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[Aller au sommaire du numéro](#)

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Résumé de l'article

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# JUSTICE FRANK IACOBUCCI AND THE SEARCH FOR TRUTH AND RECONCILIATION IN CANADA

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*Abstract:* In this radio interview, Justice Frank Iacobucci shares his insights into the legal, political, and ethical forces behind The Indian Residential Schools Settlement Agreement (2007) and The Truth and Reconciliation Commission (2007–2015). These initiatives were designed to address the many serious issues and injustices that have long impacted Indigenous peoples and continue to radically reshape First Nation communities in Canada.

A quick search of the internet provides a wealth of details concerning the life and accomplishments of Frank Iacobucci, former Justice of the Supreme Court of Canada. Suffice it to say that his various positions in law, academia, government, and business have contributed significantly to Canadian society, public life, and government policies.

Particularly pertinent to this special issue of *Italian Canadiana* is his involvement with both the Italo-Canadian and Indigenous communities. Born in Vancouver in 1937 to parents from Abruzzo and Calabria, Justice Iacobucci was nourished and inspired by his immigrant community and throughout his life has maintained close ties with Italian organizations throughout Canada and in his ancestral land, many of which have honoured and celebrated his many contributions. Like others of his generation, Justice Iacobucci broke barriers for new Canadians, including, for example, becoming the first Italian-Canadian appointed to our country's Supreme Court.

Perhaps his roots in an immigrant community that in the mid-twentieth century was not considered typically Canadian nurtured the skills, insights, and empathy that he brings to his work with Indigenous peoples who have been historically marginalized in and by Canada. In 2013, the Government of Ontario chose Justice Iacobucci as lead negotiator with the Chiefs of the Matawa Tribal Council concerning resource developments in the province's Ring of Fire. In the same year, he conducted an independent review of First

Nations representation on juries in Ontario's courts of law. Most importantly, in 2005, the Government of Canada appointed him to lead discussions with former students, churches, the Assembly of First Nations, and other Indigenous organizations to achieve a fair and lasting resolution of the legacy of Indian residential schools. The resulting Indian Residential Schools Settlement Agreement was approved by all parties in 2006 and represents the largest class-action settlement in Canadian history. It resulted in the establishment of the Truth and Reconciliation Commission of Canada that, in 2014, appointed Justice Iacobucci as an honorary witness.

In 2018, Justice Iacobucci recorded an interview with Radio Maria Canada about this work with the Indian Residential School Agreement and the Truth and Reconciliation Commission that, in 2015, published a report and 94 Calls to Action. As reflected in his responses, Justice Iacobucci sees that agreement (including the Government of Canada's apology), report, and the 94 Calls to Actions as providing the foundations, framework, and direction for Canada's evolving relationship with First Nations for the foreseeable future. Since this interview was first aired, the impact of that work continues to astonish and influence Canada's political, social, and religious institutions. There have been significant developments and shifts in perspectives: these include investigation of the unmarked graves at the sites of former residential schools; Pope Francis's apology to the Indigenous, Metis, and Inuit delegations visiting Vatican City in April 2022; and the papal visit to First Nations communities in Canada in July 2022. The following transcript of that interview discusses what had been achieved up to that point in time, provides relevant insights into the ongoing process of Canada's search for truth and reconciliation with First Nations, and reflects Justice Iacobucci's deep personal commitment to seeking justice for Indigenous peoples.

Toronto Catholic District School Board (retired)

***Transcript of an Interview Recorded on 16 May 2018, in Toronto, Ontario***

You are listening to Radio Maria Canada, a Catholic voice wherever you are. We now present *SweetGrass* hosted by Sandy O’Handley and Dianne Brassoletto.

O’HANDLEY: Hello everyone. Welcome to *SweetGrass* on Radio Maria Canada, a show dedicated to social justice issues. I’m Sandy ...

BRASSOLOTTO: ... and I’m Dianne. The name of the show *SweetGrass* was chosen to acknowledge the First Nations peoples of Canada. Sweetgrass, cedar, sage, and tobacco are plants considered sacred by many Indigenous peoples of Turtle Island, which nowadays is more commonly called North America.

O’HANDLEY: We’re recording today’s show in the iconic TD [Toronto-Dominion] Centre in the heart of downtown Toronto. Before we introduce today’s guest, we wish to acknowledge that this land from which we’re broadcasting was, for thousands of years, the traditional land of the Huron Wendat, the Seneca, and most recently the Mississauga of the Credit River. Today, Toronto, which means meeting place, is still the home to many Indigenous peoples from across Turtle Island, and we are grateful for their stewardship of the land.

BRASSOLOTTO: Joining us today on *SweetGrass* is the Honourable Frank Iacobucci. During his very distinguished career, Justice Iacobucci taught law at the University of Toronto’s Faculty of Law before serving as its dean. Later he was appointed Chief Justice of the Federal Court, and from 1991 until 2004, Justice Iacobucci served on the Supreme Court of Canada. Most pertinent to *SweetGrass*, Justice Iacobucci has extensive involvement with Indigenous peoples’ issues, including the landmark Indian Residential Schools Agreement and the Truth and Reconciliation Commission. Justice Iacobucci, thank you so much for being with us today. And welcome to *SweetGrass*.

JUSTICE IACOBUCCI: Well, thank you very much. It’s nice to be with you.

O’HANDLEY: Justice Iacobucci, “truth” and “reconciliation” are two of the most powerful words and concepts in our culture. Their pursuit has been

one of the main themes of your career, and it's certainly a prime focus of our show *SweetGrass*. So let's focus on the Truth and Reconciliation Commission set up regarding Indian residential schools. Give us an overview of the Indian residential school system and why a commission was set up to investigate it.

JUSTICE IACOBUCCI: By way of background, the residential school system starts in the nineteenth century. It is a system that was designed by the politicians of the day, the government of the day, to deal with Indigenous children. It was meant, unabashedly, to **assimilate**<sup>1</sup> ... not to integrate ... but to assimilate, young children into another way of life. The goal was to make them better off. The means chosen: to take children away from their families for schooling; they couldn't speak their native language; their hair was cut short; they were given numbers; as was the custom of the day, children were to be seen but not heard; there was corporal punishment and so on ... but that was applicable in schooling generally. But it was not a success. It was a failure. And part of that led to lots of very, very distasteful and tragic consequences.

O'HANDLEY: Now, it was government policy that established the residential schools, but in fact, they were run by religious organizations.

JUSTICE IACOBUCCI: Precisely right. They were run by the Christian churches. The estimate would have been 150 schools (maybe 160) with 150,000 students over close to a century. The greatest number were run by the Catholic dioceses and orders and so on ... about 60 per cent. Anglican ... quite a few. Then the United Church and the odd Presbyterian Methodist kind, a very small number. These were schools, mostly in the West, but across the country. But mostly you would find more in Saskatchewan, Alberta, Manitoba. Some in British Columbia; some in Quebec; and very few, but some, in the Maritimes.

O'HANDLEY: I think there was one near the Six Nations here in Southern Ontario.

JUSTICE IACOBUCCI: That's right ... in the Brantford area ... Mohawk.

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<sup>1</sup> Bolded words and phrases indicate the speaker's emphatic tone.

O'HANDLEY: Tommy Longboat, a very famous Canadian runner in the early twentieth century, was a resident of that school.<sup>2</sup>

JUSTICE IACOBUCCI: Very good. And the person who was really instrumental in bringing this to public attention (that is, the Indian residential school legacy) was Phil Fontaine, who was from Manitoba, later to become a Grand Chief of the Assembly of First Nations. He brought it out publicly in the 1990s through admitting that he had been sexually abused. So the government wanted to look at this because the government of the day was faced with over 15,000 individual actions and twenty-three class actions. These were taking time to go through the courts, and it would have just been absolutely unmanageable otherwise.

It was a systemic issue that needed a systemic response. So a mandate was put together to see if these issues could be settled. Included in that mandate were a number of components: compensation, process for hearing sexual and physical assault cases, healing, and other things. Most importantly, in my view, was the setting up of a Truth and Reconciliation Commission that would be dealing with the future, not just the past. There were negotiations to get this settlement, a settlement that had to be approved by nine jurisdictions in Canada. That was all done. It was started under former prime minister Paul Martin [2003–2006] and it was, in effect, closed under Prime Minister Stephen Harper [2006–2015]. So this whole process overlapped two prime ministers. The Truth and Reconciliation Commission worked very long and hard, and came up with multivolume proposals, recommendations, which they describe as Calls to Action.

O'HANDLEY: Those 94 Calls to Action were published in 2015 and that was the summation of a long, long process.

JUSTICE IACOBUCCI: Oh, absolutely. What they were consumed with was getting individuals to come forth and tell their stories. **You can't have reconciliation without the truth ... without the stories. You need the truth.**

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<sup>2</sup> Tom Longboat (1887–1949) of the Onondaga Nation was the dominant long-distance runner of his generation. Later in life, when invited to speak at the Mohawk Institute Residential School, he refused, saying, "I wouldn't even send my dog to that place."

O'HANDLEY: It seems that it was Phil Fontaine who basically made it acceptable, I suppose, for Indigenous individuals to start to come forward and tell their stories.

JUSTICE IACOBUCCI: He and his advisors. As well, I would want to mention Professor Kathleen Mahoney,<sup>3</sup> who was advisor to the Assembly of First Nations [AFN] who had a great role to play, not only in getting to the approach of a settlement, but also in the negotiations. Negotiating largely took place across Canada. But the main sites for finalizing took place in this building [i.e., the TD Centre in Toronto], just down the hall from where we're sitting. She and the AFN were particularly interested in what was going to happen with the proposed Truth and Reconciliation Commission. We looked at other models of truth and reconciliation. There are many of them across the world, South Africa being very notable. But we wanted it to be voluntary ... not compulsory ... not handled by lawyers ... voluntary, coming to speak ... making it comfortable for those that were witnesses to come forward. We wanted to have a scheme that gave enough of a structure for the commissioners to do their job but to leave flexibility for the commissioners to put their own imprint on that in light of the experience they would have through the implementation of what was in the settlement agreements.

O'HANDLEY: In setting up the commission, setting up this inquiry into truth and reconciliation, it appears you were trying to make it comfortable for all parties involved, governments and teachers as well as the Indigenous people who were victimized.

JUSTICE IACOBUCCI: Exactly. We were not trying to make it like a court proceeding or a royal commission. That was not going to be helpful at all. You don't want to revictimize the victim again by a process that causes him or her to be most uncomfortable or, in effect, threatened by it all. So there was a relaxation of rules and approaches; in fact, counsellors were on hand to help if people, coming forward to speak, were uncomfortable.

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<sup>3</sup> Kathleen Mahoney, QC, is a lawyer in Calgary and a professor emeritus of law at the University of Calgary, where she taught for more than thirty-five years. She specializes in human rights, international human rights law and humanitarian law, constitutional law, women's rights, judicial development, and Aboriginal law. See <https://kathleenmahoney.wordpress.com/>.

BRASSOLOTTO: Can I ask, how did you find or reach the people whose stories you wanted to hear? Did you contact reservations or Indian groups?

JUSTICE IACOBUCCI: Well, there were a lot of people. First of all, there are quite a few people who went forward with legal claims, because they consulted lawyers saying, “I was abused” or “I spent ten years in a residential school,” and they were part of the legal complaints. Then they would know people who didn’t come forward. Word got around. There were a great many advertisements made for the settlement of the legal actions. It was the most extensive advertising ever accomplished for legal actions in our country.

BRASSOLOTTO: Why was that done?

JUSTICE IACOBUCCI: Because you needed to notify the students who went to residential schools; you needed to get their attention to come forward and say, “This is available for you: would you want to make a claim to get compensation for each year of attendance that you had at a residential school?” That then gave impetus to people who wanted to come and speak to the Truth and Reconciliation Commission as well. So there were many, many people who came forward. The Commission sat across the country, in public settings so that the media could come and witness it ... and others could come and hear what happened.

I went to one hearing in Edmonton, one of the last ones, and was made (I was greatly appreciative) an honorary witness, as were a number of other people. The Governor General was also made an honorary witness that day. Other people who had been involved in one way or another, including former prime minister Joe Clark, were similarly honoured. It really was quite an exercise in seeking out people who could speak the truth about what happened.

BRASSOLOTTO: Can I just clarify something? If someone went through the Aboriginal school system, but didn’t experience any specific abuse, were they entitled to any compensation? Were you compensated for just being in that school system?

JUSTICE IACOBUCCI: Oh, you were. Yes. There was what was called a “common experience payment.” We have to be somewhat honest and realistic here. When you get taken away from your family as a youngster, away from your parents, away from your siblings (because they may be out of school) ... taken



away **involuntarily**. This was enforced by law, under the Indian Act. So, it was felt that this should, by itself, attract compensation: not because you could make up by money, what was done, but it was to be reflective of a wrong that was done to you.

It was a way of the government, in effect, (that in addition to the apology that was subsequently made) saying that “This was a wrong ... and we wish to recognize this through a payment.”

The payment was \$10,000 for everyone who went to a residential school, plus \$3,000 for every year or part of a year that you went. But everyone got a minimum of \$10,000 if you went for a year or part of the year; and \$3,000 for every other year whether it was part of a year or the whole year. Let's say, at most, you could stay up to 12 years: so you could get \$36,000 from those years plus the \$10,000 general payer payment.

And there are statistics on what was the average payment. There was an estimate that this settlement was the largest legal settlement in Canadian history ... estimates of about \$5 billion.<sup>4</sup>

O'HANDLEY: Wow, it's a lot of money.

JUSTICE IACOBUCCI: It's a lot of money.

O'HANDLEY: You have already hit on some of the truths revealed during the Truth and Reconciliation Commission. Are there other truths that you became aware of that you would like Canadians to be more aware of ... truths about Indigenous peoples, their communities, and their interactions with settlers and immigrants?

JUSTICE IACOBUCCI: Well first of all, just in my own exposure to the negotiation process, which was about six or seven very intensive months, you

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<sup>4</sup> Government of Canada, “Truth and Reconciliation Commission of Canada,” last modified on 11 June 2021, <https://www.rcaanc-cirnac.gc.ca/eng/1450124405592/1529106060525>. Note, however, that on 22 December 2021, Canadian courts approved a settlement agreement to resolve class-action litigation related to safe drinking water in First Nations communities. If fully implemented, this would exceed payments made with respect to residential schools. See Government of Canada, “Courts Approve Settlement Agreement to Resolve Class Action Litigation Related to Safe Drinking Water in First Nations Communities,” 23 December 2021, <https://www.canada.ca/en/indigenous-services-canada/news/2021/12/courts-approve-settlement-agreement-to-resolve-class-action-litigation-related-to-safe-drinking-water-in-first-nations-communities.html>.

learn a lot. I have a saying: “When you study Indigenous history, you learn not only **about** Indigenous people, you can learn **from** Indigenous people.” The prepositions are very significantly different. In the work that I have done on other matters, I’ve learned a lot and I’ve learned a lot from Aboriginal people. They have different ways of dealing with justice issues, for example, [they have] different ways of governmental structure. They have an Elder concept. It’s not just a concept of a person, a woman, or a man. We don’t have those in our society: we don’t have an Elder who can give, through his or her experience, can give wisdom and perspective and advice ... things like that.

Then there’s the significance of taking away children from their homes. When I was announced as the Federal Representative (I was called the Federal Representative but in reality I was the Federal Negotiator), there was a ceremony, a dedication of the process up on Powwow Island near Kenora, Lake of the Woods ... it’s a beautiful spot. A Chief came up to me and said his parents were ... (this is one of the most moving stories I’ve ever heard) ... his parents were Indian residential school attendees. He didn’t go to residential school but his parents did. But on the deathbed, his father said to his son (who is now the Chief) ... he said, “I’m sorry. I was not a good father to you. I never learned to be a father. I didn’t know how to be a father. And I apologize.” Now, you don’t think of that. But if you’re taken away at formative years ... you don’t see parents around ... you see only a residential school. So how does one learn to be a parent? We learn what to do, or not what to do, from our parents. That’s missing from somebody’s life when taken to residential school. So there was an intergenerational aspect and impact.

O’HANDLEY: This intergenerational trauma is still impacting Indigenous communities today. But I don’t think a lot of Canadians really understand that very well. From the 94 Calls to Action, you’ve already outlined some individual compensation provisions, but obviously, whole communities need healing and they need help. Did some of those Calls to Action address communal rather than individual compensation?

JUSTICE IACOBUCCI: Oh, absolutely. I mean, there’s no question that most of the Calls to Action are communal, with also an individual impact: for example, recommendations on child welfare.

Looking holistically, these were systemic (if you like) losses. So solutions have to be systemic.

It's one of the greatest systemic examples of failure, not just in Canadian history but in world history. It had to be approached systemically and that's what the Calls to Action really address. They address all sorts of systemic issues, including the legal issues, the educational issues, the ways in which these matters can be done, and continue to be done, so that the multivolume report doesn't just gather dust on the shelf.

A very key recommendation is Call to Action #53, which calls for the setting up of a National Council on Reconciliation. This reconciliation is not going to come (you know) two months from now, or two years from now: it's an ongoing process. Someone's got to monitor that, and they call for (wisely, in my view) the setting up of a National Council of Reconciliation: it's under legislation. [Calls to Action #53 to #56.] My hope is that they get both provincial and federal representatives, and different parts of our Canadian society, represented on that Council.

O'HANDLEY: Has there been movement towards establishing such a Council?

JUSTICE IACOBUCCI: There's been the setting up on an interim basis but it needs more work to be completed: its creation and its (if you like) framework for moving ahead.<sup>5</sup>

O'HANDLEY: You've mentioned various solutions, including legal solutions, to the issues that are facing Indigenous people. A significant part of that includes the desire of Indigenous peoples for increased self-control, greater self-government: this includes recognition of their traditional structures, their traditional ways of life, their traditional approaches to justice. On the other hand, Canadians who are descendent from settlers and immigrants take great pride in thinking that we are a community of communities, a country that welcomes people from around the world and helps them integrate into the Canadian mosaic. And many of us think the various Indigenous peoples are just parts of that much larger mosaic. My sense, however, is that Indigenous peoples see themselves as more than just another cultural group, that they pride themselves as nations, as First Nations, fundamentally distinct from the

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<sup>5</sup> For latest Government of Canada efforts, see "National Council for Reconciliation," last modified 22 April 2022, <https://www.rcaanc-cirnac.gc.ca/eng/1524503926054/1557514163015>.

settlers and immigrants who came to Turtle Island much later. So there's some tension between these different perspectives: while Indigenous communities desire more autonomy, many Canadians are somewhat sceptical about this movement towards self-government. Do you have any thoughts about that?

JUSTICE IACOBUCCI: Well, I do and, and I understand what you just said about scepticism, or perhaps concerns. Firstly, as one of my jobs, I served as Deputy Attorney General of Canada. I was involved with provincial and federal governments in an attempt to get an amendment to the Canadian Constitution for self-government for Aboriginal people. That effort failed to get an amendment. But the fact of the matter is, it's [i.e., self-government] going on now. Many communities are highly, highly governmental. They have an elected Chief and Council; they have different divisions of their Band Offices looking after the welfare issues, looking after housing, and so on. They act like, look like, and really are governments. So self-government is going on and it makes a lot of sense. That is a proper aspirational (if you like) point of their desire.

There can be great advantages that come from that. Because you can have a better system of reaching out to the communities that they serve in terms of getting improvements to those communities. So I'm a big supporter. I think it's a right target to emphasize. It'll take working out. I'm confident we can work all that out.

BRASSOLOTTO: We've been talking about the government's response to issues raised by Indigenous communities especially with respect to the residential school system. Earlier in this interview we discussed the fact that most residential schools were run by the churches. How responsive and comfortable have the churches been to this process of truth and reconciliation?

JUSTICE IACOBUCCI: You're right that the churches ran the schools, although there were some that were not run by churches, but I'm not going to get into them. But some were run by government.

But the vast majority were run by churches and the churches were very much a part of the negotiation process that I was involved with. They took an active role: they had counsel, they had lawyers (their representation), and they were interested in all aspects. But they were **particularly** interested, as a group, in truth and reconciliation ... in setting it up.

Also, some of the churches issued, had issued, apologies, on their own, some time ago.

They were, from a legal standpoint, responsible, along with the government, as determined through court decisions that went up to the Supreme Court of Canada. The Supreme Court said the government was responsible 75 per cent for a claim that was made; 25 per cent for the church. As a result, agreements were entered into for the contribution by the churches to the settlement process.

Now, there was a sensitivity in this respect because the government wanted (and rightly so) to see some substantial contribution made, but ultimately (you know) not to bankrupt churches. I don't think they wanted that. Certainly, I recommended that we had to be sensitive to that. That would be imposing such a cost on today's adherents to the faith, because if there's something that was wrong historically ... that you wanted to have some sensitivity to recognize that. So the churches did come forward.

There was a challenge with the Catholic entities, because they are unlike the other churches which are national churches: the United Church of Canada, the Anglican Church of Canada, and the Presbyterian Church of Canada. Whereas there is no Catholic Church of Canada. It's all either orders or dioceses, and so that the signatories to the settlement agreement, I think, included forty-six of fifty signatories when it comes to the Catholics.

So the churches were keenly interested in the truth and reconciliation and made great contributions. Some of them made **great** contributions to setting that up and getting it going.

BRASSOLOTTO: During your involvement with the negotiations and discussions, what was your sense of how the churches felt about what had happened? Did you feel that there was genuine regret or an understanding of what had gone wrong with the residential school system?

JUSTICE IACOBUCCI: Well, it depended on the context of that particular individual or that particular group within a large group across the country. There were some who believed there was some exaggeration of inappropriate behaviour and so on.

There were some who felt (and this was a concern) wrongly tainted because they were a member of an order. I remember meeting with a sister who was head of an order in Vancouver: I met her and she was in tears because all of her sisters were tainted with the same critical brush. Some of them were

facing health issues and so on. She was really very, very emotionally upset and that proved to me she had a reason to be emotionally upset. So there were things like that that happened.

On the other hand, most ... the vast majority of people associated with the churches were genuinely sorry ... regretted ... and wanted to do something about it. I don't want your listeners to leave with any other impression than that they wanted to make amends, and that they wanted to go on and have a proper truth and reconciliation.

O'HANDLEY: That's very nice to hear. Certainly part of the process of reconciliation is apologizing. As we have already pointed out, the Government of Canada officially apologized, in 2008, to our Indigenous sisters and brothers for its role in the residential school system. With respect to the churches' involvement, one of the 94 Calls to Action published in 2015, urges the pope to visit Canada and apologize for the role of the Catholic Church in the residential school system. As you've just mentioned, many religious orders and groups have offered individual apologies on behalf of their entities. At this point in time [i.e., 2018], however, a papal visit and apology is not being planned. So I have a two-part question: Looking back on the past ten years, what impact did the Canadian government's 2008 apology have? And secondly, looking forward, what impact might a papal apology have?

JUSTICE IACOBUCCI: Well, let me say I had the privilege of attending the apology in 2008, in the House of Commons, and I don't think I've ever witnessed a more emotional public moment, if I can put it in those words. It was **powerful ... very, very powerful**. And the people that made it particularly powerful were the Indigenous leaders dressed in their ceremonial regalia.

O'HANDLEY: Were they on the floor of the House?

JUSTICE IACOBUCCI: They were on the floor of the House of Commons, which is unusual. And each of the political leaders spoke. But, by far ... the apology read by Prime Minister Harper, in my opinion was meaningful ... well crafted ... and I don't mean that in a kind of gimmicky way. I mean in a genuine way. So it was really, really most significant. It called for an apology. I didn't negotiate an apology. It was inappropriate for me to negotiate it because it should come from the head of government ... not from a negotiator. Negotiating an apology is to vulgarize it, and to make it insincere.

"I'll trade you this word for that word" ... you don't want that. You want it to be as sincere and as genuine as possible.

O'HANDLEY: Before you continue, can I ask was the Governor General there?

JUSTICE IACOBUCCI: No, no, I don't believe so.

O'HANDLEY: Is that significant in any way?

JUSTICE IACOBUCCI: No, I don't think so, having the Governor General. This was a government occasion. And the Governor General, because he or she is the representative of the Crown, has a special relationship with the Indigenous people. The honour of the Crown is very, very important, not only in our law, but in our political traditions as well.

So the apology had tremendous impact. Why? Well first of all, it was the right thing to do ... you don't have to go much beyond than to say, "It was the right thing to do." It called for an apology. It called for that kind of recognition of a systemic wrong.

Secondly, it showed Canadians ... it brought more attention, more understanding and, greater acceptance of Canadians generally. By seeing, "Well, this is an apology. This is helping me to understand what happened. What's this all about?" That's really important. It's not just the words. It's the dramatic impact that has a lesson for all of us about what happened.

And I think it was crucial to spawn more interest, more dialogue, more conversation, more **books** that have been written on so many aspects of residential schools. Then it leads to the Truth and Reconciliation Commission.

And look what's going on now. In terms of education ... in schools. We have grandchildren who are in Grade 8 and their school had a competition writing papers on the residential school system. Phil Fontaine was in town and he came and met with some of them. He was giving a speech at the University of Toronto and some of these students came to meet him ... he was told that they were doing papers. It was an essay contest ... who would write the best essay? Fifty schools or so participated. Now that wouldn't have happened in the past. In grade school, when I went to play soccer against a residential school in Mission, BC, I didn't know what the word "residential" meant. Some sixty years later, I found out that was one of the residential schools that I was dealing with in the settlement negotiations.

So we get to a papal apology. And as, as a great, I mean, a great leader ... there's no doubt of His Holiness in matters of faith ... but His Holiness as a human being is ... to me, speaks for itself. For him to see the way clear to issue an apology would be very, very meaningful.

O'HANDLEY: Pope Francis has offered an apology to the Indigenous peoples of Latin America for the church's role in the colonization of that part of the Americas [Bolivia, 2015] and we know he had a discussion about doing so with our prime minister when [Justin] Trudeau made an official visit to the Vatican [in 2017]. However, at this point in time [i.e., 2018], it appears local ecclesiastical authorities here in Canada are not trying to facilitate or arrange a papal visit and apology. Certainly the House of Commons, the Canadian government, our prime minister and a lot of Canadians would welcome such a visit by Pope Francis, or any pope for that matter, to address this issue.

JUSTICE IACOBUCCI: Well I'm a very, very strong believer in freedom of religion in our country. I respect, and during the negotiation process, respected the role that faith plays in our democracy. And so I want my colours to show very vividly on that issue. It's part of our Constitution but it's not just part of our Constitution. It is part of our willingness to accept and embrace, not just tolerate, but accept and embrace differences, even in the way we have different faiths. This is all part and parcel of that.

BRASSOLOTTO: I was wondering if you could tell our listeners who are particularly interested in this process and would like to do something personally, is there any way that they could still participate in truth and reconciliation?

JUSTICE IACOBUCCI: You know it's a very good question. First, for those that are in churches (and not everybody is), they can find out more about what their church is doing and look at the opportunities that are there.

There will be more things coming out once this Council of National Reconciliation gets organized (that's starting) ... there will be ways. But the other thing I would suggest is people might begin by reading some books ... educating themselves about the history of our Indigenous ... (I shouldn't say "our") of Indigenous people. And there are many good books that are out there ... I mean many, many good books. A recent book by a man named J.R. Miller entitled *Shingwauk's Vision: A History of Native Residential Schools*. People like Thomas King, *The Inconvenient Indian*. I don't want to be



just a promoter of peoples' work ... but then Tanya Talaga who got a couple of prizes for her work on *Seven Fallen Feathers* on what happened up in Thunder Bay. So get educated.

One of the things we have to do going forward is education and it's a two-way street. Education ... learning about, as I said earlier, learning about the history of Indigenous people, and their customs, their traditions. I don't mean to become experts, but just to be aware that they had different ways and systems, and that they have a different way of looking at justice and governance.

O'HANDLEY: I'd like to add my voice to emphasizing the importance of education. So I'd like to point to an organization based here in Toronto, KAIROS, that brings together various agencies and faith groups. They've developed a workshop known as The Blanket Exercise which introduces community groups to the history of Indigenous peoples and their interaction with the Europeans for the past few hundred years. I would strongly encourage our listeners to go onto the KAIROS website<sup>6</sup> and look for opportunities to participate in one of their community sessions.

JUSTICE IACOBUCCI: An excellent example. Also there are a lot of continuing education courses that are being offered now. Because the Call to Action on Education is very much alive, youngsters in Grade 5 ... in Grade 4 ... are learning about different things. This has to be a K to 12 initiative. It can't be just one shot and then you forget about it.

Universities! There's a program now with the University of Victoria on Aboriginal law. You can get a master's in Aboriginal or Indigenous law. All of those undertakings and initiatives. There are lots of things for people to think about and how they can react. But everybody can read books and I'd start off with reading.

BRASSOLOTTO: Before we go, are there any specific incidents that happened during your involvement with the Truth and Reconciliation Commission that particularly impacted you personally?

JUSTICE IACOBUCCI: Two things. When I went to Edmonton I heard witnesses coming forward and it was an **unbelievable** experience because you

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<sup>6</sup> "KAIROS Blanket Exercise," <https://www.kairosblanketexercise.org/>.

heard from people from different walks ... of their experiences and I had no idea ... except from them ... about what they went through ... what they went through. How they rose above their obstacles and met challenges ... to, not only to survive, but to excel. It was uplifting and inspiring.

And I must say one of the impacts from the settlement that I would like to share with your listeners was when the agreements were approved and the compensation was rolling out (as they say) there was a ceremony up in Kenora (again), to celebrate the accomplishment and the recommendations that came out of that for the setting up of the Truth and Reconciliation Commission. One of the people attending came over to me and thanked me for my role. I said, "Well you should be thanking all of them." But, well, he wanted to thank me because he just received the week before, recently, his payment. He started getting emotional because he said with that payment of compensation he could now afford to send his two daughters to university. He said this has been his wish since they were born: that they would get an education that he was not able to get. It was a turning point in their lives and it left me with an incredibly good feeling.

BRASSOLOTTI: That's a wonderful story to end the show. Justice Iacobucci, thank you so much for being with us today and for sharing your insights from your work on the Indian Residential Schools Agreement and the Truth and Reconciliation Commission. There are many issues we can and need to act on, and your efforts and endeavors provide both the rationale and the inspiration to do exactly that.

O'HANDLEY: Just a reminder that this show has been pre-recorded. If you'd like to access or share this program, check out the on-demand link for *Sweet-Grass* on our website [www.radiomaria.ca](http://www.radiomaria.ca). On that program page is an image of three strands of braided sweetgrass that for First Nations peoples represent love, kindness, and honesty. So for his love, kindness, and honesty, we'd like to once again thank Justice Frank Iacobucci and all those striving for truth and reconciliation.