

**“GOOD FAMILIES DO NOT JUST HAPPEN”: INDIGENOUS PEOPLE
AND CHILD WELFARE SERVICES IN
CANADA, 1950 - 1965**

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ABSTRACT

“Good Families Do Not Just Happen”: Indigenous People and Child Welfare Services in Canada, 1950-1965.

Jessa Chupik-Hall

A disproportionate number of Indigenous children in Canada were removed from their families into the child welfare system beginning in the 1960s a total consistently higher than that of the non-Aboriginal child population. The reason behind these numerous removals has been attributed previously to jurisdictional disputes between the federal and provincial governments, cultural misunderstandings, and colonialism. This thesis explores the impact of the early child welfare services provided by the Indian Affairs Branch from 1950 to 1965 upon the subsequent extension of provincial child welfare services to Aboriginal communities. The Branch provided only minimal preventive child welfare services and used an equality rhetoric which justified the removal of children. The Branch in essence instructed and encouraged mainstream providers to treat everyone the same. This thesis demonstrates that these were the two key factors which influenced a policy that encouraged the removal of a disproportionate number of Aboriginal children.

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Chapter One

Introduction

During the post-Second World War period, Canadian and Australian governments began to reformulate their policies as applied to Indigenous people. The reformulation was coded in the language of equality and integration. In essence, both countries proposed to ‘treat everyone the same.’ Child welfare services were an aspect of this new policy formulation. Removal of Indigenous children, who quickly became overrepresented in the system, was justified through child welfare policies that “appear[ed] to be universal and neutral...to protect children and serve their best interests.”¹

While the discourse on child welfare services presented equality as the end to discrimination against Indigenous people, it was a rhetorical trick. Equal services were not provided. The rhetoric was a tool that attempted to shift responsibility for child welfare services and other social welfare services for Aboriginal people from federal to provincial governments. The federal government wanted to avoid the costly duplication of provincial child welfare services. Until financial agreements were made with some provinces in the late 1960s, the Child Welfare Branch of Indian Affairs failed in their responsibility to provide adequate child welfare services to Status Indians. This failure led to and reinforced the extension of mainstream child welfare services, allowing thousands of Aboriginal children to be apprehended into non-Aboriginal care.

My research examines how the Indian Affairs Branch provided child welfare services during the post war period. Who was providing these services and how did their

¹ Marlee Kline, “Child Welfare Law, “Best Interests of the Child” Ideology, and First Nations.” Osgoode Hall Law Journal 30 (1992) 375.

ideas influence the agencies that assisted them? Marlee Kline's argument concerning child welfare law, aptly fits into the reality of how the Indian Affairs Branch functioned: "Judges, like other members of the dominant society, operate within discursive fields in which racist ideology helps to constitute what is and is not to be taken for granted as 'just the way things are'." ²

Indian Affairs social workers, provincial social workers in Canada and Chief Protectors and Native Welfare employees in Australia internalized racist discourse in child welfare evaluations and practice. It was engrained in their practices and evaluation standards. The purpose of evaluating the state's position in child welfare in relation to Indigenous people in Canada is to investigate a colonial project. Missing from the existing literature on the overrepresentation of Indigenous children in foster care is an examination of how the Canadian state justified assimilation policy, the role played by the Indian Affairs Branch and a comparison of Canadian and Australian child removal policies.

My intention is not to explore child-rearing practices within Indigenous families, but rather to further the body of knowledge that critically examines the child welfare regime of the dominant non-Indigenous society and their governments. It aims to exemplify, as Frank Burton and Pat Carlen suggest, "[that] the discourse produces the author, rather than the other way around." ³

The thesis is composed of three chapters. The first chapter will provide a literature review of sources written about Aboriginal people and child welfare services and policy and will compare the child welfare removal policies of Canada and Australia

² Ibid. 454.

³ Frank Burton and Pat Carlen, Official Discourse: On discourse analysis, government publications, ideology and the state. (London, Boston and Henley: Routledge & Kegan Paul, 1979) 32.

as a part of the examination of the colonial project. The second chapter will examine the contradictory discourses surrounding Aboriginal policy in the post-Second World War period and the role of the Indian Affairs Branch in providing child welfare services. It will involve a critical examination of power positions in the Indian Affairs Branch, especially how the structure of the department influenced the removal of Indigenous children. The third chapter investigates the extension of mainstream child welfare services to Aboriginal people and their communities.

The Canadian government and Canadian society (non-Indigenous) have denied ‘their’ history as colonizers for too long. More critical work needs to be done which examines ‘ourselves’ and the systems which we have previously built, supported and continue to support as John S. Milloy argues with regards to writing the ‘colonizer’s history’ of residential schools:

The residential school was conceived, designed, and managed by non-Aboriginal people. It represents in bricks and lumber, classroom and curriculum, the intolerance, presumption, and pride that lay at the heart of Victorian Christianity and democracy, that passed itself off as caring social policy and persisted, in the twentieth century, as thoughtless insensitivity. The system is not someone else’s history, nor is it a footnote or a paragraph, a preface or chapter, in Canadian history. It is *our* history, *our* shaping of the “new world”: it is *our* swallowing of the land and its First Nations peoples and spitting them out as cities and farms and hydroelectric projects and as strangers in their own land and communities.⁴

This thesis also attempts to add to the critical body of work that examines colonizer’s records and tells an “official” history.

Throughout the thesis it is necessary for historical accuracy to quote language that was used during this post-war period. Terms like ‘half-caste’ were used to describe people of ‘mixed descent’ in Australia and legal definitions of Native people in Canada,

⁴ John S. Milloy, A National Crime: The Canadian Government and the Residential School System, 1879 to 1986 (Winnipeg: University of Manitoba Press, 1999) xviii.

like Status and non-Status Indian are used widely in the literature. The main Canadian component of this thesis, deals specifically with Status Indians, who for the majority of the thesis will be described as Aboriginal people. I will use the term Indigenous to describe the original people of Canada and Australia, following the example of the *Australian National Inquiry into the Separation of Aborigines and Torres Strait Islander Children from Their Families*. In Canada, the term Indigenous refers to Inuit, Indian, and Metis people.

Literature Review

This study has drawn inspiration from other studies which have examined Aboriginal people and the child welfare system. The literature is relatively small, largely because the history of the extension of mainstream child welfare services to Aboriginal people is quite recent. Missing from the Canadian literature is a historical study that examines the extensive archival documents from the Indian Affairs Branch focusing on child welfare services, between 1949 to 1965. The Australian literature is more extensive, largely because of the historical research completed for the *National Inquiry*. Frequently in various studies, including the *National Inquiry*, the child welfare policies of Australia and Canada are compared. These linkages inspired a comparative element to this thesis.

There are three approaches which scholars have used in the literature in an attempt to understand the reasoning behind the disproportionate number of Aboriginal children in the child welfare system. The first approach was to blame jurisdictional disputes between the federal and provincial governments over who had financial responsibility for child

welfare services to Status Indians. Such disputes, scholars agree, provide some of the major factors affecting the problems surrounding child welfare services. The second approach focuses on soci-economic factors that link child removal policies to inaccurate cultural interpretations of concepts of neglect by social workers and their administrators. The third approach examines the continued process of colonialism which moves beyond these first two factors. As Kline argues, a typical approach within this work is to: “situate child welfare policy and practice in the historical context of the domination of First Nations in Canada by European-based political, legal and economic systems.”⁵ Canadian and Australian literature on the effects of child welfare removal policies, legislation, practice and law as applied to Indigenous people agrees that the result was cultural genocide. All of these approaches are based on statistical evidence and legal decisions. Except for two unpublished sources, the current literature does not examine archival documents.⁶ The following review of the literature will discuss the various arguments that are presented by different scholars and explore how this research fills a gap in this area of study.

The first work that exposed the disproportionate number of Aboriginal children in the child welfare system, based on statistical evidence from the Department of Indian and Northern Affairs was written by Philip Hepworth.⁷ His study is broad, examining foster care and adoption of non-Aboriginal and Aboriginal children in Canada. Hepworth’s overview provides the reader with an understanding of the formation of child welfare

⁵ Kline, “Child Welfare Law, “Best Interests of the Child”: Ideology, and First Nations.” 380.

⁶ Hugh Shewell, “Origins of Contemporary Indian Social Welfare in the Canadian Liberal State: An Historical Case Study in Social Policy, 1873-1965.” Diss. University of Toronto, 1995; Joyce Timpson, “Four Decades of Child Welfare Services to Native Indians in Ontario: A Contemporary Attempt to Understand the ‘Sixties Scoop’ in Historical, Socioeconomic and Political Perspective.” Diss. Wilfrid Laurier University, 1993.

⁷ Philip Hepworth, Foster Care and Adoption in Canada. (Ottawa: The Canadian Council on Social Development, 1980).

policies in Canada as a whole. One chapter exclusively focused on Aboriginal children. Hepworth concluded that there was no doubt that the number of Native children in care was consistently higher than that for the total child population.⁸ The reasons he discovered, were linked to interpretation of cultural differences in terms of how neglect was defined and to jurisdictional disputes. While Hepworth felt that many of these Native children needed help, he stated that the disadvantaged status of Native people was not of their own making.⁹

Expanding on Hepworth's statistical evidence, Patrick Johnston's book, *Native Children and the Child Welfare System* is one of the most widely cited sources in this area of study.¹⁰ This groundbreaking book expands on the single chapter in Hepworth's book. Johnston coined the term 'sixties scoop' to describe the generation of Native children removed from their families in the 1960s. Johnston found, as did Hepworth, that a disproportionately high number of Aboriginal children were removed from their families in the 1960s. The major reasons for the removal of Indigenous children he argues were: jurisdictional disputes, cultural conflicts, economic conditions, and alcohol abuse by Aboriginal people. The placement of children in residential schools also greatly reduced the passing on of traditional skills of child-rearing within Aboriginal families which led to a lack of understanding about how to raise their own children.

Johnston's book is one of the most widely quoted sources in the discussion of Native children and the child welfare system. However, like most of these studies it is not based on an examination of archival evidence. Despite his conclusion that the child

⁸ Ibid. 118.

⁹ Ibid. 121.

¹⁰ Patrick Johnston, *Native Children and the Child Welfare System* (Toronto: Lorimer and the Canadian Council on Social Development, 1983).

welfare system is a continuation of assimilation policy in Canada, Johnson fails to recognize the influence of equality discourses during the integration period in Indian policy.

In an article published soon after Johnston's book, Brad McKenzie and Pete Hudson suggest that the extension of child welfare services to Aboriginal people was a means of continuing the colonization of Aboriginal children.¹¹ They state that the child welfare system is a form of cultural colonialism which attempts to "achieve normative control of a minority group or culture."¹² They present various examples of how the child welfare system functions as a form of cultural colonialism. Their article presents a logical argument but is also supported only by secondary rather than archival sources.

Another aspect of the literature includes commissions, reports, and research sponsored by Federal and Provincial governments. These include the Kimelman Report (Manitoba), the Manitoba Justice Inquiry, and the Royal Commission on Aboriginal Peoples Report. One of the most important studies focusing exclusively on child welfare services to Indian and Metis children, was the 1985 Kimelman Report, titled, *Review Committee on Indian and Metis Adoptions and Placements Final Report...No Quiet Place*.¹³

The Kimelman report focused on Manitoba Indian and Metis children. It concluded that the placement of Aboriginal children in non-Aboriginal care in the child welfare system was a continuation of assimilation policy and a form of cultural genocide.

¹¹ Brad McKenzie and Pete Hudson. "Native Children, Child Welfare, and the Colonization of Native People." The Challenge of Child Welfare. Ed. Kenneth L. Levitt and Brian Wharf. (Vancouver: University of British Columbia Press, 1985).

¹² Ibid. 130.

¹³ Edwin C. Kimelman, No Quiet Place...Review Committee on Indian and Metis Adoptions and Placements Final Report (Winnipeg: Manitoba Community Services, 1985). See also: Edwin C. Kimelman, Review Committee on Indian and Metis Adoptions and Placements: Transcripts and Briefs. (Winnipeg: Manitoba Community Services, 1985).

The arguments that they presented focused on the issues that the previous four authors used in their work. The committee heard from Aboriginal and Metis people across Manitoba at hearings located in various parts of the province. The research for the report also included a review of child welfare files, which supported the conclusion that assimilation was the goal in the removal of Indigenous children into the dominant society.

A further inquiry in Manitoba, *The Aboriginal Justice Inquiry* was established in 1988 to examine Aboriginal people within the dominant society's justice system. The inquiry suggested that Aboriginal people were falling into a pattern of institutionalization, from the child welfare system to the justice system.¹⁴ The inquiry came to the same conclusion as the Kimelman Report and discussed the numerous devastating effects upon Aboriginal children placed in non-Aboriginal care.

In the late 1980s, legal scholars entered the arena of debate. They believed that earlier attempts to explain the disproportionate numbers of Indigenous children in the child welfare system were flawed because of their focus on only "socio-economic factors or social work practice" issues.¹⁵ They expanded the argument that blamed the continued process of colonialism on Aboriginal family life with evidence from legal cases. Ready access to legal decisions and court transcripts from family cases provided the basis for their arguments. Legal scholars like Emily F. Carasco, Patricia Monture, and Marlee Kline have all argued that child welfare law and the legal system have discriminated against Indigenous families through their inherent bias towards the removal of Indigenous children into non-Indigenous families and/or care. These legal scholars as well as a social work scholar Karen Swift all examine how the dominant society's ideologies legitimize

¹⁴ Manitoba. Volume 1: The Justice System and Aboriginal People (Report of the Aboriginal Justice Inquiry of Manitoba). (Winnipeg: Queen's Printer, 1991) 509-510.

¹⁵ Kline, "Child Welfare Law, "Best Interests of the Child": Ideology, and First Nations." 380.

the overrepresentation of Indigenous children in the child welfare system. None of the legal scholars or Swift uses the Indian Affairs Branch's archival evidence to support their conclusions.

Emily F. Carasco was the first legal scholar to enter into the debate concerning Aboriginal children and the child welfare system. She suggested that the overrepresentation of Indigenous children in the child welfare system was based in the confusion over federal and provincial jurisdictional responsibility for Status Indians' child welfare services. She argued that child welfare legislation was inherently discriminatory because of its Euro-Canadian cultural bias.¹⁶ Carasco explains in her research how the "Indigenous factor" has been ignored in Canadian child welfare practice. The "Indigenous factor" is dominant's society "disregard, underemphasized or undervalued" attitude towards the unique culture of Aboriginal people.¹⁷ She claims that since Canada is a signatory to the United Nations General Assembly Declaration of the Rights of the Child, which states that children have the right to a culture, and that child welfare legal cases in Canada have in fact ignored Native children's rights.

Patricia Monture expands on Carasco's argument surrounding the "Indigenous factor" in child welfare law. Monture's intention in her article, "A Vicious Circle: Child Welfare and the First Nations" is to expose the racism inherent in the legal system.¹⁸ She explores how the dominant society's standards and test of the best interests of the child were applied in legal cases. The best interest of the child test in which the court asks which parent, birth or adoptive, Aboriginal or non-Aboriginal, would be in the best

¹⁶ Emily F. Carasco, "Canadian Native Children: Have Child Welfare Laws Broken the Circle?" Canadian Journal of Family Law Vol. 5, No. 1 (Summer 1986). 112.

¹⁷ Ibid. 113.

¹⁸ Patricia A. Monture, "A Vicious Circle: Child Welfare and First Nations." Canadian Journal of Women and the Law 3 (1989). 8.

interests of that child, Monture effectively argues is discriminatory as it dismisses culture as a vital aspect and right of an Indigenous child. She demonstrates this argument by examining judges' decisions and the justifications that were used for the removal of Indigenous children in child welfare cases.

In her thesis¹⁹ and subsequent article titled, "Child Welfare Law, 'Best Interests of the Child' Ideology, and First Nations" Marlee Kline argues that the "best interests of the child" ideology functions in the Canadian legal system to portray the removal of First Nations children away from their families as "natural, necessary, and legitimate"²⁰. Kline makes the argument that child welfare law is structured as universal and neutral therefore cultural differences are not considered important or an aspect to consider when the "best interests of the child" ideology is in effect. This article and thesis have furthered the understanding of how a specific ideology functions in child welfare law.

Kline's work furthers the legal arguments in this area of study and fills a major gap in the literature, as in her own words she "situate[s] child welfare policy and practice in the historical context of the domination of First Nations in Canada by European-based political, legal, and economic systems."²¹ Kline succeeds in enriching our understanding of the discriminatory and racist structures in child welfare law by her rigorous analysis of court cases.

Kline also examines how Canadian judges internalize racist views towards Indigenous people. When child welfare decisions are made, racist representations of First Nations people are taken as common sense by the judicial system and the dominant society. Kline argued this point in relation to child welfare law and decisions made by

¹⁹ Marlee Kline, "Child Welfare Law, Ideology, and the First Nations." Thesis. York University, 1991.

²⁰ Kline, "Child Welfare Law, "Best Interests of the Child" Ideology, and First Nations." 375.

²¹ Ibid. 380.

judges in Canadian courts in her article, “The Colour of Law: Ideological Representations of First Nations in Legal Discourse.”²²

Her research and analysis complements my own work and opens a necessary door towards the importance of examining ideology and discourses. Kline limits her analysis to the examination of the court records. My examination of archival sources exploring the Indian Affairs Branch’s role in child welfare services can further supplement this discussion.

Karen J. Swift’s book, *Manufacturing ‘Bad Mothers’: A Critical Perspective on Child Neglect* also adds to this discussion of the discourse on colonialism through child welfare services. She investigates how ‘bad mothers’ are constructed in child welfare practices, concluding that mothers were largely evaluated not by their parenting skills, but on the basis of their housekeeping, appearance, poverty, and race. Swift looks at how race is factored into the evaluation of mothers by child welfare professionals arguing that the category of ‘neglect’ in the removal of Native children from their families was based on ‘equal’ standards of definition in *practice* which were discriminatory. Swift specifically examines how professional social work discourses which “apply equal treatment and standardized definitions amount to denial of the cultural and racial realities of Others”.²³

The conclusions drawn by legal scholars, such as Kline and by social workers such as Swift were based on legal decisions and in Swift’s case are largely drawn from the use of secondary sources. They are quite critical of the child welfare system and the

²² Marlee Kline, “The Colour of Law: Ideological Representations of First Nations in Legal Discourse.” *Social and Legal Studies* 3 (1994): 451-476.

²³ Karen Swift, *Manufacturing ‘Bad Mothers’: A Critical Perspective on Child Neglect* (Toronto: University of Toronto Press, 1995) 141.

ways in which it constructs categories of neglect and motherhood. My use of historical evidence from the Indian Affairs Branch will add to this body of literature.

There are a few historians whose work has affected the literature in this area. There are a few sources (largely unpublished) that also use archival documents in addition to statistical and case file analysis. Joyce Timpson's doctoral dissertation titled, *Four Decades of Child Welfare Services to Native Indians in Ontario: A Contemporary Attempt to Understand the 'Sixties Scoop' in Historical, Socioeconomic and Political Perspective*, analyses the 'sixties scoop' in Ontario using statistical analysis, interviews, and archival documents. Based largely on archival documents in the post war period, her research narrows the study to the Ontario experience. Timpson asks the question "what role did child welfare policy, socioeconomic changes, and practitioners play in disproportionate rates of Indian children in care?"²⁴ She concludes that there were three main themes that influenced the disproportionate rates of Indian children in care: "the ideology of equality interpreted as sameness; recognition or non-recognition of aboriginal differences (cultural misunderstanding); and incentives or disincentives in program choices."²⁵ Timpson's research is most similar to my own. My thesis broadens the historical research by providing a Canada-wide focus; comparing Canadian and Australian child welfare policy; and I also limit my analysis to a specific focus on equality discourses. I hope to further Timpson's argument, by providing a comparative approach, based on evidence drawn from archival documents.

²⁴ Joyce Timpson, "Four Decades of Child Welfare Services to Native Indians in Ontario: A Contemporary Attempt to Understand the 'Sixties Scoop' in Historical, Socioeconomic and Political Perspective." (Diss. Wilfrid Laurier University, 1993) 467.

²⁵ Ibid. 467.

A National Crime: The Canadian Government and the Residential School System, 1879 to 1986 by historian John Milloy also discusses the integration period of Indian policy.²⁶ Milloy argues that in the post-Second World War period when the government began the process of slowly closing residential schools, the Indian Affairs Branch continued to pursue a policy of assimilation. Despite the rhetoric of ‘keeping families together’ and its attempts to solve social problems on reserves through community development projects, the child welfare system became a replacement assimilation tool for the government to use. Milloy’s research is vital to the understanding of assimilation policy in Canada.

An excellent comprehensive review of social welfare policy and Aboriginal people was written recently by Hugh Shewell. His unpublished doctoral dissertation, *Origins of Contemporary Indian Social Welfare in the Canadian Liberal State: An Historical Case Study in Social Policy, 1873-1965*, furthers our understanding of the Indian Affairs Branch (after 1945) by explaining how its administration of social assistance was linked to the rights of citizenship. Shewell argues that social assistance was “an ideological and economic weapon used by the state to subdue First Nations and to force them to engage in the liberal market-place as self-supporting wage-earners.”²⁷ This dissertation provides an interpretation of the archival documents of the Indian Affairs Branch which focus on social welfare policy.

²⁶ John S. Milloy, “Part 3 – Integration and Guardianship, 1946 to 1986,” *A National Crime: The Canadian Government and the Residential School System* (Winnipeg: University of Manitoba Press, 1999) 189-238.

²⁷ Hugh Edward Quixano Shewell, “Origins of Contemporary Indian Social Welfare in the Canadian Liberal State: A Historical Case Study in Social Policy, 1873-1965.” Diss. University of Toronto, 1995. Abstract.

In relation to the comparative point of my thesis, there is only one relevant source which discusses Indigenous people in Canada and Australia and the child welfare system. This book, *Comparing the Policy of Aboriginal Assimilation: Australia, Canada, and New Zealand*, by Andrew Armitage provides an overview of assimilation policy as applied to Indigenous children in three Commonwealth countries.²⁸ Armitage argues that the common imperial heritage is the basis for the assimilative efforts of the governments. This book provides an excellent overview of a method to approach comparative research.

A few essential factors limit Armitage's book. Perhaps the most telling limitation is that it is based on only secondary sources. He also limits the research in Australia to two states and the Northern Territory and in Canada to two provinces and the Yukon Territory. Armitage provides an overview of assimilation policy in the three countries and a comparative analysis of the similarities and differences between the three countries. This book does not claim to be a historical account of assimilation policy, therefore it leaves a large gap, as it is an overview of policy as interpreted through secondary sources.

The Canadian literature provides the basis for my research. Overall, the three arguments used to understand the reasoning behind the disproportionate number of Aboriginal children in the child welfare system are largely supported by legal decisions and/ or statistical evidence. The exceptions are Timpson, Milloy and Shewell, who all use archival documents from the Indian Affairs Branch as evidence. Much of this literature identifies the effects of the child welfare system on Indigenous people and the factors such as jurisdictional rivalry, colonialism, and cultural misunderstanding which contributed to the overrepresentation of Indigenous children in care. Left out of the

²⁸ Andrew Armitage, *Comparing the Policy of Aboriginal Assimilation: Australia, Canada, and New Zealand*. (Vancouver: UBC Press, 1995).

discussion is how the government attempted to justify the removals of Indigenous children in Canada. Resistance by Indigenous people to the removal of their children can be found in the archival documents; therefore the government must have attempted to justify these removals. There is a consensus in the literature that the child welfare system is a continuation of assimilation policy by the Canadian government and my research will corroborate this conclusion. However, a review of the Canadian literature demonstrates that more historical and comparative research needs to be done. The Australian and Canadian public have been made aware through media coverage of the negative consequences of removal practices and policies towards Aboriginal children but there is still a widespread belief that the government and others were acting in the best interests of these children. Comparative research allows for the public and governments to understand the issues and policies within a broader context. In order to add to the literature and our understanding of these events a brief comparative analysis of child welfare removal policies between Canada and Australia will follow.

Comparing Historical Perspectives: Canada and Australia, 1950-1965.

Comparative analysis of Canadian and Australian child welfare services allows for an investigation of the influence of imperialism in Commonwealth countries in relation to the Indigenous people. According to Ann McGrath and Winona Stevenson the key reason for such comparative work lies in the British roots of each country's legal system which assumed authority over the land, government and Indigenous populations.²⁹ Armitage in his book comparing assimilation policies in Canada, New Zealand and

²⁹ Ann McGrath and Winona Stevenson, "Gender, Race, and Policy: Aboriginal Women and the State in Canada and Australia." *Labour/Le Travail*, 38 (Fall 1996)/ *Labour History*, 71 (November 1996): 37.

Australia also suggests that the colonial relationship between these three countries and Indigenous people provides the main reason for comparative research.

Many reports and articles by Australian and Canadian academics compare the historic and contemporary situation of Indigenous people in each country. For example, solicitor Melissa Abrahams criticized the Australian commonwealth government's response to the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* by comparing it to the Canadian government's response to the Royal Commission on Aboriginal peoples:

While the Federal Government's [commonwealth] response may not be as bad as some had expected, it fails to grasp an historic opportunity to move Australia into the next millennium with a clearer conscience and an open heart and mind. Unlike the Canadian response to its Royal Commission into Aboriginal Peoples, it did not use its response to reassess its fundamental attitude to Aboriginal peoples and Torres Strait Islanders.³⁰

Contrasting government responses is only one of the benefits of this kind of research. Comparative research also provides insights into how colonialism functions and has functioned and allows questions to arise that normally would not be found in a single-national study.

This part will provide a comparative analysis of Indigenous child welfare policies in Canada and Australia. Since the Australian component of this thesis will be based on secondary sources and the Canadian component on primary as well as secondary sources laid out in the ensuing chapters, I will attempt to make only some preliminary comparisons. Definite conclusions are not possible without a close examination of the archival documents in Australia, which was unfeasible in this research due to time and financial limitations. However, it is possible to see to some extent some of the

³⁰ Melissa Abrahams, "Bringing them home or taking them nowhere: the Federal Government's response to the National Inquiry into the Stolen Generations.," *Indigenous Law Bulletin* 4, 9 (February 1998) 15.

similarities and differences between Canadian and Australian child welfare policies for Indigenous people. A second problem with examining Australian Aboriginal policy, is that each state (except the Northern Territory) before 1967 governed Aboriginal people separately. Child welfare policy also comes under state jurisdiction. Therefore, differences in terms of policy exist in each state and territory. This part of my thesis concentrates on examining an overview of key national policy patterns.

Armitage's book demonstrates that Australia, Canada and New Zealand had a general policy of Aboriginal assimilation and that such policy arose from a common British heritage. Specifically, he argues that the 1837 British House of Commons Select Committee on Aborigines set the stage for the Commonwealth countries' policies of assimilation through paternalism. Referring to Micheal Banton's six orders of race relations after initial contact; 1) institutionalized contact, 2) acculturation, 3) domination, 4) paternalism, 5) integration, and 6) pluralism,³¹ Armitage argues that "domination, paternalism, and integration all occur within the general framework for assimilation."³² Paternalistic policies based on the belief of European superiority remained in effect until after the Second World War.³³ In the post-war period racial differences shifted towards assimilation through integration in Australia and Canada as seen by the opportunity to "integrate [A]boriginal social policy with mainstream social policy."³⁴ While by the mid-1960s the term integration was widely used, assimilation was still the main objective.³⁵

³¹ Armitage 185-186.

³² Ibid. 186.

³³ Ibid. 190.

³⁴ Ibid. 191-192.

³⁵ Ibid. 192.

Armitage argues that there were major changes which allowed for integration policy: in Canada, by the 1951 Indian Act and in Australia, by the withdrawal of various state Aboriginal protection statutes. These are accurate conclusions. However, due to lack of primary sources Armitage fails to provide concrete archival examples of the deceptiveness of policy discourse. The evidence from the *National Inquiry* and the reports written for the inquiry by the Aboriginal Legal Service of Western Australia, *After the Removal* and *Telling our Story* which were published a few years after Armitage's book, would have greatly assisted his conclusions. For example, *After the Removal* and *the National Inquiry* present archival evidence that demonstrate a conscious effort on the part of the state and Commonwealth governments to attempt the assimilation of Aboriginal children into non-Aboriginal society. Nonetheless, Armitage has provided a solid overview of the similarities between Canadian and Australian assimilation policies. This chapter supports his general conclusions, but is enriched by evidence from the Australian National Inquiry and extensive use of Canadian archival sources.

There is a wide range of Australian literature that uses a combination of historical and discourse analysis in the study of Australian child welfare policies. The most important literature for my research is: *Bringing them Home: The Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*³⁶ and the two submissions for the inquiry by the Aboriginal Legal Service of

³⁶ National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (Australia). Bring Them Home: The Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families. (Sydney: Human Rights and Equal Opportunity Commission, 1997).

Western Australia, prepared by Tony Buti and the Aboriginal Legal Service of Western Australia, *After the Removal*³⁷ and *Telling Our Story*.³⁸

Bringing Them Home: The Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, is the final report of the inquiry in Australia which was established to: “trace the past laws, practices and policies which resulted in the separation of Aboriginal and Torres Strait Islander children from their families by compulsion, duress or undue influence, and the effects of those laws, practices and policies.”³⁹ The main evidence of the Inquiry was the oral or written testimony of 535 Indigenous people throughout Australia relating to their experiences of removal policies.⁴⁰ In addition, law firms, Aboriginal Legal services and Indigenous organizations recorded testimonies and sent in submissions to the Inquiry.

The report of the Inquiry provides an exhaustive historical account of removal policies across Australia. The report presents archival evidence from governmental and welfare departments in order to bolster its arguments.

The Aboriginal Legal Service of Western Australia (ALSWA) collected more than 600 testimonies of Indigenous people concerning their experiences of removal policies. ALSWA made two submissions to the Inquiry, *Telling Our Story* and *After the Removal*.

⁴¹ The report, *Telling Our Story* contains individual and collective stories of Indigenous

³⁷ Tony Buti, *After the Removal: A Submission by the Aboriginal Legal Service of Western Australia (Inc) to the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*. (Perth: Aboriginal Legal Service of Western Australia, 1996).

³⁸ Aboriginal Legal Service of Western Australia (Inc) *Telling Our Story: A Report by the Aboriginal Legal Service of Western Australia (Inc) on the Removal of Aboriginal Children from their Families in Western Australia*. (Perth: Aboriginal Legal Service of Western Australia (Inc), 1995).

³⁹ National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (Australia) n.p.

⁴⁰ *Ibid.* 21.

⁴¹ These two submissions were subsequently published independently by the ALSWA. The reasoning behind the independent publications was based in the knowledge that the submission would not be edited

people who have been affected by the removal policies in Western Australia. *After the Removal*, includes stories from Indigenous people, as well as historical and legal evidence to support the claim by the ALSWA and the Inquiry that the removal of Indigenous children from their families in Australia was a form of assimilation and cultural genocide.

Another Australian source is written by Rosalind Kidd, who examines the previously unopened files of the Queensland's Aboriginal department in the book, *The Way We Civilise: Aboriginal Affairs – the untold story*. Kidd's research is groundbreaking in terms of the archival evidence she collected and interpreted in her book. Kidd suggests that the lack of knowledge of the official history of Aboriginal affairs, contributes to the portrayal of Aboriginal people as a "problem" in Queensland. Her purpose is to examine that, "if, as is the case, the state government has had almost total control over Aboriginal lives for a century, then it is the operation of state government which should be investigated to reveal the reasons for the disastrous conditions which persist for so many of those who were for so long their unwilling wards."⁴² Kidd's book is a necessary addition to the official history of Australia – as it demonstrates the 'neglect' of Aboriginal affairs.

The most useful articles have been found in the *Indigenous Law Bulletin* (formally Aboriginal Law Bulletin).⁴³ These articles contribute to the discussion by legal scholars

and many of the stories that were submitted would not be published in the Inquiry's report – due to its large mandate.

⁴² Rosalind Kidd, *The Way We Civilise: Aboriginal Affairs – the untold story*. (St. Lucia, Queensland: University of Queensland Press, 1997).

⁴³ Articles include: Melissa Abrahams, "Bringing Them Home or Taking Them Nowhere?: The Federal Government's Response to the National Inquiry into the Stolen Generations." *Indigenous Law Bulletin* 4.9 (February 1998), Tony Buti, "They Took the Children Away." *Aboriginal Law Bulletin* 3.72 (1995), Mark Champion, "Post Kruger: Where to Now for the Stolen Generations?" *Indigenous Law Bulletin* 4.12 (June 1998), Goodall, Heather, " 'Saving the Children': Gender and the Colonization of Aboriginal Children in NSW, 1788 to 1990." *Indigenous Law Bulletin* 2.44 (June 1990), Hal Wootten, "Ron Brunton & Bringing Them Home." *Indigenous Law Bulletin* 4.12 (June 1998).

concerning the *National Inquiry* and the removal policies of Indigenous children in Australia. The Australian literature is much more extensive than the Canadian literature, due to the immense research completed for the *National Inquiry*. This literature allows for some comparative policy aspects to be explored here.

The main focus will be on the period of assimilation and integration policy from the 1950s to the 1970s. I will provide a brief overview of the national agenda in Aboriginal and child welfare policy, largely relying on the Australian *National Inquiry's* final report. My comparison will focus on the policy shifts from assimilation to integration, the move towards the use of mainstream child welfare policy, the discourses surrounding the justification for the removal of Aboriginal children, and the equality discourses of the integration period. Was the extension of mainstream child welfare policies to Aboriginal people in Australia and Canada an example of what literary theorist Terry Goldie in the context of commonwealth literatures, describes as the usage of stereotypical representations of Indigenous people? His definition is equally relevant here.

The indigene is a semiotic pawn on a chess board under the control of the white signmaker. And yet the individual signmaker, the individual player, individual writer, can move these pawns only within certain prescribed areas. Whether the context is Canada, New Zealand, or Australia becomes a minor issue since the game, the signmaking is all happening on one form of board, within one field of discourse, that of British imperialism.⁴⁴

The main purpose of this part of my thesis is to demonstrate how Aboriginal and child welfare policies were operating within the field of British imperialism encompassing all the colonies.

⁴⁴ Terry Goldie, "The Representation of the Indigene." *The Post-Colonial Studies Reader*, ed. Bill Ashcroft, Gareth Griffiths, Helen Tiffin (London and New York: Routledge, 1995) 232.

National Overview of Assimilation Policy in Australia

Australian Aboriginal policy was controlled by the state governments, with the exception of the Northern Territory which is under federal jurisdiction, whereas in Canada, Aboriginal policy is federally controlled. Despite the complex differences from state to state, there was a national agenda in Australia which controlled the direction of Aboriginal policy. This agenda shifted in the twentieth century from the merging and absorption of children into the non-Aboriginal population, largely focusing on children of mixed descent, to an aggressive policy of assimilation through Aboriginal policy and the extension of mainstream child welfare policy.⁴⁵

The overriding national agenda of assimilation was made clear at the first Commonwealth-State Native Welfare Conference in 1937. The Chief Protectors, who were the “legal guardians of every Aboriginal person regardless of age, and of all part-Aboriginal children until they were eighteen” met at the conference to discuss issues of Aboriginal policy.⁴⁶ Each state (except Tasmania) and the Commonwealth agreed at the conference that they would adopt A.O. Neville, the Chief Protector of Western Australia’s idea of absorption of Aboriginal people of mixed descent:

...this conference believes that the destiny of the natives of aboriginal origin, but not of the full blood, lies in their ultimate absorption by the people of the Commonwealth, and it therefore recommends that all efforts be directed to that end.⁴⁷

The *National Inquiry* reported that from this period on, the policy of assimilation through absorption was established by forcibly removing children of mixed descent to work for

⁴⁵ National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (Australia). 29-35.

⁴⁶ Stephanie Gilbert, “The Effects of Colonisation on Aboriginal Families: Issues and Strategies for Child Welfare Policies.” *Child Welfare Policy: Critical Australian Perspectives*. Ed. Jan Mason. (Sydney: Hale & Iremonger Pty Limited, 1993) 38.

⁴⁷ National Inquiry into the Separation of Aboriginal and Torres Strait Islanders from Their Families 32.

non-Indigenous people outside of their communities. The 1937 conference concluded that Aboriginal policy should focus on these children eventually: "...taking [their] place in the white community on an equal footing with the whites."⁴⁸ This sentiment of equality remained a part of the assimilation policy underlying various definitions, including the formal definition of assimilation established in 1951. At a meeting between the Federal Minister for Territories, Paul Hasluck and other state ministers working in Aboriginal affairs, everyone agreed that assimilation meant that all Aboriginal people including those of mixed descent:

Shall attain the same manner of living as other Australians, enjoying the same rights and privileges, accepting the same responsibilities, observing the same customs and being influenced by the same beliefs, hopes and loyalties.⁴⁹

Interestingly, the assimilation policy of ignoring cultural differences implied that Aboriginal people were no different than "poor whites."⁵⁰ During the 1960s, the general child welfare law and policy was applied to Aboriginal children in all of the states. Before this extension of general laws, there were separate child welfare laws that applied to Aboriginal people. Once Aboriginal children were removed to mission schools or into foster care under the state's child welfare law, they were not treated the same. The *National Inquiry* makes it clear that instead of change, the general child welfare policy was just a continuation of the past removals, "The same welfare staff and the same police who had previously removed children from their families simply because they were Aboriginal now utilized the neglect procedures to remove just as many Aboriginal children from their families."⁵¹

⁴⁸ Ibid. 32.

⁴⁹ Ibid. 24.

⁵⁰ Ibid. 32.

⁵¹ Armitage. 33.

As in Canada, the child welfare policies which applied to the removal of Indigenous children in Australia, differed in each of the states and the Northern Territory. During the 1940s, the national background behind the general policies' attempt to assimilate Aboriginal and Torres Strait Islanders followed the same pattern as in Canada. In both countries, assimilation policy was furthered through the extension of mainstream child welfare law and services.

Comparing Child Welfare Policy.

There are three themes of discourse on child welfare policy that are most prevalent in this brief study. They will be compared in relation to the child welfare policies in Canada and Australia. The first theme is the shift in assimilation policy beginning in the mid-1950s. In essence, in this era assimilation meant making Aboriginal peoples cultural differences invisible, working towards the goal of equality for all citizens in Canada and Australia. The second theme is the attempt by both governments to enforce equal treatment, despite the fact that Aboriginal people were, ironically, not treated equally. The third theme extending from the mid-1930s in Australia and from the early 1950s in Canada was the assimilation of children of mixed descent. Each theme will be examined by comparing the discourse on child welfare and Indigenous people in each country.

Canada and Australia share a similar pattern of race relations. In the post war period, there was pressure from citizens in both countries to reject the concepts of racial superiority. Despite this pressure, "...Australian governments were remarkably slow to

abandon racist practices.”⁵² On the other hand, Canadian governments were perhaps more guarded, veiled behind the ideology of equality in the 1950s. Policy reflected these changes in the post war period.

The assimilation of Aboriginal people remained the policy objective of both countries until 1970, and perhaps, it could be argued, even to this day. Assimilation was defined in Australia as: “All persons of Aboriginal blood or mixed blood in Australia will live like white Australians do.”⁵³ In Canada, the definition of assimilation (though the term integration was more widely used) was quite similar. J.H. Gordon, acting director of the Indian Affairs Branch stated:

...The end result will, when achieved, eliminate the need for special programs, special legislation and special services for, as long as these are required, the goal of self-reliance and independence on an equal footing with other Canadians cannot be said to have been accomplished.⁵⁴

This goal was not achieved. The long term effects of colonialism and racism damaged the ability of each nation to move towards this goal. Even more relevant, equality of ‘citizenship’ was rejected by Aboriginal people in Canada, evidenced by the successful resistance towards the Liberal government’s White Paper of 1969.

An Australian example of how assimilation policy failed can be found in the Northern Territory. Andrew Markus writes that Paul Hasluck, who was the elected official responsible for the territory beginning in 1951, demonstrated the problem with achieving assimilation:

Hasluck was a firm assimilationist. He dismissed the notion of racial difference and viewed Aborigines’ problems in social terms. The task of government, he

⁵² Andrew Markus, Australian Race Relations, 1788-1993. (St. Leonards, NSW: Allen and Irwin, 1994) 156.

⁵³ Ibid. 164.

⁵⁴ NAC RG 10, vol. 8202, file 492/29-16, pt. 1, MR C-13753, Address by J.H. Gordon to the Port Arthur Children’s Aid Society, February 21, 1963, 2.

believed, was to promote policies that would allow Aborigines to be ‘merged into and be received as full members’ of the wider community...One point that Hasluck failed to make clear in his memoirs was that his administration designated 15, 000 Aborigines as ‘wards’ – the majority of Aborigines in the territory.⁵⁵

Old habits and the persistent use of existing Aboriginal policy in both countries was a pattern that continued until the late 1960s. Armitage suggests that: “Assimilation would be achieved, and [A]boriginal peoples would become invisible in so far as public policy was concerned.”⁵⁶ However, the state and provincial governments attempted to achieve this goal by the late 1960s through the extension of mainstream child welfare law and services to Aboriginal people.

The post war period in Canada and Australia involved the extension of mainstream child welfare policy and services to Indigenous people. New South Wales, much like Ontario, was the first state to extend mainstream child welfare law to Aboriginal people beginning in 1940.⁵⁷ Previously, through the surveillance of Indigenous families and communities, children were observed and removed based on their ‘Aboriginality.’ In the integration period, however, the surveillance was based on evaluating their deviation from the “acceptable non-Indigenous ‘norm’.”⁵⁸ Indigenous people in New South Wales were threatened that: “if they did not demonstrate a willingness to live like white people, their children would be taken.”⁵⁹

Despite the dominant discourses of ‘equality’ in Canada and Australia it is evident that Indigenous families were judged by non-Indigenous standards of “neglect,”

⁵⁵ Markus 165-166.

⁵⁶ Armitage 192.

⁵⁷ National Inquiry into the Separation of Aboriginal and Torres Strait Islanders from Their Families 33.

⁵⁸ National Inquiry into the Separation of Aboriginal and Torres Strait Islanders from Their Families 33.

⁵⁹ Heather Goodall, “New South Wales,” Contested Ground: Australian Aborigines under the British Crown ed. Ann McGrath (St. Leonards, NSW: Allen & Unwin, 1995) 91.

parenting, and housing. As historian Joan Sangster argues, “above average Aboriginal homes were considered unusual.”⁶⁰ In 1950, Jane Bartlett, a social worker for the Indian Affairs Branch in Ontario, described one family which followed the pattern described by Sangster: “The Miltons are above the average Indian family and it is evident in their home surroundings. They have a comfortable furnished home and the mother is an excellent housekeeper. The children are her first thought and they have a well balanced diet with regular meals.”⁶¹ As provincial social welfare employees and the Children’s Aid Societies extended their child welfare services onto reserves in the 1960s, the Indigenous family increasingly was under surveillance – and the production of stereotypes increased because of the CAS equality discourses.

Typical negative representations of home and family conditions were often described as, “very poor home conditions,” and “highly inadequate.”⁶² Even foster care homes, including ones where the foster parents were relatives (which was common during the 1950s in Canada) were not described according to the quality of parenting, but on the basis of their physical condition. Comments ranged from, “Standard local Indian environment,” to on a few occasions, “Very good home.”⁶³ On the other hand, poor home conditions were not recognized by social workers and superintendents to be

⁶⁰ Joan Sangster, “Criminalizing the Colonized: Ontario Native Women Confront the Criminal Justice System, 1920-60.” *The Canadian Historical Review* 80, 1, (March 1999): 47.

⁶¹ NAC RG10, vol. 8464, file 492/23-21, “Social Worker’s Report, Mobert Reserve – Port Arthur Agency, August 21-26, 1950.” 3.

⁶² NAC RG 10, vol. 6937, file 140/29-4 pt. 2, MR C-10989, Initial Child Placement Application and Authority forms. RG 10, vol. 6937, file 141/29-4 pt. 1, MR C-10989, Initial Child Placement Application and Authority forms. RG 10, vol. 6937, file 142/29-4 pt. 3, MR C-10989, Initial Child Placement Application and Authority forms. RG 10, vol. 6937, file 379/29-4 pt. 3, MR C-10990, Initial Child Placement Application and Authority forms. RG 10, vol. 6938, file 411/29-4 pt. 2, MR C-10990, Initial Child Placement Application and Authority forms. RG 10, vol. 8387, file 774/29-4 pt. 4, MR C-10992, Initial Child Placement Application and Authority forms. RG 10, vol. 8463, file 401/23-21, Ontario – Social Workers Reports, 1950-1951.

⁶³ *Ibid.*

connected to economic problems, “the product not of some flaw in the character of Aboriginal parents but of the marginalization of Aboriginal communities.”⁶⁴

During the period of assimilation, Aboriginal children were removed without reasons, “neglect” did not have to be proven to a court.⁶⁵ This changed in both countries by the late 1960s when mainstream child welfare policies and laws were extended. Representations of Indigenous families in Australia, as in Canada, measured families against the dominant society’s standards. The National Inquiry states that terms like ‘neglected’, ‘uncontrollable’, “...interpretations of those terms assumed a non-Indigenous model of child-rearing and regarded poverty as synonymous with neglect.”⁶⁶ Consider this evaluation by a Western Australian welfare officer in 1968. She wrote: “A thorough examination was not made as the father was not present. From what I saw however, I am satisfied that the children are ‘neglected’, if for no other reason than the shack they live in.”⁶⁷ ‘Lifestyle’ and ‘home conditions’ were enough evidence for removal. Officials blamed Indigenous parents for economic circumstances. In Canada, the justification for the removal of Aboriginal children was based on “neglect” linked to economic conditions. This was similar to Australia.

The focus on the assimilation of Indigenous people of mixed descent in Canada is similar to the pattern in Australia, but it occurred twenty years later. A.O. Neville’s statement at the 1937 Australian conference is uncannily similar to a statement by Colonel Jones the Superintendent of Welfare Services for the Indian Affairs Branch. Both statements can be linked to the ideas of biological absorption prevalent with the

⁶⁴ Milloy 213.

⁶⁵ Armitage 205.

⁶⁶ National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (Australia) 33.

⁶⁷ Aboriginal Legal Service of Western Australia (Inc) Telling Our Story 76.

eugenics movement rhetoric about mixed race children. The Aboriginal Legal Service of Western Australia submission to the *National Inquiry* suggested that Neville's vision at the time of the 1937 conference:

...was one where "part-Aborigines" (the "half-caste") would be absorbed by the white community and the "full-blooded Aborigines" would "die out as quickly as possible". The policy and practice of removing Aboriginal children from their families and communities was an attempt to "breed out" the Aboriginal race. ⁶⁸

Much later in 1953, Colonel Jones expressed a similar sentiment in his statement concerning the loss of Indian status by children of mixed descent explaining that the policy: "was created to assure the progressive assimilation of people of only part Indian racial origin into the non-Indian or "white" community and thereby to check the regressive trend of the assimilation of such people into the more backward Indian communities." ⁶⁹

Aboriginal and mixed descent children in both countries were advertised to foster parents, in the hope that these children would be absorbed into non-Aboriginal society. Officials pretended that the light-skinned child was not Aboriginal or presented the argument that: "Indian children responded more quickly to discipline, etc. than non-Indian children" in order to appeal to non-Aboriginal foster parents. ⁷⁰ The main purpose of these rationalizations was to ignore the child's Aboriginal heritage and family.

There was little or no thought given to the parents of the child. While some officials recognized that parents cared deeply for their children, these feelings went against official policy. Much earlier, during a 1905 discussion in Western Australian's

⁶⁸ Buti, After the Removal 10.

⁶⁹ NAC RG 10, vol. 8463, file 1/23-21, pt. 1, MR C-13809, H.M. Jones, Letter to Miss Monica L. Meade, April 7, 1952, 2.

⁷⁰ NAC RG 1, vol. 10707, file 43/29-16 pt. 1, Meeting between Indian Affairs Branch Officials and the Directors of the Children's Aid Societies in North Bay Regional Offices, January 27, 1960.

parliament about the removal of Aboriginal children, officials stated: “it may appear to be a cruel thing to tear away an Aborigine from its mother, but it is necessary in some cases to be cruel to be kind.”⁷¹ A similar comment surfaces fifty years later. The 1950 Annual Report for the Commission of Native Welfare in Western Australia stated that:

The influence of the adult full blood, parents and otherwise...although often arising from the love of their parents for the child is completely undesirable from our standards and can only delay the process of the child to such an extent and that becomes retrogression.⁷²

These quotes demonstrate, in the case of Western Australia the belief that Indigenous children whether in 1900 or 1950 needed to be removed from their parents. As horrific as my conclusion may be, the discourse on child welfare and Indigenous people in Australia and Canada demonstrates that children were the means to an attempted end of the Indigenous race.

Comparing Australian and Canadian removal policies demonstrates that there was a common thread of attempted assimilation through the removal of Aboriginal children. Without an examination of the archival documents in Australia I cannot conclude that the similarities of discourse of assimilation were linked to communication between both countries. This comparison does show that there is a similar discourse on Aboriginal people and this in turn attempts to justify the extent of the removal policies. This portion of the thesis reveals that there is a need for an additional comparative historical study of these patterns.

⁷¹ Buti 25.

⁷² Ibid. 29.

Summary

This chapter provided a brief introduction to the thesis topic, its methodology, a review of the literature on Indigenous people and the child welfare system in Canada and Australia and a comparative analysis of Canadian and Australian child welfare removal policies. It demonstrated that the thesis is examining an area of research that has been limited by a lack of inquiry into archival research. Because of the extent of archival documents that will be presented, this thesis will add to the literature and contribute to the work that is examining critically the dominant non-Indigenous government and society's treatment of Indigenous people. The comparative aspect of the thesis enriches the analysis of Indigenous child welfare policy.

The ensuing chapter will examine the integration period of Indigenous policy in Canada. It will analyze child welfare services and community programs provided by the Indian Affairs Branch from 1950 to 1965, and will question how these services and programs relate to the overrepresentation of Indigenous children in the child welfare system by the 1960s.

Chapter Two

“The Importance of the Family”: Old Structures, New Policies.

In March, 1956, Indian Affairs Branch social worker, Monica Meade distributed to Branch staff her lecture on the “Importance of the Family” recommended for use in Homemakers’ clubs. These clubs were established by the Branch for Aboriginal women beginning in 1937. Their purpose was to “stimulate social and charitable activities on the reserves and [to] raise the standard of home life.”¹ Not unexpectedly, the lecture asserted, “good families do not just happen.”² It outlined the common results of family breakdown:

We see young people getting into trouble. We see men leaving their wives, wives being unfaithful to their husbands. We see increased drinking and crime. The number of illegitimate babies is increasing.³

This breakdown in family life Meade suggested, was due to selfishness, lack of respect, laziness, nagging, and parents failing to realize their responsibilities. Her discussion concluded with the statement: “INDIANS have taught the world many things. Think of the good we could do if we could show the world what good family life means (original emphasis).”⁴

Meade’s suggestion that Indians could teach the world about good families was certainly ironic as it contradicted the goals of the Indian Affairs Branch. The aim of the Homemaker’s clubs were after all, to teach Indian women how to raise the standards of

¹ Department of Citizenship and Immigration, Indian Affairs Branch, Annual Report 1952-1953 (Ottawa: Queen’s Printer, 1953) 63.

² NAC RG 10, Volume 8464, File 901/23-21, part 2, “Social Reports B.C. Commissioner’s Office , Homemaker’s Bulletin, March 1956.”

³ Ibid.

⁴ Ibid.

home life by meeting or replicating non-Indigenous norms.⁵ This was the all too familiar theme in post- Second World War social science discourse on Aboriginal people.

Even more telling, was the extent to which the lecture's focus was in keeping with the direction of the Branch's change in assimilation policy. Prior to the end of the Second World War, assimilation policy had focused on weakening the influence of Indigenous families on children by removing them from their homes and communities into residential schools. Beginning in the late 1940s, this policy slowly shifted towards more family-centred approaches. "Integration" became the new terminology, replacing the use of the word assimilation. The government's purpose however, remained the same; to assimilate Aboriginal people into "the more 'progressive' patriarchal, Christian, Euro-Canadian culture" through the eradication of Aboriginal culture.⁶

One aspect of the new family-centred focus was to provide social welfare services to Indigenous people. A part of those services was the provision by the Branch of child welfare services beginning in 1949 and continuing to 1960s. Despite that development, the next twenty years saw the most aggressive and traumatic attack on Aboriginal families exemplified by an escalating number of children being taken into care. How did the Branch's child welfare interventions lead to the overrepresentation of Indigenous children in the provincial child welfare systems? As will be shown, these child welfare services were also inadequate, at times, non-existent. The situation mirrored that of the pre Second World War period in non-Aboriginal society in Ontario, where "most Children's Aid Societies experienced chronic financial difficulties which handicapped

⁵ Department of Citizenship and Immigration, Indian Affairs Branch, Annual Report 1952-1953, (Ottawa: Queen's Printer, 1953) 63.

⁶ Sangster 59.

their development” and the lack of qualified staff.⁷ To a lack of qualified staff and financial commitment must be added continuing paternalistic attitudes and little or no preventive services. Rather than creating a wholly new set of programs the Branch used existing programs and services on and off the reserve. This patchwork system included the use of residential schools as child welfare institutions, foster homes on the reserve, community development programs and old structures like Indian status investigations which forced the removal of non-Status children from the reserve. This chapter will investigate how the Branch delivered child welfare services. This examination is important in order to understand how these insufficient services of the Branch necessitated, eventually, the use of mainstream provincial child welfare interventions. Partial patterns from the available archival documents provide revealing glimpses into how services were provided by the Branch in the period 1950 to the early 1960s.

The Apparent Reformulation of Indian Policy.

In the postwar period, Indigenous people’s lives and communities were significantly changed. New governmental policies were designed to alter the structure of Indigenous families. Assimilation was to be achieved through the provincial education system and social welfare policies, which together would effectively integrate Aboriginal people into non-Aboriginal society as “citizens.” The government recognized that past assimilative policies, such as residential schools, had not been effective. Heading in a new direction, the government aimed to achieve assimilation:

through interventions designed to foster [Aboriginal peoples] active and legal citizenship. This policy was predicated on maintaining in the public

⁷ Roslyn Louise Cluett, “Child Welfare on a Shoestring: The Origins of Ontario’s Children’s Aid Societies 1893-1939,” diss., University of Guelph, 1994, abstract.

mind the idea that, while First Nations were a shamefully deprived minority, they were still backward people whose steps forward into a modern society required careful management.⁸

Integration policy did not alter the assimilative aims of the government. Instead, the equality rhetoric of integration merely encouraged the extension of the dominant society's welfare programs. Frank Tester and Peter Kulchyski suggest that:

...In the case of First Nations and aboriginal peoples, the racism inherent in the welfare state takes an assimilationist form but has been couched, historically, in liberal humanitarian language. Thus, those developing and delivering services within the precepts of welfare liberalism argued, as was consistent with liberal discourse on rights, that they were committed to extending the privilege of citizenship developed by the Canadian state to all Canadians.⁹

The transferring of the Indian Affairs Branch from the Department of Mines and Resources to the Department of Immigration and Citizenship in 1950 was part of this discursive pattern.

Historically, the Canadian government in pursuit of its assimilative goal had employed separate policies that facilitated control over Indigenous people. The Indian Act was the primary means of controlling and regulating Status Indians. It was one of the main tools by which Indigenous families were to be placed under increased scrutiny. Indian policy, until Confederation, focused on the "protection of the Indian and his land" from the encroaching settlers.¹⁰ After Confederation, the goals of civilization and assimilation were formally implemented. The British North America Act (BNA) 1867 gave the federal government exclusive jurisdiction over Indians and lands reserved for

⁸ Hugh Shewell "Origins of Contemporary Indian Social Welfare in the Canadian Liberal State: An Historical Case Study in Social Policy, 1873-1965," diss., University of Toronto, 1995, 439.

⁹ Frank James Tester and Peter Kulchyski, Tammarniit (Mistakes): Inuit Relocation in the Eastern Arctic 1939-63. (Vancouver: University of British Columbia Press, 1994) xi.

¹⁰ John L. Tobias, "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy," As Long as the Sun Shines and Water Flows, Ed. I. Getty and A. Lussier. (Vancouver: University of British Columbia Press, 1983) 44.

Indians.¹¹ Legislation in the form of Indian Acts in 1869, 1876 and 1880, and the Indian Advancement Act of 1884 set out to regulate all aspects of Indigenous people's lives.¹² In the postwar period, as Timpson states, awareness of the racism and xenophobia of the Second World War: "[Caused] Canadian society to reexamine its own racist laws against its Native people."¹³ Therefore, Aboriginal policy needed to be reexamined.

Post war reconstruction witnessed some reformulation of this Indian policy. For the purposes of this thesis, the most important inquiry into the Indian Act came in May 1946, in the form of the Special Joint Committee of the Senate and the House of Commons Appointed to Consider and Examine the Indian Act. The Committee's mandate was to make recommendations for revising the Indian Act. Its agenda focused on eight issues in relation to this legislation:

Treaty rights and obligations, band membership, liability of Indians to pay taxes, enfranchisement of Indians both voluntary and involuntary, eligibility of Indians to vote at dominion elections, the encroachment of white persons on Indian reserves, the operation of Indian Day and Residential schools, and any other matter or thing pertaining to the social and economic status of Indians and their advancement, which in the opinion of such a committee, should be incorporated in the revised Indian Act.¹⁴

In pursuing its mandate, the Committee heard presentations and viewed proposals from various Indian organizations, bands, and churches. Shewell writes that: "Even though the Joint Committee was an all party committee the government controlled its agenda and the government had no intention of allowing it to render recommendations other than those which would essentially further that policy and that image of Indians."¹⁵

¹¹ Ibid. 44.

¹² Milloy 21.

¹³ Timpson 133.

¹⁴ Canada, Parliament, Special Joint Committee of the Senate and the House of Commons, Appointed to Examine and Consider the Indian Act, Minutes of Proceedings and Evidence (Ottawa: Edmond Cloutier, Printer to the King's Most Excellent Majesty, May 16th 1946), No. 1, iii.

¹⁵ Shewell 439.

One of the most significant alterations in government policy was Ottawa's desire to make agreements with the provinces for the purchase of social welfare services to be extended to Status Indians. Though the members of the committee determined to recommend changes to the Indian Act, they revealed a continued "belief that assimilation was still a desirable end to the 'Indian problem.'" ¹⁶

One of the most influential briefs was a joint submission in 1947 from two key social welfare organizations: the Canadian Welfare Council and the Canadian Association of Social Workers. ¹⁷ Their submission carried influence because of the new trust that Canadians placed in the social science discourses of the postwar period. ¹⁸ The extent of that influence is indicated by the fact that recommendations of the joint brief had recommendations that were included in the Committee's final report. The CASW/CWC submission recommended for example, that the goal of the state towards Aboriginal people should be: "Full assimilation of Indians into Canadian life, which involves not only their admission to full citizenship, but the right and opportunity for them to participate freely with other citizens in all community affairs." ¹⁹

In order to reach the goal of full assimilation, the CASW and CWC recommended principally that provincial child welfare services should be extended to Indians on reserves whose current situation they found problematic. They observed: "[T]he practice of adopting Indian children is loosely conceived and executed and is usually devoid of the careful legal and social protection afforded to white children." ²⁰ Residential schools,

¹⁶ Milloy 189.

¹⁷ Shewell 462.

¹⁸ Ibid. 462.

¹⁹ Canadian Welfare Council and Canadian Association of Social Workers. Joint Submission to the Special Joint Committee of the Senate and the House of Commons Appointed to Examine and Consider the Indian Act. Ottawa, January 1947, 155.

²⁰ Canadian Welfare Council and Canadian Association of Social Workers. 157.

which were the predominant system of child welfare services should not be used anymore they thought – because “neglected and delinquent” children required specialized care and services that could only be provided by child welfare agencies.²¹ The CASW and CWC recommended furthermore that “foster home service should be developed within the Indian setting.”²²

In 1951 when the Indian Act was amended, the possibility of extending child welfare services and social welfare services from the provinces was facilitated by Section 87 (now Section 88) of the Indian Act which stated that:

Subject to the terms of any treaty and any other Act of the Parliament of Canada, all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province, except to the extent that such laws are inconsistent with this Act or any order, rule, regulation or by-law made thereunder, and except to the extent that those laws make provision for any matter for which provision is made by or under this Act.²³

Section 87/88 was a means for the federal government to purchase social welfare services from the provinces. The ostensible goal was to avoid duplication of social welfare services and, indeed other services in order to reduce the costs of Indian administration.²⁴ Instead, this revision to the Indian Act caused confusion and jurisdictional rivalry between the federal and provincial governments. Ensuing struggles over cost-sharing agreements and responsibility delayed the extension of child welfare services in most provinces for fifteen to twenty years.²⁵

²¹ Ibid. 160.

²² Ibid. 158.

²³ Statutes of Canada, 1951, 15 Geo. VI, c. 29.

²⁴ Shewell 492-493.

²⁵ Patrick Johnston, Native Children and the Child Welfare System (Toronto: James Lorimer & Company, 1983) 3-4.

Residential Schools: Child Welfare Institutions.

Beginning in the late 1940s, the Federal government decided to move Indigenous children into integrated day schools or community-based schools, rather than residential schools. The lack of available child welfare services, however, gave new life to the continuation of the old residential school system. Because of their new social policy role, it would take the Federal government another four decades to dismantle residential schools.²⁶

Prior to the Second World War, the only child welfare services that were in place for Indigenous children were residential schools. Milloy asserts that the Branch felt that:

Many children could not...remain in their homes. Their parents would not be able to 'assume the responsibility for the care of their children,' upon which the integration/closure policy depended, because of 'such things as alcoholism in the home, lack of supervision, [and] serious immaturity.' Their children would continue to need Departmental supervision of some kind. And there were, in the Department's estimation, many such children, 'whose family situations were precarious.'²⁷

According to a 1953 survey "4,313 out of 10,112" children in residential schools were defined as "neglected" children in need of Branch supervision.²⁸ In individual schools, rates could be quite high. Shirley Arnold, a social worker from the Indian Affairs Branch wrote a 1961 report on the home and family conditions of children enrolled at the Alberni and St. Mary's residential schools in British Columbia. She determined that, "fifty percent of the children were enrolled because home conditions [had] been judged inadequate."²⁹ J.H. Gordon, the Chief of the Welfare Division of the Indian Affairs Branch in commenting on the report's findings felt that, "this analysis serves to confirm

²⁶ Milloy 211.

²⁷ Ibid. 211.

²⁸ Ibid. 214.

²⁹ Ibid. 214.

impressions that there is reason for concern in regard to the welfare of those children who have been admitted because of unsatisfactory home conditions or lack of appropriate guardianship.”³⁰

Following the Joint Committee’s recommendations in 1948, Branch officials generally discouraged the placements of Indian children in residential schools.³¹ Placement was usually limited to: “children who come from homes in which competent welfare workers decided that institutional care was needed.”³² However Indian Affairs Branch policy and the actions of social workers and local Branch staff differed since there was a tendency on the part of superintendents and social workers to place Indian children who were deemed delinquent, neglected, and orphaned in residential schools. F.B. McKinnon, the regional supervisor of the Maritime Region for Indian Affairs wrote in 1961 to the Superintendent of the Shubenacadie Indian Agency after receiving a form requesting the placement of two children in residential school:

It is Branch policy to only place children in the residential school as a last resort. That is if a foster home is available, it is preferable that that the children be placed there rather than in the Residential school. Also, if the residential school need be considered at all, because of present accommodations please advise why the older children are not being placed there now.³³

The Superintendent replied that the reason for requesting the placement of these children in the school was that their foster mother was older (61 years of age) and that he believed she would be unable to care for the children for much longer.³⁴ The pattern of placing

³⁰ NAC RG 10, vol. 8387, file 901/29-4 pt. 1 MR C- 10992, J.H. Gordon, Chief, Welfare Division to Indian Commissioner for British Columbia, August 10, 1961.

³¹ NAC RG 10, vol. 8463, file 1/23-21, MR C-13809, General – Social Worker’s Reports, 1953-1960.

³² Milloy 212.

³³ RG 10, vol. 8550, file 51/29-4 pt. 7, MR C- 15138, F.B. McKinnon, Regional Supervisor to Indian Superintendent, Shubenacadie Indian Agency, April 24, 1961.

³⁴ RG 10, vol. 8550, file 51/29-4 pt. 7, MR C- 15138, Indian Superintendent to Maritime Regional Office, April 26, 1961.

“neglected” (measured against non-Aboriginal concepts) children in residential schools continued into the 1970s.³⁵

McKinnon and other Branch officials were in agreement that foster home placements were preferred over institutional care.³⁶ Finding good foster homes, however, was quite difficult in all regions. N.J. McLeod, the Branch’s Regional Supervisor in Saskatchewan stated that: “Good foster homes for Indian children were difficult to secure, especially those which would discharge their complex responsibilities fully.”³⁷ Residential schools continued to provide a convenient and accessible option for local Indian superintendents for the placement of “neglected” Aboriginal children, even if it meant that the child would have to go to another province to attend school. Despite the Branch’s move towards a more family-centred assimilation policy, residential schools continued out of necessity not only as educational facilities but also as child care centres and orphanages. As the Branch provided no alternative child welfare services and as it persisted in using the schools for neglected children; it prolonged the existence of the schools and frustrated its own aim to close them down. The Branch’s inadequate child welfare services allowed for their survival.

Assimilating Families.

The state of the Canadian family in the post war period was deemed problematic by social scientists, government officials, and journalists who voiced concern over the

³⁵ Milloy 212.

³⁶ Ibid. 215-216.

³⁷ Ibid. 216.

quality of family life.³⁸ Historian Mona Gleason suggests that these commentators “maintained that the experience of war had significantly challenged, and indeed even altered, the conventional meaning and character of family life in Canada.”³⁹ Deviant categories of deserted wives, illegitimate children, and unwed mothers were escalating, altering the foundation and structure of the family as determined by the media and social welfare commentators.⁴⁰ Historians Lori Chambers and Edgar-Andre Montigny argue that in the face of these worrisome developments, the federal and provincial governments placed increased emphasis on “regulating, controlling and manipulating families.”⁴¹ Obviously, control, regulation and manipulation were directed particularly at families which did not conform to mainstream ideals. Interestingly, the increased focus on the surveillance of Indigenous society was influenced by growing anxiety within mainstream Canada over perceived deviance.

There was a fundamental shift in the discourse around Indigenous parents in this period of integration. Milloy suggests that despite the Branch’s attempts to “struggle with the consequences for Aboriginal people of Canadian economic development and of its own assimilative policies such as broken communities, dysfunctional families, and their ‘neglected’ children,” it believed that parental involvement in education was the key to the successful integration of Aboriginal children.⁴² Ironically this was contrary to the Branch’s original “civilizing logic – the necessary separation of the child from parents

³⁸ Mona Gleason, “Growing Up to Be ‘Normal’: Psychology Constructs Proper Gender Roles in Post-World War II Canada, 1945-1960.” Family Matters: Papers in Post-Confederation Canadian Family History. Ed. Lori Chambers and Edgar-Andre Montigny. (Toronto: Canadian Scholars’ Press, 1998) 39; Mona Gleason, Normalizing the Ideal: Psychology, Schooling and the Family in Postwar Canada. (Toronto: University of Toronto Press, 1999).

³⁹ Gleason 39.

⁴⁰ Margaret Hillyard Little, ‘No Car, No Radio, No Liquor Permit’: The Moral Regulation of Single Mothers in Ontario, 1920-1997. (Toronto: Oxford University Press, 1998) 130.

and community.”⁴³ Colonel H.M. Jones, the Director of the Branch made one of the “most ironic statements in the history of the residential school system” when he implied that real progress towards integration would be made only when:

... these people ... assume the responsibility for bringing up their families, for providing decent homes and a good home environment for their children. At present, the residential school system relieve them of this responsibility. Day-school attendance would give stability to the community without hindering the parent from seeking work.⁴⁴

In 1962, Minister of Indian Affairs Ellen Fairclough similarly worded the new policy stating: “Rather than separate children from parents[,] we endeavour to assist parents to improve home conditions and to assume their proper parental responsibilities.”⁴⁵

Prior to the postwar period, surveillance of Indians was limited to Indian Superintendents (previously called Indian Agents), police, teachers, farm instructors, nurses and doctors. Now in addition to this group of observers, Indians living on reserves were the objects of scrutiny by social science professionals including Branch social workers. The Branch believed that the problems on reserves and within families could be solved by the development of Homemakers clubs and leadership courses for parents and young adults led by social workers.⁴⁶ The introduction of such programs and the increased surveillance which accompanied them were designed to see that Aboriginal people maintained the norms of family life deemed appropriate by non-Indigenous society. Child welfare services are a case in point.

⁴¹ Lori Chambers and Edgar-Andre Montigny, eds. Family Matters: Papers in Post-Confederation Canadian Family History. (Toronto: Canadian Scholars' Press, 1998) xv.

⁴² Milloy 190.

⁴³ Ibid. 196.

⁴⁴ Ibid. 197.

⁴⁵ Ibid. 197.

⁴⁶ Department of Citizenship and Immigration, Indian Affairs Branch, Annual Report 1954-1955, (Ottawa: Queen's Printer, 1955) 47.

Child welfare services were primarily provided by the Indian Affairs Branch in the 1950s to the early 1960s, even in some regions where agreements had been made with the provincial governments. However, the pattern was quite uneven. Ontario was the first province to agree to provide child welfare services to Status Indians. Other provinces and even some regions in Ontario were reluctant to provide any form of service. The slow transition to extend child welfare services to Status Indians was hampered by the dearth of financial agreements between the federal government and the provinces allowing the delegation of social services for Aboriginal people. The reasons behind this lengthy period of transition involved jurisdictional battles, lack of child welfare staff, and power struggles between the Branch and provincial officials which will be examined in the last part of the chapter.

Indian Affairs Branch: Delivering Child Welfare Services, 1950 - Early 1960s.

Social workers had become a part of the Branch's administration beginning in 1949. They were hired to provide social welfare services to Status Indians across Canada. There were initially six social workers hired by the Branch in 1949, then a total of: "ten in 1955, eight in 1960, and eleven in 1966."⁴⁷ According to the 1949 census, there were 136,407 Status Indians in Canada.⁴⁸ Correspondingly, there would have been one Indian Affairs Branch social worker per 22,734 status Indians. This is not taking into account the large geographical area that the worker would have to cover. Needless to say, given this ratio, child welfare services to Status Indians by the Indian Affairs Branch were

⁴⁷ Harry B. Hawthorn, A Survey of the Contemporary Indians of Canada: A Report on Economic, Political, Educational Needs and Policies. Vol. 1 (Ottawa: Indian Affairs Branch, 1966) 317.

⁴⁸ Department of Citizenship and Immigration. Indian Affairs Branch, Annual Report 1950-1951, (Ottawa: Queen's Printer, 1951) 58.

provided on a limited basis. The small number of social workers working for the Branch were assisted, on a limited basis, by provincial child welfare agencies.

The Branch's idea of the role of its social workers was spelled out in a lengthy letter from Colonel H.M. Jones, the Superintendent of Welfare Services for the Indian Affairs Branch to the recently hired Monica Meade in 1953. In it he provided an overview of the role of the eight social workers in the Branch, certain regulations, and specific details about illegitimate children. Jones explained that much of the casework had been carried out in the past and continued to be executed in the present by Indian Superintendents and field nurses. Since each social worker had a large territory to cover, Jones explained that "we are endeavouring to answer this problem by the means of cooperative work with existing Federal, Provincial, Municipal and private Social Welfare agencies, and an excellent relationship has been developed between this department and other welfare agencies in most of the provinces."⁴⁹ Jones made it explicitly clear, however, that the Branch's philosophy of child welfare was different from the Children's Aid Society, where Meade had worked previously.⁵⁰ His letter demonstrated that child welfare policy in the Branch, as Timpson suggested had, "no clear procedures."⁵¹ The Branch, "fit Indian children into existing realities, a policy by default."⁵²

Branch social workers had responsibility for facilitating all aspects of social welfare services. In addition to child welfare, they provided the following services to all reserves across Canada: social allowance investigations, family services, medical

⁴⁹ NAC RG 10, Vol. 8463, File 1/23-21 pt. 1, MR C-13809, H.M. Jones, Letter to Miss Monica L. Meade, April 7, 1953.

⁵⁰ Ibid.

⁵¹ Timpson 135.

⁵² Ibid. 141.

(rehabilitation and mental hospitals), education (special placements), adult crime, juvenile delinquency, and Indian status investigations.⁵³

Since Branch social workers were usually only able to visit each reserve once a year, for a few days, their professional service was quite minimal. As one lamented “the extensive territory allocated to the Social Worker limits her efficiency as an active case worker, as social case work is a lengthy process requiring ‘on the spot’ treatment.”⁵⁴ As a result, the Indian Superintendent provided the majority of child welfare services on reserves, especially foster care placements, even though it was acknowledged by the Branch that “...these men have [had] insufficient time to give the problems the attention required but also they could not be expected to have a thorough knowledge of social case work as well as the necessary knowledge for the other duties of their job.”⁵⁵

One of the social worker’s jobs was to be a consultant to field staff (Indian Superintendents, teachers, Indian Health Services staff) in order to assist them in making social welfare decisions. In this sense, the social worker was not a case worker but rather a member of a team composed of Indian Superintendents, assistants, medical and education staff, and the provincial, municipal, and private welfare organizations.⁵⁶ When it was determined that individuals or families needed case work, referrals came from the Indian Superintendent, Indian Health Service personnel, social workers, teachers, members of the community, the R.C.M.P, and church officials.⁵⁷ Only a small number

⁵³ NAC RG 10, vol. 8464, file 901/23-21 pt. 2, “Social Worker’s Report, Mr. D.L. Jackson, Indian Affairs, B.C., October and November 1956.”

⁵⁴ NAC RG 10, vol. 8463, file 1/23-21 pt. 1, MR C-13809, Indian Affairs Branch Social Welfare Policy Manual, 1953, 2.

⁵⁵ *Ibid.* 3.

⁵⁶ *Ibid.* 3.

⁵⁷ The forms used in this sampling were from Bersimis, Quebec, Fort Smith, Fort Simpson, Aklavik, Northwest Territories, Nipissing, Ontario, Edmonton, Alberta, Manitoulin Island, Ontario, Sault Ste. Marie, Ontario, Port Arthur, Ontario, and Chapleau, Ontario. NAC RG 10, vol. 6937, file 140/29-4 pt. 2, MR C-

of individuals would write letters of self-referral, asking for child welfare assistance.⁵⁸ If there were self-referrals, usually the Indian Superintendent would attempt to assist the family and would provide documentation for the social worker. As a review of the documentation indicates non-professionals in the field of child welfare services, usually as superintendents rather than social workers, made the majority of referrals.⁵⁹

Part of the social worker's responsibility was to submit reports each month outlining their activities. The Branch was quite interested in the information about the conditions of the reserves visited that month, including details about the, "health, education, appearance of homes and gardens, attitude of people, economic conditions, recreational activities, and prevalent social problems."⁶⁰ This information allowed the Branch to justify the need for social welfare services on various reserves, by the descriptions of poor living conditions and social welfare problems. For example, describing the Stewart Lake Agency in British Columbia during November 1954, social worker Shirley Arnold reported on the general conditions:

Almost without exception, every family visited had some problem, miserably low standards of housekeeping, neglect of the children, unemployment [,] etc. Even more insidious and depressing was the prevailing attitude among the Indians of irresponsibility, dependence and confusion. ...Certainly, the problems relating to the excessive use of alcohol, the neglect of children and the poor standards of housekeeping are not hard to find.⁶¹

10989, Initial Child Placement Application and Authority forms. RG 10, vol. 6937, file 141/29-4 pt. 1, MR C-10989, Initial Child Placement Application and Authority forms. RG 10, vol. 6937, file 142/29-4 pt. 3, MR C-10989, Initial Child Placement Application and Authority forms. RG 10, vol. 6937, file 379/29-4 pt. 3, MR C-10990, Initial Child Placement Application and Authority forms. RG 10, vol. 6938, file 411/29-4 pt. 2, MR C-10990, Initial Child Placement Application and Authority forms. RG 10, vol. 8387, file 774/29-4 pt. 4, MR C-10992, Initial Child Placement Application and Authority forms. RG 10, vol. 8463, file 401/23-21, Ontario – Social Workers Reports, 1950-1951.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ NAC RG 10, vol. 8463, file 1/23-21, pt. 1, MR C-13809, Form to be followed when submitting Monthly Reports.

⁶¹ NAC RG 10, vol. 8464, file 901/23-21, pt. 21, Social Worker's Report for November, 1954, British Columbia, Shirley Arnold, December 9, 1954.

Similarly, the Children's Aid Society of Peterborough, Ontario in their annual statistical return sent to the Indian Affairs Branch in 1962, reported that "The standard of living and the behaviour of many of those living on the Curve Lake Reserve are extremely poor. Poor child welfare standards are indigenous to the Reserve itself and to the policies under which it is administered."⁶² Reports of conditions were generally bleak and negative. Although written by different social workers across Canada, each one was strikingly similar. Ironically, blame for conditions was placed on Indians and their 'character' not on the lack of social welfare services available to them.

As Timpson has concluded, child welfare services as provided by the Branch were molded to "fit into existing realities" on the reserve.⁶³ This meant that programs that were already in place were used in order to save time and money. The child welfare services provided by the Branch were: foster home placements, institutional placements, and status investigations of illegitimate children. These services fit into the Indian Agency's day to day functions.

The Branch encouraged foster home placement of Status Indian children with residents, preferably relatives living on reserves because of the financial savings.⁶⁴ Agency staff had three options when a parent was ill, absent or deemed to be unfit and the children needed care. First, they could place the children temporarily with a relative. If there were no relatives that would be available to care for the children, then the staff would find a foster home on the reserve. The second option was to hire a homemaker/housekeeper to assist with the care of the children and the home. The third

⁶² NAC RG 10, vol. 8201, file 401/29-16 pt. 6, Children's Aid Society Annual Correspondence through the Ontario Regional Headquarters, regarding Children's Aid Services, 1961-1963.

⁶³ Timpson 141.

option was to refuse assistance. Assistance was normally refused if one parent, usually the father, was living with relatives on the reserve or employed elsewhere, and could provide financial support. Temporary foster home placement was usually the easiest and cheapest option for staff. The assistance of a homemaker/housekeeper was preferred by Aboriginal families, but not the Branch, who usually only exercised this option if there were a large number of children in a family that needed temporary care.⁶⁵

The Branch would provide maintenance payments to the foster parents, but social workers and Superintendents were encouraged to ‘stress the idea of “service” rather than financial remuneration for work done.’⁶⁶ The payments were less than mainstream non-Indian foster home payments, a situation which Indian Superintendent J.V. Boys complained “leaves little or nothing for services rendered.”⁶⁷ Timpson suggests that, “it is likely that [the Branch’s] policy to encourage the use of Indian homes was based on the low supply of non-Indian homes coupled with the increased costs of using CAS [Children’s Aid Societies] facilities.”⁶⁸

Branch social workers were instructed not to provide foster home placements on the reserve to non-status Aboriginal children. “In theory,” Colonel Jones explained to a newly recruited social worker in an introductory letter, “no person is entitled to be a registered member of an Indian band with full Indian status unless both natural parents are Indians within the meaning of the Indian Act. In cases where one parent only has

⁶⁴ NAC RG 10, vol. 8463, file 1/23-21, pt. 1, MR C-13809, Indian Affairs Branch Social Welfare Policy Manual, 1953, 10.

⁶⁵ Ibid. 8-9.

⁶⁶ Ibid. 9.

⁶⁷ NAC RG 10, vol. 8387, file 901/29-4 pt. 1, J.V. Boys to Indian Commissioner for B.C. Subject: Foster Home Care, November 3, 1958.

⁶⁸ Timpson 141.

Indian status the child is considered non-Indian and not entitled to Indian status.”⁶⁹ Jones explained that this policy: “was created to assure the progressive assimilation of people of only part Indian racial origin into the non-Indian or “white” community and thereby check the regressive trend of the assimilation of such people into the more backward Indian communities.”⁷⁰ Jones’s attempt to justify this policy, Timpson suggests, was clearly influenced by the eugenics movement.⁷¹ Furthermore, he attempted to justify the necessity for status investigations of illegitimate children:

In theory this regulation is sound. It protects the “purity of the race” (which is the desire of many Indians themselves, particularly in certain areas), it protects the Indian bands financially (restricting shareholders in Indian monetary and land rights to the full blooded Indians for whom it was intended and who, in fact, are the only legal heirs), and it prevents the development of a race of people who in time would become less Indian than “white” in racial origin, yet would be laying claim to rights and privileges designed for the civilization of a backward group of people.⁷²

While Jones found the regulation to be sound, in theory it was not well thought out in human terms. As he later acknowledged in this same letter, “by reason of their appearance [these children] would be more accepted in an Indian than non-Indian home.”⁷³ According to Jones many Aboriginal children who were removed based on this categorization: “frequently become the problem foster home cases well known to the Children’s Aid Societies.”⁷⁴ This blatant disregard for the welfare of non-status children

⁶⁹ NAC RG 10, vol. 8463, file 1/23-21, pt. 1, MR C-13809, H.M. Jones, Letter to Miss Monica L. Meade, April 7, 1953, 2.

⁷⁰ Ibid. 2.

⁷¹ Timpson 137.

⁷² NAC RG 10, vol. 8463, file 1/23-21, pt. 1, MR C-13809, H.M. Jones, Letter to Miss Monica L. Meade, April 7, 1953, 2-3.

⁷³ NAC RG 10, vol. 8463, file 1/23-21, pt. 1, MR C-13809, H.M. Jones, Letter to Miss Monica L. Meade, April 7, 1953, 3.

⁷⁴ Ibid. 3.

demonstrates what a low priority the government had for the provision of child welfare services.⁷⁵

In addition to providing limited child welfare services for neglected children, the Branch's social workers placed increased emphasis on the development of community development programs as a form of preventive services. Two programs, Homemaker's Clubs and the Indian Social Leaders, were designed to improve social and economic conditions on reserves.⁷⁶ They were the only preventive services that dealt specifically with improving home and family conditions. Specific programs focused on teaching children citizenship, including Girl Guides, Boy Scouts, and 4H. These programs were encouraged by the Branch believing that they assisted in "controlling anti-social behaviour."⁷⁷

During the Second World War, the Branch established Homemaker's clubs. These clubs, designed to be similar to Women's Institutes of the time, were attended by Aboriginal women living on the reserve and were organized usually with the assistance of a female social worker, nurse or teacher. Activities centred on improving community and family life. For example, the twelve clubs active on reserves in Quebec in 1957-1958 were involved in programs that included: "monthly meeting[s], picnics, short courses in domestic science, lectures and films on hygiene, recreational activities, instruction in first aid and housekeeping and discussion of the family budget, education, and other social problems."⁷⁸ Annual conventions were also held in regions across Canada. The Branch's

⁷⁵ Timpson 137.

⁷⁶ Department of Citizenship and Immigration, Indian Affairs Branch, Annual Report 1958-1959 (Ottawa: Queen's Printer, 1959) 45.

⁷⁷ Department of Citizenship and Immigration, Indian Affairs Branch, Annual Report 1958-1959 (Ottawa: Queen's Printer, 1959) 73.

⁷⁸ Department of Citizenship and Immigration, Indian Affairs Branch, Annual Report 1957-1958 (Ottawa: Queen's Printer, 1958) 79.

annual report in 1952-1953 states that the conventions allowed various representatives: “[To] learn what can be achieved by concerted effort and are encouraged to improve living conditions on their own reserves.”⁷⁹ At its height, in 1955-1956, the Homemaker’s club program had one hundred and seventy-eight clubs.⁸⁰

According to the Branch, the clubs were one of the most successful programs that the Branch organized. Positive reports of various clubs activities were recorded in the annual reports of the Branch, always indicating that the clubs were improving community and home conditions. Various activities that were commended included sewing and handicraft projects that provided economic development and projects that improved home appearance and comfort.

The Indian Social Leaders program was another highly praised program promoted by the Branch. The idea for a Social Leaders program came from a similar program with Maori people in New Zealand.⁸¹ The program was developed in 1954. One of its attractive elements was that it would assist the Branch financially. Since the Branch was unable or unwilling to hire more trained social workers unpaid social leaders would take their place in order “...to give an equal case work coverage to the Indian people as is presently available to the non-Indian population.”⁸² The social leaders would be volunteers, unlike the Maori participants who were paid for performing this job.⁸³ The training course was first suggested to last three to four weeks, but finally was reduced to five days for reasons unknown, possibly due to financial constraints. This program was a

⁷⁹ Department of Citizenship and Immigration, Indian Affairs Branch, Annual Report 1952-1953 (Ottawa: Queen’s Printer, 1953) 62.

⁸⁰ Department of Citizenship and Immigration, Indian Affairs Branch, Annual Report 1955-1956 (Ottawa: Queen’s Printer, 1956) 48.

⁸¹ NAC RG 10, vol. 8463, file 1/23-21, pt. 1, Indian Social Leaders Program Proposal 1953, 4.

⁸² *Ibid.* 3-4.

⁸³ *Ibid.* 4.

band-aid solution which would be used until the federal and provincial governments made agreements for the extension of social welfare services.⁸⁴

Individuals chosen to be social leaders were to be carefully selected. Ideally they were members of the Band Council or Homemaker's Club, based on the assumption that these people carried influence within the community.⁸⁵ If a council member was chosen, the Branch assumed that perhaps, "this would throw direct responsibility for social welfare onto the Council and might serve to stimulate the Council to take group action investigating local social problems."⁸⁶ The selection criteria for social leaders expanded as the number of training courses grew across Canada, to include "community minded Indians"⁸⁷ who were members of church groups, youth groups and even some people without previous leadership experience.⁸⁸ In terms of sheer numbers of participants, this aspect of the program was successful. In the second year of the program, during 1955-1956, one hundred and thirty-eight Aboriginal men and women were trained by Branch social workers to be Social Leaders.⁸⁹

It is not readily apparent, however, what role these Indian social leaders took in their own communities. The annual reports do provide some insight. The goal of the leadership training course was to teach the leaders how "to identify and understand reserve problems so that they could play a leading role in improving conditions on reserves."⁹⁰ The problems on reserves, the Branch felt, could be solved through

⁸⁴ Ibid. 4.

⁸⁵ Ibid. 5.

⁸⁶ Ibid. 5.

⁸⁷ Department of Citizenship and Immigration, Indian Affairs Branch, Annual Report 1955-1956 (Ottawa: Queen's Printer, 1956) 66.

⁸⁸ Ibid. 48.

⁸⁹ Ibid. 48.

⁹⁰ Department of Citizenship and Immigration, Indian Affairs Branch, Annual Report 1958-1959 (Ottawa: Queen's Printer, 1959) 45.

community organizations. One role that leaders did assume was to become involved in the organization of community groups, like young people's associations, 4H Clubs, and recreation events.⁹¹ For instance, after a Social Leaders course with eighteen participants was held on the Garden River Reserve in Northern Ontario the Branch praised the results as "seven have since organized groups on their reserves."⁹²

What other roles social leaders played in their communities is less clear from the available evidence. One of the goals of training social leaders was to allow them to assume some of the responsibilities of social workers. This did not appear to be the result. Although social leaders may have become more involved in community organizations or continued their involvement with their Band Council or Homemaker's Clubs, it does not appear that they reduced the workload of social workers. Ironically, they likely added to their work, as they had to be supervised and in this sense, it was not a real improvement.

The Failings of the Branch's Child Welfare Services.

The child welfare services provided by the Branch were quite minimal. There was no effort on the part of the Branch to expand or supplement the services offered in this period. This neglect, as we shall see, was apparent to the Branch. The failure to improve child welfare services was due to a number of factors: a lack of professional management and policy staff, a weak capacity for policy-making, and the fact that welfare services were considered a low priority and thus attracted no financial commitment.

⁹¹ Department of Citizenship and Immigration, Indian Affairs Branch, Annual Report 1956-1957 (Ottawa: Queen's Printer, 1957) 53.

⁹² Department of Citizenship and Immigration, Indian Affairs Branch, Annual Report 1955-1956 (Ottawa: Queen's Printer, 1956) 64.

As early as 1953 the manual for the Social Leaders course explained that it was necessary to train Indian Social Leaders to volunteer on their reserves because: “the present field staff [are] inadequate to cope with the situation and the only hope lies in enlisting the services of provincial, municipal, and private welfare organizations to deal with the problem[s]...”⁹³ Ironically, the Branch felt that instead of hiring additional social workers, the training of Indian Social Leaders would remedy the situation on reserves until the such agreements were made with the provinces. The inadequacies of the Branch’s welfare staff was seen in the fact that most people involved in providing child welfare services on a day to day basis were not professionals trained to provide child welfare services. These non-professionals included Indian superintendents, teachers, church officials, the R.C.M.P, and community members who were involved in the referral, removal, and placement of children in foster homes.

The Branch was also aware that social workers employed by the Branch were not benefiting as large a number of people as possible because their role was much too diffuse. One memorandum written in 1955 by M.S. Payne, the supervisor of social workers for the Branch, reflected on the wide and problematic latitude the social workers had:

...This freedom of operation has served a useful purpose. It has provided an opportunity to undertake duties and provide assistance with any social problems coming to attention, thereby, promoting acceptance by established field staff and Indian people of social work methods and principles for helping people.⁹⁴

⁹³ NAC RG 10, vol. 8463, file 1/23-21, pt. 1, MR C-13809, Indian Social Leaders Training Course Guide – Draft, 1953, 1.

⁹⁴ NAC RG 10, vol. 8463, file 1/23-21 pt. 1, MR C-13809, M.S. Payne, Memorandum to W., May 31, 1955.

However, Payne cautioned that the flexibility of the social worker's role would in fact make their work ineffective because of the diversity of the services provided.⁹⁵ She spelled out the problems:

It is unrealistic to expect the social worker to meet all the demands for service in the comparatively large geographic area which she serves. Therefore, it is important that she confine her activities to selected areas that may be accomplished reasonably well and that will contribute to the well-being of the greater number of people.⁹⁶

Though social workers continued to provide broad social welfare services, it was also true that this diversity of these services contributed to the neglect of Aboriginal people by the federal government. The Branch continued to operate from the top down and stuck to the mission as defined by the director and various senior officials.

This approach may be attributed to the amount of control asserted by the senior Branch officials. These men who were non-professionals with no social work training were in control of the welfare policy and the administration of the department. Consultation with social work professionals was almost non-existent. Colonel Jones's position as the Director of the Indian Affairs Branch from 1953 to 1963 was indicative of his military title; the department was administered like an army. Additionally, senior staff served for long periods and the Branch was not a priority for the government. Thus as, Sally Weaver indicates, the "continuity of senior officials in the branch was exceptionally strong, probably unrivalled in the civil service at that time."⁹⁷ These male senior officials, "the old guard," demonstrated "the powerful role civil servants had in policy-making, especially in portfolios with short-term ministers."⁹⁸ In terms of policy-

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Sally Weaver, Making Canadian Indian Policy: The Hidden Agenda 1968-1970. (Toronto: University of Toronto Press, 1981) 45.

⁹⁸ Ibid. 46.

making, Weaver suggests that bureaucratic stagnation in the Branch was linked to its senior officials, “there were few professionals in the senior ranks, making its policy-research capacity very weak.”⁹⁹

Despite their lack of professional qualifications and training, the senior officials in Ottawa instructed and enforced policies that would be carried out by agency staff and social workers. They ignored regional and cultural differences. Weaver suggests that, “this centralist tendency resulted in an insensitivity to local needs, and the strong protectionist ethic towards Indians almost garrisoned the branch even within the federal service.”¹⁰⁰ Shewell suggests, however, that, “Jones was...a caricature of how the civil service operated. Ottawa had very much a top-down approach during the 1950s, both within the civil service and in its views of the provinces and how the country ought to be governed.”¹⁰¹

In addition to its weak capacity in policy development, the Branch also gave low priority to welfare services. The Hawthorn Report attempted to explain why welfare services were a low priority in the postwar period, until the 1960s:

...the Branch lacked a firm philosophy of social welfare. Welfare was seen in primarily negative rather than positive terms. This reflected the relative lack of professional social work staff in this period and the low status enjoyed by the particular sector of Branch activity. There have never been more than two or three social workers at headquarters, and these workers appeared to be operating largely in isolation from those in the regions. Also, until 1963 the Welfare Division was not headed by a professional social worker.¹⁰²

This lack of professional direction contributed to the overall staffing problems, and therefore left child welfare services without proper administration.

⁹⁹ Ibid. 47.

¹⁰⁰ Ibid. 46.

¹⁰¹ Shewell 601.

Even the child welfare services that were provided by the Branch were ineffective because of the Federal government's lack of financial commitment to the programs. For example, rates of payment to foster parents were not the same as those paid in non-Aboriginal communities. On more than one occasion, Superintendents and social workers suggested that the rates of payment to Indian foster parents be increased. As British Columbia's Indian Commissioner, W.S. Arneil wrote: "we feel that we should have a policy which would not only assist us to deal justly with all concerned but would increase our prestige with other co-operating agencies."¹⁰³ Financial considerations may explain why the Branch encouraged the use of relatives as foster parents.¹⁰⁴ Timpson suggests that overall, the Branch's foster care services meant that, "the least expensive route was the preferred" option.¹⁰⁵ A practical reason why this was encouraged was there was ease in using caring relatives or neighbours.

The unwillingness to commit funds to hire additional social workers caused difficulties with the administration of child welfare services. The large distances between the reserve and offices of the social workers made foster home placements difficult, if not impossible to supervise. In the Northwest Territories, District of Mackenzie, the regional supervisor, J.G. McGilp commented that: "We have found that even with professional social workers involved, children are sometimes placed and no visit is made to the home for months on end." He continued: "while we have taken steps to correct this situation, a

¹⁰² Hawthorn, Vol. 1 334.

¹⁰³ NAC RG 10, vol. 8387, file 901/29-4 pt. 1, MR C-10992, W.S. Arneil to Indian Affairs Branch, Cross Reference Sheet, November 18, 1954.

¹⁰⁴ NAC RG 10, vol. 8463, file 1/23-21 pt. 1, MR C-13809, Indian Affairs Branch Social Welfare Policy Manual, 1953, 9.

¹⁰⁵ Timpson 140.

compulsory progress report would be an obvious way to ensure that the necessary checking and counselling is taking place.”¹⁰⁶

The problems engrained in the Branch’s child welfare services were increased as it became evident that there were increasing numbers of status Indian children in care, jurisdictional disputes, and conflict over the administration of the services. Branch social workers, themselves, were concerned about the increasing role that they and their Superintendents had in providing child welfare services. In 1957, the Indian Commissioner for British Columbia, W.S. Arneil sent a chart to the Branch indicating that 210 Indian children were in care supervised by the Provincial Social Welfare Branch and the Indian Affairs Branch in British Columbia and Yukon.¹⁰⁷ Exactly half were being supervised by the Indian Affairs Branch and the other half by the Provincial Social Welfare Branch. This pattern of increasing numbers of Indian children in care, supervised by the Branch, was of great concern to some social workers. One Branch social worker, R.M. Biddle expressed his alarm over the lack of total provincial supervision of Aboriginal children, writing, “Though realising that it is not our policy to operate in this field while other responsible welfare services are available, it is a fact that it is not possible, as yet, to refer each and every case to the [Provincial] Social Welfare Branch.”¹⁰⁸ Indian Affairs Branch social workers were required to obtain parental consent before removing a child from their home. Provincial social workers, however, had “the authority through child welfare legislation to take a child into care when

¹⁰⁶ NAC RG 10, vol. 6937, file 191/29-4 pt. 1, MR C-10989, J.G. McGilp to Indian Affairs Branch, Subject: Form IA3-114 and Child Care Progress Report, December 1, 1961.

¹⁰⁷ NAC RG 10, vol. 8387, file 901/29-4 pt. 1, MR C-10992, W.S. Arneil to Indian Affairs Branch, January 23, 1958.

¹⁰⁸ NAC RG 10, vol. 8387, file 901/29-4 pt. 1, MR C-10992, R.M. Biddle to W.S. Arneil, Care of Children in Foster Homes, December 24, 1958.

protection is needed.”¹⁰⁹ Biddle was concerned that many Aboriginal children were being supervised by the Branch on a “non-ward basis, that is without court authority.” There were no forms or policy by the Branch to document parental consent. He suggested the use of parental consent forms and a record keeping system. J.H. Gordon, the Chief of Welfare Division agreed, “that parents be expected to sign consent for their children to be given non-ward care in foster homes.”¹¹⁰ He stated that, “...I would agree that the principle should be put into effect with as little delay as possible in your Region, particularly if it is practiced by the Provincial Welfare Department in connection with non-Indians.”¹¹¹ In the “Initial Child Placement Application” form used in the 1960s, the Branch supposedly questioned if parents had signed permission for placement on a parental consent form. A review of foster care forms from Bersimis, Quebec, Fort Smith, Fort Simpson, Aklavik, Northwest Territories, Nipissing, Ontario and Edmonton, Alberta demonstrates that the majority of the Indian children removed into foster care had been removed without obtaining parental permission.¹¹²

Two decades later, in 1977, the matter of lack of parental consent was one issue that came under scrutiny by the media. The Saskatchewan Indian newspaper reported that the Department of Indian Affairs and Northern Development Director General J.D. Leask in 1977 confirmed that, “officials had removed children from reserves without their

¹⁰⁹ Hepworth 113.

¹¹⁰ NAC RG 10, vol. 8387, file 901/29-4 pt. 1 MR C-10992, J.H. Gordon to Indian Commissioner, Vancouver, Foster Home Care – Branch Placements, March 25, 1959.

¹¹¹ Ibid.

¹¹² NAC RG 10, vol. 6937, file 140/29-4 pt. 2, MR C-10989, Initial Child Placement Application and Authority forms. RG 10, vol. 6937, file 141/29-4 pt. 1, MR C-10989, Initial Child Placement Application and Authority forms. RG 10, vol. 6937, file 142/29-4 pt. 3, MR C-10989, Initial Child Placement Application and Authority forms. RG 10, vol. 6937, file 379/29-4 pt. 3, MR C-10990, Initial Child Placement Application and Authority forms. RG 10, vol. 6938, file 411/29-4 pt. 2, MR C-10990, Initial Child Placement Application and Authority forms. RG 10, vol. 8387, file 774/29-4 pt. 4, MR C-10992, Initial Child Placement Application and Authority forms.

parent[']s consent.”¹¹³ The article stated that Leask “acknowledged the federal department had overstepped its authority in doing so and added [that] the responsibility of child protection was actually a provincial matter, falling under the jurisdiction of the department of social services.”¹¹⁴ Leask explained that department officials would remove children when it was alleged by other Aboriginal people or the RCMP that they were being abused or neglected. Department officials were in a jurisdictional bind: “on the one hand, the life of the child must be considered, on the other hand, the department has no real legal authority in the matter.”¹¹⁵

Perhaps the most obvious neglect by the Branch was the absence of preventive services. Preventive services, like “visiting homemakers, day nurseries, and family counselling services” were considered as one of the most important facets of child welfare work.¹¹⁶ The Branch acknowledged in 1953 that, “an [e]ffective social welfare program must necessarily be approached from [two] angles – prevention and cure. Each is complementary to the other, and the neglect of either serves to nullify the work concentrated on the one.”¹¹⁷ It was confirmed by the Branch that “Indian Affairs tended to ignore the values of a preventative program with the result that an enormous job of curing social ills exists.”¹¹⁸ The Branch knew that such services were important. In 1954-1955, the Branch acknowledged that, “more intensive welfare services on reserves lessened the number of foster home placements during the year.”¹¹⁹ Elements of

¹¹³ “Indian Children Taken Illegally,” Saskatchewan Indian January 1977, vol. 7, no. 1, p. 11.

¹¹⁴ *Ibid.* 11.

¹¹⁵ *Ibid.* 11.

¹¹⁶ Archives of Ontario, RG 29-33, box #11, C.A.S. permanent files, Metro C.A.S. Field File, CAS of Metropolitan Toronto Annual Report 1963, 2.

¹¹⁷ NAC RG 10, vol. 8463, file 1/23-21, pt.1, Indian Social Leaders Training Course Guide – Draft, 1953, 1.

¹¹⁸ *Ibid.* 1.

¹¹⁹ Department of Citizenship and Immigration, Indian Affairs Branch, Annual Report 1954-1955 (Ottawa: Queen’s Printer, 1955) 48.

prevention had included the distribution of family allowances, the building of new homes and community organizations.

Generally, however, the Branch did not fund new preventive programs, especially those that would require additional social workers. Emphasis was placed on community organizations which could be led by a community member, teacher, field nurse or Indian superintendent. Community organizations included Homemaker's Clubs, the Indian Social Leaders courses, 4H Clubs, and Girl Guides. Quite simply, these organizations were not enough. Mainstream child welfare agencies recognized the importance of early intervention and counselling. One CAS agency in Ontario stated: "It has been recognized by the CAS for many years now that children cannot continue to come into the care of the Society in increasing numbers. It has been known too that if professional counselling had been given to families at an early stage, many of the children would not have become wards of the CAS."¹²⁰ Family counselling and rehabilitative programs were essential preventive services that were missing in the Branch's plan. Ian Sutherland, the director of the CAS in Algoma in 1959 pointed out these lacking elements in an interview with the Sault Star: "The overall solution to these Indian problems is beyond the scope of our [Children's Aid] society and would appear to call for a broad scale government program of education and rehabilitation."¹²¹

¹²⁰ Archives of Ontario, RG 29-33, box #11, CAS permanent files, Lincoln Field File, Brief – Re: Family Counselling Service for the City of St. Catharines and the County of Lincoln, November 1964.

¹²¹ Archives of Ontario, RG 29-33, box #11, CAS permanent files, Algoma-Sault Ste. Marie file, Sault Star, November 24, 1959.

Summary

The Indian Affairs Branch neglected child welfare services from 1950 to the early 1960s when the federal government finally made financial agreements with some provinces to provide them. Even in those provinces where agreements had not been made, provincial agencies felt that they had no choice but to step in and remove Aboriginal children. While the extension of child welfare services would bring a greater range of services to more people in Aboriginal communities, those services would persist in being culturally inappropriate, underpinning the problematic equality rhetoric. The next chapter will examine the period of the extension of mainstream child welfare services to Status Indians. It will analyse why the treatment of Indigenous people as equal in child welfare practices contributed to the overrepresentation of Status Indian children within the child welfare system.

Chapter Three

“They are not Indians, they are just people:” Extending Services, Changing Rhetoric.

At a meeting of the Ontario Association of Children’s Aid Societies in 1960, the recent extension of provincial child welfare services to Status Indians was the main topic of discussion. Ian Sutherland, a director of a society in Northern Ontario, found it necessary to voice his concerns over the equality rhetoric that the Indian Affairs Branch had been instructing them to use. Sutherland recalled the numerous meetings that society officials had attended with Branch officials in order to discuss Indians and child welfare and stated that: “I thought it was very important that it was impressed upon us very forcibly that we should not refer to these people as Indians. They are not Indians[,] they are just people.”¹ Sutherland found problems in the logic of the Branch’s rhetoric:

Seriously, I think there is a great deal of difference and we would be foolish to close our eyes to these differences. Indians are segregated on reserves and the conditions on reserves are very different. Indians on reserves pay no rent or taxes but on the other hand they can’t build a home under N.H.A.[National Housing Authority]. People are sometimes critical of the so-called shacks on the reserves but we wonder what kind of job we would do if we didn’t have access to mortgage funds. There are many differences like this of a general nature that we need to face up to.²

Others, including many at the association meeting, ignored the vast differences that existed between Aboriginal and non-Aboriginal people and communities. Instead, they adopted an equality rhetoric which became a significant factor contributing to the overrepresentation of Indigenous children in the child welfare system.

¹ NAC RG 10, vol. 8201, file 401/29-16, MR C-13753, Children’s Aid Society Association Meeting, May 6, 1960.

² Ibid.

The Indian Affairs Branch's neglect of children and families during the 1950s to the early 1960s as demonstrated through their lack of child welfare services, led to the extension of mainstream child welfare services. The Branch was aware that the only way they could effectively assimilate Aboriginal people into mainstream Canadian society was if provincial welfare services were extended to them, eliminating the need for separate policies, services, and legislation. Mainstream child welfare services were a tool that assisted the Branch to accomplish their goal of integration.

With this extension, which occurred at different times in each province and territory, the Branch instructed mainstream agencies and their staff to treat Aboriginal people the same as non-Aboriginal people. There was little resistance to the equality rhetoric, as the profession of social work encouraged equal treatment.³ Digging a layer deeper into the discourse, many social workers thought that they operated within a bias-free profession.⁴ This was not the case. Equality may have been the aim of mainstream agencies and their social workers, but what they did not take into account was the fact that they had internalized a racist discourse about Aboriginal people. Negative stereotypes had been engrained in their practices and evaluation standards. Legal scholar Marlee Kline in her examination of child welfare law and Aboriginal people found that: "Such representations [stereotypes] have become part of what is simply taken for granted and understood as common sense."⁵ Equality rhetoric and the problems associated with it were one of the factors that contributed to the high in-care rates. It was accomplished

³ Swift 127.

⁴ Ibid. 137.

⁵ Kline, "The Colour of Law: Ideological Representations of First Nations in Legal Discourse." 452.

through removal of Aboriginal children, based on non-Aboriginal definitions of neglect, into in-care services.

Removing children into mainstream in-care services was one of the most effective means of attempting to achieve assimilation. Andrew Armitage argues that, “The child welfare system put First Nations children under more pressure to assimilate than the residential school system” as children were isolated from their family, community and in most cases, other Aboriginal people.⁶ The Branch’s previous use of foster homes on the reserve for financial savings was eliminated, as most foster homes did not meet the standards of the middle-class set out by mainstream agencies. Children were placed in non-Aboriginal foster care homes. Once in-care, Aboriginal children were less likely than non-Aboriginal children to return home to their families.⁷ These removals were easily legitimized since the equality discourse erased cultural differences from Aboriginal children. They were considered the same as non-Aboriginal children. The Branch encouraged these efforts, sometimes even criticizing the mainstream agencies for attempting to find Aboriginal homes for Aboriginal children.⁸

Despite the rhetoric, equality was limited in most provinces to in-care services. Preventive services and in-home protection were not a part of the package. Timpson suggests that the official rhetoric of equal services was misleading because: “policy makers did not implement the same programs as for others in these assimilative programs.”⁹ While the social work profession accepted that preventive services, like

⁶ Armitage 120-121.

⁷ Hepworth 118.

⁸ NAC RG 10, vol. 8201, file 401/29-16 pt. 5, MR C-13753, Regional Supervisor, Toronto, Memorandum to the Indian Affairs Branch on the Provincial Advisory Committee on Child Welfare, September 14, 1961.

⁹ Timpson 468.

family counselling, reduced the number of children in care, these services were not extended. Aboriginal people were in fact, not treated equally despite the rhetoric.¹⁰

It will be demonstrated that the theory of equality contributed to the high numbers of Aboriginal children in the child welfare system. Patrick Johnston's research indicates that from 1979-1980: "4.6 per cent of all status Indian children were in care. In other words, status Indian children were represented in the child welfare system at approximately four and a half times the rate for all children in Canada."¹¹ Equality rhetoric was a tool that assisted the Branch to accomplish its goal of the assimilation of Aboriginal people into mainstream Canada, which could only be accomplished through the extension of provincial child welfare services. In order to further this argument I will begin with a discussion of how the Branch influenced the mainstream child welfare providers. Next, I will examine the unequal treatment of Aboriginal people as seen through the lack of preventive services. Finally I will focus on the removal of Aboriginal children into in-care services, a process driven by the theory of equality.

Child welfare services as extended by mainstream providers to reserves in Ontario, British Columbia, Nova Scotia and the Yukon Territory provide the evidence for this discussion of equality discourses, although this evidence is arguably limited. If the Branch had provided adequate child welfare services, especially preventive services, would the sudden increase in number of Aboriginal children apprehended by the mainstream services have occurred?

¹⁰ Ibid. 478.

¹¹ Johnston 57.

“The Achievement of Non-Discriminatory Child Welfare Services”: The Extension of Mainstream Child Welfare Services.

On February 21, 1963, J.H. Gordon, the Acting Director of the Indian Affairs Branch gave a speech to the Port Arthur Children’s Aid Society. His speech focused on the Branch’s extensive knowledge of Aboriginal people, offering instructions to society staff on how to work with them. In addition to the Children’s Aid Society staff members, many people from the surrounding community also attended his speech. The increasing migration of Aboriginal people to urban communities and the outskirts of non-Aboriginal settlements had forced the non-Aboriginal population to come face to face with the poverty and problems faced by Aboriginal people.¹² Gordon enlightened the audience with information about the Federal government’s objective in Indian administration. He stated:

I think that most Canadians would agree that the Indians of Canada should become increasingly independent, self-supporting members of the general community. The end result will, when achieved, eliminate the need for special programs, special legislation and special services for, as long as these are required, the goal of self-reliance and independence on an equal footing with other Canadians cannot be said to have been accomplished.¹³

The elimination of separate programs and legislation for Aboriginal people was easily justified by Gordon, who explained that: “The segregation of Indians in a special category for federal ministration in regards to needs, which for all other citizens are provided through provincial, municipal and private agencies, is discriminatory in effect, if not in purpose.”¹⁴ Ironically, only through the extension of mainstream child welfare services,

¹² James Struthers, The Limits of Affluence: Welfare in Ontario, 1920-1970. (Toronto: University of Toronto Press, 1994) 228.

¹³ NAC RG 10, vol. 8202, file 492/29-16, pt. 1, MR C-13753, Address by J.H. Gordon to the Port Arthur Children’s Aid Society, February 21, 1963, 2.

¹⁴ Ibid. 5.

would discriminatory treatment of Aboriginal people end. They would become productive citizens only if they were treated the same as everyone else.

The extension of mainstream child welfare services, according to 1966 Hawthorn Report “[varied] from unsatisfactory to appalling.”¹⁵ In the same breath, the report heralded this extension as: “...One of the most significant achievements in the elimination of discriminatory treatment between Indians and non-Indians in the field of welfare.”¹⁶ The contradictions found in the Hawthorn Report were typical concerning the extension of mainstream child welfare services to Aboriginal people. While in theory, extending the same child welfare services to Aboriginal people seemed like the elimination of discrimination, in fact, it led to very unequal treatment of Aboriginal children as evidenced by their overrepresentation in the child welfare system.

The Federal government’s objective was the elimination of separate programs. This was not a new strategy. It had been the goal of the government since the 1951 Indian Act.¹⁷ There were many problems that the government faced in its attempt to achieve this goal. The initial problem was the reluctance of the provinces to extend their child welfare services to Status Indians. The Hawthorn Report blamed this reluctance on the federal government, which had long considered the welfare of Indians a low priority.¹⁸ It stated that despite the assertions of Ellen Fairclough, Minister of the Department of Citizenship and Immigration, “who [had] indicated the willingness and desire of the federal government to negotiate agreements with the governments of the various provinces...” there had been no firm proposal for such agreements.¹⁹ The

¹⁵ Ibid. 327.

¹⁶ Hawthorn, Vol. I 328-329.

¹⁷ Shewell 492-493.

¹⁸ Hawthorn, Vol. I 334.

¹⁹ Ibid. 334.

Report's conclusion was that: "... until a few years ago [mid 1960s] no concerted and systematic attempt was made by the Branch to obtain provincial welfare service extension."²⁰

Some progress had been made, however. In 1956, Ontario was the first province to make an agreement with the Federal government for the extension of child welfare services, to be provided by the Children's Aid Societies. Ontario was followed by the Yukon Territory in 1961, Nova Scotia in 1962, British Columbia in 1962 (informal agreement), the Children's Aid Societies of Western (1962), Eastern (1964) and Central Manitoba (1964), and Newfoundland and Labrador in 1965.²¹ Within those provinces and territories that did not have agreements with the federal government, the Branch's social workers and the Indian Superintendents continued to provide services. They would be assisted by mainstream child welfare agencies in cases of "life or death."²²

Annual reports of the Branch indicate that the Federal government was eternally optimistic about reaching agreements with all provinces to provide child welfare services. "[Within] The province of New Brunswick," the 1957-1958 annual report stated, "with one exception, all Children's Aid Societies in Province have given serious consideration to the extension of their services to Indians on the reserves."²³ However, no formal agreement was ever reached.²⁴

According to social policy analyst Patrick Johnston: "The quality and quantity of child welfare programs available to status Indians [varied widely] from one province to

²⁰ Ibid. 334.

²¹ Hawthorn, Vol. 1 327; Johnston 7-16.

²² Johnston 66-67.

²³ Department of Citizenship and Immigration, Indian Affairs Branch, Annual Report 1957-1958 (Ottawa: Queen's Printer, 1958) 81.

²⁴ Johnston 14.

another.”²⁵ Johnston suggests further that in provinces where there were no official agreements, policy dictated that assistance would only be provided in “life or death” situations. But Johnston found that in these provinces: “...There [were] often differences between official policy and actual practice.”²⁶ He determined that some agencies would provide child welfare services to Status Indian children on a regular basis, while the majority of others would only assist in desperate situations.

Overall, the child welfare services provided by mainstream agencies were judged by the Branch to be ‘equal’ to what the majority of Canadians were receiving. But, as Armitage indicates, equality was limited to protection services.²⁷ Preventive services (namely, family counselling) developed for use in urban areas, were not usually provided to Status Indians. Armitage states that: “None of these services worked well outside urban areas, and First Nations communities also had to deal with the fact that they were not culturally connected to them.”²⁸

Correspondingly, the fact that urban Canadians had daily access to these services and other support services did not add up to equality for Aboriginal people. Status Indians were usually only being visited by a Branch social worker (on remote reserves) once a year and by provincial child welfare agencies in “life or death” situations. The majority of services provided would be limited to protection services (i.e. removal).

In the provinces where child welfare services had been extended, the number of Status Indian children in-care increased abruptly.²⁹ This was not unexpected, since the only services provided previously by the Branch were limited to unofficial foster home

²⁵ Ibid. 20.

²⁶ Ibid. 20.

²⁷ Armitage 114.

²⁸ Ibid. 114.

²⁹ Johnston 23-26.

care on reserve. In Ontario, where mainstream services were extended beginning in 1956, the number of Status Indian children in care rose substantially between the years 1957-1958 to 1960-1961. There was an increase of 349 Status Indian children in care during that period. The province of British Columbia, which according to the Branch's annual reports was extending its services as early as 1958-1959, also had a large increase. From 1958-1959 to 1960-1961 the number of children in care increased by 173 children. Even more astonishing, the province of Saskatchewan, which had no agreement with the federal government, and according to Johnston, only provided care in extreme cases of neglect, had one of the largest increases. From 1957-1958 to 1960-1961, the number of Status Indian children in care rose from 37 to 148. Canada-wide, the number of Status Indian children in care in 1957-1958 was 539. By 1960-1961, the number was 1476, an increase of 174 percent. These early statistics indicate that in a very short period of time, high numbers of Aboriginal children were in the care of mainstream agencies.³⁰

What caused this sudden and dramatic increase of Status Indian children in care? The past neglect of child welfare services, lack of housing, employment opportunities, health care, and so on, by the Branch and the provinces contributed to the desperate situation that many Aboriginal children and families had found themselves in. Secondly, even though the Branch's policies had caused many of the problems found on the reserves and in spite of their lack of professional direction in terms of welfare – the Branch still felt it knew what was best for Aboriginal people. This paternalistic attitude made the Branch feel that it could instruct and influence the direction of child welfare services as extended by mainstream agencies. The evidence demonstrates that the uneasy

³⁰ Data found in the: Department of Citizenship and Immigration, Indian Affairs Branch, Annual Reports 1957-1958, Annual Report 1958-1959, Annual Report 1959-1960, Annual Report 1960-1961. (Ottawa:

relationship between the mainstream agencies and the Branch was one of the keys to understanding the reasoning behind the high number of children in-care.

As child welfare services were extended in Ontario, British Columbia, Nova Scotia and Yukon, providers were attempting to figure out the best way to provide them. The Branch would often instruct child welfare providers on how to “work with Indians.” There were contradictory messages surfacing in different provinces during the transition period of extending services. The pattern which developed in most provinces was that Status Indians were to be treated equally and differences should be considered invisible. These equality discourses and what Timpson termed the “invisibility of Indian people” stemmed from the Branch’s rhetoric, and was largely embraced by social workers and mainstream agencies, though in the beginning stages there was some resistance by a few front-line social workers.³¹

A good example of how this worked is provided by a lengthy debate in Nova Scotia which erupted between F.B. McKinnon, the Regional Indian Affairs Branch supervisor, social worker and member of the Public Welfare Division of the Canadian Welfare Council and Helen E. Gruchy, the director of the Children’s Aid Society of Colchester County, over how to provide child welfare services. The case that caused the debate concerned a family consisting of six young children and their parents. Responding to the requests from the local Indian superintendent, Gruchy filed a report of her observations of this family.³² This was not the first time, as she had been visiting them off and on for almost a year.

Queen’s Printer, 1958, 1959, 1960, 1961) 53, 53, 53, 55.

³¹ Timpson 478.

³² NAC RG 10, vol. 8344, file 88/29-4 pt. 4, MR C-15176, Helen E. Gruchy to F.B. McKinnon, October 14, 1960.

The Indian superintendent wanted Gruchy to remove the children on the grounds of neglect. Gruchy felt that this was not an accurate judgement of the situation. She stated in her report, in regard to the home conditions:

Usually when I visit the home[,] [it] has been at least swept out and the beds are usually fairly neatly made. Apparently [the mother] has very little in the way of household equipment and I imagine it is very difficult for her to keep her home clean and tidy.³³

Gruchy agreed that the home conditions were “deplorable,” but she made the decision not to remove the children at that time based on her feeling that: “[The parents] seem to have great feeling[s] for their children and the children seem, naturally enough, very attached to their parents.”³⁴ Her recommendation was that the Branch should assist the family with repairs needed to the home.

McKinnon did not agree. He felt very strongly that the children should be removed, based on the fact that the parents were in his opinion “mentally retarded”: “The home and children are dirty; and allegedly there is excessive drinking and the constant threat of violence on the part of [the father].”³⁵ He felt that despite Gruchy’s analysis of the best interest of children in this case, the Branch knew better. He concluded his letter by stating:

While it may be possible that [the parents] have great feeling[s] for their children, we are inclined to feel the deplorable home conditions coupled with the mental state of the father offset the affectional atmosphere and the children should be placed in foster home care.³⁶

Less than a month later, the children were removed into the temporary care of the Children’s Aid Society.

³³ Ibid.

³⁴ Ibid.

³⁵ NAC RG 10, vol. 8344, file 88/29-4, pt. 4, MR C-15176, F.B. McKinnon to Helen E. Gruchy, November 7, 1960.

³⁶ Ibid.

Despite placing the children in temporary care, Gruchy continued to focus her efforts on keeping this family together. The result was a court case that investigated the temporary wardship and the plans for the children. The Judge presiding over this case agreed with Gruchy's efforts. He recommended that the Branch should assist the parents to fix up their home, but ordered the children to remain in temporary care.³⁷ Not surprisingly, McKinnon felt that the recommendations of the court and of Gruchy were incorrect. He believed that the Branch had a better understanding of the parent's behaviour, as they had known the parents for a long period of time. He thought that a reunion of the family would "be detrimental to the mental and social development of the children."³⁸ McKinnon indicated to the Indian superintendent that, depending on the recommendations in his next letter, he would call the Judge directly to make him aware of the Branch's position in this case.³⁹

The parents, on the other hand, had experienced difficulties since the removal of their children. The Indian superintendent reported that the parents had separated. The mother still had a great desire to be reunited with her children. The Indian superintendent, going against his supervisor's recommendations, suggested that consideration should be given to the court and Society's suggestion of repairing or possibly building a new home for the family.⁴⁰ By June 6, 1961, the children were placed in permanent custody of the Children's Aid Society. The two youngest children, since they had been removed, were in non-Aboriginal homes. The society asked for

³⁷ NAC RG 10, vol. 8344, file 88/29-4, pt. 4, MR C-15176, Helen E. Gruchy to Hugh MacNeil, Indian Agent, April 7, 1961.

³⁸ NAC RG 10, vol. 8344, file 88/29-4, pt. 4, MR C-15176, F.B. McKinnon to Shubenacadie Indian Agency, April 12, 1961.

³⁹ Ibid.

⁴⁰ NAC RG 10, vol. 8344, file 88/29-4, pt. 4, MR C-15176, Superintendent to Maritime Regional Office, April 14, 1961.

assistance from the Branch to find Aboriginal homes for the children, but were unable to find a suitable home on a reserve in Nova Scotia.⁴¹

McKinnon strongly resisted Gruchy's recommendations because she implied that the Branch was responsible for the neglect of the home conditions. This was consistent with what the Hawthorn Report found concerning problems between the Branch and mainstream providers that "On occasion[,] Children's Aid Societies have expressed public criticism of Branch welfare and housing practices."⁴² Though the report dismissed these disagreements, it is clear from this example that the Branch felt defensive about the housing conditions.

Branch administrative inconsistencies were another problem. In some provinces, mainstream providers had what the Branch criticized as a "hands off policy" towards Status Indians.⁴³ The Branch acknowledged that one of the reasons for this hands-off policy was the "tendency on the part of the Indian Affairs Branch to jealously guard its responsibility to the Indians."⁴⁴ This statement was very accurate in terms of child welfare services, as McKinnon's example reveals.

The close relationship between the Indian Affairs Branch and the Canadian Welfare Council (CWC) also can provide some insight into this debate. McKinnon was a key figure in CWC welfare reforms during this period.⁴⁵ McKinnon's statements were consistent with the CWC's position that "Indians be simply included under provincial welfare programs and thus be treated as full citizens subject to exactly the same standards

⁴¹ NAC RG 10, vol. 8344, file 88/29-4, pt. 4, MR C-15176, Superintendent, Shubenacadie Indian Agency to Maritime Regional Office, October 26, 1961.

⁴² Hawthorn, Vol. 1 329.

⁴³ NAC RG 10, vol. 8463, file 1/23-21, pt. 1, MR C-13809, Indian Affairs Branch Social Welfare Policy Manual, 1953, 4.

⁴⁴ Ibid. 6.

and benefits as any other provincial resident.”⁴⁶ In this particular case, the belief of equal treatment was consistent with the Branch and the CWC’s position.

However, a subsequent statement by McKinnon with respect to the removal of Aboriginal children into non-Aboriginal care may offer a different assessment of this debate, bringing it into a broader picture. McKinnon, while discussing the relocation of the Black community of Africville between 1964 and 1967 stated:

I think that the first fundamental lesson to be learned about such communities is that social and economic change cannot be manipulated, and I underline the word manipulated. We used to believe in the manipulation of people and, unfortunately, some still do. We thought that we could manipulate change in our [N]ative people, for example... I was partly personally responsible in those early years to the manipulation of children, believing that if they were removed from their own homes and placed in foster homes they would do better there. Perhaps some of them do. But the failure rate was far, far too high, and many of them would have been better off if their families had been given adequate support and help if they were left and helped there.⁴⁷

It is perhaps too simplistic to associate the unwillingness of McKinnon in 1960-1961 to attempt to assist that family with this reflection on his past mistakes. However, it can provide insight into the Branch’s reasoning at the time. The move towards the use of equality rhetoric was certainly consistent with what was occurring on many reserves across Canada and it would be adopted by most mainstream child welfare agencies, which, rather than resisting the instructions of the Branch, accepted them.

Examples of social workers, like Gruchy and Sutherland, who recognized the evident differences that existed between Aboriginal and non-Aboriginal communities were few and far between. Most social workers, influenced by the Branch’s instructions,

⁴⁵ Rodney S. Haddow, Poverty Reform in Canada, 1958-1978: State Class Influences on Policy Making. (Montreal and Kingston: McGill-Queen’s University Press, 1993) 25.

⁴⁶ Shewell 751.

⁴⁷ Africville Genealogy Society, ed. The Spirit of Africville. (Halifax: Formac Publishing Company Limited, 1992) 101.

fell into the trap of justifying the removal of Aboriginal children through the integration policy and the equality rhetoric that influenced it.

The Irony of Equality: Overlooking Preventive Services.

When child welfare services were extended to reserves, mainstream agencies found a lack of supportive and preventive services for Aboriginal children and families. There were limited services, like Homemaker's Clubs and Indian Social Leaders, as discussed in chapter two. Many families desperately needed assistance, therefore when mainstream agencies did step in, home and family conditions had usually deteriorated to the point that apprehension of children was deemed necessary. The reasoning behind the lack of preventive services was that the Branch "equated child welfare services with foster care and adoption" not preventive or in-home protection.⁴⁸

The negligence of the Branch was directly related to the high apprehensions of Aboriginal children. Chief Charles Francis of the Eskasoni Band in Nova Scotia wrote to the Branch in 1968 complaining about the lack of preventive services on the reserves that resulted in the removal of children. Francis wrote, in part:

For sometime[,] I have been aware of the necessity of rehabilitating some of our families, in particular, families with children. In several cases, parents are neglecting their children, not because they wish to do so but because they have not taken the skills of child care from their own home. Frequently, their homes deteriorate to the extent where the Children's Aid Society must be called in.⁴⁹

⁴⁸ Timpson 470.

⁴⁹ NAC RG 10, vol. 8346, file 88/29-4, pt.11, MR C-15177, Chief Charles Francis to Mr. Roger Tobin, March 28, 1968.

Francis suggested that if a housekeeper or a homemaker were to be placed in homes on a temporary basis, to provide child care instructions to families, this would be of some benefit.⁵⁰

The Branch's welfare consultant, Roger Tobin, sent a reply a few weeks later. While he agreed that Francis's suggestion would benefit many families, his reply though encouraging, meant that in terms of implementation, there would be delays. Tobin explained: "The present welfare regulations contain provisions for this kind of service but do not spell out any steps in the process."⁵¹ What Tobin failed to state was that the child welfare agreement with Nova Scotia stipulated that Status Indians would receive the same child welfare services as other residents, including preventive services.⁵² In Northern Ontario, Ian Sutherland agreed preventive services should be provided to Status Indians, but stated that: "The overall solution to these Indian problems is beyond the scope of our society and would appear to call for a broad scale government program of education and rehabilitation."⁵³ In Ontario, Timpson suggests, "In child welfare [practice and policy] the concept of prevention was overlooked" by the Branch and mainstream agencies.⁵⁴

When services were extended, Status Indians were supposed to be receiving the same child welfare services as non-Aboriginal people. This was not the case in most regions. There were a few reasons for the absence of preventive services. Uneasy relations between Branch and society staff still existed and there was a lack of funding

⁵⁰ Ibid.

⁵¹ NAC RG 10, vol. 8346, file 88/29-4, pt.11, MR C-15177, Roger Tobin to Chief Charles Francis, April 9, 1968.

⁵² Johnston 14.

⁵³ Archives of Ontario, RG 29-33, Box#11, CAS permanent records, Field Service Files, File: Algoma – Sault Ste. Marie, 1952-1963. Article: Sault Ste. Marie Star November 24, 1959.

⁵⁴ Timpson 468.

arrangements with the Federal government to provide such preventive services. Because of these policy gaps inherited from the Branch, CAS staff focused on apprehensions.

The uneasy relations between the Branch and mainstream agencies, resulting from the controlling nature of the Branch, contributed to the absence of preventive services on reserves. The regional supervisor in Southern Ontario suggested that:

Some superintendents are somewhat hesitant in interpreting the problems of reserve life to Children's Aid Society workers because they subconsciously feel that it is a reflection on their administration, and, therefore, they do not take full advantage of child welfare services. We must also take into consideration that many of the workers came to us without any knowledge of Indians and what the latter consider good housing and adequate standards. On the other hand, are we perhaps, expecting services from Societies that they cannot provide. Again, the work of the Societies may to some degree be hampered by the lack of supporting services they feel should be provided by the Branch.⁵⁵

Without cooperation from the Branch, mainstream agencies were not fully informed about what their role was on the reserve. The consequences of mainstream agencies only extending protection services, according to a Sault Ste. Marie agency left "a rather bad taste in the mouth of the Indian and creates a poor impression as to the true function of Children's Aid Society on reserves."⁵⁶

The disproportionate number of Status Indian children in-care was not attributed to the absence of preventive services on reserves or the previous neglect of the Branch. Rather, the Branch blamed the high number of Status Indian children in-care on Aboriginal parents. In 1961, the Branch's supervisor of Social Workers made a statement about the in-care services provided by the Children's Aid Society in Ontario, echoing a statement by Jones four years earlier: "Traditionally, Indian parents have become

⁵⁵ NAC RG 10, vol. 8201, file 401/29-16 pt. 5, MR C-13753, Regional Supervisor, Toronto, Memorandum to the Indian Affairs Branch on the Provincial Advisory Committee on Child Welfare, September 14, 1961.

⁵⁶ NAC RG 10, vol. 8201, file 401/29-16 pt. 5, MR C-13753, A.R. Aquin to Indian Affairs Regional Office North Bay, August 30, 1961.

accustomed to being relieved of all responsibilities for their children by placement in residential schools and much of the same pattern is followed when the children are taken over by the CAS.”⁵⁷ In the same year, the Branch’s annual report stated that in Ontario, “each year the Children’s Aid Societies are broadening their services. Some of the societies are concentrating on family counselling. This should reduce the number of children taken into care.”⁵⁸ This contradiction demonstrates that despite recognizing the importance of preventive services, the Branch ignored the fact that their own assimilative policies had caused many of the child welfare problems on reserves.

The jurisdictional disputes between the provincial and federal government contributed to the lack of preventive services on reserves. During a routine yearly visit Stanley Crow, a supervisor from the Ontario Government’s Department of Public Welfare, Child Welfare Branch, wrote in his 1963 report that the Children’s Aid Society of Port Arthur should be cautioned about providing extra services to Aboriginal people. He argued:

One society activity which has seen considerable increase during the past year has been the Society’s work amongst Indians, which was featured at your Annual Meeting. ...The Society should be cautioned that, despite the relatively high proportion of Indians in its territory, it should not become any more involved in the solution of Indian problems than its over-all responsibility for all aspects of its child welfare program will permit. ...It is, of course, the society’s right and duty to keep the best of relations with Indian Affairs Branch and its District personnel as well as guard the welfare of all children in its area including [the] treaty and non-treaty Indian child. What is inferred is that the society cannot afford to take on added responsibility unless it receives generous and specific financial assistance thereto and can obtain the added qualified staff necessary and is assured that such added responsibilities do not in any way jeopardize its statutory functions.⁵⁹

⁵⁷ RG 10, vol. 8201, file 401/29-16, MR C- 13753, M.S. Payne, Supervisor of Social Workers to Chief, Welfare Division, Indian Affairs Branch, April 6, 1961.

⁵⁸ Department of Citizenship and Immigration, Indian Affairs Branch, Annual Report 1960-1961 (Ottawa: Queen’s Printer, 1961) 89.

⁵⁹ Archives of Ontario, RG 29-33, Box#8, CAS permanent records, Field Service Files, File: Port Arthur, 1954-1967, Routine Visit Report by Stanley Crow, June 3-5, 1963, 1-2.

While Crow stated that: “These comments should in no way be interpreted as criticism of the fine work that has been done by your society during the past year on behalf of Indian children,” his instructions were clear: do not provide extra services or assistance to Aboriginal people.⁶⁰

The Port Arthur Children’s Aid Society was a minority, having provided a special focus on Aboriginal people, including a brochure titled: “Understanding the Indian Child.”⁶¹ Aboriginal people were largely invisible in the Annual Reports and field files of other Children’s Aid Societies across Ontario. While on occasion reports discuss the problems with the difficulty of placing Aboriginal children in Northern Ontario, they were invisible for the most part, either being ignored or treated the same as other children.⁶²

‘Fostering’ Assimilation: The Legacy of the Branch’s Policies.

The removal of Aboriginal children, whether into residential schools, foster home care, or adoptive homes began within the belief that the Branch officials and then subsequently the mainstream child welfare service providers were ‘acting in their best interests.’ What resulted was the opposite. Based on the assumption that “mainstream Canada was the only world worth having” Aboriginal children were removed and made to feel that they should, as Armitage states: “Reject their own cultures in favour of

⁶⁰ Ibid. 1-2.

⁶¹ Archives of Ontario, RG 29-33, Box #8, CAS permanent records, Field Service Files, File: Port Arthur, 1965-1967, “Understanding the Indian Child.” Prepared by Carolyn Rinne and Dianne Callon, CAS of the Electoral District of Port Arthur.

⁶² Archives of Ontario, RG 29-33, Box #11, CAS permanent records, Miscellaneous, RG 29-33, Box #6, CAS permanent records, Miscellaneous (Prevention projects), RG 29-33, Box #8, CAS permanent records, Field Service Files – Algoma – York 1953-1970.

another.”⁶³ It was a system of assimilation furthered through the child welfare practices of fostering and adopting which was encouraged by the Branch, provincial agencies, and ‘well intentioned Canadians.’

In 1961, early on in the extension of mainstream child welfare services, a committee was appointed by the Ontario Minister of Public Welfare to study the organization, administration and financing of child welfare for the province. The committee sent a letter to each regional supervisor of Indian agencies and requested their comments on the child welfare services being provided by Children Aid Societies.⁶⁴ The replies written by the regional supervisors gave a good indication of the state of child welfare services on reserves across Ontario. The majority focused on problems with foster home care. The letters are an important indication of how Branch officials perceived the effectiveness of mainstream services in keeping with the Branch’s overall goal of assimilation.

There were twenty-four Indian agencies in Ontario in 1961.⁶⁵ Fifteen Indian superintendents responded with their evaluation of child welfare services. Twelve of the thirteen agencies in Southern Ontario replied, in contrast to Northern Ontario, where only three agencies of eleven responded. In summarizing the main recommendations from Southern Ontario agencies, the majority of the agencies felt that their local societies were doing a good job in providing in-care child welfare services. One of the main problems that agencies had with the services provided, was linked to the placement of non-Status and other First Nations children (non-Band members) in Status Indian foster homes. The

⁶³ Armitage 121.

⁶⁴ NAC RG 10, vol. 8201, file 401/29-16, pt. 5, MR C-13753, C.J. Foster to Colonel Jones, August 4, 1961.

⁶⁵ Department of Citizenship and Immigration, Indian Affairs Branch, Annual Report 1960-1961 (Ottawa: Queen’s Printer, 1961) 71.

regional supervisor of Southern Ontario stated in his report: "Placing non-Band members in homes on reserves causes concern to some Superintendents and Band Councils as this may create problems later on for the child and the Band, as it is viewed in some cases as being opposed to our integration policy."⁶⁶ This was consistent with the Branch's previous treatment of non-Status Indian children.

With the extension of mainstream services, assimilation through foster care and adoption was easier to put into practice because of the accessibility of non-Indigenous foster homes to the societies. Previously, foster homes were found on the reserve by the Indian Superintendent or social worker. With the extension of mainstream services, Status Indian children could be placed in a non-Indigenous foster home and the Indian Affairs Branch would pay the Society for the care of that child. However, initially societies in some areas tended to tread lightly in the placement of children off-reserve. The Branch's regional supervisor in Southern Ontario complained that:

...such homes need not all be on reserves. Some Societies give the impression that in the case of Indian children, the colour and race should definitely match and the child should grow up in a reserve environment when actually this is not doing the child any particular favour as, sooner or later, it has to adapt to standards in a non-Indian community. Indians in general are not prejudiced to placement off the reserve.⁶⁷

The supervisor of social workers for the Brant County Children's Aid Society, M.S. Payne, formerly employed as the supervisor of social workers for the Indian Affairs Branch, agreed that Status Indian children should be placed in non-Indian communities. She found that when children were placed locally, Indian parents were able to see their

⁶⁶ NAC RG 10, vol. 8201, file 401/29-16 pt. 5, MR C-13753, Regional Supervisor, Toronto, Memorandum to the Indian Affairs Branch on the Provincial Advisory Committee on Child Welfare, September 14, 1961.

⁶⁷ NAC RG 10, vol. 8201, file 401/29-16 pt. 5, MR C-13753, Regional Supervisor, Toronto, Memorandum to the Indian Affairs Branch on the Provincial Advisory Committee on Child Welfare, September 14, 1961.

children frequently, and “separation does not have the same impact as in non-Indian communities where parents do not usually have the same privilege.”⁶⁸ However, not all Aboriginal people agreed. The placement of children off the reserve in adoption homes Payne stated, was: “strongly resisted by the Council and Band Members [Six Nations]. Indian members of the Children’s Aid Society board of Directors have expressed strong objections to such placements.”⁶⁹ Despite the overwhelming resistance, Payne encouraged continuation of such placements, recalling, “...that similar resistance was apparent when the Children’s Aid Society first started operations on Six Nations reserve but in the interim has been overcome. It was suggested that the situation may change as Indians become more aware of the advantages for children in having the security that homelife in a carefully selected adoption home provides.”⁷⁰

There was initially a shortage of non-Aboriginal foster care homes willing to take Aboriginal children into care in the early 1960s. The problems associated with finding foster homes were discussed in Northern Ontario, when Branch and Society officials had a meeting on January 27, 1960. Mr. Lazarus, the director of the CAS in Kapuskasing found that in his experience the problem with finding foster homes was largely due to the attitude and “wrong outlook with regard to Indian people as a whole” by non-Aboriginal families.⁷¹ The problem in Northern Ontario with finding homes was that the non-Aboriginal community had problems accepting Aboriginal children. Branch officials found this aspect troubling, for they found that Aboriginal children were no different from non-Aboriginal children. One director stated, “Indian children behaved and acted the

⁶⁸ NAC RG 10, vol. 8201, file 401/29-16, MR C-13753, M.S. Payne to Chief Welfare Division, April 6, 1961.

⁶⁹ Ibid.

⁷⁰ Ibid.

same as non-Indian children.”⁷² Branch official Mr. Matters believed, “that Indian children responded more quickly to discipline, etc. than non-Indian children.”⁷³ The solution, as presented by Branch officials, was to treat Aboriginal children the same as non-Aboriginal children. Mr. Matters stated: “[That] if Indian children were treated the same as non-Indian children with regard to placement there would not be so much difficulty. ... The field workers should have confidence that Indian children should be treated just as [other] children.”⁷⁴ Equal treatment would further the efforts of the government’s assimilation policy, as it would integrate Status Indian children into non-Aboriginal society through foster home placements.

In order to respond to the lack of available foster homes, some officials worked harder to find Aboriginal foster homes. Many mainstream agencies, however, found that according to their standards, “there were not homes on the reserves suitable to place a child into care or adoption.”⁷⁵ These efforts were largely short-lived as they went against the integration policy. In British Columbia, the Child Welfare Division of the Department of Social Welfare created and distributed a booklet that provided information on how to properly evaluate foster homes on the reserves. The underlying philosophy of the standards of searching for foster or adoption homes was explained in the introduction:

Since the child’s colour and racial origin in no way alters his basic needs for healthy development, then the standards set out for a foster home program for the Indian child – or the standards of an adoption program for Indian children – must be the same as those set out in programs for other children. That these standards are not

⁷¹ NAC RG 10, vol. 10707, file 43/29-16 pt. 1, Meeting between Indian Affairs Branch Officials and the Directors of the Children’s Aid Societies in North Bay Regional offices, January 27, 1960.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ NAC RG 10, vol. 8202, file 492/29-16, pt. 1, Conference between the Indian Affairs Branch and the Children’s Aid Society, Port Arthur, December 10, 1959.

always maintained – with respect to both Indian and non-Indian children – do not make them any the less desirable.⁷⁶

Small exceptions were being made in the search for foster homes for Aboriginal children, “because of a lack of resources with a resulting high incidence of replacements with their damaging effects on the child.”⁷⁷ The booklet then gave instructions on possible exceptions to be made in the evaluation process due to the differences that existed between non-Aboriginal and Aboriginal communities. The main physical exceptions that were suggested included, sleeping arrangements and household furniture. Children of a similar age and gender could share a bed, but the bed could not be in the same room as the foster parents. The home would not need to have many pieces of furniture, but the major concern was that the house had to be free of fire hazards. The foster parents that officials thought they could attract were “married couples somewhat older than ordinary standards require” because it was assumed that an older couple would be more responsive to this type of campaign.⁷⁸

Included in the booklet was a thirteen point checklist that was suggested to be used in the evaluation of foster homes. The points were: good parent, under 55 years, good health, good character, adequate income, good sanitation, good water and milk supply, accessibility, free from fire hazard, easy exit, accommodation, sleeping arrangements, accessible to supervision.⁷⁹ The checklist and the exceptions made within it for Indian foster homes was a good effort on the part of the Department of Social Welfare to demonstrate the differences that existed between Aboriginal and non-

⁷⁶ NAC RG 10 , vol. 8387, file 901/29-4 pt. 1, MR C-10992, Child Welfare Division, Department of Social Welfare, Province of British Columbia and Federal-Provincial Welfare Committee on Indians, “In Search of Indian Foster Homes,” 1960, 1.

⁷⁷ Ibid. 3.

⁷⁸ Ibid. 5.

⁷⁹ Ibid. 6-9.

Aboriginal communities. It validates the argument that the differences were largely economic which affected the physical aspects of homes on the reserve.

Whether efforts to implement these exceptions to find Aboriginal foster parents on a wide scale occurred was not found in the documents examined. The evidence does demonstrate that this was probably not the case. Indian Affairs Branch social worker, Shirley Arnold found that most Social Welfare Branches in British Columbia, “have frequently commented that they are not equipped to work with Indian people, do not understand them, etc.”⁸⁰ The Social Welfare Branch in the area of the Kootenay Agency told Arnold that: “They had been reluctant to extend their services to Indians in this area because of the difficulty of communication, the difference in standards and generally because they were doubtful of the value of case work services to Indian people.”⁸¹ Arnold makes it clear that getting the Social Welfare Branches to extend mainstream child welfare services was not an easy task. She explained: “Although generally, we have had good co-operation from Social Welfare Branch, because of the personnel of each office and the distance from their head office, the interpretation of policy differs somewhat in each case. Therefore, it has been necessary for us to do a ‘selling job’ with each individual office.”⁸² Distance and lack of staff were the reasons cited in reports for not enabling the full extent of child welfare services which were provided in non-Aboriginal and urban communities.

Another problem was voiced in letters for the report to the Ontario Provincial Advisory Committee on Child Welfare and at various meetings. This was the delay in

⁸⁰ NAC RG 10, vol. 8464, file 901/23-21 pt. 2, Shirley Arnold, Social Worker’s Report for May and June 1956, British Columbia.

⁸¹ NAC RG 10, vol. 8464, file 901/23-21 pt. 2, Shirley Arnold, Social Worker’s Report for September and October 1955, British Columbia.

⁸² Ibid.

returning children to their families that would sometimes result in transforming temporary foster home placements into permanent ones. At a meeting held in Northern Ontario, in 1960, between the Children's Aid Society Directors and the Indian Affairs Branch Officials, the reason behind the delay was formally spelled out. The minutes of the meeting state that: "When a child is taken into temporary wardship, it was for the reason that the parents of the Indian child could not care for him or her properly."⁸³ There were no discussions of specific problems that might not allow the child to not be properly cared for, including medical conditions or individual circumstances. The document then goes on to instruct that:

If an Indian child is receiving proper care and love from the foster parents, it was felt that it was unfair for the child to have to go back to the reserve to the same environment from which he came, unless the parents of the child were reconciled to the fact that they had to improve their standard of living, etc.⁸⁴

Branch social worker Jane Barlett concluded that, "in cases where it was felt that the child should not be made to go back to the reserve because of the environment, ...the child should be made a permanent ward."⁸⁵

An example of this policy put into practice concerned the case of a premature baby born in Saskatchewan in 1960. After a long period of hospitalization, the doctor requested that the baby be placed in a foster home. "This is necessary because of the fact the child was so premature and is such a weak infant..." the doctor rationalized, "...we both feel [the baby] should be kept in a foster home for a few months until [the baby] is strong enough to go back to the Reserve."⁸⁶ The discussion centered on the "reserve

⁸³ NAC RG 10, vol. 10707, file 43/29-16 pt. 1, Meeting between Indian Affairs Branch Officials and the Directors of the Children's Aid Societies in North Bay Regional Offices on Jan. 27, 1960, 3.

⁸⁴ Ibid. 3-4.

⁸⁵ Ibid. 3-4.

⁸⁶ NAC RG 10, vol. 8387, file 674/29-4, pt. 3, MR C-10992, R.G. Green, M.D. to Dr, J.A. Hughes, January 4, 1960.

environment” not on the family situation or parents. “Standard of living” was the focus, even though removal could not be based solely on home conditions or ability to provide a certain standard of living. The discussion at the meeting and in this example indicated that the “reserve environment” was the basis for removal.

There were other factors that caused temporary placements to turn into extended ones. Distance between the reserve and the child welfare agency played a large part in the return of children to their parents. The Superintendent of the Kenora Agency, Eric Law, wrote to the Regional Supervisor in North Bay, in 1961, that, “there is far too much delay in returning children to their homes in this Agency.” He explained that, “workers for the Society claim they must visit the homes before the children are returned but this is not feasible in remote areas.” Therefore, “...in cases where children have been apprehended because of misfortune, such as hospitalization of the mother, then it is felt the children should be returned as soon as the mother is able to look after them.”⁸⁷

Temporary placements were extended, because of the distances between the reserves and the society’s office. Law’s concerns were justified. The temporary placement of children because of parental illness was not linked to home conditions. Why then were these children being kept away from their parents by the Children’s Aid Society? Negative assumptions were made by the social workers concerning home conditions and the parents even though, in many cases, there was no reasons or evidence to back up claims because of limited observation and case work done by the mainstream agency.

There were some cases where children who had received medical care in an urban centre were not returned to their parents promptly. One doctor at the Chapleau Hospital

⁸⁷ NAC RG 10, vol. 8201, file 401/29-16, MR C-13753, Eric Law, Letter to Regional Supervisor, North Bay, Subject: CAS, August 29, 1961.

in Sudbury refused the release of a newborn child stating, "As home conditions are unsatisfactory Dr. Young does not wish this child to go home but be placed with the Children's Aid Society."⁸⁸ It was unlikely that the doctor was able to judge the home conditions himself. Probably, information may have been relayed to him from Indian Health Services or the Indian Superintendent. Dr. Young refused to release other children in three cases stating he: "will not release them to present home conditions."⁸⁹ No preventive services were recommended to assist with the home conditions, and so removal seemed to be the only action.

In contrast, Dr. Savoie, Superintendent of Indian Health Services in Quebec recommended the return of a child to his family and his recommendations were not followed. By the tone of Savoie's letter, it seemed that his instructions had been ignored before. Savoie wrote lengthy instructions:

...At present the child requires no special care, he is in excellent health, though crippled. He will have to go back to Laval Hospital in about six months, but we cannot say ahead of time whether the doctors will then deem it necessary to hospitalize him or simply wait another few months. Similar cases are generally sent back to their family, when the latter is able to care for the children. In cases where welfare conditions prevent the family from receiving the child, we recommend placement in a foster home. We repeat that the child needs no special care, diet or other, he does not need to be followed regularly by a nurse or a doctor. We shall notify you when the child has to return to the hospital.⁹⁰

Although Dr. Savoie recommended the return of the child to his family, the child was placed in foster care. The Initial Child Placement Application and Authority form indicates that the child was taken into foster care on June 26, 1962. The reason

⁸⁸ NAC RG 10, vol. 10742, file 65/29-16 pt. 2, R. Horley, Nurse in charge to Children's Aid Society Sudbury, July 18, 1960.

⁸⁹ NAC RG 10, vol. 10742, file 65/29-16 pt. 2, R. Horley, Nurse in charge to J.H. Dawson, Director Children's Aid Society Port Arthur, September 19, 1960.

⁹⁰ NAC RG 10, vol. 6937, file 379/29-4 pt. 3, MR C-10990, M. Savoie to Regional Supervisor of Indian Agencies, Quebec, June 12, 1962.

necessitating placement was explained: “infirmite – recommander par Dr. Savoie. Voir rapport du Dr. Savoie date du 12 juin 1962.”⁹¹ The form states that Dr. Savoie recommended the placement. The letter, which the form refers to, indicates the opposite. The child remained in a non-Indian foster home in Quebec City, until the last form indicated in March 1964 that he was expected to remain in foster home care due to his medical treatments.⁹² In this case, temporary placements became permanent.

Standards of a proper home and a “standard environment” as seen in the above examples were deeply engrained. They flowed out of the origins of the Children’s Aid Societies as an organization run by “middle class volunteers whose model for child rearing was based on “proper moral behaviour,” together with a concern to impose their views on others in order to protect children and to protect society from turmoil.”⁹³ Any deviation in the cleanliness or structure of the household from what the worker and society considered the norm would bring swift action. Swift argues that “dirt and disorder are often in the forefront of the way [social] workers think about child neglect.”⁹⁴ The discourse on Aboriginal people and their “environment” described in medical and scientific language carried meanings that Joan Sangster describes as “masked subjective, moral judgements.” She argues that:

Native women, however, were also seen through the particular lens of race paternalism. For example, the very word *reserve* had a different meaning from words like *poor* or *bad neighbourhood* used between the 1930s and 1950s to describe the backgrounds of white women: reserves associated with degeneracy, backwardness, and filth. One ‘progressive’ social worker, writing about Indian juveniles in the 1940s, decried racial prejudice and

⁹¹ NAC RG 10, vol. 6937, file 379/29-4 pt. 3, MR C-10990, Department of Citizenship and Immigration, Indian Affairs Branch - Initial Child Placement Application and Authority Form, May 29, 1962.

⁹² NAC RG 10, vol. 6937, file 379/29-4 pt. 3, Department of Citizenship and Immigration, Indian Affairs Branch - Initial Child Placement Application and Authority form, March 9, 1964.

⁹³ Ewan Macintyre, “The Historical Context of Child Welfare in Canada.” Rethinking Child Welfare in Canada. ed. Brian Wharf. (Toronto, Oxford, New York: Oxford University Press, 1993.) 32.

⁹⁴ Swift 74.

the poverty on reserves, but at the same time reiterated many racist images, describing Indians as ‘savage, childish, primitive and ignorant.’⁹⁵

These examples were typical of how social workers, medical professionals, and other people responsible for the care of children internalized racist assumptions. They assumed that the removal of an Indian child would rescue it from a life of poverty and poor home/reserve conditions. Karen Swift suggests that this pattern was based on the social work assumption that removal would provide the child with a “better future.” Swift concludes that the “ ‘better future’ also carries with it more modern implications of permanent placement in a home offering high standards of safety, health, and education.”⁹⁶ This bias was not in keeping with the child welfare standards of the time. The child welfare standards and values during the post-war period were ones that recognized and endorsed the importance of maintaining the family as a unit. Evidence of this was seen in the Universal Declaration of Human Rights and in a report from work on maternal deprivation conducted by John Bowlby for the World Health Organization of the United Nations in 1951 that, “stressed that child welfare services should be focussed on assisting families to keep their children with them.”⁹⁷

These negative assumptions did not go always unchallenged. There were Aboriginal people who challenged them and the basis on which their children were removed. In British Columbia, there was documented resistance to the removal of children from their families. There were two cases in Prince George where the children were removed because of “neglect.” The parents in both cases hired lawyers to protest the removal of their children. The one case allowed for the return of the children to the

⁹⁵ Sangster 46.

⁹⁶ Swift 132.

family, under the supervision of the Social Welfare Branch. In the other case, the children were taken into wardship. It was noted that in the case where the children were returned, "...there has been almost a miraculous change in the home where the children were returned by the Judge and we feel that this has made them realize the position of the Courts and their responsibility for their children."⁹⁸ Ironically, the problem as seen by the Social Welfare Branch in this situation was not in the lack of child welfare services, but rather "the Indians lack of understanding of legal protection."⁹⁹

In this case, the blame had been shifted. The Social Welfare Branch felt that Indians did not understand the purpose of the "legal protection" of children. Was there an effort to explain the sudden influx of child protection services? Were there any preventive services provided? Perhaps the "miraculous change" in the home was not a sudden phenomenon and the home conditions were satisfactory in the first instance. Could this have been attributed to a mistake by the social worker that removed the children? It may have been the case. Shirley Arnold stated, "this Branch office has been most anxious to co-operate with us but have been hampered by lack of staff and to some extent by lack of understanding of the cultural differences in working with Indian people."¹⁰⁰ Clearly, the parents in both cases felt that their children had been removed without proper cause, otherwise they would have been reluctant to hire lawyers to protest the apprehensions. Cultural assumptions and misunderstandings played a part in this situation.

⁹⁷ National Inquiry into the Separation of Aboriginal and Torres Strait Islanders from Their Families 34.

⁹⁸ NAC RG 10, vol. 8464, file 901/23-21, pt. 2, Shirley Arnold, Social Worker's Report, British Columbia, 1956, 2.

⁹⁹ Ibid. 2.

¹⁰⁰ Ibid. 2.

The Hawthorn Report felt that these concerns about social workers misunderstanding cultural differences were unwarranted. Feeding into the equality discourse, the report concluded that: “There is no uniquely Indian aspect to the problem of Indian-social worker relationships which constitutes a major barrier to services.”¹⁰¹

Contradicting this statement, the report then admits that:

The habituation of the Indian community to child welfare services with the passing of time, the accumulation of experience by sensitive social workers will undoubtedly reduce the apprehensions which are products of uncertain initial encounters.¹⁰²

This statement, in essence, concedes that culturally unaware social workers were one of the causes of the overrepresentation of Aboriginal children in the child welfare system.

The profession of social work largely functioned and continues to function as if it were a ‘bias free’ profession. The profession attempts to “guarantee equal treatment” by using an illusory process. As Swift argues: “Bureaucratic sameness imposed through child welfare processes helps to hide from the workers themselves – who do the categorizing – the underlying racial and ethnic divisions they are helping to maintain and legitimize.”¹⁰³

The professional social work community celebrated their supposed willingness to ignore differences that existed between Aboriginal and non-Aboriginal people. Swift suggests, “The value placed on sameness in service provision is generally posed as positive. In fact, when the idea of ‘equal treatment’ comes up, the value of celebrating or even noticing cultural and racial differences moves to the background.”¹⁰⁴ This ignorance of ethno-cultural differences, as Swift states, was dangerous: “The efforts of workers to

¹⁰¹ Hawthorn, Vol. 1 329.

¹⁰² Ibid. 329.

¹⁰³ Swift 127.

apply equal treatment and standardized definitions amount to denial of the cultural and racial realities of Others.”¹⁰⁵ Timpson argues that the mask of equality even goes further – it equates to the “*invisibility* of Indians and Indian child welfare.”¹⁰⁶

Cultural differences were erased by the equality rhetoric disseminated first by the Branch which was accepted by the mainstream services and finally, reinforced by the social work profession. The tragedy of this extension of mainstream child welfare services to Aboriginal families as Timpson suggests, was that “Equal policies were not what was needed and ironically were not provided.”¹⁰⁷

Summary

Child welfare services extended by mainstream agencies varied widely across Canada and within different regions. When they were extended, even in provinces without agreements, mainstream agencies found that because of the previous neglect of Aboriginal children and families on reserves, conditions were desperate. The Branch instructed the agencies to treat Aboriginal people the same as non-Aboriginal people. Based on this equality rhetoric, apprehensions of Aboriginal children were deemed necessary by these agencies. Quite quickly, there was a disproportionate number of Aboriginal children in-care of child welfare agencies. The use of the ideology of equality encouraged the widespread removals of children. Ironically, equality was not extended in terms of providing the same services. Preventive services were not extended to Aboriginal people. For many Aboriginal children, equality meant attempted assimilation.

¹⁰⁴ Ibid. 141.

¹⁰⁵ Ibid. 147.

¹⁰⁶ Timpson 470.

¹⁰⁷ Ibid. 478.

Two questions remain unanswered from these chapters. First, if the Branch had provided adequate child welfare services, including preventive services, and more importantly, if Ottawa had kept promises and rights inherent in treaties and assisted First Nations with socio-economic conditions which they were required to do would the number of Aboriginal children apprehended by the mainstream services have spiked quite as suddenly? Second, would mainstream agencies having not been faced with desperate socio-economic situations, have extended preventive services, instead of focusing solely on apprehending children? Since one cannot determine what path history would have taken, it is by understanding and questioning past history that perhaps Ottawa and Canadian society can increase the likelihood of not repeating past mistakes.

Conclusion

Cross-cultural academic work is usually known for what it does not include and its deep limitations. A recent review of Aboriginal historiography provided an overview of the contested area of debate about “the relative standards of ‘proof’ and ‘accuracy’ in the description and interpretation of the past.”¹ The top-down approach of interpreting history which closely examines and relies on the ‘proof’ found in government documents has been criticized in numerous accounts. On the one hand, historians who lean towards this top-down approach of interpreting Indigenous history defend their methods from protests by Aboriginal people and scholars. Despite their defence of their approaches, Coates asserts that these “scholars pull few punches in their critiques of disruptive federal government policies and the racial assumptions held by the dominant, non-Aboriginal society.”² More recently, there has been a move towards the interpretation of archival documents held by governments, church and various organizations in order to critique Canadian society and its governments, through a focus on residential schools.³ This move relies on the belief by dominant society, governments, and legal system that the historical ‘truth’ is found in documents. Such an assumption allows historians to be able to provide the ‘truth’, which the dominant systems have created themselves through letters, forms, memorandums, and policy documents. It is difficult for the dominant society to deny ‘their’ history (though they will try) as it is proven through their own documentation.

¹ Ken Coates, “Review Essay: Writing First Nations into Canadian History: A Review of Recent Scholarly Works.” Canadian Historical Review 81.1 (March 2000): 109.

² Ibid. 109.

³ Ibid. 110.

Without this work there is a gap in our understanding of the progression of events. Monture argues that we need to “peel back the layers of misunderstanding of both the dominant culture and First Nations culture which currently shapes our cross-cultural communications.”⁴ This research has assisted in our interpretation of such misunderstandings as well as how mainstream child welfare services that were extended reflected these deep layers of misunderstandings. Despite this criticism, there is a need for understanding government and policy documents.

In line with the top-down approach this thesis has explored the impact of the early child welfare services which were provided by the Indian Affairs Branch from 1950 to 1965 upon the subsequent extension of provincial child welfare services to Aboriginal communities. It has shown that beginning in the 1940s Aboriginal assimilation policy slowly shifted towards more family-centred approaches, within the new contexts of “integration” and “citizenship.” It has demonstrated that the Branch failed to provide adequate child welfare services due to a number of factors: a lack of professional management and policy staff, a weak capacity for policy making, the absence of preventive services for Aboriginal people and the fact that Aboriginal welfare services were considered a low priority and thus attracted no financial commitment, mirroring the pre-Second World War period in non-Aboriginal communities serviced by the Children’s Aid Societies.⁵ Due in part to the Branch’s failure to provide adequate child welfare services, many residential schools remained open out of necessity.

When the provinces began to extend their welfare services to Status Indians they inherited this legacy of neglect. Mainstream agencies found that because of the neglect

⁴ Monture 7.

⁵ Cluett abstract.

of Aboriginal people and families, conditions were desperate. As services were extended, the Branch instructed the agencies to treat Aboriginal people the same as their non-Aboriginal clients. This equality rhetoric allowed for and justified the numerous removals of Aboriginal children into care. Ironically, while this was the intent, equal services were not provided. I conclude that the impact of the Branch's previous neglect and the equality rhetoric were two of the key factors which influenced the removal of a disproportionate number of Aboriginal children. Other factors, including jurisdictional problems, inaccurate cultural interpretations of neglect, have been brought forward by other scholars. Yet missing from their arguments is an understanding of the Branch's role in child welfare services.

The comparative aspect of this thesis demonstrates that while the policies and official discourse were similar in Canada and Australia, there is no evidence that these similarities were based on communication between Aboriginal Affairs officials. This should not be discounted as a possibility. Perhaps an examination of Foreign Affairs documents would turn up evidence that would support this idea, but that is beyond the scope of this research.

My research does demonstrate, however, that race relations were quite similar in both countries. Aboriginal people were treated in a similar fashion, through the specific orders of race relations as described by Michael Banton's research.

A recent article written by Sally J. Torpy raises interesting questions for further research. Her research suggests that in the 1970s in the United States, there was a correlation between the high numbers of coerced sterilization of Native American women

due to the threat of removal of their children and benefits.⁶ This research raises questions for further study to determine if such a connection can be made in both Canada and Australia.

The removal of Indigenous children during the post war period has been justified by the governments' of both Canada and Australia on the grounds that they were, 'acting in the best interests of the child.' In Australia, the government submitted to the National Inquiry, the following statement:

The government takes the view that in consideration of the policies and practices which led to the separation it is applicable to have regard to the standards and values prevailing at the time of their enactment and implementation, rather to the standards and values prevailing today.⁷

This response is also seen in the Canadian professional and governmental discourse. Such arguments conveniently forget and ignore the fact that the prevailing standards and values during the post-war period were ones that recognized and endorsed the importance of the family and of maintaining the family as a unit.⁸

An inspirational quote was widely used in Children's Aid Society annual reports during this period:

He who gives a child a treat,
Makes joybells ring in Heaven's street,
And he who gives a child a home,
Builds palaces in Kingdom Come.⁹

Despite the knowledge of the negative effects of removing a child from their biological parents and family, Aboriginal children were removed on a disproportionate basis. Many

⁶ Sally J. Torpy, "Native American Women and Coerced Sterilization: On the Trail of Tears in the 1970s." American Indian Culture and Research Journal 24.2 (2000): 13.

⁷ Francesca Bartlett, "Aboriginal Resistance Literature: Life Stories, Governmentality and Collectivity." The UTS Review: Cultural Studies and New Writing 4, 2 (November 1998) 91.

⁸ National Inquiry into the Separation of Aborigines and Torres Strait Islanders from Their Families 34.

⁹ Carolyn Rinne and Dianne Callon, Understanding the Indian Child. Children's Aid Society of Port Arthur Ontario.

of these children were placed in numerous foster homes. It is evident that this underlying ideology of good intentions and Christian values influenced social workers. But this thesis demonstrates that the equality rhetoric of the Branch also had widespread influence over the actions of workers.

Despite the “best of intentions” which always surround the debate concerning Indigenous people and child welfare policy, this period is best understood in terms set out by Peter Kulchyski, a professor of Native Studies who argues that: “One person’s end to discrimination is another person’s ruthless tool of assimilation.”¹⁰ Child welfare and the equality rhetoric were tools of assimilation.

¹⁰ Peter Kulchyski, Unjust Relations: Aboriginal Rights in Canadian Courts, (Toronto: Oxford University Press, 1994) 13.

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