

Courage My Friends Podcast Series XI – Episode 2
What Is Reconciliation Without Truth? Protecting Residential School Survivor Records

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ANNOUNCER: You're listening to *Needs No Introduction*.

Needs No Introduction is a rabble podcast network show that serves up a series of speeches, interviews and lectures from the finest minds of our time

RESH: Why are 38,000 Indian Residential School records set to be destroyed next year and why do so few, including survivors and their families know about this? How does this contribute to residential school denialism and the erasure of Indigenous history and a defining part of Canadian history? How are survivors, communities and advocates working to take back, restore and preserve survivor testimonies? And what does this mean for Canada's commitments to truth and reconciliation?

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COURAGE MY FRIENDS ANNOUNCER: Welcome back to this podcast series by rabble.ca and the Tommy Douglas Institute of Social and Labour Justice at George Brown Polytechnic.

In the words of the great Tommy Douglas...

TOMMY (Actor): Courage my friends, 'tis not too late to build a better world

COURAGE MY FRIENDS ANNOUNCER: This is the Courage My Friends Podcast.

RESH: Welcome to episode 2, "What Is Reconciliation Without Truth? Protecting Residential School Survivor Records"

I'm your host Resh Budhu.

In our second episode of the season we are joined by co-leaders of the Indian Residential School Records Project, Connie Walker and Kimberly Murray. We discuss the scheduled destruction of 38,000 records containing the testimonies of Indian Residential School survivors, the pain, resilience and courage of survivors, intergenerational survivors, their families and communities, including the incredible investigative and legal work being done by our guests and others to preserve truth in the face of denial and historical erasure and the meaning and right to truth in the project of national reconciliation.

We are very pleased to be joined by the co-leaders of the Indian Residential School Records Project.

Connie Walker is a Pulitzer Prize and Peabody Award-winning investigative journalist and host of the acclaimed podcasts *Stolen* and *Missing and Murdered*. And Kimberly Murray is Queen's University's National Scholar in Indigenous Legal

Studies in the Faculty of Law, former Executive Director of the Truth and Reconciliation Commission of Canada, and was also the federally appointed Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites Associated with Indian Residential Schools.

Kimberly and Connie, welcome. Thanks for joining us.

In 2017, the Supreme Court of Canada ruled that an archive of 38,000 records containing the testimonies of residential school survivors are to be destroyed after September 19th, 2027. Kimberly, to start, tell us about the process that led to these survivor testimonies.

KIMBERLY: Oh, yeah, absolutely. So under the Indian Residential School Settlement Agreement, there was a process called the Independent Assessment Process, and that was the mechanism where survivors who experienced sexual and physical abuse in the institutions could apply for compensation.

About 38,000 survivors applied for compensation for the abuses that they endured when they were taken to these institutions.

And during those processes, they were closed door hearings. And so they were private and confidential and survivors were told that, that they were private and confidential. And through the Indian Residential School Settlement Agreement, there was a provision where survivors could opt to have their applications and the transcripts of their hearings and the decisions of their hearings forwarded to the Truth and Reconciliation Commission.

But unfortunately, the IAP Secretariat didn't necessarily advise survivors of that option. And so during the time of the Truth and Reconciliation Commission when it was in operation, the commissioners brought a request for direction to the court about how do we obtain information from the survivors' IAP, given that they weren't asked for their consent to send it to the TRC.

And so the request for direction from the court went up through the court system, through the supervising judge, up to the Court of Appeal to the Supreme Court of Canada. And at the end of the day, the Supreme Court of Canada said, These are not government records. These records were created pursuant to a contract, the Indian Residential School Settlement Agreement," and survivors were told that their records would be private and confidential. And the court said that they need to be destroyed to protect the privacy and confidentiality.

They did create a Notice Program since the ruling of the Supreme Court of Canada, 10 years where survivors could opt in to preserve their records and have them transferred to the National Center for Truth and Reconciliation.

And so that's where we are now. These records will be destroyed in September of 2027, unless survivors opt to have their records preserved

RESH: Thank you for that. Connie, you write that, "this is the most comprehensive archive that exists of survivors' testimony." And as Kimberly was saying, "yet a lot of people don't know that these records are about to be destroyed."

So could you speak more about the importance of this archive and the failure to communicate the impending destruction of them as well?

CONNIE: Yeah, when we talk about this archive being the most comprehensive, I think it's helpful to think of the work of the TRC, right? The Truth and Reconciliation Commission did this incredible work of traveling across the country for over six years to record as many testimonies as they could from survivors about their experiences in Indian Residential Schools. And through the TRC, about 7,000 survivors and intergenerational survivors provided their testimony and stories and experiences to the Truth and Reconciliation Commission.

But this archive is more than five times that many people. Like, over 38,000 people applied to be part of the IAP, and I mean, Kimberly knows this better than I do, but I've heard from people associated with the Commission who said that, you know, when survivors testified at the TRC, a lot of them said, "I've already told my story through the IAP, so I'm not gonna tell the complete story here today."

And so when you think about, you know, the level of detail that survivors had to go into in these IAP hearings was just incredible. Like, they had to testify and speak so graphically about every single incident of abuse they experienced. They were compelled to name their abusers.

They were told in the application process, "If you do not name your abuser, you may not get a hearing."

You know, these hearings were sometimes hours long, sometimes happened over, over days. You know, so it was just in terms of, like, understanding exactly what survivors experienced, the kinds of abuse that survivors experienced, like that is what we're talking about when we're talking about the most comprehensive archive.

And because they're private and confidential and because that was something that was guaranteed for survivors, there is also very little that has been released about the IAP hearings, including non-identifying information about the rates of abuse at individual schools, about the kinds of abuse, the levels of abuse and harm that were quantified through this process.

A lot of that information has never been made public.

There were over 5,000 alleged abusers that were named through the IAP, that were sometimes tracked down by private investigators, not to be investigated for the crimes that survivors were essentially, you know, reporting through the IAP hearings, but so they would be invited to participate.

So there's information about the persons of interest or the alleged abusers in residential schools. There's information about the scale of abuse at individual schools. That is what we're talking about when we're thinking of what is about to be lost in the IAP hearings.

It's really, in some ways, the most complete truth that could ever be understood about Indian residential schools.

And Kim mentioned, you know, this was a process that was designed to offer compensation for physical and sexual abuse. But in the hearings, we've spoken to people who were part of the process who said there was also information about kids who died at the school that the survivors provided about burials at the school. And other information that again, there's just so much information that is contained in this archive.

And as for what we're really interested in in the Indian Residential School Records Project is digging into the Notice Program that was meant to be put in place to inform survivors of their rights regarding their records.

Because anecdotally, you know, I've been speaking at events over the last few years, speaking to places where there are survivors who have no idea that this is about to happen. Who don't know that these records are about to be destroyed. Who are sometimes really upset when they find out that this is about to happen because they obviously were not notified and did not know that they had options in terms of testimony.

And even more, I hear from intergenerational survivors who will say, "Can I request ... My mother's passed away, my father's passed away. Can I request their records?" And unfortunately, the answer is no.

RESH: Really?

CONNIE: Yeah. It's only survivors So

RESH: And this is not a young group, so I mean, I would assume there is quite a number of people who've already passed away, and their families can't preserve these records.

CONNIE: Yeah, exactly. That's not something that was allowed to.

And I mean, I think the other thing that I'm thinking about is, the window that the IAP captured, right? Like, I mean, it was after the Settlement Agreement, you know, and it was this window of, like, 38,000 survivors.

I think about the generations of survivors who had already passed before that was an option. Both of my grandparents did not get to participate in any part of the Settlement Agreement, the Common Experience payment or the IAP, you know?

When we're thinking about knowing this history and knowing the story of Canada and what actually happened to Indigenous children in this country for over 100 years, there's so much that has already been lost.

And I think, especially when I hear from survivors and intergenerational survivors who don't know that this is about to happen, it's just kind of shocking on so many levels that this archive is about to be destroyed.

RESH: Kimberly, the destruction of victim testimonies, victim records, is this regular legal procedure in Canada, or is this something that just happened here?

It was a Supreme Court decision. Also, the Assembly of First Nations agreed to this, but is this regular procedure in Canada?

KIMBERLY: Well, I would say if we look at court records and testimony of victims in court, those testimonies can be sealed by the court where no one can access them.

And if they're not sealed by the court, they're housed in the court record, which is available to people to go and view and request access to. And they're subject to provincial rules, laws around destruction or disposition of records according to the province.

So with respect to these records, they were not deemed to be sort of government court records in the same sense that you would have in a trial.

But I would say more importantly, internationally when there's been mass human rights breaches, mass human rights atrocities that have happened to a peoples, , there is a right to know the truth about what happened. And there's a corresponding obligation on the state to preserve that truth.

And so when I was the Special Interlocutor for Missing Children in Unmarked Graves and I spoke to international human rights experts, they were just appalled with the thought that these records are being destroyed, because under international law and the right to truth, you're supposed to preserve these truths.

And I think that it's really problematic in the sense that- I don't think that survivors under the Notice Program have been meaningfully informed of their rights. Their rights for their privacy and confidentiality. And their right to preserve the record, but also be able to protect their privacy and confidentiality.

You know we have all kinds of records in the archives that are private and confidential that you can't access. Or if you access them, they're redacted, and so there's identifying information removed.

So there's one or the other option that survivors were given as opposed to being explained that there's different things that you can do with these records, with your own records.

You can request them for yourselves. I've heard from a lawyer that a survivor deposited their file and their records with their lawyer and said, "When I pass away, I want you to provide it to my family."

They can, you know, choose sections of their file to go to the National Center for Truth and Reconciliation to preserve.

They can obtain their own file and decide where they wanna preserve it. It doesn't have to go to the National Center for Truth and Reconciliation.

And I don't think that those meaningful choices have been provided to survivors. It was a, "Do you wanna have privacy, or do you want the world to know about what happened to you?"

You know, it was, it was like this, this- Yeah ... yes or no, no middle ground...

RESH: I mean, just to get a.. Do you have a sense of how many people found out, like how many records made it to the National Center for Truth and Reconciliation?

KIMBERLY: We understand that there were less than 100 files of 38,000 that were transferred to the National Center for Truth and Reconciliation. I do know that there's an update report that was posted on the *My Records My Choice* website. I actually haven't reviewed it since it's been posted. I think that number may have gone up, but it's definitely only around 100.

RESH: Right. Because, you know, where you can destroy something that exists, you can't preserve something that doesn't. If this is about protecting confidentiality, then it would make sense to sort of reverse the process, keep the records, and give the victims the option to have their individual record destroyed rather than doing it the other way around.

I mean, after September 19th, next year, so it's next year, the same month as the National Day of Truth and Reconciliation and commemorating the victims and survivors of the residential school system, Canada is set to destroy 38,000 testimonies from survivors of what has been described by Indigenous leaders, international authorities, and members of Parliament as genocide and crimes against humanity.

It just seems, and everybody I talk to about this, they're like, "What? This is absolutely absurd. This is unbelievable." Kimberly, just go on to you and Connie, you've spoken to this as well, but what does the destruction of these records mean to the victims of course, but Indigenous peoples but also non-Indigenous peoples in Canada?

KIMBERLY: Well, I think, you know, as the late Justice Murray Sinclair used to always say is that it's going to erase the history. It's gonna erase the truth. And that we have to preserve these truths so what happened never happens again. And

unfortunately, if we fast-forward decades from now and, you know, my grandchildren and my great-grandchildren might not know about Indian Residential Schools, 'cause we're slowly erasing that history. And this is part of that erasure.

And when we think about the growing denialism that's happening in this country, the misinformation, disinformation that's being put out there, you know, protecting these records is an antidote to that denialism, you know, that this happened.

So as I said, I feel that this Notice Program has not done what it was meant to do, properly inform and give survivors free, prior and informed consent about their decisions around their records.

And I really believe that it would be best if we could extend the date of the destruction, and do a proper Notice Program where people go into communities and explain exactly what the court decision says, what your records contain, what you can and cannot do, and that just has not happened.

And also, I think when we speak to intergenerational survivors, they wanna know what happened to their parents, their grandparents.

And they understand that maybe their family members don't want that information to come to them when they're still alive. But they may want that information to come to their families once they've gone back to their ancestors.

And so, you know, I just think more needs to be explained. Sending a letter to the survivor's lawyer just, just doesn't do it in my view.

RESH: Yeah. Indeed. Now you're both leading the Indian Residential School Records Project. Connie, you have already said a bit about this, but you're heading this up at Toronto Metropolitan University's School of Journalism.

So could you tell us about what this work looks like and go into the goals of this project?

CONNIE: The Indian Residential School Records Project, I see it as really an extension of some of the journalism that I've done over the last couple of years, particularly the podcast *Surviving St. Michael's*, which was an investigation that I did in 2021 about my father's experience at a residential school in Saskatchewan.

And, you know, we were speaking about what we're about to lose with the destruction of these IAP records. I think that as an intergenerational survivor, having the ability to be able to better understand what my dad and also, I mean, his brothers and sisters, and actually four generations of my family experienced at this one residential school was so profound for me, as the daughter of a survivor and as a survivor myself of childhood sexual abuse.

You know, to be able to directly trace back... In the podcast, you know I interviewed the priest that my Uncle Ivan said sexually abused him when he was a boy at St. Michael's. And he went on to abuse me and other people in our family. And so to be able to actually directly link back to experiences that shaped my life and impacted my childhood, and better understand how that was connected, to what happened in this institution. You know, I can't overstate how important that was for me to know that history, to know that truth, to better understand, in terms of my life and my own healing.

But also it made me really upset that it was in some ways kind of a random thing. You know, I, I happened to be an investigative journalist who at the time at least had the resources to be able to do that kind of investigation to better understand. But when the podcast came out, I heard from so many other intergenerational survivors who said that it also felt like their story. That they didn't grow up hearing from their parents what they went through in residential school. That these were things that were never talked about, but absolutely it shaped and impacted their lives.

And it made me feel like we should all have that opportunity, you know, that this should not be left up to governments or courts to make decisions for, for things that affect our lives.

And so our project, the Indian Residential School Records Project, is our attempt to try to give this information back to survivors and their families and communities.

The way that we were able to really access a lot of that information in the podcast was we went back to the lawsuits that survivors filed in the '80s, '90s, and 2000s, suing the government and churches for abuse they experienced in residential school.

And there were, you know, somewhere between 14,000 to 20,000 lawsuits that were filed by survivors at that time. And those were the lawsuits that led to the Residential School Settlement Agreement, that pressured the churches and the government to come together and negotiate this settlement agreement with survivors.

So these were lawsuits that were filed before there was an IAP process. And so because they're public documents, we were able to gain access to them. We filed access to information requests and were able to gain access to..

In the case of St. Michael's, we got access to 485 lawsuits filed by survivors of St. Michael's, which gave us a sense of the scale of abuse at an individual school that, you know, I was told by lawyers and people who were involved in the IAP, St. Michael's wasn't even a bad school. But those lawsuits documented hundreds of allegations of sexual abuse. Allegations made against 15 priests at the school, 13 nuns, and 15 staff members.

RESH: And again, that's one school, right?

CONNIE: One school.

RESH: That's just at one school when there were so many right across the country.

CONNIE: Exactly. Yeah, and that's what made me so upset actually after the podcast ended. I was like, "It's 2022, and this is, like, you know, a single school?"

And and it really made me realize that there's so much truth that we have yet to uncover about what happened in residential schools, what survivors experienced, what they survived.

And I think that because of the rise in denialism, because of the erasure of Indigenous history, like, in the last 150 years in this country, that this is so critically important.

So what we're trying to do with the Indian Residential School Records Project is to replicate that process. To gain access to those lawsuits that survivors filed before there was a settlement agreement, but with the goal of returning those documents back to survivors and their families and communities so they can decide how they're managed. So it's not left up to the Supreme Court. So it's not left up to governments to decide how our stories and our history is managed and used by our people and our communities.

RESH: So it's essentially creating a people's alternative archive of, of these...

CONNIE: Yes

RESH: testimonies, right?

And just to say that the podcast, *Stolen: Surviving St. Michael's*, it resonated, and it resonated really broadly. I mean, this was the podcast for which you received the Peabody and the Pulitzer, right?

CONNIE: Yes. Yeah. And I mean, several other major journalism awards. Yeah. It was a very successful podcast.

But I think, yeah, for me it was professionally, important, but personally, I think just to know and understand my own story in that way. And to know and understand what my father went through because I didn't, I never knew that. This is not something that we ever talked about.

You know, I think that we forget that because it really has only been in the last several years that I think survivors have started coming forward because it's been more safe to do so. But prior to that, like if you think about the experiences of survivors and what they went through, throughout their childhoods. And how they, you know, had to fight to be heard, they had to go to court, they had to push for these, these lawsuits and to be heard and for justice and accountability. And then to ensure that through the Indian Residential School Settlement Agreement, that there

was a TRC. You know, that was something that survivors insisted on. And then to come forward and bravely share their stories through the IAP.

You know, one thing that struck me when doing the research is even just the form they had to fill out, to list like every single incident of abuse. And when I talk about graphic details, like it's, it's actually, just so upsetting to know that they had to testify in such graphic detail about exactly what kind of abuse.

And then I've seen through the podcast, and now through our research in the Indian Residential School Records Project, we've seen redacted transcripts of testimony of survivors and the level of detail that they're asked about what happened to them is really it's so upsetting to read.

In the podcast one of the survivors who went through the IAP shared a decision with us where she alleged she was sexually abused by a priest at the school and the adjudicator, in their decision said, you know, "She seems trustworthy, but some of the details were a bit hazy", and so her claim was denied.

And that was a priest who we had heard about, several allegations of sexual abuse against, in interviews with survivors, who was known to lure like, children to his office with candy. And then in the lawsuits he was named several times as a sexual abuser. And after the podcast came out, the Catholic Church was sued by another woman who claims that she was also abused by him when he left the residential school and went to another parish somewhere else. She eventually appealed her decision and was compensated. She was, I think, given around \$30,000.

But again, just thinking about, like, the lengths that survivors have already had to go through to try to seek some kind of justice and accountability for what we now understand to be widespread abuse, is really I think, a story that a lot of Canadians don't know and a lot of people do not understand, that we're trying to help share and help provide a deeper understanding about.

RESH: Right. And again, the school that your father was at, that was actually the last residential school to finally be shut down in 1996.

CONNIE: It was, it was one of the last ones. St. Michael's and the Lebret Indian Residential School, both in Saskatchewan. And it actually was open till 1997.

I remember because I graduated in 1997 and that was, I think, the last year that Lebret was open.

RESH: Wow. You know, years ago the Tommy Douglas Institute was really privileged to host Senator Murray Sinclair at George Brown in Toronto, and he was, again, the Chief Commissioner of the Truth and Reconciliation Commission of Canada.

And he spoke of the TRC investigations and collecting over 6,000 residential school survivor testimonies, and it was a massive undertaking in scale, but also in terms of the pain that it revealed and the courage and tenacity it took to be involved in that process for everybody who was involved.

Kimberly, as former Executive Director of the Truth and Reconciliation Commission, what does the planned destruction of these records mean for Canada's commitment to truth and reconciliation? And not just to truth, but you also write of the right to truth.

KIMBERLY: I think what it speaks to is that we see that everyone wants to get right to reconciliation, right?

Everyone wants to jump over the truth and the truth sharing and to forget it and say, "That's in the past. Let's just move forward and have better relations moving into the future."

RESH: Reconciliation has sort of become like a buzzword now, right? So we're hearing a lot about "economic reconciliation".

KIMBERLY: Yeah, no, absolutely. And, as Connie mentioned, you know, for survivors... you know, when I was Special Interlocutor, I heard all over the country where people feel that the Indian Residential School Settlement Agreement had nothing to do about justice and accountability, right? That there's been no accountability or justice in relation to the people that perpetrated the harms, around the State that allowed and facilitated these harms to happen, in relation to the churches that also, you know, hired these pedophiles that they placed in these institutions and there hasn't been much justice and accountability.

And so that's part of the truth as well, right? That's part of the truth that needs to happen. And when I was writing my final report as a Special Interlocutor, I discussed this notion that Canada has created this impunity for itself. No one's been taken to court from the state in relation to what they facilitated and what they created in this country.

So I think that by destroying these records we're missing that truth component. And when I think about the court records that Connie spoke about in relation to the project that we're working on, there's this whole truth in these ugly records, too, about how hard Canada fought and how hard the churches fought against survivors.

You know, denying that it happened. Denying that they had responsibility. Using every tool in their toolbox to stop the litigation from going forward.

You know, the commissioners speak about this in their final report, how we never got to the merits of the cases, right? It was always about time limits and corroboration and all these tools that lawyers have to stop claims from going forward.

And when we get to the settlement agreement and the process that was implemented, this behind-closed-door IAP process, which is really important for survivors who are speaking about such traumatic events that happened to them as children. The TRC was created by the survivors 'cause they wanted to share their truth to Canadians.

They wanted to share those truths to Canadians. And, you know, one of the things I recall during the Truth and Reconciliation days, there were lawyers that were telling survivors not to speak to the Truth and Reconciliation Commission 'cause it was gonna impact their IAP. They didn't want survivors speaking publicly because there would be a record of their statement that then could be used against them by the State and the churches in their IAP hearings.

And so, you know, it was tremendous work the TRC did over the five, six years of gathering testimony from survivors. But I think if it wasn't for the lawyers, there would be way more people that came forward and spoke to the TRC. And now here we are in this era of these records are gonna be destroyed and all these truths are gonna be lost.

That the TRC was not able to hear from these survivors, often because they were told by legal advisors that they shouldn't speak to the TRC. Yet it was the survivors that wanted a truth commission.

So I think that the era of truth is not over yet. The truth-sharing, the truth... Even when we think about what's in these court records, you know, perpetrators are named. Experiences of survivors around sexual and physical abuse. There's information where people talk about deaths and burials of children. Information about that they had to bury the children on the sites of residential schools.

Is there information about medical experimentation that happened in the institutions?

You know, all these things that survivors may have spoke about in their IAP also put in their Statement of Claims, or spoke about when they were being cross-examined in discovery. You know, that's a body of records that may still exist, if the provinces and territories haven't destroyed the records pursuant to their disposition laws, that we need to preserve and we need to give back to communities so they can decide how to share their truths in the way that they wanna do with their families, communities, and Canadians broadly.

RESH: And it's interesting how these, the people were victimized within the school, and then they're victimized again through the court process. But also that this is still going on. I mean, again, it's speaks to the resistance and the advocacy that was coming from them themselves.

But the destruction of these records really would feed into, and both of you have talked about this, the residential school denialism. So Connie, could you speak more about this? What is residential school denialism?

CONNIE: I mean, I have to be honest and say that I struggle to understand what it is honestly at the heart of it because I think that, you know, I'm fully committed to knowing and understanding as much truth as we can about residential schools. And I understand now that there is so much more that we have yet to understand and uncover and share about residential schools.

But the reality is that we have had a Truth and Reconciliation Commission that so many thousands of survivors have already come forward and shared their experiences. That the commission found that there were thousands of kids who died in residential schools, that we may never know the full number. Like this is not necessarily new information on one hand, right? This was in the final report from 2015.

So I feel like I, I don't quite understand what the denialists are necessarily saying they don't know or don't have, given that there is so much out there already.

I'm just thinking of, you know, I was at a gathering before the holidays last year when one of the survivors, this topic came up about the IAP records being destroyed, and he was so upset. And he said, "Who is being protected by the destruction of these records?" He said, "It's not me."

He said, and I can't remember the exact phrase, but it's, "It's the perverts, it's the perpetrators who committed this violence on us."

You know, I, I struggle to understand the denialism.

But I think that, as Kim said, an antidote to it is actually this focus on the truth and this focus on these records that we can you know, continue to access to kind of amplify the stories that they tell about survivor truths.

RESH: Mm-hmm. And it is difficult to figure out, that denial, the denialism.

Kimberly, you were the federally appointed Independent Special Interlocutor for Missing Children in Unmarked Graves and Burial Sites Associated with these schools. And a lot of the denialism seems to be focused on that. "That yes, the residential schools existed, but they didn't have all of this abuse, and therefore you can't find the graves and that type of thing. Do you wanna speak to that type of attitude and what this means, particularly for the search for these children.

KIMBERLY: Well, you know, denialists and denialism are revictimizing survivors and communities and their families, by denying their truths and by denying what happens in these institutions.

You know, denialism isn't new. It's something that the commissioners of the TRC experienced when the TRC was operating during its six years.

And you know, deniers they shift what they're denying happened. First it's we deny that kids were forced to go to Indian Residential Schools. Well, the history's clear. The legislation was clear. Kids were required to attend these institutions during certain periods of time.

And when the legislation didn't make it a requirement, the government forced parents in other ways to make their children go to these institutions. The historical record's very clear. The records we have in Library and Archives Canada and the church archives are very clear.

And so we see the the deniers, you know, "it didn't happen".

"Okay, well, okay, it happened. They went to these institutions, but they didn't die in these institutions." Or, or, "Okay, wait, they died," because all of a sudden we have death certificates that show they died. "Okay, but they all died from disease, and that's the only thing they died from."

But they ignore the fact that they died from disease because they were overcrowded and they weren't fed, and, like, you were bringing disease into the communities, into institutions.

You know, like, it's just... however you respond to them, they shift the goalpost, as Sean Carlton often says when he talks about denialism. And it is just this concerted effort by a group of Canadians that are trying to make sure that truth and reconciliation doesn't happen in this country, right?

And I think In some senses, I think, truth and reconciliation is winning because if we weren't winning, we wouldn't have all these deniers speaking up all the time, and they're getting very bold, right? Like very bold with the things that they're doing, with the books they're writing, with the billboards they're putting up, with the T-shirts they're creating.

I'm a strong advocate that supports that we need to criminalize activity because it's inciting hate against Indigenous people. And I don't know how Canadians can hate people, kids that were victimized in high, high numbers. Like we're not talking about one bad apple and one institution.

It was systemic abuse that happened across all these institutions, and it's very clear the evidence is there. And as the Special Interlocutor, I released a report called *Sites of Truth, Sites of Conscience*, and part of that report was to respond to the deniers To put the images in the book of the cemeteries, of children in cemeteries, of children carrying coffins to the burial of another child, of funerals happening at Indian residential school sites, where the only people in those images are children and the people that operated the institution, not families, not community members.

You know, I wanted Canadians to see that for themselves, to read those documents that say, that where the principal of the institution writes to Canada and says, "The cemetery's full. We're burying them across the laneway now."

You know, like, the evidence is very clear. Canada built these institutions, Canada and the churches built these institutions, planning that the kids would die at these institutions.

We have blueprints showing where the cemetery is going to be placed next to the institution.

There's no denying these facts, that kids died in these institutions, and they're buried on the grounds of these institutions.

They're also buried in local cemeteries attached to the missionaries, attached to churches close to the residential schools.

And you know, the deniers like to say, "Well, they're not missing. They're not disappeared. We found a death record."

They're missing and disappeared from their families, 'cause the families don't know what happened to them. The families don't know where they're buried. They don't know the fate. They don't know how they died or why they died.

And you know, I would say to Canadians, if you got a death certificate of your child that's signed by the Indian Agent saying what the cause of death is, would you trust that? Would you trust a government bureaucrat signing your child's death certificate saying they died of TB? We can't have any confidence in these records that do exist that suggest a child died by this means and not by another means.

When you have survivors talking about the level of abuse that happened, when we have survivors that testified to the TRC, and I suspect the IAP, that they witnessed murders in the institutions, that babies were burned in incinerators, that they were the ones that had to take the babies there, would you trust those death certificates?

I wouldn't.

And so there's just so much truth that's out there already, and the deniers don't want Canadians to accept that truth. So they're putting out this misinformation, disinformation suggesting that parents wanted their kids in there. They dropped them off at the door and said, "Please take my kids."

And you know, at the end of the day, the promise of education was made.

That was a treaty promise across this country. But the treaty promise wasn't to take the kids away and put them in institutions miles and miles away from their families and communities. That was not the promise.

Of course Indigenous people wanted their kids educated, but this was not what happened in these institutions.

RESH: Exactly. Connie, just continuing on from what Kimberly was saying then, is there a deliberateness or an intentional erasure of history within this planned destruction of these 38,000 IAPs?

CONNIE: I mean, there are so many questions I think that I have around this destruction and around the court case that led to this destruction. Around the Notice Program that was meant to happen, that was supposed to inform survivors of their rights.

Part of the Indian Residential School Records Project is an investigative podcast into this court decision, into the destruction of the IAP records.

So I, you know, I, I have a lot of these same questions. Like, I think that as a journalist I feel like there are so many things about this impending destruction of the most comprehensive archive of some of the worst atrocities that were committed in residential schools, that we, we need to know.

And I think that the fact that this decision was made in 2017, and it's 2026 now, and there are still so many people who are just learning that this is about to happen, means that, you know, we need to do a better job as journalists. You know, we, we need to be looking into this. We need to be trying to answer these questions. We need to be you know, doing our work to inform the public about this.

And I think for me, because, I'm Cree. I grew up in my community. I have survivors on both sides of my family. This is, you know, not just my professional obligation, but I feel a personal obligation to want to do this work and to want to get to the bottom of these answers as well.

RESH: Continuing with you, Connie, how can the public, how can listeners, how can people support the work of the Residential Schools Record Project?

CONNIE: We're at the beginning of this project. I mean, you know, I think we have been very lucky to have been supported. I feel so lucky to get a chance to work with Kim on this project. It's been such an incredible pleasure and honor already.

But you know, we are kind of at the beginning of this records project and just beginning. We spent the last several weeks over the summer in courthouses in Toronto and Ottawa and Cochrane scanning over 70 boxes of legal documents.

We were so lucky to be joined by some student researchers that are working with us, but also so many volunteers who have come to reach out and, and offer their help. It's been really incredible to see the collaboration across disciplines, across experiences. You know, I feel like it's been, it's been amazing.

We're going to keep people posted as we go on. We're starting out initially with Ontario and we'll be expanding to look at different institutions, residential schools across the country.

But I think that this is work that is obviously I think should happen for every single residential school.

This is work that is going to, I think, happen over many years. And so we'll definitely be looking for ways to reach out to the public to help inform them, but also to connect with everyone so that people who want to help and people who want to participate can.

KIMBERLY: One of the things that we've done is filed an access to information request with the Department of Justice, which is delayed. They're in the response, and they've requested an extension, which is no surprise.

But for us to access these records, like, they're decades old.

You know, in courts now, everything's filed digitally and online and so the provinces are having to retrieve boxes out of storage, and they're a mess. Like, they're an absolute mess. Nothing's organized. It's, like, paper on top of paper and misfiled and in the wrong box and not together.

But one of the things that I would say, if people know of court cases, court file numbers, and the names of those court files, to share that with us. , 'Cause it makes it easier for us to figure out where the records are and to access them.

You know, all we have is a list. Connie got a 207-page ATIP response when she was doing *Surviving St. Michael's*, and that's where we started with that list. But we're still waiting to get a more comprehensive list of all the court files.

And you know, it's estimated, we don't even know the full number of lawsuits that were filed. Some reference in the records that we've seen suggests anywhere from 14,000 to 18,000 lawsuits were filed against Canada and the churches that resulted in the Settlement Agreement.

But I remember when I worked with survivors at the Mohawk Institute, putting a call out to Canadians, if you have any information, any records, relating to the Mohawk Institute, please share it with us.

Because, you know, these institutions hired all kinds of people. There were people that came and went, plumbers, gardeners, you know, when something broke down.

And we received information from people that said, "Oh, you know, my, my uncle worked there for this short period of time, and had these records".

Or the municipality, where the institution was located had all kinds of records, photographs of children and things like that.

But when I think about the lawsuits, anyone that has information about, "Oh, I know my family filed a lawsuit, and it was in this province and it was in this name," would be very helpful, to be able to obtain that for them so that we can give it back to them.

RESH: Right. And how can they contact you with this information?

KIMBERLY: We're working in collaboration with the Yellowhead Institute, and so we do have a page on their website right now, and they can contact us through that information.

Eventually we're gonna have a separate website where we can keep people updated on how many records we've obtained from where and what we're finding in the documents.

One of the things that is also fascinating with the court records is, you know, ... The Indian Residential School Settlement Agreement was a historic agreement in Canada, largest class action settlement agreement in the history of Canada.

And so this summer we were in the Fontaine File, which is the class action file, and it doesn't have individual statement of claims. It just has all the motions, requests for directions that were filed from the TRC on, you know, does Canada have to digitize these records, from lawyers fighting with each other about who gets paid for what. And that is a piece of history too of Indigenous peoples' resilience, their resistance, and how they fought. And, you know, I think it's important.

We have so many things when I think about law and legal cases that have gone to Supreme Court of Canada, we never talk about, "Oh, that was an Indigenous claimant."

Like, these are on the backs of Indigenous people, these things, and, you know, the Settlement Agreement is a big part of our history in Canada that has led to different types of settlement agreements since that was based on the framework of the Indian Residential School Settlement Agreements that survivors fought so hard for.

And so protecting those records is really important too. That whole process of that settlement and how it came to be with Justice Iacobucci and the lawyers and the AFN. And so we wanna preserve those records as well and give them back to communities so that they can remember. You know, our, our, our grandchildren, great-grandchildren can remember, we fought for that. We fought!

RESH: And, and that fight has shaped the entire country and continues to shape the entire country. And we will put that link in the show notes to this episode as well.

Just to continue with you Kimberly. Can the Supreme Court ruling be at this point challenged? What can be done or needs to be done if that is the case?

KIMBERLY: Yeah, that's a really big legal question. There are lots of much brighter lawyers having conversations than me about how this could happen.

And, you know, some are of the view that perhaps we have to go back to a supervising judge of the Indian Residential School Settlement Agreement, put the evidence forward, that the Notice Program hasn't been as effective as it was supposed to be and seek an extension. And then go through the court system around that.

Whether some party could go back to the Supreme Court of Canada and ask them to change their decision, that's a difficult thing to do.

You know that when we do a charter case and the courts find something unconstitutional, say, "Fix it, you got six months," and then if you don't get it fixed in six months, or you need more time, you go back to the Supreme Court and ask for an extension on the decision. And so whether that's something that Canada could do, I don't know. That's something that the lawyers are talking about. What the right mechanism is.

KIMBERLY: I also think Canada could pass a law, right? Canada could pass a law. And then people could challenge that law. But you know, Canada has the right to pass legislation in relation to these records. And then of course, the people that argued for destruction can challenge that law, and that would work its way through the system.

But we're so late into the notice now, the program. One year away. We're running out of time, and I think it's really important that the great legal minds out across this country get together and talk about what can be done. To make sure that survivors are properly informed about what they can and cannot do with their consent around the destruction of these records.

RESH: Thank you. So this episode will be coming out on September 30th, the National Day for Truth and Reconciliation. So final thoughts, and I'm going to start with you, Connie, so your final thoughts.

CONNIE: I mean, I think on the National Day of Truth and Reconciliation Commission, I will be thinking about survivors and the survivors in my family who you know, in spite of everything that they endured in Indian residential schools, which I now have a better understanding of, were still able to show us so much love and so much, you know, care and beauty. And I feel so lucky to have been raised by them.

You know, they taught us about the importance of family and culture and community, and I think that that is something that, you know, lifts me up and holds me up in in this work. And so I'll be thinking about my loved ones who were part of Indian residential schools and who survived Indian residential schools on the 30th.

And, you know, thinking about my family and community who are still dealing with all of these intergenerational impacts from residential schools. This is not over for us.

RESH: Yeah. Indeed. Thank you. Thank you for that.

Kimberly, your final thoughts?

KIMBERLY: Yeah, thanks. You know, I always like to remind Canadians that it's not a day of celebration, right?

National Day for Truth and Reconciliation is a day to remember. It's a day for mourning. You know, it's a somber day.

And for me, I, of course always remember and think about those little children. And I'm gonna cry...

think about those little children that were taken away from their families and communities

That never...

that never were brought back home

And I wanna, you know, challenge Canadians to think about that. To think about those thousands of children that never saw their families again. And the families still don't know where they are, where they're buried So, you know, I ask Canadians to educate themselves on this day and remember that. That we're talking about children.

These were young, young kids, as young as three, being taken to these institutions. So I think about them.

And I also am so grateful and always think about the survivors as well and everything they've done for us as a society, and this should never have been on their shoulders. Truth and reconciliation, the reconciliation bit shouldn't rest on the shoulders of survivors.

And I ask Canadians to, like, become an upstander to reconciliation.

When you hear the deniers, speak up against them. Speak up against them and say, "I read the TRC report. I've seen the documents. I've listened to survivors' testimony. I've heard from them."

And they're not right. They're wrong what they're doing.

So, yeah.

RESH: It is a duty for all of us. It belongs to all of us.

Connie and Kimberly, thank you so much for joining us. It has been an honour and a pleasure having you on this podcast today. Thank you.

CONNIE: Thanks. Thanks for having us.

KIMBERLY: Thank you.

If you have made an Independent Assessment Process (IAP) claim or Alternative Dispute Resolution (ADR) claim for residential school abuse and wish to have your record preserved at the National Centre for Truth and Reconciliation, visit the My Records, My Choice link in the shownotes.

To connect with the Indian Residential School Records Project about their work or if you have information regarding records filed through the Independent Assessment Process under the Indian Residential Schools Settlement Agreement, you can find their link in the show notes to this episode.

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And those were the co-leaders of the Indian Residential School Records Project - Connie Walker, Pulitzer Prize and Peabody Award-winning investigative journalist, host of podcasts *Stolen* and *Missing & Murdered*, the Velma Rogers Research Chair at Toronto Metropolitan University and member of the Okanese First Nation.

And Kimberly Murray, Queen's University's National Scholar in Indigenous Legal Studies, former Executive Director of the Truth and Reconciliation Commission of Canada, federally appointed Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites Associated with Indian Residential Schools and member of the Kanehsatà:ke Mohawk Nation.

And this is The Courage My Friends podcast.

I'm your host, Resh Budhu. Thanks for listening.

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