

Residential Schools Update—November 22, 1999

Archdeacon Jim Boyles, General Secretary

Further actions regarding the Lytton decision

After consultation, the Officers of General Synod have decided to pursue an appeal of the decision received at the end of August. It is hoped that the Appeal Court will clarify several issues that will have a significant bearing on future claims in various parts of the country. Floyd Mowatt, the plaintiff, has received full settlement, so the substance of the appeal is only related to the proportion of responsibility borne by the government and that borne by the Church.

In order to help clarify the relation between the General Synod and the Diocese of Cariboo in this case, each body will be represented on appeal by separate legal counsel. Mr. George Cadman will be representing General Synod.

Diocese of Cariboo

I attended the Executive Council of the Diocese in Kamloops in the first week of November to report on the General Synod's work in the area of litigation and alternative processes, to express solidarity with the diocese and to hear of their steps in facing the financial crisis resulting from the judgment. The Diocese has appointed a committee headed by Bud Smith, former Attorney-General of BC to explore possible options. The members of the Executive Council, while treating the issue seriously, were committed to continuing the day-to-day work of the church and to assist Bishop Cruickshank in working through the implications of the decision.

There are several more claims resulting from sexual abuse at St. George's School in Lytton. They are proceeding through the court system slowly.

On October 31, Bishop Cruickshank ordained Catherine Morrison as Deacon. Catherine, who has been working on the national staff as Indigenous Justice Coordinator, will leave at the end of the month for Lytton, BC where she and Will, her husband, will be serving together. Catherine is Cree, with a compassionate understanding of the needs and situations of indigenous peoples.

The Gordon's School, Diocese of Qu'Appelle

Over 200 claims have been filed with regard to this school. At present, examinations for discovery are proceeding with possible trial dates in 2000. William Starr, Administrator of the school from 1968 to 1984 has been convicted of sexual abuse and the government has settled several claims from the later years. They have pulled the church into the claims of abuse from the earlier years, however, and the Diocese of Qu'Appelle and the General Synod are defending them now, claiming that the government was responsible for the schools after April 1, 1969.

Alternative Dispute Resolution Processes (ADR)

Representatives of the General Synod have attended four meetings in various parts of the country with indigenous groups and government representatives to explore the possibility of an ADR pilot project. It seems that the Kawacatoose Band in southern Saskatchewan is prepared to go ahead with a pilot, involving members of the band that attended the Gordon's school. A meeting next week will be the next step. Each pilot project will involve the group of former students, the government and the church, both General Synod and the diocese where the school was located sitting down together to design a process that will take seriously the validation of each claim and a way of determining the damages arising from the abuse and the amount of compensation that is appropriate. Although the government is only willing to compensate individuals for proven cases of sexual or physical abuse, it is hoped that the process involving a group of claimants will provide an opportunity for community healing as well. There may be ways that the compensation package in each case could include community initiatives to consider the broader issue of cultural deprivation.

ADR will not be cheap. There will be the process costs, as well as the settlements that will arise. While the ADR process is going on, the church and government will be in a parallel set of negotiations to deal with the issue of apportionment of costs. These will take into consideration the nature of the individual school, the time of the abuse, the previous court decisions, and ultimately, I believe, the ability of the church organizations to pay.

Our ability to pay

The claims against the General Synod far exceed the assets available to meet them. We have undertaken a review of our assets with our lawyers and conclude that we have approximately \$10M available, and of this, \$3.5M represents the value of Church House, the only property owned by General Synod. Other assets are held in trust and are secure (such as designated bequests, annuities, pension funds, deposits in the Consolidated Trust Fund by dioceses).

In order to ensure that future income to the Primate's World Relief and Development Fund will be secure and reach the destination intended by the donors, the Council asked us to look at the possibility of having the Fund incorporated separately.

Negotiations continue with the government and the other three churches involved as we attempt to come to an understanding of how the churches can participate in ADR's while remaining viable. As yet the government, and indeed the public, have little understanding of the churches' structures and finances. There is a need for ongoing interpretation of our situation, our limited assets at the national level, our dependence almost entirely on voluntary giving, and our inability to continue to function if massive payments are required. Recently, I have been urging Anglicans to become better informed about this issue, and to seek opportunities to tell their story to local MP's and other community leaders, to write letters to the editor when appropriate, to challenge misunderstandings as we hear them. In the end, any decision by the government to assist the churches will be a political one, arising from an assessment that the churches are an important part of the social fabric of Canada and their demise would bring a serious loss to our society.

2000 budget

The Council of General Synod approved the 2000 budget of \$16M. It is a 'hold the line' budget in terms of ongoing program and activities, so apart from the legal and settlement costs, it is a balanced budget. Income from dioceses and elsewhere is being expended on the ongoing work of the national church. In addition, \$1.15M is budgeted for legal and settlement costs. This will represent the first draw on the General Synod assets.

The wider context

The legal entanglements now faced by the churches is part of a wider context involving the relation of the indigenous communities in Canada with the rest of society. The Royal Commission on Aboriginal Peoples reported in 1996, with over 400 recommendations. Few have been taken up, and little has been heard of the Report since then. Conditions on most reserves is deplorable, and there are continuing news articles about the suicide rate in those communities. The Anglican Church, since the publication of the Hendry Report in 1969, has attempted to stand with the indigenous people of our church and our land as they seek justice and their rightful place in our society. We continue with this mission even as our attention is diverted to the courtroom.

General Synod has supported the Nisga'a Treaty. In November last year the Primate attended a service and rally in Vancouver with Nisga'a leaders to give visible support to the campaign to have the treaty accepted.

This fall, the Provincial Council of the Ecclesiastical Province of Canada urged all parties involved in the fisheries dispute to "...enter into peaceful dialogue, to seek a just resolution to the present crisis." Referring to the issues that arose in the east coast fisheries following the Supreme Court decision involving Donald Marshall.

These, and other issues that arise daily in the life of native communities, point to the much larger picture of the relationship of indigenous peoples to the rest of society in Canada. They call us to seek compassion and justice, to condemn racism and to engage in building a healthy and reconciling society. How we act in relation to the residential schools will point to where our true values lie in this bigger picture too.

In October, the Management Team at Church House met for two days to consider the effect of the lawsuits on staff work. We set about first to define our goals, which have been shared widely, and are as follows:

- First, to seek healing and reconciliation
- Second, to survive, in order to contribute to the first goal
- Third, to negotiate with government to find a way through this time that will honour the indigenous peoples and bring justice.

Further resources

- consult this website's [Residential Schools section](#) for background material
- the next issue of [MinistryMatters](#) in January will be devoted to this issue

- the [Anglican Journal](#) will do three background pieces in April, May and June next year

Distributed to members of:

- Council of General Synod House of Bishops Anglican Council of Indigenous Peoples
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