

'We don't want our records destroyed'

National Research Centre 'flooded' with calls from residential school survivors

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The threat that testimony from 38,000 former residential school students might be destroyed has prompted an outcry that "flooded" the National Research Centre for Truth and Reconciliation with questions from survivors concerned about the erasing of their records.

Chief adjudicator Dan Shapiro called for destroying the documents in June, saying it is the only way to protect the privacy promised to claimants.

"When the media reports of Mr. Shapiro went viral, (the research centre's executive director) was flooded with calls from survivors and others that said, 'We don't want our records destroyed,'" said Joanna Birenbaum, lawyer for the National Research Centre. "They said, 'We want history to know how we were treated in the (claims) process.'"

A hearing over the fate of records from about 38,000 residential school survivors concluded Wednesday, with Superior Court Justice Paul Perrill reserving his decision.

Throughout the three-day hearing, two options were discussed for the documents: destroying them after a waiting period, or sealing them for an extended time before transferring them to Library and Archives Canada.

While Shapiro asked for destruction of the testimony, Julian Falconer, lawyer for the commission tasked with producing a report on the history of residential schools, proposed an alternative that would seal the documents for 30 years and then have them released to the federal archives — a proposal that lawyers for the government agreed with.

As part of the alternative scenario, Falconer proposed implementing a notice program that would allow the survivors to choose to put their re-



BLAIR GABLE FOR THE TORONTO STAR

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court Wednesday that a sealing period on the documents and their eventual transfer could harm future generations living in the same communities.

Grant said survivors are promised confidentiality at the beginning of each individual hearing.

"The inevitable outcome of this promise is destruction. That's the

wouldn't have done it."

There are still about 10,000 hearings to be conducted across the country.

Phil Fontaine, former head of the Assembly of First Nations and himself a residential school survivor, submitted an affidavit to the court advocating for destruction of the documents.

Grant said many who give testimony never want to revisit it and opposed a notice program that would allow survivors to opt in to put their records in the University of Manitoba archives, but he said the research centre should remain open for those who want to have their story entered into the record.

"This is all bringing it back up. They

my clients, they don't even want the decision because they don't want any record in their home of what happened."

Claimants can volunteer to disclose their confidential statements to the Truth and Reconciliation Commission, but according to Falconer, only two individuals have done so.

Julian Roy, who is also representing the commission, said the small number of people who have transferred their records demonstrates that the option has not been well advertised.

"What that really shows us is how important it is — no matter who you agree with, regardless of which way you go — that there be a serious effort with an enhanced notice program to give a real opportunity for survivors