

Residential Schools update #13—Apr. 9, 2002

Archdeacon Jim Boyles, General Secretary

NEGOTIATIONS WITH GOVERNMENT

In late 2001 the Government of Canada indicated its willingness to meet separately with each denomination involved in residential schools litigation, to informally discuss ways to resolve the claims in the best interests of all the parties. The Officers of General Synod, aware of the financial pressures on General Synod and affected dioceses, and the lack of ecumenical progress since the government announced its 70/30 solution, decided that representatives from The Anglican Church of Canada should meet informally with government representatives. Those meetings were held in December 2001 and January 2002, following which the Officers decided to form an Anglican Negotiating Team to meet on a formal basis with the government. The Anglican Negotiating Team comprises Jim Boyles, General Secretary, David Crawley, Archbishop of British Columbia and the Yukon, Robert Falby, Chancellor of the Diocese of Toronto, the Rev. Larry Beardy of Split Lake, Manitoba, Jerome Slavik, lawyer and consultant in government negotiations, and Robert Dickson, Chair of the General Synod Financial Management and Development Committee (with James Cullen, General Synod Treasurer, as alternate). The bilateral negotiations are intended to facilitate a more effective discussion based on the specific structural, legal and financial characteristics of the various legal entities that make up The Anglican Church of Canada.

The Ecumenical Group was disappointed by The Anglican Church of Canada's decision to meet informally with the government. At its meeting in January 2002, the Ecumenical Group decided it could not hold ecumenical discussions with the government if one of its members was holding bilateral discussions. Therefore, the Ecumenical Group announced that it would no longer jointly negotiate with the Government of Canada. However, in keeping with the spirit of the longstanding ecumenical partnership, the leaders of all four denominations met with the Hon. John Manley, Deputy Prime Minister, in early April, to introduce their concerns and present solutions.

Key areas of interest for Anglicans include:

1. A limit on church liabilities
2. A multi-year payout period for an agreed-upon amount
3. Recognition of the value of ongoing work by the General Synod and the Dioceses in healing and reconciliation programs in Aboriginal communities
4. A way to address "cultural" as well as physical and sexual abuse claims.

The Anglican Negotiating Team has informed the Federal Government that the House of Bishops and the Council of General Synod (CoGS) meet in late April and early May. The government has been advised that these groups must have assurance that substantial progress toward a solution has been made in order for them to support the continuation of negotiations.

For a full account of the background of The Anglican Church of Canada and the legacy of the residential schools, readers are referred to <http://www.anglican.ca/rs/>

FINANCIAL UPDATE

From a financial point of view, General Synod ended 2001 on a positive note. The approved budget anticipated an overall deficit of \$1,000,000 attributable to residential school expenses, but the actual net cash expense for residential schools was \$893,000.00. This smaller disbursement was due in part to directions to legal counsel not to undertake action unless specifically required to do so by the courts or by court rules. Before residential schools expenses, General Synod current operations show a surplus of \$104,000.

The budget for 2002, before taking into account residential schools expenses, is a balanced budget. The dioceses continue to support the work of General Synod through proportional giving. For its part, General Synod continues to use these revenues, as well as current gifts such as Anglican Appeal, for current operations and programs and not for legal or other residential schools expenses. This means that ongoing litigation and settlement costs are drawn from assets. Projecting the pace of litigation is difficult. However, we believe we have sufficient liquid assets to carry the General Synod through to the end of 2002. Officers and staff are, however, engaged in contingency planning in the event that an agreement with the government is not reached.

The sale of General Synod headquarters at 80 Hayden Street, Toronto, was completed in December 2001, yielding a net gain of \$3,500,000. It should be noted that there is a commitment to use \$3.1 million of the proceeds for the acquisition of new premises, slated for completion in late 2003.

LITIGATION UPDATE

Dates for the appeal in the Mowatt case in British Columbia have not yet been set, but it will likely be heard in late spring or early fall.

Work is proceeding on motions brought by the Dioceses of Calgary and Athabasca and the General Synod to have these bodies removed from the claims filed in Alberta, arguing that only the Missionary Society, if any body, had responsibility. This application will be heard May 27th and 28th.

No trials are scheduled for this spring or summer. Work continues, however, in preparation for future trials, including document research in our Archives, and discoveries of plaintiffs, church and government. (*NOTE: A "discovery" is a formal interview in which the plaintiff, or the knowledgeable representative of church or government, is asked a series of questions by lawyers for the other parties. A transcript is kept and is available for use by counsel in preparation for trial.*) The General Secretary is the knowledgeable representative for the General Synod and Missionary Society and has been 'examined' on several occasions in this regard.

ANGLICAN HEALING FUND

The Anglican Church of Canada Healing Fund, launched in 1992, financially assists projects within Aboriginal communities, and between aboriginal and non-Aboriginal groups. The Healing Fund is financed by: 1) the central fund drawn from the General Synod budget, currently at \$300,000 per year, and 2) voluntary donations from individuals, parishes and dioceses. A one-time grant of \$50,000 was received from the Lutheran Life Insurance Society of Canada following the agreement on full communion with the Evangelical Lutheran Church in Canada (ELCIC) at General Synod in July 2001.

The Healing Fund committee members are:

1. Angelina Ayoungman Diocese of Calgary
2. Grace Delaney Diocese of Moosonee
3. Verna Firth Diocese of the Arctic
4. Shirley Harding Diocese of New Westminster
5. Rt. Rev. Barry Jenks Diocese of British Columbia
6. Archdeacon Sue Moxley Diocese of Nova Scotia & Prince Edward Island

At its recent meeting, the Healing Fund committee reviewed grant applications for 38 projects, the successful applications will be announced shortly. In 2002, The Healing Fund is expected to make disbursements of more than \$350,000.00.

THE DIOCESE OF CARIBOO

The Diocese of Cariboo formally wound down its affairs on December 31, 2001. The 87-year-old Diocese, with 45 congregations, 4,700 parishioners and 12 full-time clergy, could not withstand the financial pressure from the residential schools litigation. The buildings and property held in trust for the parishes by the former Diocese of Cariboo are now under the administration of a new legal entity known as the "The Fraser Basin Properties Society".

Meanwhile, Anglican worship and community life throughout the far-flung 65,000-square-mile region, now known as: "The Anglican Parishes of the Central Interior", have been sustained through reorganization under the Anglican Ecclesiastical Province of British Columbia and the Yukon, with the oversight of Archbishop David Crawley, Provincial Metropolitan. Further information can be obtained through the Rev. Canon Gordon Light, the administrative assistant to Archbishop Crawley, at 250-763-0099 or at apci@silk.net

FORMER STAFF OF RESIDENTIAL SCHOOLS

Bernice Logan, a former teacher at the Shingwauk and Prince Albert Schools, has formed an association of former residential school staff. The association seeks to engage in an open dialogue with bishops, the Department of Indian Affairs and the General Secretary's office. Two issues of the **Association of Former Indian Residential School Staff Newsletter** are now available, and can be obtained by writing to Ms Logan at Tangier, Nova Scotia B0J 3H0. This Update #13 is circulated to a list of former staff maintained by the General Synod archivist Ms. Terry Thompson.

In Issue #2 of the newsletter (February 2002) Ms Logan advises of the death of three of its members, Dr. Harvey Hamilton, son of Mrs. A.L. Hamilton, formerly of Elkhorn School; Mrs. Lillian Courtenay, who worked at Lac Le Ronge, and the Rev. Ahab Spence, priest of the diocese of Qu'Appelle and a former Principal of Pelican Lake School in the diocese of Keewatin.

THE WIDER CONTEXT

Parallel trends, involving claims of sexual abuse of children in institutions similar to those claimed in residential schools, are as follows:

1. Recent revelations are rocking the Roman Catholic Church in the United States as allegations of the cover-up of decades of child sexual abuse hit the secular press. The fallout is expected to lead to significant financial payouts in settlements to those proven to be wronged.
2. A similar outcry over the non-disclosure of alleged child sexual abuse recently reached the highest levels of public life in Australia. The Governor-General of Australia, formerly the Anglican Archbishop of Brisbane, faces allegations that, during his tenure as Bishop, he chose to cover-up rather than investigate claims of sexual abuse.
3. The 75,000-member International Society of Krishna Consciousness (Hare Krishna) announced last month that it is facing lawsuits totaling US\$400 million, arising from claims relating to boarding schools it operated in Canada, the US and India during the 1970s and 1980s. These lawsuits will "wipe out the church" according to a leader of the U.S. based spiritual movement.
4. Recent developments taken by the government in the Republic of Ireland to resolve thousands of abuse allegations by students at former state/church-run institutions are worth noting. The model put forward by Ireland to address the problem appears to be balanced, enlightened and pragmatic, and may be valuable to Canada as it explores alternative solutions. For more detailed information on the approach taken by the Republic of Ireland, refer to the website:
http://www.gov.ie/educ/publications/report_of_the_cac.doc

Meanwhile, the interplay between government agencies and Canada's diverse and varied Aboriginal organizations and Indigenous Peoples continues to grow in complexity: a) claims by the Haida Nation to ownership of the Queen Charlotte Islands; b) Alberta court rulings that Aboriginal Peoples are entitled by treaty to tax-free status as Canadian citizens; c) attempts by the federal Department of Indian Affairs to cancel traditional treaty rights with lack of regard to due process; d) a referendum underway in British Columbia to poll public opinion with regard to Aboriginal inherent rights; e) legislation slated to be tabled in the House of Commons in June to radically reform the way First Nations are governed, are just some of the issues of concern.

From this, it is clear that the entanglement over residential schools litigation, hurtful and divisive though it may be, represents only one small part of the larger relationship between church, government and Canada's Indigenous Peoples.

For further information, kindly contact Archdeacon Jim Boyles at jboyles@national.anglican.ca or 416-924-9199 ext 280.

Distributed to:

- Archbishops and Bishops
- Members of Council of General Synod
- Members of Anglican Council of Indigenous Peoples
- Chairs of committees
- General Synod staff
- Posted to www.anglican.ca
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