

EPISODE 8: AN INTERVIEW WITH THE HONOURABLE MURRAY SINCLAIR

EDITOR'S NOTE: This transcript has been lightly edited for clarity. For media inquiries related to *Survivors*, or to obtain a copy of this podcast and/or its transcripts for broadcast or educational purposes, please reach out to news@cjsw.com.

DISCLAIMER / CONTENT WARNING: Please be advised: the following program contains stories and accounts of true events from the lives of residential school survivors. Due to the sensitive subject matter, some participants decided to remain anonymous.

These testimonials may include accounts of physical and sexual abuse and may be triggering to some listeners. If you or someone you know is experiencing pain or distress as a result of the residential school experience, you're not alone. Please call the Residential School Crisis Line at 1-866-925-4419. They are there to help and they're available 24 hours a day.

LAND ACKNOWLEDGEMENT: Oki nikyokowawaa. Kiitkanakyimatyinohpowawaa. Nohkkyistyikoyii nitakokapayanakippa kitawasinnonii. Anakaa asiksikkapoyiwaa. Anakaa siksikaityitapiwaa. Anakokaa siksikawaa kainaiwaa pikanii. Oki aniksyii matsyitopikskii. Anikaa innestyokakstyimanii. Siksikainnestyisinii. Anikyikokyawaa saahsiwaa sahsahsokitakiwaa. Anikyokyawaa nityiyanakipaa nohkakyistyiyii.

Welcome, my relatives. I'd just like to acknowledge the land that we reside in: the land of the Blackfoot-speaking nations at Siksika, Kainai, Piikani, and also, after Treaty Number 7, we also acknowledge Stoney Nakoda and Tsuut'ina. A rightful acknowledgement of the people and the land that we reside in.

CAMERON SIFERD: This is *Survivors*: an eight-episode podcast made in partnership with CJSW and the Department of Canadian Heritage, providing insight into the lived experience of residential school survivors and their families.

This final episode of *Survivors* is going to take a unique direction. During the production of this podcast, Grace took the opportunity to contact the Honourable Murray Sinclair. Murray Sinclair is a former lawyer, judge, Canadian senator, and Chairman of the Indian Residential Schools Truth and Reconciliation Commission. He agreed to speak with us and Grace was able to take the opportunity to sit down with him for an

interview. We are thrilled and extremely grateful for the access to Senator Sinclair's time, and the ability to present you an insight into his expertise and experience.

GRACE HEAVY RUNNER / POKSIKAINAKI: Please, could you give us a brief introduction of yourself?

MURRAY SINCLAIR: My name is Murray Sinclair. I used to be a senator, used to be a judge, used to be a lawyer, used to be a student. Wanted to be a carpenter, and I'm sorry I missed out on that career.

GRACE HEAVY RUNNER / POKSIKAINAKI: Thank you, ha ha, thank you. Well, I've read, actually, everything upon you. So I understand, you know, [the] really extensive, really extraordinary, um, journey that you've been [on], and [it's] very inspiring.

My name is Grace. I'm a student at the Mount Royal University. I'm in the journalism program and I'm also a podcaster here at the CJSW. I am a survivor. I was the last generation to attend the school where my parents and my grandparents were in. I'm working on this extensive research [project] on residential schools right now. I do have some questions that I did write down. And, yeah, we'll go from here. Like I said, I'm just really happy you're able to join us today.

How did you cope [with] hearing all the testimonies for the TRC hearings? And, was there any support within the community for parents whose kids never came home? Or was it just never talked about?

MURRAY SINCLAIR: First of all, the issue of providing supports for the people who were involved with the TRC was very important to me. I had already done another inquiry, the Aboriginal Justice Inquiry in Manitoba. Going through that process, as well as having had a chance to speak to the people who were involved in the Berger Inquiry, convinced me that you can't ask people to come forward and speak about their most important secrets and their most emotional experiences without providing them with some support, and you can't just leave them abandoned after you're gone.

So, uh, during the TRC process, we enlisted a significant number of health support workers who were there throughout the work of the TRC. Many of them traveled with the commissioners. We had a health support team for the commissioners. We had a health support team for the staff. We also had health support teams for each of the communities that we went to and for the survivors who spoke and had their stories recorded. Whether they were recorded in private or they were recorded in public, all of

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them were provided with health supports. And a number of them did speak about the fact that they had lost friends at residential schools and spoke about having witnessed their friends dying, or, in some cases, based upon what they told us, it was pretty clear that some of the children in their presence or to their knowledge, uh, were murdered. When they told us that, of course, it was a very difficult experience for them to do that. And we always made sure that they had health supports during the telling of the experiences that they were sharing with us. But also, after we left, we ensured that there were health supports that were left in the community to work with survivors who had come and spoken to us. So, health supports were very important to us.

We didn't, of course, have everybody who came and spoke to us, we recorded just over, I want to say 6500 statements from survivors. And, of course, there were many more than that. There were probably close to 50,000 living survivors during the time of the TRC. Not all of them were willing to come forward and speak publicly, and we understood that. We offered private sessions, we offered them opportunities to tell their stories over the phone. Some took advantage of that, but we do know that about 30,000 of them gave testimony at the compensation hearings. We were not involved in compensation hearings. There were about 30,000 statements provided at the compensation hearings. And I'm relatively certain that they were not provided with health supports during the compensation claims process, which I thought was very unfortunate. We tried to convince the people who were running the compensation hearings to provide health supports to those who were there. And some communities did reach out and provide those supports to people from their communities who were testifying, and while they were testifying, but I think for the most part, they didn't take the same approach to health supports that we did.

GRACE HEAVY RUNNER / POKSIKAINAKI: Thank you for sharing that.

What was it like to write up... well, you know what, I'm going to just kind of be transparent, cultural genocide? I heard it in one of your interviews, and I've come across it many times. Somebody asked me a question, if that was even appropriate to say, I said, "Well, you know what? I'm going to find out."

So, I read and... what are your thoughts on that?

MURRAY SINCLAIR: Well, I think, I think the question that everybody wants to know is why did we use the term, as opposed to just saying "genocide"? Well, a couple of reasons. One is that as a, as a commission, the mandate of the Truth and Reconciliation Commission was that we could not accuse anybody of having committed a crime, and

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genocide is a crime. So, we were precluded from making a declaration that somebody had broken the law, or that somebody had committed an offense against the law. And so, we had to be very careful about how we dealt with that.

Now, cultural genocide is actually part of the definition of genocide adopted by the United Nations Convention on Genocide, where the UN Convention on genocide defines genocide as including, among other things, the deliberate destruction of the culture of a people. So for the purpose of eliminating the people as a distinct race of people. And so by including it in that category, and pointing out that this was clearly a case of where the government of Canada set out to deliberately destroy the cultures of Indigenous people all across Canada, so as to eliminate them as a distinct group of people within Canadian society, and to force them all into being like other Canadians, and have no different rights than other Canadians had, and no different language, no different culture, was an act of genocide through the destruction of culture. And that's what cultural genocide means, is a deliberate attempt to eliminate the race of people by eliminating their culture and their uniqueness, including their language. And we knew that if anybody challenged it, we might be facing a court ruling that said that we couldn't use the term. But we thought if we took the chance, we actually dared the Government of Canada to take it to court and see what the court would do with it. Because no one could deny that that was, in fact, what Canada was trying to do.

It is difficult, quite frankly, to prove that the Government of Canada set out to deliberately kill every Indigenous person in Canada. People died, there's no question of that, and people sometimes were deliberately killed. There's no question of that, too. And people were killed in order to eliminate them as a part of Canadian society. But it's almost impossible to say that the Canadian government set out for the purpose of deliberately murdering every single Indigenous person in Canada. And, therefore, we felt comfortable using the term "genocide through the destruction of culture" or "cultural genocide." And we think it best captures what exactly took place. And we wrote extensively about what the government did. And we wrote extensively about why we reached that term.

We also pointed out that the definition of genocide includes other things like the starvation of people, and we pointed out instances where the government of Canada set out to starve Indigenous people. We pointed out that preventing the births of children, so forcibly sterilizing women, would be an act of genocide. And we pointed out that the Government of Canada did forcibly sterilize hundreds of Indigenous women in Canada. And that the policy of eugenics was quite deliberately followed. And so we pointed out all of those things, and then they all fall within the classification of genocide. But we

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focused on the issue of cultural genocide, because that was where the most significant consequences were felt.

GRACE HEAVY RUNNER / POKSIKAINAKI: Thank you.

What changes have you seen in your community or elsewhere over time since this has been taking place, especially since the TRC? Have you seen anything change?

MURRAY SINCLAIR: You know, I think there's a very clear awareness of what went on. I can't say that there is a unanimous acceptance that what we wrote was the truth. And people need to be reminded of what I said, at the end of the TRC process at the very last hearing. I said getting to the truth was hard. But getting to reconciliation will be harder, because people will be fighting you all the way. There will be a certain class of people who will be willing to deny it.

Many people within the Catholic Church deny that, in fact, the survivors who told stories about being abused by priests and nuns or being harmed and physically endangered by priests and nuns, they deny that that took place. They're saying that survivors are lying. There is a population of people who believe in eugenics or believe that Indigenous people should not have separate rights, who believe that Indigenous people are inferior, who believe that it would have been okay, if they'd all been wiped off the face of the earth, who deny reconciliation should happen. And, of course, they pick up on things like, you know, the few people who are able to say that, or are willing to say that their experience in residential schools was good, they never got harmed, they never got hurt, they've never got sexually abused. But what they don't talk about is the fact that everybody, everybody who went to residential schools, was affected by the experience of doing that, because they lost their culture and access to their culture. They lost time with their families, they lost awareness of their own language in many cases. But probably more importantly, every child who went to a residential school was aware that abuse was going on in the school somewhere, to some of their friends and some of their acquaintances. And they lived in fear that they might be next. And whether they will ever admit it or not, they would tell you that they lived in fear that they could be next. And that does something to you. It does something to your psyche, it does something to your courage, it does something to your sense of self, it does something to your sense of character, does something to your identity. And therefore, the residential school experience hurt everybody who went there, including some of the teachers who were there too.

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GRACE HEAVY RUNNER / POKSIKAINAKI: Yes, I know what you're talking about, totally.

What happens next? What needs to happen to support people, Indigenous and non-Indigenous people, like bringing this together, like you said, especially now, as more grave sites are found.

MURRAY SINCLAIR: It was unfortunate that the people who put together the Indian Residential Schools Settlement Agreement did not include in the mandate of the TRC a question of investigating the issue of children who died into schools and where they were buried. That was a very clear question almost from the outset. It was probably the one area that shocked me the most was to begin to hear what the numbers were like. We knew that it had happened. We had heard that before we had started out in our work, but the sheer numbers that came forward and our little bit of research was able to uncover was convincing that this was a very significant issue and it was something that caused us to include it as part of our calls to action.

We actually did ask the Government of Canada to increase our funding so that we could do an extensive piece of research on that question. And they refused to, and the parties to the Settlement Agreement wouldn't support our application. So, as a result, the issue of the children who died in schools and were buried in secret, and where they were buried, was never fully explored by us. Some of it was brought to our attention by survivors, of course. We didn't mention what we had been made aware of. But what we did say was, when this issue is more fully explored, you will be astounded at the numbers of children that you will discover, who have been killed in the schools, who have died in the schools, and have been buried in places that other people would not have been buried. So, they were not buried in the school cemetery, in many cases, or in the local church cemetery. They're just buried, some of them in the bush somewhere, or some of them, land somewhere. And they were not properly marked as burial sites, they were, the land was not blessed, the land was not made sacred, uh, as would normally be the case. There were no ceremonies held for them, in terms of the burials. Sometimes they were buried two or three to a grave, or many to a grave.

So we know that if and when there is ever a full investigation of this, that people will be more astounded than they have been to this point in time. Right now, the numbers of children that have been discovered -- the number of burial sites, I should say, that had been discovered, pales in comparison to the number of burial sites that could ultimately be located. We did a bit of research, as much as we could, given our limited resources, just utilizing air reconnaissance, satellite imagery, and things such as

that. Based upon that research and historical photos, we came to an estimate of where some of the burial sites are likely to be, and we wrote about that in our report. We have an entire volume on that question. As part of our six-volume TRC Report, and I always encourage people, if you want to know more about it, read that volume, Volume 4.

GRACE HEAVY RUNNER / POKSIKAINAKI: Thank you, thank you, I will.

What do we need to be aware of? There's a lot of attention focused now on the children who didn't survive.

MURRAY SINCLAIR: What you need to be aware of is the fact that the Government of Canada still continues to do to Indigenous children what they did during the residential school era. And they're doing it by utilizing the child welfare system and the criminal justice system. We have more kids in the care of government in our jails and in our foster system than we ever had in residential schools in any given period of time. So we're still losing our kids to cultural genocide. And we need to confront that, we need to do something about that.

You know, the Government of Canada points to the fact that they've created a piece of legislation called the Indigenous Child Welfare Act. But the unfortunate thing is, the way they're implementing that Act is that you have to comply with the standards set for the non-Indigenous agencies. And when you are required, as an Indigenous agency, to apply the standards of white agencies to your children, you're going to end up doing the very same thing to your own children that the white agencies have been doing. And that is that you can't let them stay in their extended family homes, you can't let them stay in houses that don't have enough bedrooms or don't have a certain square footage, you can't let them stay if the house is not adequately maintained, or doesn't have proper facilities, you can't let them stay with their extended families if the extended family has not had prior involvement with the child, even though it was quite natural for children to be moved into their grandmothers' or their aunts' house, even when they didn't meet them, because there was a natural commitment by the family to do what they could for their children.

So, the Indigenous agencies are caught in the trap of having to do what non-Indigenous agencies are doing. And then the same is true with communities that are beginning to get involved in the criminal justice system, whether it means having their own court system or having their own legal system, they have to comply with the criminal code, which means that you have to look at sending people to jail, ultimately. You know, for every \$1 that we spend on rehabilitation programs in the criminal justice

system, we spent \$10 in building prisons, and so, that ratio should be reversed. And that's the problem with the system.

So that's what people need to be aware of generally, when it comes to the issue of the missing children and the burial sites, we need to do that research. We need to look extensively and more extensively at the question of how many children died, when did they die? Who are they? Where did they come from? What was done even for those who are known to have died? What was done to communicate with their families, and what do their families and their communities want now? Because some of them want their children to be returned to their communities, some of them want their children to remain where they are, but to be properly taken care of. So, that kind of level of communication has not yet occurred, and needs to be part of the process. Plus, I think we also need to thoroughly consider the question of conducting criminal investigation to those who may have been responsible for the deaths of children who may still be alive today who should be prosecuted.

GRACE HEAVY RUNNER / POKSIKAINAKI: Yes. How can we make sure we don't lose sight of the other needs of survivors? I don't even know if there's any investigations, like you said, that have begun, because it's just, they keep finding the children.

MURRAY SINCLAIR: Well, there are two issues that we need to keep in mind as we're going forward. One is that there's more information that needs to be determined. In other words, there's more truth-finding that needs to be done out there. But we also need to recognize that every time we discover a new fact or a new situation, such as missing children and burial sites, that this is having a very significant traumatic effect upon those survivors who are still with us. And there are no places that they can go and get help. There's no support system in place, the medical professionals who end up going into their communities are not well-taught [on] how to deal with things like this.

And so what we need to do, in my view, is we need to understand and appreciate that survivors who are living today, and the children of survivors who are living today need to have access to appropriate health support systems for themselves, mental health as well, for themselves and for their families, so that they can get through the experience of reliving their own negative experience, but also seeing the impact that it's having upon their brothers, their sisters, their relatives who were in residential schools, and their friends. Because trauma, pain and tears, you know, it's like a tsunami. Once it starts, it builds, and it builds, and it builds, and I've seen it happen in a room filled with 5000 people. Once one person starts to cry, by the end of a very short period of time,

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they're all crying, because they're all reliving an experience that this has triggered. And they may not be able to tell you that they were living this experience before, they didn't know that they were still carrying that memory. But something has triggered the revival of that memory for them.

And so we need to put in place and to have in place until survivors are able to properly support themselves, survivor support centers, in each community, in each large community in urban areas to ensure that survivors are properly taken care of. You know, we spent a lot of money and a lot of time damaging them. We should spend an equal amount of time and an equal amount of money to help them to stay healthy.

GRACE HEAVY RUNNER / POKSIKAINAKI: Yes, thank you so much.

Moving forward, what do you think should happen? Like, you know, my thoughts are, like, building centers, understanding, like, how many Indian residential schools were built, that the government should actually provide centers for families to be a part of society?

Those were my, some of my thoughts, and what can you suggest? Or what do you think?

MURRAY SINCLAIR: We need to change the way that we educate children to believe that, as Indigenous people, we were not only here first, but we were valid as a people. We had a civilization, we had a culture, we had a right to this territory, and that it was not right for white settlers to come here and to falsely lead us into believing and signing documents where we gave up our rights according to their law, and then to impose that law on us, when in fact, that was never the commitment. And, at the same time, overcome us through military exercise, when we were not ready to take up that kind of resistance. And, so, we have to change the way that we're educating our children so that future generations don't behave like this.

The thing that we need to keep in mind is that every society has an obligation to help children answer four very important questions. The first one is, "Where do I come from?" That question, "Where do I come from?" is not only, "How was I born? And who are my grandparents and their parents?" That question is also, "What is our creation story? How did we come to be on this land? And, so, what is our history? Who are the heroes of the past?" So, that question, "Where do I come from?" is about establishing us as having a valid presence. And, so, that's a very important question.

And the second question is, "Where am I going?" And that's not just about, "What am I going to be when I grow up?" It's also about, "What happens to me when I die?"

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And so that's an understanding of our creation and our Creator, the cyclical nature of the spirit world, and that we have a responsibility, therefore, to all of creation. So, those are two very important questions.

And the third question is, "What is my purpose here? Why was I put here? Why was I put here? Therefore, why were we put here? But why was I put here?" That's an important question: "What is my purpose in life?" And everybody needs to come to an understanding of what your purpose in life was.

And the fourth question is, "Who am I?" Who am I? Sometimes that question of, "Who am I?" is constantly changing, so that you may never be able to figure that out until your last day on this earth, you suddenly have that, "Ah! Now, I know who I am. Bye, everybody!" But you need to answer that question. And those answers come from your family, your community, from your nation, and they then need to be strengthened, so that they're able to give you the answers to those questions, but strengthened in accordance with their understanding of who they are. Strengthened in accordance with their teachings, and their language.

And so, we need to understand the very important aspect of working to strengthen our nations. And most of that work is going to come from the people themselves within the nation, and they may need some assistance to do that. But that work has to come from them. And nobody in the Government of Canada is ever going to be able to tell you and give to you your identity. That comes from you. That comes from your parents, that comes from your grandparents, it comes from your community, comes from your elders. And what we need to do is give that some growth.

GRACE HEAVY RUNNER / POKSIKAINAKI: Yes. Thank you for that. Well, you know what, I think it's about time. Like I said, I wish I can spend the whole day with you, ha ha ha, then we can talk for hours. You know what, can you give us some encouraging words to, you know, all people, especially the youth?

MURRAY SINCLAIR: I always tell young people, I said, "Keep up the action, keep up the activity, but try to be respectful of the fact that you should not lower yourself to be doing to them." 'They' being whoever it is you're acting against, whether it's governments or corporations or other people in the neighborhood. Do not do to them what you feel they are doing to you. But always be ready to protest. Always be ready to stand up for yourselves and for others. Be sure that you let them know that you are not prepared to take it anymore. And every time you have an opportunity to do the right thing, do it. And don't let them get away with doing the wrong thing.

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CAMERON SIFERD: The residential school system was only one of many tools the government has used to erase the lives and experience of Indigenous people who have always lived on these lands. While Indigenous erasure is no longer the government's official stance, the actions and policy taken towards Indigenous people in this country by government and economic powers remain contentious and antagonistic. We hope that *Survivors* has allowed you an insight into a new perspective and provided you with a foundation to expand your knowledge on the residential school system and Indigenous experience in Canada. While the residential school system officially ended in 1996, the wounds remain open. It is all our responsibility to ensure we live and act in ways that recognize the truth of our history and build a future focused on societal healing.

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