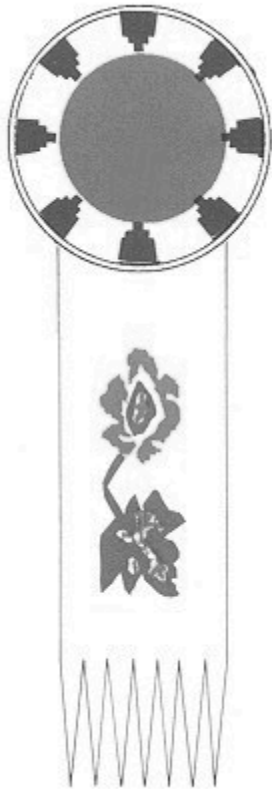


Native Women's Association of Canada



THE CLASS ACTION
AS A REMEDY

FOR

ABUSE EXPERIENCED
IN RESIDENTIAL
SCHOOLS

~ August 1992 ~

Institutional Abuse &
Public Response

A NWAC Discussion Paper

Table of Contents

1.	Introduction	3
2.	Mount Cashel (Nfld).....	4
3.	St. Joseph's Training School for Boys (Alfred, Ont.).....	6
4.	Grandview School for Girls (Cambridge. Ont.)	7
5.	Jericho Hill School for the Deaf (Vancouver, B.C.)	8
6.	St. Joseph's Mission Residential School (Wiims Lake, BC)	9
7.	Summary	10
8.	Compensation for Japanese Canadians.....	10
9.	Successful Lawsuits against the Church.....	12
10.	Conclusion	13

1. Introduction

While Native people have not yet been successful in getting either a national public inquiry into the residential schools, or any redress for the abuses suffered in these schools, some provinces have addressed allegations of abuse in non-Native residential institutions. These include investigations at Mount Cashel by the Newfoundland government, the Ontario government's investigation into the St. Joseph's Training School for Boys, and the British Columbia government's inquiry into the Jericho Hill School for the Deaf. Investigations are also currently underway at the Grandview School for Girls in Ontario. Each of these will be discussed to provide some insight into how each has been dealt with and what, if any, results have been achieved.

From a review of newspaper articles it appears that the only Indian residential school to be the subject of a recent police investigation is St. Joseph's Mission Residential School in Williams Lake, B.C. Despite two criminal convictions arising from abuse within that school, and media coverage of further stories of abuse, no public inquiry has been undertaken and there has been no discussion of arranging compensation for the victims. Further details of this example will be discussed in this paper.

To date, the federal government has refused to undertake a national study or inquiry into allegations of abuse at Indian residential schools. Tom Siddon has, however, shown "some openness" to a number of ideas that could lead to a written historical record of conditions at Indian residential schools.¹ As well, in April 1991, Siddon also said that he would consider restitution to Native people for what happened at the schools. He said "We all bear the shame, in a way, of what happened."² One of the only cases in which the federal government has negotiated a settlement for past wrongs was concluded in 1988 with the National Association of Japanese Canadians. In this settlement, Japanese Canadians received approximately \$400 million in compensation for their internment and loss of property during World War II. The process leading up to this settlement will also be discussed.

While the federal government has continuously refused to undertake a full investigation of the injury sustained by past students of residential schools, churches have been only slightly more forthcoming. Many have offered apologies to Native people for the churches' roles in residential schools, but no widescale promise of compensation has been offered. Churches have, however, begun an investigation into allegations of abuse at Indian residential schools in Manitoba. In January 1991, a news report confirmed that the Anglican and United Churches would join a Roman Catholic church in an inquiry into abuse at Manitoba residential schools.³ This inquiry was postponed in February 1991 until a "well-thought-through national strategy" was determined at a national bishops meeting.⁴ It is not known how this inquiry has progressed. The outcome of this inquiry may be of particular

¹ David Roberts, "Two churches to join probe of Manitoba native schools", *Globe and Mail*, Tues., Jan. 22, 1991 at A5.

² Douglas Todd, "School of Shame" *Vancouver Sun*, Fri., April 29, 1991 at B1, B7.

³ Robert, "Two churches to join probe of Manitoba native schools", *supra*, note 1.

⁴ David Roberts, "Bishops to discuss charges of abuse", *Globe and Mail*, Sat., Feb. 2, 1991 at A4.

significance as Tom Siddon has indicated that Manitoba's inquiry may serve as a model for similar probes into conditions at residential schools in other provinces.⁵

Churches have, however, paid out large sums of money to individual non-Native victims who have sued the church for their inaction despite their knowledge that a priest has sexually abused a child or children. This will be discussed further in this paper.

2. Mount Cashel (Nfld)

Mount Cashel was a Newfoundland orphanage and industrial school for boys, operated by the Roman Catholic Christian Brothers. It had operated from 1898 until 1991. The allegations of abuse within Mount Cashel were the first to receive public attention, and were the only ones to be dealt with by a public inquiry.

Prior to their ultimate public disclosure in 1989, the abuses experienced within Mount Cashel had been the subject of two previous police investigations. The first investigation was begun in December 1975. By its completion, five Brothers were implicated in acts of physical and sexual abuse, and twenty boys stated that they had been abused by some of the Christian Brothers. Instead of allowing the officer handling the investigation to interview other boys at the school and the Brothers who had been implicated, the Chief of Police (on instructions) from the provincial Justice Department stopped the investigation. Although police had obtained admissions from two Brothers of their sexual involvement with some of the boys, no charges were laid. The only result of the investigation was that the two Brothers who admitted wrongdoing were placed for a short period within treatment centres outside the province, and were told not to return to Newfoundland. Two other Brothers were transferred from Mount Cashel to other schools.⁶

The second investigation arose after other claims of abuse came to police attention in 1982. Again, police did not fully investigate these claims. Although thirteen separate reports were written about Mount Cashel in 1982 (nine by Social Services and four by the police) only one Brother was charged with sexual offenses. Later that year, he was later convicted and sentenced to four months in jail and three years probation.⁷

The first thorough public examination of the abuse at Mount Cashel began in early 1989 after a caller to a February 13, 1989 open-line radio show mentioned his suspicion of a government cover-up of abuse that occurred at the orphanage. Hearing of this, a judge of the Newfoundland Supreme Court of Appeal followed this up with the provincial Associate Deputy Attorney-General. The next day the Mount Cashel file was re-opened. Police were instructed to complete the 1975 investigation into the sexual abuse of children and determine why no charges had ever been laid.⁸ The case sparked wide public interest only after one of the original 1975 victims, Shane Earle, decided to tell his

⁵ David Roberts, "Two churches to join probe of Manitoba native schools", *supra*, note 1.

⁶ Michael Harris, *Unholy Orders: Tragedy at Mount Cashel* (Markham: Penguin Books, 1990) at 162-3.

⁷ *Ibid.*, at 240-41. On appeal, his sentence was reduced to time served - twelve days.

⁸ *Ibid.*, at 265.

story to the press.⁹

Before the police investigation was concluded, a total of fourteen people (nine Brothers and five civilians) were arrested on 88 counts of physical and sexual abuse. As a result of the public's demands to know how this could have happened, and been allowed to continue for years, the Newfoundland government established the Hughes Commission on March 31, 1989. The Commission was tasked to consider the complaints of child abuse at Mount Cashel, complaints of abuse in Newfoundland and Labrador, complaints against the Justice Department in cases not involving child abuse, and the need for corrective measures.

With matters not proceeding quickly enough, Shane Earle began a lawsuit against the Newfoundland government in April 1989. By the summer of 1989, the action was amended to claim \$18 million for nine former residents of Mount Cashel on the grounds that the Justice Department and Social Services knew about the assaults, but did nothing to protect the children.¹⁰ The church was later added as a defendant in the action.

When the Hughes Commission report was finally made public in April 1992, the inquiry found, among other things, that several Christian Brothers should have been charged with sexual and physical abuse in 1975, and that the Justice Department had interfered with the police investigation. Hughes recommended that the Newfoundland government establish a compensation fund, although the size of this fund was not discussed. No specific recommendations on providing counselling services for victims were made.¹¹

The recommendation for establishing a fund echoed a statement made by the Newfoundland Justice Minister in November 1990. At that time, he stated that the government would set up a fund to compensate the victims. The government also admitted liability in the scandal.¹²

Since the public inquiry, the Christian Brothers decided to destroy Mount Cashel and sell the property. The estimated \$8 million expected from this sale is to be used to compensate the victims.

The Newfoundland government has not yet responded to the Hughes Commission report and it is not known if any victims have received payments from the Church. It is also assumed that the civil actions begun in 1989 are still ongoing or have lead to negotiations with provincial and church officials.

⁹ *The host of the On-Line radio show, Bill Rowe was later to state:*

It was those stories about Shane Earle and the commentary on it that indicates why something was finally done about it. It's one thing to hear Brothers doing something to the boys and that the bad apples were shipped out. It's quite another for a boy to talk about when he was six or seven years of age and graphically describe how a grown man grabbed him and sexually abused him. Ibid., at 275.

¹⁰ *Ibid., at 284.*

¹¹ *"Establishment coverup linked to suffering", Vancouver Sun, Sat., April 25, 1992 at A1, A2.*

¹² *"Abuse Victims get payments", Toronto Sun, Mon., Nov. 19, 1990 at A10.*

3. St. Joseph's Training School for Boys (Alfred, Ont.)

St. Joseph's was an Ontario reform school for boys run by the Brothers of Christian Schools from 1933 to 1974. Allegations of widespread physical and sexual abuse at the school first came to the public's attention in early 1990 when a Toronto Star reporter used an Access to Information request to obtain a secret 1960 government report on abuse in the school. Following this discovery, Ontario Provincial Police began an investigation. Similar to the Mount Cashel case, the earlier 1960 investigation verified that boys had been abused at the school and the only result was the transfer of two Christian Brothers to another school. In April, 1990, past residents of the school made their first demand for a public inquiry, arguing that the Roman Catholic Church and the provincial government had known about the abuse for more than 50 years, but had kept the report outlining the abuse secret.¹³

Premier David Peterson refused to order a public inquiry into allegations of a cover-up because an inquiry would deal with matters of a criminal nature. This decision was based on the 1990 Supreme Court of Canada decision in *Starr et al. v. Houlden et al.*¹⁴ In that case, the Ontario government had launched an inquiry to investigate allegations that charitable funds were being improperly used as political contributions. The court was asked to determine whether the province was competent to establish the inquiry under the Constitution Act, 1867. The Supreme Court of Canada found that the inquiry was outside Ontario's jurisdiction as the matters being considered were criminal matters more properly within federal jurisdiction under s. 91(27) of the Constitution Act, 1867. The Court found that Ontario would not hold this inquiry as it was, in effect, a substitute criminal trial.

Despite refusing an inquiry, within a week of the past residents publicly revealing their stories of abuse, the Ontario government offered the victims assistance to receive counselling and any other assistance they might require. This commitment was made after a representative of the school's former students met with the Minister of Community and Social Services and the Minister of Correctional Services.¹⁵

By April 1991, 25 ex-employees (including at least 19 lay brothers) were charged with a total of 182 offences of physical and sexual abuse. The charges arose from incidents alleged to have occurred between 1941 and 1971.¹⁶ In all, complaints were received from approximately 400 former students which led to the investigation of 78 ex-employees, 16 of whom had since died. Documents retrieved from Ontario's archives indicated that Cabinet Ministers, Cardinals and Archbishops knew of the abuse within the institution in 1960, but did nothing.

¹³ Susan Delacourt, "Former residents seek probe into abuse at church-run schools", *Globe and Mail*, Fri., April 6, 1990 at A12.

¹⁴ (1990) 68 D.L.R. (4th) 641.

¹⁵ Gene Allen & Richard Mackie, "Ontario offers aid for school's abuse victims" *Globe and Mail*, Thurs. April 12, 1990 at A3.

¹⁶ Susan Delacourt "19 Ottawa lay brothers face 149 abuse charges", *Globe and Mail*, Fri., Feb. 15, 1991 at A5; and Timothy Appleby, "Further charges laid by OPP in Christian Brothers case", *Globe and Mail*, Fri., April 19, 1991 at A8.

In August 1992, twenty months of negotiations between the victims and their lawyers, the Roman Catholic Church and the Ontario government were concluded. A compensation package was agreed upon that is estimated to be worth \$16 million. It also includes formal apologies, counselling and an "Opportunity Fund" which would provide medical and dental coverage, job training, literacy training and other education for victims. A special "recorder" would also be appointed to write the history of the scandal and make recommendations to prevent further abuses. Under the settlement, a special committee would be created, with members from government, Christian groups, past students, and an independent hearing officer. The panel would hear past student's complaints and determine whether compensation should be given, and if so, how much. It is estimated that \$30,000 would be an average personal settlement. Any past student who participates in this process forfeits their right to bring a civil action against any of the parties.¹⁷

Douglas Roche, Canada's former disarmament ambassador, was the negotiator of this settlement.

This agreement must still be accepted by the group Help line which represents many of the past students, and by the Toronto area Christian Brothers. It is expected approvals will be given in September 1992.

In a televised press conference, a spokesperson for the church stated that reaching a settlement and giving an apology had been influenced by the fact that criminal convictions had been obtained against many of the accused Brothers. Because of the convictions they "had proof" that abuses had occurred, and should be remedied.

The day following the announcement of the details of the agreement, others involved with victims of crime stated that this agreement could "pave the way for future victims to get more support."¹⁸ One group that expects this agreement will assist them is the women who have come forward with allegations of abuse at the Grandview School for Girls.

4. Grandview School for Girls (Cambridge. Ont.)

The Grandview School for Girls was a residence for girls aged 12 to 17. It was operated by the provincial government until 1976. Allegations of sexual abuse were made public in January 1992. Reports have said that 31 former students have accused at least six former guards and staff members of sexual abuse. The initial police investigation began in the spring of 1991 after 2 women told police they had been sexually assaulted by guards when they were fourteen. Also under investigation are the deaths of five girls while residents of the centre.

¹⁷ Mike Blanchfield, "Reform-school abuse victims offered \$16m", *Ottawa Citizen*, Fri., Aug. 14, 1992 at A1, A2 and Donn Downey, "Abuse victims eligible for compensation", *Globe and Mail*, Fri., Aug. 14, 1992.

¹⁸ Mike Blanchfield, "Settlement opens doors for abuse victims", *Ottawa Citizen*, Sat., Aug. 15, 1992.

As in the Mount Cashel and St. Joseph's (Alfred) cases, a previous investigation of the allegations of abuse had been undertaken years before in March, 1976, and the women are alleging a government cover-up.¹⁹ In February, 1992, this 1976 report was located in the Ontario archives, It has not yet been released to the public. Unlike St. Joseph's (Alfred), the provincial government has not publicly promised to compensate the victims.

The women have formed a group called the Grandview Survivors Support Group. They have obtained the services of a lawyer who is pursuing this matter with them.

5. Jericho Hill School for the Deaf (Vancouver, B.C.)

The most recent institute to be investigated over allegations of physical and sexual abuse is the Jericho Hill School for the Deaf in Vancouver, B.C. This school is run by the province of British Columbia.

The first investigation into allegations of physical and sexual abuse by employees occurred in 1982, after several young boys complained to a psychologist and social workers of sexual abuse by a female staff member. The police investigated, but decided the complaints would not likely hold up in court. Several of the boys also disclosed that they had been sexually assaulting younger female boarders at the school. According to internal government reports, an "administrative decision" was taken at the time not to follow up on these confessions or interview the girls identified as victims.²⁰

In 1987, a second investigation disclosed allegations by a number of girls that they were being abused by older boys. When the Education Minister was asked about this, he replied "only God knows for sure" whether any abuse occurred or not.²¹ In 1988, a report by the Greater Vancouver Mental Health Services said that sexual abuse was so widespread in the school that it was virtually a "rite of passage".²²

In 1990, government experts on abuse began looking at the situation at Jericho again. Out of this, an inter-ministry team was created and the third investigation was begun. The provincial ombudsman's office is also currently investigating what went wrong when previous problems were reported. The aim of this study is to attempt to ensure that similar mistakes are not repeated in the future.

These investigations are ongoing. To date, no arrests have been made. While one former student won a \$50,000 out of court settlement from the government in 1989 and others are said to be considering this option,²³ there has been no comment regarding possible compensation to other victims.

¹⁹ Peter Edwards, "Abuse probe expands beyond guards", *Toronto Sun*, Mon. Jan. 13, 1992 at A3.

²⁰ Barbara McLintock, "Government finally launches investigation into sexual abuse", *Winnipeg Free Press*, Mon., Apr. 13, 1992 at A7.

²¹ *Ibid.*

²² *Ibid.*

²³ Deborah Wilson, "B.C. reopens investigation into charges of abuse at school", *Globe and Mail*, Fri., Mar 6, 1992 at A5.

6. St. Joseph's Mission Residential School (Williams Lake, B.C.)

St. Joseph's Mission Residential School was an Indian residential school operated by the Roman Catholic Church and the federal government. It had operated as an Indian residential school from 1896 until it was closed in 1981.

In June, 1989, Father Harold McIntee, who had taught at St. Joseph's, pleaded guilty to sexually assaulting 17 boys over a 25-year period while at St. Joseph's. He was sentenced to two years in jail and three years probation.²⁴ In March 1990, a second Roman Catholic official, Brother Doughty, was charged with five counts each of gross indecency and indecent assault. These occurred while the accused had been a dormitory supervisor at St. Joseph's between 1961 and 1967. At the time Doughty was charged, the RCMP were said to be continuing their investigation of past activities of other priests and brothers at the school.²⁵

A 1991 news report quoted an RCMP spokesman as confirming that investigations into abuse at the school had been ongoing since 1988.²⁶ Two other priests are under investigation. To date, no more arrests have been made public and it is not known if the police investigation has been completed.

A year long study, of graduates of St. Joseph's was recently conducted by University of Guelph psychologist, Roland Chrisjohn. Released in June 1991, at the first national conference on residential schools, the study is said to demonstrate that "five generations of natives suffered systematic and sometimes horrifying abuse in a misguided attempt by the government and the church to integrate them into mainstream society."²⁷

Although various stories have appeared in the papers surrounding this school, and the Cariboo Tribal Council is co-ordinating a joint research project into the abuse at the school,²⁸ no provincial inquiry has been launched. Despite criminal convictions being made, and significant media attention of the problems of abuse in the school, there has not been the same public demand for an explanation or inquiry as existed in Newfoundland over Mount Cashel. This may be due to the apathy of the larger non-Native community as demonstrated in the following:

Allegations of mental, physical and sexual abuse abound but they cause barely a ripple of interest in this scenic lakeside Cariboo community.

²⁴ Douglas Todd, "Native schools slammed as priest jailed two years", *Vancouver Sun*, June 2, 1989 at A1, A8.

²⁵ Kevin Donovan, "Police charge second Catholic cleric with sexual assaults on native boys", *Toronto Sun*, Wed., Mar 28, 1990 at A15.

²⁶ Gordon Legge, "Native abuse: Blame falls on RC church", *Calgary Herald*, Tues., Jan. 8, 1991 at A1.

²⁷ Scott Simpson, "Children treated as savages, residential school study finds", *Vancouver Sun*, Wed., June 19, 1991 at A1.

²⁸ Gordon Legge, "Native abuse", *supra*, at note 26.

While many residents of this city of 10,000 express sympathy and disgust over the allegations, most admit the recession gripping the lumber industry - a major source of income for the rolling mountainous region - is uppermost in their minds.

"I guess it's pretty sick, isn't it?" says variety store operator Lyman Bowles, echoing the general sentiment that the allegations are a problem between the native community and the church.²⁹

Where in Newfoundland the victims could have been any non-Native person's son, in Williams Lake, the non-Native community has not been threatened and does not consider this to be their problem. As a result, the non-Native community, who are more likely to believe that the government must be accountable to them, has not pressed the government to explain itself, or compensate the victims for the wrongs committed.

7. Summary

The following chart reviews the process followed in each of the instances of institutional abuse investigated by the police.

Institution	Police Investigation	Criminal Convictions	Personal Lawsuits	Inquiry	Negotiation	Compensation
Mt. Cashel (Nfld)	Yes	Yes	Ongoing	Yes	?	Amount to be determined
St. Joseph's (Ont)	Yes	Yes	?	No	Yes	\$16m offered
Grandview (Ont)	Ongoing	?	?	?	Likely	None to date
Jericho Hill (B.C.)	Ongoing	?	One (1989)	No	?	None to date
St. Joseph's (B.C.)	ongoing	Yes	?	No	?	?

8. Compensation for Japanese Canadians³⁰

After the entry of Japan into World War II, all Japanese Canadians living along the west coast of Canada were given the choice of returning to Japan or being sent to internment camps established in the B.C. interior. Most of their property and personal possessions were to be kept in trust on their behalf. Despite this agreement, the property was eventually sold and the proceeds were used to pay the costs of their internment. When the war ended, interred Japanese Canadians were allowed to return to the coast, although most no longer had homes to return to.

In 1949, a group of Japanese Canadians was established whose aim was to protect the rights of Japanese Canadians. However, the question of obtaining redress from the federal government was not considered until 1976. By January 1982, the National Association of Japanese Canadians (NAJC) resolved to seek an official apology, compensation, and a review of the War Measures Act, under which their internment had

²⁹ Gordon Legge, "Institute of little interest to B.C. town", *Calgary Herald*, Tues, Jan. 8, 1991 at B1.

³⁰ The following has been compiled from Ken Adachi, *The Enemy that Never Was: A History of the Japanese Canadians*, 2nd ed., (Ottawa: McClelland & Stewart, 1991) with Afterword by Roger Daniels; and A.C. Scantland, *Study of Historical Injustice to Japanese Canadians*, (Vancouver: Parallel Publishers, 1991).

been ordered. Japanese Canadians were later encouraged in their actions by the 1983 U.S. report from the Commission on the Wartime Relocation and Internment of Civilians. In this report, it was recommended that Japanese Americans who had been interred be given a congressional apology, and a payment of \$20,000 (U.S.) to each survivor.

Although Prime Minister Trudeau was "not inclined" to make compensation, his government and Conservative Minister for Multiculturalism made several offers. Most offers ranged between \$5 and \$12 million, and all were rejected as inadequate by the NAJC.

As part of the NAJC campaign, the accounting firm of Price Waterhouse was hired to provide an estimate of the losses suffered by Japanese Canadians after Dec. 1941. After a year, the firm concluded that "the Japanese Canadian community suffered a total economic loss after 1941 of not less than \$443 million [1986 dollars]."³¹ Using these figures as a guide, and those recommended in the U.S., the NAJC initially asked for compensation of \$25,000 per survivor. The government initially rejected this as "beyond question".

When Gerry Weiner took over the office of Multiculturalism in June 1988, he also seemed to think that the NAJC's demands were impossible. However, following approximately five years of sporadic negotiations with the federal government, "quite suddenly and without warning" a settlement was reached in September 1988. The cause of this sudden change will not be known until Mulroney's internal government papers become available. However, it is most likely that an impending Canadian election and the achievement or redress in the United States are the most probable causes.³²

Only 43 days after President Reagan signed the U.S. bill authorizing a settlement, Mulroney announced Canada's settlement. The Canadian and U.S. settlements were very similar. Canada agreed to pay each survivor \$21,000, where the U.S. agreement gave survivors \$20,000. Canada also agreed to establish the Canadian Race Relations Foundation to roster racial harmony and cross-cultural understanding and help to eliminate racism. This was done at a cost of \$24 million.³³ Similarly, the U.S. provided funding for a public body that would investigate, report on and improve race relations.

Canada also agreed to pay \$12 million to the Japanese Canadian community, through the NAJC, to undertake educational, social and cultural activities that contribute to the well-being of the community, or to promote human rights. It was also agreed that any Japanese person who had been convicted of violations under the War Measures Act and similar legislation would have their names cleared; and that Canada would grant Canadian citizenship to those still living, who were expelled from Canada or had their citizenship revoked between 1941 and 1949. Citizenship would also be granted to their

³¹ *Adachi, supra, note 30 at 375.*

³² *Ibid., at 376.*

³³ *The creation of this Foundation was recently deferred in the 1992 Federal Budget.*

living descendants.³⁴ Each applicant under this agreement also received a formal apology signed by Prime Minister Mulroney.

9. Successful Lawsuits against the Church

Review of newspaper clippings in the last four years has revealed that a number of personal lawsuits have been successful against churches where children were abused by priests. In 1989, a settlement was reached in what is believed to be the first Canadian case in which a church agreed to pay civil damages as compensation for a priest's sexual assaults and breach of trust. In this case, the Anglican Church agreed to pay damages to a boy who was sexually assaulted by a Winnipeg priest over several months in 1985. The priest had pleaded guilty to assault charges in 1986. The exact terms of the settlement reached after a four-year battle for compensation are confidential. In this case, as in many or most others, the church tried to hide and protect the accused after the criminal trial, but did nothing to assist the victim or his family.³⁵

In a 1990 case, the day before jury selection was to begin, Ottawa's Roman Catholic archdiocese agreed to pay \$150,000 to three families as "financial penance". The church was said to have failed to act on a previous complaint against a priest who sexually assaulted three altar boys, and had failed to provide counselling to the victims. In this case again, the priest had pleaded guilty in 1986 to seven sexual offence charges. The assaults had occurred over a ten year period dating back to 1973.³⁶

This news report also indicated that a number of similar cases had already been decided in U.S. courts. Many of the U.S. cases were decided on the basis that senior church officials were warned of abuse in the past, but failed to take action. Among various settlements made in the U.S., one totalled \$15 million to go to 16 families in a Louisiana case; a second brought approximately \$2.5 million to three victims and their families in Florida; and in Illinois, \$375,000 was awarded to three boys who had been abused. Another news report estimated that the Roman Catholic church in the U.S. has paid out more than \$30 million (U.S.) in legal settlements between 1984 and 1989 to the families of boys sexually abused by priests and brothers.³⁷

³⁴ Scantland, *supra*, note 30 at 202.

³⁵ "Church pays damages for sex assault but victim's mother demands apology", *Montreal Gazette*, Mon., Mar. 27, 1989 at A9.

³⁶ Kevin Donovan, "Priest's sex assaults cost church \$150,000", *Toronto Sun*, Mon., Feb. 12, 1990 at A1, A16.

³⁷ "Sex abuse suits cost U.S. church over \$30 million", *Toronto Sun*, Sat., April 29, 1989 at A3.

10. Conclusion

Taking all of the above examples into consideration, a number of steps may be required to provoke compensation from the federal government and churches:

1. Individual complaints against specific persons should be made to the R.C.M.P. about physical and sexual abuse in residential schools.
2. Pressure must be placed on both the churches and the federal government to acknowledge the abuse and to stress that compensation must be made for the injury and the loss that has been suffered.
3. If compensation on a national level is sought, a national organization could be formed whose sole aim is to obtain a fair remedy for the abuses that have been suffered.
4. Groups who, in the past, have been supportive of Native demands for an inquiry or redress should be contacted to add pressure to the government and churches. For example, in 1990 the Canadian Association of Statutory Human Rights Agencies had passed a resolution urging the federal government to co-operate with Native communities to examine the history of residential schools and their impact on Native peoples.³⁸
5. Lawyers could be retained to assist in lobbying the churches and federal government and to act during negotiations with these parties.
6. Court actions may be started across Canada by individuals, or groups or on behalf of a class of victims (where appropriate) to demonstrate the determination to obtain a remedy. Court actions would also force the defendants to consider the complaints if the parties are not responding to other outside pressures.
7. Negotiations or meetings with the Minister of Indian and Northern Development should be started and continued on a regular basis until an acceptable remedy is obtained.
8. The media should continue to be used to bring, or keep, the problems of abuse within residential schools in the public's mind.

³⁸ *Geoffrey York and Richard Mackie, "Minister rules out inquiry into abuse of native pupils", Globe and Mail, Thurs., Nov. 1, 1990 at A6.*