

# The Truth and Reconciliation Commission of Canada

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The Truth and Reconciliation Commission (TRC) is coming to Vancouver from September 18th to 21st, 2013. The University of British Columbia has suspended classes for a day while the commission is in session to allow faculty, staff, and students to attend. Why is the university taking such an exceptional step? Many Canadians—including UBC students—think Canada has treated Aboriginal people fair and square and that their land has come to us through official channels. Don't they get special treatment in return for all that land? Only if you define "special" negatively, since even after Stephen Harper's apology for the residential schools in 2008, the federal government continues to spend less—often much less—per capita on educating Aboriginal students than the provinces spend on non-Aboriginal students (Sniderman n. pag.). Given that history lessons have tended to focus on Sir John A. Macdonald and the railway rather than Louis Riel and the buffalo, it's not surprising that many Canadians don't know much about Indigenous peoples in Canada. If you read the guide for new Canadians—*Discover Canada: The Rights and Responsibilities of Citizenship*—you will see that although Aboriginal people are now listed as one of the three founding peoples, there's not much there that would help anyone understand the need for a TRC on Indian Residential Schools or the Idle No More movement, for that matter. And yet bureaucratic idling has been a very effective tool of colonization. The motto of the TRC is: "For the child taken, for the parent left behind." It might also add: "For the Canadians kept in the dark."

Harper's apology was part of a larger process: the settlement of a class action lawsuit by former students against the churches that ran the Indian residential schools (Roman Catholic, Anglican, Presbyterian, and United) and the Canadian government that oversaw them. Between 1874 and 1996, around 150,000 students attended 141 residential schools; 80,000 of these students are alive today. Those who accepted the settlement, finalized in September 2007, received \$10,000 for their first year in the school and \$3,000 for each subsequent year. Around 12,000 former students have received further awards of between \$5,000 and \$275,000 for physical, emotional, and sexual abuse, with only 60 per cent of the cases heard so far (Canada, "Indian Residential Schools" n. pag.). This might seem like a lot of money, but many of these former students are still suffering the traumatic effects of their "education," as are their children, grandchildren, communities, and, indeed, everyone in Canada. Those Indigenous people who helped work out the settlement thought that remedying the years of silence about the residential schools required a great deal of attention, if a proper reconciliation were to take place. Non-Indigenous Canadians were to be engaged in the process, so that it wouldn't turn into yet another bureaucratic exercise.

Thus, the mandate of the TRC is to inform all Canadians about what happened in Indian Residential Schools. For example, the Missing Children Project is working to document the more than 3,000 children who died in school, usually from disease, but also from fires, accidents, suicide, malnutrition, and exposure (when they ran away from school and weren't found until too late). Documentation of the high death rates was stopped by the Department of Indian Affairs in 1917. In 1922, Dr. Peter H. Bryce published *The Story of a National Crime: Being an Appeal for Justice to the Indians of Canada; The Wards of the Nation, Our Allies in the Revolutionary War, Our Brothers-in-Arms in the Great War*. In it, Bryce notes that although he was asked, as part of his duties as Medical Inspector of the Ministry of the Interior and Indian Affairs, to inspect and report on 35 residential schools, "the recommendations contained in the report were never published and the public knows nothing of them" (4). He reports a death rate of 24 per cent for all the schools and of 75 per cent for the school on the File Hills reserve. In 1909, Bryce examined the health of 243 children in 8 schools in Alberta. Tuberculosis was found to be rife, but no action was taken "owing to the active opposition of Mr. D. C. Scott" (5). Bryce continued to prepare reports until 1914; Duncan Campbell Scott was made Deputy Minister of Indian

Affairs in 1913. He soon wrote Bryce to point out that Bryce worked for the Ministry of the Interior, not the Department, and so his reports were no longer required. Bryce continued to pursue the issue, comparing the inaction on Indigenous health with the efforts taken in cities such as Hamilton and Ottawa. He calls the inaction of the Department “criminal disregard for the treaty pledges” and regrets that his civil service oath meant that he could not make the story public earlier. John S. Milloy picked up Bryce’s title in his book, *A National Crime: The Canadian Government and the Residential School System, 1879-1986* (1999). It would be easy to demonize Scott for this behaviour except that issues relating to the abuses in the schools were raised in Parliament, well known to all the mainstream churches, and, in some cases, reported on in newspapers.

The United Church apologized in 1986; the Anglican Church in 1993. In 2009, Pope Benedict XVI expressed “sorrow” to a delegation from the Assembly of First Nations for the abuse and “deplorable” treatment that Aboriginal students suffered at schools run by his church. Phil Fontaine, then the leader of the Assembly, said it didn’t amount to an official apology, but hoped it would “close the book” on the issue. However, Pauline Wakeham sees these events as a theatre of apology, part of the “cunning of reconciliation.” On a national or world stage, leaders use the metaphor of “turning the page” or “ending a chapter” to firmly locate colonization in the past (222-23). Although apologies are important, they are just the first step if the long-standing effects of racism and colonization are to be overcome at the human level. It seems paradoxical that reconciliation will be managed as a bureaucratic and state-run process, the same process that caused the problem in the first place.

In fact, this has been the ongoing paradox of the Canadian system of colonization. An interested party, Canada, runs the legal system and the bureaucracy. For example, after a particularly tough session with some Indigenous leaders from British Columbia with whom no treaty had been made, Scott spearheaded an amendment to the Indian Act to prevent Indigenous groups from hiring lawyers to act on their behalf. Thus, between 1927 and 1951, Indigenous people were denied the normal route of those seeking justice. Even now, cases taken to court by Indigenous groups or individuals meet a Crown defence supported by taxpayer dollars. This Catch-22 has affected the TRC already. Although the TRC was promised all relevant documentation, and Aboriginal Affairs complied, 23 other departments refused. Because the estimated expense of finding and producing these documents was far greater than the total budget of the TRC, the

Commission went to court. In January 2013, an Ontario Superior Court judge ruled that they must be produced at the expense of these departments. Even when one department of government seems to be doing something for Indigenous people, other departments can be obstructive. This might be funny, perhaps, if it weren't so typical.

This situation explains why Indigenous people have often looked outside Canada for justice: to the Crown (the 1906 delegation of British Columbia chiefs led by Squamish chief Joe Capilano/Sahp-luk to discuss land claims with King Edward VII); to the League of Nations (the appeal of Mohawk leader Levi General/Deskaheh protesting the dissolution of the traditional Six Nations/Haudenosaunee government by the RCMP and Scott in 1924); or to the UN (the 1979 appeal of a Malaseet woman, Sandra Lovelace, against the sexist provision of the Indian Act that took away the Status of Indigenous women on marriage to non-Status men, but not that of Status men who married non-Status women). This pattern shows the need to involve a large audience of non-Indigenous Canadians in the events of the TRC. The segregation of Indigenous people on reserves and in residential schools has blocked relationships that need to be fostered, especially now that most Indigenous people live in cities.

Many Indigenous nations, characterized as in need of “civilization,” have been treated deplorably by the supposed “civilizers.” After treaties were negotiated, officials instantly began to back off on the fine promises. For example, Clifford Sifton, Minister of the Interior in the Laurier government between 1896 and 1905, commented, “[W]e are educating these Indians to compete industrially with our own people, which seems to me a very undesirable use of public money—It has to be carefully considered how far the country can be properly burdened with the cost of giving them superior advantages” (qtd. in Barman 172). Certainly, public money was not squandered on a good education for Aboriginal children, if their overrepresentation in institutional care and that of Aboriginal youth, men, and women in prison is any evidence. A punitive school system designed to assimilate Aboriginal people and destroy their languages and cultures led to this situation; despite the TRC, many state institutions are continuing the punitive colonial tradition that will ensure another lost generation. Over 11,000 Aboriginal children were adopted out of their communities between 1960 and 1990 (Canada, *Royal Commission* n. pag.). This process, called “the Sixties Scoop,” has since turned into the “Millennium Scoop” (“First Nations Children” n. pag.). More Aboriginal children are in care now than were in residential schools at their height.

The TRC is one way to change Canada's ongoing resistance to restorative justice, but only if the government that funds this positive initiative ensures that the new attitudes fostered by the TRC are followed by new policies that protect rather than punish the coming generations. Both the image of closing a book and some of the ideas around apology ("forgive and forget") imply that after the apology and the TRC hearings, mainstream Canada will be able to return to "normal," once again acting as if Indigenous people don't exist—as if they are not part of the body politic. The TRC will deprive mainstream Canadians of the excuse that they were kept in the dark. Thomas King says in *The Truth about Stories*, "Take it. It's yours. Do with it what you will. But don't say in the years to come that you would have lived your life differently if only you had heard this story. You've heard it now" (167).

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