoon, Winnipeg and Toronto—dozens of lawyers, engaged in what all now recall as very intense discussions. (The Government alone had 150 lawyers working on the residential schools portfolio full-time.) With a half-dozen elderly survivors dying every week, there was great pressure to reach an agreement. In five months, they had it.

Subsequent events confirmed the soundness of Mario Dion’s sense of urgency. Less than one week after the signing of the Indian Residential Schools Settlement Agreement, an election was called and the Martin Government came to an end. The Harper cabinet approved the IRSSA, with some changes of their own, and forwarded the agreement to the nine provincial and territorial courts for final review and approval. Everyone in a leadership role appeared to agree that the settlement was not perfect, but that it was good. Justice Iacobucci reflects the general view:

When I learned more about the legacy of Indian residential schools, I was not proud as a Canadian of that history. But I do believe that the settlement is a fair and honourable one. I did take pride in our



country, because the people through their government did make an offer of recognizing what had happened. And along with the apology they asked aboriginal people to forgive them and, hopefully, were forgiven for what had happened. In my career in the law, this was a shining moment of satisfaction and professional pride.

For Mario Dion, the Indian Residential Schools Settlement Agreement “is my lifetime achievement in the public service. I’m proud of this. There’s no question about it.” National Chief Phil Fontaine calls the agreement “as good a deal as we were going to get” and notes that

there were so many important people. Survivors who had the courage to speak out. Good, honest fair-minded people in government. The leadership of Jane Stewart and Paul Martin. Justice Iacobucci was outstanding. My team, Kathleen Mahoney and the survivors and lawyers, outstanding. My team was made up of survivors, other than the legal experts we retained. If it hadn’t been, there probably wouldn’t have been a Truth and Reconciliation Commission, because the lawyers—other than ours—had no interest in the TRC. Absolutely no interest in an apology. No interest in a National Research Centre. No interest in an endowment for the Aboriginal Healing Foundation. These were all elements that we insisted had to be incorporated in the Settlement Agreement.

“We were stepping way outside the law here,” recalls Kathleen Mahoney, “Because we knew there was much more required than just money. The law could only take you so far. Canada had to take this on in a much more holistic approach, beyond legal remedies and into a much deeper policy and historical relationship type of thinking.” The AFN’s Chief of Staff, Bob Watts, recalls the instrumental and supporting roles in this broader approach played by Justice Iacobucci, and many prominent public

figures—as well as less often cited folks like the “tremendously ally” Minister of Indian Affairs Andy Scott and public servants like Minister of Justice Irwin Cotler and ADM of Indian Affairs Peter Harrison. As anyone familiar with the history leading up to the Settlement Agreement knew, the bedrock of this work was the many hundreds of courageous survivors—Willie Blackwater and his fellow Port Alberni students come to mind—who for weeks and months and years suffered the humiliations of the early court cases.

With the Settlement Agreement now in place, the Government announced it would no longer be taking ADR applications after March 21, 2007, and that it would proceed with the court-supervised settlement. One of the public servants most closely associated in the media with ADR, Shawn Tupper, was caught somewhat off-guard by this development:

It was very difficult when the conversation all of the sudden turned. I still don't quite understand. I know in the government a little bit of it was “Okay, it's been going on a long time and we need to get to settlement.” There was pressure from the opposition. But I'm not quite sure what happened in the aboriginal leadership, which also moved in that direction. Phil [Fontaine] had been around when we were setting up dispute resolution. He was around when our motto was “Standing Shoulder to Shoulder with Survivors.” We said that almost daily. I don't understand why the leadership felt it was better to all of a sudden kind of abandon those principles and say, “No, we're going to turn it over to the lawyers and let them have a voice and give them the power to resolve those claims. That was what drove me away. My view was the only way you were really going to get a historic resolution was if survivors and people representing the institutions were the faces talking to one another.

Indian Affairs' ADR program, announced years earlier with considerable optimism and promise, was held forth as a safe and sensitive alternative to litigation. As we saw earlier, government set up operations, developed the necessary processes, and established ten pilot programs to begin the hearing of claims. Unfortunately, the initial fanfare was soon overwhelmed by harsh reality. The ADR program quickly amassed what appeared to many, among them the National Chief, an unmanageable backlog of applications. The settlements were not arriving at a rate acceptable to survivors. One estimate had the queue of applications between 30 and 50 years (the court backlog was estimated by government to be 53 years), which meant most and perhaps all the survivors would be dead before their claim was resolved. This embarrassing prospect was precisely what ADR had been intended to prevent. Administration costs also came under attack, critics noting—as had Mario Dion—that three dollars were being spent on the bureaucracy for every dollar of compensation that went to victims. As if this weren't bad enough, the government was appealing the judgments. This was making the process even longer and more expensive, and had the unintended consequence of poisoning what was supposed to be a safe and sensitive alternative to the courts.

All of this necessarily raises the question: How could a program—in this instance dispute resolution—have been developed with such sensitivity, hard work, collaboration, and good intention, only to meet with near-universal contempt and disgrace? In part, as Tupper himself notes, there was a political hunger for a quicker solution. Furthermore, the problems identified by survivors and the media and by the AFN were real problems. Tupper tried to, but could not, prevail against the lawyers in his own department. As he himself admits,

our actions caused a great deal of frustration for our lawyers. We had said in the Statement of Reconciliation that we accept responsibility for what happened in residential schools. The lawyers' perspective was that we could win a lot of these cases. They would say things like, 'Nobody has records, and you're admitting all this stuff that you don't need to. You could win!' We said, 'We don't want to win. We want to do what's right.'

While in principle the government supported the idea of “doing what's right,” the reality was that people like Shawn Tupper had no means to rein in the lawyers. ADR was a process; like any process, once set loose upon the world it would play out the inherent strengths and weaknesses, its human and bureaucratic complexity overwhelming good intentions. Nor could Tupper deploy the sort of resources that would be required to bring about a quick resolution. The Settlement Agreement absorbed the work of dozens of lawyers, including a former supreme court justice, and cost \$5 billion. INAC's little shop of litigation management was rich only in innovation and good will. Despite its many merits, most of which (unfortunately for supporters) were a matter of foundational principles and not well in material evidence among the public-at-large, ADR fell victim to the scale of the problem as well as to the changing political winds.

### **preparing the way for an apology**

On January 7, 1998 the Minister of Indian Affairs, Jane Stewart, delivered a “Statement of Reconciliation” to former students of the Indian residential schools. This apology prefaced the announcement of *Gathering Strength—Canada's Aboriginal Action Plan*, the “cornerstone” of which was a \$350 million commitment to a healing fund. This was the beginning of the Aboriginal Healing Foundation.



The author's copy of the invitation sent out for the June 11, 2008 apology in the House of Commons.

AHF Board Director Garnet Angeconeb remembers that day well. The Jane Stewart apology was for him a “milestone” in his healing. By 1998 he had already been through the courts, having in 1992 approached his abuser (and the abuser of two of his siblings), an Anglican priest named Leonard Hands, to initiate an out-of-court resolution. Hands, who at the time was working in a Kingston church, refused to admit his guilt. But by 1992, others were coming forward with their stories. Protests in front of the church where Hands was employed would soon force his resignation. On January 5, 1996, he was formally sentenced in Kenora District Court, receiving a four-year prison term for nineteen charges of sexual assault.

In many respects Garnet Angeconeb was representative of the thousands of aboriginal children beaten and raped in residential school. For years he told no one, including his wife. Angry, pain-

filled and confused, he drank heavily to dull his feelings. The turning point in his life arrived during a business trip to Ottawa, on October 31, 1990:

That morning, I got up, showered, dressed, and headed downstairs to meet a colleague for breakfast. “Hey, look at this front-page article on the residential school issue,” he said as he sipped his coffee. I had my own copy of the *Globe and Mail* tucked under my arm. There, on the front page, was an article about how the then-Grand Chief of the Assembly of Manitoba Chiefs, Phil Fontaine, had publicly disclosed that he had been physically and sexually abused while attending an Indian Lake residential school. As I read the article, I began to feel an indescribable pain crawling all over my body. Through this haze of pain, I struggled to admit to my colleague that I, too, like many former students, had experienced sexual and physical abuse while at residential school. I was also enraged by the psychological and spiritual scars inflicted on me and the other students. My colleague and I grew almost completely silent. The silence continued as we ate our breakfast. After a while, my colleague quietly asked, “So you were abused in residential school?” Not knowing what exactly to say, I responded, “Yes, I was abused—sexually.” I told him that a man at the school named Hands, who eventually became an Anglican priest, had abused me and many others at Pelican [Indian Residential School] during the 1960s. I felt a wave of rage overtake me. I had a huge lump in my throat as I struggled to hold back the pain I had buried for so many years. Then, as if a floodgate had been thrown open, I cried uncontrollably. It was the first time I had ever told anyone that as a little boy I had been sexually abused at residential school. For the next year I tried to figure out how to deal with that admission. I had to tell my family (I have been married since 1978 and had never spoken of the abuse to my wife). It took a lot of soul-searching—I had so many doubts.

As Angeconeb recalls years later, Hands made a deliberate point of refusing to apologize to him either during the January 5 sentencing or in the years leading up to his death in 2000:

he specifically stated he was not apologizing to me. He wasn't allowed to use my name but said he was specifically excluding "G.A." from his apology. He claimed he had already done so during our meeting in 1992 and that I had refused his apology. It angered me but I realized he was a man going down and that it was his only way of lashing out and trying to regain some control.

No longer among the living, Hands would be the object of posthumous forgiveness. In this way, Angeconeb would begin to let go of the rage and confusion, taking a huge step forward in his personal healing and spiritual growth.

To some, the insistence on forgiving an unrepentant man like Hands might appear strange. One could argue he did not deserve such a gesture. This however misses the point. Throughout the 1990s and the 2000s, survivors of physical, emotional, and sexual abuses in the Indian residential schools wanted the same thing Angeconeb did; they wanted the silence and secrecy to end, and with them the pain, shame, and collective denial. If the courts could not deliver—and usually they couldn't—then something else must. What too many Canadians failed to grasp was that forgiveness was above all else for the survivors. By forgiving, they would take a similar leap forward. That is why the question of apology mattered so very much. An apology from the Prime Minister of Canada, delivered on the floor of the House of Commons, could provide the occasion for many individual turning points and leaps forward. No one understood this better than Garnet Angeconeb, who had long been on the unmapped journey of healing.

The political reality, as it appeared to many in the late 1990s and early 2000s, was that only a massive tide of lawsuits would bring about an apology from the Prime Minister. From a personal, emotional standpoint the intimidating, demoralizing, expensive, and drawn-out process of litigation was the last thing most survivors wanted. There was, for example, the infamous Vancouver case of *W.R.B. v. Plint*, involving 30 former residential school students at Port Alberni and the notorious pedophile Arthur Henry Plint (characterized by BC Supreme Court Justice Douglas Hogarth as a “sexual terrorist”). This case spent over a decade winding through the system, the aging and in some instances infirm victims of Plint’s predations year upon year forced to make a physically and emotionally draining pilgrimage to the city. Anyone who had read even a small sample of the many media reports, not to mention the voluminous court transcripts and judgments, would have been discouraged from following in the footsteps of William Blackwater (the W.R.B. referred to earlier) and his co-litigants. A July 28, 2003, *Time Magazine* cover story, “Schools of Shame,” neatly summarized the ugliness:

The questioning meted out by the government and church lawyers was so brutal that Blackwater didn’t think he could survive it. “It was like being victimized again, only with an audience this time,” he recalls. Blackwater and 20 other complainants opted to get out of the justice system altogether before the trial ended in 2001, choosing out-of-court settlements reportedly ranging from \$180,000 to \$290,000.<sup>65</sup>

Many others who sought justice in the Canadian court system reaped the now-familiar harvest: exhaustion, depression, anxiety, sleeplessness, pain—and bills. Many died, their day in court, better described as a decade, outlasting them. As it was reported by Canada’s media, justice appeared to be delivered in the form



of dollars. But even at the higher end of the settlements, the amounts were far from life altering. As a get-rich-quick scheme, residential school lawsuits did not commend themselves. What the courts provided was a final moral authority. After *W.R.B. v. Plint*, the guilt of the federal government and the United Church, and of course of Plint himself, were settled matters of public record. There was now no way of evading the plain fact that indigenous people had suffered a grave historical wrong and that the church and state were together guilty of a “national crime.” It was the prospect of appropriating this moral authority to the service of other injustices, and not monetary compensation, which brought survivors into the growing number of class action lawsuits. This is not to say that money had nothing to do with it, nor to overlook the fact that in some instances lawyers were actively recruiting survivors.

Here the Regina-based lawyer and one-time politician and naval reserve officer Tony Merchant comes to mind. A controversial and outspoken figure, Merchant was one of the signatories of the 2007 Indian Residential Schools Settlement. An aggressive, ambitious, and disciplined workaholic, he was the consummate capitalist-lawyer. Merchant tirelessly worked at the community level to sign up former students during gatherings and workshops. In the mid-2000s, this smart and perspicacious businessman had the foresight to buy the domain [www.residentialschools.ca](http://www.residentialschools.ca) as well as to place search term specific ads. Anyone using the Internet to search for information related to Indian residential schools would be directed first and foremost to Tony Merchant. As a result of these strategies, when the negotiation of the Indian Residential Schools Settlement began, Merchant represented, by his own estimate, 10,000 former students.

Merchant has had his detractors, and by 2002 his tactics with former residential school students were the subject of disciplinary action by the Law Society of Saskatchewan, which found him “guilty of conduct unbecoming a lawyer.” The Law Society “sanctioned him for using a form of retainer agreement that was considered misleading when read in conjunction with the firm’s letter of solicitation,”<sup>64</sup> and Merchant appealed the conclusions of the hearing, but his appeal was dismissed. In the view of the Law Society and the Court of Appeal for Saskatchewan, Merchant in his haste to sign up litigants “fail[ed] to explain in even a cursory fashion the potential length and complexity of the litigation process, including preparation, possible undergoing of interviews and examinations by experts, discoveries, pre-trial procedures and the trial itself”:

Further, the reader is told that he or she has “nothing to lose” and “will pay nothing” if the firm does not recover on her behalf. This representation is not only capable of misleading the reader, no matter who he or she is, but is indeed misleading when compared with the agreement attached to same. The letter itself is in larger type and for the most part employs common parlance. The agreement attached to the letter, however, is in smaller type, follows the form of a contract and employs what laypersons often refer to as “legalese.” It would not be unexpected that a reader would rely on the representations made in the letter, rather than reading the agreement.<sup>64</sup>

This episode, which may perhaps seem a diversion from the topic of apology, underscores the vulnerability of survivors and indeed of aboriginal peoples as a whole. One could argue that without the efforts of the lawyers, including Tony Merchant, the political will behind the Indian Residential Schools Settlement Agreement would never have materialized. Individually, one hundred thousand Garnet Angeconeb (the government estimated that in

1998 about 85,000 former students were still living) could go only so far. There was an additional dimension as well. Justice Canada saw the lawsuits as mere instances of individual tort, whereas survivors (and the AFN) saw them as part of an effort to redress human rights violations committed against aboriginal peoples. The lawyers who specialized in class actions took the issue to a new level, forcing the government to confront the broader issue of institutional racism. Across the country, survivors were uniting, and within a few years the Cloud Class Action, the Baxter National Class Action, the Dieter Class Action, the Pauchay National Class Action, and the Straightnose Class Action were either certified or on their way to likely certification, moving forward through the system. To these, the Assembly of First Nations on August 4, 2005, added its own class action, representing not only First Nations survivors, but their families and estates. On August 31, 2005, the last entrant, Nunavut Tunngavik Inc., filed a class action on behalf of Inuit.

By the fall of 2005, the Government had already set in motion the process which would yield the 2007 Indian Residential Schools Settlement Agreement. The pivotal year was 2004. The Government of Canada had taken a beating throughout that year over the Alternative Dispute Resolution program. Every day the queue of lawsuits was lengthening, the prospective costs of settlement growing. Churches were facing debilitating legal costs and court judgments, and public opinion polls made it clear that many Canadians wanted the federal government to take leadership and prevent bankruptcies. The taboo enveloping residential schools had given way to the willingness of survivors to tell their personal stories. All of this was materialized before the eyes of the country on the front pages of Canada's newspapers. Government officials were at a loss. When in March 2004 the National Chief of the AFN approached Deputy Minister of Indian

Residential Schools Resolution Canada, Mario Dion, with an offer to find the solution, the Government agreed.

On May 30, 2005, the Government announced that the former supreme court justice Frank Iacobucci had been appointed to represent Canada in its negotiations with legal counsel for former students, the churches, the Assembly of First Nations, and “other interested parties.” By this time, the Assembly of First Nations had completed the background work to the Agreement—the November 18, 2004, “Report on Canada’s Dispute Resolution Plan to Compensate for Abuses in Indian Residential Schools.” Now the hard work of sitting down and working out the precise language of the settlement would begin. In these meetings were federal representative Frank Iacobucci, Assembly of First Nations National Chief Phil Fontaine, AFN human rights lawyer (and Fontaine’s partner) Kathleen Mahoney, and an additional 80 lawyers representing survivors, the General Synod of the Anglican Church of Canada, the Presbyterian Church in Canada, the United Church in Canada, Catholic Entities, the Inuvialuit Regional Corporation, and Makivik Corporation.

Signed at 11:59 p.m. on November 20, 2005, the “Agreement In Principle”—eventually known as the Indian Residential Schools Settlement Agreement—was the largest class action settlement in Canada’s history. Considering its cost (over \$5 billion, including the costs of the negotiations), complexity, and the number of people involved, the agreement was concluded with remarkable speed and good-will. Most of the AFN recommendations from the November 18, 2004, report were enshrined in the final ninety-eight-page document. The provisions of the IRSSA, which received its final, court approval on March 21, 2007, and which took effect on September 19, 2007, were:

- A Common Experience Payment (CEP) for all eligible former students who resided at a recognized Residential School
- Independent Assessment Process (IAP) to provide compensation for claims of serious physical abuse, sexual abuse & other wrongful acts causing serious psychological harm
- Truth and Reconciliation Commission (TRC)
- Commemoration Activities
- Measures to support healing such as Health Canada's Indian Residential Schools Resolution Health Support Program and an endowment [of \$125 million] to the Aboriginal Healing Foundation

Although an apology was not written into the agreement, its importance was understood. In the months following the 2005 Agreement In Principle, there was much speculation concerning whether the government would apologize—and if it did, how. Would there be an apology from the Prime Minister, and on the floor of the House of Commons? Would the wording be softened, pulling back from a full admission of wrong-doing? On the government's side there were questions and debates too. One issue that came up was the presence of former students during the apology. Survivors would of course be invited to Parliament Hill, but would they be invited to sit in the chamber? Many felt that they should, but the rules governing Parliament were clear that only members of the House could be present. It was a matter of hours before the scheduled delivery of Prime Minister Harper's statement when NDP leader Jack Layton and the Prime Minister met to discuss a technical solution. If Parliament convened as a Committee of the Whole, then members of the public could be present in the chamber also. Mr. Harper agreed.

With just over a week to go until the June 11, 2008 apology, the Sault Ste. Marie-based National Residential School Survivors'

Society (or NRSSS, pronounced “nars”) published an open letter to the Prime Minister, putting forward the elements of an apology expected by survivors. These elements included an admission of wrong-doing and acceptance of “total responsibility”; acknowledgment that “the impact on survivors and their families has been physical, emotional, mental and spiritual and has resulted in the destruction of our families and communities”; a sincere public expression of sorrow and recognition of the terrible experiences of survivors and an admission that Canada was aware of the “issues and concerns” and yet allowed the system to continue. NRSSS further advised the Prime Minister to “abandon the policies, rules and activities that continue re-victimizing survivors,” an allusion not only to recent initiatives like ADR but to government policies as a whole. In short, NRSSS was unambiguous in its assertion that survivors wanted, and deserved, nothing less than a full and candid confession, followed by an asking of forgiveness and an offer of restitution—defined by the National Residential School Survivors’ Society as “a putting back of what was taken away”:

Canada needs to recognize that the Settlement Agreement does not compensate the pain and suffering, but it is only a small token to acknowledge this travesty. Canada needs to acknowledge that it may take a number of generations for First Nation, Métis and Inuit families to recover and Canada will NOT ‘... wash their hands’ of what they did. The commitment is to do all they can to make things right.<sup>65</sup>

“Anything less,” the letter concluded, “is not in our view a sincere apology, and will not be accepted by most of the survivors, their families and their communities. Anything less will not be an expression of reconciliation.”

In this letter Ted Quewezance, the executive director of NRSSS, expressed many of the thoughts survivors had over the years. They knew what had happened. Across the country there were many thousands like Garnet Angeconeb who wanted Canadians to know also. Some had been working already for decades toward this goal. The objectives were to expose the truth, characterize it in its proper terms, and seek meaningful and effective restitutions. Survivors, through the agency of NRSSS and elsewhere, were demanding nothing less than a full apology and a government commitment to abandon the policies of forcible assimilation.

On Wednesday June 11, 2008, at 3:00 p.m., the Prime Minister of Canada rose before the country and apologized for the treatment of children in Indian residential schools, “a sad chapter in our history”:

For more than a century, Indian Residential Schools separated over 150,000 Aboriginal children from their families and communities. In the 1870s, the federal government, partly in order to meet its obligation to educate Aboriginal children, began to play a role in the development and administration of these schools. Two primary objectives of the Residential Schools system were to remove and isolate children from the influence of their homes, families, traditions and cultures, and to assimilate them into the dominant culture. These objectives were based on the assumption Aboriginal cultures and spiritual beliefs were inferior and unequal. Indeed, some sought, as it was infamously said, “to kill the Indian in the child”. Today, we recognize that this policy of assimilation was wrong, has caused great harm, and has no place in our country.

Charlene Belleau reflects the feelings of many when she says “the apology itself was a major event in my life personally.” Herself a survivor, Belleau’s healing began in September 1979. Over her

extraordinary life and career of over 30 years she would be a Chief of the Esketemc First Nation (or Alkali Lake—the infamous community whose journey from near-universal alcoholism to sobriety became the subject of a documentary) and would play an important role in the healing movement with the Cariboo Tribal Council, the BC Provincial Indian Residential School Project and the Assembly of First Nations. She speaks from lived experience when she says

healing and reconciliation must be a personal journey that transcends family and community and eventually plays a key role in my responsibilities as a Chief as well as other key management positions. I knew that if I were to succeed as a Chief, to contribute to healthier and safer communities, I must model a sober lifestyle. And more important, deal with the root causes of alcoholism—for example the Indian Residential School System—to enjoy quality sobriety.

On June 11, 2008, Belleau felt a need to be as close to other survivors as possible. For her, the best way to do this was to be in the nation's kitchens and living rooms. With the CBC's Kathleen Petty, Belleau co-hosted live coverage of that day's events as they unfolded in the House of Commons. "I personally was pleased with the depth of the apology," she says. "As I listened, I remembered my grandparents and parents, as well as my sister and brother who had passed into the Spirit World. They had all been impacted by the Indian residential schools. Knowing the pain and sexual abuse some of them suffered, this day would have been important for them. I cried on the radio describing the residential school impacts, and what the apology meant for me."



**faith and apology: St Andrew's United Church of Port Alberni**

One of the less-considered aspects of the Indian Residential School System's historical legacy is the gradual evolution of the public response in what may be termed the faith communities—the many nation-wide congregations of the Anglican, Presbyterian, United and Catholic Churches of Canada. A 2007 study by Julianne Kasmer, *The Quest for Hope and Healing*, looks at this evolution from her point of view as a member of the St Andrew's United Church in Port Alberni, British Columbia.<sup>66</sup>

It is fitting that one begin here. Port Alberni was the home of an especially brutal offender, Arthur Henry Plint, as well as the focus of a wrenching and egregious court case. A battle of attrition, the litigation around Plint's offences represented a degree of pain and trauma beyond what many of the victims discovered they could bear. The court transcripts (of hearings which took place in Nanaimo and Vancouver between August 17, 1998, and December 20, 2000) provide abundant examples of the depravity at the heart of the lawsuit. The case itself, known as "*W.R.B. v. Plint*," delved into many humiliating unpleasanties, and a high-profile 1998 appeal of the judgment, in which the United Church of Canada initiated a fight with Canada over the assignment of responsibility, strained even the relationship of church leaders and local congregations. To learn just how unpleasant these court cases could get, one could do no better than to review the testimony of former Alberni Indian Residential School (AIRS) student ("inmate" would be a more fitting term), Frederick Leroy Barney, who arrived at the school aged six:

The sexual assaults by Plint began in Mr. Barney's second year at AIRS and continued through the rest of his time at the school. The assaults included multiple incidents of being forced to fellate

Plint and being anally raped by him. The sexual assaults were accompanied by violence. Plint would hold his hand over Mr. Barney's mouth to keep him from calling out for help, punch him in the stomach and hit him on the head around the ears. Plint also threatened to kill him. Mr. Barney believed these threats and was understandably terrified. After the sexual assaults started there was no place at AIRS he ever felt safe. He lived in constant terror of seeing the omnipresent Plint.<sup>67</sup>

Barney's testimony goes on for several pages, detailing his gut-wrenching life story of violence, addiction and multiple attempts at suicide. In a letter to the Moderator of the United Church of Canada (roughly equivalent to a chair of board), a member of the church wrote in August 1998 that "I attended the trial in Nanaimo on four different occasions... At the end of the day, we came across as 'weasels,' squirming to get off the hook and trying to 'pass the buck' onto the Federal Government." Rather understating the matter, he further noted that "it was not an edifying experience."<sup>68</sup>

The letter's author, David Hooper, belonged to the congregation of St Andrew's United Church, in Port Alberni. As the United Church's appeal of the 1995 Plint conviction was taking place, members of this small church were preparing an apology to the local aboriginal population. While the story of St Andrew's United Church was distinct, it does resemble in many respects the pathways of other churches. All were slow and reluctant in arriving at the conclusion that apology and restitution were necessary. Even within this movement was the arc of a sub-movement, in which apology was at first seen as a necessary but nonetheless unpleasant inevitability—something one could not avoid—and later as an opportunity to fulfill the principles at the core of Christian faith. In the beginning, the churches deployed

lawyers on the front lines of their battle against aboriginal people, hoping to make the allegations go away. This decision drew the churches' leaders into an adversarial relationship with indigenous peoples, the Government of Canada, the Canadian public, and to a measure with their own community of co-religionists. Not only did the effort fail to resolve matters, but on top of the eventual legal damages were piled bitterness, acrimony and the shame of knowing that victims were committing suicide as a result of their renewed pain and despair. All of this in the service of faith communities at whose core were supposed to be repentance, grace, forgiveness, and redemption. A bit much, that, for some to swallow. Throughout the 1990s and 2000s within the nation's churches, a debate was taking place over what was being done as well as what wasn't, but in the minds of some should be.

In fact, a core group of the St Andrew's congregation came around comparatively quickly to the conclusion that an apology must be made. The 1995 Plint conviction initiated interest in learning more about the residential school history, of which most church members knew little. Between January 1996 and May 6, 1997 (when the church hosted a feast in the former residential school's gymnasium), St Andrew's United Church made the journey from study group to community feast. Julianne Kasmer's 2007 retrospective (completed around the time the Settlement Agreement was approved) rehearses this narrative and the diverse range of emotions, attitudes and conflicts it engendered:

Neither Reverend Hogman nor the congregation were under any illusion as to the genuine conflicts the apology presented. There was, however, a growing conviction that the presentation of the formal apology was the only recourse for the congregation, and indeed, for the United Church of Canada for the sake of its theological integrity. "There can be no forgiveness ... where perpetrators,

whether individuals or collective, lack the courage to disarm themselves in front of the victims. This is a painful and demanding act.” As the length and depth of the process and the care with which preparations for the St. Andrew’s apology make clear, there continued to be both personal and corporate struggle with the idea and the reality of the painful and demanding act of an apology for residential schools.<sup>69</sup>

The objections to apology were in principle and in practice multiple. Some survivors of abuse could not and would not accept the St Andrew’s apology in the absence of similar acts from the United Church of Canada leadership and the Government of Canada. The United Church’s General Council objected to the Port Alberni apology in part because they believed it would undermine their appeal of the Plint trial and consequently their efforts to hold Canada accountable not only for its financial but also moral share in the residential schools. (The appeal concerned the legal concept of “vicarious liability,” with the lawyers representing the Church and Canada both arguing “that the other was solely vicariously liable for the assaults committed by Plint.”) Then there were the congregation members such as Claire Hunston who supported the apology but who, as dedicated and self-sacrificing former employees of AIRS, struggled with the “implication of guilt for their participation in a now reviled system.”<sup>70</sup> These and more added staggering moral and emotional nuance to the human business of apology, healing, and reconciliation—not only in Port Alberni, but everywhere upon which the Indian Residential School System had been visited. In many ways these nuances continue to inform the legacy of Indian residential schools, and doubtless will continue to do so in the years and decades ahead.

### **the Catholic Entities**

The Government of Canada today recognizes 139 institutions as belonging to the Indian Residential School System. Geographically these schools were distributed as follows: 25 in Alberta, eighteen in British Columbia, fourteen in Manitoba, fourteen in the Northwest Territories, one in Nova Scotia, thirteen in Nunavut, eighteen in Ontario, twelve in Quebec, eighteen in Saskatchewan and six in the Yukon.<sup>71</sup>

In 1932, 80 Indian residential schools were operating across Canada—the highest number of any year. While enrolment in the system would continue to rise, the total number of schools declined from this point forward. The annual report of Indian Affairs provides a breakdown of the residential school system by denomination:

Roman Catholic	44 residential schools
Church of England	21 residential schools
United Church	13 residential schools
Presbyterian	2 residential schools
<b>Total</b>	<b>80 residential schools</b>

Various Roman Catholic orders operated the majority of Indian residential schools. In 1917, 40 of 76 schools (53%) were under Catholic management, and one-half a century later, in 1966, the percentage had risen to 63 percent—or 42 of 66 schools.

The decentralized and diversified character of the Catholic presence in Canada would become a complicating factor in the era of lawsuits. In stark contrast to, for example, the United Church of Canada, there is no entity within Canadian legal jurisdiction representing the collective Catholic organizations—no “Roman Catholic Church of Canada.” (The United Church of Canada was established by federal legislation—the United Church of Canada Act—on June 10, 1925.) In some cases, the Catholic orders which had operated the schools were no longer active in Canada at the time of the lawsuits. Some orders were no longer active anywhere. Throughout the early years of disclosures and criminal proceedings, the Vatican maintained a quiet distance.

Given that Catholic entities (such as the Jesuits, the Oblates of Mary Immaculate, the Grey Nuns, the Sisters of Providence, the Daughters of Jesus and so forth) operated a majority of Canada’s Indian residential schools, the issue of bringing Catholic organizations to account would become an important concern of the Indian Residential Schools Settlement Agreement. Well before the historic 2007 settlement, however, the issue of a Catholic Church apology and restitution for residential school abuses was a focus of Catholic statements:

The Catholic community in Canada has a decentralized structure. Each Diocesan Bishop is autonomous in his diocese and, although relating to the Canadian Conference of Catholic Bishops, is not responsible to it.

Approximately 16 out of 70 Catholic dioceses in Canada were associated with the former Indian Residential Schools, in addition to about three dozen religious communities. Each diocese and religious community is legally responsible for its own actions. The Catholic Church as a whole was not associated with the Residential Schools, nor was the Canadian Conference of Catholic Bishops.

These are the reasons why an apology on Residential Schools has not been made by the Canadian Conference of Catholic Bishops or in the name of the Catholic Church in Canada.<sup>72</sup>

Here the Canadian Conference of Catholic Bishops underscored the independence of individual orders, communities, and even of bishops. It happens that this line of argument appeared specious to many detractors, who noted the hierarchical and authoritarian character of the church. The students themselves had seen up close the priests' and nuns' unwavering emphasis on obedience to authority, unquestioning submission to the rules, and respect for one's superiors—all the way up to God and his vicegerent on Earth, the Pontiff. In what appeared to some a case of sudden convenience, Catholic spokespersons took to explicating their anarchic, hands-off disposition.

There was however substance to this line of argument sufficient to preclude legal action against the Catholic leadership. Despite having for centuries run the bulk of Indian schools, and despite the claims made against a number of their senior officials, the Catholic organizations largely evaded prosecution. So rarely did these cases come to trial that they were notorious when they did. Thus, when in 1991 the Catholic Bishop of Prince George, Hubert O'Connor, was charged with six sex-related indictments, it was a news story of enormous proportion.

Bishop O'Connor, the most senior Catholic official to be charged, had been principal of St. Joseph's Mission Residential School, at Williams Lake, British Columbia. By the time of O'Connor's infamous court case, The Mission (as it was commonly known) had been the focus of several high-profile investigations going back to the early years of the century. The death in 1902 of eight year-old Duncan Sticks, as well as the suicide in 1920 of Augustine Allan, brought wide attention and scrutiny to the school. In her

book *Victims of Benevolence: The Dark Legacy of the Williams Lake Indian Residential School*, Elizabeth Furniss rehearses the details of these cases and observes that “the Mission school continued to be plagued with problems, ranging from an incompetent staff and old and deficient buildings to an inadequate budget”:

Both the Oblates and the Department were able to maintain the appearance of acting in the Natives’ best interests while pursuing their own agendas of maintaining the residential school system, maintaining public credibility, maintaining their own policies of fiscal restraint, and ultimately, maintaining the assimilation program. Unfortunately, the interests of the students were sacrificed to these goals.<sup>73</sup>

In some respects the government–church relationship throughout the residential school era was obtained in the era of disclosures and lawsuits. In both instances lawyers for the federal government and churches argued over the issue of responsibility and focused on their fiscal and public relations challenges. Often at odds, the churches and government eventually arrived at a consensus that working together would best contain the mounting threat of lawsuits. In the case of the 54 Catholic dioceses and religious congregations involved in the lawsuits, this consensus led to the creation in 2006 of the laboriously named “Corporation of Catholic Entities Party to the Indian Residential Schools Settlement” (CCEPIRSS). Then as now, there were those within the church and government who merely wanted to do the right thing. And as always there were those who defended the system and their interests in it, and who therefore battled the notion that a crime had been perpetrated.

For his own part, Bishop O’Connor dismissed the allegations against him, claimed his sexual activities while principal of



the school were consensual, and tried to prevent the case from advancing. Over the seven years this wound through the legal system, O'Connor's lawyer successfully reduced the charges from six to one. The Supreme Court of Canada's hearing of this remaining charge, an allegation of the rape of a school secretary, was ordered on March 24, 1998, by the British Columbia Court of Appeal. Members of the community affected by these abuses, exhausted and retraumatized by years of litigation, decided upon an alternative course.

On Monday, June 15, 1998, Hubert O'Connor attended a seven-hour healing circle in Alkali Lake, where he apologized for his "unacceptable behaviour" (as he put it). The remaining rape charge, brought forth by at-the-time Mission secretary Marilyn Belleau (a sister in-law of former Esketemc Chief Charlene Belleau) was dropped. According to a *Vancouver Sun* report of the day, Marilyn Belleau had enough of "being victimized by the courts" and chose to participate in the healing circle to empower herself and to confront O'Connor "with the hurts and pains he has caused me. I have had to live with this pain for over 30 years."

Hubert O'Connor, by this time a seventy year-old man of poor health, had spent six months in prison. This meant that he would be eligible for parole before the hearing of his appeal of a two and a-half year sentence for rape. He was therefore released. He died in Toronto on July 28, 2007.

In the years during and after O'Connor's trials, representatives of the Catholic Entities undertook a delicate campaign of containing the toxic reputations of the bad apples, lest their deeds taint the good works of the faithful. Mindful of this very likely outcome, O'Connor's apology at the Alkali Lake healing circle

had endeavoured to preserve what in his view was the school's positive legacy:

But it was not all bad. Please remember the good things as well: the pipe band, the academic education, the good work of many of the priests and nuns. Do not condemn them because of the conduct of myself and others.

In this case, the “others” referred specifically to Mission employees Father Harold McIntee, who in 1989 had pleaded guilty to the sexual abuse of thirteen boys, and Brother Glenn Doughty, who in 1991 was likewise convicted. O'Connor was the most prominent abuser, but he was not alone. And it happened that the charges against him arrived just at the moment the Cariboo Tribal Council, within whose territory the Mission was situated, released a comprehensive, in-depth and ground-breaking study of the residential school and its destructive legacy. Plainly entitled *Impact of the Residential School*, this work was a candid and unflinching look at the system from the point of view of its inhabitants. From this moment on, it would be the voices of the children rather than the authorities which would predominate.

The terms of the Settlement Agreement reached with the 54 Catholic dioceses and religious congregations are specified in Schedule “O-3” of the Indian Residential Schools Settlement Agreement. Schedule C of O-3, “Conditions under which payments are made from the Corporation to the Aboriginal Healing Foundation (“AHF”),” indicates that

The Corporation [of Catholic Entities] shall pay monies deposited with it under Sections 3.3 as follows:

1. The Corporation shall receive applications for funding of healing and reconciliation programs.
2. Where the application is one that the Corporation supports, it shall forward the application to the AHF for its consideration.
3. Where the AHF approves the application in accordance with its ordinary criteria, the Corporation shall pay to the AHF the amount of funding approved for the program.
4. Subject to article 5 of this Schedule, where an application is not accepted by the AHF, the Corporation may fund the program if it satisfies the criteria set out in Schedule B.
5. At least 80% of monies paid under Section 3.3 of this Agreement shall be transferred to the AHF in accordance with this Schedule.
6. Where at the end of the 5 year period set out in Section 3.3.2, the Corporation has not spent all the monies paid under 3.3 of this Agreement in accordance with articles 1 through 5 of this Schedule, the balance shall be paid to the AHF to be spent in accordance with its ordinary criteria, unless otherwise agreed in writing by the Government and the Corporation.

The complex arrangement envisioned by this agreement involved three streams of “segregated funds, accounts and records.” The Corporation set up by the Catholic Entities would receive the entities’ cash contributions, “the total of such individual commitments [being] \$29,000,000, less the aggregate amount paid by one or more of the Catholic Entities or Other Catholic Entity for IRS Abuse Claim Compensation as of the date this Agreement comes into force” (the quotation is from Section 3.3, referred to above). That is the first stream. Schedule O-3 also commits the Catholic Entities to \$25 million of “In-Kind Services” (the second stream) and to a seven-year \$25 million Canada-wide fund raising campaign (the third stream), the proceeds of which would be overseen by a “Catholic Healing, Reconciliation Service

Evaluation Committee.” Composed of three Catholic Entity-appointed members, three Assembly of First Nations-appointed Members, and one member appointed by Indian Residential Schools Resolution Canada, this committee would evaluate funding proposals and disburse the proceeds from the Canada-wide fundraising campaign. In total, then, the Catholic Entities agreed to a \$79 million settlement composed of cash and in-kind contributions, less claims paid out to date.

Even before the Settlement Agreement had been concluded, lawyers for the Catholic Entities had approached the AHF Executive Director, Mike DeGagné, to propose flowing Catholic funds for healing and reconciliation programs through the Foundation. In early 2006, DeGagné received a phone call asking for a meeting that same night with fifteen church representatives who were briefly in town on business. He agreed, and at this meeting they discussed the arrangements that might govern such a partnership. The Foundation’s Executive Director pointed out that funding decisions were made by the AHF board and that the Catholic Entities could not reasonably expect a rubber stamp of approval for projects they might wish to support. Decisions would have to follow the existing process. The lawyers’ response was to propose appointing their representative to the Aboriginal Healing Foundation’s board of directors. After it was pointed out to them that this would make no material difference to the outcome, the lawyers agreed instead to the idea of a sub-committee whose purpose would be to recommend proposals to the board for consideration.

At a second meeting, again in the Foundation’s boardroom and this time with the AHF President also in attendance, Georges Erasmus floated the notion of a committee structured along the lines of the Vancouver Foundation. In this model, individual

members of the board would chair respective committees tasked with a specific area of funding interest. The committees would be composed of community members with expertise or interest in whatever the project relates to—youth, women, ex-convicts, and so forth. According to Erasmus, “I presented this example of the Vancouver Foundation and thought we were beginning a discussion. It ended on a high. We left it so they would talk amongst themselves, and if it was going to get serious then we would go to our board. But that never happened.”

Months later it was brought to DeGagné’s attention—by the United Church of Canada Special Advisor on Residential Schools (and former Secretary of State in the Joe Clark government) David MacDonald—that these preliminary discussions with the Catholic lawyers had been taken to the federal government as the basic terms of the Catholic Entities’ participation in the Settlement Agreement. To his astonishment, DeGagné read draft 23 of this agreement, given to him by MacDonald. Having had no role in the negotiations—indeed, not even having been aware that such negotiations were taking place—DeGagné was amazed to see that the Foundation and the Catholic Entities had been put into a formal relationship by the Indian Residential Schools Settlement Agreement:

At the Foundation we had no idea how far along the Indian Residential Schools Settlement Agreement was. The draft was being treated as confidential, but folks from the United Church with whom we’d long had good relations must have assumed we had been briefed. The fact was, I found out quite late in the game that the Catholic Entities were negotiating with the feds to route their settlement money through the AHF. Of course, we had had some discussions with their lawyers, but we had never received a formal sign from them to go to our board for approval of a definite

plan. In our last meeting, Georges [Erasmus] had told the Catholic representatives that we were open to a further discussion about a plan. I guess they took that to be a green light to proceed with the government.

In these meetings with the Catholic Entities' lawyers, problems began almost immediately to manifest. In one discussion with AHF staff, a legal adviser to the Corporation of Catholic Entities expressed the CCE's preference for a call for proposals. The Corporation of Catholic Entities had no appetite for the arduous business of proposal administration and evaluation, and yet their representatives were keen to issue a high-profile campaign, despite the fact (as it was pointed out by AHF staff) that the amounts contemplated would support no more than a few projects. The Aboriginal Healing Foundation in contrast urged a targeted call, in which underserved or hitherto unreached regions might have an opportunity to apply for funds. The Catholic representatives were unimpressed by this approach. The wheels had come off the cart.

Months passed. The initial discussions had failed to advance the terms and conditions of the Indian Residential Schools Settlement Agreement. The Corporation of Catholic Entities withdrew from the AHF and instead they approached the aboriginal national organizations. In the National Chief of the Assembly of First Nations, Phil Fontaine, they found a willing partner. The challenge now, for the CCE, was somehow to withdraw from the terms of the Settlement Agreement which committed them to apportioning funds to the Aboriginal Healing Foundation. The hopes of the lawyers now reposed in the National Chief, who had shown himself to be an able politician and negotiator. The problem here was that Fontaine's term was arriving at its end. Soon he would be replaced by a new Chief. The lawyers for the

Catholic Entities hoped that the new National Chief would be as accommodating as the current, but unfortunately for them Shawn Atleo refused to continue the discussions. Now, two years after the approval of IRSSA, not only had none of the funds agreed to by the Catholic Entities yet to materialize, the Catholics didn't even have a mechanism for fulfilling their obligations. Worse yet for them, the President of the Aboriginal Healing Foundation, Georges Erasmus, had written to the Minister of Indian Affairs, itemizing the many efforts the Foundation had made—including meetings, phone calls and correspondence—to bring the Corporation of Catholic Entities into compliance with their obligations, but to no avail. He informed the Minister that, given the intransigence of the CCE's representatives, likely nothing short of a government or court enforcement mechanism would re-animate the discussions. A copy of the letter was sent to the Corporation of Catholic Entities. Soon after, the Aboriginal Healing Foundation received its first payment of \$3 million from the Catholic Entities.

The reality of the terms under which the Catholic Entities had entered the Settlement Agreement is that they were near unenforceable. With the exception of the Canada-wide fundraising campaign (which four years into its seven-year mandate was reporting a *loss* of over \$1 million), no timeframe was provided, nor was a schedule of payments specified. There were no explicit consequences for non-compliance. Although the AHF was the recipient, it had no powers or authority in matters related to collecting funds. There were merely vague, unspecified commitments. The fluid character of the agreement became more clear over the years as the CCE applied a wide range of expenses against their outstanding amounts. Such was their prerogative under Part III “Healing and Reconciliation and Financial Commitments,” which stated:

Each Catholic Entity and the Episcopal Corporation of Saskatoon agrees to pay or transfer to the Corporation for use in accordance with this Agreement the amount of money specified in a confidential list provided to the Deputy Minister, IRSRC. The list shall include amounts and a payment schedule for each Entity (“the Payment List”). The total of such individual commitments shall be \$29,000,000, less the aggregate amount paid by one or more of the Catholic Entities or Other Catholic Entity for IRS Abuse Claim Compensation as of the date this Agreement comes into force (the “Net Amount”).

Despite being mentioned in the Settlement Agreement, the Foundation as late as 2011 had no idea what constituted the “confidential list”—whether the amounts or the payment schedule. In the Summer of 2011 the lawyers for the Corporation submitted receipts to the Minister of Indian Affairs, including the receipts for the Catholics’ legal costs, in an effort to reduce the \$29 million as much as possible. The CCE lawyers were nothing if not bold.

As payments began to arrive from the Corporation in 2010, the Aboriginal Healing Foundation committed these funds to its nation-wide network of regional healing centres. By the middle of 2011, roughly four years after the Settlement Agreement, the Catholic Entities had contributed three payments of \$3 million each—or \$9 million—against their \$29 million settlement. Throughout this time, there was a great deal of uncertainty concerning the amounts and timing of future payments, rendering the business of budgeting a challenge. At least in part, the irregularity of contributions to the AHF may have been a reflection of the Corporation’s efforts, led by their lawyers, to improve upon the Settlement Agreement. At one point they had attempted to strike a better bargain with National Chief



Fontaine; now they appeared to be trying to whittle away their commitments by applying the “Net Amount” clause of Part III. The Foundation therefore assumed, for the purposes of long-term planning, that \$6 million would be taken off the \$29 million, leaving \$23 million. Upon this assumption, the AHF’s budgets were constructed.

To appreciate the uncertainty that the Corporation of Catholic Entities posed, one must realize that the Government of Canada was no longer providing funds to the Aboriginal Healing Foundation, and therefore beyond 2012 the business of the AHF would be sustained exclusively by the funds received from the Catholic Entities. The healing centres too would be at the mercy of an agency—the CCE—which had proved itself over and over again to be at best unreliable. The CCE lawyers were creating headaches for the Aboriginal Healing Foundation, as well as uncertainty. In early 2014, the Government of Canada intervened, taking the Corporation of Catholic Entities to court.<sup>74</sup>

### **the implementation of the Settlement Agreement begins**

In February of 2007, the Aboriginal Healing Foundation hosted two Parliamentary Breakfasts. The Parliamentary Breakfast is a commonplace event on the Hill, an occasion for hosting organizations to have an intimate audience with Senators and Members of Parliament. Food is provided and a presentation is made. The hosts share a breakfast table (there is a restaurant in Centre Block) with the MPs and Senators, and in this informal setting one’s issues and concerns may be discussed.

The presentation delivered by Georges Erasmus was called “Healing the legacy of Indian Residential Schools: the road ahead.” This presentation noted that

the residential school system is not alone responsible for the current conditions of Aboriginal lives, but it did play a role. Some other sources of historic trauma are the Indian Act, forced relocations of Aboriginal communities, and the Child Welfare System. Following the demise of the Indian residential school, the systemic policy known as “aggressive civilization” has continued on in these other forms.

The Indian Residential School System had been a matter of newspaper headlines since the early 2000s. Few outside of an informal but growing inner circle—composed of front-line workers, survivors’ groups, lawyers, church and government officials and a few journalists—understood that residential school survivors represented only the first in a series of grassroots campaigns that would arrive in the years ahead. (Our final chapter will adumbrate this prospect.) The Indian day schools, which in number far exceeded the residential schools, had been left out of the 2007 Indian Residential Schools Settlement Agreement. Nonetheless, former day school students insisted that their experiences were in many respects, perhaps most, comparable to the experiences of children in the residential schools. Then there were the aboriginal children placed by child welfare agencies into the homes of non-aboriginal families. In many ways an extension and successor of Canada’s Indian Residential School System, the “Sixties Scoop” (as these adoptions came collectively to be known) separated many thousands of children from their birth families, homes, cultures and identities. In some cases, children suffered abuse and neglect in a system designed to further the government’s policy of assimilation. Now adults, the children

of the Sixties Scoop were committed to educating Canadians about this history and its impacts. One of the foremost advocates pursuing this effort was Cindy Blackstock, Executive Director of the First Nations Child and Family Caring Society of Canada, who for years had been studying and criticizing the Government's child welfare policies as they pertained to aboriginal people. Thanks not only to her work but the efforts of many others as well, the Settlement Agreement was certain to be only the beginning of a push for historical redress.

The Government also must have known, just as they had known the residential schools would become a major political issue back in the 1990s. One need only follow the teams of government lawyers. Canada had quietly apportioned them to an Indian Residential Schools Unit to prepare. Once the Settlement Agreement had been implemented, Indian Residential Schools Resolution Canada (IRSRC) was dismantled. Canada then set up an "Aboriginal Children's Issues Legal Services Unit" under Justice Canada's Aboriginal Affairs Resolution Branch, and presumably the lawyers started working on the next big issue: adoption and child welfare.

No one in the February 2007 Parliamentary Breakfast audience, nor for that matter in the many other audiences where this point was underscored, visibly reacted to the assertion that "following the demise of the Indian residential school, the systemic policy known as 'aggressive civilization' has continued on in these other forms." Both the denotation and the connotation of this sentence seemed clear enough to its Foundation author: despite the closure of the residential schools, the government hadn't changed course. It was business as usual in Aboriginal Country. Did the politicians "get it"?—and if they did, what did they think about "the systemic policy known as aggressive civilization"? It was curious that no

one in government ever protested this *j'accuse*. The presentation went very well, and the parliamentarians and Senators in general expressed their support of the Foundation's mandate and work. A few spoke forcefully, most notably Senator Roméo Dallaire, to his colleagues about the importance of addressing historic trauma. Less than two months later, in April 2007, Dallaire and the Standing Senate Committee on Human Rights would release the report *Children: the Silenced Citizens* generously citing Blackstock's May 29, 2006, testimony. Famous as the man who tried, unsuccessfully, to prevent the Rwandan Hutu genocide against the Tutsis (and Hutu resisters), Senator Dallaire knew about trauma—especially when it stemmed from the disgusting business of turning children into efficient killing machines.

There was an immediate purpose to the meeting, set forth in a section of the presentation entitled "Emerging Considerations." The government would soon be issuing the first of the Common Experience Payments, the centerpiece of the Settlement Agreement. Past experience with such lump-sum cash settlements, a well-known example being the Gordon First Nation in Saskatchewan, suggested that some survivors would be put into a state of emotional crisis. The AHF anticipated that these initial CEP payments would coincide with the scheduled closure of AHF-funded projects, on March 31, 2007, thus creating a gap in support for survivors just at the time they would most need it. As it over and over again seemed to happen, the timing could not have been worse. The government had committed \$125 million to the Foundation in the Settlement Agreement, but the funds were not expected to be in the AHF bank account until late summer or fall. To address this "gap," the AHF had approached Health Canada, the National Native and Drug Abuse Program, the First Nations and Inuit Health Branch, Inuit Tapiriit Kanatami, and

the Assembly of First Nations to prepare. The chief purpose of the Parliamentary Breakfast was to warn of the mental health crisis that could attend this historic settlement, and to obtain from government bridge funds for the months between March and September.

The Gordon Indian Residential School and its former residence administrator William Starr had been the object of more than two hundred lawsuits in the 1990s. On December 28, 1998, an article by journalist Janice Tibbetts which focused on the aftermath of the settlements (“Victims blow compensation money: Future no brighter for most who collected settlements”) was printed in the *Owen Sound Sun Times*. According to the article,

the day Robert Pratt got his compensation cheque for being raped at an Indian residential school, he stuffed about \$20,000 in his pants pocket and went on the biggest drinking binge of his life. More than 200 men who attended the school have collected out-of-court settlements from the federal government ranging from about \$20,000 to \$200,000 for the sexual abuse they suffered as small children at the hands of a dorm supervisor. Another 200 Gordon lawsuits are yet to be settled. The Gordon reserve hugs a winding, pot-holed road running about 20 kilometers through a desolate section of rural Saskatchewan. There are no stores, no businesses, and few jobs. The nearest community is Punnichy, which doesn't have much more than a bar, a general store or two and a bingo hall. Stories abound on the reserve of 1,200 about how people squandered their money. While just about everybody bought a vehicle, there was one man who bought seven, one for every day of the week. And there's the group that traveled 100 kilometers south to Regina the day they collected their money, rented the top floor of a swanky hotel and partied the night away. All of this has left federal officials wondering how to deal with the 2,000 people—and counting—

across the country who have filed lawsuits against the Indian Affairs department.<sup>75</sup>

These and many other cases were examined in the Aboriginal Healing Foundation's 2007 prosaically titled research study, *Lump Sum Compensation Payments Research Project: The Circle Rechecks Itself*, authored by Madeleine Dion Stout and Rick Harp (whose name will be familiar to viewers of APTN). Based upon a key informant survey ("on-site visits and interviews with Survivors, including recipients and non recipients of previous residential school-related lump sum payments, as well as with other community stakeholders") and a literature review (which, ironically, concluded that "very little research attention has been devoted to the impact and use of lump sum payments by individual recipients"<sup>76</sup>), the study described a wide range of outcomes. One would of course expect as much in a topic with such inherent complexity. It would be impossible to summarize adequately *The Circle Rechecks Itself* in this context. However a few observations were culled for the purpose of speaking points.

The first was that the pursuit of residential school compensation, whether through the courts or the government's Alternative Dispute Resolution, was emotionally difficult for all: "Next to no one in this group of former students and others had anything positive to say about any aspect of the residential school compensation claim process itself."<sup>77</sup> Second, "most" survivors had put their settlement to positive uses. Third, it was no one's business how recipients spent their money; the purpose of the study was not to invigilate, but to anticipate the potential negative consequences of an unprecedented influx of money into historically impoverished aboriginal communities. This, for instance:

My husband's nephew got \$70,000. Before he got the money, he was more grounded. He used to make his own regalia. He loved dancing. He's no longer near powwows today. As soon as he got his money he was gone. His parents were alcoholics. My mother-in-law picked him out of an abusive lifestyle, which he reverted back to once he got his money. [Someone] saw him buy a bottle of hair spray lately, but not for beauty.<sup>78</sup>

Was this to be the typical outcome of the Common Experience Payment? Probably not, but to ignore it for that reason seemed to the AHF irresponsible. The many, many survivors who would receive their settlement as a form of validation, and who would help their families and renovate their houses and pay off debt, were fine. Others were of a more vulnerable character, unprepared for the stirring of painful memories that comes with court cases and dispute resolution and cash settlements. Those who had been through it were telling those who hadn't that "you have no idea what you're in for." The study quoted one recipient who observed, darkly, "If you don't start healing, the money will kill you."<sup>79</sup> That alone seemed a sufficient reason to sound the alarm.

Among the others sounding alarms was the National Residential School Survivors' Society, who two months after the September 19 implementation date issued a 28 page document entitled "A Preliminary Report Regarding the Implementation of the Indian Residential Schools Settlement Agreement (IRSSA)," authored by Ed Sadowski.<sup>80</sup> In general unimpressed by the government's performance, the organization cited "460 issues and concerns" with the Settlement Agreement and its implementation expressed by survivors at two information sessions hosted jointly between NRSSS and Indian Residential Schools Resolution Canada. These concerns ranged from a "deficiency of Survivor participation in all aspects of the Settlement Agreement" (the blame for which

NRSSS assigned to “political interference” of the Assembly of First Nations) to sporadic and misleading communication and a vague and contradictory representation of survivors’ rights under the terms of the settlement.

One particularly maddening issue was the widespread inability of survivors to meet the government’s demands for school records proving residency. Now in many cases well-advanced in age, applicants for the Common Experience Payment were being asked to provide records pertaining to their childhood—records they had never seen and which, in many cases, had been lost to fires, floods, and misplacement by the government and churches who ran the schools. NRSSS furthermore cited evidence indicating Canada’s deliberate destruction of Indian residential school documents “over a 20-year period between the mid 1930s to sometime in the mid to late 1950s.”<sup>81</sup> Whether by accident or design, the records needed to back up thousands of claims had been placed beyond reach. As the uneventful months passed for the elderly “fast-tracked” applicants under the 2006 Advance Payment program, NRSSS caustically reminded the feds that “Service Canada promised to issue payment to ALL valid applications within 35 days of receipt.” By 2011, stories of a two or even three-year CEP odyssey would not be unusual. For its own part, the Government—determined to prevent the public scandal of an easy money free-for-all—had wedged itself between the rock of bureaucratic incapacity and the hard place of stringent financial accountability. Trapped in a “CEP bureaucratic process... designed to protect the Federal government from itself,”<sup>82</sup> the former students were, once again, the captive victims.

The Manager of the Assembly of First Nations’ Indian Residential Schools Unit, Charlene Belleau, would likely agree with this assessment. She regarded a Senate Standing Committee meeting,



held on September 28, 2010, as “an opportunity to report on what I saw as little progress on achieving the key goals of healing and reconciliation in the IRSSA.”<sup>83</sup> The flaws of the CEP, lost student records, and funding cuts for advocacy and support programs, she asserts, do not lead to healing and reconciliation, only frustration and anger. Looking across the years since the apology, she crisply sums up the necessary way forward as many survivors see it:

I have always commented that healing and reconciliation must be on our terms—Indian residential school student terms. The government and churches may be satisfied they have met their legal obligations in the IRSSA, but there is much to do to heal and reconcile. It feels right now that we are in the middle of the storm. We have opened up the residential school impacts and do not have the resources to adequately address the trauma associated with generations of residential schools. The closing of the AHF projects was a sad day for many former students and communities. It seemed we were on our way to facilitating healing and reconciliation on our own terms, and it was cut off. It is like abandonment all over again. Just like the residential school.

As one considers the many personal reflections on a decade and more comprising ADR, the Settlement Agreement, apologies, and the Aboriginal Healing Foundation, the theme of personal truth comes inevitably to the foreground. A person involved in the design of a process or initiative tends to see his or her approach as the best of all the options; and for every boasted achievement, there are critics. We have seen that those invested in ADR thought their approach superior to litigation, while the negotiators of the IRSSA touted the historic achievement of a \$5 billion agreement (“the best of all possible deals,” according to Phil Fontaine). The National Residential School Survivors Society identified hundreds of shortcomings in a settlement which was the high watermark

and proudest achievement of many distinguished careers. Could everyone, critics and proponents, be right?

The idea of personal truth reminds us that behind procedure and process are human relationships. In too many instances process has gotten in the way of relationships rather than facilitating them. Critics draw from the truth of their experiences, and there is no evading the fact that many personal experiences have been negative, where healing, reconciliation, and compensation initiatives are concerned. The opposite however is also true, for the residential school processes developed by federal bureaucrats were relationship based, bringing together survivors, church officials, elders, front-line workers, and aboriginal community leaders. Every official involved in the resolution of the residential school legacy was greatly conscious of the fact that this was not “business as usual.”

Consider the story of senior federal official Aideen Nabigon. Over the years she worked at Health Canada’s Mental Health Support Services, Service Canada’s Common Experience Payment program, and Indian Residential Schools Resolution Canada. An Algoma College graduate, she knew many survivors, as well as people like Don Jackson who had played an important role in promoting awareness of the residential school history. Non-aboriginal herself, her former husband was Ojibway. She knew a thing or two about Aboriginal Country, in other words. In 1992, she moved to Ottawa and took a job at Indian and Northern Affairs Canada. Soon she was at Health Canada working in the Resolution Supports program. During the negotiations of the Settlement Agreement she participated in discussions formulating the health supports for survivors participating in the CEP. Nabigon saw the flaws of government programs and was under no illusions concerning the nature of Canada’s relationship

with indigenous people. But she also saw good-minded public servants and programs that worked:

A lot of people think we screwed up a lot of things, but it had never been done before. It was a huge Settlement Agreement to have to implement, so I think it was good. I've got to say that when we finally got there, on September 19, 2007, we were terrified at how badly this could go. The people at the front lines of Service Canada—who when we started knew nothing about any of this—were *so* good. Some of the stories there were unbelievable. The older survivors wouldn't be able to come in to a Service Canada centre, so some front line worker would get in his car and drive to a community. There were a lot of bad media stories about line ups, but there were a lot of really amazing stories too. This was different for all of us in government. You couldn't walk away from the gatherings and from what you heard and not feel that you had to do something. I really do want people to know how important this was. It wasn't business as usual for any government person.

**the beginning of the end and the end of a beginning: the AHF in the Indian Residential Schools Settlement Agreement era**

On June 1, 2007, AHF President Georges Erasmus wrote a letter to Frank Iacobucci, the government's representative throughout the negotiations of the Indian Residential Schools Settlement Agreement, offering both congratulations and support. It was known that the agreement would very likely include, in addition to "compensation" (the government was careful to call it a "Common Experience Payment," and not compensation), provisions for commemoration, a truth and reconciliation process, a national research centre, and healing. The focus of the lawyers would doubtless be on the settlement. The Aboriginal Healing Foundation hoped to add its voice to those, principally the survivors and the AFN, who wanted to ensure

that healing was given due consideration. Unfortunately for the Foundation, only parties who were involved in a lawsuit against the government could participate in the negotiations. The Aboriginal Healing Foundation would therefore have to take a place on the sidelines.

The irony is that the AHF would become an integral part of the Indian Residential Schools Settlement Agreement (IRSSA), and indeed would be subsumed within it. Although by 2007 the organization had existed for nine years, the IRSSA's allocation of \$125 million to the AHF created a public impression in some quarters that compensation, truth and reconciliation, and healing were all being managed by the same entity. A good deal of confusion was created for instance over jurisdiction. Only a few years earlier fierce debates had taken place over the arms-length Foundation—but the Settlement Agreement was unintentionally blurring the lines. In retrospect, the Indian Residential Schools Settlement Agreement could be seen as a critical turning point. The infusion of \$125 million was welcomed, for it appeared to signal the government's concurrence with the idea that healing required longer term support. As time passed however, it became clearer that, from the government's perspective, the Settlement Agreement represented the closing of a chapter. Becoming a part of the Settlement Agreement was thus for the Foundation the best and worst possible outcome.

Best because it was a comprehensive and ambitious agreement, as well as—to use a much-overused word—historic. The IRSSA was the largest class action settlement in Canadian history, and it would forever shape the way subsequent generations of Canadians would see the Indian Residential School System. It was also arguably the worst of outcomes, from the AHF's perspective, because it contributed to and reinforced the

perception that the residential school issue had been dealt with and that it was now time to move on. It was the very comprehensiveness and effectiveness of the agreement that would lead some Canadians (and perhaps politicians) to conclude that the residential schools had now been put behind the country. According to this view, the Settlement Agreement should be left to take its course—the considerable resources put toward compensation, commemoration, healing, and the Truth and Reconciliation Commission a solid demonstration of the government’s commitment to beginning a new chapter. If, somewhere down the road, the Common Experience Payment needed “topping up” (as indeed it later would) or Truth and Reconciliation Canada required a modest injection of additional funds, the government could deliberate the matter as required. But the unmistakable mood at Parliament Hill was that the work had in the main been completed.

This was not the lesson derived from the AHF’s research, which suggested there was much community healing to do. The plain fact in 2007 was that many communities were only beginning to make meaningful progress. Many survivors had yet to begin to address the traumas of abuse in the residential schools. “There are hundreds of places we could have been,” reflects board member Richard Kistabish. “Survivors who only now are ready to heal, and they have nowhere to go—they couldn’t reach them at all.” It was obvious to anyone with even a small amount of acquaintance with survivors that the work of Truth and Reconciliation Canada would increase the need for counselling—this at precisely the time the Aboriginal Healing Foundation’s funded projects would be closed or closing. The government promised to step into the vacuum with services to be provided by Health Canada. Even this however was a short-term and top-down proposition, involving the replacement of

decade-long community investments with ad hoc government services. The government solution, important and necessary it was thought, had no long-term vision. At an April 29, 2010, meeting of the Aboriginal Affairs and Northern Development (AANO) Standing Committee, the Foundation did not pull back from the implications of the government's new direction:

Our goal as an agency is to help create, reinforce and sustain conditions conducive to healing, reconciliation, and self-determination. We are committed to addressing the legacy of abuse in all its forms and manifestations, direct, indirect and intergenerational, by building on the strengths and resilience of Aboriginal peoples. This vision and goal is built into every project. There is a vast longer-term difference between this holistic model of community development and the government's model of service delivery. This is not to say that the government's model is wrong or bad. It is simply different. That is why they are complementary to one another. There is a place for both.

On the horizon we have the Truth and Reconciliation Commission of Canada. Over the next few years many survivors will be telling their stories of abuse for the first time. These traumatized individuals will not be prepared in many instances for what happens when you open up publicly and tell strangers your innermost secrets of pain and shame and suffering. There is no way a person can know that. Health Canada will have to step into this very delicate situation where there is, as a result of funding decisions, less trust than before. They simply don't have the capacity or expertise to do this. That is not a criticism, it is a fact. They shouldn't be expected to have this expertise. No one except for the communities have been directly engaged in this work. It is new territory. But now this nation-wide network will not be there. Granted, it was not in every community—far from it—but it was across the country providing valuable experience-based lessons, some of which took the better part of a decade to learn and perfect.

With these losses of services, community trust is going to be a serious long term impact. There is no substitute for the difficult work of trust building. Without trust, no program or service can work. But let's assume the best of all possible outcomes. Even if the mental health services prevent suicides and reduce rates of addiction, violence, and unemployment, at the end of this road we will be no further ahead on the way to community building. What we are hearing is that communities which had an Aboriginal Healing Foundation project were making progress with the youth. Now, particularly in the North and in remote areas, the projects have had to close their doors and the youth have nowhere to go. This represents the future. This is the long term—the youth who got a taste of hope and who have now seen it disappear.

A majority of the Standing Committee, composed of members from the three opposition parties (NDP, Liberal, and Bloc Québécois—the Conservative members submitted a dissenting Supplementary Opinion) agreed with the points made by Mike DeGagné and the AHF's Chief Operating Officer, Terry Goodtrack—and with others who had made presentations during the months of April and May. Among the recommendations of the Committee's June 30 report were the following:

**Recommendation 1:**

That the Government of Canada take immediate steps to renew the mandate of the Aboriginal Healing Foundation and provide sufficient funding to support its community-based healing projects for another three years.

**Recommendation 2:**

That Health Canada, in close collaboration with the Aboriginal Healing Foundation, take immediate steps to ensure that the mandate and criteria of the Indian Residential Schools Health

Support Program be expanded to include community-based and delivered healing services; and that regular progress reports be provided to this Committee by Health Canada on an annual basis, with the first report to be tabled on 15 June 2011.

**Recommendation 3:**

That the Government of Canada ensure that funding allocated in Budget 2010 for the mental health and emotional support services to former students of residential schools and their families be fully targeted to supporting the Aboriginal Healing Foundation's funded community-based healing projects.

The federal government however had exercised its prerogative in the 2010 federal budget and was determined to stay the course. In response to the above recommendations, the Conservative members of the Standing Committee on Aboriginal Affairs and Northern Development issued a "supplementary opinion" affirming the government's commitment to healing and reconciliation and itemizing federal initiatives which, they asserted, are "well suited in terms of the mandate, geographic range and personnel resources to continue delivering healing services to residential schools survivors and their families for the longer term in communities across Canada." Indeed, the members went further, arguing that "our Government has actually increased funding to mental health and emotional support services through [Health Canada's Indian Residential Schools Resolution Health Support]" and that "the geographic range and personnel resources of Health Canada's program will exceed that of the Aboriginal Healing Foundation's."

In the era established by the 2007 Indian Residential Schools Settlement Agreement, that course included for a time the Aboriginal Healing Foundation. By March 2010 however, with



most of the Settlement Agreement's commitments to healing having been applied to the task of sustaining community projects for another three years, the decision was made by government not to provide any additional money to the Aboriginal Healing Foundation. Given all the positive evaluations and media stories and statements by government officials, the question asked from one end of the country to the other was "Why?" The Foundation remained silent on this question, but Mike DeGagné had a pretty good idea by what course Canada had arrived at this decision. The explanation begins with the 2007 Indian Residential Schools Settlement Agreement, where the decision was made to give the Foundation a five-year commitment of \$125 million.

That \$125 million number was arbitrary. We were sitting at a side table having a discussion during the Indian Residential Schools Settlement Agreement negotiations. Frank Iacobucci's team assigned their most junior lawyer, who by most accounts was not a particularly skilled person for this job. So she probably just made a recommendation. You know, why don't you just give them \$125 million for five years. We had peaked at \$80 million a year, and now we were funding \$40 million a year. \$125 million was three years worth of funding, not five. She didn't really get it, but once the number was out there we had no ability to change it or make them understand the limits of those numbers.

No one had bothered to do the math, and because the Foundation was not at the main negotiating table, there was no formal means to alter the agreement. The Foundation therefore extended its funded projects three years, to March 31, 2010. Government officials were therefore caught off-guard in early 2010, when they began receiving media calls and petitions concerning the imminent end of AHF projects. Again, DeGagné explains:

Three years later, during the discussions on refunding, a senior government person spoke up and said, “We gave these people \$125 million in the Settlement Agreement to run programs for five years!” Now never mind that \$125 million was only enough to run our projects for three years. Our view was, yes, you’ve given us 125 million dollars, but it doesn’t meet our purposes. There’s no point in us cutting programs so that we can make this money last five years, just because you said so. The money will last for three years because that is our funding level. In other words, we’ve distilled our projects down to the ones that work really well—the best of the best—and we’re not going to start cutting these good projects because you put a 5 there instead of a 3. It makes no sense. But at the end of the day, a senior official said that “The only reason that these people want to be refunded is because they couldn’t manage their money well enough to last as long as we provided it for.”

Looking back over government’s unwavering refusal to countenance a genuine foundation operated by aboriginal people and with delegated authority, Maggie Hodgson reached a conclusion which echoed the sentiments of many in Aboriginal Country: “at the end of the day, the government wanted this door to be closed once the Settlement Agreement was done. They didn’t want a healing foundation that could sustain itself through the interest. That was another huge act of colonization and oppression.” According to Shawn Tupper, the former Indian Affairs Director General,

In government, we made the mistake in my view of not giving [the AHF] as much freedom as other foundations had with respect to their investments. And then of course we made the *super huge* mistake of forcing them to spend their principal. It really was just a terrible, terrible mistake. They’d be one of the largest foundations in the country if they’d been allowed in 1998 to take that principal

and really work it like a normal foundation. We tried over the years to see if we could revisit the limitations, but at some point it got too late. This is the most evaluated foundation I'm sure, maybe in Canadian history. I think it's about the systemic attitude toward aboriginal people. The idea that we needed to put these constraints in place. It's a perspective the AHF would never overcome. It didn't matter that they were getting these fabulous reports from the auditors. There just wasn't a political commitment to make the long-term investment.

Once the Settlement Agreement arrived, the focus of the media and much of the public was on Truth and Reconciliation Canada (TRC). Truth and Reconciliation Canada arrived attended by great promise and anticipation. Once again, as had been the case with the Alternative Dispute Resolution program, cracks soon began to appear. Within six months of Indian Affairs Minister Chuck Strahl's April 28, 2008 announcement that Justice Harry LaForme, a member of the Mississaugas of the New Credit First Nation, would chair the Commission, LaForme resigned, citing differences with commissioners Claudette Dumont-Smith and Jane Brewin Morley over his authority and leadership. At a time when the work of TRC was to be already underway, paralysis set in. In an irony few failed to notice, the very people appointed to oversee a national process of reconciliation took to in-fighting and factionalism. Frank Iacobucci, appointed in 2005 to represent the federal government in the Settlement Agreement negotiations, was now appointed to mediate the negotiation of a new TRC Chair. Over a year would pass since the appointment of Harry LaForme, and with little by way of accomplishment, until the June 10, 2009 announcement of the new Chair, Judge Murray Sinclair. Accompanying him would be two new Commissioners, Marie Wilson and Wilton Littlechild—the previous commissioners having stepped down only days earlier, on June 1st.

Already TRC was well behind schedule, and as late as spring of 2010 media were reporting that the Commission had yet to erect the walls of its offices. TRC's initial problems, rooted in the early disagreement between the chair and commissioners, were compounded by Ottawa bureaucratic staffing and administration rules which did not readily accommodate an organization with a five-year mandate and a steep set-up curve. In December 2009, the Indian Residential Schools Truth and Reconciliation Commission (as it had until then been known) changed its name to Truth and Reconciliation Canada and relocated its headquarters from Ottawa to Winnipeg, where Justice Murray Sinclair resided. Mike Cachagee, the Executive Director of the National Residential School Survivors Society (well-known for his characteristic bluntness) was quoted by Bill Curry in the *Globe and Mail* as saying, "who's going to hear [the survivors] stories while we fight over the colour of the walls and the colour of carpets? ... It's disgusting. Absolutely disgusting."<sup>84</sup>

As with everything else related to the Indian Residential School System—the Aboriginal Healing Foundation, the Alternative Dispute Resolution program, the Indian Residential Schools Settlement Agreement—the Truth and Reconciliation Commission was an ambitious initiative with no precedent in Canada. Like all commissions built from the ground up, TRC was expected to yield itself within a matter of months and within the public service guidelines and processes scrutinized by the feds. (Long gone were the days of the "arms-length" foundation.) This challenge summoned an extraordinary efficiency the TRC proved unable to deliver, at least in the beginning. Eventually staff were hired and the much-anticipated public events were hosted, the first national event taking place in Winnipeg, Manitoba in June 2010.

In 2007, at the time the IRSSA was approved, the Aboriginal Healing Foundation anticipated a major supporting role in the work of the TRC. With years of experience in managing a national aboriginal-run not-for-profit, and with a network of community projects serving former residential school students and their families, the AHF possessed a complementary mandate and an established presence. The work of healing would continue, but within a national context of increasing focus on reconciliation. Both healing and reconciliation figured in the Aboriginal Healing Foundation's mission and vision statements, but for both practical and logical reasons the initiatives supported by the Foundation in the early years tended to focus on the former. The communities began their healing quite rightly by looking inward and addressing the local conditions. With the arrival of the TRC, many people were looking outward to the larger society and to the need for Canadians to become involved. The Aboriginal Healing Foundation had been doing public outreach and education for years, but the attention drawn by the IRSSA, the TRC, and the Prime Minister's apology represented an opportunity for the AHF to reach new audiences. It was a case of one plus one making three, the sum of the AHF and the TRC being potentially greater than the individual parts.

The relationship never quite materialized in this manner. The TRC was from the beginning committed to forging its own individual path and its own unique identity. The prospect of independence and self-determination prevailed. There was furthermore a sense in Aboriginal Country that the TRC wanted to have a large measure of control over the truth and reconciliation agenda. To the degree that partnership suggested a yielding of "ownership"—whether of resources or events or products—the TRC hesitated. It quickly became apparent to the TRC's potential partners that collaboration would occur

only on certain terms, dictated by the TRC itself. It was as if the Truth and Reconciliation Commission had compensated for its subordination to government by presenting a show of strength to its non-governmental colleagues. To be fair, one must note that the TRC was under enormous pressure to perform and that it alone would be blamed for any misstep. Under such conditions, control was an important and necessary consideration. There were enough variables and unknowns in the TRC's world even without the further complication of having (as the common saying goes) too many chiefs and not enough Indians.



# Chapter five

## An Approaching Storm

Written by Kateri Akiwenzie-Damm

### **the sixties scoop and the unfinished work of healing and reconciliation**

The provincial child welfare policy was remarkably similar to the old policy of sending native children to residential schools. Indeed, the seizure of Indian children began to escalate just as the residential schools were winding down in the 1960s. In this way the child welfare system simply replaced the residential school system, producing the same kind of damaging effects on the native culture. It became the new method of colonizing Indian people after the residential schools were finally discredited.<sup>85</sup>

During the 1940s, internal reports to government recommended a policy shift away from the Indian Residential School System and toward day schools and integration of aboriginal people into the mainstream public school system. By the early 1940s,

the Canadian government began to reconsider their segregation policy and sought a new vision for Indian education and Indian affairs in general. Aboriginal people had long been dissatisfied with their treatment and argued that despite the disproportionate representation of men who contributed to World War II, they were still not considered citizens.<sup>86</sup>



At about the same time, in the years after World War II, Canada was experiencing a widespread concern over existing social conditions. “Both the Depression and the Second World War led to a growing need for the state to ‘take a more active role in ensuring minimum standards of life for all Canadians,’ which resulted in an ‘equality revolution’ over the subsequent decades.”<sup>87</sup> After being forced by the war to focus outwardly on international issues of global security, justice, human rights and racism, Canadians shifted their attention back to what was happening at home. Not surprisingly, attention fell on the social conditions in Canada, and soon social service agencies focused on First Nations. As wards of the state, governed by the Indian Act and confined to reserve lands with little economic opportunity, First Nations peoples were among the poorest, most disadvantaged and most closely controlled in Canada. Having fought a war against National Socialism’s racist ideology, Canadians were uncomfortable with the racist underpinnings both of the Indian Act and the residential school policy. At mid-century, four or five generations had been forced through the Indian Residential School System and the results—which had been disastrous for Indian children and their families and communities—were becoming increasingly difficult to ignore, especially in an era of widespread concern for social justice issues.

In response to growing pressures, the Government in 1946 struck a Special Joint Committee of the Senate and the House of Commons (SJC) to hear concerns about Indian welfare. In 1947, a presentation to the Special Joint Parliamentary Committee, by the Canadian Welfare Council (CWC) and the Canadian Association of Social Workers (CASW), proposed changes to the Indian Act. The recommended amendments would extend provincial jurisdiction and services to federal Indian reserves. (Under the Indian Act, Indians and Indian lands are the exclusive jurisdiction of the federal government.) The CWC/CASW brief included a description of the dire and inadequate living conditions

of Aboriginal communities, arguing that “Indian children who are neglected lack the protection afforded under social legislation available to White children in the community.”<sup>88</sup>

The shift from Indian residential schools to the public school system was driven by several factors. As early as the 1920s it was clear to federal administrators that residential schools were not bringing forth the wholesale assimilation of aboriginal people anticipated in the 1870s. On the surface, the Government’s transition from isolating Indian children to integrating them into Canadian society appeared to be a dramatic change of course. However, the underlying policy—assimilation—was constant. The only alterations were in the means of achieving this unwavering goal. Another consideration driving government policy was the cost of the residential school system. Just as in an earlier era the federal government saw residential schools as an opportunity to pass their obligations to the churches, so too the petitions of the CWD and CASW (as presented to the Special Joint Parliamentary Committee on Indian Welfare) posed an occasion to reduce the federal government’s costs.<sup>89</sup> Two years prior to the SJPC, in 1944, R.A. Hooey of Indian Affairs told the head of the United Church’s schools that “the policy followed by the government, with respect to the education of Indians during the last 10 or 15 year period, has been one of economy and retrenchment.”<sup>90</sup>

Unfortunately for the Government, since 1936 nine residential schools had been destroyed by fire. This, combined with a rapidly rising Aboriginal birth rate, was creating an urgent need for more schools. A shift to public schools would relieve the federal government of these pressures while assigning responsibility for on-reserve Indian education to the provinces, something it had already accomplished for off-reserve Indians at the turn of the century. Integrated schooling could utilize existing provincial and local facilities and resources, reducing duplication. The federal bureaucracy would also

be relieved of what many saw as an unrewarding and perhaps even unresolvable burden. To these benefits were now being added the arguments of social justice advocates.

The concerns of the Canadian Welfare Council and the Canadian Association of Social Workers brought public urgency to a discussion which had for years been quietly occurring inside the federal bureaucracy. Indian Affairs officials were well aware of the material conditions on Indian reserves, and they perceived the limitations and failures of the residential school policy. The federal government and the provincial child welfare system were not only in philosophical agreement, they constituted a professional symbiosis: the Indian Residential School System had deliberately severed the bonds of children to their families and communities, and now the provincial child welfare system was proposing to deal with the outcome.

Once again an army of well-intentioned individuals were descending upon aboriginal children, addressing the very real problems of addiction, despair, suicide and poverty with policies founded upon the idea that the best place for aboriginal children was away from aboriginal people and influences. This combination of good intentions and dubious, even racist, assumptions perfectly replicated the Indian Residential School System. Picking up where the failed schools had left off, the child welfare system was soon swooping into aboriginal communities, removing children by the thousands.

Here it should be noted that the conditions on many reserves did indeed amount to a crisis. To do nothing would have been itself unconscionable. Unfortunately, the child welfare professionals carried on much in the manner of the residential school administrators. As the failed and chronically underfunded residential schools crumbled, the chronically underfunded child

welfare system took its place. Obsolescence of aboriginal cultures and assimilation of Indian children, all “in the best interests” of the child, prevailed as themes. The child welfare system emerged as the new solution to the enduring Indian problem.

Despite the growing consensus of policy-makers and politicians that the Indian Residential School System should close in favour of integration, the system lingered for half a century after the Special Joint Committee had recommended a new course. Why was this? According to John Milloy, in his study *A National Crime*, there were two key reasons. One was that the Catholic Church opposed the closures and integration, as did a few First Nations. The other and undoubtedly more pressing reason was that as the focus shifted to child welfare the schools increasingly began to be used as part of the child welfare system. “They became part of a developing federal-provincial welfare system and as such were a serious impediment in the process of reducing enrollments in preparation for closing down the schools.”<sup>91</sup> The focus shifted from teaching (though, in reality, the Indian Residential School System had never excelled at that) to providing shelter and supervision for the care of children “whose family situations were precarious.”<sup>92</sup>

That the schools would become institutions providing residential placements for Indian orphans and children from “disrupted homes” had been anticipated for several years prior to the special joint committee. As early as 1943, the Department of Indian Affairs Superintendent of Welfare and Training, R. Hoey, had warned that such a need would exist. Soon after the joint committee published its recommendations in 1948, the department realized that some schools would need to remain open for that purpose. So as the schools were closing and the number of available places was declining, children “from homes in which competent welfare workers decide[d] that institutional care [was] needed” were given priority for enrolment.<sup>93</sup>

A 1953 survey by the Department of Indian Affairs shows that 4,312 of the 10,112 children in residential school at the time—approximately 43 percent—were said to be “neglected.” Only thirteen years later, 75 percent of the 9,778 children in residential school were “from homes which by reasons of overcrowding and parental neglect or indifference [were] considered unfit for school children.”<sup>94</sup> In some regions the numbers grew even higher than that. In Saskatchewan in 1974, the number of children from “broken homes” and “immoral conditions” at Gordon’s Indian Residential School had risen to 83 percent, up from 50 percent in 1960, and at Marieval School the number was at 80 percent by 1975. While overcrowding is a symptom of poverty, parental neglect and indifference were themselves symptoms of the residential schools. In other words, the same residential schools that had disrupted parent–child relationships and had denied generations of aboriginal children the opportunity to learn parenting skills were now housing the proverbial fruits of these labours.

After the publication of the Special Joint Committee’s report in 1949, the Canadian government turned away from its policy of segregated schooling for aboriginal children in favour of an integrationist approach. It also acted on the recommendation of the CWD and CASW to extend provincial jurisdiction in the area of child welfare to Indian reserves. This occurred in 1951 through an amendment of the Indian Act known as Section 88:

Subject to the terms of any treaty and any other act of the Parliament of Canada, all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province, except to the extent that such laws are inconsistent with this Act.

Section 88 of the Indian Act allows all provincial laws of general application to apply to Indians, both on and off reserve. The impact of this amendment has been wide-ranging, especially on aboriginal children. Among other applications, Section 88 enabled on-reserve aboriginal students to be integrated into provincially administered public or independent schools.<sup>95</sup> With the passing into law of this amendment, the federal government's waning commitment to the Indian Residential School System was arguably over—although the schools continued to operate into the 1990s (often, as in the case of Gordon's, at the request of the local Indian band). If the federal commitment to residential schools could be questioned, so too could the commitment to the provinces. For although the federal government presumably amended the Indian Act to protect vulnerable Indian children and to provide adoption services to children on reserve, it did not provide any additional monies to help pay for these new provincial responsibilities.

Among its other impacts, section 88 provisioned Children's Aid Societies the authority to do their work in First Nations communities, including the seizure of children from their families and the placement of children under the care of the state, as Crown Wards. In *Kruger et al. v. The Queen* (1978) and *Dick v. The Queen* (1985), the Supreme Court ruled that although "the line is crossed when an enactment impairs the status or capacity of a particular group," under the provisions of Section 88, "in the absence of treaty protection or statutory protection Indians are brought within provincial regulatory legislation."

Section 88 of the Indian Act led to a wide range of provincial court cases, whereby aboriginal people challenged the application of laws restricting fishing, hunting and other federally enshrined aboriginal rights. It also cleared the way for community

intervention, placing the reserve under the authority of provincial child welfare laws. Because assimilation of aboriginal children into mainstream society—irrespective of the community’s wishes—continued to be seen a benevolent and necessary objective, the net effect of child welfare policies was unwittingly to compound the historic trauma of earlier policies. Already suffering the many intergenerational effects of disease, impoverishment and sexual abuse, aboriginal children languished under the additional burdens of a long-nurtured assumption: the solution to reserve life must begin outside the reserve and end with the absorption of Indians into the mainstream society.

In 1966, the federal government attempted again to expand existing child welfare services to aboriginal communities. An agreement was signed with the provinces to share the costs of extending social services under the Canada Assistance Plan to aboriginal communities. No aboriginal people or organizations were consulted about these changes, and the agreement did not include any commitment to preserving aboriginal cultures nor to providing for local aboriginal control over child welfare services. Shortly thereafter, in 1969, the Government of Canada ended its partnerships for managing residential schools with the churches and adopted a policy to dismantle the system.

What resulted from this series of changes was a complex group of arrangements through which the Government of Canada provided child welfare services to First Nations children on reserve. Through the First Nations Child and Family Services Program, funding for First Nations children on reserve is provided federally via the transfer of funds to the provinces or territories, to Indian bands or tribal councils or directly to government-authorized First Nations child and family services agencies operating on reserves. Three governing policies and hundreds of bilateral and trilateral

agreements are in place with regard to this funding. Often referred to as the “Sixties Scoop,” the expansion of child welfare services to aboriginal communities which followed (beginning in the 1950s but gaining momentum in the 1960s, when cost sharing-agreements for these on-reserve services were put in place) led to a sweeping removal of aboriginal children from families and communities which continues to this day.

A 1983 statistical overview of aboriginal children in the care of child welfare authorities across Canada, *Native Children and the Child Welfare System*, prepared by Patrick Johnston for the Canadian Council on Social Development, found that aboriginal children were highly over represented in the child welfare system. Johnston coined the term “Sixties Scoop” to describe the widespread apprehension of Aboriginal children from their families. But how widespread have these apprehensions been?

According to Moira Peters, “It is believed that between 1962 and 1996 16,000 people were ‘scooped’ from their families and communities.”<sup>96</sup> In the early 1980s, Johnson’s report set off alarms with its finding that in less than ten years (between 1955 and 1964) the representation of native children in British Columbia’s child welfare system had jumped from less than 1 percent to more than 34 percent of all children in care. Aboriginal children represented 40-50 percent of children in care in Alberta, 50-60 percent of the children in care in Manitoba, and 60-70 percent of the children in care in Saskatchewan. Johnson estimated that, across Canada, aboriginal children were 4.5 times more likely than non-aboriginal children to be in the care of child welfare authorities.

Despite the efforts of many First Nations to regain control over the care of their children and to bring about some improvements, overall, the situation is worsening. According to a 2008 report by



former auditor general Sheila Fraser, children on reserve across Canada were “eight times more likely to wind up in under-funded, poorly tracked foster care that appears to be failing them.”<sup>97</sup> “Nationally,” writes Moira Peters, “30 per cent of children in foster care are Aboriginal, even though First Nations make up 3.8 per cent of Canada’s population.”<sup>98</sup> After decades of wrestling with the impact of the residential school system—and thereafter with the Sixties Scoop that placed so many aboriginal children in non-aboriginal homes—First Nations are facing another tragedy of lost children in this new millennium. In August 2011, the CBC reported that there are more First Nations children in care right now than at the height of the residential school system.<sup>99</sup>

While not all indigenous children in Canada’s child welfare system are from families with a history of residential school experience, it is not uncommon to find stories of aboriginal adoptees whose parents or grandparents—or both—were residential school survivors. This is not surprising given what is known about the institutional environment in which these students (or “inmates,” as in the early decades of the system they were commonly termed) grew up. A general absence of nurturing and scant modeling of parenting skills characterized the system: and unlike the residential schooling of, for instance, Britain’s middle and upper classes—which could also be harsh and cold—the operations of the Indian residential school were governed by an overarching belief in the inferiority and anachronism of Indian ways. Unfortunately, the huge gaps in indigenous child welfare-related research, and a continuing lack of research funding to address these gaps, prevents us from knowing how many indigenous children in care since 1951 have an Indian residential school in their family history.

*Kiskisik Awasisak: Remember the Children: Understanding the Overrepresentation of First Nations Children in the Child Welfare*

*System* was publicly released in mid-November of 2011. This report is the largest study of child welfare investigations involving First Nations children ever conducted in Canada. Overseen by an advisory committee of representatives from national- and provincial-level child welfare organizations and the Assembly of First Nations, the report findings reveal that, in the agencies included in the study sample, the overrepresentation of First Nations children began at first contact with the agencies, increased with each major case disposition during the investigation, was associated with caregiver and household risk factors including poverty, substance abuse, domestic violence and limited social supports, and was driven primarily by cases of neglect.

Jeannine Carriere, an indigenous child welfare researcher at the University of Victoria, believes that until poverty is addressed, the excessively high rates of aboriginal children in care will continue. Poverty is one of the main risk factors bringing indigenous children into the Child Welfare system and, according to Carriere, poverty is also one of the reasons that there are not more indigenous families coming forward as foster and adoptive parents. Many simply do not have the resources to be able to care for children or to add more children to their families. A former Sixties Scoop adoptee of Métis ancestry, Carriere was the youngest in a large family and was apprehended, along with her siblings under age fifteen, from her mother after her father left. She calls it “a typical history of apprehension due to poverty.” “Poverty,” she says, “is such a huge social justice issue that this country refuses to address.”

For many of the children who were part of the “scoops” of the 1950s and 1960s, or even in the more recent and escalating number of apprehensions, the impacts have been devastating. In a 2012 *Calgary Herald* Canada Day article, acclaimed Anishinaabe journalist, author and former Sixties Scoop foster child, Richard Wagamese, says that

All of those apprehended kids have dark years like mine. We essentially grew up without a history. We were denied the most basic of human rights; the right to know who we were created to be. When that right is removed and you grow up learning how it feels to always enter a room skin first, you come to understand displacement in its harshest measure, because there is no one around to give you answers.

Writer and former Children's Aid Society ward Christine MacFarlane has also experienced those "dark years." Of Saulteaux ancestry from the Peguis First Nation, she was apprehended in 1973 as an infant, between the ages of eight to ten months, along with one of her sisters. (Her two other siblings, including an older brother who is "developmentally challenged" as a result of being beaten by their father, were apprehended at different times.) She was told that she was taken from her mother because her parents were "deemed unfit." Not much is known about MacFarlane's father, other than that he was abusive to her mother and older brother and was incarcerated when she was a baby. In 1990 he was murdered. Her mother lost her children in whole or in part because she was unwilling, or unable, to adhere to a child protection order by keeping the children's father away from the family.

After she was apprehended, MacFarlane was adopted into the family of a Scottish-Canadian doctor, his wife and their sons. She says that in her case, proper procedures were not followed and that she and her sister were taken home by the family after only one visit. This family, who MacFarlane calls "extremely dysfunctional" and "emotionally, physically and spiritually abusive" always made her "feel different," "unwelcome" and "never really wanted." She speaks of being kept separated from her adoptive parents' sons, even though they were her adoptive brothers and lived in the same house. She recalls being told that she was not really wanted, that the family adopted her only because they had to

adopt her in order to adopt her sister, whom they did want. The adoption broke down and the family returned Christine to the child welfare system at age ten. She was made a Crown ward for the second time and stayed at a group home before moving in and out of several foster families.

According to the existing research, which is limited, this sort of adoption breakdown is not unusual. While transracial adoptions (TRAs) generally were found to be as successful as same-race adoptions, “the Indigenous TRA break down rates were between 70–95 percent by the time the children were in their teenage years.” Another study found that by age seventeen nearly half of native adoptees had separated from their adoptive parents.

MacFarlane sees a clear connection between her experience in the child welfare system and her mother’s experience at an Indian residential school:

I strongly believe that there is a link between my biological mother’s experiences to my own experience in the child welfare system, because both systems had devastating impacts on us as individuals and how we learned to relate to the world as a whole. Both systems hit at you emotionally, physically, spiritually and mentally, and I have learned that when one aspect of yourself is off in the above-mentioned areas, you lose a sense of balance in how to be not only with yourself but with others too. It takes a lot just to find or get that balance back. I will always be working on that!

Not only does MacFarlane struggle with depression, anxiety and other mental health issues as a result of her experience within the child welfare system, but also she notes that there are other, less recognized but very challenging repercussions of growing up in the system:

Basic skills that parents usually teach their children—like budgeting, groceries, paying bills, etc.—I have had to learn from workers in the social work field. To this day, I am under the care of a trustee who pays my rent and my bills and who metes out an allowance for me. That is something I am working towards getting out from under, and it's something I'm not proud of.

Although as an adult MacFarlane eventually reunited with her mother, the initial meeting was traumatic. Since then the relationship has at times been difficult, in part because MacFarlane always feels like the parent. Recently, the relationship has improved—although the parenting issue remains problematic—and she was able to meet her older brother for the first time. She also remains in contact with her sister and with her sister's eldest daughter, with whom she has a close and loving relationship, likening her to “the daughter I never had.”

MacFarlane is a winner of the University of Toronto's President's Award for the Outstanding Native Student of the Year. She is a journalist, writing about her experiences with the child welfare system. “I know that deep down I was a lot safer in care than I would have been,” she says. “If I had remained in my family's care, I don't think that I would have had the means or the drive that I have within to obtain a post secondary education, or to write about the issues that I write about.” She says that she also received counselling and had role models outside of the “usual nuclear family” who helped her “to stay focused and [who] brought me under their wings to teach me that I was someone who mattered, despite the rough beginning I had.”

Although MacFarlane admits that she did benefit in some ways from the child welfare system, she knows it was at great cost to other areas of her life. “I wouldn't want any mother to have her

children taken away, or to be adopted into the abusive home that I was adopted into,” she says, “But it did teach me to be resilient and to fight. I wouldn’t be who I am today, if it wasn’t for the fight that I had to go through.”

The impacts of being both a child of a residential school survivor and apprehended by the child welfare system herself are huge, says MacFarlane. “I grew up with most of my life shrouded in mystery, and also experienced loss after loss and abandonment. I lost my mom, dad and brothers. My culture. My language. My heritage.” She works hard to regain as much as she can of what was lost but says, “I don’t know if I will ever completely heal or overcome the impacts of what has happened to me. You can use the term survivor, because it’s true. That’s what I am.”

The diversity of experience which applies to the residential schools applies to adoption as well. As noted earlier, there were many dedicated and benevolent workers in the system—whether the adoption or residential school system. Like students in the residential schools, adoptees went on to become artists, tradespersons, teachers, parents and leaders. Indeed, among the most prominent leaders are former children of the Indian residential school and the Sixties Scoop. In growing numbers they are returning to their communities and cultures. This is another manner in which the journey of First Nations, Inuit and Métis has been “full circle.”

Social and child welfare workers necessarily operated within the system and assumptions and material conditions of the day. Among these material conditions were instances of aboriginal family breakdown, the consequence of many factors, including residential schools. The child welfare system, whatever its faults, was confronted by serious problems and compelled to respond.

This acknowledgment in no way diminishes either the faults of the system or of the suffering which it engendered. Rather, the distinction of systems and individuals helps us to sketch a nuanced portrait of human reality. This nuanced representation is much more than a quest for “balance.” If we labour to reconstruct the complexity and depth of the past, we are rewarded with the lessons of history and with a rich portrait of human resourcefulness and resilience. The residential school and child welfare workers were not cut whole from malevolent cloth; nor were aboriginal people mere victims of history, accepting passively an inevitable doom. Such a view would do more than misrepresent history; it would deprive us of grounds for hope of reconciliation and renewal. The plain fact is that aboriginal people have survived—and more than survived. In their efforts to address past injustices, they are joined by many non-aboriginal people.

### **the battle over child welfare**

The bulk of this book has concerned the Indian Residential School System and the work of addressing its historical, multi-generational harms. With the negotiation and implementation of the 2007 Indian Residential Schools Settlement Agreement, Canada’s political establishment has shifted its focus to aboriginal education and economic development. There is nothing inherently wrong with this focus, and it is not the purpose of the present study to weigh in on these complex topics. The present study however has put forward an argument that historic trauma has been, and remains, an impediment to improving the personal, social, political and economic well-being of aboriginal people. Furthermore, there is likely to be both opportunities and challenges in Canada’s immediate future which may benefit from the recent events and initiatives which have been the subject of this book.

The work of today and tomorrow consists of putting right a range of historic wrongs, not only through restitution but through policies which truly depart from history's failed habit of paternalism. The healing movement is not a softheaded evasion of personal responsibility, an instance of voodoo or a get-rich scam. It is a recognition that we have arrived here by means of a discrete path, along which a consensual negotiation-based treaty relationship was reconstituted by Canada and the churches as a coercive, paternalistic and assimilationist relationship. The residential schools were only one outcome of this arrogant deception. Other outcomes—including child welfare policies, Indian day schools (of which there were more than there were residential schools) and forced relocations of communities—are already the substance of class action lawsuits whose formation may be seen along the horizon of current events. Revisiting this history is not a matter of “if” or “should”; the reader is hereby advised that these other instances of historic wrongs will soon be headline news.

The next chapters in addressing historic wrongs in Canada will therefore surely include the apprehension of aboriginal children by the child welfare system and the continued underfunding of services for First Nations children on reserve. Already there is an important case proceeding against the Canadian government on these issues: a Human Rights complaint filed by the First Nations Caring Society and the Assembly of First Nations related to the underfunding of child welfare services for First Nations children on reserve by the federal government.

*First Nations Family and Child Caring Society and the Assembly of First Nations v. The Queen* concerns underfunding of services for Aboriginal children compared to non-Aboriginal children, another sad legacy of the residential school era. Just as the residential schools were chronically underfunded and therefore



unable to provide proper education, facilities, food, clothing and health care, so too services for aboriginal children continue to this day to be underfunded to an alarming extent. Notably, both child welfare services and education for First Nations children are among those services.

On February 23, 2007, the First Nations Child & Family Caring Society of Canada and the Assembly of First Nations (AFN) jointly filed a complaint with the Canadian Human Rights Commission (CHRC) regarding the underfunding of child welfare services to First Nations children on reserves. The complaint alleges that Canada is racially discriminating against First Nations children by providing less child welfare funding, and thus less benefits, to First Nations children and families on reserve, as compared to funding for child welfare provided by the provinces. This, they argue, amounts to discrimination against First Nations families and children, a violation of the Canadian Human Rights Act.

Believing that the case is important to the public interest, CHRC on September 30, 2008, referred the complaint to the Canadian Human Rights Tribunal and further announced that it would argue the case in favour of First Nations children equity at the Tribunal. According to its website:

The Canadian Human Rights Commission is an independent body established by Parliament in 1977. It carries out its mandate at arms-length from the Government of Canada.

The Canadian Human Rights Commission administers the *Canadian Human Rights Act* and is responsible for ensuring compliance with the *Employment Equity Act*. Both laws ensure that the principles of equal opportunity and non-discrimination are followed in all areas of federal jurisdiction.<sup>100</sup>

The Canadian Human Rights Commission, “the administrative body that hears complaints of discrimination arising throughout the federally regulated sphere,” issues legally binding decisions. In October 2008 the Canadian federal government appealed the decision by the CHRC to refer the matter to the Canadian Human Rights Tribunal, on the basis that the federal government merely funds First Nations child welfare, while others provide the service. Only services are protected under the Canadian Human Rights Act and thus, the government argued, they should be exempt from this discrimination claim.

Canada initially argued that because they provide funding only, and since funding is not a service and the funding is provided “under the applicable and agreed upon formula” to all service providers, that the CHRC has no jurisdiction. Canada also argued that since no other children’s child welfare services were federally funded there is no basis for comparison between services for First Nations children and services for other children in Canada. In other words, the same federal government that had apologized for residential schools only four months earlier (in June 2008) was looking for a legal loophole that would allow them to continue underfunding services despite the huge and increasing number of First Nations children being placed in care as a result of an admittedly shameful history.

The Tribunal agreed with the government’s argument and dismissed the case on March 14, 2011. On April 18, 2012, the federal court set aside the decision of the Tribunal Chair to dismiss the case and returned the matter to the Tribunal for a new hearing. The federal government appealed the federal court ruling for a full hearing and filed a motion to exclude all expert reports filed by the First Nations and CHRC. Canada had already opposed the Aboriginal Peoples Television Network’s motion

to broadcast the proceedings. All three motions by Canada (to prevent a full hearing, to exclude expert reports, and to prevent broadcasting) were eventually lost.

Amazingly, on October 16, 2012, the Tribunal amended the complaint to include allegations of retaliation by the federal government against Cindy Blackstock, executive director of the First Nations Caring Society. After twice being excluded from meetings between First Nations organizations and Indian Affairs by the departmental officials, on the grounds that she had filed a complaint, Blackstock used the Access to Information Act to obtain her file and found that the federal government had placed her under surveillance. Among other things, federal employees were monitoring her Facebook page and speaking engagements, all the while compiling a voluminous file on her pronouncements and movements—at an apparent cost of millions of dollars to the Canadian taxpayer. The intent was to find fodder for attacking her credibility and to uncover some “other motive” for her advocacy of First Nations children.

The underfunding of First Nations child welfare on reserve has severe repercussions for the children in these communities. It isn't simply that services are underfunded, it is how they are being funded and where the existing funding is directed that exacerbates the problem. Research indicates that funding for First Nations child welfare on reserve is over 20 percent less than provincially funded child welfare services for the rest of Canada—even though provincial standards are applicable on reserve. Because there is no link between the funding requirement to maintain provincial standards and the federal funding formula (and the provinces rarely make up the shortfall), a “two-tiered” child welfare system is the result. What, then, isn't being funded as a result of the shortfall?

According to the first joint review of the federal government's funding formula (the Joint National Policy Review, or NPR), undertaken by the Assembly of First Nations and Indian Affairs in 2000, First Nations children on reserve receive 22 percent less funding than other children in Canada. The NPR indicated that the result is inadequate funding at all levels and "a severe shortfall in funding levels for the least disruptive services."<sup>101</sup> Least disruptive services are those services that assist families at risk in caring for their children at home before removal is considered.

This shortfall is further complicated by the lack of federal and provincial investments in voluntary sector resources for families on reserves. Voluntary sector resources include food banks, literacy programs, recreation, low-income housing and domestic violence services. Over \$90 billion is provided for these services off reserve, and about 60 percent comes from the federal, provincial and territorial governments. Off reserve these services are regularly used by child protection workers, but the same services are rarely available on reserve, where funding levels for these services are negligible.

Research from several reports shows that, despite the massive overrepresentation of First Nations children in care, the only type of child mistreatment in which First Nations are overrepresented is neglect, fuelled by poverty, poor housing and caregiver substance abuse.<sup>102</sup> While parents may benefit to some degree from parenting skills interventions and addictions counselling (if they are even available), they have little or no ability to address risk factors of poverty and poor housing. This is especially true since those voluntary services which might assist them are usually unavailable on reserve (food banks, low-income housing, etc.). In fact, many First Nations communities suffer from housing

shortages and poorly built or inappropriate types of housing which result in overcrowding and poor or unsafe living conditions.

Another funding problem contributing to the number of children in care is the lack of funding support from Indian Affairs for agencies to support custom adoptions, even though these adoptions seem to be overwhelmingly successful and would help to keep some children from bouncing in and out of the system after transracial adoption breakdowns. So what *is* being funded? The answer is that Indian Affairs (or as it became known in June 2011, Aboriginal Affairs and Northern Development Canada or AANDC, pronounced “antsy”) devotes all of its funding to “protection”—that is, to supporting the apprehension of First Nations children.

The ultimate result of underfunding and prioritizing apprehension to the exclusion of other, less intrusive interventions is that “removal is often the only option to resolve child safety concerns on reserves instead of the last resort.”<sup>103</sup> In other words, poverty within First Nations families and communities and underfunding of child welfare services for First Nations children on the part of the federal government are two of the primary underlying causes for the hugely disproportionate and continually escalating numbers of First Nations children being apprehended and taken into care.

When we turn our attention specifically to the funding of aboriginal education, it’s clear that the legacy of chronic underfunding that began with the Indian Residential School System continues, and that the federal government is well aware of the problem, its link to the residential school era, and its impacts—and has been for some time, doing little all the while to address it. Indeed, on June 21, 2011, the National Panel on First Nation Elementary

and Secondary Education for Students on Reserve was jointly launched by the Minister of Aboriginal Affairs and Northern Development and the Assembly of First Nations. The Panel was charged with identifying “ways of improving education outcomes for First Nation students who live on reserve, as well as to develop strategies for improving governance and clarifying accountability for First Nations education.”<sup>104</sup> In its final report, the Panel noted the link between First Nations education today and the residential school era:

First Nation students are not failing. Rather, we are failing students through the impact of legislative provisions that are more than one hundred years old and linked to a period that we now accept as deeply harmful and destructive . . . the residential school era. We need to leave all residue of this time behind by removing the residential school references from the Indian Act. This should be a straightforward task that underscores the important message of change that is consistent with the apology and commitment to reconciliation that the Prime Minister of Canada offered in June 2008.

However, more than this, we need to build a system of education so that First Nation students have the same opportunity and support to succeed as any other child in Canada.<sup>105</sup>

More than six decades after the federal government decided to phase out residential schools, it is clear from the recommendations of the Panel’s report that many of the same problems that plagued residential schools continue to impact First Nations schools on reserve. These problems include poor outcomes for students (students receiving inadequate education and educational opportunities), inequitable funding for the schools compared to schools off reserve, underfunding for First Nations students compared to other students, inadequate and non-competitive compensation for school staff (resulting in high staff turnover and

an inability for the vast majority of schools to attract and retain highly qualified staff) and schools that are in disrepair and, that in many cases, that pose risks to students' health and well-being.

Recommendation 4 of the report urges the Government to “Ensure adequate funding to support a First Nation education system that meets the needs of First Nation learners, First Nation communities, and Canada as a whole.”<sup>106</sup> The report states that while

the Panel's mandate and timeframe have not made it possible to understand the scope and magnitude of underfunding, it does seem clear that most First Nation schools do not have sufficient resources to properly support the success of their students. The Panel saw evidence of significant gaps in compensation of teachers and principals, a lack of equipment and supplies in libraries, shops, gymnasiums and technology, inadequate supports for special needs students, school facilities in disrepair or in portable units, and many other indications of gaps in funding.

The recommendation calls for increases in school year funding to a level equal to provincial increases, and teacher and administrator compensation equivalent to provincial schools. It is clear, the report states, that “new funding will be required” along with a “new funding formula that is needs-based and ensures stable, predictable and sustainable funding that is sufficient to produce desired outcomes.”<sup>107</sup> The recommendation includes actions related to both operational and capital funding. To date, no new funding formula has been announced.

### **indian residential schools and the Inuit**

In the immediate wake of the Aboriginal Healing Foundation's closure, other issues of historic abuses and injustices involving

aboriginal people are rising to the surface. Among these are funding and other healing supports for Inuit survivors of abuse in the Indian Residential School System (which in most instances in the northern part of Canada manifested itself as hostels, and in some cases tent camps, adjacent to the actual school building). Inuit experience with residential schools has followed a different path than that of First Nations and Métis. To understand why and how this has resulted in Inuit issues emerging now, some ten years after the issue broke open in the south, we need to take a look at the specific history of Inuit Residential Schools.

In 1947, a program to build day schools began in the Northwest Territories and northern Quebec. Prior to 1947, the only school in the North was in Yellowknife. In other areas of the North at that time, education was provided by missionaries and financially supported by the federal government. After the day school building program began, funding was no longer provided by the government for building new mission schools or maintaining the existing ones. Instead, while the Department of Northern Affairs and National Resources was responsible for the education of Inuit, the federal government paid the churches to manage the federal residential school hostels.

From 1955 to 1970, the Department of Northern Affairs ran the federal government's northern education system. The first federal hostel, Turquetil Hall, opened in 1951 as a missionary school. It was transferred to federal authority in 1954. The last federal hostel, Churchill Vocational Centre, in Manitoba, was opened in 1964. After 1970, control of education was handed over to the new Northwest Territories government. The last residential school, Akaitcho Hall, in Yellowknife closed in 1986. All schools in the North were considered "federal day schools" by the Department of Northern Affairs. First Nations and Inuit children who



attended these schools stayed in hostels built near the schools. Small hostels housed eight to twenty-four students. Large hostels housed more than one hundred students. Some hostels did not operate every year, since they were opened only when they were needed to house students who came in from the settlements to attend the federal day schools.

In 1955, less than 15 percent of Inuit children were enrolled in school. Between 1956 and 1963, the number of Inuit children attending both residential and day school increased dramatically. By June 1964, 75 percent of six to fifteen year-old Inuit were enrolled in school. Many former Inuit residential school students have said that their parents were threatened with the loss of Family Allowance payments if they did not send their children to the federal hostels. Although the federal government did not have an official policy to refuse Family Allowance payments if Inuit did not send their children to residential school, it was federal policy to withhold payments if students did not attend day school. “Low school attendance and government pressure to fill the empty spaces in the newly-built schools probably encouraged threats in individual cases to suspend Family Allowance to the families of Inuit who did not attend school.”<sup>108</sup>

Although the way in which the system developed in the North differed, Inuit children who attended the residential schools suffered many of the same kinds of losses and abuses as First Nations and Métis children in the South. The Inuktitut language was ignored or undervalued, there was no specific curriculum in the northern school system, families were torn apart, the transmission of cultural knowledge was disrupted and the parents and families of children who were taken away to the schools were devastated both by the loss of their children and by their inability

to continue traditional lifestyles which depended on the active contributions of children to the family's way of life.

Among the abuses were neglect and offers to students of alcohol, food and pornographic material in order to lure them into the rooms of staff members. Pregnancies, prostitution and the spread of sexually transmitted diseases occurred among the female students. Although the Government conducted investigations into these occurrences, claiming the reports were false, they did limit contact between students and the community, presumably “to protect students against exposure to alcohol.”<sup>109</sup> The government also changed its policy on student discipline after discovering in 1957 that female students at the Chesterfield Inlet Residential School had their hair “cropped” as a form of punishment.

Janet Brewster, a founding AHF board member (later an AHF employee) and an Inuk living in Iqaluit, says that “by the time the Aboriginal Healing Foundation was wrapping up, that was when the Inuit were more aware and communities were beginning to really become more focused on addressing trauma and those issues related to the residential schools.” Today there seems to be a feeling that the Inuit are about ten years behind First Nations in their path of healing from the impacts of the residential school system in the North. Brewster says that

when Phil Fontaine disclosed his abuse, that really spurred on other survivors and other communities to start mobilizing, and there just wasn't that level of mobilization in Inuit communities. In the '90s Inuit were focused on creating Nunavut. Maybe in the Western Arctic people might have been more aware of what was going on in First Nations issues because there are First Nations and Inuit living together in communities but, really, across the Inuit homeland people were focused on other, circumpolar Inuit issues more likely than

‘aboriginal’ issues.

For the Inuit, healing from the legacy of the residential school (or hostel) experience is very much an emerging issue, and much work lies ahead—a situation made all the more challenging now that the Aboriginal Healing Foundation has closed and the Legacy of Hope Foundation is likewise wrapping up its mandate.

### **XXX: The Final Frontier: Student-to-Student Abuse in the Residential School**

One of the dark secrets that some Indian residential school survivors have carried is the painful memory of having been abused by other students at the schools. Others have carried the burden of having been abusers of their fellow students. Some were both abused and abusers. Until fairly recently, the abuse of residential school students by other students has remained hidden—an unspoken, seemingly unspeakable aspect of the residential school legacy. Although many residential school survivors have been unable to discuss this complex and heart-rending issue, it “continues to have tangible consequences for survivors, families and communities across Canada. Like more recognized residential school abuses, this one has reverberated through the generations and continues to leave a lasting legacy on Aboriginal people.”

In January 2012, the Aboriginal Healing Foundation convened a gathering of knowledge keepers to begin discussions on the issue. Despite knowing that the AHF would be closing its doors on March 31st, 2014, and that the discussion was starting, as board member Garnet Angeconeb put it, “at a quarter to midnight,” participants agreed that “while this subject is painful, it is also necessary, timely and a large part of the story that is absent from

the overall residential schools conversation.” Here a disclaimer is in order; the topic of student-to-student abuse arrives late not only in the lifespan of the AHF but in the writing of this book. This section draws from research that is far from complete. Nonetheless, the statements of former students, included here, put us on solid ground; the full record of residential school abuses includes abuse perpetrated by students on other students. These learned behaviours became yet another legacy of colonization.

TRC Chair Justice Murray Sinclair has said we should not ignore these former students, “and we can’t ignore them. They need to be able to get on with their lives and be able to live their lives as fully as possible. That means we have to address their needs in terms of reconciling themselves with the individuals who are still part of their lives.” The issue of students abusing their peers is a complex problem, in part, because in small communities many of those former students have to live near their abusers or the other students whom they themselves abused. Some alleged abusers are family members or neighbours. Some are now elders and community leaders, working in community programs in other visible positions within the community. Some of those who abused were also abused themselves. Some have differing memories or understandings of the incidents. Some of those identified as abusers claim to be a victim of mistaken identity.

The AHF gathering of January 2012 was designed as an opportunity for stakeholders to share their thoughts and impressions on the impacts of student-to-student abuse on survivors, families and communities, and to comment on any needs or challenges that will have to be addressed. Participants at the gathering identified and discussed two key needs in moving forward on this emerging issue: the need for quantitative and qualitative research on student-to-student abuse and the need to effectively and sensitively

communicate the issue both within indigenous communities as well as to the general public. The challenges, those in attendance quickly acknowledged, are many and multi-faceted.

To understand more about student-on-student abuse and why it occurred at residential schools, a research report (including data and a literature review) was commissioned by the Aboriginal Healing Foundation after the meeting—an important early step in bringing this dark secret into the light. The goals of the report were to:

- 1) Explore the prevalence and characteristics of the student-to-student abuse that occurred in residential schools
- 2) Identify factors that contributed to student-to-student abuse in residential schools
- 3) Assess whether residential school survivors who were victimized by other students appeared to exhibit any different or additional effects relative to the effects of abuse perpetrated by residential school staff
- 4) Identify the impact on those who were perpetrators of abuse towards other students in residential school
- 5) Identify the long-term collective impact that student-to-student abuse had on Aboriginal communities
- 6) Explore the views of service providers on current government and community responses for dealing with student-to-student abuse and its associated impacts

“Student-on-student abuse in Residential Schools took many forms, including bullying and various combinations of emotional, physical or sexual violence perpetrated by peers.”<sup>110</sup> Although there is a lack of research about the prevalence of abuse between students, an early and unsubstantiated estimate from the Government of Canada’s Independent Assessment Process (IAP)

chief adjudicator is that as many as 20 percent of Independent Assessment claims involved student-to-student abuse. (The Independent Assessment Process is part of the Indian Residential Schools Settlement Agreement, governing settlements for former students of residential schools.) According to the AHF study, this estimate “is generally consistent with a small study that reported on perpetrators of abuse among a small sample of residential school Survivors who had brought cases against the government or churches. It reported that approximately 27 per cent of sexual abuse and 10 per cent of physical abuse claims were perpetrated by other students.”<sup>111</sup> These statistics, however, are merely indications; today the precise prevalence remains unknown.

Why did students abuse other students? Even beginning to answer this question is a complex undertaking that requires looking at a number of factors while keeping in mind the intent and conditions of the schools. The students, many of whom arrived at a very young age, were taken from their families and thrust into a strange and harsh environment where their language, culture and ways of being were banned, denigrated and punished. Children were usually separated from siblings, especially opposite-sex siblings. Most were poorly fed and clothed, experiencing constant hunger, loneliness, loss, discomfort and deprivations of other kinds. The schools were run by unqualified staff and faculty and were generally not well-maintained, so that over time many were in very poor repair. Children’s lives were highly regimented, and their education—such as it was—consisted largely of religious instruction and manual labour, well into the twentieth century. Illness and disease swept through the schools, and injuries from the farm, laundry and kitchen equipment that the children were expected to use were not uncommon. Health care was completely inadequate or virtually non-existent. Children grew up with little or no affection from their caregivers. Punishment, violence,

bullying and physical, sexual and mental abuse by the staff and faculty were rampant in many of the schools. As a result, students not only learned to “lie, steal, manipulate, and all that”<sup>112</sup> in order to survive at the schools; they also learned that power and control could be achieved through bullying and violence.

The technical definition of bullying differs from other forms of peer conflict in three distinct ways. According to the AHF report, the hostile actions of bullies are perpetrated against those who cannot easily defend themselves, the bullying is carried out intentionally, and the bullying often is on a recurring basis. In discussing the issue of bullying, it must be noted that “[a]lthough it is important not to minimize the consequences of bullying, it is also important to note that it is a common phenomenon”<sup>113</sup> outside of the residential school context. “Indeed,” the report states, “bullying has become a topic of concern over the last 20 years due to its high prevalence and associated negative outcomes.”<sup>114</sup> The issue of bullying seems to be gaining more attention, possibly due to, in part, new forms of bullying perpetrated through social media as well as a number of cases over the past decade or so in which bullying resulted in the murder or suicide of the victims. So pervasive is it that recently the RCMP watchdog agency, the Commission for Public Complaints Against the RCMP, revealed the results of “an in-depth review of more than six years’ worth of harassment files” occurring within the RCMP. As reported in the *Toronto Star*, the Commission for Public Complaints Against the RCMP found that 90 percent of the files involved “bullying, psychological abuse, and belittling and demeaning behaviour.”<sup>115</sup> (It is interesting to note that the same issue of the paper carried an editorial about the release of a “disturbing report” by “a respected rights organization, Human Rights Watch, which alleges that RCMP officers in northern

British Columbia along the Highway of Tears have “mistreated, abused, and assaulted aboriginal women.”<sup>116)</sup>

Little wonder, then, that some children thrust into the environment of persistent and systemic abuse at residential schools were not only bullied but became bullies themselves. Within these schools, “bullying behaviour among many residential school students was likely elicited by anger and frustration as a result of chronic exposure to interpersonal stress, victimization, and trauma.”<sup>117</sup> Bullying at the schools was sometimes encouraged and rewarded by certain staff or faculty members. Bullies may also have benefited in other ways. For example, it may have allowed them to avoid being the target of bullying themselves, to get more to eat, or to gain favour, privileges or advantages over others. A participant in the January 2012 meeting said that, “bullying makes perfect sense. This is about accepting that anybody would have been capable of hurting others in those circumstances.”<sup>118</sup> Another participant, a residential school survivor herself, said, “I remember the loneliness and that a lot of the girls were angry and would bully each other.”<sup>119</sup>

The AHF research study suggests that some residential school students may have suffered “complex trauma.” This term used to describe the experiences of people who endure chronic, multiple, and prolonged stressful events, most often of an interpersonal nature. Children who develop in a context of ongoing maltreatment and inadequate caregiving often display a range of impairments and distress. Typical outcomes of complex trauma include rage, fear, betrayal, resignation, defeat, and shame as well as efforts to ward off the recurrence of those emotions, including the avoidance of experiences that precipitate them or engaging in behaviours that convey a subjective sense of control in the face of potential threats. Children who are affected by complex trauma



tend to re-enact their traumas behaviourally, either as perpetrators (e.g., aggressive or sexual acting out against other children) or in frozen avoidance reactions. As one of the participants in the January 2012 AHF meeting noted, the actions of some residential schools student could be dangerous, because “their actions are a reflection of their pain.”<sup>120</sup>

With regard to the sexual abuse perpetrated by students on other students, the research report found that it

may have been a manifestation of their adverse living and social conditions, and it is likely that many of these students were also victims and perpetrators of other forms of aggression and bullying. As well, those who were sexually abused either before residential school or during their school attendance would have been at an increased risk of perpetrating against others, perhaps against younger students.<sup>121</sup>

Anishinaabe writer and language scholar and teacher, Basil H. Johnston, is one of the few residential school survivors to have publicly disclosed his abuse by fellow students. In his preface to Queen’s University professor Sam McKegney’s 2007 book, *Magic Weapons: Aboriginal Writers Remaking Community after Residential School*, Mr Johnston writes about having been sexually assaulted at age ten at St Peter Claver’s Indian Residential School on the northern shore of Lake Huron, in Spanish, Ontario, where he was a student from 1939 to 1947:

Within six weeks of being committed to Spanish, I was sodomized by two fifteen-year-old boys. Soon after, immediately following a mass that I served, I was fellated by Father J. Barker. Over the next three and a-half years he asked for me to assist him at mass whenever he was in the school. At the end of mass he always pleased himself

with my penis. From 1940 to 1943, I worked in the chicken coop. There I was subjected to Brother Manseau's loathsome kisses. I was also invited to touch a lay teacher's penis. From the Halloween night in 1939 when I was first sodomized, I went about guilt-ridden, dishonoured, a worthless being. Terror, terror at night, terror of dying and going to hell, dogged me for years.<sup>122</sup>

Johnston buried the experience of this abuse deep inside, too angry and filled with shame, guilt, and terror to tell anyone. "What one loses when one is sodomized, fellated, and victimized, as I have been, is one's sense of integrity and worth, which is all that the very young have. No one would believe me, no priest or layman. I told no one. I kept the sordidness to myself. No one would ever know."<sup>123</sup>

Johnston kept the secret throughout his childhood and young adulthood, and throughout his transformations into husband, father and grandfather, his successes as a writer, a storyteller and an Anishinaabe language scholar. He kept the secret from his wife, not wanting her "to know that she had married damaged goods." Still, "the feeling of worthlessness lingered, following me wherever I went." Johnston survived those years and "escaped crippling damage," he says, "by putting into application a lesson that I learned from the boys on the playgrounds of the residential school itself. 'When knocked down, get up!'"<sup>124</sup> It was not until after he wandered into a meeting of residential school survivors in his home community at Cape Croker in the late 1990s that the darkness began to lift for Johnston.

When I returned home that Saturday afternoon in 1998 from my excursion around the reserve, during which time I was delayed by several hours attending the Spanish Residential School orientation meeting, my wife Lucie asked me, "Where were you?" It was then

and only then that I told her what happened to me in Spanish. I cried. Later, much later, she remarked, “Now, that explains a lot of things.”<sup>125</sup>

For Johnston, his “when knocked down, get back up” attitude helped him to survive “the years of pain, shame, guilt, and terror from hellfire,” and to keep fighting to prove himself. But, he says,

It was love—Lucie’s love—that restored my sense of worth. As well, it was the regard of my people who still cling to their language that lent strength to the conviction that made me feel worthwhile, rendered so by the worth of my heritage. It is language that has enabled me to gain some understanding of my people’s institutions, beliefs, values, perceptions, outlooks, attitudes, their literature and history.<sup>126</sup>

He says that he was “kept from running aground by his circle of friends”—mostly former students of the residential school he attended—other Native people whom he met over the year and “the richness of my heritage.” He also credits his wife’s knowledge of how to love and raise a family, but also says that “[it] hurts to think that we would all be suspected of visiting upon our wives and children what had been inflicted upon us.”<sup>127</sup>

Indeed, it is extremely important to recognize that not every student engaged in the abuse of other students, nor did every student who was abused go on to become abusive to other students, or later, to their own families. Speaking generally about children in residential settings (such as boarding schools and foster care, for example) the AHF research report found that “[o]f course, not all children who grow up in adverse conditions or experience abuse go on to bully or sexually victimize other children. However, it should be clear . . . that bullying and sexual

abuse are not uncommon occurrences among children and youth, particularly among those who grow up in adverse conditions.”<sup>128</sup>

The AHF research report examines the contributing factors to student-to-student abuse within residential schools, the individual effects of student-to-student abuse on victims and perpetrators and the collective effects on communities. According to this investigation, “[t]he effects of residential schools and those related to student-to-student abuse are not only affecting individual well-being but whole communities as well. As part of a history of cultural abuses, student-to-student abuse has affected many Aboriginal people.”<sup>129</sup> The report states that “additional exploration is needed to assess the behavioural or biological (e.g., epigenetic) pathways by which the consequences of student-to-student abuse (also known as lateral violence) are passed on intergenerationally.”<sup>130</sup>

Like Johnston, Garnet Angeconebe was assaulted by an older student at residential school within the first few weeks of his arrival. As a seven-year-old boy, away from his parents for the first time in his life, Angeconebe was threatened and then sexually abused in a broom closet by a senior student. According to his website, “Garnet’s Journey: From Residential School to Reconciliation,” this assault was “not an isolated incident, nor was this horrendous and extreme kind of bullying uncommon. The student on student abuse remains a very painful legacy for many survivors of the residential school experience.”<sup>131</sup> Angeconebe, like Johnston, was also later repeatedly sexually abused by a staff member at the school. In a video on his website, Angeconebe speaks about this painful time in his life and in particular about the first time he was sexually abused by another student. “I didn’t know what had happened to me,” Angeconebe says about being abused by the senior student, “All I knew is that I was very frightened.”

And, like Johnston, he didn't speak of what happened: "I didn't tell anybody. I *couldn't* tell anybody. I was *really* scared.... Who do you tell when you don't understand what happened? Your innocence is robbed, it's injured. Who do you talk to?"

For too many years, as Johnston's and Angeconeb's stories indicate, there truly seemed to be no one for those abused by other students to talk to, and so the experiences of abuse between students has largely remained hidden, buried under layers of shame, guilt, fear, terror and the distractions of "maladaptive" behaviours and strategies employed by former students to survive. Although the AHF and TRC are now providing some limited opportunities for this issue to be talked about, much remains to be done. Meanwhile, many survivors continue to remain silent.

Despite the many challenges, the AHF research report suggests that resolution of the issues related to the experiences and consequences of student-to-student abuse

can start with the perspective that the abuse was not a reflection of the shortcomings of either the perpetrators or the victims or an occurrence unique to residential schools. The consequences of these schools are a result of government policies that diminished self-esteem, instilled poor education, undermined adequate coping, continued the poverty inherent in communities, undermined Aboriginal identity, and fostered intergenerational problems that involve each of these problems, respectively.<sup>132</sup>

To enhance community well-being, the AHF report suggests that recommendations from a 2009 article in the *Journal of American Medicine*, "Neuroscience, Molecular Biology, and the Childhood Roots of Health Disparities: Building a New Framework for

Health Promotion and Disease Prevention,” are “entirely reasonable.” These recommendations were

that increased focus ought to be devoted to (a) diminishing toxic childhood environments that are often present, (b) providing appropriate early care and education programs that would serve as appropriate learning environments, and engender ‘safe, stable and responsive environments’, (c) developing evidence-informed interventions and treatments to deal adequately with family mental health problems, and (d) greatly expanding and altering the child welfare services, including the development of comprehensive developmental assessments so that professionals will be in a position to apply appropriate interventions.<sup>133</sup>

The report further suggests that other recommendations unique to those who have been affected by residential schools (such as enhancing cultural pride, for example) should be added to this list.

If we hope to stop the ripple effect caused by student-to-student abuse at Indian residential schools, we must continue to find ways to bring this issue into the light, to expand our understanding of it, to provide support for those individuals, families and communities who are affected and to work together to create safe and healthy environments for our children and future generations.

## notes and acknowledgments

A few years ago, Wayne Spear spoke to me about working with him on a book about the Aboriginal Healing Foundation. I had first worked for the Aboriginal Healing Foundation within the first few months of its existence. At that time the Aboriginal Healing Foundation was comprised of two or three workers and a tremendous amount of potential. It was an exciting time. Because I had been there at the beginning of the AHF, I jumped at the opportunity to be involved in writing a book that would be one of the last projects of the foundation. Wayne and I had worked together on AHF projects numerous times before and because of this, I was keen to work with him again. I was even more interested, and excited, when I realized that I would be able to write about emerging issues, and in particular, an issue that is very close to my heart: the Children's Aid Society and its apprehension of Indigenous children.

I am the mother of adopted sons. All three, like me, are Anishinaabe. Two are adopted; one is on adoption placement. Their stories are their own but I will say each of them has inspired me to want to learn more about the links between the Residential School System and the tragic history and current reality of the involvement of the Children's Aid Society in the lives of Indigenous families in Canada. I am happy that some of what I've learned will be shared with others through this book. While there is much much more to be told, it's important that we understand how the CAS came into Indigenous communities, the links to Residential School, why so many Indigenous children are currently "in care" and how so many those who have been in the care of the CAS have been harmed by the experience. It truly was a labour of love to work on the chapter about this and other emerging issues, to do the research, and to re-read the work of the AHF, J.R. Miller, and John Milloy. Their work on the Indian Residential School System has made a major contribution to my understanding, and I thank everyone involved in the research and writing of those reports, journals, and books.

During my research, I was fortunate to have the opportunity to discuss the issues in this chapter with inspiring and dedicated people like Christine (MacFarlane) Smith, Cindy Blackstock, Amy Bombay, Jeanine Carriere, Garnet Angeconeb, Georges Erasmus and the Board of the AHF. Janet Brewster, John Amagolik, and others helped me to understand the urgency of the current need for support for Residential School Survivors in the North. Janet was one of those two or three people who were working there

when I was first contracted to work with the AHF. It seemed fitting that she and I would come full circle together through this book. Although the chapter has been edited for consistency with the other chapters and added to, much of it is as I wrote it. Thank you Wayne for asking me to do some of the research and writing for this book. I would also like to thank Richard Kistabish, Mike Degagne, and Trina Bolam who helped me better understand the important work of the Legacy of Hope Foundation. Finally, I would like to thank Basil H. Johnston who spoke to me in personal conversations about his experience of abuse at Residential School and who has been a friend and mentor for many years.

Most importantly, I would like to offer great love and thanks to my late grandfather Joseph V. Akiwenzie who was a Survivor of the Residential School at Spanish and the best grandfather a girl could have. Chi megwetch, Papa. K'zaugin. On my grandfather's behalf I would like to honour the spirit of his younger brother Michael Akiwenzie who became ill one night at the school and was never seen again. I also acknowledge my beloved Great Uncle Mike (Norval) Akiwenzie who carried his brother's name and helped to alleviate the tremendous grief of my grandfather and their parents at the loss of their much loved brother and son. To my own sons, I promise that I will continue to do everything I can to increase awareness of these issues and to fight for your rights and the rights of all Indigenous children. I love you boys "every minute of every day, all the time, no matter what."

—Kateri Akiwenzie-Damm





# conclusion

## coming full circle

Governments, the Deputy Prime Minister Anne McLellan once asserted, don't pay for loss of language and culture. But even if the Indian Residential Schools Settlement Agreement had not provided the Common Experience Payment for such losses, McLellan would be wrong. Of course the government pays for the many losses imposed on aboriginal people, in the form of incarceration, social services, policing, administration and health costs. Indeed, the Government paid to bring about these outcomes in the first place. For aboriginal people, the policy of forced assimilation has been a source of indescribable misery. As we saw at the beginning of this book, the relentless hunger for a just and honourable redress of this policy can lead to desperation and violence. Or, as we've also seen in this book, this same hunger can give rise to principled and creative efforts to forge better arrangements.

Apology, restitution, healing, a new relationship, justice and reconciliation are the principal themes which come to the fore as one considers the Indian Residential School System's legacy. There are three aspects to the title of this book, each informed by and reflecting the candid views and feelings of the survivors, community members, front-line workers, church officials, government employees and citizens involved in the residential school-related initiatives, policies and programs examined in this book. The last decade and a-half has brought many diverse individuals to the circle; whether the circle of

the town hall meeting, the healing circle, or the sacred spiral of the medicine wheel. As we have seen, survivors, bureaucrats, politicians and church people have sat around many negotiating tables. Beginning in the late-1990s, survivors and government employees together established the principles of alternative dispute resolution through the national dialogues. This gathering of the people to negotiate a lasting resolution of the residential school legacy is the first sense in which the circle began to fill with the coalition of the willing.

There have also been countless sharing and healing circles across the country. This circle is not yet full, for every day more of us join. Like the medicine wheel itself, the healing circle speaks to our interconnectedness and interdependence. The programs funded by the Aboriginal Healing Foundation helped to bring community members back to the circle of culture and “of a sense of worth, belonging and connectedness” (as Chief Bobby Joseph puts it). This—the revitalization of cultures and languages and ceremonies—is the second aspect of the circle.

The third is far less encouraging and captures the sense of many survivors that we are returning to the days of the Indian residential schools, coming “full circle” as the current government returns the authority and resources for healing (and for much else) back to the federal bureaucracy, cuts aboriginal-run programs, continues to place growing numbers of aboriginal children into non-aboriginal homes, and fails in the view of many to demonstrate the new relationship promised in the 2008—as well as 1998—apology. Together, these three conceptions of the circle summarize the conflicting assessments of the landscape. Each has its own truth, the truth of human experience.

In the words of Garnet Angeconeb, “we did beat the policy of assimilation. Yes we were wounded; yes, we have suffered. But I have a feeling that through the work of many people, we are coming back.” Maggie Hodgson echoes these words: “We’re a hell of a long ways from arriving, but that’s okay. Our voice is strong. We’re going to get where we are going—through ceremony and pulling together, through our faith in ourselves, through faith in our collective, through our faith in the creator.” For Jan Longboat, of the *I da wa da di* program, “it’s about living who we are. That’s the next step of healing our people. We are going to be okay. Our longhouses are full again. I remember when they were almost empty. We are rebuilding. Indigenous economics was never formed on money. It was formed on knowledge. We are rich with knowledge. We are millionaires.”

“When I reflect back on those times,” says Bobby Joseph, from 1998 on—nothing will ever be the same.”

We’re not only focusing on the heavy loss and the sadness and the harms of residential school. We’re beginning to recognize our Elders and our culture and the medicine box that is still available. Even if Health Canada takes back all these programs, there’s too much freedom of spirit. Our leaders are smart, our frontline workers are dedicated. They’re going to find ways to continue to inspire all of us to our core, our essence. We’re not going to waste that momentum.

Tarry Hewitt, of Aboriginal Survivors for Healing, notes that “it’s very hard to move forward until you know who you are. It’s important to see that there was always within the community skills and strengths. It’s been a transformation to me because I believe these things work. I was able to watch.” She also adds, however:

[Health Canada] will not pay a traditional healer. They will not pay for a traditional counsellor. I find it ironic that what we're doing is trying to address the residential school legacy, and this is extending the bias against the efficacy of traditional healing. The federal government is behaving like a colonial power again. The time is ripe—if any time is ripe—to start handing over responsibility to aboriginal people to empower them. The time is now.

AHF board member and Mi'kmaq lawyer Viola Robinson believes that “the work of the Aboriginal Healing Foundation will go down in history as being one of the things that really helped survivors” but laments the demise of so many successful projects. “To me this was health care, but from an aboriginal perspective. It was a special kind of health care that was required in our communities. You can't stop health care.”

Mike Cachagee ruefully concludes that “as indigenous people we're undervalued—and it's more so with our women. The Settlement Agreement reflects this”:

While we were in Ottawa, Ted Quewezance and I were sitting in a room when seven or eight bureaucrats come in. A lot of them were women. When they got around to asking me about the Settlement Agreement, I said, “I'm going to ask you something. How many of you have children?” I think four or five of them put up their hands. “Now I'm going to ask you something else, and I want you to give me as honest an answer as you can. What is your love for your child worth?” They all looked at me and said, “It's immeasurable. I can't tell you that.” I said, “Sure you can. The very government that you work for told me that my mother's love is only worth three thousand dollars a year. And that's what you're paying me.” It goes back to what side of the table you were sitting on. That's what they told every child that went to a residential school in this country—that

the love of their mother and dad and their grandma and grandpa, the whole structure of our societies, was only worth three thousand dollars a year. That's when my relationship with Canada began to disintegrate.

Perhaps most ominously of all, people like Charlene Belleau and Cindy Blackstock remind us of the rising number of aboriginal children in care. Looking back, across the work of healing, reparation and reconciliation, we discern many promising developments as well as discouraging realities. For a time it appeared that Canada was committed to moving in a new direction, guided by open dialogue with aboriginal people. As an arms-length, aboriginal-run agency, the Aboriginal Healing Foundation represented a bold policy initiative in which aboriginal people designed and delivered services in their communities. The Indian Residential Schools Settlement Agreement was likewise an unprecedented undertaking, addressing a wide range of historical abuses and establishing a Truth and Reconciliation Commission and support for community commemorative initiatives.

In the decade 1998 to 2008, there was much ambitious and inspiring talk of new chapters and new relationships—a new Canada in which the mistakes of the past would be consigned irrevocably to history's dustbin of discredit. The flurry of activity surrounding the Aboriginal Healing Foundation and the Indian Residential Schools Settlement Agreement—the subject of this book—brought credibility to the rhetoric. Unfortunately, for many aboriginal people the promise of this period has yielded to disappointment. On a range of issues, from education and economic development to governance and treaties, Canada and indigenous people are at odds. The stormy conditions of the late 1980s, with which our story began, have returned. In

the perceived absence of dialogue and goodwill, the relationship of aboriginal people and the federal government is once again substance for street protests and court battles. Former AHF director of communications Kanatiio Gabriel looks at this and other facts of life in Canada and concludes that “it’s as if the residential schools never closed.” When we look ahead, in some respects we also are looking back. The near future poses challenges as enormous as the Indian Residential School System, perhaps even greater.

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90. J.R. Miller, *Shingwauk's Vision: A History of Native Residential Schools* (University of Toronto, Buffalo and London: Toronto Press Incorporated, 1996), 382.
91. Ibid., 211.
92. Ibid, 211.
93. Bob Watts, Memorandum from the First People's Group to the

Ontario Association of Children's Aid Societies, undated, page 3.

94. Quoted in John S. Milloy, *A National Crime: The Canadian Government and the Residential School System, 1879 to 1986*, page 214. Note that no indication is given whether overcrowding or parental neglect was the more important factor in this determination, an important point given that neglect, fueled by poverty and caregiver substance abuse, has been identified as the main reason for recent disproportionately high rates of apprehension of Aboriginal children by the child welfare system.
95. See Helen Raptis and Samantha Bowker, "Maintaining the Illusion of Democracy: Policy-Making and Aboriginal Education in Canada, 1946-1948," *Canadian Journal of Educational Administration and Policy* 102 (March 27, 2010): 1.
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97. "Auditor: foster care failing native children," *Toronto Star*, May 6, 2008, accessed May 8, 2014 <http://is.gd/bVYjzu>
98. See Moira Peters, "Circle of Strength Offered in Halifax to Women Fighting for Jordan's Principle: Pictou Landing First Nation mother vs. Canada and non-universal health care," *Halifax Media Coop*, accessed May 8, 2014 <http://halifax.mediacoop.ca/story/circle-strength-offered-halifax-women-fighting-jordans-principle/8323>
99. "First Nations children still taken from parents," CBC, August 2, 2011, accessed May 8, 2014 <http://is.gd/PLDpwb.100>
101. Cindy Blackstock, "Reconciliation Means Not Saying sorry Twice: Lessons From Child Welfare in Canada," in *From Truth to Reconciliation: Transforming the Legacy of Residential Schools* (Ottawa: Aboriginal Healing Foundation, 2008), 168.
102. *Ibid.*, 167.

103. Ibid., 169.
104. See Aboriginal Affairs and Northern Development Canada, accessed May 8, 2014 <http://www.aadnc-aandc.gc.ca/eng/1373075023560/1373075345812>. The Panel was criticized by many First Nations leaders and organizations as another costly exercise which might not result in any real change for First Nations students when, many argued, the problems were already well-known and had been studied before. Some expressed concern that the panel report would be used to justify the imposition of legislative change without consultation. In the end, many First Nations refused to participate in the hearings.
105. Aboriginal Affairs and Northern Development Canada, “Executive Summary,” in *Nurturing the Learning Spirit of First Nation Students: Report of the National Panel on First Nation Elementary and Secondary Education for Students on Reserve*, accessed May 8, 2014 <http://www.aadnc-aandc.gc.ca/eng/1373075023560/1373075345812>
106. Ibid.
107. Ibid., 39.
108. David King, *A Brief Report of The Federal Government of Canada’s Residential School System for Inuit* (Ottawa: Aboriginal Healing Foundation, 2006), 12.
109. Ibid., 15.
110. Report on Proceedings and Outcomes Student-on-Student Abuse Gathering January 17 to 19, 2012 Winnipeg, Manitoba, Aboriginal Healing Foundation, 2012, page 6.
111. Amy Bombay, Kim Matheson and Hymie Anisman, *Origins of Lateral Violence in Aboriginal Communities: A Preliminary Study of Student-to-Student Abuse in Residential Schools*. (Ottawa: Aboriginal Healing Foundation, 2014), 16.
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- Healing Foundation, 2012, page 21.
113. Amy Bombay, Kim Matheson and Hymie Anisman, *Origins of Lateral Violence in Aboriginal Communities: A Preliminary Study of Student-to-Student Abuse in Residential Schools*. (Ottawa: Aboriginal Healing Foundation, 2014), 32.
114. Ibid.
115. Tonda MacCharles, “Watchdog blasts RCMP over workplace harassment policy,” *Toronto Star*, February 14, 2013, accessed May 8, 2014 <http://is.gd/Qh6P6C>.
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119. Ibid., 21.
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- (Winnipeg: University of Manitoba Press, 2007), xv.
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125. Ibid., xix.
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129. Ibid., 150.
130. Ibid., 144.
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132. Amy Bombay, Kim Matheson and Hymie Anisman, *Origins of Lateral Violence in Aboriginal Communities: A Preliminary Study of Student-to-Student Abuse in Residential Schools*. (Ottawa: Aboriginal Healing Foundation, 2014), 151.
133. Ibid.





# appendices





## appendix a

Correspondence sent by the Aboriginal Healing Foundation to the Honourable Robert D. Nault, Minister of Indian Affairs and Northern Development, and the Auditor General of Canada, concerning the KPMG/ScotiaMcLeod analysis of “a longer time-frame and a balanced portfolio” to “allow for a greater return on investment and, as a result, a greater ability to invest in the long-term healing of residential school survivors, their families and descendants.” See page 78 for context and discussion.

March 13, 2001

Honourable Robert D. Nault, P.C., M.P.  
Department of Indian Affairs and Northern Development  
21st Floor  
10 Wellington Street  
Hull, Quebec  
K1R 6G6

Danet'e:

As you know, the Aboriginal Healing Foundation has been engaged in discussion with the Government of Canada concerning modifications to the Foundation's mandate and investment restrictions.

I have enclosed with this letter a KPMG/ScotiaMcLeod analysis which provides, in part, the basis of our request.

KPMG and ScotiaMcLeod conclude that prudent modifications of the Aboriginal Healing Foundation's mandate and investment restrictions (a longer time-frame and a balanced portfolio) "would allow for a greater return on investment and, as a result, a greater ability to invest in the long-term healing of residential school survivors, their families and descendants."

The Aboriginal Healing Foundation is well-placed to provide greater lasting benefits to Survivors, their families, and descendants. I am therefore requesting an opportunity to meet with you to present the Foundation's position on this matter and to seek your support for our objectives.

Masi,

[signed]

Mr. Georges Erasmus  
Chairman, Board of Directors.

March 13, 2001

Mr. Denis Desautels  
Auditor General of Canada  
Office of the Auditor General  
240 Sparks Street  
Ottawa, Ontario  
K1A 0G6

Danet'e:

The Aboriginal Healing Foundation is at present engaged in discussion with the Government of Canada concerning an extension of our mandate and a revision of our investment restrictions.

We have presented a number of possible scenarios, all of which entail more time to commit our endowment and a revision of our investment restrictions without additional government funds. An analysis conducted by KPMG/ScotiaMcLeod, enclosed for your consideration, concludes that a longer time-frame and a balanced portfolio "would allow for a greater return on investment and, as a result, a greater ability to invest in the long-term healing of residential school survivors, their families and descendants."

We have been led to believe that your office may originally have had concerns about the length of our mandate. Are you aware of any reason we should be restricted to a three- or four-year period to spend or commit the original endowment provided to us by the federal government?

The Foundation believes that there is now an opportunity to expand the benefit of the healing fund for Survivors of residential schools, their families, and descendants. The character of this opportunity, and the analysis substantiating it, have been presented to senior Government officials. There is general support among them both for the work of the Foundation and the modifications to this work that we are seeking.

I trust that the enclosed study will make apparent the reasons informing our request, and I am seeking your support in this matter, hopeful that

we may take this opportunity to maximise the healing fund's long-term effectiveness.

Masi,  
[signed]  
Mr. Georges Erasmus  
Chairman, Board of Directors.

March 26, 2001

Mr. Denis Desautels  
Auditor General of Canada  
Office of the Auditor General  
240 Sparks Street  
Ottawa, Ontario  
K1A 0G6

Danet'e:

The Aboriginal Healing Foundation is at present engaged in discussion with the Government of Canada concerning an extension of our mandate and a revision of our investment restrictions.

We have presented a number of possible scenarios, all of which entail more time to commit our endowment and a revision of our investment restrictions without additional government funds. An analysis conducted by KPMG/ScotiaMcLeod, enclosed for your consideration, concludes that a longer time-frame and a balanced portfolio "would allow for a greater return on investment and, as a result, a greater ability to invest in the long-term healing of residential school survivors, their families and descendants."

We have been led to believe that your office may originally have had concerns about the length of our mandate. Are you aware of any reason

we should be restricted to a three- or four-year period to spend or commit the original endowment provided to us by the federal government?

The Foundation believes that there is now an opportunity to expand the benefit of the healing fund for Survivors of residential schools, their families, and descendants. The character of this opportunity, and the analysis substantiating it, have been presented to senior Government officials. There is general support among them both for the work of the Foundation and the modifications to this work that we are seeking.

I trust that the enclosed study will make apparent the reasons informing our request, and I am seeking your support in this matter, hopeful that we may take this opportunity to maximise the healing fund's long-term effectiveness.

Masi,  
[signed]  
Mr. Georges Erasmus  
Chairman, Board of Directors

September 4, 2001

Honourable Robert D. Nault, P.C., M.P.  
Department of Indian Affairs and Northern Development  
21<sup>st</sup> Floor  
10 Wellington Street  
Hull, Quebec  
K1R 6G6

Danet'e:

I am writing to follow-up a March 13, 2001 letter addressed to your office. As you will recall, the letter regarded discussions between the Aboriginal Healing Foundation and the Government of Canada concerning modifications to the Foundation's mandate and investment restrictions.

KPMG and ScotiaMcLeod have concluded that prudent modifications of the Aboriginal Healing Foundation's mandate and investment restrictions (a longer time-frame and a balanced portfolio) "would allow for a greater return on investment and, as a result, a greater ability to invest in the long-term healing of residential school survivors, their families and descendants."

The Aboriginal Healing Foundation is well-placed to provide greater lasting benefits to Survivors, their families, and descendants. I am therefore requesting an opportunity to meet with you to present the Foundation's position on this matter and to seek your support for our objectives.

Masi,  
[signed]  
Mr. Georges Erasmus  
Chairman, Board of Directors

April 25, 2003

Honourable Robert D. Nault, P.C., M.P.  
Department of Indian and Northern Affairs  
21st Floor  
10 Wellington Street  
Hull, Quebec  
K1R 6G6

Danet'e:

Thank-you for your letter dated February 19, 2003, concerning the Proposal to Amend the Funding Agreement between the Aboriginal Healing Foundation and the Government of Canada. I should like to take this opportunity and explain the Board's decision to decline respectfully this offer.

You will recall that in the Spring of 2000 I first proposed to you a revision of the Foundation mandate. At that time, I suggested a longer time-frame to commit the healing fund, which would have enabled the Foundation to maximize benefits to Aboriginal communities without the need for additional Government funds.

KPMG & ScotiaMcLeod provided a detailed analysis of various investment and time-frame scenarios: their projections disclosed that a mandate revision would allow for a greater return on investment and a greater ability to invest in the long-term healing of residential school survivors, their families, and descendants. One scenario saw disbursement of nearly \$1 billion dollars over 30 years, without depletion of the fund's principle and without additional Government funding. As you know, I included this analysis in the submissions made to your office in early 2000.

My impression at the time was that you saw the value of this approach, which took a long-term view of the issues surrounding physical and sexual abuse in the residential schools.

Unfortunately, three years have expired while the matter of a time-frame modification has been considered. Because this proposal was time-sensitive, our opportunity has passed. The existing mandate has forced the AHF Board, in the years pending resolution of this issue, to distribute most of the Foundation monies. As a result, our resources have been depleted to a level at which no meaningful benefit may be derived from a three-year extension.

As it happens, we have only just begun to address the healing needs of Aboriginal people. There is much that remains to be done. The Aboriginal Healing Foundation is working on an evaluation and a Final Report which will provide a clear picture of the healing work that has been done, as well as the best practices that have emerged in addressing the effects of abuse in the residential schools.

Your February 19 letter also refers to “concern respecting expiry of the deadline.” In fact, there is no such concern on our part. Our final application deadline arrived on February 28, 2003, and for this deadline we received 398 submissions requesting a total of \$205,552,965.69 —



whereas there is only \$39 million available for distribution. Demand for healing funds has far surpassed our resources. We are therefore well-positioned to have committed 100% of the healing fund by October 5, 2003 and will doubtless meet the “best efforts” clause of our Funding Agreement.

Using the funds remaining, the Board is labouring to address the needs of survivors who have come of late to the Foundation. The challenge lies, not in meeting the deadline—which we will easily do —, but rather in distributing in the fairest and most effective manner possible the limited resources now available. We are thus working to ensure that the remaining funds are distributed equitably, with under-served regions (the north and Quebec) and groups (Inuit and Métis) receiving our particular attention.

I thank you for your initial enthusiasm concerning a sustained approach to healing the legacy of physical and sexual abuse in the residential school system. It is with regret that I decline your offer of an extension, which was required three years ago to be of benefit to the Aboriginal Healing Foundation.

Due to your busy schedule, it has been some time since we have had the occasion to meet. I would appreciate an opportunity to update you properly on the work of the Foundation. On behalf of the AHF Board, I thank you for your consideration and welcome a meeting at your earliest convenience.

Masi,

Mr. Georges Erasmus  
Chairman, Board of Directors.

## appendix b

The Aboriginal Healing Foundation's *Hamilton Spectator* editorial. See page 106 for context and discussion.

**OPEN EDITORIAL**

February 24, 2000  
Kirk LaPointe  
Editor-in-Chief  
Hamilton Spectator

Ahnee:

I am responding to the Hamilton Spectator's comments on the expenditure of funds by the Aboriginal Healing Foundation. Both the article and editorial by Howard Elliott are unbalanced and inaccurate. Your suggestion of "a new political and ethical controversy" and what can only be an opportunistic attempt to piggyback on the HRDC coverage are uncalled for and repugnant.

Mr. Erasmus' track record is clear. Even a casual glance at his resume attests to his leadership and exemplary work on behalf of Aboriginal people—first in the North and later with the Royal Commission on Aboriginal Peoples. The qualifications of the Board to act in the best interests of Residential School Survivors are equally apparent.

The majority of Board Directors are Residential School Survivors, as are a number of the staff. The vast majority of us have suffered intergenerational impacts in one form or another. The healing process is therefore close to our hearts. The accusation, based on misuse of information, that these people carry out Foundation work for personal gain is irresponsible. Georges Erasmus and the Board of Directors of the Aboriginal Healing Foundation have been libelled and we expect a complete apology.

I would now like to clarify some of the more glaring factual errors put forth in your paper.

**Honoraria**

The Foundation was allowed one year—the 1998-99 fiscal year—to set up operations. In the absence of staff during that year, the Board functioned as both a governing and an operational body and therefore

invested a great deal of time and energy in the work of the Foundation. As a result, honoraria in the start-up phase was paid more frequently than it is currently. Meetings at that time were required monthly. They now occur quarterly. The article states that Board members receive an additional annual honorarium of \$2K each. There is no such annual payment. The article refers to honorariums as “tax free.” The Foundation is not a tax-exempt organization. The article presents two conflicting amounts for honoraria. To set the record straight: the Foundation paid \$310,837.00 in honoraria, to 15 Board Directors, during the 1998-99 fiscal year. The figures quoted by the Spectator include honoraria, travel, accommodation, meals and occasional child-care paid to operate a national Board. It should also be noted that a Board Director must participate in a Foundation meeting for at least 4 hours in order to qualify for a full honorarium.

Current honorarium rates are comparable to other organizations of this type. This has been verified by external consultants. Every effort is made to keep honoraria to a minimum. With respect to travel, ours is a national board with Directors from every region of the country. Bringing Directors to any meeting, regardless of where it is located, will incur us some costs. The Foundation pays no honoraria or travel costs for the two Government of Canada representatives on the Board.

### **Residential School Healing Strategy Conference**

The \$426,964.00 referred to in the article as a December 1998 meeting was actually a national conference held in the summer of 1998. From the start, the Board wanted to ensure the money they’ve been entrusted is administered and invested in the most effective and fair manner possible. It was deemed essential to seek the guidance of survivors in order to ensure the work of the Foundation is relevant. The Residential School Healing Strategy Conference, held in Squamish Territory on July 14, 15 and 16, 1998, was organised for that purpose. It was a consultation, not a “public relations” event. Logistical arrangements included travel and accommodation for several hundred survivors of residential schools from across the country. The conference resulted in a consultation document which is the basis of our funding programs (criteria and Program Handbook). Our 1999 Annual Report clearly indicates, on page 30, that the Foundation received a contribution of

\$400,000.00 towards this conference and that the Foundation covered the balance (\$28,889.00).

### **Project Funding**

Every proposal received before deadlines underwent the same evaluation process. The Foundation takes great care in screening and assessing proposals. Both staff and external reviewers are used. The Foundation has so far approved approximately 20% of the applications received. Proposals that were not funded this time around can be resubmitted. In fact, we've contacted every applicant whose proposal sought to address the legacy but did not receive funding, to let them know we will work with them to help them meet the established funding criteria.

The Foundation's Board of Directors has recommended funding \$48M in projects in our first funding cycle. We have signed contracts with these recommended projects for approximately \$30M. The contracting process is a careful one and is 80% complete. The \$12.3M in expenditures quoted in the article refers to quarterly payments that have so far been made to these funded projects. The Foundation pays funded projects quarterly, rather than paying the full amount of our contracts up-front. We have, in fact, committed most of the \$50 million we projected for the first funding cycle. We have taken a measured approach. This is prudent funding management and is common practice within funding agencies.

### **Proposal Development Assistance Funding**

The department referred to as having been established to provide assistance in writing applications is actually our Proposal Development Assistance Funding program. The \$3.2M referred to in the article is actually grants sent out in response to applications and is not an internal expense for operations. We invested this money for good reason. Not all communities have the resources to develop healing proposals. It is also reasonable to expect that some people who remain traumatised by the legacy of physical and sexual abuse arising from the residential school system cannot always prepare good proposals. We felt it important to provide assistance to individuals and communities in order to ensure residential school survivors, their families and descendants get the help they need.

## **Staffing**

Staffing at the Foundation is modest. Other similar operations operate with twice the number of staff. Staff salaries have been reviewed by an outside consulting firm, and are 97% correlated with what the market typically pays for similar work.

In closing, I would like to say that any funding agency will have people dissatisfied because they did not get funded or did not get the level of funding they asked for. The goal of the Foundation is to fund quality proposals that ensure maximum benefit to Survivors, their families, and descendants. These are the clear guidelines we received from survivors at the Residential School Healing Strategy Conference held in Squamish territory in July 1998. We were told to make sure we invest the healing funds that have been entrusted to us wisely. Survivors cautioned us to proceed carefully, ensuring the proper safety nets are there for people who are trying to address the trauma inflicted by the Legacy of Physical and Sexual Abuse arising from the Residential School system.

We could easily have distributed the entire \$350 million in our first call for proposals by funding every proposal we received. A good number of them did not meet our criteria, however. They were not clear on how they would involve Survivors, how they would be accountable to their constituents, and how they would form linkages and partnerships. We could legitimately have been accused of being irresponsible had we not stuck to the process we established. The Foundation's funds are limited given the magnitude of the problems plaguing all our people, communities and nations.

Our selection procedures are careful and fair, our audits indicate all is in order, our processing and paperwork are exemplary, and our monitoring is well in hand for an organisation with less than one year of funding projects.

As for the Hamilton Spectator, you cannot have it both ways: you cannot, on the one hand, criticise us for being too cautious in allocating funds and accuse us, on the other, of being reckless in our administration. Perhaps the Spectator would have better fulfilled its responsibilities to its readership by seeking and presenting the views of those who have

received funding from our program. This would surely have presented your readership with a more balanced picture.

Meegwetch,

[signed]

Mike DeGagné,

Executive Director,

The Aboriginal Healing Foundation.

Page numbers in *italics* refer to photographs. AHF refers to Aboriginal Healing Foundation.

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