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**Chair**

**Ms. Nancy Karetak-Lindell**

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# Standing Committee on Aboriginal Affairs and Northern Development

Thursday, February 17, 2005

•(1110)

[English]

**The Chair (Ms. Nancy Karetak-Lindell (Nunavut, Lib.)):** I now call the meeting to order.

Because the clock is ticking and we certainly want to hear from our first panel in the time slot that we have, I'd like to get the meeting under way. I will be very generous with the time, again, as I have been with the other witnesses, knowing that people have travelled a long way to be here.

This is meeting 19, on Thursday, February 17, 2005. Pursuant to Standing Order 108, we're doing a study on the effectiveness of the government alternative dispute resolution process for resolution of Indian residential school claims.

I'd like to welcome everyone here this morning.

First on the agenda is Mr. Raymond Mason, of the Spirit Wind Association. The French translation for his presentation is in the briefcase that's finding its way to this committee room, so we'll start with Mr. Dennis Troniak, counsel, from the Troniak Law Office, for the first hour.

Mr. Troniak.

**Mr. Dennis Troniak (Counsel, Troniak Law Office):** Thank you.

My name is Dennis Troniak. I'm a Manitoba lawyer, and I practise law dealing with the problems and needs of aboriginal Canadians.

I act for survivors of residential schools, including Flora Merrick, whom you'll be hearing from later.

I support the work and goals of Spirit Wind, a survivors group appearing here today. You'll hear from Mr. Mason when this foul-up is fixed.

I'm a member of the National Consortium of Residential School Survivors' Counsel. I endorse the consortium's demand that the federal government immediately negotiate a fair, efficient, comprehensive, and binding settlement of all residential school claims, and that the resolution be implemented with court approval and under court supervision. However, this is an opportunity to hear from survivors.

I think it's vital that the committee hear from survivors, and I want to thank the committee for giving voice to survivors of the residential school system. They are the living indictment of the Government of Canada's practice of systemic racism and systemic child abuse for more than a hundred years. It has always been puzzling to me that

instead of vigorously pursuing a policy of comprehensive national settlement, reconciliation, and healing in the face of one of the greatest human rights injustices in our history, involving the destruction of tens of thousands of families and horrendous damage to the lives of hundreds of thousands of children, the Government of Canada hides behind legalisms and platitudes.

One of the greatest stories of courage, of the strength of spiritual light over darkness, and of the victory of the human spirit over adversity is told in the lives of the survivors. Many of those lives ended in squalor and abject misery, and we are stricken by that knowledge. Many, however, including witnesses you heard Tuesday and will hear from today, are testimonies to triumph in the face of adversity that we who have not lived their experience can scarcely imagine.

The government denied these children—and these were all children at the time—and their parents due process when it tore their families apart and blighted their lives. The government continues to deny them justice as it unconscionably tries to defend the indefensible.

So I ask the Prime Minister today, and ask the members of his cabinet and his caucus, and ask any parliamentarian who stands in the way of justice on this issue, "Have you no shame? Have you no shame?"

Thank you for allowing me to speak.

•(1115)

**The Chair:** Thank you very much.

We will now go to Ms. Flora Merrick and Ms. Grace Daniels.

I'm not sure if Flora will be doing the presentation or someone else, but I want you to make sure that we make you feel comfortable. We will do as you wish.

**Ms. Ruth Roulette (As Individual):** My name is Ruth Roulette. I'm the granddaughter of Flora Merrick. I'll be reading for her, and she has a few comments to add on her own. These are her words:

"My name is Flora Merrick, the daughter of the late Flora McKinney and Archie Myron. I am the widow of the former chief of Long Plain First Nation in Manitoba, Angus Merrick, who was awarded the Order of Canada by the Governor General of Canada for his long-time work on behalf of the aboriginal people in Canada.

"I was born on Remembrance Day, November 11, 1916, and I've lived my whole life on Long Plain First Nation, approximately 120 kilometres west of Winnipeg, Manitoba.

"I thank everybody for inviting me and my stepdaughter, Grace Daniels, here today to say a few words about what we went through at residential school and our experience with the Government of Canada's alternative dispute resolution.

"We also have Long Plain First Nation councillor Ruth Roulette with us to help us with our presentation. Ruth is the daughter of Grace, and my granddaughter, who is also a residential school survivor.

"We also have our lawyer, Dennis Troniak, here with us to answer any questions about our residential school claims and experiences under the ADR program.

"I attended the Portage la Prairie residential school from 1921 until 1932. In all my 88 years, I have not forgotten the pain and suffering I went through while at residential school. Being separated from my loving parents and family at five years of age and enduring constant physical, emotional, psychological, and verbal abuse still haunts me. I was punished for speaking my own language and was always frightened and scared of what the teachers and principals would do to me. It was like being in prison.

"During my stay at Portage la Prairie residential school, I witnessed the injustices of beatings and abuse of other children, some of whom were my siblings. We were treated worse than animals and lived in constant fear. I have carried the trauma of my experience and seeing what happened to other children all my life.

"I cannot forget one painful memory. It occurred in 1932 when I was 15 years old. My father came to the Portage la Prairie residential school to tell my sister and I that our mother had died and to take us to the funeral. The principal of the school would not let us go with our father to the funeral. My little sister and I cried so much, we were taken away and locked in a dark room for about two weeks.

"After I was released from the dark room and allowed to be with other residents, I tried to run away to my father and family. I was caught in the bush by teachers and taken back to the school and strapped so severely that my arms were black and blue for several weeks. After my father saw what they did to me, he would not allow me to go back to school after the school year ended.

"I told this story during my ADR hearing, which was held at Long Plain in July 2004. I was told that my treatment and punishment was what they called "acceptable standards of the day". I was raised in a close and loving family before I was taken away to a residential school, and being strapped until I was black and blue for weeks and being locked in a dark room for two weeks, to me, is barbaric.

• (1120)

"I was told that my experiences did not fit into the rigid categories for being compensated under the ADR. However, the adjudicator, Mr. Chin, after hearing my story at my hearing, awarded me \$1,500. The federal government appealed to take even this small award from me.

"I was willing to accept the \$1,500 award, not as a fair and just settlement, but only due to my age, health, and financial situation. I wanted some closure to my residential school experience, and I could also use the money, even as small as it was.

"I am very angry and upset that the government would be so mean-spirited as to deny me even this small amount of compensation. I instructed my lawyer, Mr. Troniak, to withdraw me from the ADR, not to appeal, and to place me in the national class action suit once it was certified. I'm very upset and angry, not only for myself, but also for all the residential school survivors.

"My stepdaughter, Grace Daniels, also went through the ADR program, and I would like Grace to tell you what she went through."

Now my grandmother would like to say a few words to the committee.

**Ms. Flora Merrick (Residential School Survivor, ADR Applicant, As Individual):** Most of the students I went to school with are gone. There are only a few of us left. Only about two weeks ago the last one who had also run away passed away. It was so bad.

I don't know what more to say, but I think of this a lot. At home, I'm alone. As long as I live, I shall never forget what they did to us at that school.

If they can take away the pain and suffering I went through....

• (1125)

**Ms. Ruth Roulette:** That's all she has to say.

**The Chair:** Thank you very much, Mrs. Merrick.

I'm not sure if Grace is doing a separate presentation this morning.

**Ms. Grace Daniels (Residential School Survivor, ADR Applicant, As Individual):** I would ask Ruth, my daughter, to read this. I don't think I'll be able to do it myself.

**The Chair:** Thank you.

Go ahead, Ruth.

**Ms. Ruth Roulette:** Thank you.

This is what my mother wishes to say:

"Good morning. I thank everybody here for inviting me and allowing me to say a few words to this committee.

"My name is Grace Daniels—although on the birth certificate dated October 9, 1928, my first name is Elsie. My name was changed by school officials when I attended Portage la Prairie Residential School. I attended that school from 1933 until 1943. During that time, I would only return home for two months during the summer. During that time, I never celebrated Easter or Christmas with my family.

"I can verify what my step-grandmother has just told you, as I experienced the same type of physical abuse, and witnessed countless other children being abused as well. Starting at age seven or eight, I was repeatedly sent to the principal's office for severe strappings. Starting at age ten, I started to speak up for other children, especially the younger ones, who were severely strapped and in some cases beaten for no apparent reason. For this, I was strapped and beaten more severely to break my spirit and to make an example out of me.

“One time I received a very bad beating from the principal of the school. I was taken into a private room, told to take my clothes off, and was beaten severely all over my body with a strap for about a half hour. It was very painful and I suffered a lot of bruising and swelling all over my body that lasted for days. The only reason he quit was that he was too exhausted to continue. I was 13 years old at the time. I felt degraded and humiliated. I received numerous other strappings and beatings that would at times last for several minutes and up to a half hour, but I would not give in. I would not let them break my spirit. Those strappings were done in front of other children, which also made me feel degraded and humiliated.

“The principal who abused me ruled the school with a reign of terror, always keeping the children frightened and scared. He had peepholes in all the doors so he could spy on the children and try to find something they were doing that he could punish them for.

“I was also punished and threatened when I tried to speak my native Ojibway language. Often I was hungry, denied food as punishment; and the food was often bland, like slop.

“I still have dreams and nightmares about my residential school abuse. A good friend died needlessly from neglect after getting sick, and I was not allowed to grieve properly. This is part of the emotional scars and trauma I have carried with me all my life.

“The fact that I was slotted into the model B category of the ADR process and only entitled to a maximum amount of \$3,500 for my pain and suffering, to me, is a great injustice. I was offered only \$3,000, which I turned down as a slap in the face.

• (1130)

“My appeal to the board was turned down, as I did not suffer what could be characterized as sexual abuse. I did not suffer major long-term injuries from my beatings. It seems I would have had to be beaten to the point of causing serious injury or near-death to receive decent compensation.

“I feel that I was re-victimized by an uncaring and an unsympathetic government process that was only interested in denying justice at whatever cost. I have been told that the federal government probably spent close to \$20,000 to verify and hold my hearing. All the costs my lawyer and I incurred I believe are not covered because I turned down the ADR settlement process offer.

“I have instructed my lawyer, Mr. Troniak, to include me in the national class action lawsuit that I hope will be certified in the very near future. I feel I can speak on behalf of myself and my stepmother in saying that the federal government and its ADR process cannot be trusted and expected to bring justice and closure to the pain, suffering, and humiliation we have suffered.

“Thank you.”

**The Chair:** Thank you very much, Ms. Roulette, for speaking on behalf of Ms. Daniels and Mrs. Merrick.

Mr. Troniak.

**Mr. Dennis Troniak:** Mrs. Daniels has something to say.

**The Chair:** I'm sorry.

**Ms. Ruth Roulette:** She just has another quick statement. Is it okay to proceed?

**The Chair:** Yes, go ahead.

**Ms. Ruth Roulette:** This is her statement:

“I am Grace Daniels, wife of late George Daniels, mother of 14 children, one pair of twins, grandmother of 60 children, great-grandmother of many children. My late husband was a survivor of the residential school system, as were six of my children. I'm here today to state my case as well as my children's.

“I declined the offer of settlement because the ADR process is slow and does not reflect the suffering we undertook as prisoners of the system. This offer does not match the suffering I experienced as a child.

“I watched, as a mother and an elder in my community, the devastating impact and effect this policy had on young men and women over the years: the lack of parenting skills, the poverty, the abuse, and the substance abuse that caused family breakdowns. I've seen the provincial child welfare system and the justice system take away our children, some never to be seen again. This was the generation that was supposed to carry on our culture, stories, history, and beliefs, only to be taken away.

“The only way the federal government will compensate our survivors is through a fair system to direct these funds to them, not to lawyers or federal staff to take away what is ours.

“Regarding the offer made to me, as I said, I got slapped in the face by the staff of the residential school system. I got a further slap in the face by the ADR process by their offer.

“May the good Lord guide you to provide a proper settlement to our survivors.

“*Meegwetch.*”

**The Chair:** Thank you very much.

We'll now go to Mr. Raymond Mason, please.

**Mr. Raymond Mason (Chairperson, Spirit Wind Association):** Thank you, and good day.

My name is Raymond Mason, and I'm a survivor of three different residential schools over a period of ten and a half years. I am chairperson of Spirit Wind, the grassroots survivor association that was created in Manitoba in January of 2003.

At meetings held in Winnipeg and in northern Manitoba, survivors endorsed the creation of Spirit Wind and our goals and objectives. Spirit Wind has also been endorsed by resolutions passed in 2003 by both the Assembly of First Nations and the Assembly of Manitoba Chiefs.

I'd like to say a few words about Spirit Wind. We are totally independent and do not receive any funding from Indian Residential Schools Resolution Canada or from the Government of Canada. Therefore, we are free to represent and provide a voice for residential school survivors without fear of having our funding cut as a form of retribution.

Unfortunately, oftentimes when important legal and political issues and large sums of money are involved, those who are the most important and affected but with little influence and power are often forgotten when deals and agreements are being made, purportedly in their best interests. Spirit Wind aims to prevent this from happening in the case of residential school survivors.

Spirit Wind intends to work with and not supplant the work of our elected leaders in organizations like the Assembly of First Nations and the Assembly of Manitoba Chiefs. Spirit Wind is supporting the efforts of the Indian Residential School Survivors Society in their work of organizing residential school survivors across Canada. We also support and encourage the work done by those helping survivors deal with the pain and suffering they are enduring from their experiences at residential schools.

Spirit Wind's proposed purposes and objectives, supported by a resolution passed by the Assembly of First Nations and the Assembly of Manitoba Chiefs, are:

To unite all Indian Residential School Survivors and their legal counsel to collectively facilitate: a strong...voice for all survivors; effective political and legal action for the just and expedient resolution of all Indian Residential School claims; the educating of the public of Canada on the importance of the experiences and effects of the Indian Residential School System on First Nations people; and the publicizing of collective and personal experiences of survivors through public relations and the media.

That's quoted from the Spirit Wind founding resolution, endorsed by residential school survivors in meetings held in Winnipeg and northern Manitoba.

There are a few important principles that have guided Spirit Wind from its inception. First of all, financial compensation provided directly to each survivor as part of the resolution process is fundamental for the government to address the residential school tragedy. Survivors have strongly endorsed this position. They have told us they are the ones, along with their families, who endured the abuse, heartbreak, and impacts of residential schools. Healing is important but adequate and just financial compensation is the cornerstone of this. Funds provided for healing foundations and aboriginal culture are important, but they should be provided outside the individual settlement of claims. In short, these federal government initiatives should not be funded out of money that should be earmarked to pay compensation to survivors.

For example, the Government of Canada spends hundreds of millions of dollars a year to preserve and promote the French language and culture in this country. Support for this established government policy is financed annually from government revenue. This principle should be extended to continue and expand aboriginal healing, language, and culture across Canada. Money for this should not come out of the pockets of the survivors, many of whom are among the poorest and most vulnerable of our society.

• (1135)

Second, it must be remembered that each survivor must be treated as an individual and afforded the dignity and respect of being able to deal with their pain and suffering and to pursue reconciliation and address as they see fit. They must be allowed the right to make their own decisions and not have others or organizations, even the ones that purport to represent their best interests, make deals or arbitrary decisions on their behalf. Each survivor should be afforded the right

to retain trusted and competent legal representation to resolve their claims. Those legal advisers must be involved in any negotiations about the future of the ADR or any other government redress program.

Third, the Government of Canada must acknowledge, recognize, and commit to fairly, justly, and equitably redressing the harm done. This includes providing direct financial compensation for sexual, physical, psychological, mental, cultural, language, and spiritual abuse. Any government program or policy to deal with the impacts of the residential school tragedy must incorporate and include financial compensation for all these harms.

More than the discredited alternate dispute resolution system, better known as the ADR, a viable option must be available to survivors to obtain redress. The ADR is being sold to survivors and the public as a fair, comprehensive, non-adversarial, compassionate, and cost-effective out-of-court process to settle residential school claims. Increasingly, the ADR process has fallen far short on all these counts, and I will say a few more words on this later in my presentation.

Spirit Wind strongly feels the class action approach for residential school claims seems to be the only way the Government of Canada will listen and will take into account the concerns and suffering of survivors. Therefore, in our view this is a preferred route to take. This, we feel, will ensure an efficient, timely, and court-supervised resolution process that will ensure fairness, equitable treatment, and consistency for all survivors. It will also ensure that the federal government is kept honest and that it can not arbitrarily create or change the rules of the game, as they have been doing with the ADR.

Finally, each survivor should have the opportunity to pursue their claims for compensation individually through the courts. They will be able to opt out of the class action process and pursue their claim individually if they wish to do so. In short, either way they will have their day in court. Regardless of which of the options is chosen by the survivors, the horrors and devastation caused by the deliberate and systematic genocide against us must not be covered up and forgotten.

As you've heard and will hear today, the effects are widespread and intergenerational. The federal government must not only do the right thing but be seen to do the right thing in dealing with residential school survivors and the claims that are brought forward. To ensure this happens, their legal counsel must be at the table to negotiate any arrangements that affect the claims and lives of survivors and their families.

With respect to the compensation provided to Japanese Canadians in 1980 for being interned during World War II, the government provided compensation quickly even though they were not legally obliged to. At the time, Prime Minister Brian Mulroney said compensation was being provided for their being interned just because it was morally and ethically the right thing to do. We would like the current Prime Minister, Paul Martin, to follow the same principle in having the federal government deal with the residential school issues. Indian residential school survivors should not be treated as second- or third-class citizens of Canada.

• (1140)

The above principles are what have guided the positions and actions of Spirit Wind, particularly in relation to the Government of Canada and the alternative dispute resolution. In May 2003, approximately three weeks after the current deputy minister of Indian Residential School Resolutions Canada, Mario Dion, assumed his current position, the spiritual leader of Spirit Wind, Melvin Swan, had opportunity to meet with him and present our principles and position on the residential school issue.

We also presented a number of concerns that we requested be incorporated in the ADR program. When the ADR was announced in November 2003, it was clear that none of our concerns were taken seriously. On November 7, 2003, a press release by Spirit Wind denounced the ADR program as a seriously flawed and deliberate attempt to avoid responsibility and limit liability to survivors.

We are also very critical of the announced \$1.7 million program that estimated approximately \$750 million of that total for government administrative and legal costs. The limiting of compensation to only sexual and severe physical abuse was also criticized in our press release, because it creates division, excluding those who were emotionally and physically abused, not to mention the cultural genocide and loss of language and identity that was inflicted upon us.

Unfortunately, many of the concerns we raised have come to be proven as fact. The spending of \$4 out of every \$5 spent on the ADR to date on government administration is gross injustice and colossal waste of the taxpayers' money. A small handful of claims are being processed while the government is doing everything it can to tie up and fight claims through the court process. People are being re-victimised through the ADR process. I am glad that this hearing will be looking into these issues.

I'm also disgusted with the treatment some survivors have been subjected to through the government ADR program. Two survivors from Manitoba, Mrs. Flora Merrick, who you just heard from, and her stepdaughter Grace Daniels, who you also just heard from, are here to tell you their experiences of what the federal government and the government lawyers say is a fair and compassionate program. Mrs. Merrick is the wife of the deceased Angus Merrick, an Order of Canada recipient, and Mrs. Daniels is his daughter. Mrs. Merrick had the small award granted her by an adjudicator appealed by the federal government because it did not fall within the rigid guidelines of the ADR program, which they arbitrarily set. Mrs. Daniels' small award, which I'm now told was turned down, was limited because it was subject to an arbitrary cap set by the federal government.

I am convinced that the action taken against Mrs. Merrick and Mrs. Daniels are part of a strategy of the federal government to intimidate and frighten survivors from pursuing claims. This is reinforced by the recently announced government intention to spend millions of dollars of taxpayers' money to hire private investigators to investigate the information provided by survivors in the ADR process. On CBC radio I said that this amounts to them calling us liars. I am not disputing the need to verify claims, but the hiring of private investigators to probe into our lives is an invasion of our privacy and may prejudice the safety of others as alleged perpetrators are asked about those who have named them as abusers.

Another instance of overt and covert intimidation, in my opinion, is the request of Indian Residential Schools Resolutions Canada for those with a criminal record to obtain their CPIC records from the RCMP. To obtain these records a person must go in person to a central RCMP regional office, make a formal request, be fingerprinted, and pay approximately \$115 for a copy of the records.

• (1145)

If these records are needed by the federal government, they could obtain these records themselves, as the declaration for the ADR application signed by the applicant grants this authority. To say the least, forcing someone to go through the process they require will demean and discourage a number of people. This is also great disincentive for survivors to pursue their residential school claims.

I would also like to mention the hiring of so-called form-fillers, who are aboriginal, by Indian Residential Schools Canada to supposedly help survivors fill out ADR applications. It has been reported to us that in many cases they are dissuading survivors from obtaining legal representation. We have been told that in many cases after signing up with the form-fillers and being promised quick and substantial settlements, many of the ADR applicants are left to fend for themselves. In Manitoba we have been advised by survivors that they have been told that their white lawyers will take their money and leave them with little of their ADR settlements.

Remember that the ADR program is currently only open to those over 70 years of age and to those who are in failing health. It is disgraceful that the federal government is hiring our own people to, in my words, lead our people like lambs to slaughter. It is clear that their intentions and actions are not in the best interests of survivors, but intended to divide and conquer us. They are only after limiting the financial settlements to survivors, regardless of their legal and administrative costs.

I have been advised that in many ADR hearings, two or three government lawyers and at least one federal case manager are present to protect the interests of the government. For them to actively discourage and dissuade survivors to have competent legal representation is clearly unfair and a travesty of justice.

This committee should look into the government program and the hiring and the actions of these government-paid form-fillers. We must be assured that they are not misleading and ultimately hurting vulnerable survivors who are enticed and convinced to sign with them.

All of the above and other actions of the federal government, in my opinion, prove that they cannot be trusted. Spirit Wind strongly supports the Baxter national class action as an option to deal with the estimated over 12,000 residential school claims. Recently I had the pleasure of signing a memorandum of understanding pledging our support for the national class action. The recent certification of Ontario Mohawk class actions through the Cloud decision by the Ontario Court of Appeal, I am advised, will set the precedent for national class actions. However, this action, which will be important in bringing potentially timely and fair resolutions to survivor claims, is being challenged by the Government of Canada. I'm advised they have recently asked the Supreme Court of Canada to overturn the Cloud decision. It is clear that the extent the government will go to control and limit the process and prevent a viable legal resolution to residential school claims knows no bounds.

Many of us survivors are elderly, in poor health, and many have died while waiting for justice. Unfortunately, it looks like many of us will die before our claims are dealt with. Those who have died should not have their claims die with them, as the government claims they will. They claim that they do not have any legal obligation to recognize these claims. What about the moral and ethical obligations to deal with these claims and the intergenerational claims they also refuse to recognize? It is disgraceful that they are being rewarded for delaying and avoiding dealing with residential school claims. They must not be allowed to solve their residential school legacy problem by waiting until all of us are dead. On behalf of Spirit Wind, I implore this committee not to let this happen.

Thank you very much.

● (1150)

**The Chair:** Thank you very much, Mr. Mason, and thank you, all of you, for your testimonies, which I know were very hard to give.

I'd like to do a round of questioning, and we'll start with the Conservative Party, led by Ms. Carol Skelton.

**Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, CPC):** Thank you very much, Madam Chair.

Thank you very much. This is my second term in the House of Commons, and the Tuesday committee and today's committee have been the hardest days of testimony I have sat through in this House of Commons, because I feel the last two days have shown me totally how much injustice has been done to each of you. From the bottom of my heart, I say how sorry I am for that.

I do wish the Minister of Indian Affairs and Northern Development and our Prime Minister had been here this morning to hear these beautiful, courageous ladies say what they said.

Mr. Troniak said you have been denied justice, that you were prisoners of the system. I'm taking words out of the testimony this morning. What has happened is disgraceful, and I say to the government of the day: Have you no shame? It is totally unfair to have your name changed by a school because they didn't like your

name, to be beaten so badly, and to not be allowed to attend your own mother's funeral.

My mother, Mrs. Merrick, is your age. She never, ever had to undergo the injustice you had to undergo, and that's not fair. It's not right, and it's the responsible thing for the government to stand up and do what's right. To now go ahead and put in place private investigators to look into your background just adds another slap in the face. It's unconscionable.

This is going to be very hard. I was wondering, Ruth—and I'm sorry to call you Ruth, but I feel my heart and your heart are connected in some ways—if you could expound a bit more on your children and how this has affected the children. Could you go a little further into that?

● (1155)

**Ms. Ruth Roulette:** Are we speaking with regard to my mother's testimony?

**Mrs. Carol Skelton:** Could either your mother or your grandmother tell us a little more about how, in the long term, it affected the children?

**Ms. Grace Daniels (Interpretation):** Most of our children do not speak their language now, our native language. Because we were not allowed to speak our language in the residential school, we lost our language. In our community we have a lot of alcoholism and drug abuse as a result of our lack of parenting skills. As well, there were many suicides in our community, along with the separation.

**Mrs. Carol Skelton:** Mr. Mason, could I ask you?

**Mr. Raymond Mason:** I'd like to add to the lady's comment, and I want to speak from my personal experience and from my heart.

For the longest time after I got married, I couldn't figure out why I was so distant, so cold to my own children. I thought the only way to show love to my children was to give them money and send them on their way. After going through a healing process on my own with a psychiatrist, I found out that because of the fact that I went through the system for so long, not being able to be brought up by parents or have any parenting at all, I was never taught how to love as a parent, so how could I pass on love to my own children?

This system has created a lot of dysfunctional situations, and not only with my family. You can look all over this system. I am having trouble to this day with my own son, with alcoholism, because I wasn't a good father. I didn't know how to be a good father. It was too late when I found out, and it's sad.

● (1200)

**Mrs. Carol Skelton:** I think one of the strongest statements you made was that it would be the moral, ethical, and right thing to do for this government to settle this.

Thank you, Madam Chair.



**The Chair:** Thank you.

We'll go on to Mr. Cleary, for the Bloc.

[*Translation*]

**Mr. Bernard Cleary (Louis-Saint-Laurent, BQ):** Madam Chair, I have been very moved by the testimonies I heard this morning. I always find it awful for those who were subjected to extremely distressing abuse to have to come and give a public account of what they have endured.

Unfortunately, that is necessary because our governments don't get it the first time around, and they don't do any better the second, third and fourth time. We have to keep repeating the same thing over and over.

I am an Innu, a Montagnais, the same age as these people. I had the good fortune of not being sent to these infamous residential schools and of being able to study, because my father had to leave the reserve to work. Basically, I was spared all that because there was no work for my father on the reserve.

Now, my intention is not to question you, because I know how difficult it is for you to recount all you have gone through. Instead, my intention is—and I think I am speaking for the committee—to try and comfort you and to tell you that we will do everything in our power to see this matter resolved, and resolved as soon as possible.

What is going on is insane. It is insane that the Japanese issue was resolved so quickly while we are unable to resolve this one, which I think is a hundred times more serious, regarding the first nations, nations who welcomed the Europeans with open arms.

How can a government take such positions? How can it discuss and question what happened to people when reports like the Royal Commission on Aboriginal Peoples fully explained it?

The government refuses to face the facts and raises a thousand and one questions on this issue. The government should recognize it made a mistake.

What can I say? It made a mistake, and that is terrible. The primary concern of elders in discussing this matter is that they be offered an apology, if only to comfort them. Money is fine, but the satisfaction it gives someone when what they have been saying all their life is recognized as true is worth much more. It does not cost much for a responsible government to say that mistakes were made and that those were monumental mistakes that the country cannot tolerate.

Let us settle this matter once and for all. What matters most is not an extra \$200 million or even an extra \$1 billion. What matters most is to ensure that people, like you, who have lost their whole life—

When I look at Ms. Merrick and her daughter as well as Ms. Daniels and hers, I see three generations of people who have suffered the same problems. How appalling is that! Three generations have gone through the same problems, suffered the same hardship and had an equally hard time overcoming them.

I could have sobbed like a child earlier, listening to this story, because I could feel how terribly difficult it was for the witnesses to recall memories they would rather forget, but are unable to.

There is always some smart guy somewhere who doesn't recognize certain things, forcing people to repeat the same thing over and over.

I just want you to know that the Bloc Québécois will do everything in its power—and it's greater than you may think—to ensure that you receive fair compensation for all that you have suffered. The government will have to come to the realization that it is a minority government. We're going to try, and I would be very surprised if we did not succeed. We are going to try and obtain justice for you. You deserve it.

Thank you.

• (1205)

[*English*]

**The Chair:** Thank you.

I'm not sure whether anyone wants to make a comment, so I think I will pass on to Mr. Mason.

**Mr. Raymond Mason:** I would like to thank Mr. Bernard Cleary. It gives me a great sense of confidence and a good feeling to know that we finally have somebody on our side.

Thank you very much. Merci.

**The Chair:** Thank you.

Mr. Martin, for the NDP, please.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Thank you, Madam Chair.

Thank you to all of the witnesses.

I come from Winnipeg and Manitoba is my home. I think all of the witnesses here today are from Manitoba. I hope you feel you're getting an opportunity to have a real audience here today and that people are listening. I only wish the broader population, the general population, could hear you as well. That's the question I have.

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?

• (1210)

**Mr. Raymond Mason:** If I may, I'd like to thank you for your comments. Again, I feel what our aboriginal leadership has done is a very good job, but we feel that as a grassroots people we have never been consulted, at least to my knowledge. We have never been asked if this is what we want, if it is acceptable to us.

I think what they should do is call a forum where we can all get together and hash this out. Let's find out from the people, not arbitrarily pick a figure and say that's what it's going to be and that's what we feel is going to heal or close the legacy. I feel we should have a forum where everybody would at least have a say or an input from the grassroots level.

**Mr. Dennis Troniak:** As counsel to Spirit Wind and to the survivors you've heard today, one of the really frustrating things we have had to overcome or deal with is getting the story out. It just doesn't seem to be getting out to the public. It's not even getting out to the members of Parliament, it seems. Forums like this are so important, we feel, to get the story out, so that Mrs. Merrick and Mrs. Daniels don't have to repeat their stories again and again and again.

I've dealt with a number of claims under the ADR—we have two here today—and it is difficult. We're talking about two cases here, which on the pecking order are at the very bottom of what the government considers...in Mrs. Merrick's case, they didn't even consider it to be abuse. In Mrs. Daniels' case, it was considered marginal. So imagine what they're making the people go through in these hearings.

**Mr. Pat Martin:** I think I can safely say that if you could get these stories to average Canadians, you would tap into a great deal of goodwill, because no one in this room will ever forget what we've heard today. If, as you say, there are thousands of those stories, and worse, I think your average Canadian will move swiftly and quickly.

I thank the Conservative Party for bringing forward this subject matter for us to debate and study in this context.

**Mr. Dennis Troniak:** Thank you.

But these were serious mistakes, and you have to deal with them. You can't just try to get out with as little as you can get away with.

**Mr. Pat Martin:** What's helpful, too, the point that all of you have made in your own way, is the intergenerational effect. I represent the inner city of Winnipeg, with a large population of young aboriginal people who are struggling, many of them either underemployed or with substance abuse issues or any number of problems. It helps everyone to understand where these kids came from and what their history has been. So often, anybody with a brain can trace it back to interrupting lives when those very things are being passed down.

Mr. Mason, you were very moving. You've identified that your own difficulty, even in relating to your children, is attributed to having that period of our life interrupted. It's very powerful.

• (1215)

**The Chair:** Thank you, Mr. Martin.

Ms. Roulette.

**Ms. Ruth Roulette:** If I could answer your question about these stories getting out, in our community we have a book of, I would say, 80% of the residential school survivors' stories that have been documented. We have a publisher in Winnipeg, Pemmican Publishers, that is prepared to put our stories in a book. But that's going to take a while, because there are a lot of negotiations happening—how much it's going to cost.

So to answer your question, yes, in our community anyway, our stories will get out to the public.

**The Chair:** Thank you.

I now go to Mr. St. Amand from the Liberal Party.

**Mr. Lloyd St. Amand (Brant, Lib.):** Thank you, Madam Chair.

Let me just add my voice and the voices of the others on this side of the room to echo what has been said very well by Ms. Skelton, Mr. Cleary, and Mr. Martin.

Your stories, your accounts, Ms. Merrick and Ms. Daniels, were spoken by your representative very bravely. Those of us who didn't go through that type of abuse can't imagine the level of bravery it takes to come forward in a public way to tell about private, sordid aspects of your past. You are to be commended for your bravery.

If one of your purposes in coming today was to bring alive for all of us these accounts, these memories, if part of your reason in coming was to put a very human, brave face on the abuses of the past, trust me, you have succeeded beyond your wildest expectations. For me, and I dare say for others, the accounts that you verbalized to us, which to this point we've only read about, are now very much alive. You have very much encouraged us, motivated us, to immediately and quickly get something done to deal with this abuse in the most fair, equitable fashion possible.

For what it's worth, Ms. Daniels, they didn't beat the spirit out of you. It's a tribute to you to see you here today and to see Ms. Merrick here, so articulate, so courageous. So you won, ultimately.

That said, we're here to deal with this matter in a practical way, to provide compensation to you, to Mr. Mason, and others in the quickest, fairest fashion possible.

Perhaps I can ask Ms. Merrick and Ms. Daniels to assist us in that. Literally, is there anything that could be done that would cause you at the end of every day to say, "I feel better. It was a dreadful experience, but I feel now that this generation has now treated me fairly"? What would it take?

**Ms. Flora Merrick (Interpretation):** I want to thank everybody here today. I pray every night before I go to sleep to help me to be strong.

•(1220)

**Ms. Ruth Roulette:** I'll answer her question after. First, let me go to my mother.

What about you, Mom?

**Ms. Grace Daniels:** I want to thank them for listening to us.

**Ms. Ruth Roulette:** She wants to thank the committee for listening.

**Ms. Grace Daniels:** I don't want this to ever, ever happen to any of our native people again. What happened to me, I don't want to happen to children again. I lost my youth. I lost.... I lost all that. I don't want that ever to happen again.

**Ms. Ruth Roulette:** Never to happen again to anybody is what my mother says.

**Ms. Grace Daniels:** Especially to our native people.

**Ms. Ruth Roulette:** Especially to our people.

**Ms. Grace Daniels:** I think I deserve more.

**Ms. Ruth Roulette:** My mother thinks she deserves more.

**Mr. Lloyd St. Amand:** More by way of compensation?

**Ms. Grace Daniels:** Yes. This has affected me all my life. I lost my language.

**Mr. Lloyd St. Amand:** To Mr. Mason—

**The Chair:** I wonder if you would you pass on what your grandmother said.

**Ms. Ruth Roulette:** She wants to say something.

Do we have time to tell a story?

**The Chair:** Yes.

**Ms. Flora Merrick:** After I left school, I left my two little sisters at the school. I knew what they were going to go through, but I had to leave them there.

My youngest sister grew up. She was 17 years old. She came home one day to our powwow celebration to speak to my dad. My mother had died already; he was alone. She brought some foreign fellow. He was in an air force uniform. She came to ask my dad to sign the paper or forms so she could...she wasn't of age yet to enter the air force.... My dad wouldn't sign them. My dad never went to school, but she wanted him to put the cross there. My dad wouldn't do it. He told her, no, if you go overseas, daughter, you're going to get killed. My dad never went to school, but he knew what war was.

My sister got mad and told my dad she would never come home again, she was leaving us. So she did. She joined the air force.

I have a picture right here of her. I see her every day.

The war was over before she went overseas, and she was honourably discharged, and she left. We haven't seen or heard from her to this day—never a card, never.

We were on a program. A man worked on the reserve, Norman Williamson. I told him about it, and what happened was on the TV. Lots of people saw that.

One day my son had a call from New York. Now, I don't remember that girl's name. She said her grandmother was Helen

Rose—that's my sister, Helen Rose. And she was looking after her grandmother, my sister Helen. She phoned every once in a while. She had seen the program on TV. My son Maurice told her we would like to talk to her, but this girl wouldn't let her talk to us. Every once in a while, she would phone. She would either phone my daughter Evelyn or my son Maurice, but she wouldn't let anybody talk to her. She wouldn't let my sister talk if she was there.

A few months later, a year after, I became suspicious. What if this girl was lying to us? She wanted money. Maurice sent her money. He was working, he had a good job. Then she asked for a leather dress, the ones the Indian women wear at the powwow, and a beaded belt, beaded moccasins to put on my sister. She was coming home to Winnipeg. A friend of Helen's had a daughter who was getting married, and she invited Helen to come to Winnipeg. She was going to wear this outfit.

We don't wear those kinds of clothes any more, only at the powwow.

So Evelyn and one of my daughters-in-law made the outfit, bought the beaded belt, the beaded moccasins, put them in a box, and they went across land to mail that parcel.

•(1225)

I don't know for how long there was no word from this girl. Finally, Evelyn phoned her to find out if she got the dress and whether it fit her. She got it all right, but it was too big. She gave Evelyn the measurements, so how could it be too big? I got kind of suspicious. I didn't like it.

The next time she phoned, I was in Evelyn's house. I told her I didn't believe her because she wouldn't let us talk to my sister. I told her that over the phone. I told her never to phone us again. I told her goodbye, and I hung up. To this day she hasn't phoned.

I haven't seen my sister in all these years, never a card or a phone call. But I see her every day because I have a picture of her. Sometimes I find myself talking to her, asking her to come home. It's just another thing I have to live with. Whether she is alive or gone, we don't know. I wanted to tell you that's what I have to live with. At Christmastime I stay home by the phone to see if she'll ever phone back. No, never. She has disappeared completely.

The principal I had at that Indian school left, and this was a new principal. He told the students that the reserve was no place to go home to, that there was nothing there. So he found them jobs house-cleaning in town for people. That's when she left. She worked in town and made a few dollars to go some place or she joined up.

I'm telling you the truth. That's what happened. I didn't make this up.

•(1230)

**Ms. Ruth Roulette:** My grandmother thought it was important to tell it because that was where she last saw her sister, at the residential school, and that's where she had gotten her idea to go on to other things, other than going back to the community. She wanted to tell the story.

Thank you.

**The Chair:** As the chair, I decided that this day would be our listening day. I apologize that we weren't able to get to all the questioners, but I do want to get to the next presenters. I took the liberty of making the agenda into a listening day because I thought it was important for us to hear the people who were able to come today.

Thank you very much for sharing your stories with us this morning.

I'm going to adjourn for a few minutes to allow the next presenters to take their place at the table.

● (1231)

\_\_\_\_\_ (Pause) \_\_\_\_\_

● (1239)

**The Chair:** I call the meeting back to order, please, and we'll get on with the next hour of presenters.

For the next hour we have four presenters, starting with the Association for the Survivors of the Shubenacadie Indian Residential School. Presenting for the association we have Mrs. Nora Bernard, the coordinator.

We can start with you, please, Nora. And thank you for your patience.

I thank every one of you for waiting. I know we're a little past the time you were going to present, but we'd like to hear from you now.

Good morning.

● (1240)

**Ms. Nora Bernard (Coordinator, Association for the Survivors of the Shubenacadie Indian Residential School):** Good day, folks. My name is Nora Bernard. I am with our lawyer, John McKiggan. I am from Truro, Nova Scotia.

Members of the committee, fellow survivors, I would like to thank you for giving me the opportunity to address the issues at hand regarding the ADR. With the ten-minute timeframe that I am allotted, I hope my submission will do justice for the survivors I represent.

First I'll give you a little background on the Association for the Survivors of the Shubenacadie Indian Residential School. It was established on September 22, 1995. At the time we had a membership of about 900. Today, as it stands, we have about 600-plus. Our members are located throughout Canada, the U.S.A., and as far away as New Mexico and Hawaii. A lot of our elder survivors have passed on and others we have lost through addictions and/or suicide. Our association has a program called the Mi'kmaq-Maliseet Walk-in and Referral Healing Centre, which is located in Truro, Nova Scotia. We are being contacted by many survivors on a daily basis regarding the residential school and to answer questions regarding the ADR program.

The ADR as it stands does not do justice for our surviving members, because it does not address all of the abuses that were, and still are, recognized by the government. Sexual and physical abuse was not the only abuse that the survivors experienced in these institutions. Abuses included such things as being incarcerated through no fault of their own; the introduction of child labour; the

withholding of proper food, clothing, and proper education; the loss of language and culture; and no proper medical attention.

These are only some of the issues we are dealing with today that were created by the government when they reneged on their fiduciary responsibilities by hiring these nuns and sisters from numerous orders, and the priests, ministers, brothers, and Oblate fathers. How long are the survivors going to have to wait while the government and the churches negotiate behind closed doors? The churches are not willing to take any blame. It seems that all parties involved are stalling for time until the survivors have all passed on so that the problem would disappear.

My greatest concern at this time is that the elders are being re-victimized, re-traumatized over and over again, and at the end there's still no closure and most of all no type of justice. The survivors who went through the ADR process were not justly treated.

● (1245)

My recommendation to the government would be that they compensate all the survivors a hundred percent, and that the government, having time and funds, sue the churches for their share of the compensation paid out.

I strongly recommend that the government quit creating programs such as the ADR, etc., and start compensating the survivors.

**A voice:** Absolutely.

**The Chair:** Can we have everyone's attention, please, and keep the conversations down.

**Ms. Nora Bernard:** As I stated before, we are speaking about elder survivors, most of whom are still living in poverty.

We are also faced with issues in regard to the descendants of the survivors. Such issues include attempted and completed suicides, alcohol and drug abuse, prescription and non-prescription abuse, family violence, sexual abuse, and elder abuse.

We hold healing circles in federal institutions for our first nations aboriginal inmates. We find that two-thirds of the inmates are descendants and/or they have had relatives who attended the residential schools.

In stating this, I do recommend that more programs be put in place for the first nations aboriginal inmates, especially the ones being released after being incarcerated for so many years. They do need some type of help and direction. It would be beneficial if there were more halfway houses and transition houses where traditional healing is introduced and used.

I understand, as stated before by one of my colleagues here, that the AFN has a program—and I do believe Mr. Martin spoke of that—but the AFN does not represent the Shubenacadie Indian Residential School survivors. I do. I believe that any settlements have to be court-approved so that the government can't change its mind whenever it wants to.

In closing, I would like to thank you for giving me this opportunity to present some of the main issues at hand, and I am hoping the officials will take our recommendations to heart and act upon them.

Thank you.

**The Chair:** Thank you, Ms. Bernard.

We now have Mr. Alfred Joseph Beaver. Go ahead.

**Mr. Alfred Beaver (As Individual):** First of all, according to your time in Ontario, good afternoon, ladies and gentlemen.

I hope the level of sincerity in this hearing in representing these people is not shown by the number of empty seats. I hope it's a lot more sincere than that.

Second, I would like to return something that is of no use to me. It is the ADR. It does not even make a good fire starter.

My name is Alfred Beaver. I come from the Bigstone Cree Nation. I was born and grew up in Wabiscaw, Alberta. At the age of five, I tagged along with my mother when she went in to register my brother, who was older than me by one year. We went to the aboriginal building, and at the time that building was probably the biggest and highest building north of Edmonton. We didn't know that. I didn't even know there was an Edmonton, being of a Cree-speaking nation, and being five years old.

At the beginning of September 1950, I believe, I had my first introduction to the Indian residential school. It was the beginning of being indoctrinated and having the Indian *nehiyó* wiped out of me. I had my first example of injustice and lack of consideration for the aboriginal people, who I know as Indian people, on that first day. After my mother went into the mission building to register my brother we left the building, and I cried when I saw my brother being taken away by a woman in a long black robe.

We were not very far from the building when we heard someone yelling behind us. It was about midday. My mother stopped, so I stopped. She had to walk slowly because at that time I had a very severe medical problem, childhood arthritis, so when she stopped I had no problem stopping. I saw something running up to us from the mission building. I knew it was a man when he got up to us, but he was wearing a long black robe. I didn't know it was called a robe at that time. He said something to my mother, and my mother answered. I didn't understand the English language then, I only spoke Cree. After a few exchanges of words, the man in the black robe grabbed me by my left arm, and my mother grabbed me by my right arm. It must have been noon hour, because the boys were at play in the boys' yard, and they all stood along the inside of the fence, just like corralled animals.

They started arguing. My mother grabbed me by my right arm, and they started having a tug-of-war. In no time flat the man in the black robe got angry. I could hear his voice, which scared me. That was the first time I saw a man abuse a woman physically. That man of God, supposedly, hit my mother on the side of her jaw with his clenched fist. I saw my mother go down. She was too weak to get up.

● (1250)

With that, the man took me by the arm and by the collar of my shirt back to that mission building. That was my introduction to the mission, St. Martin's Indian Residential School. I don't think there were very many saints at that time. There still are not many saints, if there ever was one.

In my first year in the Indian residential school I experienced my first taste of people refusing the same treatment to children as to adults. Because the time is so short, I'll make my statement short. The only time in the mission that we ever had sugar, butter, milk, jam, or anything but salt or pepper at our table was when the Department of Indian Affairs people decided to show up once a year in Wabiscaw. For three days we wore suits and ate the same food given to the priests, the nuns, and the brothers. The other time was when the Bishop McLennan decided to show up with his entourage, Bishop Routhier, at that time. Those were the only times we were ever treated on the same level as other humans.

I heard one of the survivors speak earlier of being strapped and whipped. I experienced that. I don't know how many people would speak openly of being sexually abused. A few days ago, on February 14, I turned 60. Fifty years have not erased the inhumane treatment I received at the hands of people who were entrusted with my life. Fifty years have not diminished the trauma and the shame.

Can you imagine being a nine- or ten-year-old boy? Every Friday in that mission we used to take off our clothes and get a clean set of clothes. It used to be at noon hour. This was about 1954, about two weeks before Christmas. By then I knew what Christmas was because of all of the decorations, Christmas carols, and everything. I had been in the mission for about three or four years then. About two weeks before Christmas on a Friday, we took off our clothes: our pants, shirts, undershirts, underpants, and socks. In the last pile were handkerchiefs.

● (1255)

As soon as we took off our clothes, we had to put on a little skirt. We did this right in front of the supervisors, who I believe were Sisters of Providence. The boys were made to strip in front of women. I can't say I witnessed the same thing on the other side of the building, which was the girls' side, but I have heard stories that it was exactly the same. There used to be a priest there to bless the girls after they had taken off their clothes, so they could be purified before they put on their new clothes. We had never had that treatment—and these were people of God.

Anyway, one Friday I put my pants down and my shirt, undershirt, underpants, and my socks, but I did not have my handkerchief. Because of the location and situation on the boys' side, the boys used to steal little things from each other, and this was one of the cases where someone had stolen my handkerchief, as they had lost theirs. I was one of the smaller boys. When it came time to put my handkerchief down, I didn't have one, and Sister Denise, the boys' supervisor, said, "Where's your handkerchief?" I said, "I don't know." She said, "You used it for toilet paper?" I said, "No." But she said, "You did." I said, "No, someone stole it." That wasn't a good enough answer. She told me to go and stand by the desk where they used to sit on the northwest side of the boys' hall. That's where the boys' supervisor used to sit in the old mission building.

The boys went for lunch and I stayed standing in front of the desk in my little skirt. The boys finished their lunch and went out to play. About one o' clock, the bell used to ring and the boys would line up to go back to class. I didn't; I stood there.

By this time, from 1950 to 1954, I was so domesticated, like a little animal, that I obeyed every word. So I stood there. In the meantime, the boys were lining up to go to class and they made fun of me because of the condition I had, which had stayed with me for quite a few years. As I said before, I had childhood arthritis, so my arms and legs were bent and I walked with a bent back. I would outgrow that with the help of one particular boy at the school, at the mission.

So those boys were lining up to go to back to the classroom and I still stood there. Sister Denise came back down and she said, "Alfred, put on your underwear, pants, socks, shirt, jacket, and toque." I did.

The mission building had a direct line from the building itself to the local hospital and from there to the fathers' house. There used to be three buildings connected by one of those crank-up phones. She got on that phone and said something in French, which I did not understand.

A little while later, Brother Filion, who was a priest, a servant of God... I don't know if he is still alive, but he was a few years ago and I saw him. He showed up at the entrance of the mission building on the boys' side with another person from my community, Gabriel Anderson. He's still alive. He was one of the domesticated Indians, I suppose, who worked for the mission.

If I sound like I'm bitter, yes, I am. I make no apology for it.

● (1300)

I noticed that Brother Filion had a crowbar or a wrecking bar. Outside the mission building in the boys' yard, we had an outhouse that was approximately 36 feet by three feet in length, and each stall was about three feet wide. Sister Denise told me to go with Brother Filion and Gabriel to look for my handkerchief. I didn't know why this man was carrying the wrecking bar, but we went to the outhouse, to the toilet.

When we got to the toilet, I saw Brother Filion pull off three or four boards from the side of that three-foot-wide toilet. After he finished, he told me to look for my handkerchief. I looked, and he started getting up, and I said "nothing". That was my English in those days—nothing. He said that I did not look, and with that, he grabbed me by my collar and the seat of my pants and down I went into that excrement, into that pile of shit that was about 36 feet long.

These were the people who ran the lives of defenceless children. Can any of you imagine the humiliation and the stink of crawling in human excrement for 36 feet?

I did it. At that time, I was not in any condition to defend myself or to oppose the will of the controlling authorities. I crawled the length of that toilet, on my elbows and my knees, and I made it to the end and back. When I was trying to crawl out, I told Brother Filion "nothing", and he kind of had a smile on his face. He said that I didn't look and I had to go back. Like an obedient slave, I did. I went back, I crawled back, and this time I just got on my hands and my knees. I suppose in that short period of time, I didn't care whether I had shit all over me or not. There's not much lower you can go.

These were people who had run the lives of Indian children, I guess, for the most part, over a period of ten years. One of the bad

things and the sad things of that time was that if we complained to our parents, by this time our parents were so indoctrinated and brainwashed, they thought that their children could not tell the truth and all these people, the priests and the nuns, could not tell lies because they were working for God.

● (1305)

You see, our parents had gone through that system. My mother had gone through that system. My dad didn't. My father is still alive. On February 14 I turned 60. My father is only one day younger, if that can be believed. You see, his birthday is February 15, and he just turned 105. His speech, his memory, his vision, his hearing: it's all there, intact, after over a hundred years. I spoke to him a few days ago about this. I told him of the things I had complained to him about after several years in the mission. He said, "I wish at that time I had believed my own children". He said, "I wish your mother had believed the stories of her own children". This he said in Cree. He said, "But we didn't know at the time".

One of the sad things that our parents, and your parents perhaps, went through was that they were so brainwashed and institutionalized in their thinking by the Roman Catholic priests, the Roman Catholic Church, its assistants, the sisters of many orders, the government people. But most of all, at that time, if my parents went to the priest complaining about something that reflected on me, or any other parent, that reflected on their children, the first answer and the first comment made by the priest would be, "If you want to complain, I will call the RCMP".

In those days, the RCMP used to come to Wabiscaw once a month on horseback from the Slave Lake detachment. Their power was so much without question. I remember, in 1963 the RCMP came to Wabiscaw, but by this time there was part of a gravel road to Wabiscaw from Slave Lake. These RCMP officers arrived in Wabiscaw, and they went into any building or any house that they deemed would be making home brew, or whatever, because that was all they were always searching for. They weren't searching for drugs. We didn't have any in those days. They were searching for home brew. And home brew cost you six months in jail. That was the justice system: six months in jail without trial.

That's not a theory. That's not a story I heard. There were three people I saw that were incarcerated for six months in Fort Saskatchewan. One of them was my late uncle, Robert Auger. He got caught by the RCMP for having home brew at his home. There was no trial. He was brought to Slave Lake, and from there he was shipped to Fort Saskatchewan for six months. Six months later, they brought him to Slave Lake, and from there he walked back.

That was the power that the priests, the church, employed to threaten the Indian people, the parents of the children that were in a mission. They could do anything to the children, without question.

For example, in 1955, I believe it was, I had a very bad problem with bedwetting. I never had that before I went in. My mother told me I didn't have that. I had no problem keeping dry at night. But it got so bad that even during the day I developed a system that had no control over my bowel or urine movements. After one night, in the morning, I got up as usual. At 6:30, she was there to pull off my blankets, as she did with several of the boys that used to commonly wet their beds.

•(1310)

She went down the row of beds and just pulled off the blankets. She came to my bed and pulled the blankets out. Yes, I had wet my bed. She told me to get up, and I jumped out of bed as fast as I could in my condition. She told me to go to the bathroom. She didn't have to tell me; I had to follow her because she had me by the ear.

Her favourite weapon was a little clapper they used to have. It was made of two pieces of wood about that long and this wide. They were so good with those clappers that they could go on like that and make a rhythm.

Anyway, her favourite tactic was to open that clapper and clap it on the ears of the boy, which she did to me, so I followed. In the washroom there was a bathtub there about this wide and about the length of this table here. It was one of the old-style bathtubs, which were about two feet deep, and she had already run hot water there. That was her system; in the morning she would run the water in the bathtub. But this time she overdid it and I could see the steam rising out of that water, because that building used to be cold. It was cold in the winter. I could see that steam rising and I put my finger in: too hot. With that, she just pushed me into the tub of water and I fell in.

There was only a small part of me that didn't get soaked. With the condition I had, I had a hard time jumping out of that water because it was almost boiling hot. I can tell you how it feels to have blisters on your skin, filled with water about that thick on your skin, all over your body. There was hardly a space on my body that escaped that water. It was painful, and the boys got scared because of the way I was screaming.

They say you don't know your own strength. Well, you don't know your own voice when you're deathly scared or you think you're dying. I was screaming so bad the boys jumped out of bed and they all looked. I was trying to run as fast as I could, trying to get away from that burning feeling, that blistering water, those blisters on my body, and I just fell down.

Who cared? It was only Alfred.

This was, again, at the hands of people who were supposedly developing me into a human being, because according to the priests and the nuns I was a savage. If one of the nuns heard me speak my language, I would be subjected to taking a bite out of that soap or getting a clothespin on my tongue because I was "speaking the devil's language".

•(1315)

The abuses I went through at the mission were mental, physical, and sexual, but the physical and mental abuse did not end when I left the mission, because no attempt had been made to stop the abuse done to me by the nuns and the priests. I became a totally humiliated, confused, subjugated person.

I only answered to one name because by the age of about eight, if I didn't answer to that nickname, I knew I was in trouble. Until I was about 15 barely anybody knew my real name. I became a victim of the mission, of the priests, and of the sisters and brothers. I became a victim of the whole community through the creation of that nickname. Because of a medical condition, I was given a nickname, the name of a reptile that is not in the Cree world fit to survive, fit to

live; any time you see it, just step on it and kill it. I became so programmed in my thinking that I had no way to respond.

In 1967 I responded for the first time; I replied. Because of that long-standing, lifelong humiliation and abuse, physically, mentally, and sexually, I responded in 1967 by killing a man. He was a man who did not deserve to die, a man who was one of the very few people who treated me like a human being in the community of Wabiscaw. He was the father of my best friend. He was also a victim of the residential schools. In that brief space of time, the ten years of humiliation and abuse was answered, in just maybe ten seconds.

I spent some years in jail for it. I guess that was the one time I felt sorry for doing something, because it didn't have to be that man.

Those were ten years of misery, ten years of being a victim, verbally and mentally, and I could say there were seven years of being a sexual abuse victim.

•(1320)

I became a sexual victim of Father Rainville, the priest who hit my mother on the first day when I was introduced to mission life. They weren't afraid to make me their victim, why should I be afraid to mention their names?

Father Giguere, the late Father Giguere.... These are all dead people now—Brother Bouchier, Brother Guimot. There was also Brother—I don't know his name; we called him Polack, Brother Polack. He was the most cruel of the brothers and sisters and priests. He had no pity whatsoever for anything, no sympathy for anything. I became a victim of both men and women, because I found out early in life that those nuns who had trained to be so saintly were just plain women. About the age of ten I found out the difference between a man and a woman. It wasn't something I was proud of. It wasn't something I wanted to talk about. It was something I was ashamed of, because my mother was a woman and so were my sisters and my aunts. At home I was brought up to believe that you respected women. Women didn't do what these sisters would do—Sister Elaine Margaret, Sister Celine. They were onto me before I even knew the connection between a man and a woman.

Nowadays we hear of female teachers raping 14-year-old or 15-year-old boys and they're charged. They are punished. These women were not punished. I experienced that. I was not a favourite. I was not picked for this purpose because I was sexually confident. I was picked because nobody would know, nobody would care. I was picked solely for the sexually depraved gratification of the sisters, of those two I named. That's all. I was never picked because I was chosen. I was picked because I was a victim who nobody cared for anyway.

•(1325)

I don't want to sound like I am praising anyone, but I also have to give credit to the people who testified earlier. I also have to give credit to the people who have responded favourably in providing support for their members. I wish that could be done in my community also. I hear of many first nations that have supported their members, residential schools survivors. In my community there's still a lot of denial. I spoke to one council member earlier in the day. He's one of the survivors. He said, "Why did you have to go? Why did you have to go there?" He said, "It could have been someone from the council or from the community wellness program".

All the activity that has resulted from the abuse—sexual, physical, mental—of Indian children during the existence of the Indian residential schools, all the conferences and the workshops, have benefited the workers, psychologists, psychiatrists, and counsellors, but very, very little has ever gone to the actual victims.

I went to a conference in Edmonton. I went to the microphone to speak and I was asked by the MC, "Is it to address or to speak on Indian residential schools?" I said, "Yes, I was a victim and I survived round one." He said, "Are you a member of a counselling agency?" I said, "No." He said, "Well, we're giving time to the counsellors, the healers." I said, "But I'm not a healer, I'm not a counsellor. I'm just a victim, so I don't qualify."

There are many things I can say. There are many things I can talk about. There are many experiences I have had, and I could make the details of my experiences more vivid. But what I have said hopefully remains in the minds of the people representing the concerned parties. It's never easy to bring back or to talk about being a victim of rape, of inhumane cruelty, but it's never very far from the mind.

•(1330)

**The Chair:** Mr. Beaver, I'm going to have to interrupt. I'm very sorry, but I still have some people wanting to speak and some people who want to ask some questions. I thank you for your intervention. We listened well and we take what you have to say. I want to thank you.

**Mr. Alfred Beaver:** I was just going to say that it is the end of this. It's time to replace the ten years that was taken out of my life in half an hour.

**The Chair:** And I thank you for sharing that with us. I know it was difficult for you, as it is for all the ones who had to speak of their own personal experiences.

**Mr. Alfred Beaver:** But I want to say this once, and I hope it's clear, that not only those who have applied for compensation were the people victimized. Everyone who was registered as a resident in the Indian residential school became a victim in one way or another. Many refuse to talk about their experiences, but they became victims.

My point is I think that everyone should be financially compensated. I heard one speaker say that money is fine. Well, when you never became a victim from an early age and became a victim throughout your years, you don't know what it's like.

Thank you.

**The Chair:** Thank you, Mr. Alfred Beaver.

I'm not sure if your legal counsel is adding to that or if we're going on to Mr. Hughes. I know members have to go to question period before two o'clock.

**Mr. Jon Faulds (Legal counsel, As Individual):** Anything I could say would really be anticlimactic after what Mr. Beaver has said and explained, but I do want to make one point, and that is this. The government's ADR program is not designed to bring an end to what I would call the "residential school crisis". That is not its purpose. It has not been created in a way that is capable of bringing an end to the residential school crisis. It has been created for much more limited purposes, and as I think you may have heard from some earlier witnesses, it seems to be encountering some difficulties in achieving even those limited purposes.

I say it's not capable of bringing an end to the residential school crisis, and I call it a "crisis" because, again, as you have heard, survivors are dying at a rate equal to or perhaps even faster than the existing ADR scheme is able to hear and decide cases. That is a tragedy, and it's a tragedy that I believe Canada is well aware of.

There has been some talk that Canada will address this by honouring claims, making payment to the families of survivors. I cannot see that it can be a reasonable policy to pursue that says it is okay if this process takes a long time and people die, because we're going to pay their children. That cannot be right. That cannot be fair. Survivors cannot be allowed to die without themselves receiving justice and compensation.

So I would submit to your committee that the solution to this crisis is really self-evident. The government needs to enter into good-faith negotiations aimed at achieving a comprehensive settlement that can be implemented under court supervision to ensure fairness. That is the way in which the crisis can be properly addressed.

•(1335)

**The Chair:** Thank you.

Ms. Nora Bernard.

**Ms. Nora Bernard:** Before Honourable Ted Hughes speaks, may I request that my counsel, John McKiggan, give us a word, please?

**The Chair:** I have very little time. We've been very generous with the time that we have. I apologize, but I'd like to get Mr. Hughes on, because he's on the speaking list.

Anything that you can give to us will be taken as given to the committee. If you give a written submission, the clerk will note it.

Mr. Hughes, please.

**Hon. Ted Hughes (Chief Adjudicator, Indian Residential Schools Adjudication Secretariat):** Thank you, Madam Chair.

I see the numbers are dwindling. You say you have to go to question period, and I just don't know how deeply you want me to go into this matter.



I was pleased to respond to the invitation to come here today. No one indicated to me what areas I should cover, but I thought I might take a few minutes to talk about the ADR process and then provide some numbers and figures. I'll do it very briefly, because members may have questions they want to ask more than listen to me talk. Certainly on some subsequent occasion I could return if they want further expansion. I have a set of statistics showing what has occurred in recent times here and I can leave those with you, if that would suffice.

It was two years next month when the then deputy minister of the new department that had been formed to deal with this matter called me and asked if I was prepared to undergo an interview with some others, as the government wished to select a chief adjudicator for this new ADR process. As a result of that, I underwent the interview, which was by the four stakeholders: the government, the churches, the plaintiffs' counsel association, and the aboriginal caucus group.

With those representatives I was selected to do this job, and I now have 48 other adjudicators who are working with me in this project. They were all selected on that very same basis. They had to be approved by those four stakeholder groups in order to perform this function.

I think you perhaps know that the essence of it is to expedite the matter, and while files go to Ottawa when the applicant fills out the application form, they ultimately come to our secretariat. I can assure you that insofar as I am concerned and the 48 adjudicators who work with me are concerned, our secretariat is independent of government. Granted, I suppose, we were confirmed by government, by contracts, after those stakeholder groups selected us, but the government doesn't tell us what to do, other than the fact that has been very adequately pointed out here today, that we have to work within the model given to us by the government. Those are the constraints we're under. We can only make awards and so on within the terms of the model that was set out, and we cannot stray beyond that.

I think perhaps it's appreciated that the key of our process is that it's a non-adversarial model, where the claimant is questioned only by the adjudicator, and we endeavour to do this in a sensitive and relaxed manner. We will go to the claimant's home if that's the most suitable. We've had hearings in hospitals, on reserves, and in other public facilities in communities and so on. Our whole idea is to try to make the claimant who comes forward to tell a very painful story, along the lines of those we've heard here today, to feel as relaxed as they can.

Time doesn't permit me to go into the constraints under which we operate insofar as the areas we can deal with are concerned. You've heard it said today that in the main our mandate is limited to physical and sexual abuse cases, with some claims for wrongful confinement.

The statistics that I'm able to give you—and I'll leave a copy of this with you—are that at this point in time, in all, we have received 209 files. These files started to come to us last April, at the secretariat office. Of that, 165 are individual files and there are another 44 that have come in two groups, so that makes up the 209 files.

● (1340)

To date, 112 hearings have been held, and the two groups that make up 44 cases are now sitting. They will be through their hearings next month.

I have statistics here on where these claims come from, but predominantly they are in western Canada. As I said, we have had 112 hearings plus the group hearings, which counted for another 44, with 88 decisions rendered up to this point and another 30 in the course of preparation, the hearings having been held.

We're endeavouring to operate on a strict timeline. We endeavour to set up the hearing within two weeks of the file arriving in the secretariat office if we possibly can, and we hope to have that hearing within 30 days. The adjudicator then has another 30 days to write the decision. Our objective is that we endeavour to have the decision out within 90 days after the file arrives in our office, and we've been coming close to meeting that objective.

We have been told by government that in the next fiscal year we are going to receive a thousand application files. We've therefore been gearing up with staff to handle those, because we want to achieve and maintain the expedited process wherein people get to know what the decision is within that short timeframe.

I can tell you that up to this point in time, we have had decisions that total, by way of compensation, approximately \$2.5 million in category A cases, which are the most serious ones, and another \$200,000 in category B cases.

I have all those statistics documented on the sheet that I'm happy to leave for members. Given the timeframe you're in, I think it best that I not go any further, so that if time permits for questions, they can be asked either of me or the others who have eloquently spoken here ahead of me this afternoon.

● (1345)

**The Chair:** We have time for a very short round of one question each from the parties who are here.

Mr. Bellavance.

[*Translation*]

**Mr. André Bellavance (Richmond—Arthabaska, BQ):** In all fairness to the witness and the committee—several members had to leave—I think we should invite Mr. Hughes back and hear him again, instead of putting questions to him in a rush. We all have to attend question period in a few minutes. I think it would be important, given the testimony of Mr. Hughes, not to rush the debate. If the committee members, Madam Chair and Mr. Hughes agree, we could all agree on that. Otherwise, do as you please.

[*English*]

**The Chair:** This was the only day when Mr. Hughes could come. He's travelling next week, as far as I know, but maybe he can answer that himself.

**Hon. Ted Hughes:** I cannot be here next Tuesday, but I can come any other day in the year. Next Monday, Tuesday, and Wednesday I have a commitment with the premier and cabinet in Yellowknife, on another matter. On any other day, though, if you would like me back, I'd be very pleased to come back.

**The Chair:** For the information of the witnesses, when we hear witnesses as a committee, we only need three members. All the information is shared with all the members who are not able to be here. Because of other commitments, not every member is able to be here, but they do receive all the material whether they're here or not.

If you want, I could do one round of one question each for this. As I said in the beginning, I knew this would be a day that the committee would mainly be listening to the witnesses, because I knew they would want to share their stories and would not be able to do so in the time limit that we normally reserve for witnesses.

I'll start with Mr. Lunn, from the Conservatives.

**Mr. Gary Lunn (Saanich—Gulf Islands, CPC):** Thank you very much, Madam Chair. I'm going to be brief, in order to allow time for my other colleagues. I'm not going to ask for an answer now; I'd ask the witnesses to give it to us in writing. I'd also ask to have them invited back as witnesses again.

First of all, Mr. Hughes, my questions are all directed at you. We heard the most gut-wrenching testimony this morning that it would make anyone's skin crawl. The only conclusion is that this system has failed miserably. I appreciate that you're saying that once you get the application, you're trying to do it in three months. But these are applications from people who are very elderly. There's the process that the applications go through, whereby they're checked, investigated, etc. I don't know how long it takes before they even get to you.

The stories we heard this morning were just horrific. Again, some of the statements that were made by some of the claimants that this wasn't considered abuse at the time it happened just simply aren't acceptable. And I don't want to get into all the specifics because we simply don't have time.

In terms of the amount of claims coming forward—and I include the ones that have gone off to the department—I think we're well over a thousand, as you've pointed out. A very small number have actually been settled. As was pointed out by Mr. Faulds, I believe, we're in a crisis. He used the word “crisis”. We had better act very quickly to correct that crisis and identify the problems. Not coming up with solutions before people are going to their graves is just not okay. Every single member on this committee, from every single party, will concur about what we heard this morning. I will say that, based on some of the most credible testimony that I've heard in seven years as a parliamentarian, this process has failed miserably.

I would ask that you get a copy of the transcript of this morning from the clerk and address some of those issues, and I'd like that in writing as soon as possible.

We don't have time for answers, Madam Chair, and possibly it can go to another speaker. I'd also concur with my learned friend from the Bloc Québécois that we invite Mr. Hughes back.

Thank you.

• (1350)

**The Chair:** Thank you.

I'll go on to Mr. Cleary.

[*Translation*]

**Mr. Bernard Cleary:** I do not have any questions.

I would probably have several, but I support André's request. I think that, one way or another, we will have to talk with Mr. Hughes again anyway. We will not be able to wrap up our committee work without first obtaining a series of answers from those who took part in the process and would be able to clarify many obscure points for us.

I reiterate André's request. I would like us to be able to question a key player in the process to get our questions answered.

Thank you.

[*English*]

**The Chair:** As a reminder to the members, the minister will be before the committee on Tuesday the 22nd. You may be able to ask some of your questions then, and we'll decide after the Tuesday meeting if you feel you want to ask questions of Mr. Hughes instead.

[*Translation*]

**Mr. Bernard Cleary:** I would like to make a comment. It is more important to meet Mr. Hughes than the minister. I can assure you that I already know what the minister's answers will be. We have a much better chance of obtaining serious information by meeting with Mr. Hughes than with the minister.

[*English*]

**The Chair:** I was only responding to the one in which Mr. Hughes was saying that they're working within a model that was set up by the government and that they're only mandated to work within that model.

I shall go on to Mr. Valley, and I think that will be the end of our meeting.

**Mr. Roger Valley (Kenora, Lib.):** Thank you, Madam Chair.

Some of the witnesses aren't able to return, and I do have a question for Nora. I'll just be a minute getting to it, but it will be very quick, though.

Thank you very much to all the speakers for mentioning the abuse by the churches and the religious orders. We know the ADR was a process that did have some involvement by first nations. It was supposed to work for first nations. It has a lot of challenges to the survivors, and we have to look at that and we have to try to deal with those issues.

You mentioned also the program for inmates. A lot of the inmates are connected to the residential school survivors, so that's something we have to consider. But you mentioned something that was said earlier this morning—by Ray, I believe—about involvement by the grassroots.

We've been spending some time—I have, personally—with the proposal from the AFN. You mentioned that in your topics, and you also mentioned that they don't represent your group directly, but I'm sure you've had a chance to look at this document and see if there's any value in it.

That's my big concern, that whatever we move from to adjust or to make the ADR better, or to go to a brand-new system, or whatever we do, has involvement from everyone. That's my concern. I'm sorry you don't have a lot of time to answer, but I just wonder if you have any thoughts on that.

**Ms. Nora Bernard:** I have not seen the document itself, and they have not contacted me whatsoever. I would appreciate it if they would consult with me and the whole group, really, because it's grassroots people we are representing.

As I said, we have a large number of surviving members, and Chief Phil Fontaine does know about our organization. He is quite familiar with me.

• (1355)

**Mr. Roger Valley:** Well, that was the topic I brought up in a meeting with the AFN yesterday. I have a large number of remote sites, as many MPs do, and the information level is always a challenge in those, to get the information out to them.

So that was my concern, that we've had the time to involve everybody, and that will be our challenge in the future.

Thank you very much, Madam Chair.

**The Chair:** Thank you.

I want to thank all of you for being here, even though I know there wasn't enough time to address or do all your presentations. But we've tried very hard at this committee to listen to everyone and try to give as much respect as we can to all the presenters.

I thank you all for your presentations, and as chair, I will work with the people around me to try to work out the schedule. We are hearing from the minister on Tuesday and the AFN national chief. After that, I hope we can come to some agreement on how to carry on after this.

Again, I thank you, and I also want to add, to the other concern, about getting your stories out, that this is one of the things we can do with the technology we have today. Every committee now has a website and can be aired right away, as we are speaking, and the documents will be accessible by everyone. With the Internet, we are now able to have our committee meetings broadcast as we hear them. So that is another way of sharing the stories that we heard today.

Again, I thank all the witnesses.

The meeting is adjourned.

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