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Canadian settlement enters crucial phase [Email this page](#) [Print this page](#)

Posted: April 27, 2007
by: [Jim Adams](#) / Indian Country Today

NEW YORK - Canada's attempt to atone for wrongs inflicted on its Native schoolchildren has entered the crucial phase of approval by the victims. Survivors of the government's compulsory boarding schools, many of whom have borne lifelong emotional scars from the experience, have until Aug. 20 to decide whether to accept or to "opt out" of a comprehensive court-approved settlement.

The Indian Residential School Agreement of Canada is considered to be the largest Indian claims in Canadian history. But if more than 5,000 of the victims opt out, the whole elaborate structure will collapse, say members of the indigenous team which negotiated it. The team leader, National Chief Phil Fontaine of the Assembly of First Nations, and his associates have been traveling through remote stretches of Canada to explain the settlement in Native villages. On April 19, they brought their presentation to the heart of New York City in an emotional panel at the George Gustav Heye Center - National Museum of the American Indian.

Fontaine, Anishinabe/Sagkeeng First Nation, described the history of Canada's Indian residential schools, in their early days modeled on Richard Pratt's Carlisle Industrial School in the United States and the source of a similar bitter experience for many students. The schools began in 1867, before Canadian confederation, in partnership with various religious groups. In 1920, the national government made attendance compulsory for all Indian children age 7 - 15. "They were forcibly taken from their families," Fontaine said.

During the peak years in the '30s and '40s, nearly 10,000 students a year were enrolled in up to 80 schools. The last federal school closed in 1996. Some 77,414 former students are still alive.

Fontaine acknowledged that his personal experience in school had been "fairly positive"; but his colleague, Kenneth Young, Opaskwayak Cree, told the hushed audience about the severe emotional toll he said many students, including him, had suffered. Youths who tried to return home were called runaways "and for that, were treated like criminals." Some, he said, were flogged in the dining halls. The physical, and sometimes sexual, abuse left an indelible mark on generations, he said.

"I was scared to speak up, to express myself," he said quietly. "It is still very difficult to do so."

Young, a senior adviser to the national chief on the AFN staff, specializes in the residential schools issue and is now traveling thousands of miles through Canada explaining the settlement.

The third speaker on the panel, Kathleen Mahoney, is the human rights professor and international lawyer who sued the Canadian government on behalf of the AFN and the former residential school students. She described the intricate negotiations since the Canadian government first acknowledged the trauma caused by the schools, a finding in the landmark 1996 report of the Royal Commission on Aboriginal Peoples. Although the government issued an apology in 1998, it wasn't until May 2005 that Fontaine and Deputy Prime Minister A. Anne McLellan signed the outline of the settlement agreement.

The agreement then had to win approval from the nine provincial court systems hearing class action suits over the schools. This process was completed March 21. Former students now have until Aug. 20 to request claims forms for their share of the money settlement or to file an opt-out form, reserving their right to go ahead with their own lawsuit. If more than 5 percent of the class rejects the settlement, said Mahoney, the whole package could be nullified.

The settlement offers two kinds of recompense, a "common experience" payment for everyone attending the schools, regardless of abuse, and additional payments for those who can show they "suffered sexual or serious physical abuses or other abuses that caused serious psychological effects." The "common experience" payments, out of a fund of at least \$1.9 billion (Canadian), will start at \$10,000 for the first school year of attendance and \$3,000 for each year after that.

The abuse recompense would range between \$5,000 and \$275,000, or more if plaintiffs can show a loss of income. As part of the negotiations, the government agreed to advanced payments to elderly former students, a program that disbursed \$79.5 million to 9,938 people between May 30, 2005, and Dec. 31, 2006.

The settlement also provides for programs for healing, research and commemoration, including the establishment of a Truth and Reconciliation Commission to hear testimony about the experience.

Jim Adams is a senior historian at the Smithsonian's National Museum of the American Indian.

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