

# The next step in Reconciliation – Addressing the tragic legacy of Indian Days Schools

By Senator Dan Christmas

Algonquin Elder William Commanda once said years ago that, *“the road to spirituality represents the slower path that the traditional native people have traveled and are now seeking again. The earth is not scorched on this trail. The grass is still growing there.”*

For those indigenous peoples who attended Federal Indian Days Schools and survived having to endure the same types of suffering as those who attended residential schools, the grass may still be growing but the earth beneath it remains somewhat scorched.

The Canadian government in November 2005 announced the *Indian Residential Schools Settlement Agreement and compensation package*, representing at the time the largest class-action lawsuit in Canada’s history.

This was followed by the rendering of an apology from the government in June 2008, on behalf of the Government of Canada, and all Canadians, for the forcible removal of Aboriginal children from their homes and communities to attend Indian residential schools.

At the time of the apology the government recognized that *“there is no room in Canada for the attitudes that created the residential school system to prevail,”* – yet this apology, so long in coming was not extended to those who suffered the same depth and breadth of abuse of these schools, yet returned home each day after school – the many who attended Canada’s Indian Day Schools. Their spirits, their souls, their minds and their hearts need and so very much *deserve* healing.

The number of these victims is significant – an estimated 120,000 to 140,000 from the period of 1920, when Indian Day Schools were introduced, to the present – to say nothing of the spouses, former spouses, children, grandchildren and siblings of the survivors, whose total numbers are greater than those of the schools’ students but remain undetermined.

Thankfully, the major wrong that is this lack of recognition for the pain and suffering inflicted upon day school attendees has been finally made right. Garry McLean, a former board member of the *Indian and Métis Friendship Centre* in Winnipeg, launched a Class Action suit a decade ago against the federal government for its operation of Indian Day Schools.

In November 2018, it was announced that Mr. McLean and the law firm representing him, *Gowling WLG*, had reached the agreement in principle with the federal government. On August 19, 2019, the Federal Court approved the Settlement Agreement compensating survivors in amounts ranging from \$10,000 to \$200,000 based on the level of harm experienced.

It was also announced that a \$200 million Legacy Fund has been created to support commemoration projects, health and wellness endeavours as well as language and culture initiatives.

Sadly, Garry Mclean, passed away on February 19, 2019, just months before the class action's approval in August.

I'm eager to share information with you that can help you navigate the path through the claim process and point you to help that's available should you want or need it. Here are some key facts around the class action process.

## Who's included?

Individual compensation as a Survivor Class Member is open to those who has:

- Attended one of the approximately 700 identified Day Schools operated and/or controlled by Canada;
- Suffered harm as a result of their attendance at that Day School;

The Estates of Survivor Class Members who have passed on are also eligible for compensation.

## How can I receive compensation?

Eligible Class Members may make a claim for compensation for suffering endured. Claims forms must be completed and sent to the Claims Administrator by the Claims Deadline.

Class Counsel lawyers will be available to assist in the completion of claims forms at no cost.

## What if I want to opt out of the settlement?

Should you not wish to participate in the Class Action suit and its settlement agreement you must submit an ***Opt Out Form*** by November 18, 2019. Opting out enables you to still exercise your right to independently launch an action against Canada for harms suffered while you were a student at a Day School should you wish to do so.

*Opt Out* Forms are available on the Class Action Website or through Class Counsel lawyers directly.

## Who can help me with completing the paperwork?

The *Union of Nova Scotia Mi'kmaq Mental Wellness Team* can offer assistance, as can Eskasoni's Indian Residential School team, through the following contacts:

**Nadia House, Team Lead and Advocacy Case Manager, UNSM Mental Wellness Team**

E-Mail: [nhouse@unsi.ns.ca](mailto:nhouse@unsi.ns.ca)

Office: (902) 539-4107 ext.210

Cell: (902) 549-0536

**Chakira Young, Resolution Health Support Worker - Eskasoni Indian Residential School Team**

E-Mail: [chakirayoung@eskasonihealth.ca](mailto:chakirayoung@eskasonihealth.ca)

Phone: (902) 578-7284

**Andrea Kingham, Resolution Health Support Advisor, Confederacy of Mainland Mi'kmaq**

E-Mail: [akingham@cmmns.com](mailto:akingham@cmmns.com)

Phone: (902) 324-0005

**Nova Scotia Legal Aid** makes the registration forms available and can provide help to complete and mail them at its monthly outreach sessions in these three communities:

**ESKASONI** at the *Mi'kmaq Legal Support Network*, 48 Spencer's Lane, held the first Friday of every month from 10 a.m. to 2 p.m.

**MEMBERTOU** at the *Mawio'miokuom Society Building*, 113A Membertou Street, held the last Wednesday of each month from 10 a.m. to 2:00 p.m.

**WAGMATCOOK** at the *Band Office*, 10765 Hwy 105, held the last Friday of each month from 10 a.m. to 2:00 p.m.

## Other important information

The website for Indian Day Schools is available at [www.indiandayschools.com](http://www.indiandayschools.com). The site contains all detailed information and all necessary forms.

You can also contact Class Counsel lawyers at the law firm's offices:

**Gowling WLG (Canada) LLP**

160 Elgin Street, Suite 2600

Ottawa, ON K1P 1C3

Toll-Free Number: 1(844) 539-3815

[www.gowlingwlg.com](http://www.gowlingwlg.com)

FACEBOOK: @McLeanClassAction

Twitter: @IndianDaySchool

**Senator Dan Christmas is Canada's first Mi'kmaw Senator.  
He was named to the Senate in 2016 and represents  
Nova Scotia and the Mi'kmaw nation.**