

Affidavit of P.C. Newman
March 16, 2017
SCC File No. 37037

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL OF ONTARIO)

BETWEEN:

ATTORNEY GENERAL OF CANADA

APPELLANT

AND:

LARRY PHILIP FONTAINE IN HIS PERSONAL CAPACITY AND IN HIS CAPACITY AS
THE EXECUTOR OF THE ESTATE OF AGNES MARY FONTAINE, DECEASED, ET AL.

RESPONDENTS

AND:

THE COALITION TO PRESERVE TRUTH

PROPOSED INTERVENERS

AFFIDAVIT #1 OF PETER CAREY NEWMAN

I, Peter Carey Newman ("Carey Newman"), Organizer of the Coalition to Preserve Truth, 2654 Roseberry Avenue, Victoria, British Columbia, V8R 3T7, MAKE OATH AND SAY THAT:

1. I am the organizer of the Coalition to Preserve Truth (the "Coalition"). As such, I have personal knowledge of the acts and matters deposed herein, except where stated to be based on information and belief, and where so stated, I verily believe the same to be true.
2. In addition to being the organizer of the Coalition, I am an intergenerational residential school survivor. My traditional name is Ha-yalth-kin-geme (meaning "face of a Chief"). Through my paternal grandfather, I am Kwakwaka'wakw from the Kukwakam, Gixsam

and Wa'welibayi clans of Fort Rupert on Vancouver Island. My paternal grandmother was Salish from Cheam of the Sto:lo Nation along the Upper Fraser Valley.

3. My paternal grandparents, my father and 12 of his siblings all attended residential school. My father attended school first in Sechelt, British Columbia and later at St Mary's in Mission, British Columbia.
4. I am also the creator and artistic mind of the Witness Blanket project. I felt a duty as an artist to pay tribute to all those who have been directly or indirectly affected by residential schools, and create a lasting visual representation of that terrible legacy. Using the metaphor of a blanket – a universal symbol of protection among indigenous people – the Witness Blanket is a large-scale installation constructed from the physical remnants reclaimed from residential schools, government buildings, churches, cultural centres, band offices and treatment centres from across Canada. The Witness Blanket was commissioned by the Truth and Reconciliation Commission as one of very few national monuments and is travelling to all corners of Canada. Through its display, the Witness Blanket acknowledges the atrocities of the residential school era, honours the children who attended, and symbolizes the long-term process of reconciliation.
5. I am authorized on behalf of the Coalition to Preserve Truth to swear this Affidavit in support of a motion for an order granting leave to intervene in this Appeal.

The Persons Interested in the Proceeding – The Coalition to Preserve Truth

6. The Coalition to Preserve Truth was formed with the specific intention to recognize, represent, and provide a collective voice for intergenerational residential school survivors in this Appeal. The Coalition feels strongly about the need to represent the collective interests of intergenerational residential school survivors as it is our belief that future generations have the right to know and understand the full scope of the legacy of physical, mental, cultural, and spiritual abuse suffered by residential school attendees.
7. We believe that individual traumatic events are only part of the complex history of residential school. The personal trauma of survivors resonated throughout their lives, impacting their families and subsequent generations. The collectively-felt stigma and

shame of the residential school experience has led to psychological distress, alcohol abuse, and other physical, spiritual and mental health problems which continue to plague our communities.

8. Members of the Coalition subscribe to the following mission statement:

*We are the **Coalition to Preserve Truth** whose members are representatives of both residential school survivors and inter-generational residential school survivors. The coalition is formed to advocate for the preservation of the Indian Residential School Settlement Agreement - Individual Assessment Program's documents. The Coalition recognizes the ongoing impacts of intergenerational trauma and as such, we acknowledge that future generations have a right to know the content of these documents. The Coalition wishes to preserve these documents while honouring individuals' rights to privacy.*

9. Members of the Coalition include, but are not limited to:

- a. Six Nations of the Grand River;
- b. Prince George Native Friendship Centre;
- c. Moosehide Campaign;
- d. Victoria Native Friendship Centre;
- e. Dr. Rebecca Johnson, Professor of Law and Associate Director of the Indigenous Law Research Unit, University of Victoria;
- f. Surrounded by Cedar Child and Family Services;
- g. Island Métis Family and Community Services Society;
- h. Pacific Peoples Partnership;
- i. Tanya Tagaq, Order of Canada recipient;
- j. Wab Kinew, MLA for Ft Rouge, Manitoba;

- k. Dr. Ian Mosby, author of article *Administering Colonial Science: Nutrition Research and Human Biomedical Experimentation in Aboriginal Communities and Residential School, 1942 – 1952*¹;
 - l. Dr. Amy Bombay, Professor at Dalhousie University and specialist in the effects of intergenerational effects of residential schools;
 - m. Chief Dr. Robert Joseph, Ambassador for Reconciliation Canada;
 - n. Shelagh Rogers, Order of Canada recipient, CBC Journalist, Chancellor of the University of Victoria and Honorary Witness for the TRC.
 - o. Dr. Jeff Corntassel, Professor in Indigenous Governance;
 - p. Dr. Leslie Brown, retired professor at the University of Victoria, School of Social Work;
 - q. Jeffrey Cyr, Chair – Institute Advisory Board on Indigenous Peoples Health;
 - r. Victor Newman, Elder and residential school survivor;
 - s. Barney Williams, Elder, Band Councillor and former member of the TRC residential School Survivor Committee;
 - t. Marcel Aubin, Director of Administration for a First Nation;
 - u. Miranda Jimmy, Program Manager at Edmonton Heritage Council;
 - v. Marion Newman, Masters in Fine Arts; and
 - w. Ellen Newman, Bachelors of Social Work.
10. One of the members of the Coalition, Dr. Amy Bombay, specializes in and has written extensively on the topic of intergenerational residential school survivors. Attached and marked exhibit “A” is a copy of Dr. Bombay’s article entitled, “*The intergenerational effects of Indian Residential Schools: Implications for the concept of historical trauma*”, published in *Transcultural Psychiatry* September 24, 2013. Attached and marked exhibit “B” is a copy of Dr. Bombay’s paper entitled “*Perspectives on Intergenerational*

¹ *Administering Colonial Science: Nutrition Research and Human Biomedical Experimentation in Aboriginal Communities and Residential School, 1942 – 1952*, *Social History*, XXVI, No. 91, University of Toronto Press, May 2013, pages 615-642.

Transmission of Trauma: The Case of Aboriginal Peoples in Canada”, published in *Social Issues in Living Colour: Challenges and Solutions from the Perspectives of Ethnic Minority Psychology*, Volume 3, at pages 171 – 196.

Importance of Preserving the IAP Records

11. The Coalition recognizes the important work of the Truth and Reconciliation Commission (“TRC”) and their ability to collect more than 6750 statements from survivors, their families and others, sharing their knowledge and experience of the residential school system.²
12. In contrast, it is my understanding that the IAP process collected nearly 39,000 stories of individual residential school survivors and collected over 1 million separate documents pertaining to residential schools.³ Specifically, this IAP detailed the most egregious examples of the abuse suffered in certain residential schools. The TRC records alone do not create a complete and comprehensive record of the residential school legacy.
13. The IAP process has been instrumental in shedding light on the severity of the abuses experienced by some students at certain residential schools. I am aware of many survivors who withheld their stories in the TRC process and, further, from their own children and communities.
14. Personally, my dad would not speak about his experiences directly to me. I was unable to understand my father’s parenting challenges until I began the Witness Blanket project and I heard the stories of numerous survivors and intergenerational survivors. Although they were not *his* story, the process knit together a collective experience that helped me to contextualize the stories of my childhood. Specifically, the stories allowed me to understand that the parenting challenges of my father were not his fault. I also began to understand that as a child I was not to blame either. Now I have a better understanding of the experience of residential school survivors and I am able to forgive both myself and

² Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling the Future: Summary of the Final Report of the Truth and Reconciliation Commissions of Canada*, (Ottawa: Library and Archives Canada Cataloguing, 2015), accessed March 10, 2017 http://nctr.ca/assets/reports/Final%20Reports/Executive_Summary_English_Web.pdf, p.25

³ “Adjudication Secretariat Statistics from September 19, 2007 to January 31 2017”, *Indians Residential Schools Adjudication Secretariat*, accessed March 10, 2017, <http://iap-pei.ca/information/stats-eng.php>

my father and begin a healing process. I believe that the complete IAP records similarly provide context to the individual experiences and they provide a collective understanding of the impacts felt within families and communities.

15. Through the Witness Blanket project and my own personal journey of healing, I have come to learn that a narrative of unresolved trauma or incomplete truths contribute to the intergenerational impacts of residential schools. The Coalition strongly believes that our children, and our children's children, need access to what transpired at residential schools. Children without access to the truth of what transpired are especially vulnerable to feeling intergenerational effects of trauma, which perpetuates a cycle of dysfunction. The IAP records are an important narrative for the understanding of future generations in order to break that cycle of dysfunction.
16. Like the pieces of the Witness Blanket, each individual fragment of the residential school legacy on its own is such a fragile reminder of what occurred—easily lost, forgotten, or buried. The IAP records, together with the TRC stories, create a more complete record of that legacy, a strong and formidable story of loss, and demonstrate strength, reconciliation and pride.

Implications of Destroying the IAP Records

17. We are aware that the profound impacts of residential school continue to ripple through our communities today and will continue for generations to come. Without these records, it becomes easier to deny the truth of what happened in those institutions.
18. The Coalition understands and fully respects the need to protect the privacy of those who shared their stories during the IAP process and acknowledges that their privacy must be protected. Through the process of making the Witness Blanket, I heard many survivors talk about protecting their children by holding back the truth of their personal experience. We believe, however, that we can fully protect these survivors' privacy through redaction and restricted access to their stories.
19. The Coalition views the collective interest in the IAP stories and documents as analogous to indigenous views regarding stewardship of the environment. We have a collective

responsibility to think seven generations ahead and ensure that our actions today serve and protect the wellbeing of future generations. We must ensure that future generations can access the complete history of residential schools to empower them with the knowledge of what has contributed to their broken communities, fragmented families and loss of language and culture.

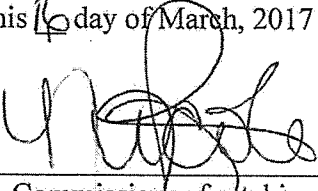
20. We know that many residential school survivors have already passed away and many are very old; there will come a time when there are no more survivors left to share their stories. We acknowledge that it is impossible to have another national “Truth and Reconciliation Commission”. If the IAP stories and documents are destroyed, there will be only a fragmented recollection of the unvarnished truth of what went on in some of those schools, and future generations will be deprived of invaluable insight into their past.
21. The IAP records meet criteria established by Library and Archives Canada (“LAC”) as having historic or archival importance.⁴ In other words, the IAP records include records of judicial or quasi-judicial decisions, records that document specific investigative activities under a federal jurisdiction, and records that document and/or are used for creative or research activities in the cultural, social and scientific domains.
22. The Coalition lives the truth that the legacy of the residential school system has affected and continues to affect all indigenous people. We believe that, it is time for us to change the narrative of residential stories from a story about “me” to a story about “us” and that together, through individual lived experiences, we are building a collective narrative. This collective narrative allows us to reflect on our personal experiences within a broader context, and from this context we can start to draw meaning. It allows us a lens through which to interpret our pain and find healing.
23. We believe that intergenerational survivors are, in many instances, the only living history of the residential school era. The Coalitions actions matter, and what we do now will

⁴ Library and Archives Canada “Operational Case File Records (Authority NO. 2005/2006)” accessed on March 10, 2017 <http://www.bac-lac.gc.ca/eng/services/government-information-resources/disposition/multi-institutional-disposition-authorities/Pages/2005-006-operational-case-files.aspx>

resonate for generations to come and protecting the truth for future generations will provide a foundation for meaningful reconciliation.


- 24. I make this affidavit in support of the Coalition to Preserve Truth for their leave to intervene and for no other purpose.

AFFIRMED BEFORE ME at the City of)
 Victoria, in the Province of British Columbia,)
 this 16 day of March, 2017)



 A Commissioner for taking Affidavits
 For the Province of British Columbia.

NICOLE D. BRESSER
Barrister & Solicitor
 2nd Floor, 736 Broughton Street
 Victoria, BC V8W 1E1



PETER CAREY NEWMAN

Affidavit #1 of P.C. Newman
March 16, 2017
SCC File No. 37037

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL OF ONTARIO)

BETWEEN:

ATTORNEY GENERAL OF CANADA

APPELLANT

AND:

LARRY PHILIP FONTAINE IN HIS PERSONAL CAPACITY AND IN HIS CAPACITY AS
THE EXECUTOR OF THE ESTATE OF AGNES MARY FONTAINE, DECEASED, ET AL.

RESPONDENTS

AND:

THE COALITION TO PRESERVE TRUTH

PROPOSED INTERVENERS

AFFIDAVIT #1 OF PETER CAREY NEWMAN

Filed by:
Christopher G. Devlin
Nicole D. Bresser
Devlin Gailus Watson
Barristers and Solicitors
2nd Flr., 736 Broughton Street
Victoria, BC V8W 1E1
Tel: 250.361.9469
Fax: 250.361.9429
Email: christopher@dgwlaw.ca