

# “Mush-Hole” \$900 million survivor suit sparks memories

*By Lynda Powless*  
*Editor*

*A \$900 million class-action lawsuit launched last week by former students of the Mohawk Institute is causing a flurry of activity at a London, Ontario law firm where former students have begun calling.*

Russell Raikes, of Cohen, Highley, Vogel and Dawson said as many as 1,000 former students may still be alive and could be involved in the class-action suit.

He said both the Attorney General's office and Anglican Church

have been served. However, a spokesman for the Anglican Church in Toronto said Tuesday the church had not been served.

Since the suit was filed last week students have begun contacting

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# "Survivors" launch multi-million dollar lawsuit

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the lawfirm to find out information, and for some, the lawsuit is sparking painful memories.

"It's kinda funny when you think about it," said one elderly man who spoke to Turtle Island News. "Who would have thought that getting whipped 50 years ago... that they'd have to pay for it now."

The man said he was repeatedly strapped by the, then principal of the school. "You know, you'd get strapped for stuff like swinging on the pipes, being late." The man was placed in the school at four and a half years old and spent eight years there.

"Everytime they figured you did something wrong you'd get a strap but each time you'd get five more. I was up to 35 when I left there." Each, time, he said, "they told you to pull down your pants and lean over the desk or something." He said the skin was broken every-time.

Another man, who lives in Arizona now was six years old when he went there and spent 10 years there. "It was terrible, in capital letters," said Elwood Burning. "You weren't allowed to see your sisters at all, you couldn't visit." Today, he said sitting across from each other the siblings are scared of each other. "We don't know each other. We're practically strangers." Burning said "I got strapped just about every other day. If I didn't do anything wrong, I got strapped anyway. He said one girl had the skin torn right off her wrist. I seen them strip kids down and beat them with a belt. Then, they'd make the kids kneel down and other kids had to go by and hit them. They made us hit each other.

They'd make the kids line up and spread your legs apart and the kids would have to crawl through, as they went by you had to whack them with both hands. And if you didn't do it you had to join them."

The \$900-million suit was launched against the federal government, and the Anglican Church of Canada.

The statement of claim is one of the largest ever filed on behalf of former aboriginal residential schools students called "Mush-Hole Survivors," (the name was coined after student claims they were daily fed mush or oatmeal sometimes, three times a day).

The suit was filed last Monday in with the Ontario Court, General Division in London.

An additional \$600-million suit

has been filed on behalf of the parents, siblings, children and relatives of the students.

The suit also seeks individual assessments of damages for students who were sexually abused and aggravated damages of \$150 million.

Named in the suit at the Attorney General of Canada, The Anglican Church of Canada and the incor-

legal cases slow down this process," he said.

Ellie Johnson, director of partnerships works with the healing fund. She said the church has a healing and reconciliation fund and communities are encouraged to apply for funding for healing events.

The Primate, Archbishop Michael Peers, apologized on behalf of the Anglican Church in

wrapped up the biggest tab in Canadian history, the report says.

Indian Affairs Minister Jane Stewart responded to the commission's 1996 report by apologizing to residential school victims and putting up \$350 million for a "healing fund" for counselling within aboriginal communities.

The fund has yet to be administered. A Healing Foundation

Fontaine is torn between trying to cut a deal with Ottawa and appeasing hard-line aboriginals who think he was too soft when he openly embraced Stewart's apology.

Marilyn Buffalo is one of several aboriginal leaders who think the apology was half-hearted because the government did not acknowledge blame.

Buffalo, the head of the Native Women's Association of Canada, wants Fontaine to push for a full inquiry with recommendations.

"The whole of Canada must know what happened there." Meanwhile aboriginal people are using other methods to try to tell their stories.

Last week, Gordon Beardy, an Anglican bishop from northern Ontario arrived in Ottawa ending a two-month 6,500 kilometre "healing march". He arrived at Parliament Hill and said his journey was to focus attention on the plight of former students and their children.

"The healing starts by coming out with the terrible experience," he said. Beardy remembers students being stripped and forced to parade around in their underwear.

And Fontaine plans a trip to Italy in November. He has a meeting with the Pope at the Vatican where Fontaine says he will seek an apology from the Catholic Church for its role in running some of the schools on the federal government's behalf.

The \$900 million class-action suit alleges, among other things, that students were physically, spiritually, emotionally and psychologically abused. It seeks compensation for breach of fiduciary duty, negligence, assault, battery and breach of Aboriginal and Treaty Rights.

The suit claims the federal government and church breached their fiduciary obligations to the children as a result of their conduct and that of their servants, agents or employees in the operation of the school.

The suit alleges the children were physically or sexually abused resulting in the children, as adults, earning lower incomes and suffering self esteem problems.

So far more than 300 former students or survivors families have joined the suit, that actually represents all survivors



Former Mohawk Institute Residential School

porated Synod of the Diocese of Huron. Damages are being sought for allegations of the mistreatment of aboriginal children, mostly from Six Nations, who attended the Mohawk Institute Residential School on Six Nations lands adjacent to Brantford.

The school operated from 1834 to 1969 and now houses the Woodland Cultural Centre and museum.

James Cullen, treasurer of the Anglican Church, said he has not been served. "I haven't received it yet. I've heard about it though," he said from the church's Toronto head office.

Cullen said the Diocese of London has received the suit, "but we haven't." He said once the paperwork has arrived it will be passed on to the Church's lawyers. "It won't be settled quickly. These things take time."

Cullen said the suit is not the only lawsuit against the government or churches, of this kind. "I don't think any other class actions have been filed but right now there is 74 lawsuits against the church from individuals."

He said the church has been active in trying to promote healing from the residential school experience.

"It is our intention trying to effect healing with the communities where it is unfortunate, it happened. We regret it happened and we are trying to get healing. We have spent a lot of money to try and work with various councils and people to try to restore the community. But unfortunately,

1994 to aboriginal peoples for trying to "remake you in our image."

She said the schools were part of the apology, but it was also for participating in the endeavor of trying to make indigenous people into the image of white people."

The healing fund was originally set up as a residential school healing fund but the indigenous council that set it up has broadened the mandate. The fund sits at about \$100,000 a year. So far about \$500,000 for healing circles and gatherings has been allocated since the fund was established.

She said the church is trying to be proactive in healing work.

I.N.A.C. officials could not be reached to comment on the suit. A spokesman in the Attorney General's Ottawa office refused comment saying the suit hasn't been received from its Toronto bureau.

Meanwhile, Canadian Press reported late last week that the federal government is negotiating with "aboriginals" on a forum for victims of abuse at residential schools so the victims can publicly tell their stories of suffering.

The plan falls short of the recommendation in the Royal Commission on Aboriginal Peoples for a full-scale inquiry into widespread sexual and physical abuse at the government sponsored schools before the last ones closed in the 1980s.

Ottawa--and even some aboriginal leaders and residential school students--are wary of spending millions on an inquiry after the \$58 million royal commission

headed by a board, is being established to administer the fund.

But the government is under growing pressure to come up with additional compensation for individual victims, some 1,400 of whom have filed lawsuits against Ottawa alleging sexual and physical abuse.

Negotiations for a process to allow victims to speak publicly are part of broader talks to try to settle lawsuits out of court, confirmed a government official and Phil Fontaine, Assembly of First Nations chief.

"When you live a life of denial and suppressing these sorts of things, a validation publicly of what happened is important," said Shawn Tupper, of the Department of Indian Affairs.

He warned however, the government is not talking about an inquiry.

The schools, run by churches, existed in every province but Newfoundland, New Brunswick and Prince Edward Island. The royal commission report devoted more than 50 pages to the horrible experiences that many children suffered at the schools, set up to assimilate about 100,000 aboriginals into mainstream culture.

Fontaine, himself a victim of sexual and physical abuse at a Manitoba school, said he hopes to conclude a deal by Christmas.

"I am supportive of anything that will establish this experience as part of the public record," said Fontaine, who would not be more specific.