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Lawyers aim for quick pick of new truth commissioner

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OTTAWA — Lawyers trying to salvage the truth-telling forum on native residential schools hope to nail down a fast-tracked plan to choose its new leader on Thursday.

The Toronto meeting will focus on structural details to be approved by the Assembly of First Nations, the Inuit and Metis, the federal government and the churches that once ran the live-in schools.

Key issues include whether the five-year, \$60-million truth and reconciliation process should expand to four from two co-commissioners who will work with the new head.

"Truly optimistically, I hope that the mechanics are worked out by the end of Thursday," said lawyer John Phillips, representing the Assembly of First Nations.

He will be among lawyers meeting with facilitator Frank Iacobucci, the former Supreme Court judge who helped craft the residential schools compensation deal.

"The mechanics will decide how additional names are added, how they get screened and then how many on a shortlist go to the minister."

Minister of Indian Affairs Chuck Strahl will ultimately pick the new head of the commission, as well as any additional members, after consulting with the assembly, Phillips said.

What was hailed as a crucial healing forum fell apart last month when its chairman suddenly quit.

Justice Harry LaForme of the Ontario Court of Appeal accused his two co-commissioners, Claudette Dumont-Smith and Jane Brewin Morley, of undermining his authority and trying to impose majority rule.

Both women have denied the claims. They expressed surprise that internal disagreements could not be worked out before LaForme resigned.

The judge made waves again last week, saying the two women were "relative strangers to me and to the historical and complex relationship that exists between aboriginal people and other peoples of Canada."

Dumont-Smith is from the Algonquin community of Kitigan Zibi, near Maniwaki, Quebec. She has worked in native health care since 1974.

LaForme also suggested through third parties that the Assembly of First Nations tried, through his co-commissioners, to put more focus on testimony from abused students than on reconciliation.

One theory is that expanding the commission to five from three members might dilute any internal tensions.

Both Dumont-Smith and Brewin Morley have said they'll stay on despite calls from some native leaders to step aside.

Lawyer Pierre Baribeau, representing Roman Catholic groups that once ran several schools, says LaForme's comments are an unfortunate distraction. Thursday's meeting is about trying to come up with a fast-tracked selection process, he said.

"That would be a legitimate goal so that we move on."

The court-approved compensation deal for widespread abuse in residential schools had the truth and reconciliation process at its heart. Less clear, however, was how commissioners should be replaced if needed.

"The question is: how do you develop the mechanics to identify potential candidates?" Phillips said. "We're at square one in some measure, but that's why everybody's got to get motivated and get this figured out."

LaForme was initially named by Strahl from a shortlist of 16 candidates crafted by an advisory committee of native, church and government advisers. It vetted 300 applications.

If approved by the main parties to the settlement deal, LaForme's replacement would come from a blended process based on the original one but streamlined and expanded to include other candidates.

Phillips says he hopes the commission will be back on track in time for its first slated event to hear from former students, many of whom are sick and elderly. It is scheduled for January in Vancouver.

An estimated 80,000 former students are still living. While some praise the now-defunct system that tried to "Christianize" and educate them, thousands sued for physical and sexual abuse.

Ottawa conceded in 1998 that abuse in the schools was widespread. Prime Minister Stephen Harper officially apologized last June for the once-mandatory regime that produced generations of culturally rootless, sometimes brutally traumatized graduates.

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