

The Compensation Process of First Nations Survivors of Residential Schools

Part One

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I am a residential school survivor and have gone through what they call the Alternative Dispute Resolution (ADR) process. I am familiar with what happens between the lawyer, the adjudicator, and the federal government representative. I take pen to paper because I feel people need to hear about the experiences of a survivor as they each go through this process.

To begin with, just remembering the atrocities, the cruelties, the abuses, was enough to snowball the victim into despair and hopelessness. The healing foundations had not been set in place yet, and the survivors had no place or no one to contact for counselling. Eventually, a 1-800 number was set up, but if I know my people at all, (even for me) that was insufficient. We like a one-on-one approach, if we even consider counselling at all. Back in 1997, in an article published by the Vancouver Sun titled Separation and Segregation, I had written that my people needed healing before any of us could move forward and go on with our lives. To begin the hearings and then to compensate the survivors before they had any counselling was adding insult to injury. But then, we have to remember that the sole purpose of the Department of Indian Affairs was to eradicate the First Nations population through any means. Many who received their first monies died through drug and substance abuse, some through self-inflicted means to cause death. Healing the soul and the human psyche should have been first and paramount.

Now think about the ADR process itself. First of all, we talked to the lawyers, telling them as much as we could remember (many memories were blocked---a natural safety mechanism) and then a hearing date was set. Big deal! This is a one-day hearing to tell all! ONE DAY! One! I do have to mention that clients had the option to reject the offer after this hearing. We must consider the financial status of First Nations people, right across our nation. Many live on poverty-stricken reservations. Many others live in urban centers, trying to subsist on meagre incomes or social benefits. Many lived on the streets. Does anyone really believe that any one of them would have said, "No, I reject this offer - I want another hearing." I do not think so. Many would have accepted the insignificant amount, for too many that was substantial compared to what they had or had not! I am sure the Federal Government was well aware of this. I could just 'hear' their thoughts, "Give them the money. They can drug or drink themselves to death".

At the hearing, the only person the survivor could talk to is the adjudicator. The federal government representative sits at the table, scribbling his notes. The support person invited by the client cannot say a word. Even the lawyer says little. The process is hurried through the course of one day. It is draining for it brings back so many buried emotions that the survivor sometimes does not understand and/or is unaware of. With my own case, for two weeks or more afterwards, memories came flooding back. I was literally sick with what I had

neglected to bring up because the memories were not there at the time. Then I think about those survivors who are not articulate enough to express themselves, or else, the shame is so deep that they cannot utter the words in simple English! The emotional support person cannot say a thing to help. The lawyer, too, sometimes is stumped or stymied. But the hearing must go on. Following this, the client has to find an organization or person to give him/her financial counselling.

Throughout this process, the lawyers are running around recruiting prospective clients, some to the point of going right to the reserves. Once they have them, as I was told by some survivors I talk with, the client might see his/her lawyer on the street, and out of curiosity, the client asks how the claim is going. Guess what happens? The lawyer charges the client for a consultation fee! Imagine that! It is the way of our people---the survivors did NOT know they would be charged for something they consider to be a simple conversation. Many did not know every phone call would be entered in the attorney's books! They did not know every letter would be entered in the books. They just did not know! Do you think it would have been ethical if the legal representative would have advised his/her survivor clients? I know they did not. I talk to other survivors on almost a daily basis. We are our only real support for one another. There are no organizations in this city to counsel survivors, none that I am aware of.

Another incident involved a client here in this city. The client had contacted her lawyer with regards to the Independent Assessment Process. He tells her, "You don't have enough money to pay me". The insensitivity of some lawyers is hard to swallow. Abuse comes from many directions for the First Nations individual.

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