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The Moment of Truth for Reconciliation Commission

Survivor's group says agreement flaws created a mess

November 18, 2008 - by Grant Warren

The head of a major residential survivor group is calling for the truth and reconciliation commission to be completely disbanded in light of the resignation of Justice Harry LaForme late last month.

Mike Cachagee, chairperson of the National Residential Schools Survivor's Society (NRSSS), said the public spectacle created when Justice LaForme resigned has raised serious questions about the commission's ability to function the way it was intended, adding that scrapping the commission seems to be the only answer.

"I don't see any alternative," he said from the NRSSS office in Sault Ste. Marie, Ontario. "Are they going to keep the two commissioners on? Is that the honourable thing to do now that their differences have become a matter of public concern? By accepting justice Laforme's resignation, are we saying we believe the role of the two existing commissioners? Was Justice Laforme wrong? I don't think they have any other alternative."

On October 20, Justice LaForme, a 61-year-old Ontario Court of Appeal judge, announced he was stepping down as chair of the \$60-million truth and Reconciliation commission that includes Jane Brewin Morley a white lawyer and Claudette Dumont-Smith, an aboriginal health care worker.

In his letter of resignation to Chuck Strahl, Indian Affairs Minister, Justice LaFrome noted serious disagreements with Morley and Dumont-Smith, that forced his decision to step down.

"The two commissioners have come to show disrespect for me - personally and as Chair," he wrote. "They have compromised commission independence. By their conduct, they have contributed to an atmosphere that has even adversely affected my health. But most fundamentally, in the end they have lost my confidence and, I feel, betrayed my trust."

Justice LaFrome noted how a decision by the other two councilors to attend a meeting called by the Assembly of First Nations (AFN) threatened to compromise the commission's judicial independence. It was one of several factors he noted that reduced the group's ability to function effectively.

The resignation has effectively paralyzed the commission's ability to fulfill its mandate of orchestrating the reconciliation between native and non-native Canadians in settling the residential schools issue.

None of this comes as much of a surprise to the NRSSS. Mike Cachagee said the commission had serious problems built in from the start adding that this was only the latest and largest problem to surface to date.

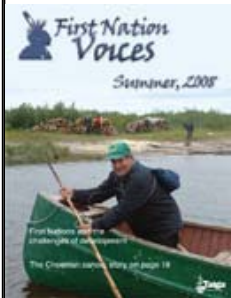
"When you go back to how it was structured and how it was put together and the implementation on it, there were a lot of deficiencies within the system, it was bound to have all these problems and that's what we're seeing now," he said.

Cachagee sited several flaws ranging from lost records of aboriginal students and no consultation with school survivors. He also suggested that the government and aboriginal groups were anything but transparent in how the commission was created.

"It was all done behind closed doors," he said of the deal hammered out between

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the stakeholder groups that included the government of Canada and the Assembly of First Nations (AFN). "There was a very small group of survivors that were supposed to be representing us to the AFN but I don't know how much consultation went on. The directive for the AFN entering into this agreement was done by the chiefs. If a chief had no interest in residential schools, how would you as a survivor hope to have any input into this?"

Cachagee also noted the contradiction of having the government and church groups involved in setting up and administering the agreement, in spite of the fact that both were named as defendants in various litigations over the residential school issue.

"So when you go back to how it was structured and how it was put together and the implementation on it, there were a lot of deficiencies within the system, it was bound to have all these problems and that's what we're seeing now," he said. "I think what happened with Justice LaForme is one of them."

In the meantime, the firestorm that erupted since the judge's resignation saw several aboriginal groups taking opposite sides on the issue; many, like Cachagee, calling for the committee to be gutted, others openly critical of the departed judge.

Grand council chief of the Anishinabek Nation of 42 Ontario native communities, John Beaucage, said all the commissioners must be removed. Leaders from the Nishnawbe Aski Nation of Northern Ontario, however, criticized the judge's decision to step down.

AFN Grand Chief Phil Fontaine has urged the federal government to replace the departed committee member, but that apparently may not be that simple.

Dr. Marlene Brant Castellano, who co-chaired the panel's selection committee, noted that the situation doesn't offer any immediate or obvious solution.

"How do you go forward from here?" she asked in a recent media interview. "I don't want to suggest I know the right way out of the current mess, but it is certainly daunting to think about restoring the commission to an effective role."

Cachagee also voiced frustration at the lack of information received by his and other organizations in the fallout of the resignation.

"There are so many conflicting stories coming out and you don't really know who to believe," he said.

"The only way we can come back and try and arrive at a conclusive opinion is by what you read in the press. Somewhere in between all that's happening is the truth and nobody is really letting us here on the ground, at the grassroots level know about it."

In the meantime, the survivors are left in limbo, once again, according to Cachagee.

"The problem is, that I as a survivor and other survivors across the country, is that everything something happens, nothing within the bureaucracy changes and it's the survivors who suffer," he said. "Their needs and their rights within the agree become secondary. We were supposed to be the primary beneficiaries of this."

Of the estimated 80,000 survivors, the NRSSS claims over 20,000 members have registered with their organization from all across Canada. Those numbers, Cachagee says, continue to drop every day, even as the squabbling continues and the work of the panel remains stalled.

"Through all the sniping and arguing, the survivors are dying," he said. "We losing three to five survivors a day. Who blows the whistle and stops all this and says let's get this thing back on track and get it up and running again?"