

Public Report No. 38

April 1999

to the Legislative Assembly
of British Columbia

Righting the Wrong:

The Confinement of the Sons of Freedom Doukhobor Children

A Fundamental Doukhobor Psalm

BE DEVOUT

...In adversity, do not lose hope; in prosperity, do not morally deteriorate. Hold thriftiness in esteem. Keep careful observation of the different occurrences in life of inconstancy, misfortune and sorrow. Over that which the patient forbear, the fainthearted sigh, lament and wail. Be benevolent and gracious. Give to him that asketh of thee, if thou hast; help the poor, if thou canst. If anyone has hurt thee — forgive him; if thou has hurt anyone — reconcile thyself with him. It is very commendable to refrain from holding



Ombudsman PROVINCE OF BRITISH COLUMBIA

Public Report No. 38

April 1999

to the Legislative Assembly
of British Columbia

Righting the Wrong

The Confinement of the Sons of
Freedom Doukhobor Children

Ombudsman PROVINCE OF BRITISH COLUMBIA

Canadian Cataloguing in Publication Data

British Columbia. Office of the Ombudsman.

Righting the wrong : the confinement of the Sons
of Freedom Dukhobor children

(Public report no. 38, April 1999, to the
Legislative Assembly of British Columbia)

ISBN 0-7726-3898-5

1. Dukhobors - Civil rights - British Columbia.
2. Child abuse - British Columbia. 3. Dukhobors -
Government policy - British Columbia. 4. Sons of
Freedom Dukhobors. I. British Columbia.
Legislative Assembly. II. Title. III. Series:
British Columbia. Office of the Ombudsman. Public
report ; no. 38.

BX7433.B74 1999

971.1'0088'289

C99-960180-6

Righting the Wrong:

The Confinement of the Sons of Freedom Doukhobor Children

Article 39 of the *UN Convention on the Rights of the Child* states:

*States Parties shall take all appropriate measures to promote physical and psychological recovery and social re-integration of a child victim of:
any form of neglect, exploitation, or abuse;
torture or any other form of cruel, inhuman or degrading treatment or
punishment; or armed conflicts.*

*Such recovery and re-integration shall take place in an environment which
fosters the health, self-respect, and dignity of the child.*

RIGHTING THE WRONG

Table of Contents

I. INTRODUCTION	1
A. OPEN LETTER	1
B. GUIDING PRINCIPLES	5
C. WHEN WILL WE LEARN?	6
II. THE POLICY	9
III. THE APPREHENSIONS.....	13
A. THE NEW DENVER SANATORIUM	17
B. THE NEW DENVER DORMITORY	23
IV. THE COMPLAINTS	24
A. LOSS OF LOVE, NURTURING, GUIDANCE AND CHILDHOOD.....	25
B. PHYSICAL and PSYCHOLOGICAL MALTREATMENT.....	29
1. Abuse by Children	29
2. Administrators and Staff	31
3. Loss of Visits.....	40
4. Work Periods.....	42
5. Loss of Food Packages and Gifts.....	44
6. Forcing the Children to School.....	46
7. Use of RCMP by New Denver Staff.....	48
8. Refusal of Temporary Absences	49
9. The Fence.....	50
C. GENERAL LIVING CONDITIONS AT NEW DENVER.....	53
D. LOSS OF PRIVACY, DIGNITY, SELF-RESPECT AND INDIVIDUALITY.....	57
E. LOSS OF CIVIL LIBERTIES.....	61
V. INVESTIGATION FINDINGS	68
VI. OMBUDSMAN RECOMMENDATIONS.....	71

Appendix A

I. INTRODUCTION: RIGHTING THE WRONG

A. OPEN LETTER FROM THE OMBUDSMAN

This Report is about the confinement of children in an institution located in New Denver in the Kootenay Region of British Columbia during the years 1953 to 1959. The parents of these children were Sons of Freedom Doukhobors. The children were apprehended because their parents had either refused to send them to public schools or were in prison. The children had previously been living in rural areas in and around Krestova, near Castlegar, prior to being apprehended and confined in the New Denver facility. The passage of time has enabled these children, now adults, to come forward and tell their stories. They are, in my opinion, entitled to an explanation, an apology and compensation for their confinement in a form that permits them the opportunity to heal. I have chosen to give government the opportunity to prepare its response separately from this Report. Government has had sufficient notice of the contents of this Report for it to be made public. Given the complexities of the issues raised, it is reasonable to give government time to respond in a manner it considers appropriate.

Neither the *Ombudsman Act* nor the *UN Convention on the Rights of the Child* was in place or signed at the time of these material events. Therefore, the pertinent sections of the *UN Convention* have been included as an appendix to the body of the Report rather than in the text. However, since the wrong perpetrated against these children is being investigated and assessed today, it is appropriate to use the *Ombudsman Act* to investigate the historical claim, and the *UN Convention on the Rights of the Child* as a guide to the rights that have been infringed.

In preparing this Report, every effort has been made, wherever possible, to protect the identity of particular individual complainants and public officials. The complainants are entitled to their privacy. Since the public officials who were involved have not been contacted directly by my Office, they, too, are entitled to their privacy. It is inappropriate to lay blame for the wrongs done at the feet of specific people. It is incumbent on government as a public institution to address and act on the findings and recommendations contained in this Report and to right this wrong.

This Ombudsman Report is not about legal liability. It is about historical and systemic abuse of a group of children, resulting from confinement. This Report is about an investigation into a complaint by the Sons of Freedom Doukhobor

children who were physically and psychologically harmed while confined in the New Denver institution. This Report is about how the placement of these children in a confined facility affected them over the many years they were required to stay there, isolated from their parents, families and communities.

Since the release of the children from the New Denver institution, these people adversely affected have at no time been given any explanation for the actions taken, or been offered any compensation from government. The complainants, who are now adults, have lived in silence with their pain and humiliation for approximately 40 years. Only now are they able to tell the story of what happened to them while institutionalized. Only now are they requesting, in their quiet and respectful way, redress for the harm done by their confinement and that government provide them with a full and adequate explanation for their institutionalization as children.

This Report is solely about the effect on the children of the actions taken by government. These children came from intimate family settings in a close-knit religious and cultural community. Their first and only language was Russian. They were taken away from their parents. The children went from total immersion in the family setting to total absence of parents and adult relatives.

These children were victims of a situation not of their making nor within their control. They were caught in a web of conflicting values and political turmoil involving their parents, religious leaders, police and government. They were systematically removed from their homes and their communities by police, forcibly at times, and placed in a former tuberculosis sanatorium in New Denver.

Clearly, children have considerable capacity to cope with adversity. We recognize, however, that to grow and flourish, children need connection with their parents or primary caregivers, and a firm spiritual foundation. Both of these were starkly eliminated from the lives of these children. You will see in this Report that the children had very limited visits with their parents and, from the summer of 1956, the visits were conducted through an eight foot high chain-link fence.

It was undoubtedly impossible in the circumstances for the children to understand that, quite apart from the events occurring around them, they had done nothing wrong. Many with whom we met described feelings of being treated like criminals. The time is long overdue for these individuals to be vindicated.

For a number of reasons, this historic claim presents a more challenging fact pattern for government to address. First, most historic claims that have resulted in a criminal prosecution, inquiry, commission or investigation have been primarily about abuse referred to as "sexual." The public's understanding and empathy for the victims of "sexual" abuse is rightfully heightened. There are far fewer reported cases about psychological maltreatment, particularly of children who have been totally isolated from their parents. Some may consider this form of child abuse not so repugnant and the resulting damage impossible to assess and quantify. This is simply not true. In this case, the long-term harm results from the fact that the children were isolated from their parents and had no escape from the institution.

The Office for the Study of the Psychological Rights of the Child, School of Education, Indiana University-Purdue University, Indianapolis, has defined psychological abuse as: "any repeated pattern of caregiver behaviour or extreme incident(s) that convey to children that they are worthless, flawed, unloved, unwanted, endangered, or only of value in meeting another's needs."

A definition of "maltreatment" resulted from the agreement between the survivors of the Grandview Training Centre and the government of Ontario: "Injury as a result of a pattern of conduct that was 'cruel' and for which no reasonable justification could exist (arbitrary) and includes conduct that was non-physical, but had as a design the depersonalization and demoralization of the person with the consequent loss of self-esteem, and may involve discipline measures unauthorized by any superior authority.... This conduct may include taunts, intimidation, insults, abusive language, the withholding of emotional support, deprivation of parental visits, threats of isolation, and psychologically cruel discipline or measures which were not officially permitted in the management and control of the residents of the facility."

Second, as compared to some other instances of historic abuse, there may be less public sympathy for the plight of these children because of alleged wrongdoings of their parents at the time of the apprehensions and confinement. While there may be an historical recounting of events leading up to the confinement, such a restatement may only stand in the way of healing for these individuals. Government must focus on what transpired for the children while confined and not rationalize the State's conduct based on events relating to the adult parents involved. Such a focus would only serve to re-victimize and re-injure these children who are now adults living with the memories and the trauma. Their courage in coming forward ought to be met with receptivity and respect. Government must recognize that casting a light on these events will have a cathartic effect. Only then will the complainants be able to begin the process of forgiveness and healing.

In the end, the primary focus of this Report is on the children, now adult survivors, and the manner in which government should respond to a claim of physical and psychological maltreatment resulting from institutional confinement. The response must be given in a manner that promotes healing, forgiveness and well-being for the individuals and the community. The manner in which this Report is received is as important as its contents. The way in which government responds and the way in which compensation is proposed by this Report are based on a model of restorative justice. It is my hope that this Report provides insight into what transpired and a vision as to how government can right the wrong.

Respectfully submitted,

A handwritten signature in black ink that reads "Dulcie McCallum". The script is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Dulcie McCallum
Ombudsman for the Province of BC

B. GUIDING PRINCIPLES OF THIS REPORT

1. All children, regardless of their situation, have the right to be valued and to be treated with respect and dignity.
2. All children have the inalienable right to be free from abuse, neglect and maltreatment.
3. All children are entitled to be free from corporal punishment.
4. All children have a right to a safe physical and emotional environment.
5. All children are entitled, whenever possible, not to be removed from their parents as their primary caregivers unless the anticipated harm leading to the apprehension is directly related to the abusive or neglectful behaviour of the parent towards the child.
6. All children have the right to receive appropriate programs from adequately trained and properly motivated staff.
7. All children have the right to receive developmentally appropriate services, in keeping with their culture and religion.
8. All children should have the opportunity to access publicly funded services in their home communities or as close to their homes as possible.
9. All children are entitled to know their statutory rights and to be given the opportunity to be heard, and to participate in decisions affecting them.
10. All children, including those detained in places of confinement, are entitled to the statutory rights and protections provided for in domestic legislation and the ***UN Convention on the Rights of the Child***.

C. WHEN WILL WE LEARN?

In the six and a half years that I have been Ombudsman I have reported publicly on institutional abuse of children. I have issued two public reports about institutional abuse: ***Building Respect: A Review of Youth Custody Centres in British Columbia***, Public Report No. 34 and ***The Abuse of Deaf Students at Jericho Hill School***, Public Report No. 35. In my Annual Reports I have identified the problems faced by those abused as children in institutions and the barriers they face in trying to deal with their experiences. I have made recommendations to government that, if implemented, might help to prevent recurrences. It is important that we learn from past experience and take all steps necessary in order to prevent history from repeating itself. Government must commit to taking all reasonable steps to prevent the negative consequences of committing children to institutions, where such living arrangements continue to be relied upon as a way of serving particular children and youth.

My hope is that government, in response to the outstanding Recommendations that follow, will operate on the premise that:

All those responsible for serving children and youth, including those working on contract with the provincial government, must be instructed in the rights of children.

All children required to live in places of confinement must be given the maximum legal protections to prevent abuse, neglect, punishment and maltreatment.

All children required to live in places of confinement must have all of the statutory legal rights available to all other children in care of the State.

All places of confinement must be managed in accordance with explicitly designed and defined practice guidelines that comply with the Guiding Principles of this Report, the ***UN Convention on the Rights of the Child*** and the legal protections for children.

The Recommendations arising out of the investigation into the complaints about the treatment of Sons of Freedom Doukhobor children are specific to their situation. In addition, I take this opportunity to repeat those Recommendations made as result of previous investigations by this Office, but which government has yet to fully implement.

It is my hope that we will learn from the past. It is my hope that we will learn from the experiences of children and youth who were harmed while residing in institutional settings to prevent such harm from taking place now and in the future. It is my hope that government will begin to implement all previous and current Recommendations to prevent further harm to children and youth. Let this be the last report that repeats these Recommendations and previous advice:

1. Subsection 70(3) of the **Child, Family and Community Services Act** RSBC 1996, c. 46, should be repealed. (See Recommendations 4 and 5 in **Getting There**, Public Report No. 36, at page 22).
2. All children, whether or not in care of the Ministry for Children and Families, shall, on admission to a place of confinement, be given an orientation regarding their rights, including reading, reviewing and asking questions about s. 2 (Guiding Principles) and subsec. 70(1) of the **Child, Family and Community Services Act**.
3. On discharge from any place of confinement, all children and youth shall undergo an exit interview with a quality assurance manager from the Ministry for Children and Families, to report on the care received while in confinement. (See Recommendation 6 in **Building Respect**, Public Report No. 34, at page 12).
4. All residential settings for children and youth, including all places of confinement, will have a universal set of standards of care. These standards or guidelines must be consistent with the **Child, Family and Community Services Act** (ss. 2 and 70) and the **UN Convention on the Rights of the Child**, and incorporate the recommendations in this Report and the Ombudsman Public Reports, including **Building Respect** and **Abuse of Deaf Students at Jericho Hill School**, that aim to prevent abuse, neglect and maltreatment of children and youth while residents. (See Recommendation 33 in **Building Respect**, at page 33).
5. The Attorney General is encouraged to enter into discussions with the Attorney General of Canada to propose the repeal of s. 43 of the **Criminal Code of Canada** to remove the legal defence given to parents and caregivers for their use of corporal punishment against children and youth.
6. Government should make every effort to properly resource support services for children in places of confinement to ensure they are able to maintain their connection to natural families, arranged caregivers, social and mental

health workers and probation officers, both while interned and following discharge. (See Recommendation 28 in ***Building Respect***, at page 37).

7. The Attorney General reconsider the ***Limitations Act***, RSBC 1996, c. 266, s. 4 and, in particular, consider an amendment to para. (k) to remove the restriction of "sexual" in claims for historic abuse of minors and to extend the benefit to bring an action beyond a limitation period to all claims for maltreatment of children.

II. THE POLICY

Government policy was developed to deal with the refusal of the Sons of Freedom Doukhobors to send their children to school. After the first children were apprehended and placed in New Denver on September 9, 1953, children were apprehended under the provisions of subsec. 7(m) of the **Protection of Children Act**. This provision enabled the police to apprehend any child "apparently under the age of eighteen years" who, "by reason of the action of his parents or otherwise, is habitually truant from school and is liable to grow up without proper education." Accordingly, the **Protection of Children Act** was used as the legal authority to apprehend children "apparently" between the ages of six and fifteen years and place them in the New Denver Sanatorium.

The then Department of the Attorney General and the then Department of Education had joint responsibility for the formulation of the policy pertaining to the placement of the children of the Sons of Freedom Doukhobors in New Denver.

A document entitled *Report of Liaison Meeting of Government Officials Authorized by the Honourable the Attorney-General – and Education of "Sons of Freedom" Children not Presently in School, July 29, 1953*, includes the following excerpt:

5. It was felt that consideration should be given to adopting a policy under which there was a gradual deprivation of the civil liberties of those who refused to send their children to school.
-
7. The steps of deprivation of civil liberties having been decided upon there should be no retreat from the particular step which has been taken. This has been one of the great weaknesses of the past.

A Local Committee on Doukhobor Affairs was based in Nelson and consisted of officials from the Departments of Education, Health, Welfare, Lands, Public Works, and the RCMP. The Deputy Ministers' Committee on Doukhobor Affairs was based in Victoria and consisted of deputy ministers and their major officials in the Departments of the Attorney General, Finance, Lands, Health, Welfare, Education, Public Works, as well as the RCMP. In the *Report of the Sons of Freedom Situation September 1953 to May 1954*, prepared by both the Committees, are the following comments:

Your Committees gave thought to recommending the building of schools in these strictly Sons of Freedom communities but discarded the idea for the following reasons:

(c) The children will become good Canadians most rapidly if they associate with other Canadian children in regular schools.

It is the belief of your Committees that the major hope of solving the Sons of Freedom problem is by a generation or two (25 to 50 years) of compulsory education of children.

In 1955, the government began to consider the idea of keeping the children of the Sons of Freedom Doukhobors in New Denver until they reached the age of eighteen years. The government considered applying the **Protection of Children Act** to all such children under eighteen years of age who were truant from school.

The Social Welfare Branch wrote to the Department of Child Welfare on January 17, 1955, discussing the rationale for the policy, and specifically the proposal from various government officials to retain the children in New Denver until age eighteen:

We wonder if this suggested policy makes the **Protection of Children Act** a means to an end which seems to include a broadening out from a concern about School Attendance to an all inclusive though partly obscured attack on the religious beliefs and culture of this troublesome sect. This appears to be based on a belief in the power of education to break family ties. We believe this is a scientifically and sociologically false assumption. It is doubtful to us that this will ever sever cultural and family ties so that the children will be "assimilated" and "Canadianized." We do not question the value of any amount of education which these children might receive but we do question their receptivity under conditions that to them and to their parents can only appear false and odious.

We wonder if this policy is to be pursued if it might be advisable to drop the use of Section (m) as a "gimmick" and to come out in the open by using other sections of the **Protection Act**, if they exist, which would admit the basis of removal and non-return was not merely school attendance but a broader belief that the religion and culture was what the child had to be protected from?

How are we to interpret this prolonging of the separation of parent and child? We fear the group will soon realize that their children are being kept from them for more than non-school attendance.

The proposal of expanding the policy to encompass children from fifteen to eighteen years of age was eventually rejected.

Responsibility for the implementation of the policy can be traced to the Department of the Attorney General, the Department of Education and the Department of Welfare. A letter from the Department of Education to the Department of the Attorney General, dated July 29, 1953, written prior to the placement of any children in New Denver, reads, in part:

As you know, many Doukhobor children of the "Sons of Freedom" in Krestova, Gilpin, Glade and elsewhere have not been attending school.

When the necessary facilities and arrangements have been completed it is planned, as part of Government policy, to place these children in school.

The implementing of this policy will probably involve co-ordinate action and responsibilities from the following Departments of Government: the Department of the Attorney General and the RCMP, the Department of Health, the Department of Welfare, the Department of Public Works, the Department of Education, and the local School Boards.

An examination of archival records has revealed a plethora of correspondence among the respective departments, as well as minutes of meetings from the Deputy Ministers' Advisory Committee on Doukhobor Affairs, concerning the formulation and implementation of this policy.

The Department of Welfare was to have the primary responsibility for the care of the children. The *Report of the Sons of Freedom Situation September 1953 to May 1954*, went on to state:

The success of the whole programme is very definitely conditioned by the ability to follow through in every case and place in the care of Welfare all children whose parents are obdurate, when school facilities are available. Though it has co-operated in the programme to date it is only fair to say that the Department of Welfare is not happy about being used for this purpose and would prefer some other final penalty for parents than that of losing custody of their children.

The Department of Child Welfare wrote to the Department of Welfare, with a copy to the Department of the Attorney General, on August 18, 1953, and expressed a hope that an alternative plan could be worked out:

The present critical situation unquestionably calls for prompt and effective Government action. However, because responsibility for the evacuation and subsequent planning for the children must ultimately be mine, I would respectfully request that I be permitted to meet with the heads of departments concerned at an early date. Perhaps there may still be time to consider some alternative action to the proposed removal of the children.

III. THE APPREHENSIONS

The hope expressed by the Department of Child Welfare for "some alternative action" quickly dissipated. The story of New Denver from the complainants' perspective begins with the removal of the Sons of Freedom adults and their children from a tent village at Perry Siding, BC, in September 1953.

On September 9, 1953, the RCMP arrested 148 adults at the tent village for parading nude near a school. These adults were placed on a train, taken to Vancouver, tried, convicted and sentenced to terms in the Oakalla prison. The children, 104 in total, were taken by bus to New Denver.

This Report will not deal with the actions of the government in removing the adult members of the Sons of Freedom. What I will do is give two accounts of how this action was perceived by the children who experienced the event first-hand. The first account comes from a man who was eight years old at the time. This is how he remembers the raid:

We first observed the RCMP massing at the roadside leading to the camp. They were observed lined up, leaning over the fence, seemed to have been drinking a lot of beer -- tossing beer bottles inside the fence and so on. Subsequently, they attacked en masse and started beating up the adults in the camp. Several -- at least a hundred of the adults and the smaller children were in the prayer tent. I was there in the prayer tent. The adults arranged us towards the back or the sides of the tent and so the police eventually attacked the tent and started beating up the adults or parents. I distinctly remember them clubbing people. I seen blood on people's faces. People falling all over as the police were advancing into the tent. Myself being just eight years old, it was the most terrifying experience I have ever had in my life before or after that. I was in absolute shock. Somehow some of us kids got underneath the side of the tent and ran screaming in total shock across the fields and hid in the forests and there we stayed for hours until evening time. I thought my parents were dead. The police were so violent and people being knocked. I feared the worst. I thought my parents were dead and didn't know what to do. Until the evening some of the older children found us and told us what happened at -- the parents were being put on the train and will be taken to jail and that we had to board buses and be taken some place.

So they took us on buses to the New Denver. It was late at night when we got in and that was my home for the next three years.

The second account is from another complainant:

At one of the meetings the police invaded the tent where the meeting was held, clearing the way with their clubs injuring women and anyone that was on their way, then beating and dragging the two men they wanted, to their car, we were so frightened, there was a lot of crying and screaming. We have never seen anything like that before, so when on September 9, 1953 the Mounties marched down the road towards us, four abreast it was horrifying! We did not know what would happen but remembering what happened before we were frightened to death... I used to have nightmares for a longest time and to remember it still hurts.

This was a common beginning for the children who were apprehended and placed in New Denver during the period 1953 to 1959.

There are references to midnight apprehensions in the archival documents. For instance, a letter from the Department of Child Welfare, dated April 20, 1959, states, in part:

Another matter which [was] brought to my attention was the difficulties arising out of the decision to apprehend the Doukhobor children from their homes after midnight. I was under the impression that the Deputy Ministers' Meeting had more or less gone on record as being in opposition to this policy and certainly I have never considered it to be desirable from a public relations' standpoint and from a child welfare standpoint it has nothing to recommend it. Beyond this, however, such apprehensions present major problems to our staff. For instance, ...[the] workers were called from their homes after midnight and I believe one of them was required to take a child or children into their own home where they were kept until morning when the court would be available for presentation.

Responding to this letter, the Department of Social Welfare wrote to the Department of Child Welfare on April 27, 1959, stating, in part:

I had an opportunity of discussing the contents of your letter with the [Department of the] Attorney-General and this is to advise you that he is taking up the matter of the necessity of having a social worker present when the RCMP pick the children up at midnight or thereafter. It is realized that it is proper when picking up these children to have a social worker present ... I think the outcome of his discussion with the RCMP will be that the children will be picked up early in the morning rather than late at

night. This will alleviate the necessity for social workers to be called out during the evening.

It appears that the midnight raids may have eventually come to an end in 1959. Despite this change, many children lived in fear. We have heard accounts of children hiding from the police in all kinds of places. We heard about a child hiding below a trap door that was covered in hay and the police searching the haystacks with pitchforks. As one of those interviewed recounted:

I mean it's just taken away from your parents, Holy Christ, I mean we used to hide. We still remember the hay over where the cops have come with pitchforks hey and you'd see them, hey ... and you'd run like crazy and six years old, you were running, you are still running, you are running...

We have heard many accounts of apprehensions, which, when seen through a child's eyes, must have been terrifying. The following is part of an RCMP report concerning an apprehension that occurred on January 6, 1956. Five members of the RCMP were searching for truant children pursuant to a search warrant.

6. Upon arriving at the ... home, a small boy age seven or eight years was seen running from the house...
7. Upon examining the basement portion of the house, this small boy was seen hiding between the floor joist at the north end of the house. This child was asked to come out by the [RCMP]. Both parents instructed their child to remain under the house. The parents interfered considerably while Warrant was being executed. In order to gain access to this child, several boards at the base of the house were removed and damaged. Some dirt was removed from the north west corner near the house so a member could crawl under the house to get the boy...
8. When the child was brought to the outside, it was noted that he was quite small and very under-nourished, however, he did express willingness and great pleasure in the thought of going to school and being able to associate with other children.

The following is an account of an apprehension of a child "about eight years," contained in a memorandum dated March 12, 1954, from the Department of Social Welfare:

[He] watched his mother struggle with the policeman as the mother took a stick and went after him, screaming and the policeman held her. She grabbed hold of the car as the car was leaving and the last [he] saw of his

mother was the policeman pushing her to the side so we wouldn't run over her. It was unfortunate we had called at this home with only one policeman, as in the other cases we went with several policemen and the child was dressed and handed over to our Department. I would say that [he] will show signs of the traumatic experience that he has gone through.

The archival documents contain numerous examples of similar apprehensions. We have heard allegations that the RCMP used dogs on occasion to assist with these apprehensions. The archival material also contains references to escapes from New Denver and subsequent reapprehensions by the RCMP. We have heard allegations of mistreatment of the children by the RCMP. I have concerns about this reported conduct. The majority of people interviewed told us that they still experience considerable anxiety when they are in the presence of RCMP members in uniform. I am not investigating these allegations because I do not have the jurisdiction to do so, by reason of the **Police Act**, RSBC 1996, c. 367.

A. THE NEW DENVER SANATORIUM

On September 9, 1953, 104 children taken from Perry Siding were placed in New Denver along with 12 of their mothers and one grandmother. They were housed in what had formerly been a sanatorium for tuberculosis patients. As an official in the Department of Child Welfare stated in a letter to the Department of Social Welfare, dated September 11, 1953:

Government policy in connection with the Doukhobor problem has been decided upon, and our responsibility is to see that the children are protected and cared for physically and then, as far as it is possible, that they are legally in our custody.

On September 16, 1953, all of the children were presented before the local magistrate at New Denver. The transcript of proceedings held on September 16, 1953, recorded this information:

The said 104 children were apprehended on the 9th day of September 1953 and are children in need of protection, under the age of eighteen years, apprehended under section 7 of the **Protection of Children Act** of British Columbia, by reason of subsection (d) of the said section 7 were 'found in company of people reputed to be criminal, immoral and disorderly.'

(One month's adjournment) and that in the meantime and as provided for in Section 8, subsection 4 of the **Protection of Children Act** the 104 children be retained in the custody of the Superintendent of Child Welfare.

Judge's notation - At the court hearing it was impossible to put the information to the children as they were praying, singing, and crying and would take no notice of the court order to keep quiet.

On September 23, 1953, one mother applied before the magistrate for the release of herself and her child. On this same day, the first head of New Denver began employment.

It is clear that the facilities at New Denver could not handle anywhere near the number of children being confined there at that time. A memorandum from the Department of Welfare to the Department of Public Works, dated October 7, 1953, confirmed the problem:

We are endeavouring to effect the removal of the mothers and their children under six and older children in the age group 14-18, as the

Provincial Public Health Office has condemned use of the building unless the population is brought down to around 60 persons.

As a result, a mass movement of children and mothers took place on October 10 and 12, 1953. On October 10, 1953, 11 mothers and 38 children were removed (of these, 17 children were between the ages of one month and three years inclusive; seven between the ages of four and six years inclusive). On October 12, 1953, the remaining mother, together with the grandmother and 14 children were removed (one infant, four children between the ages of four and six inclusive). In total, it appears that 42 children were removed. Other children were likely removed over the next few days.

Fifty-three children were released to either relatives or parents. On October 16, 1953, a government official appeared before the magistrate to speak to the adjourned hearing of September 16, 1953, involving these 53 children and the remaining children in New Denver. The magistrate granted the request for a further six-month adjournment with respect to the 50 children remaining. Thus, these children were "before the court," but placed under the supervision of the Department of Child Welfare.

It is clear from our review of the archival records that the Department of Child Welfare had attempted throughout the fall of 1953, without success, to have the children in New Denver placed with members of the Orthodox and Independent Doukhobor communities. The waning vigour with which this search for foster homes was pursued appears to have coincided with a proposed plan on the part of the Department of Welfare to house future apprehended children of the Sons of Freedom Doukhobors at the William Head Quarantine Station in Victoria. A November 9, 1953 letter confirms this plan:

It is felt that the matter of schooling will result in further actions, perhaps with the necessity of taking additional children into care. Therefore I feel that if arrangements could be made, either at Williams [sic] Head or some other point where accommodation is suitable, then any children taken over by the Child Welfare Division could be immediately sent there.

This has certain benefits, as we have found with those housed at New Denver that they are too close to the parents and relatives and the children are generally a bit upset each day that any visiting is allowed. By being at the coast this would help in keeping the children less disturbed and, I feel sure, more co-operative.

The town of New Denver where the institution was located is many miles from the villages where those parents and families released from Oakalla lived. During this time, the Department of Welfare was receiving solicitations from owners of other facilities throughout the province who were interested in providing secure housing for the apprehended children of the Sons of Freedom Doukhobors.

Although the provision of an education was the ostensible reason for internment, correspondence from the ministry responsible for education, soon after the detention, highlights the prominence of housing the children as the issue:

As soon as there is some idea of the length of stay at New Denver, recommendations might be made for establishing a temporary school, if only for the moral effect.

By December 1953, attempts were being made to conduct classes in New Denver. The children were resisting these efforts. Visiting by family, which had been permitted for two hours every Wednesday and Sunday during the fall of 1953, was reduced to every Sunday as of December 9, 1953. Parents were notified only by notice in the Nelson Daily News. The population of New Denver was 36 children as of December 12, 1953. While the staff were attempting to get the children to school, visits were temporarily suspended. Shortly thereafter, visiting was changed to one hour every second Sunday. The school program at New Denver began "in earnest" on January 11, 1954. The struggle that took place with some of the boys when they were forced to go to school was documented in a memorandum dated January 14, 1954.

I went with Mr. ... our other attendance officer...into the boys' ward. The boys were grouped in a circle at the far end of the ward and were getting ready to start their usual prayers which are a protest against school. Approximately half of the boys were stripped when we arrived upon the scene. The two over-school aged ...boys were standing on either side of their thirteen-year-old brother, ...

We had previously decided to get [the thirteen-year-old] to school first because we knew that we would probably encounter the greatest difficulty with him. This may seem like backward reasoning but we felt that we could more satisfactorily break the back of the resistance by overcoming the leadership group first....We certainly got plenty of resistance. [The attendance officer] told [the boy] to put his clothes on and come with him to school. [He] gave an emphatic "no" and grabbed onto the posts of his bed. [The attendance officer] started to pry [the boy's] hand loose from the bed, at which time both [the brothers] started pulling at [the attendance officer]. ...The only force of any kind which he used, other than wrestling

free of the brothers was to deliver a warning push with his clenched hand to [the boy's] body.

The children were placed in New Denver purportedly to receive a "proper education" as per the ***Protection of Children Act***, but the children's command of the English language was negligible at best. Despite their lack of comprehension of English, no Russian teachers or interpreters were provided. However, the government had, in fact, been forewarned. One finds the following in a letter to the government, dated July 17, 1953:

Further to my letter of June 30 may I submit to you for your kind consideration the following suggestions regarding the education of the children of the radical Doukhobors of this province:

I. Only teachers suitable for these schools should be appointed:

1. Preferably teachers that can understand and speak the Russian language. Almost essential to win and retain their confidence. (Writer's emphasis).

Complaints concerning life while in New Denver will be addressed in detail later in this Report. At this point I would like to take the opportunity to acknowledge the first director of New Denver. Consistently, the people whom we interviewed spoke very highly of the man who was the head of New Denver from 1953 to 1956, when the institution was being administered by the Department of Welfare.

Here is a sample of how he was remembered by complainants we interviewed:

I think it was when the Welfare was looking after from the first and it was much simpler, you know, because of the workers that were there, you know. I think ... was his last name, he was there. He acted like a father, you know. He'd come in and he had the kids that were low and hurting and he knew who they were, and come and help them draw pictures and stuff like that.

Mr. ... was in charge at that time. Actually, I liked him. He was really nice. I remember he had this old school car. I don't know exactly what happened, but anyway, he was giving us rides and I'd even sit and ... with him, you know. He was a father almost to the kids. So he was no problem.

I remember [him]. He was kind. He was very tall, very tall good looking man and he'd look at you. I don't know what he'd say to you. I never spoke Russian, I mean English. I don't know what he'd say but he'd smile and he looked kind.

Reading through the weekly and monthly reports prepared by the Department of Child Welfare, with copies to the Departments of Education and Attorney General, it seems apparent that the director was a compassionate and caring person. Despite his obvious positive attributes, I think that he underestimated the effect that New Denver had on these children of the Sons of Freedom Doukhobors. In his monthly report to the Department of Child Welfare for September 1954, he stated:

I recognize ... these children miss their parents, but I honestly feel that this experience is not going to scar them emotionally. They will never forget it, but they will never – honestly – be able to claim mistreatment.

Sadly, it is evident that the vast majority of people who have come to us have been emotionally scarred, in the long term, by their institutional experiences in New Denver.

While I have no doubt that the director did all that he could for these children, he was seriously hampered in his efforts by, among other things, a significant lack of financial resources and qualified staff. It seems evident that the government sought to drastically reduce the operating budget of New Denver. Evidence of this can be gleaned from the following memorandum of August 8, 1955:

The [government] is seriously concerned with the cost of maintaining Doukhobor children ... in the San at New Denver... The [government] has directed that immediate steps be taken to effect a 15% reduction in the operating costs in this Institution.

The above directive led to instructions such as those contained in a letter from the Department of the Attorney General, dated November 25, 1955:

No doubt you consider that the appointment of an Assistant Supervisor may be necessary even though no additional children are apprehended. I would suggest, however, that you do not employ all of the Assistant Matrons until such time as their services are shown to be essential.

The following communication within the Department of Child Welfare on September 21, 1955, summarizes what it must have been like for the head of New Denver:

The business of living with from 80 to 130 children and planning for them 24 hours a day is no mean task... However, in the informality of the Home setting with 130 healthy not too co-operative youngsters and only 33 staff members for the 24 hours – which means only a few on at any given time – the situation is different.

In such a setting the Director of the Institution has a great responsibility for guidance, supervision, and interpretation of the programme and approach to staff members. This burden becomes doubly heavy when such staff as is available is untrained and inexperienced though willing.

It is, in our opinion, quite impossible for one person in the position of head of an institution of the nature and size of the Doukhobor Home in New Denver, to provide the continuity of guidance and leadership required by other staff. For this reason it is strongly urged that an able and qualified assistant to [the Director] be appointed at an early date.

Many months later, the director's requests for additional staff continued to be ignored. As the government relayed to him on November 10, 1955: "I regret very much to advise you that there has been no decision reached with regard to the engaging of extra staff."

During 1955, and the early part of 1956, it is evident that conditions in New Denver were markedly worsening, particularly the general conditions of the facility and the tensions between staff and the children. The government was well aware of the problems. A senior government official wrote a letter on January 17, 1956, stating, in part, "I am advised that it is the opinion of [the director], in charge of the New Denver School, that conditions are nearly out of hand at that school."

B. THE NEW DENVER DORMITORY

On April 11, 1956, the Superintendent of Child Welfare entered into an agreement with School District #8, Slocan City, BC, (hereafter referred to as the Agreement), whereby the operation of the institution was transferred to School District #8. The Agreement stipulated, among other things:

- (2) The Board will act toward such children at all times with kindness and consideration, teaching habits of truthfulness, personal cleanliness, and industry...
- (6) The Board will permit the said children to be visited by parents and near relatives within the set visiting hours to an extent commensurate with the emotional needs of the said children.

Correspondence dated July 17, 1956 offered the following explanation for why the institution was renamed the New Denver Dormitory:

Legally, the institution at New Denver is now a School Board dormitory and in no way comes under the **Welfare Institutions Licensing Act** and its Regulations. The Superintendent of Child Welfare, while retaining legal guardianship of the children in the dormitory, has placed them in the foster care of the Board of School Trustees and its officials subject, of course, to that care being satisfactory to the Superintendent of Child Welfare.

A second director took over the institution on April 1, 1956, replacing the previous head. At this point, I will not discuss the particulars of what life was like for the children in New Denver under the new administration. I will have a great deal to say about these conditions when I address the allegations made by the complainants later in this Report. Suffice it to say for the moment that it was the overwhelming consensus of the children that life got far worse for them after there was a change in the head of the institution. We heard from many complainants:

Life in New Denver was hell.

The magic day for the children of New Denver was August 2, 1959, the day that all 77 children remaining in New Denver were released. On July 31, 1959, their parents swore an oath in court before the magistrate, undertaking to send their children to school.

IV. THE COMPLAINTS

As in any institutional setting, the experiences of the children in New Denver were uniquely individual; however, there were many common stories. It is important to acknowledge at the outset that several of these complainants have some fond memories of New Denver, such as life-long friendships made, sporting and other recreational activities provided, outings, such as a field trip to Banff in the case of the younger children, and one to Vancouver for the older children. Several have some good memories of their time in school. One man interviewed, who had managed to successfully remain hidden from the authorities, speculated that he might have been better off had he been apprehended and given the educational opportunities that others received. Having said this, some of the complainants have told us that they have no fond memories whatsoever.

I have categorized the complaints under the following headings: Loss of Love, Nurturing, Guidance and Childhood; Physical and Psychological Maltreatment; General Living Conditions at New Denver; Loss of Privacy, Dignity, Self-respect and Individuality; and Loss of Civil Liberties. What stands out in this investigation is the consistency of the complaints expressed to us by the complainants. Moreover, we have found support for each of these complaints in the archival records examined.

A. LOSS OF LOVE, NURTURING, GUIDANCE AND CHILDHOOD

(Refer to Article 29 of the *UN Convention on the Rights of the Child*, ("*Convention*") Appendix A).

The most significant loss expressed by those who have come to us with their complaints is that of the parent-child relationship for a significant period of their childhood.

The first director expressed this loss well in a memorandum to the Department of Child Welfare dated June 15, 1955:

They all miss their parents. This applies particularly to the smaller children.

But frankly, in the sense that we have changed the children to an "enlightened" viewpoint, I don't think that we are really very far along from the point we started from. I don't refer to progress in reading, writing and arithmetic, which seems good. I refer to inner attitudes. I think the parents still hold first place in these children's minds, just as with almost any other child-parent relationship anywhere.

Prior to the placement of these children in New Denver, the government was informed of the detrimental impact that this separation from their parents could have on the children. For example, the President of the Canadian Association of Social Workers, British Columbia Mainland Branch, wrote to the government on September 14, 1953, and stated, in part:

1. For the best care of children they should remain in their own home, in the home of a relative, or in an environment as nearly consistent with their own cultural background as possible.
-
3. Experience has amply shown that an individual cannot be brought into being a good citizen by force. Good citizenship comes from good parent-child relationships. Where the problem is not with one individual but with a group, successful work can only be brought about by work with the group as a whole. This means non-separation of children and parents.

(Refer to Articles 5 and 9 of the *Convention*, Appendix A).

Here is a sampling of comments taken from the transcripts of interviews with complainants, and from written statements sent to us, concerning this loss.

This complainant was eight years old when he was placed in New Denver:

So they took us on buses to New Denver. It was late at night when we got in and that was my home for the next three years... Needless to say I really missed my parents. Being so young, I really needed the protection and the love of my parents. At least I had my sister, ..., with me, so that helped some. That was of course the first time I was away from my parents for any length of time. In a strange place, in an institution with people I did not know. People who did not show any love or affection to us. I mean the staff at the institution.

These comments are from a woman who was then ten years old:

Well my most vivid memory of it all was my every waking minute that I had there for the five years that I was there is I want to go home. That's my most vivid thought and memory at that time. I thought every waking minute I want to go home, I want to go home.

There was no guidance even you know from them... There was no guidance in that in the growing up part, you know, for the younger girls.

And this from another complainant who was only seven years old:

When we got there this is how it was. There was only one person to so many kids and they could only supervise so much. So whatever went on between the kids, among the kids, they weren't able to handle. I mean you had nowhere to go really. If you had a problem with any of the kids or any personal problem you didn't have sort of a place to really talk to anybody... I think that's harsh to be brought up that way for quite a long period of time in their life. I spent four years and eight months there myself.

A woman who was nine years old at the time had these comments about the loss:

The hardest part of being in New Denver was being separated from my parents, and being confined. That was very difficult, not being able to go any place other than New Denver.

I just remember the most vivid things – the confinement and the lack, I guess, of love and personal attention.

Or, these disturbing words from a woman who had turned seven years old just prior to being placed in New Denver:

No emotional – no hugs – you put somebody away into an institution and don't hug them – just a child. The matrons never hugged us. They never gave us comfort. They were not – you were emotionally barren. There was no love given. What does a child grow up thinking then? What he is like or what is she like in years later? I don't know too much more. It's just to me like that stuff that was done was not done for my good. It was done to hurt me. They did hurt me.

Finally, and simply, these words from another:

I came to New Denver in 1953. Taken away from my parents at ten years old... I lost my childhood in those three years.

We found no evidence that any of the children received any form of counselling or guidance while interned in New Denver between 1953 and 1959. This lack of counselling appears to be in marked contrast to the federal government's detailed instructions covering the operation of the Indian residential schools. In 1953, the federal government passed a regulation that required principals of these schools to maintain standards acceptable to it concerning, among other things, counselling and guidance. Even after the children were finally released from New Denver in 1959, the government provided no counselling for either the children or their families. This remains true today.

Lack of supervision, poorly trained staff, and insufficient number of staff at New Denver was a consistent theme expressed by the complainants. These allegations are well documented.

As part of an effort to locate alternative facilities for the New Denver children, government officials visited a facility at Allison Pass on July 21, 1955. In a document entitled *Report on Building at Allison Pass*, we find this information:

The recognized ratio of staff in an institution designed for the care of children for whom 24-hour supervision is essential, is one staff to every three children. The very minimum, taking into consideration the 40-hour week, stat holidays, etc. which could be considered in this project would be one staff to four children. If the total population in both the main Sanatorium building and the new unit is to be 75 plus 48 or a total of 123 children, there would need to be at least 31 staff persons available to the over-all project.

In point of fact, as at July 1955, there were 70 children contained in New Denver. There were only eight regular matrons and two relief matrons to care for all of these children all of the time.

As for the complaint of poorly trained staff, this criticism appears to have been endemic to the institution for the entire time period. A Department of Child Welfare missive, dated July 7, 1955, stated:

Insofar as additional staff at New Denver is concerned, I believe it will be extremely hard to find suitable people.

The archival records contain statements from various officials associated with the "project" commenting on how fortunate it was that serious injury or death did not occur at this institution. The other clear outcome resulting from insufficient and poorly trained staff is that the love, nurturing and guidance of their parents, lost to the children, was not replaced in any form by staff.

B. PHYSICAL AND PSYCHOLOGICAL MALTREATMENT

(Refer to Articles 19 and 20 of the *Convention*, Appendix A).

We have heard allegations of maltreatment that took many forms and involved numerous players.

1. Abuse by Children

Sadly, it is apparent that various forms of abuse inflicted on the younger children by the older children were commonplace throughout the history of New Denver. Having said that, we hold the government to account for permitting or failing to prevent this form of child-to-child abuse. (See *Building Respect*, Ombudsman Public Report No. 34, June 1994).

The following vignettes provided by the complainants serve to highlight this maltreatment.

One man who was a seven-year-old boy at the time told us:

The thing I hate about New Denver, is that, well, the physical abuse that was done to me by my own kind, which you have no place to go for comfort, especially like your parents, you know. You have no, you have to tough it out.

When you consider the next description, you can see the difference in perception between how the complainant remembered his incarceration and how officials charged with administering the institution remember events. These comments are from a man who was eight years old when taken to New Denver:

Also some of the older boys were really aggressive and used to beat up on smaller, weaker boys and I guess I got the worst of it. So a lot of times I went around being afraid of being picked on by other boys.

Now I have to go into a very personal and sensitive area. A real tragedy that happened, that affected my life since then. Ironically it's not really the fault of the staff at the school there. It has to do with the inmates. Being in an institution like that we were...of course had to undress at various occasions to take a shower say or where we were seen by other inmates. So I was ridiculed by other inmates because they thought certain of my anatomy was abnormal and that went on incessantly until I was released.

Here is the account of the director's view of the situation as set out in his monthly report of March 1954:

There has been a tendency for some of the boys to annoy some of the smaller ones, but this has been overcome, mainly by having "man to man" talks with the older boys and getting their co-operation to assist a younger child rather than tease him. An example of this is the case of ..., who has been a very shy, retiring youngster, overly protected by his older sister, Through talking about [him] with the older boys they have gone out of their way to encourage his participation in group activities. [He] is responding very well to this new "one of the gang" feeling and is becoming quite a changed youngster.

The boy's uncle had written to the government requesting the release of the boy and his sister. A report dated March 23, 1954, concerning this child, read:

The boy tends to be a rather quiet, nervous child which, we feel, is due to over-indulgence by his mother. He is coming out of himself quite nicely and is, I think, benefiting from his stay in the San. We can see no reason, after careful thought and study, why he should be treated as an exceptional case as far as release is concerned.

This young boy, now over fifty years of age, recently stated:

One of the things that I regret a lot is one of the staff members give me a substitute name. And not myself only – a lot of other kids received nicknames by which we were known, by the rest of the kids and the staff. My substitute name was ... At that time I didn't think all that much of it. Now 45 years later I find that somewhat – kids, adults now in their 50s who used to be there are still – if they don't know any better still call me [by that name].

A letter dated July 19, 1954, from the director to the Warden at Oakalla Prison where the boy's parents were incarcerated, stated:

[The boy is] ... completely accepted by the other boys now, so much so that he has the nickname "...".

We have also heard from some of those who were the instigators of this mistreatment. For example, a man who was fourteen years old at the time spoke of the shame of mistreating younger kids:

Well, at least we should have a visit every week because we weren't there for any criminal act or anything. We were just kids. Like some of the kids were six years old and they have to look after themselves. Have to make their own beds. I don't know some of them probably didn't know how to tie their shoes at that age. At six years old you have to look after yourself. The only part that I feel bad about there the older kids took advantage of the younger kids. You bring that or you do that for me. You know how it is. I feel bad about that and if they don't do it well... you get a beating.

We have heard numerous allegations of physical and psychological maltreatment in the institution after responsibility for the administration of New Denver was transferred to the local school board in May 1956. The allegations involve both administrators and staff members at the institution. These allegations made by the complainants of both physical and psychological maltreatment are borne out by the archival records.

2. Administrators and Staff

(Refer to Article 31 of the *Convention*, Appendix A).

We interviewed a woman whose son had been in New Denver. She told us about allegations involving a certain staff member at New Denver. She stated:

I was told about this incident not by my son ... but by people who witnessed that and know about it they were there. He was some kind of an official there and he put boxing gloves on my son and boxing gloves on himself and he said I'll teach you a thing or two and he really beat him up. And, uh apparently, I heard just awhile ago that the kids or the other kids more or less threatened and then he disappeared shortly. But he threatened the kids I will do the same thing to you one by one.

Another allegation against this same man can be seen in a letter to the director from a parent, dated July 22, 1957:

I want to bring to your attention the unwarranted action of your Mr. ... in mistreatment of my child ,..., which resulted in several broken teeth, the matter of which, I understand, you have been fully informed.

The allegations set out above must be examined in light of this reference in the October 1957 monthly report of the director:

Mr. ..., [the staff person referred to in the previous two references] left our employ on October 31st. He never contacted me before leaving or even

hinted that he had any intention of leaving. I, therefore, am unaware of his reason for suddenly walking out.

One of the men we interviewed indicated similar mistreatment at the hands of other staff. He recounted that the staff member had taken his head and pushed it against the wall of the gym three or four times. The man stated:

I was ... playing basketball. We were ... in a group playing basketball and ... I dropped the ball and he started pounding [me] against the gym. Then he made me run around the building for about ten times and he says if you don't make it in I'm gonna pound you again...

The director's monthly report for January 1958 contained this report from this staff member, referring to the intermediate boys:

This is the smallest group but was the most troublesome. They are always doing little things to annoy me. After quite a few punishments they have changed and are very good now.

A delegation of mothers of the children sent a telegram to the Social Welfare Branch and the director that contained these allegations against the staff member:

2. A beating of children by Mr. ... for a very, very small reason, but punishment is very unreasonable for instance grabbing a child by the head and beat him against the wall.
3. Forcing a child in manner of punishment to crawl on his hands and feet several times around the gym building, then in the end beating the child with a board containing nails in it.

The Nelson Daily News contacted the New Denver authorities to follow up on these allegations by the delegation of mothers. The Daily News article of March 18, 1958 stated:

Referring to the child which the mothers claimed was beaten with a board, an official admitted that this had in fact taken place, but that the boy had first hit the ... instructor on the back. The latter, annoyed by the blow, took the board off the child and spanked him with it, not noticing until later that the board contained a nail. Officials were unaware if the child had been cut by the nail.

The curriculum imposed at New Denver consisted, in part, of wrestling and boxing notwithstanding that the children's parents were declared pacifists.

One woman, who was eleven years old when taken to New Denver, made these disturbing allegations concerning a staff member:

Well [he] hit lots of girls if they don't do their exercise and when he's not looking and if somebody is resting on their stomach or doing push ups or something he used to come and hit you with the foot. And then there was [another staff person]... I remember him because what he used to do. I don't know if he did that to the other girls or not, but he did that to me. We used to play with the ball and then he get me in the corner, made sure that I was in the corner. And then he'd say to put the lights off and like we are playing in the dark with this ball. And he was touching me and would grab my hands so I touched him there (privates)... I tried to avoid him lots of times, but then you could not tell anybody... so to the matron and you're gonna get straps again. And I had lots of them from the matron. Lots of people tell me it's a wonder you're alive she used to beat me up so much.

There were no expressions of praise from those we interviewed for the second director of New Denver. There is no question that he was a strict disciplinarian. I find that he misused corporal punishment and minimized its use in his reports.

Although the use of the strap was permitted in the public schools during this time period, what is disturbing is the frequency of its use by this director, and his representing to the public that the strap was rarely used during most of his tenure as head of the New Denver Dormitory.

A newspaper article dated February 18, 1957, based on an interview with the director, quoted him as saying: "The school strap had to be used at first. Now it is very seldom seen." However, his monthly reports for the time period prior to and following this article up until August 1959, when all the children were released, contain numerous references to the use of corporal punishment.

In his monthly report for August 1956, he stated:

A local citizen reported a breaking, entering and thieving episode (boat house). We managed to find out who the boys were and also returned all the stolen goods (fishing tackle). Corporal punishment was administered as in this case I considered it quite serious. These same boys were confined to the Dorm grounds and given work period for two weeks.

The director had the following to report for November 1956:

It is my custom now to take the boys to the office for reprimands after they have talked back or caused a supervisor trouble and this certainly has worked wonders, they take it in good heart and are much better and more co-operative.

He also reported an incident involving a boy who had been told he would not be released until he reached fifteen years of age. The boy broke a number of windows. The director reported that he "was severely reprimanded and had to pay for the windows." Corporal punishment was administered in January 1957 for another stealing incident. One of the older boys refused to do his allotted chore and was disciplined. The following is the director's description of what transpired (March 1957 monthly report):

On his refusal [he] was ushered into my office. I informed [him] that the days of his picking and choosing were over and that he had to do whatever a supervisor asked him without any back talk. He surprised me by refusing to do any work. Whereupon corporal punishment was administered in no uncertain terms, but he still refused. At this point my patience being exhausted and in sort of a dilemma as [he] was openly defiant and afraid of no one. He was however crying most of the time. I had another long talk with [him] as I had done in the beginning whereupon he admitted he should have done his work as all the other boys and immediately got up and completed his task. [He] holds no grudge and is now very friendly towards me. This episode took two hours to finalize.

In the September 1957 monthly report, the director described another incident:

Three boys, ... managed to crawl under the gym and light a fire. Fortunately this was detected early by [another boy] who fettered out the three culprits. The boys were severely punished by myself and have been confined to the Dorm (except for school) for an indefinite period.

The RCMP report of the incident was as follows:

When interviewed, the boys could give no logical reason for starting the fire and there is no indication that they actually meant to burn the gym.

In his monthly report of May 1958, the director wrote:

Corporal punishment was given ... for stealing "two Comic Books" from the local Stationery Store.

In the June 1958 monthly report, he stated:

Three boys... entered a Japanese home and stole nine bottles of beer, one bottle of pop and seven packages of cigarettes. The boys were required to pay this back, were given corporal punishment and also required to put in numerous work periods. (It must have been a real party as they drank the beer.)

In his July 1958 monthly report, the director referred to a trip taken to Vancouver by 22 of the boys. They were required to write essays on their experience. They refused. The boys purportedly went to school with knives and clubs. The director reported the use of corporal punishment and "satisfactory essays have been handed in." In the following month's report, August 1958, he reported:

Since the ringleaders of last month's escapade were severely reprimanded no further incidents have taken place.

In his monthly report for May 1959, the director stated:

One boy was caught stealing a can of Prem from a grocery store. Corporal punishment was administered and the boys were informed that any time they had a desire to eat meat it would be provided for them on the table. Corporal punishment was administered to two boys for smoking in the basement.

The children of the Sons of Freedom Doukhobors were vegetarian.

The allegations of physical and psychological abuse perpetrated by the matron were pervasive. We did not hear one positive comment about her. Occasionally, there were specific references to her in the director's monthly reports, including the following in his first report of May 1956:

The new Matron slapped a boy aged eight, for hitting her with a stick. Result: a very much slapped down boy.

In his July 1957 report, the man who was the holiday replacement for the director noted: "Miss ..., the Matron, was at all times a tower of strength."

Finally, in his June 1958 report, the director writes, simply: "Miss ..., Matron, was released from our employment and one supervisor."

The most serious allegations against the matron came from a woman who was twelve years old at the time. In his monthly report for November 1957, the director noted the following:

[A child], aged 12, stole \$18 from a cook's purse. She has replaced the money and admitted to the theft. [She] was given a serious reprimand and denied a visit with her parents.

When interviewed, the woman described a reprimand that may have been in reference to this incident:

Miss ..., I can't remember any other matron who give me straps, but ... for anything, for anything, I would get straps. I'd like to sue her, she wrecked my life, big son of a bitch - how big she was. Great big woman. And I guess like, like, abusing kids. She got a kick out of it. Like I'd get strap she hit me so many times on each hand that I could not stand it. And when I moved my hands she hit herself. Then I get the strap all over on each hand. How much she was giving me. I could not go to school for two weeks, over a week, two weeks. My hands were all swollen and she used to grab. I used to be skinny. She used to grab me like this and you could really feel it you know... grabs you and takes you to the office... she was the one that would give me steady straps, not just strap, sometimes she used to slap me.

Here is another account of memories of the matron from a woman who was ten years old when she was apprehended:

There was one big I think her name was Miss ...- she was a heavysset big woman. She talked down to everybody... she would come storming in her white crisp uniform. And if you got into trouble you heard it from her direct into your face - she would slash out at you. You're a - she would point a finger at you - she'd give you everything that's coming to you whether you - well everything not coming to you whether you deserved it or not - you got it. You know, kids will be kids, but she was - she was one of the - that wanted to be in power. It's hard to remember everything because, you know, five years was there and then if we had done this a couple of years after we got out - well boy I could have told you a lot more. But now you're in your 50s.

There are many more statements to this effect. We have also heard serious allegations of neglect on the part of the matron in her capacity as nurse. For example, one complainant has told us that he sustained a broken leg and the matron did not send him to hospital until the janitor, who later quit, threatened to report the director. Another example is a very disturbing story of a small boy. Here is a magistrate's account of the treatment of this child while "in care" in New Denver, by letter to the government, dated March 8, 1958:

[The boy] was at New Denver Dormitory for two years and was four times in hospital with pneumonia, but it was only after the parents and delegation complained to me that their son was not receiving proper medical treatment, and my immediate request to the District Supervisor of Welfare for a medical report on the lad that it was found, in Vancouver, that the child had a tumour of the left lung and requires a major operation. This was of course no fault of the School Principal Mr. ... who is doing an outstanding job, so much so, that I understand he is having what is commonly called "Black-outs" with the strain and tension to which he is subject, and which few appear to appreciate, if he does get these attacks, such warning should not be ignored.

We have heard allegations of physical and psychological maltreatment by a number of the staff working under the matron. Here is a poignant example of the alleged psychological abuse. One of the complainants recounted her experiences when away at sporting events:

I used to play basketball quite well...and there were a couple of trips they took us on...So I must have written or told my mom and dad that I'm going to be playing. They allowed them to watch and they didn't allow them to come and give me a hug or speak to me. I had to get back in the bus with all the kids and I remember mom waving. I thought, what the hell...

Contrast that story with what the director stated would happen on these sporting events away from the dormitory:

At every hockey and ball game in which our dormitory team was playing, our whole family of about 80 to 90 were there to cheer our players. And in our midst as part of the family were Freedom parents, cheering our heroes with us. When we went to Silverton for a game, their parents were there and many times drove not only their own children back to the Dormitory, but brought our children with them.

I reject the director's version of the events. I say this because it simply does not accord with everything else we find in the archival material concerning how he

interacted with the children's parents. For example, he spoke fondly of a Christmas party one year in New Denver when the dormitory children put on skits and sang songs for the audience. The parents were not invited.

Tragically, the director had been aware for a considerable period of time of at least some of the problems with his staff, but appears not to have acted until most of the damage was already done. He echoed the sentiments of many of those we interviewed in a remarkable letter to the Department of Education, on March 12, 1958. I think it important to reproduce a considerable portion of this letter:

I am somewhat at a loss to put into words the feeling that I have concerning the Dormitory operation, but will attempt to set out to you some of the problems and thoughts that have been present in my mind for a long time.

The matron and supervisors are now not the type of people to handle these children because as the children have progressed, the staff have not made such adjustments.

Our staff should be such that children find security and pleasure in companionship by talking, playing with them, laughing with them when the occasion warrants, and showing sympathy. It means a smile or individual attention, it means a listening ear so that a child can "tell" his supervisor his problem without fear of being reprimanded or scolded, or can "ask" a supervisor and not get just an answer but an interest that builds up self-confidence and respect.

A friendly supervisor knows when to overlook, good friends do not perpetually harp or nag, or correct flaws. She knows it is human to forget sometimes, to make mistakes, to get angry, to lose one's temper, to spill or break something. Ridicule, belittling, shaming and sarcasm has no place and especially now. For all these tend to destroy self-respect and self-confidence, and there is no substitute for them.

Children quickly sense whether a supervisor is a friendly person who likes them and wants to help them, or whether she is thinking of other things. Such staff members could do much for the mental health and total adjustment of the children at this point.

The staff needs to be qualified, well-trained personnel. We are dealing with children's lives and their whole future outlook depends upon us, and the staff as at present no longer fills the bill.

Much can be done for these children, and this is a turning point upon which we must be very careful. The children at present are frowned upon because of their parents and this attitude is wrong.

I hope I have made myself clear as I am greatly disturbed over the present set-up. I feel that we need either specially adapted, and mentally mature and devoted teachers or staff such as our Miss ..., also a man of that category or social therapists.

I have not intended to "run down the present staff," as in many cases they have given good service, but they are not the type through no fault of their own, to give proper counselling which is required at this stage. We must consider the children above all.

Government officials discussed the director's comments during an April 24, 1958 meeting. In the minutes of this meeting, there is reference to the director's desire for a move from a "warden-type staff member" to a "sympathetic counsellor type."

The director appointed a student council to attempt to alleviate some of the problems between the children and the staff. In his monthly report for March 1958, he wrote:

So many clashes were taking place between the Matron, supervisors and the boys over small discipline matters that life for both parties was becoming unbearable. One seemed to antagonize the other to such an extent that neither would give in.

... some supervisors consider now that they have lost authority where the boys are concerned.

This was a step I considered quite necessary because the welfare and social progress of the children were at stake due to the fact that staff were unable and untrained to cope with children generally.

In his monthly report for April 1958, the director described an incident where three boys had cut a rope from the community centennial flagpole just prior to opening ceremonies. The boys were required to pay for a new rope and "were also given a week's work period." He went on in this report to discuss an escape

attempt by five boys. He concluded that "[a]s numerous misdemeanours were traced back to the boys' shacks, I had the boys dismantle them and I also asked the local fire brigade to burn them."

The director also reported further concerning the incident:

I questioned the boys about their actions and fail to understand them as three boys have releases pending shortly. Their reason is that they cannot put up with certain members of the staff any longer.

3. Loss of Visits

(Refer to Article 9 of the *Convention*, Appendix A).

As stated earlier in this Report, one of the terms of the Agreement between the Department of Child Welfare and the School Board, April 11, 1956, stipulated:

(6) The Board will permit the said children to be visited by parents and near relatives within the set visiting hours to an extent commensurate with the emotional needs of the said children.

One month later, in his May 1956 monthly report, the director made the following recommendation:

After listening to the mothers' abuse, the staff are left in a very nervous state resulting in the resignation of one of our best Supervisors. I therefore recommend that visiting be reduced to **one** hour **once** every three months and to **two** members per family present in the Dormitory. Admittance by pass only. (The director's emphasis).

This recommendation was not approved in its entirety, but it was substantially approved, as the minutes of a government meeting on June 15, 1956, reflect:

The Committee was informed that the Department of Education is sending a letter to all parents advising them that visits will be confined strictly to one hour, by pass and confined to two relatives. Any disturbances will bring curtailment of visitation. The fence will be completed before the next visiting day, June 24.

A fence went up around New Denver in July 1956 and passes were issued. I will have more to say about the fence later in the Report. In September 1956, the

director did change the visiting hours to the first and third Sunday of every month; the length of visit, one hour, remained the same. When the previous director was in charge he had changed the visiting hour from the morning to the afternoon to accommodate parents who were travelling from the Gilpin and Grand Forks regions to visit their children. The visiting hour was now changed back to 10 – 11 a.m. despite protest from a delegation of Sons of Freedom Doukhobor parents that it was difficult for the Grand Forks people to make this visiting time.

Many of the complainants have alleged that a common form of punishment at New Denver was the cancellation of visiting “privileges.” A review of the director’s monthly reports from May 1956 to July 1959 reveals many references to punishment in the form of lost visits. This punishment was handed out to individual children for a variety of alleged wrongdoings. Moreover, it was used as a form of collective discipline whenever one or more of the children escaped from the institution. An escape resulted in a loss of visits and “lock down” for the entire population of New Denver.

I can think of very little that would have been more psychologically damaging to a child than the cancellation of a visit with his or her parents. This form of “punishment” must have been even more traumatic, given the infrequency of visits.

As well, we were told that if a child was sick, the parents were not permitted to see him or her. Here is how one person remembers this:

You don’t see your parents. They used to let our parents come once in two weeks to visit us and at one point I remember it was really traumatic to me was I had measles and I couldn’t go see my parents and they wouldn’t let the parents come in that room. It was called the pink room. You could never ever see your parents if you were sick with measles or mumps or anything.

Here is an example of a complaint from a mother regarding her ten-year-old son concerning a visit that was scheduled for February 15, 1959. This complaint was sent to a magistrate who forwarded it to the government. The mother wrote:

I went up to New Denver School yesterday to see my son, When I arrived and could not find him, I asked the other children where he was, they said he could not have any visits because he cannot do his school work. I waited around and after awhile saw a Mounted Policeman and asked him if he could find out where my son was, he went and saw [the director] and asked him, [the director] said he was being held in detention

because he did not do his school work right, the policeman said that [the director] said that when they don't do their school work right they have to be punished. I said all children are not the same. He said that if that keeps up it's too bad but there will be no more visits. I travelled 50 miles to see my son for an hour. All the children say [he] is a bright boy and a good student but he is given too advanced work to do which scares him making him nervous and unable to do the work. My boy told me on the visit before that the work they gave him was too hard for him and because he could not do it he was strapped; the children confirm that this happened.

Interestingly, one finds the following statement from the director:

Whenever the parents had a legitimate question, the RCMP would bring it in to me. I always came out and talked with the parents.

Here is the director's account in his February 1959 report:

[The boy] was denied a visit with parents because of persistent disobedience and incomplete work both at the Dorm and school. I feel certain [he] is being brainwashed by parents and put up to this lagging behind. Parents will probably attempt to have [him] released on the grounds of mental disturbance as was the case of [another child].

Once again, the director's version of events differed significantly from the recollections of the children and their families.

The parents were not told prior to travelling to New Denver that a visit with their child had been cancelled. They found out when they arrived.

4. Work Periods

(Refer to Article 32 of the *Convention*, Appendix A).

When the second director took over New Denver, the children were put to work. As the director stated in a document supporting his nomination for a public service award:

I released the entire cleaning staff of four, and the children were told that keeping the buildings and the grounds clean was now their responsibility. Work rosters were posted outlining chores of each child. Litter cans were

posted about the grounds and the children policed each other into a habit of cleanliness.

Not only were the children to keep the dormitory and the grounds clean, there were consistent allegations from the complainants that they were required to clean the director's home and the matron's apartment.

The children were forced to carry out these work periods even over the holidays. In his monthly report for August 1956, the director noted:

During the school holidays work periods have been organized for both boys and girls.

"Compassionately," he stated in his October 1956 monthly report, "a janitor will be hired in the near future as the work will become too heavy for the children and supervisors as winter approaches." But, this reprieve, if there was one, appears to have been short-lived. In his monthly report for April 1957, the director wrote:

The Easter clean-up, both inside and out, was well done and the children seemed to enjoy doing it. Walls, floors and the outside of the windows were cleaned. Mattresses were taken out and vacuumed. Blankets were aired and shaken.

The director's holiday substitute stated, in his July 1957 report:

From nine to ten each day was a "work period." In this period certain boys and girls whose name appeared on a roster reported for such jobs as cleaning up the beaches, cleaning windows, pulling weeds, etc. This work period was entirely separate from the regular chores connected with the dining-room, cleaning floors, etc.

The situation does not appear to have been alleviated in the ensuing years. In the director's monthly report of March 1959, we find the following statement:

During the Easter vacation work periods are organized in the mornings. The children are busy washing the walls and ceilings of their sleeping quarters. Windows are all being cleaned and curtains have been washed in our laundry. Whenever weather permits we are also attempting to have the yard cleaned.

The monthly reports prepared by the director also corroborate the complainants' allegation that work periods were used as a form of punishment. Ironically,

given the routine work periods described above, the children quite correctly had the perception that they were in a continuous state of punishment.

The older girls were also required to assist in the kitchen, dining room and laundry. In the monthly report for June 1958, we find this notation:

No additional help is required as the older girls will "fill in" in the kitchen and laundry.

The director's November 1956 report stated:

Several of the older girls agreed to serve as waitresses for a West Kootenay Principals' banquet and meeting held here in the High School Auditorium.

In the August 1958 report, the director informed the government that:

The Gym floor has been refinished with gym seal. This was done by the Swimming Instructor and the Gym Instructor, with the help of the older boys and girls of the Dormitory who gave their help voluntarily.

5. Loss of Food Packages and Gifts

As mentioned previously, we have heard allegations that the food packages and gifts brought to the children by family members were confiscated by the staff and not returned. There was a rule in place that all food packages had to go to the kitchen, apparently to be distributed from there.

Consider the report from a woman who, along with her sister, spent a considerable amount of time in New Denver. She and her sister were interviewed together in the course of our investigation. A portion of the interview on this subject reads thus:

Do you remember sitting in that kitchen many Sundays when there was visiting hours that I could not see my parents and especially after she (sister) left. It seems like anything I did I was in trouble. She (the matron) used to make us sit in the kitchen, well our dining room, while the rest of the kids would be visiting. And, of course, the parents would leave stuff like they'd bring avocados and cantaloupes and all kinds of fruits for you and mom would make tarts and they would give this to the guy. He was sort of a maintenance guy that made sure the place was locked and everything and

then it went into the kitchen and you never got to see the stuff. So the parents would ask did you finally get this stuff that we sent you, this and this and this? No, we never even got to see it. Once it went into the kitchen it went to the staff and you didn't ever see that food again.

In his monthly report of September 1957, the director explained:

I have found it necessary to place restrictions on the parcels of food that the children receive through the mail. The children receive these in very large numbers and get into the habit of storing food all over the premises until it rots as they had more than they could consume. Rats were beginning to appear in the boys' shacks in the adjacent bush area. I have therefore ordered all food to be taken to the kitchen and handled from there to the tables. It is my intention to give the children a bedtime snack in lieu of the parcels.

It is disturbing that this food does not appear to have reached the recipients for whom it was intended. We have heard a great deal of evidence supporting this allegation. For example, in his monthly report for April 1957, the director reported that:

(a) gift of two boxes of oranges was given the Dorm from the parents to be divided between staff and children.

Again, there is reference in his March 1958 report to a box of oranges being presented to the children at the gate by the parents. One man we interviewed, who was a twin in New Denver with his six-year-old brother, told us this:

I remember one day that people came in and they'd set me up in the kitchen, gave me an orange to hold in my hand. The picture was taken, they went away, and they took the orange away. So nothing was yours.

Another had this memory:

One time when I was working in the kitchen and Mom and Dad had brought me a watermelon. I remember that being at their [staff] table and a few other different things, and while I'm walking by, setting the table, I guess or, I don't know what happened, they ate after us, didn't they? So maybe I was taking the dishes off and I looked and I thought that's my food. They had a private setting like the tables. They're eating. I think I even at that time said something. I don't even know what the answer was but I do remember looking in my box and it was my food that they took out and served themselves that my folks brought me.

Another woman remembers similar treatment:

(A)nd they took all our food away... and they would eat it themselves... All the matrons, [the director] and there was lots of them... and in front of the people I used to stand and she (the matron) would ask me would you like this. I say no. Would you like this. I say no. Then she say go against the wall. So I turn around and go against the wall and standing there until they finish eating. That's what she used to do for me a lot of times.

There were allegations that other gifts, aside from food, were confiscated. We heard this emotional story from one of the men interviewed:

(A)nd then why I brought this picture is uh, while we were there, my sisters bought me this jacket and that is the only and last time I wore it... It just disappeared and then about a week later I'd seen a kid about my size wearing it... And uh, the reason I remember this jacket was my two sisters bought it for me. They work in ... packing... and they bought it for me... I knew it was mine, on the back of it, it's written OYAMA, and they also bought me a scarf, and it had a big letter B for [his name] , B, and the kid that was wearing it had nothing to do with B which also disappeared right after the visit. And also a baseball glove... there is only two gloves. My brother buy it for me... red colour... all the other players they had either black gloves or tan... playing ball against us and I had my name like in pink written in two or three different places, and it was all scribbled out and I told him that glove belonged to me and they just kind of laughed... I knew it was my glove because we put the letters on it.

These accounts certainly seem consistent with other stories that we heard. In a later section of this Report, I will discuss the attempts to have conformity in the institution. A child with a new jacket or baseball glove would, it seems, have gone against the grain of the desire for conformity.

6. Forcing the Children to School

Initially, school for the children was conducted in the New Denver Sanatorium. The children were eventually integrated into classes at the New Denver Elementary School. A number of complainants alleged that they were compelled to attend school even when they were ill. The monthly reports of the director

reinforce this allegation. In his January 1957 monthly report, he appears self-congratulatory:

Until the end of January we only had one school absentee from the Dormitory since Christmas. This is a very good record for 96 children. There are approximately an equal number of children attending from in and around the district as are attending from the Dormitory. From the surrounding district absentees average about 12 to 18 a day. I think the reason we have so few absentees is because of a strict adherence to regular hours, good balanced meals, good recreational programme and outdoor exercises.

In his monthly report for February 1957, the director stated:

School attendance continues to be excellent, it is a rare occasion to have any Dormitory children absent from school.

A similar sentiment was expressed in his March 1957 report.

In his *Report of Salient Features of the Dormitory Programme May 1, 1956 – July 31, 1959*, he wrote:

It was noted that from September 1956 to January 1957 there was only one absentee from school, due to illness, from the Dormitory and an average of 15 daily absentees from village children of the same number attending.

Those comments support the allegation that children were required to attend school “rain or shine.” Here are several incidents recalled by the complainants:

If you're sick I'll never forget I had the real bad earache and I kept complaining and they said, “Off to school you go, never mind you're not staying home.” I was sitting in school and the teacher noticed there was blood pouring down because apparently I had a boil or something that had already burst it was all infected before I went to school. I had these bad earaches until I got married. Every winter coming I had the bad earache. There was neglect all over like.

There was [the matron] – large imposing type of figure, large in stature and weight, so it seemed to me at the time. She was a nurse there and I wasn't 12 that day. I told the nurse that I had a stomach ache, but I guess it was important not to stay in bed, I went to school that day. I didn't feel (well) all day. And then I went to the doctor from school. I was sent to the doctor,

and after he examined me, he told me my appendix had to come out right away... Just little things like that – well, it wasn't a little thing, it was a big thing.

I remember I was sick. I used to have tonsillitis. I didn't know that I had tonsillitis, but my throat used to get so sore and there was no one to complain to because nobody cared. So I'd just be sick. I'd always be sick so that they took my tonsils out. I was never put to bed. I had to be made to go to school.

7. Use of RCMP by New Denver Staff

In an RCMP report of April 2, 1956, there was a complaint from a Sons of Freedom delegation with respect to one of the children being forced to go to school although she was sick. The delegates alleged that the RCMP came and made her walk to school. In an RCMP report of April 9, 1956, there are references to the matrons calling the RCMP and the RCMP coming to "escort" children to school. An RCMP Inspector wrote to the constable at New Denver on April 11, 1956:

The practice of matrons threatening these children with the police will possibly be discontinued under the new administration.

An RCMP Commander, in a letter to the government, dated April 13, 1956, wrote:

The practice of threatening children with the police, however, is undesirable, and you will note that the Officer Commanding at Nelson has instructed the Constable in charge at New Denver to endeavour to avoid being implicated in the enforcement of discipline within the institution on minor matters.

It is not clear whether this practice did change under the new administration. According to at least one of those interviewed who had been confined, the practice may have continued under the second director. This man stated:

But when the school board took over, well they, maybe they felt that the children were, you know, were being too well treated or whatever, and the stricter rules came in and the punishments came in, and the strap came in. I had that myself, strapped on my hands. Oh, I think at that time that was

accepted in all the schools, so. Police officers would come on quite regular basis, and they were fairly strict with the kids. They, you know, held sort of a dominant hand, like if any of the kids, you know, tried to be joking, well, whatever, they were very, very rude to the children, so the kids always respected when the officers were coming.

8. Refusal of Temporary Absences

The difference in the way that the two directors handled a sensitive area such as serious illness or the death of a family member is extremely telling about their approaches to running the institution at New Denver. In his monthly report for August 1954, the first director commented:

Two of the grandparents of children at the San have been taken very ill, so I took these children to visit them. The children concerned are.... In [the former] case especially, I think this visit was of considerable value, as far as we are concerned. As you know, she is the girl whom I have described as waging a cold war, and carrying a chip on her shoulder. I did not give an immediate answer to her request, but a few days later I advised her that we would be able to drive down to Claybrick Village to see her grandfather. The change of expression on her face is worth noting: from a brief flash of "I can't believe it!" accompanied by a complete softening of expression to a genuine sparkle of joy and gratitude before she hurried away to tell [her brother] and get dressed up for the visit. It has been almost a full year now since she first came to the San and she was just glowing at the thought of a trip down close to where she had lived.

The next director's approach was different. In one example, the government had received a request from a boy's father for his son to attend the funeral of his grandmother. The government official had telegraphed to the director on December 7, 1956:

No objection if you can conveniently make such arrangement.

The director replied by telegram:

Permission only granted to attend parents' funeral not that of grandparents.

In his monthly report of December 1956, regarding this request, the director explained:

I flatly refused this request and will refuse any future requests as well as these people all have sick and dying grandmothers.

A letter from the director to the Department of Child Welfare on December 31, 1956 stated:

I am not in accord with any temporary release of children except perhaps on the death of a parent.

Permission to attend other important events was also allegedly refused by the director. For example, one woman said:

Then it was my sister's wedding and we begged to go, you know, like my parents said we'll bring them back, but they wouldn't allow it.

9. The Fence

The fence was a central symbol for those we interviewed. It was an industrial perimeter chain-link fence, eight feet high, enclosing the grounds of New Denver on three sides, the lakeshore being the fourth side. It was erected in 1956, shortly after the second director took over as head of New Denver. Visits with parents were conducted through the fence. Members of the RCMP patrolled the grounds during the visits. Although the parents were issued passes to visit their children inside the grounds, few used the passes. Whether the parents should have used them is not my concern; my concern is the effect that the fence and the visitations through this fence had on the children who were incarcerated in New Denver.

The director had this to say about the fence:

When I first took charge at the Dormitory, I realized that the parental visits had to be controlled if the children were to have peace on Sundays.

Therefore, in July 1956, the fence was erected and passes were issued to parents permitting them to enter the Dormitory grounds to visit their children. This eliminated unrelated visitors who had come forward to add to the trouble. The parents had seen the fence going up. They also knew that some of their own children were digging the holes for the fence posts at \$1 a hole.

The first visit after the fence was up, the children, who now confided freely in me, asked if what their parents said was true – that the fence was there to

keep their parents out. I explained the reason for the fence and told them that their parents had been issued passes and could come in and visit, as long as they behaved inside. Our children accepted this. They also accepted their parents refusal to come inside to visit as "just one of those things."

After the fence went up, we had no further trouble with the visitors. The RCMP security force was cut in half from the original 12 that were needed. This number was soon reduced to three; and in the last year there the security force consisted of only our own New Denver officer and a second one from Nakusp.

In his monthly report for July 1956, the director stated:

The fence did not create any disturbance although we had feared it would. Some of the boys volunteered their services to help put it up.

Contrast the way the director saw the construction of the fence with the following memories of two men who, as young boys, were doing this "volunteering":

And for some reason they put up this fence and once in two weeks you get to see your parents through a fence. I mean it was kind of degrading and, the thing is they even had us build the fence, you know. We were digging the holes for the fence. I remember one time, we were thinking we were going to, we realized what was happening, you know. Says okay, once they cemented these posts into the, well once the workers leave we're going to, while the cement is still fresh we're going to make them crooked or push them over and I think we were a little bit anxious. Before the workers left and they spotted it and they looked and saw that they were crooked and they came back and made sure...

[Y]ou know they were paying us, you know. Like it's hiring us for a few cents to dig these holes. Now, when you think about it. Making your own fence.

... as a child you don't register you know that the impact of it, you know. Like, so they're doing something, they're building a fence. Didn't really question why, and then after, you know, slowly realized that well, wait a minute, this is, we're imprisoning ourselves here, you know.

So some of the boys ... they dug the holes for the cement. They cemented about two inches, no four inches and eight feet wide. And then like they say at about eight feet there were these strands of barbed wire just like a

normal jail. So they took us for education why did they put the fence up. No, this is a question.

Again, contrast the way the complainants remember the fence as opposed to the perception of the director that the children saw it as "just one of those things." One person interviewed, who was six years old at the time, used a vivid metaphor to describe his memory of the fence:

That's how it was, it was a zoo for the government. And I feel like that was an experiment. I feel that part of that was a government decision to break the Doukhobors, to get elected and the children and this is what the government did. They made their own zoo with the children. And every so often, they walked by and said, "Isn't that a good zoo."

Another memory from an interned child:

The fence that they've erected after, I don't know, about the second year when we were there created a concentration camp atmosphere.

Finally, we heard this narrative:

Our parents could not have too much contact with us. The fence was in the way. To kiss us we would kiss through the loops in the fence. To touch us, we would stick our fingers through the fence and vice versa.

C. GENERAL LIVING CONDITIONS AT NEW DENVER

(Refer to Article 25 of the *Convention*, Appendix A).

A review of the archival records shows a steady deterioration in the general condition of the institution from 1953. During the fall and winter of 1955, the overall condition of the institution had become appalling. This rapid deterioration of the physical plant coincided with the director's reports of a breakdown in discipline that was producing an uncontrollable situation at New Denver. The archival records indicate that there were few, if any, problems with the physical plant once the local school board assumed responsibility for administration. The improvement in the general condition of New Denver was possibly a result of the decision to put the children to work.

The following excerpts from the archival documentation highlight the poor conditions in 1955 and the lack of necessary checks and balances related to inspection of the premises.

In a memorandum dated April 13, 1955, a government official from the Department of Welfare had the following to say regarding his inspection of the premises:

While in New Denver I went completely through the whole building and personally I feel that considerable improvement could be made in the cleanliness and orderliness in all parts, with the exception of the kitchen which was found to be very clean and orderly. In my opinion, the floors were dirty, articles were strewn around and quite a number of the bedspreads showed muddy foot marks where children had been standing on them. The whole atmosphere was one of untidiness.

The local magistrate in Nelson, who presided over the vast majority of court hearings involving the Sons of Freedom Doukhobors in this area, wrote to the government on September 26, 1955:

On previous visits, I have found the Sanatorium neat and clean, but conditions have deteriorated to a very disturbing degree. The grounds and building are appearing dirty, unkempt, and run-down. I was told that some time ago, the inmates smashed hundreds of glass window-panes, but no effort has been made to replace them. With the encroachment of the winter, some attempt has been made to cover a few of the window frames with torn cardboard. A door is hanging on one hinge and the place is generally becoming decrepit.

In a *Brief on Doukhobor Matters – Dormitory School New Denver and Nelson*, prepared for the government, the magistrate noted:

At the present time ... nor is there any person in authority responsible for the inspection of the School Dormitory at New Denver... While the children there are wards of the court and placed in the care of the Superintendent of Child Welfare, to the best of my knowledge, after they are placed in the Dormitory and until they are released, the Welfare Department representative rarely sees them...

Numerous complaints are received by me and I get almost daily visits at my home and office from parents or relatives of the children.

The point is, that at present the Dormitory is not subject to regular inspection by a non-staff person in authority. In the event of anything happening to any child there the question of inspection will arise. Children being children, they are subject to illnesses and should we be so unfortunate as to have a child die or meet an accident there (they go swimming and climbing), one can well imagine the outcry of the Sons of Freedom and their sympathizers, not to mention some ill-informed newspapers.

A member of the Local Committee on Doukhobor Affairs wrote to the government on September 27, 1955, echoing the magistrate's concerns:

For some time it has become quite evident that the housekeeping and the discipline at the San are terrible. Members of the RCMP, school representatives and even representatives of the Welfare Department and public health nurses are remarking about the dirty conditions and the almost total lack of discipline. Even the Magistrate and other officials who have to do with committing children to the place are becoming hesitant about sending children to a place where these things are so inexcusably lax.

I understand that these matters have been brought to the attention of both the Superintendent of Child Welfare and the Director in charge in New Denver, to no avail. The set-up at the San seems to be an organizational phenomenon. The Welfare Department seems to have charge of all the welfare work in the region with the exception of the Sanatorium. The Director of Welfare tells me that he has no responsibility whatsoever with the San and that it is run directly by the Superintendent of Child Welfare

from Victoria. Naturally, with such long lines of communication, little or no supervision is given.

We also found this in the *Report of the Deputy Ministers' Committee* of October 6, 1955:

To make renovations and sanitary improvements immediately to the accommodations at the New Denver institution. There is a very real danger of an epidemic, with the possibility of casualties, which will militate against progress in solving the Doukhobor problem. In all probability the accommodation will be required for a long time.

Again, in a letter to the Department of Welfare, dated September 23, 1955, we see these comments concerning New Denver:

... it is in a poor state of repair.

Some considerable time ago, ..., Director of the Selkirk Health Unit, and myself went to New Denver together and at that time it certainly was in a condition that one could not state was good.

There does not appear to be any improvement as time goes on in the matter of damage and it has reached the stage where in addition to you having received complaints concerning it, this morning I was advised that Magistrate ... who presides over all the Doukhobor children cases in the area, while at New Denver yesterday was rather shocked to see the state the building was in and the lack of discipline that was present. In fact he has stated that he intends writing the [government] regarding this and may even take the step that he will refuse to commit a child to the institution as in his expressed opinion, he thinks the children will receive better discipline in their own homes.

A letter to the Department of Welfare, dated November 14, 1955, stated:

Unfortunately something had gone wrong with the heating system in the main part of the old building and the Sanatorium was very cold. To make matters worse the temperature has been very cold.

Finally, I draw your attention to a letter from an RCMP Assistant Commissioner, dated December 19, 1955, wherein he provides this information:

We have now learnt ... that on returning from the visit, the women addressed a general meeting of members of their own sect only, and told

that they found the children sleeping with their caps, trousers and stockings on, and that the food was cold when it was served.

The last item of complaint that I will briefly touch on concerned the quality of the food. Consistently, we heard allegations of poor food quality. This complaint should be considered in the context of the allegations that the children's food packages provided by their parents were confiscated. Many complainants spoke of cold, blackened potatoes. There are numerous references in the archival materials to complaints about the food. When the children were first confined in New Denver, Doukhobor cooks prepared the meals. The last of these cooks was given her notice in early January 1954. As mentioned, the children of the Sons of Freedom Doukhobors were vegetarians. We have heard allegations from some of the complainants that meat was sometimes hidden in other food and served to the children. I have not been able to verify this allegation. I am, however, satisfied that potatoes were probably a daily staple. In his monthly report of May 1957, the Director reproduced "The Potato Song" by one of the children, sung to the tune of Day-O:

Oh Mr. Bobby Man cally me potato
When Bobby comes and we ask to go home
They Oh they oh. Then de potatoes and we wanna go home
We dream of potatoes every day and night
Day de light and we ask to go home
We ask Miss ... to give us bread
She always gives us potatoes instead
We eat potato every day and night
When daylight come and we ask to go home
When we all go home the potatoes see the last of us
When Bobby comes and says go home.

D. LOSS OF PRIVACY, DIGNITY, SELF-RESPECT AND INDIVIDUALITY

(Refer to Article 3 of the *Convention*, Appendix A).

The issue of overcrowding in the institution came to the fore as a result of what was known as "Operation Krestova," when the RCMP raided the Village of Krestova on January 18, 1955 and removed 40 children from their homes. In a letter to the Department of Child Welfare on January 18, 1955, a government official advised of the "successful" operation with the "police going in a strong force of approximately 70 men at 7:00 a.m. in the morning."

When these children were placed in New Denver, the population skyrocketed to 72 children. The government was well aware of the overcrowding. For example, a letter from the Department of Education, dated January 24, 1955, noted:

The maximum accommodation of children which the Department of Health will approve is 45-50 and we now have 72 children.

The present over-crowded condition cannot continue indefinitely and it would not be possible to check any epidemic if one occurred.

In his monthly report for December 1954 to January 1955, the director exclaimed:

...with the wards crowded with beds and children living so closely together it is really a wonder that we haven't had more difficulty... the matrons have worked very hard to make the best of the crowded situation.

We had quite a bit of difficulty keeping curious mothers and fathers out of the San itself... I suppose their curiosity as to where their child was sleeping was natural enough, but it is no kind of set-up at the moment (or even in the future) for them to be making tours.

We have also reviewed a letter from a local doctor to the Department of Welfare, dated February 18, 1955. The letter expressed grave concern about an influenza outbreak that had affected half the population of the Sanatorium, resulting in many children being hospitalized. The letter reads, in part:

The Sanatorium was overcrowded to an extent which I consider dangerous, from both health and safety points of view. Beds in the main dormitories were touching one another ... Should a fire occur, the consequences would be very serious.

This local area doctor went on to make a number of recommendations:

1. That some semi-cubicle or small dormitory arrangement be provided. These children have the right to a little privacy.
....
3. That adequate indoor recreation space be provided. There is at present one small very inadequate room which can be used by no more than a dozen children. Adequate recreation space indoors would seem to be absolutely essential to the mental well-being of the children, and to enable them to expend their energies on things and on themselves rather than on the staff.

He concluded that:

[N]o more than 50 children be accommodated in the Sanatorium with its present facilities, on either a long or short-term basis.

As of the date of this letter, there were 75 children in New Denver.

An extension was eventually built and the younger children placed in this new accommodation. The doctor's recommendations were later implemented. However, it would appear that considerable damage to the morale of the children had occurred in the interim. Addressing both the overcrowding and the lack of supervision, the director, writing his weekly summary for May 13, 1955 to the Department of Child Welfare, expressed the following:

The accommodation with the extra space it gives certainly does alleviate crowding but still remains a problem as far as supervision is concerned.

Another factor in our losing ground has been the overcrowding for five months (less a few days) these children have been living in very crowded quarters... Younger children get in the older children's way resulting in irritation and loss of patience.

The sentiments expressed by the local area doctor and the director were echoed by those children who lived the experience:

The sleeping area consisted of about 30 beds, 15 beds lined side by side where I slept; there was no privacy.

The beds were – when the kids were first brought in and I mean we had this much space between our beds and we were – it was a big dorm that was just like packed with beds all around it and eventually divided into cubicles and I think had six beds to a cubicle.

There was no privacy. We never had any privacy of any kind, of course.

(Refer to Article 8 of the **Convention**, Appendix A).

There is no doubt that matters at the institution were getting out of hand near the end of the first director's term as head of New Denver. It would appear that the staff had little control over the children by this point. When the second director took over, many new rules were imposed on the children.

The purpose of these rules was to establish a regime of strict discipline for the children in order to “whip” them into shape. Tragically, those who were charged with running the institution seemed to quickly forget or chose to ignore one of the fundamental provisions of the Agreement between the School Board and the Department of Child Welfare, namely:

The Board will act toward such children at all times with kindness and consideration, teaching habits of truthfulness, personal cleanliness and industry.

I think that the words of one woman admirably sum up this loss of dignity, self-respect, and individuality:

I guess the hard part was being not an individual. There was no individuality – treated like part of the group – always not being singled out as an individual – always part of a group. I think that's why I tried so hard at school. That was the only recognition I could get then.

It just seemed as – New Denver – all these rules. Get up at a certain time, eat at a certain time – there was no flexibility, there was no – you couldn't sleep in, you couldn't eat what you wanted. If you missed a meal, you went hungry. So you sure survived on the money that the parents gave you to buy junk food. I used to go to a little store to buy chocolate bars on the way to school or from school. It was very regimental. That's why it was more like a prison, with the fence around, and all those rules, get up at a certain

time, you make your bed, you use the bathroom at a certain time, breakfast, school, back to the dorm for lunch, back to school. Even in the summertime, it was still very regimental... Just – no flexibility – rules were rules and they had to be obeyed.

E. LOSS OF CIVIL LIBERTIES

(Refer to Articles 12, 13 and 14 of the **Convention**, Appendix A).

Depriving the children of their civil liberties was also prevalent throughout this time period. For example, after School District #8 took over, the children were forbidden to speak Russian in the dining room. As the director stated in his monthly report for February 1959:

[A child] was also denied a visit last Sunday for defacing a notice that stated that English must be spoken in the dining room.

We have heard numerous allegations of children being punished for speaking their mother tongue, Russian.

Parents requested that Russian be taught in New Denver after school hours. In the Record of Meeting of Deputies' Committee on Doukhobor Affairs, May 13, 1959, the District Superintendent of Schools reported that: "[A] request made by parents to have Russian taught in the dormitory after school hours had been refused."

At one point, a delegation of parents showed up at New Denver and requested that the children be permitted to participate in a religious ceremony. The director at the time denied the request and the children were told that if they met the parents, there would be no visiting on Sunday. According to the RCMP report of the incident:

..., one of the leaders, was asked for an explanation for this gathering. He stated that the group present, twenty women and ten men were representing the complete group of parents and had come to New Denver for the purpose of holding a prayer meeting with the children. This prayer meeting was in connection with the Christmas season which he stated that the Doukhobors were celebrating on November 27th and the following two days.

Even while the Department of Child Welfare retained legal authority for the administration of New Denver, attempts by the parents to have the children given religious instruction were not successful. Representatives of the Sons of Freedom Doukhobors had approached a government official in Nelson with a request for a Sunday school class at the Sanatorium. This request was refused and is referred to in a letter dated October 19, 1955:

[A member of the Local Committee on Doukhobor Affairs] has advised that the Sons have asked to be permitted to give the children at the Sanatorium

religious instruction. In speaking to this point to the Local Committee I said that while this would have to be a matter of Government policy, I personally did not think such a plan very logical. The children after all had been removed because of the results of their Sects' beliefs and to continue the teachings while still keeping the children apart from their parents, seemed contradictory to the point of absurdity. [He] suggested that someone from the Ministerial Association be asked to give "simple Bible facts" to the children, but this too seemed to be a difficult thing to institute. It could not be considered anything but a form of conversion and such could not rightly be a function of a public Department. I think the religious issue is one which might well reach rather major proportions and I would appreciate your guidance as to the Government's decision in this connection.

Religious instruction was not permitted by the administration of New Denver. Even though these events took place in the 1950s, it is difficult to understand this clear deprivation of the children's freedom of religion, especially in light of s. 41 of the ***Protection of Children Act***, which read:

41. Notwithstanding anything in this Act contained, the Judge, in determining the person or society to whom the child is to be committed, shall endeavour to ascertain the religious persuasion to which the child belongs; and shall, if possible, select a person or society of the same religious persuasion, and such religious persuasion shall be specified in the order; and in any case where the child has been placed pursuant to such order with a person or society not of the same religious persuasion as that to which the child belongs, the Judge shall, on the application of any person in that behalf, and on it appearing that a fit person or society of the same religious persuasion as the child is willing to undertake the charge, make an order to secure his being placed with such person or society.

Other examples of infringement of civil liberties include the director's decision to remove from the children and prohibit the wearing of pins with the inscription "Moscow" either at school or in the institution. As well, there was a rule preventing the children from visiting a Doukhobor family who lived in New Denver. As the director stated in his March 1957 monthly report:

We have four children who violated this rule and will therefore be made examples of and have no visits this Sunday.

Not surprisingly, there appears to have been a greater respect for the children's civil liberties while the first director was in charge. There are references to the children praying every evening and saying grace at mealtime in Russian. The director and his staff did not interfere with the children when they conducted a three-day religious prayer ceremony in the Sanatorium, purportedly to honour the agricultural year:

Having said this, there still appear to have been violations of civil liberties under this first director. Although there appears to have been no censorship of incoming mail to the children in New Denver, "all outgoing mail is (was) read as it comes to the office for proper addressing and to be placed in envelopes." (Report of Meeting with the Director by an official from the Child Welfare Division, March 8-9, 1954). The practice of opening outgoing mail appears to have been continuous. In his summary of matrons' shifts and duties, January 20, 1956, the director stated: "Outgoing mail is all read before going to post." In fact, he had contemplated censoring incoming mail to the institution following an escape attempt. As he stated to the Child Welfare Division in a memorandum dated January 20, 1954:

I think this must be regarded as something that had been planned entirely by mail and if we had the right of censoring letters coming into the San we could cut down on this sort of thing as well as pick up a lot of other suggestions which I feel the parents and relatives do for the children to be used by them to resist our present attempts at education. Where we stand on this legally I do not know but would appreciate your comments on the matter.

We have also heard this disturbing allegation from one of the complainants:

I'd like to add that there were Russian literature, books like Russian books, you know. They weren't just written at home or anything. They were Russian books that my parents wanted me not to forget my language. So they passed on a whole bunch of books for me and my brother or whoever else so they can read on our own time and that was destroyed. And we never received anything.

Notwithstanding all of the above, by far the most disturbing infringement of civil liberties that we uncovered through our review of the archival records related to 15 children. As part of the original group apprehended at Perry Siding, BC, on September 9, 1953, they had originally been incarcerated in New Denver pursuant to section 7(d) of the **Protection of Children Act**. This provision was used by the government to confine the children whose parents had been sent to Oakalla prison.

I find that once the parents of these children were released from Oakalla, the children were being confined in New Denver contrary to law. Given the seriousness of this deprivation of civil liberties, I will set out the particular set of events in some detail.

The first reference in the archival records is a letter from a government official dated February 21, 1955. Referring to these 15 children, the official stated:

The following children are still in New Denver Sanatorium but have remained in the indefinite status of "before the court" for the past year and a half. We do not think it suitable for us, the children or their parents to continue on longer without a court decision and would appreciate your thinking about completing committals.

More than six months later, still nothing had been done about this situation. The following government missive, dated September 7, 1955, stated:

[M]any of these children have been in the indefinite and undesirable status of "before the court" for two years ... Would you encourage the RCMP to complete the committal of those children who are "before the court and in the Sanatorium"... it would simplify things if we "housecleaned" before the new "guests" arrive.

A notable and disturbing government memorandum, dated September 9, 1955, stated, in part:

[T]here is now only 12 children of the original group left in the Sanatorium whose cases have not been concluded... I have been loathe to try and conclude the cases of the 12 in the San because if they should come to court I know that Judge ... would release them to the parents as he did [another child]. In most instances, the parents of these children are now out of jail. In fact, the only child in this group of 12 according to my record who has not at least one parent released from Oakalla is You can see that this situation leaves one in a quandary since you cannot charge the parents for not sending their children to school when the children have been in our care for the past two years... [I] have discussed the possibility of amending the complaint in some fashion with Judge ... who is most sympathetic to our Department but neither of us have been able to see how this can be done.

As this memorandum implied, the parents of these children were likely aware that they could have applied to court for the release of their children, albeit the onus for continued committal rested with the Crown. Understandably, the situation had been allowed to persist, given the refusal of most Sons of Freedom Doukhobor parents to deal with the courts. The Sons of Freedom Doukhobors were distrustful of the courts and, as a matter of religious principle, were opposed to their use. Nevertheless, we see the following telling comment from a senior government official:

These 12 remaining cases seem to be the last "obstacle" to overcome and, regardless of any pressure on us from others, we are firmly convinced that we are legally and morally obligated to return these cases to Court for a final disposition.

As of July 4, 1956, there were ten children of the original fifteen remaining in New Denver. Of these ten children, five of them have come to us directly as complainants.

In August and September 1956, the Department of Child Welfare finally applied to court for a determination of the status of these children. The magistrate released the children.

Here is the transcript of the Magistrate's Order of September 4, 1956, *In the Matter of an Application by the Superintendent of Child Welfare for the Province of British Columbia for an Order for the Care and Custody of ..., an infant:*

UPON this application of the Superintendent of Child Welfare coming on September 16, A.D. 1953, and then being adjourned to October 16, 1953, and then being adjourned to May 18, 1954, and then being adjourned to June 21, 1954, and then being adjourned *sine die* and coming on for hearing on October 6, 1954, and then being adjourned to February 2, 1955, and then being adjourned to July 9, 1955, and then being adjourned to August 1, 1955, and then being adjourned to September 7, 1955, and then being adjourned to December 29, 1955, and then being adjourned to April 20, 1956, and then being adjourned to July 30, 1956, and coming on for hearing this day in the presence of ... on behalf of the Superintendent of Child Welfare, and ... Esq., on behalf of the parents, ..., and upon reading the documents in support of the said application;

AND UPON HEARING THE evidence adduced for and on behalf of the said Superintendent of Child Welfare, whereupon and upon hearing counsel as aforesaid; THIS COURT DOTH ORDER AND ADJUDGE that the said infant child, ..., is not a child in need of Protection within the meaning of Section

7, Sub-section D of the **Protection of Children Act** R.S.B.C 1948, Chapter 47; AND THAT the application of the Superintendent of Child Welfare be and the same is hereby dismissed;

AND THIS COURT DOTH FURTHER ORDER that the said ... be returned to the care, custody and control of his parents.

When interviewed, the "infant child" referred to in the Order, made this comment:

So my parents spent from two to two and a half years in jail. But even when my parents were released, I was still kept there.

In his monthly report for August 1956, the Director stated:

Eight other children have been released because they had not been committed under the proper section of the **Children's Protection Act**.

I would like to conclude this section with a discussion of events surrounding the apprehension of nine children in October 1956. The school attendance officer stated in a report that these children were "attending supposedly a school" in Glade, BC when the RCMP apprehended them from this "school." We have spoken with some of those individuals who were attending this "school." We also spoke with the woman who was teaching these children at this "school." Those we spoke with alleged that they were going to school when they were apprehended. Following this incident, the magistrate made a determination on the evidence that this "school" was not providing "proper education" as per the terms of subsec. 7(m) of the **Protection of Children Act**. What is interesting is that "proper education" was not defined in either the **Protection of Children Act** or the **Public Schools Act**. Consider this letter on the subject from the Department of Child Welfare to the Department of the Attorney General, on November 13, 1956:

The opinion I expressed, was that in view of the circumstances and the provisions of the **School Act** the apprehension had perhaps been ill-advised and that the application should be withdrawn on the basis that there is insufficient evidence to proceed... I still wonder if committals are made on such questionable evidence and the matter is taken to a higher Court by the parents and the committals are not upheld, would not our position be weakened not only in relation to the Doukhobor problem generally, but also as to interpretation of the **School Act**. In other words, if

this move to create "Doukhobor Schools" is part of the group's plan of resistance, can we hope to meet it constructively without there being some stated standard of education and teaching included in the **School Act** to which all groups could be expected to comply?

Ironically, we find references, in the summer of 1959, to the Department of Welfare raising the issue of a modified school program within the Doukhobor communities. I say that this is ironic because the idea of a modified school program was discussed by government and rejected prior to the New Denver "experiment." Nonetheless, we find, for example, this correspondence from the Department of Child Welfare, dated July 22, 1959:

...through the years and before this last decision to apprehend because of non-attendance at school was made, my recommendation to Governments has been that we develop a modified curriculum in schools within the Doukhobor communities which would be acceptable to Doukhobor parents resistant to the ordinary public school program.

Unfortunately, it would seem that this idea may not have been given sufficient consideration at the critical time.

V. INVESTIGATION FINDINGS

Our investigation is now complete. It is difficult to condense into a short report events that occurred more than four decades ago. These events covered the span of the better part of a decade. Much more could be said. However, I am satisfied that the complaints of maltreatment are substantiated.

Prior to tabling this Public Report with the Legislature, I met with government and advised them of my findings and recommendations. Government has indicated that it will work to prepare a response to the Report and its recommendations, which, I trust will be made public. This Report documents a historical wrong that needs to be set right. Once the government's response is known, implementation of my recommendations ought to proceed expeditiously.

Section 23 of the ***Ombudsman Act*** provides:

- 23** (1) If, after completing an investigation, the Ombudsman is of the opinion that
- (a) a decision, recommendation, act or omission that was the subject matter of the investigation was
 - (i) contrary to law,
 - (ii) unjust, oppressive or improperly discriminatory,
 - (iii) made, done or omitted under a statutory provision or other rule of law or practice that is unjust, oppressive or improperly discriminatory,
 - (iv) based wholly or partly on a mistake of law or fact or on irrelevant grounds or consideration,
 - (v) related to the application of arbitrary, unreasonable or unfair procedures, or
 - (vi) otherwise wrong,
 - (b) in doing or omitting an act or in making or acting on a decision or recommendation, an authority
 - (i) did so for an improper purpose,
 - (ii) failed to give adequate and appropriate reasons in relation to the nature of the matter, or
 - (iii) was negligent or acted improperly, or
 - (c) there was unreasonable delay in dealing with the subject matter of the investigation,

the Ombudsman must report that opinion and the reasons for it to the authority and may make the recommendation the Ombudsman considers appropriate.

- (2) Without restricting subsection (1), the Ombudsman may recommend that
- (a) a matter be referred to the appropriate authority for further consideration,
 - (b) an act be remedied,
 - (c) an omission or delay be rectified,
 - (d) a decision or recommendation be cancelled or changed,
 - (e) reasons be given,
 - (f) a practice, procedure or course of conduct be altered,
 - (g) an enactment or other rule of law be reconsidered, or
 - (h) any other steps be taken.
- RSBC 1996

My findings pursuant to s. 23 of the **Ombudsman Act** are as follows:

1. The government's decisions, acts and omissions that resulted in the institutionalization and maltreatment of the children of the Sons of Freedom Doukhobors violated subsections (a)(ii), (a)(v), (a)(vi) and (b)(iii) of s. 23 of the **Ombudsman Act**, particulars of which include:
 - a) Alienating the children of the Sons of Freedom Doukhobors from, and denying access to, their parents, religion, culture and language;
 - b) Allowing the children of Sons of Freedom Doukhobors to suffer significant harm as a direct result of being confined in New Denver, forced to live in an institutional setting, being removed from their communities, and abused through neglect, lack of love and nurturing and harsh discipline;
 - c) Failing to counsel or assist in healing the trauma of the children of Sons of Freedom Doukhobors who were subjected to harm by being witness to a serious confrontation between their parents and public officials at Perry Siding, BC;
 - d) Permitting the children of Sons of Freedom Doukhobors, through no fault of their own, to be treated as if they were criminals, many of whom, now adults, continue to suffer the long-term effects of arbitrary, discriminatory and unjust confinement.
2. The actions, decisions and omissions of the government caused irreplaceable loss to the children of New Denver by removing them from parents,

alienating them from family and community life and forcing them to live in an institutional setting, particulars of which include:

- a) Loss of love and nurturing;
 - b) Loss of parental and community guidance;
 - c) Loss of childhood;
 - d) Loss of dignity from living in an institutional setting, from suffering abuse and neglect, and from deprivation of affectionate caregivers;
 - e) Loss of self-respect from unfair and harsh punishment and living conditions and being denied access to parents and family;
 - f) Loss of privacy from living in an institutional setting;
 - g) Loss of individuality from living in an overcrowded institution and having significantly restricted access and visiting to parents and family; and
 - h) Loss of civil liberties, including loss of language, religion, and culture.
3. As a result of the maltreatment, those who were institutionalized in New Denver suffered harm and continue to suffer from the long-term ill effects of this trauma.
4. The acts and omissions of the government in relation to the 15 children confined in New Denver under the incorrect provision of the **Protection of Children Act** were contrary to law and/or based on a mistake of law once the parents of these children had returned to their homes.

VI. OMBUDSMAN RECOMMENDATIONS

As a result of these findings, I hereby recommend that the Attorney General, on behalf of the government:

1. Provide a clear acknowledgement that the government was wrong in the manner in which it apprehended and confined the children of the Sons of Freedom Doukhobors in the New Denver institution.
2. Provide the complainants with as full and adequate an explanation as is reasonable and appropriate, given the passage of time, for why, as children, they were apprehended and confined in New Denver.
3. Make an unconditional, clear and public apology to the complainants on behalf of the government, in the Legislative Assembly, for the means by which they were apprehended and for their confinement in New Denver. The essential elements of the apology include:
 - a. an acknowledgement by government that the children were, by being institutionalized in New Denver, treated unfairly and unjustly both as a group and as individuals, and that harm resulted;
 - b. a full and comprehensive explanation of why the children were institutionalized and detained in New Denver;
 - c. acknowledgement that the harm was not intended and that the government expresses regret for the harm done; and
 - d. a clear statement that government offers reparation for the harm done.
4. Consult with the complainants as a collective to determine the means by which they want to be heard, and the appropriate form of compensation. The consultation will:
 - a. instruct government as to the manner by which compensation will be provided and designed for both individuals and the group;
 - b. enable the complainants to construct the way in which compensation and support should be dealt with, to enable them to make choices and to heal; and
 - c. be designed in such a way as to avoid any third party that is neither a complainant nor part of the group of complainants nor part of government being responsible for the design of the form of redress.
5. Refer this Report to the Commanding Officer "E" Division and urge him to consider the role of the RCMP in the matter and the appropriate action to take.

APPENDIX A

UN CONVENTION ON THE RIGHTS OF THE CHILD

ARTICLE 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff as well as competent supervision.

ARTICLE 5

States Parties shall respect the responsibilities, rights, and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

ARTICLE 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

ARTICLE 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

ARTICLE 9

3. States parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

ARTICLE 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

ARTICLE 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order (order public), or of public health or morals.

ARTICLE 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

ARTICLE 19

1. States parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

ARTICLE 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, Kafala of Islamic Law, adoption, or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

ARTICLE 25

States parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection, or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

ARTICLE 29

1. States Parties agree that the education of the child shall be directed to:
 - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
 - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
 - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
 - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and

friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

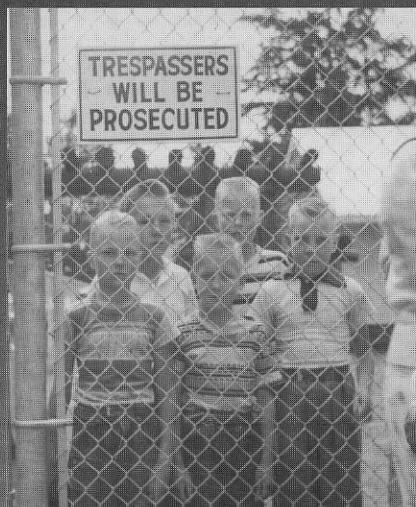
2. No part of this article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

ARTICLE 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to fully participate in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

ARTICLE 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual moral or social development.



Ombudsman
PROVINCE OF BRITISH COLUMBIA