"We Must Separate Them From Their Families":

Canadian Policies of Child Apprehension and Relocation From Indigenous Communities

By

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A Thesis Submitted to the Faculty of Graduate Studies of

The University of Manitoba

in partial fulfillment of the requirements of the degree of

Master of Arts

Department of Sociology

University of Manitoba

August 2014

<u>Abstract</u>

Debate has been reignited about whether genocide occurred in Canada. The residential school system has garnered attention as a system of attempted genocide, involving the forcible removal of Indigenous children from their families and communities with the goal of assimilating those children into Anglo-European culture. The residential school system began to wind down in the 1960s, but the introduction of provincial child welfare services on reserves and the migration of many Indigenous families to urban centres led to increased apprehension of children from their families by the state. Most of these children were placed with non-Indigenous foster and adoptive families, often out-of-province and sometimes out-of-country. This period of apprehension and relocation of Indigenous children came to be known as the Sixties Scoop. In this paper, I examine the continuities between the residential school system and the Sixties Scoop era of the child welfare system using a relational genocide framework to analyze attempted group destruction. The main finding of this thesis is that the forcible removal of Indigenous children from one group to another threatened the survival of Indigenous communities and the ability of groups to reproduce themselves according to their own cultural codes.

<u>Acknowledgements</u>

I would like to sincerely thank my thesis advisor, Dr. Christopher Powell, for his excellent guidance and support at every stage of the planning, research and writing process. I am grateful for his knowledge, patience and insightful feedback, which kept me focused and motivated throughout this project. I would also like to thank the rest of my thesis committee, Dr. Andrew Woolford and Dr. Kiera Ladner for their valuable feedback and encouragement. I am also grateful to the staff and faculty of the Department of Sociology, University of Manitoba for their ongoing support and advice. I wish to extend my deepest gratitude to my family and friends who have encouraged me throughout this project.

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CHAPTER 1: INTRODUCTION AND HISTORICAL CONTEXT

Situating Myself

My position writing this thesis is that of a non-Indigenous Canadian woman. My mother is a fifth generation Catholic Canadian of European and British descent while my father is Greek immigrant, currently living in rural Manitoba. Growing up in Winnipeg, I have always been fairly cognizant of the systemic discrimination and racial oppression facing the Indigenous peoples in Manitoba. But it was not until my first years of university that I was able to apply those terms to what was such an obvious occurrence in this country. My first real understanding came from reading Beatrice Culleton's *In Search of April Raintree* and Yvonne Johnson's *Stolen Life: The Journey of a Cree Woman*. The latter is a personal account of poverty, addiction, abuse and sexual violence, in which Yvonne eventually finds herself on the streets of downtown Winnipeg. Reading about her life experiences enabled me to begin to acknowledge my own class and race privilege within Canadian settler society.

As a descendant of European settlers to Canada, I am not removed from the issues facing Indigenous Peoples in Canada. I am, in fact, quite directly implicated in them and specifically in the history of the residential school system in Canada. My mother's oldest sister was a teacher in the Assiniboia Residential School in Winnipeg, Manitoba. I first learned about residential schools at 9 years old while riding my bike with my mother past the former residential school. We stopped and she carefully explained to me that my aunt had worked in that residential school, which was one of many institutions to which Indigenous children were brought, away from their homes and families. She further explained that while terrible abuses had happened to many of the children in the school system, that my aunt was a kind and dedicated teacher.

Since this was in the 1990s, I imagine now that my Mother was learning, perhaps for the first time, about the horrors and multiple abuses that many students had faced in residential schools. During this time, media coverage was increasing and Survivors were sharing their stories, in the thousands. The horrors of their experiences were shocking Canadians across the country and more truths were still to be exposed. I remember that day with surprising clarity and still feel uneasy when I pass by that old school building.

Years later, while working at the Prairie Women's Health Centre of Excellence as a research assistant to the Indigenous head researcher, I was able to participate in several projects regarding Indigenous women's health. Once again, experiences of discrimination, intergenerational trauma of residential schools and the child welfare system were constant themes in the lives of many Indigenous women interviewed for research projects, something I could only begin to understand. While I was aware at this point that the trauma of residential schools was still reverberating through Indigenous communities, I was surprised to discover that the trauma of child welfare was a major topic that emerged in a project on Indigenous women and mental health.

I strongly believe that Indigenous scholars should be at the forefront of Indigenous issues. Many Indigenous activists and scholars have led the awareness and resistance campaigns against the residential school system and child welfare practices in Canada. I wish to walk with them and support the criticism of problematic European structures that have caused, and continue to cause, so much trauma for Indigenous families in Canada. For this project, I wish to situate myself not as an expert but as learner (Regan 2010). As a non-Indigenous researcher, I understand that I will never fully understand the Indigenous experience, nor will I attempt to. But I will embrace the "uncomfortable epistemological tension" (Regan 2010: 26) that is a part of my colonizer-ally

position to the material. During my thesis proposal presentation, committee member Dr. Kiera Ladner supportively reminded me that I "not only have a right, but a responsibility" to study this subject matter. Those words continue to guide my work. Thank you.

Introduction

For this thesis, I will explore different eras of Canadian policies and practices of child apprehension and relocation from Indigenous[1] communities in Canada. In the last few decades, the residential school system in Canada has commonly been acknowledged as a system of violent forced assimilation through the mass apprehension of First Nations, Metis and Inuit children from their families and communities of origin. The residential school system engaged in the forced transfer of Indigenous children under the stated intention of education but with the goal of assimilation and conversion. The child welfare system has been argued to have merely supplanted as well as aided the residential school system in the apprehension and relocation of tens of thousands of Indigenous children. Upon gaining jurisdiction over reserves in the 1950s and 60s, provincial social workers in Canada continued to apprehend Indigenous children en masse from their homes and placed them not only in residential schools but also in predominately non-Indigenous families.

Currently, a record number of Indigenous children are living in out-of-home care. This project examines the roots and effects of the ongoing removal of thousands of Indigenous children from their families and communities. For this examination, I focus on the period in the

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[1] The terms Aboriginal and Indigenous can be used interchangeably in Canada. I will use the term Indigenous peoples for the purposes of this thesis. Indigenous Peoples will refer to the descendants of the First Peoples of what is now North America, including Inuit, Metis, Status and non-Status First Nations. Wherever possible, I will distinguish between the experiences of Metis, Inuit and First Nations peoples, who comprise diverse groups with diverse experiences across Canada. While 'Metis' is often spelled with an accent (Métis) outside of Manitoba, I will use the term without the accent, in keeping with the Manitoba Metis Federation.

[2] The United States and Australia both have similar histories to Canada's of the removal and relocation of Indigenous children from their homes and families. The Native American boarding school system in the United States was a primary inspiration for the Canadian residential school system. It was similar in both the forced

Canadian child welfare system between the early 1960s and the mid-1980s that has come to be known has the Sixties Scoop and compare this system of child apprehension and relocation by the state to the residential school system. Further, I assess the degree to which these policies threatened the survival of Indigenous communities and to assess the impact of these governmental policies on the ability of groups to reproduce themselves according to their own cultural codes.

Definitions and understandings of genocide vary greatly. I explore policies and practice of the relocation of Indigenous children by the state using a relational concept of genocide along with Powell's (2007) concept of figurations as a way to conceive of the complexity and destruction of group life. I incorporate elements both of Foucault's genealogy and of decolonizing methodology to critically examine the historical record of these two periods. To aid in this analysis, I offer an extensive outline of the residential school system and the Sixties Scoop era of child welfare policies and practices to present the continuities and discontinuities between the eras. I further present the current state of child welfare legislation and issues for Indigenous children and families. My findings are that the main continuities between the eras are the devaluing of Indigenous parents and families coupled with the creation of new family-like attachments, a misunderstanding of and ignorance about different worldviews and lifeways, and the interconnection of many current issues with those of previous eras.

Specifically, I conclude that the residential school was a form of genocide and that due to important continuities between the school system and past and current child welfare policies and practices, the child welfare system should similarly be entered into the debate about genocide in Canada. The forcible apprehension of children from their families and communities and their placement in residential schools and non-Indigenous families results in the inability to transmit

cultural knowledge and practices. The ability of a group to survive depends on the acculturation of the next generation of children and this is not possible when they are relocated and raised by members outside of their group.

Historical Context

Indigenous peoples have lived in what is now North America since time immemorial. As the original inhabitants of the land, Indigenous peoples had their own social structures, legal traditions, systems of governance and economies. Around 500 years ago, explorers came to North America, built relationships with the Indigenous peoples and began establishing trading posts and settlements.

Treaties

The residential school and child welfare systems must be understood in the context of a long history of oppressive policies devised by the Canadian state against the Indigenous populations of Canada. Prior to confederation, the British Crown implemented several key pieces of legislation to guide relations with Indigenous peoples. Many agreements were made willingly between the groups. On the East Coast, Peace and Friendship Treaties were made between 1723 and 1779. The treaties were an agreement between the First Nations and the British, designed to create a formal alliance. The Numbered Treaties were negotiated across Canada between 1871 and 1921. These treaties negotiated the sharing of land and set out provisions for education and annual payments and other resources for the First Nations signatories from the Crown. Many Indigenous leaders and scholars continue to argue that the Crown has not lived up to its obligations set forth in the treaties. In an open letter to Prime Minister Stephen Harper and Governer General David Johnston, the Assembly of First Nations made clear that,

> Canada has not upheld the Honour of the Crown in its dealings with First Nations, as evidenced in its inadequate and inequitable funding relationships with our Nations and its ongoing actions in bringing forward legislative and policy changes that will directly impact on the Inherent and Treaty Rights of First Nations (Assembly of First Nations 2012).

Legislation

The *Gradual Civilization Act*, passed in 1857, established a process of enfranchisement for Indigenous peoples (RCAP 1996: 249). Enfranchisement was framed as a privilege and those who met the criteria were rewarded with 50 acres of land. The 1869 *Act for the Gradual Enfranchisement of Indians* further outlined the state provisions for enfranchisement and assimilation and enabled the state to interfere with Indigenous self-government (RCAP 1996: 253). This Act also laid the groundwork for gender discrimination by disallowing First Nations women from voting in band elections. Indian status women who married non-status men would also lose their status and band membership, along with status for their children. This was detrimental to many Indigenous women over a century who by had their status revoked, and thereby were forced to leave their homes and communities, if they married outside of their band. Aside from the loss of financial resources, women who had their status taken away also experience personal and cultural impacts (Lawrence 2004: 54-5).

In 1876, these two Acts were consolidated into the Indian Act. The Indian Act framed Indigenous peoples as wards of the state and included provisions for state interventions initiated to 'manage' Indigenous peoples (de Leeuw, Greenwood & Cameron 2010: 87). The justification for state intervention and management was achieved by framing Indigeneity in terms of deficiencies and deviance and therefore as a group requiring such guardianship (de Leeuw *et al*., 2010: 87). In this way, the state produced dependent subjects, 'Indians', as a means to control them (Lawrence 2004: 25). Assuming the role of monitoring and 'improving' Indigenous peoples, the Canadian state fostered a dependency by treating them as homogenous wards rather than diverse and capable peoples (de Leeuw *et al*., 288; Miller 1996; 189). The Indian Act is still an important piece of legislation, since it defines the rights that are included with Indian status in Canada.

The Trudeau government proposed legislation in 1969, a policy referred to as the White Paper, which sought to dismantle the Indian Act in favour of 'equal' rights for all Canadian

citizens (Turner 2006: 12). Many Aboriginal groups fought against the 1969 White Paper, which was eventually abolished. Rather, specific constitutional rights for Aboriginal peoples, including the Inuit and Metis, were implemented in 1982. The 1982 Canadian Constitution, section 35, recognized and affirmed existing Aboriginal and treaty rights of the Aboriginal peoples of Canada. Aboriginal peoples were defined as including three groups: Indian (First Nations), Metis and Inuit peoples.

After several challenges to the Supreme Court of Canada and the United Nations Human Rights Commission, the inherent gender discrimination in the Indian Act was repealed in 1985 and many Indigenous peoples were able regain their status (Lawrence 2004: 64). Although the Indian Act has had a problematic history, it remains the only means by which Indigenous peoples have rights as a distinct group, including rights to the land. However, the colonial legacy of state guardianship over Indigenous subjects persists today through state management and interventions into the lives of Indigenous peoples.

Policies

A history of forced farming policies, the pass and permit system, the banning of traditional ceremonies, and the denial of the right to vote or even hire a lawyer are all oppressive policies that have been placed on First Nations and Metis peoples in Canada (Miller 1989). While policies were developed by the Canadian Government to encourage First Nations and Metis to engage in agricultural production, these policies were often coercive and oppressive. The pass and permit system, which was implemented in several provinces after the 1885 North West Resistance, restricted movement from reserves and controlled the ability to sell goods and produce without the approval of an Indian Agent (Carter 1990). Although the pass system was not a legal system, it persisted unofficially for decades. Important traditional ceremonies were also banned through the Indian Act, including the Potlatch, Sun Dance and the Thirst Dance (Miller 1996).

The Metis historically suffered through repeated land dispossession and policies that denied their heritage, education and rights to land as promised in the Manitoba Act. Following the Resistances of 1869-70 and 1885, Metis were pushed off of their homeland into parklands and road allowance communities (Sprague 1988; Campbell 2012). Often living in poverty with no land base, Metis were subject to dislocation and discrimination as 'traitors' and 'rebels'. Some Metis simply denied their heritage and Indigenous rights to avoid discrimination. In road allowance communities, built on unused Crown lands, Metis families rebuilt their communities only to be pushed off the land once again when the Crown land was opened for development (Campbell 2012). Inuit in the Northern areas of Canada experienced forced settlement and relocations, through various periods. The mass killing of Inuit sled dogs and the resulting inability to continue traditional life ways continues to impact many Inuit communities (RCAP, Vol 1; Qikiqtani Truth Commission 2010).

Currently, resources extraction and other developments on Indigenous lands and waterways continue to impact communities while many communities continue to resist these actions and assert their Treaty rights. Many First Nations communities are currently living without clean or running water and proper sanitation services, a large number of those residing in Manitoba (Fallding, 2010). Furthermore, many reserve communities are lacking safe and adequate schools or culturally relevant education.

The Indian Residential School System in Canada[2]

The formal Indian residential school system (IRS) began in 1883 in Canada and ended in the late 20th century with approximately 150,000 First Nations, Metis and Inuit students attending at least 150 schools during that time (Milloy 1999; Truth and Reconciliation Commission of Canada 2012). There were, however, various missionary-led schools for First Nations children in Canada as early as 1620 (TRC 2012: 5; Miller 1996: 39). This nation-wide school system was developed in an attempt to forcefully assimilate Indigenous children, and through them, Indigenous communities into the dominant European society, however not necessarily as equals (Milloy 1999). Although the residential school system was one of the most concerted efforts at eradicating Indigenous nations, it was certainly not the only method perpetrated by the colonial powers. Numerous campaigns and legislation were intended at the time to "control and reshape Aboriginal political behaviour" (Miller 1996: 186). They included multiple restrictions and targeted attacks on Indigenous traditions, beliefs and freedoms, lands and lifestyles (Powell and Peristerakis 2014).

The schools were funded by the federal government and run by Roman Catholic, Anglican, Methodist, Congregationalist and Presbyterian religious institutions (Miller 1996: 186). The Roman Catholic Church ran more than half of the schools. The system even failed in its stated educational mandate; students rarely graduated and residential school students consistently progressed more slowly through grades than non-residential school students in

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[2] The United States and Australia both have similar histories to Canada's of the removal and relocation of Indigenous children from their homes and families. The Native American boarding school system in the United States was a primary inspiration for the Canadian residential school system. It was similar in both the forced removal of Indigenous children and their appalling treatment along with a poor quality of education (Grant 1998:53). A comparable boarding school project was also developed in the Soviet Union in 1920, whereby Indigenous Siberian children were removed from their homes to attend the schools (Mundorff 2009).
 In Australia, generations of Indigenous children were taken from their families and placed in non-Aboriginal families or institutions, beginning in the late 19th century. Policies of child apprehension from Indigenous families, especially if the child had one non-Indigenous parent, were developed to 'merge' the children into non-Indigenous society. Among the reasons a child could be forcefully removed from their family and community were 'risk of immorality' and 'to get her away from surroundings of an Aboriginal station/Removal from idle Reserve life' (Human Rights and Equal Opportunity Commission 1997: 35). The goal was to disconnect the child from their community and traditions in order to civilize them into Anglo society. Depending on the region, between 1910 and 1970, anywhere from one in three to one in ten Aboriginal children were removed from their families (ibid:31).

Canada. The focus was generally on religious instruction and very basic education. Forceful conversion was a main goal for the missionaries charged with running the schools; for example, one Methodist missionary wrote that they must "Christianize first and then civilize" (TRC 2012: 15) On the other hand, the stated goals of the government were to ensure that Indigenous children learned to work and then pray (Ibid). Most schools operated on a half-day system where children spent the mornings in classrooms and the afternoons performing labour to maintain the estate and create profits for the schools. This often included farming duties and other trade-based training and constituted serious labour for the children. Young children performed duties without proper training or safeguards, sometimes resulting in serious injury (Knockwood, 2001).

The schools were severely underfunded for almost the entirety of their existence. The chronic underfunding led to "widespread institutional neglect" which in turn resulted in death and disease for many of the young students (Kelm 1998: 71; Milloy 1999: 51). The government and church justified the forced removals of Indigenous children by claiming that Indigenous homes were unhealthy and retrograde and that the state should therefore be charged with the care of Indigenous children (Kelm 1998: 80). However, the schools themselves presented unhealthy and unhygienic environments, due to neglect and a lack of adequate resources (Milloy 1999; Miller 1996).

Originally, the schools were divided into boarding schools and industrial schools, but in 1923 the two parts of the school system consolidated. In 1920, attendance had become mandatory for all First Nations children over the age of seven and children were required to remain at the schools for the entire school year (Miller 1996: 141, 148). Still, students younger than seven were also encouraged to attend. Many accounts describe the coercive or forced nature of student attendance for the schools (Churchill 2004a: 88-9; Fournier and Crey 1997; Dieter 1999; Grant 1996). Officials were authorized to withhold food rations and Chiefs were threatened that they would lose their positions if they did not secure students for the schools (Churchill 2004a: 89; Titley 1998: 78). The RCMP was sometimes even sent to transport

children to the schools as an added coercive measure (Knockwood 2001; Miller 1996). If parents resisted, they could be arrested.

Although the residential school system was ostensibly designed to educate Indigenous children to enable them to engage in Euro-Canadian society, the schools had overt assimilative and cultural functions (Kelm 1998: 51). The schools denigrated Indigenous cultures, customs, religions and traditional practices. Although some schools allowed students to speak their own languages, the majority of the schools expressly forbade it (Miller 1996: 202-4). This was often experienced as a part of a broader assault on Indigenous identity and the individual Indigenous person's sense of worth (Miller 1996: 204). While some students did have positive experiences while attending the schools, it appears that the majority experienced "poor instruction, cultural oppression, inadequate care, overwork, severe discipline, and, in all too many cases, outright abuse" (Miller 1996: 418).

Miller (1996: 318) attributes the frequent mistreatment of the young students to "insufficient funding, recruitment problems, and lack of inspection". Staff accused of physical abuse and pedophilia were often only dealt with internally or merely transferred to another school (Miller 1996: 320-1; Churchill 2004: 102). As a result, emotional, physical and sexual abuse were rampant in many of the schools, leaving many Survivors struggling to this day with the trauma of their school experience.

The system shifted during the 1960s when the federal government began the process of transferring the responsibility for First Nations education to the provinces. This change led to an end in over-crowding in the schools, the end of the half-day system, and a much more qualified teaching staff. At the same time, the government came to use the schools as welfare facilities for "orphaned" Indigenous children or those deemed to be neglected (TRC 2012:19). By 1953, children apprehended from their homes due to a charge of neglect from the social worker accounted for 40% of residential school students (Ibid). This number rose to 75% by 1966. Many former residential schools became residences for Indigenous students attending integrated urban

public schools. The government went through a process of shutting down the schools over the next few decades although the last school did not close until the mid-1990s.

The Sixties Scoop Era of The Child Welfare System

Part of this shift in the 1950s and 1960s was due to an amendment to Section 88 of the Indian Act in 1951 to include reserve communities in provincial laws, allowing provincial health and welfare programs to apply to First Nations and land belonging to First Nations.   Before this revision, the federal government had exclusive power to legislate First Nations and reserves. This amendment allowed provincial child welfare agencies jurisdiction on reserves, which swiftly led to the mass apprehension of on-reserve and off-reserve children by the child welfare system.

The Sixties Scoop is generally referred to as a period where the child welfare system began removing Indigenous children from their families and communities of origin en masse and placing them in non-Indigenous foster or adoptive families, institutions and, in some cases, residential schools. In fact, social workers on behalf of the child welfare system aided and supported the residential school system during this period by finding students to fill the schools. This era in Canadian child welfare began in the early 1960s and continued well into the 1980s, although some claim that it is still ongoing (Blackstock, 2008; Blackstock 2010). Some scholars argue that the child welfare system simply replaced the residential school system in the removal of Indigenous children from their communities and their cultural assimilation (Bennet, Blackstock & De La Ronde 2005; Richard, 2004).

The term "Sixties Scoop" was coined by Patrick Johnston in a 1983 report *Native Children and the Child Welfare System.* In it, he describes the mass removal of children from reserves beginning in the 1960s. According to one employee, "social workers would, quite literally, scoop children from reserves on the slightest pretext" (Johnston, 1983: 23). Among the entirely non-Indigenous social workers, it was thought that removing Indigenous children from

their families and communities was in the best interests of the child since poverty, poor nutrition and poor housing were endemic to many reserves. Johnston explains that the long-term negative effects on the child and communities were never considered (1983:23).

Importantly, the majority of Indigenous children were fostered or adopted into non-Indigenous families (Johnston 1983: 42). Furthermore, Indigenous children were more likely to be placed for adoption than their non-Indigenous counterparts (Johnston, 1983: 57). Between 1971 and 1981, 84.9% of adopted Indigenous children were adopted into non-Indigenous homes (Johnston 1983: 59). Furthermore, in 1980, a quarter of all Indigenous children placed for adoption were placed with families in the United States (Johnston, 1983: 4).

CHAPTER 2: THEORETICAL AND METHODOLOGICAL FRAMEWORK

For this thesis, I explore the residential school system and the Sixties Scoop era of the child welfare system. Firstly, I examine the continuities and discontinuities between the two systems and secondly I determine whether they have constituted genocidal relations.

For years, Indigenous and non-Indigenous peoples have been trying to gain recognition of the century-long system of residential schools across Canada as genocide. Recently this debate has reignited in light of the Truth and Reconciliation Commission of Canada, other public debate forums and the media (see Fontaine, Dan & Farber 2013; Sinclair 2012). Many activists and scholars have referred to the residential school system as genocide (Powell and Peristerakis 2014; Sinclair 2012; Palmater 2011; Woolford 2009; Grant 1998). Examinations of the Sixties Scoop child welfare era have also led several scholars to conclude that cultural genocide was at work (see, McGillivray 1997; Kline 1992; Monture 1989; Kimelman 1985;). I intend to elaborate on the eliminationist and assimilationist qualities of both residential school system and the child welfare system using a relational genocide framework.

There have been many references in the literature regarding Indigenous experiences with the child welfare system in Canada that compares the systematic removal of children from their homes with the residential school system (Blackstock 2007; Blackstock, Bennet and De La Ronde 2005; Armitage 1993). For this thesis, I analyze these claims and elaborate on them. While the comparisons have been made often, this argument has yet to be fully developed and analyzed thoroughly in the literature. Blackstock asks, "residential schools, did they really close or did they just morph into child welfare?" (2007: 71). To answer this question, I use a socio-historical approach, informed by elements of Foucault's genealogy. I provide an overview of

aspects of Foucault's genealogy that informed this analysis, the data collection process and the data analysis.

Research Questions

Three research questions guide my thesis. The central question that will be answered in this thesis is, *what are the continuities and discontinuities between the residential school system and the child welfare system for Indigenous children, families and communities?* Through a comparison of the two systems and an analysis of the interconnections, continuities and similarities, I unpack the claim that the child welfare system is the new residential school system and evaluate its accuracy. Secondly, I use a relational genocide framework to examine the residential school system as a type of attempted destruction against a group by answering the question, *was the residential school system a form of genocide?* Lastly, I determine whether a genocide framework is then also equally applicable to the child welfare system by asking *is the child welfare system a form of genocide?*

I answer these research questions through a thorough analysis of the residential school system and the Sixties Scoop era of Canadian child welfare. I investigate how these systems came to operate and apprehend thousands of Indigenous children from their families and communities. I analyze the similarities between the systems, along with the differences and distinctions. I do not treat the systems as discrete or equal eras, given the overlap between them and the vast difference in time periods, with the residential school system lasting over a century and the Sixties Scoop continuing for two decades. However, within this framework, I evaluate these two systems to determine whether they are more concretely linked than has been previously demonstrated in the literature.

Genocide Framework

Raphael Lemkin first developed the term and concept of genocide, and fought for years to have the crime internationally recognized. He explained, "Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves" (1944: 79). Importantly, genocide, as a type of destruction, is not aimed at individuals but at a targeted group. Lemkin fought for the destruction of nations to be recognized as an international crime because he argued that nations are worth protecting. A variety of nations contribute to the world's collective wealth of cultures, practices and knowledge. He felt that when a nation is destroyed all of the potential future contributions are lost along with it. For Lemkin, groups had a right to exist (Mundorff 2009: 74). Lemkin also outlined seven methods of genocide, including political, social, cultural, economic, biological, physical, religious and moral (1944: 82-90). He later reduced those techniques to physical, cultural and biological (McDonnell & Moses 2005: 504).

The United Nations Convention on the Prevention and Punishment of the Crime of Genocide adopted in 1948, defines the crime of genocide as certain acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such (United Nations 1948). According to Section II of the UNGC, those acts include

 (a) Killing of members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting life conditions of life calculated to bring about its physical

destruction, in whole or in part;

(d) Imposing measures to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

The residential school system could be argued to fit into aspects Section II of the UNGC. Children were forcibly transferred children from their families to the schools, which were under the authority of church and state officials, Those running the schools, with the permission of the state and officials, inflicted upon the children conditions of life to bring about their physical destruction through disease and starvation. Given the prolonged abuses, along with the circumstances of the forcible assimilation and harms perpetrated in the school system in the effort to eradicate the "Indian in the child", it can be argued that many Indigenous children experienced serious bodily and mental harm while attending the schools. However, the UNGC is a western, legal framework that does not inherently provide the best guide for determining group destruction. The UNCG was developed as a legal concept, designed to allow for the prosecution of criminals. For this reason, the ability to understand the more complex processes that lead to genocide through the UNGC is limited Therefore, I will use a relational and sociological approach to understanding genocide and group destruction, rather than the legal framework of the UNGC. Outlined below, a relational sociology understands group life as a complex network of relations and genocide as the destruction of those relations. Furthermore, genocide is conceptualized as a process with multiple methods and can occur over a long period of time rather than a single event that leads to the immediate destruction of a group.

Although methods of cultural genocide were excluded from the UNGC, Lemkin struggled to include the cultural destruction of groups, arguing that "Cultural Genocide is the most important part of the Convention" (cited in Short 2010: 837). However, he did not receive enough support and cultural genocide was left out of the final version of the UNGC. Lemkin's early manuscripts and unpublished writings on genocide outlined the methods by which genocide can be accomplished. He cites cultural methods, which include the "prohibition of cultural

activities, or codes of behaviour, forceful conversion [and] demoralization" (McDonnell & Moses 2005: 505).

Woolford argues that our notion of what counts as the destruction of the "essential foundations" of group life should encompass not only physical lives but other factors such as land and governing structures which can also be essential to the group's continued existence. In this way, the use of the term 'cultural genocide' as a qualifier to mitigate the classification of genocidal actions aimed at factors outside of physical destruction is unwarranted (Woolford 2009: 81;87). In his analysis of the destruction of the Aboriginal Tasmanians, Lemkin determined that removal of children, separation from land and the taking of physical lives, among other experiences at the hands of British settlers, were means by which genocide could be accomplished (Curthoys 2005:162). While mass murder is certainly one means of destroying a group, other strategies described in Lemkin's writings include "land seizure, the importation of diseases, the prevention of births and the stealing of children" (Curthoys 2005: 163). Curthoys notes that Lemkin "had a particular interest in the stealing of children as a way of destroying a human group" (2005: 169).

The transfer of children from their group to another was included in the UNGC under of biological methods of genocide, although it was originally intended to be a cultural method (McDonnell & Moses 2005: 507; Mundorff 2009: 82). Importantly, in the convention, the transfer of children is listed co-equally with acts of killing. Mundorff argues that the non-lethal act of the forcible transfer of children is integral to understanding the conceptualization of group protection in the Genocide Convention. He states (2009: 63),

> This focus challenges the current doctrine on genocidal destruction by pointing out that the boundaries between cultural, physical, and biological destruction are often indistinct; a culturally mediated form of destruction, like forcible child transfer, may nonetheless cause a group's physical or biological destruction.

At the time the UNGC was being debated, Venezuelan diplomat Perez Perozo explained the importance of Article 2(e), which was adopted

> …because the forced transfer of children to a group where they would be given an education different from that of their own group, and would have new customs, a new

religion and probably a new language, was in practice tantamount to the destruction of the group, whose future depended on that generation of children. Such transfer might be made from a group with a low standard of civilization and living conditions both unhealthy and primitive, to a highly civilized group as members of which the children would suffer no harm, and would indeed enjoy an existence which was materially much better; in such a case there would be no question of mass murder, mutilation, torture or malnutrition; yet if the intent of the transfer were the destruction of the group, a crime of genocide would undoubtedly have been committed. (cited in Mundorff 2009: 83).

The experts were in agreement that the forcible transfer of children should be included in the Genocide Convention.

According to the UNGC, genocide can occur without killing a single person. While mass killing is included and the UNGC allows for the punishment of physical destruction, the Genocide Convention was created to first and foremost protect human groups and "forcible child transfers are an effective means of group destruction" (Mundorff 2009: 65). The ability for a group to continue its existence requires the acculturation of the children.

To analyze my research questions, I will employ a relational genocide framework. Lemkin argued that, in parallel with the right an individual has to life, a national group also has a right continued existence (Powell 2007:534). Regarding techniques of genocide, Powell (2007:534) explains, "the physical extermination of members of the nation is not necessary, as long as they are made to be no longer members of one social body". In this way, direct physical killing is not the only method of genocide, since group life is much more complex than the lives of the individuals that make up the group. It is through the "violation of a nation's right to collective existence" that genocide occurs (Powell 2007:534). Although this denial of existence surely can be achieved through mass killings, denial of a collective culture can also realize those ends.

Relational Sociology

A relational sociology contends that the social is a network of relationships and that those relationships constitute the individual (Powell 2011:9). This is contrary to either a subjectivist approach or objectivist approach to social organization. For subjectivists, the social world is understood through subjectively meaningful actions, while for the objectivists the social world

exists outside of individual subjectivity (Powell 2011:9). Relational theory breaks down this binary and does not support either view wholly, and furthermore does not even make a distinction between the two. This approach also understands that members are always embedded in context and relations (Emirbayer 2007:287).

Describing a relational conception of genocide, Powell uses Elias' notion of figurations to explain the complexity of group life. The concept of figurations, defined as "a self-reproducing dynamic network of practical social relations" (Powell 2007:542), helps to better capture the dynamic, shifting properties of group life. Therefore, if group life consists of networks of social relations, the destruction of those relations or the suppression of those networks is genocidal in that it will lead to the inability of group life to continue or to reproduce itself (Powell 2007:538-9). Furthermore, social relations exist as a process and so does genocide. Genocide can also be a figuration, occurring as a "set of power relations among social actors" (Powell 2011:41). In fact, Powell argues that genocide is not a unique phenomenon, but rather it should be studied in the same ways that all other social phenomena are studied (Powell 2011:90-1). That is, genocide is not an aberration of normal social relations but is instead rooted in normal social processes (Powell 2011:91). It is problematic to view genocide as a unique social process because it is directly connected to other violent processes and human rights abuses (Powell 2011:93-4). Refusing to analyze it as such overlooks regular conduct that results in genocidal relations.

Moses also argues that it is analytically more productive to view genocide as produced by a dynamic process with genocidal potential that could be released in circumstances of crisis (2004:33). This re-imagining of the much debated concept allows for a more fluid and dynamic explanation and is therefore more suited to understand the Canadian state's history with Indigenous peoples. As a process, genocidal moments can range in intensity and at times constitute genocidal relations. Rather than genocide occurring as one isolated incident it then occurs as a set of relations. The process-based definition allows for a wide range of methods, actions and circumstances rather than one single action or mode of obliteration that leads towards

the immediate destruction of the essential foundations of a group (Curthoys & Docker 2001:6). By situating genocide in broader historical processes, we can better understand how it can arise out of ordinary social processes.

Genealogy

This analysis will be informed by elements of Foucault's genealogical method. A Foucauldian analysis is a critique of knowledge. His genealogical method is distinct from a traditional historical approach. My endeavour for the present thesis will not be a search for origins nor a progressive historical detailing of the residential school and child welfare systems for the purpose of discovering absolute truths. In fact, this approach rejects the idea of absolute truth. Rather, I will assume that there are many truths, which are socially and politically situated. This investigation will not focus on causes but on processes and discourses that implicate history in the present. A genealogical method does not assume that the current state of affairs is better or worse than the past or that there is logic to the progression of events. This approach analyzes contingencies and discontinuous discourses to examine how the phenomenon in question has been constituted. In this way, a genealogical method looks at historical processes to understand the present.

A major focus of a genealogical inquiry is to disrupt ahistorical, common sense understandings. These taken-for-granted assumptions, rooted in discourse and historical processes, must be problematized. This type of analysis is necessarily critical and analyzes the power relations and techniques involved. Foucault explains that this approach is designed to "analyze the theoretical and practical context with which [the phenomenon] has been associated" (Foucault 1978: 3) to understand how this "experience came to be constituted in modern, western societies" (ibid: 4).

The focus of this thesis is on the 'problematization' of Indigenous peoples and the practices based on these problematizations. That is, how have Indigenous peoples and families been problematized by the state and how has Indigenous childhood come to be conceived as a domain for assimilation and eradication. I analyze the various power relations and strategies that have been exercised. This historical analysis does not provide a unified continuity but rather make clear the discontinuities and the many systems and events that resulted in the present circumstances.

I do this by also focusing on subjugated knowledges. Subjugated knowledges are those that have been historically ignored or discounted (Foucault 1980: 82). I do not privilege those in power but rather acknowledge the "formation of knowledge as a power struggle" (Powell 2011). Previously disqualified knowledges of Survivors and those who have been directly affected will be the focus wherever possible, for the residential school system and child welfare system in Canada. Although historical research and statistics are used, equal or greater weight is given to first hand experiences.

Rather than present a linear progression from the origins of child apprehension from Indigenous groups in North America by colonial powers, I focus on how the Canadian state has charged itself with the care of Indigenous children through the different eras. Throughout these different eras, policies and practices have reflected particular viewpoints of the state in its relationship with Indigenous peoples. These eras, including the different systems of child apprehension, but also different eras within the systems, are defined by the ways in which the state has created systems to remove Indigenous children from their families and cultures. Although I highlight the similarities in the justifications and rationalizations for the apprehension and relocation of Indigenous children from their families and communities of origin, I also focus

on the ruptures between and within the eras that transmit similar practices across different policies and systems.

By using Foucault's genealogical method, this thesis focuses on complex processes of power and forces of domination that have created the discourse on child welfare and apprehension and by doing so, engage in the disruption of those discourses. This thesis is not a search for any universal understandings but instead examines many different subjectivities. Furthermore, I engage in a study of the history of these systems in order to understand the present (Foucault 1984:81). That is, that history does not obviously exist in the present but informs the present in hidden ways.

The purpose of a genealogy is to show how 'truth' is constructed. I trace the history of the power and politics of knowledge in creating past and current systems of domination that enable and justify the mass removal of Indigenous children from their homes and families. Foucault explains, "genealogy seeks to reestablish the various systems of subjugation" and make apparent the unequal struggles and forces of domination that are important events of historical processes (Foucault 1984: 83-86). The goal of this approach is to rediscover these hidden struggles through an investigation of disqualified knowledges.

A Decolonizing Methodology

I also aspire towards a decolonizing methodology. The intersection of Indigenous peoples and research is a complicated space with a problematic history (Smith 2012). I privilege Indigenous perspectives and Indigenous scholars, understanding that Indigenous peoples are active agents with expert knowledge (Smith 2012: x). I engage in this research with the awareness that knowledge is produced in problematic ways that have historically discounted

certain groups and research in particular has been used as a colonial tool (Smith 2012: 1). I am therefore mindful that western research on Indigenous peoples has had a problematic history and often not included the voices and concerns of Indigenous peoples.

Engaging in a genealogical and decolonizing approach, I acknowledge that history has predominately been about power. Smith explains that history "is the story of the powerful and how they became powerful, and then how they use their power to keep them in positions in which they continue to dominate others" (2012: 35). In this way, Indigenous perspectives have largely been absent from history. It is therefore important to revisit history and create 'alternative histories' as part of the decolonizing project.

However, I was not able to perform important components of decolonizing methodologies that have been previously outlined in the literature. In particular, I did not engage with Indigenous communities to develop or complete in this research. This is an important aspect of decolonizing research methods due to the problematic history between social researchers and Indigenous communities, which includes using research as a tool of colonialism or being disrespectful, misunderstanding or stereotyping Indigenous practices and communities (National Aboriginal Health Organization 2007: 3). Furthermore, social researchers have historically engaged in research for personal motives and use rather than to support and benefit the communities they have researched. For this reason, ownership, control, access, possession and transformative research are other important features of decolonizing research (ibid: 4). By not building relationships with Indigenous communities and developing this research in partnership with Indigenous peoples, I have not fully implemented the ethics of decolonizing research. Nevertheless, my research does present a critique of Canada's colonial practices and in that way I hope that it contributes to decolonization.

I focus on three eras where the Canadian state has engaged in the separation of Indigenous children from their families and communities in different ways and for different stated reasons. I conduct an analysis informed by genealogy of the apprehension and relocation of Indigenous children from their families of origin in three general eras: the residential school era, the sixties scoop era and the contemporary era. These eras are not entirely discrete or unified, but each one is marked by important policy shifts. During each era, policies and practices have reflected particular viewpoints of the State towards Indigenous peoples and the "Indian problem". Each era is not unified, but defined by ruptures in the ways in which Indigenous children have been removed from their families and communities. I conduct a synthesis and analysis of a sizeable amount of literature pertaining to the residential school system and the Sixties Scoop and contemporary eras of the child welfare system in Canada. I outline a history of these eras and analyze the connections, similarities and differences between them. Where possible, I use sources created by Indigenous scholars or Survivors. I analyze primary and secondary documents from the residential schools and Sixties Scoop era to better understand the policies and practices during that period. Primary documents for the residential school era include the Davin Report, The P.H. Bryce Report, *Report on the Indian schools of Manitoba and the North-West Territories* the Report of Royal Commission on Aboriginal Peoples (1996) along with multiple primary and secondary sources published by Survivors and other scholars. The main primary documents to examine the Sixties Scoop will be the Kimelman (1985) report, Ward's (1984) publication and Johnson's (1983) report, along with other secondary source scholarly work done at the time along with more recent work, including Fournier and Crey (1997). I compare the scholarship regarding the two eras in child apprehension to examine the policies, practices and outcomes of the two state systems. I further compare the current state of child welfare for Indigenous children and families, using reports

compiled by Cindy Blackstock and the First Nations Child and Family Caring Society, along with current government policies and reports.

Using the theoretical and methodological framework outlined above, I determine whether past and present child apprehension and relocation policies have resulted in attempted genocide for Indigenous groups in Canada. Within this framework I determine whether state policies and practices have resulted in the attempted destruction of group life for Indigenous peoples and inhibited the transmission of culture, traditional knowledge and life ways to the next generation. Powell's concept of figurations (2007) will aid in this analysis as a way to conceive of group life as well as group destruction.

CHAPTER 3: THE FIRST ERA: THE RESIDENTIAL SCHOOL SYSTEM

Residential schools disrupted families and communities. They prevented elders from teaching children long-valued cultural and spiritual traditions and practices. They helped kill languages. They were not side effects of a well-intentioned system: the purpose of the residential school system was to separate children from the influences of their parents and their community, so as to destroy their culture. The impact was devastating. (Truth and Reconciliation Commission of Canada 2012: 1).

Traditional Education

Before contact with French and European settlers, Indigenous groups across what is now North America had various social structures, including systems of education. One common element of many Indigenous societies is the use of oral tradition, storytelling, songs and ceremony to transmit knowledge, maintain a historical record and sustain their culture and identities. Hulan and Eigenbrod explain, "Oral traditions are distinct ways of knowing and the means by which knowledge is reproduced, preserved, and conveyed from generation to generation" (2008:7). Oral accounts educate and socialize group members and are connected to certain families and locations (RCAP 1996: 38). The histories of oral societies are documented in very sophisticated ways and the oral transmission of knowledge is imperative to those cultures (ibid).

Indigenous peoples in Canada have lived on these lands for thousands of years and the transmission of that vast collective knowledge is reflected in the oral tradition (Hulan and Eigenbrod 2008: 4). The accumulated and shared knowledge contributes to the survival and prosperity of group members (Hulan and Eigenbrod 2008: 3). There are multiple cultural protocols associated with oral tradition, including sacred stories that only certain people can share and some teachings that may only be shared at certain times of the year (Monture and

McGuire 2009: 2). Young-Ing explains that traditional knowledge also includes a vast range of Indigenous innovations and practices (2008: 61).

Traditional education varied within different nations and social structures, as "each nation's people live differently and thus had different skills to learn and teach" (Longboat 1987: 26). Many communities relied on Elders to teach young children, mainly through indirect methods, such as observation and imitation. Storytelling was often used extensively to aid children to reach their own interpretations and involved both "moral teachings and practical instructions" (Grant 1998: 38). Adults were role models and taught valuable skills and knowledge according to their cultural context, environment and economies (Grant 1998:36). Traditional education was crucial to community survival, as necessary skills related to successful daily living were taught and practiced (Kirkness 1999: 22). An important part of the learning experience was participation in sophisticated ceremonies. Corporal punishment was rarely, if ever, used rather tactics of shaming and ignoring the child were favoured for discipline (Grant 1998:43).

Beginning of the School System

When the French settlers first arrived in what is now Canada in the early 17th century, they endeavored to Christianize and "civilize" Indigenous children. Early attempts to develop boarding schools in the 1620s for First Nations children were unsuccessful and were eventually abandoned. First Nations parents were unwilling to allow their children to be taken away and the children were disinterested in the European type of education (Miller 1996: 39-57).

The first known missionary institution to educate Indigenous youth was established by the Recollect missionaries in Quebec in 1620. The goal was to first assimilate Indigenous children into French culture so that they could then be properly converted to Christianity (White and

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Peters 2009: 13). Several young boys were additionally selected to journey to France to learn the language and culture and ideally to return and teach their communities. The project was unsuccessful. Jesuit missionary Le Jeune spent time with the Montaignais in Quebec between 1633 and 1644, concluding that the children had too much freedom and should therefore be removed from their families to be educated properly (McGillivray 1997:152). While Jesuit missionaries preferred to attempt to educate Indigenous children in their communities and using Indigenous languages, their focus was religious instruction (White and Peters: 2009:13). The Jesuits developed boarding schools as well but had abandoned the project by the end of the 17th century (ibid).

Over the next few centuries, relationships developed between Indigenous nations and settlers, many of which depended on First Nations for their survival in the harsh, new environment. However, by the end of the fur trade era, the merger of the Hudson's Bay Company and North West Company, and the influx of newcomers, relations began to change between the First Peoples and settlers. In the beginning of the 19th century, concerns about educating Indigenous children resurfaced. The British colonial government began to again establish schools for Indigenous children around 1830. Variations of residential schools started to appear at this time, beginning with the Red River Settlement (Miller, 1996: 81). The earliest boarding school of the new era was a Mohawk boarding school opened in Brantford, Ontario in 1831.In 1842, the Bagot commission was established to report on the state of Indigenous education. They recommended farm-based boarding schools, away from the guidance of parents and communities to develop practical schools and assimilate the children (McGillivary 1997:154; White and Peters 2009:16).

Attempts by settlers and missionaries to provide basic education and religious instruction for Indigenous children became more numerous and many Indigenous communities supported these

efforts. Indigenous parents recognized the changing landscape and wanted to ensure their children could compete in the new emerging society. In 1864, the Upper Canada Chiefs agreed to residential schooling and even agreed to share the costs, however they clearly opposed any assimilation efforts (McGillivray 1998: 155). With confederation in 1867, the education of Indigenous peoples became the responsibility of the federal government (White & Peters 2009:17). Educational provisions were additionally included in the Numbered Treaties, beginning with Treaty 1 in 1871, signed at Lower Fort Garry in Manitoba. This promise was "to maintain a school on each reserve hereby, wherever the Indians of the reserve should desire it" (cited in Miller 1996: 98).

Member of Parliament Nicholas Flood Davin was assigned the job of investigating the boarding school system for Indigenous children in the United States and making recommendations for Canada. In 1879, he submitted "Report on Industrial Schools for Indians and Half-breeds". In the report, he recommended the establishment of industrial boarding schools across Canada. He further advised that the schools be located off-reserve and that children should reside there. In his opinion, day schools were not effective enough since "the influence of the wigwam was stronger than the influence of the school" (Davin 1879).

The decision to favour boarding schools and locate them away from the children's communities and was deliberate. According to the 1889 Indian Affairs Annual Report,

> The boarding school disassociates the Indian child from the deleterious home influences to which he would otherwise be subjected. It reclaims him from the uncivilized state in which he has been brought up. It brings him into contact from day to day with all that tends to effect a change in his views and habits of life. By precept and example he is taught to endeavour to excel in what will be most useful to him"(Cited in McGillivray 1997:155).

In 1889, Hayter Reed, Deputy Superintendant of Indian Affairs argued, "every effort should be directed against anything calculated to keep fresh the memories of children habits and

associations which it is one of the main objects of industrial institutions to obliterate" (Cited in Titley 1998: 78). However, industrial schools were not successful at either educating or retaining students. Often, the buildings were in very poor shape and many burned down (Titley 1998: 82). Duncan Campbell Scott moved to shift the school system from Industrial to focus on boarding and day schools in 1909 (Ibid:83).

An Expanding System

By the end of the 19th century, there were 54 industrial and boarding schools across Canada. Out of 20,000 school age Indigenous children, there were 3,285 attending either a boarding or industrial school. An additional 6,349 Indigenous children attended over 200 day schools (Barman, Hebert & McCaskill 1986: 7). Enrollment at residential schools varied, during the period of 1901 to 1961; between 12 percent and 37 percent of Status Indian children attended a residential school (McGillvary 1997: 154-55). Enrollment in Quebec was as low as three percent while in Alberta, attendance was as high as 98 percent (ibid). Between 1912 and 1932, the number of Indigenous students registered in a residential school jumped from 3,904 to 8,213. In total, 17,163 Indigenous children were enrolled in residential or day school in 1936 (Titley 1998:91). Between 1886 and 1980, there were 17 residential schools operating in Manitoba (Assembly of First Nations 2010: 3). Approximately 42 percent of Indigenous children in Manitoba were enrolled in a residential school by 1936. There were schools in every province and territory except Prince Edward Island, New Brunswick and Newfoundland.

Many parents and communities agreed to allow their children to attend residential schools or day schools (Miller 1989: 106). Often parents hoped that their children would receive a good education in order to give them opportunities to thrive in the Anglo-European society that was slowly encroaching on Indigenous communities. Furthermore, the imposed poverty and

starvation facing First Nations and Metis at the time made the schools appear to be a safe choice for the children (Grant 2004: 21).

As time went on, Indigenous communities began to resist the residential schools. Parents obviously did not want their culture denigrated to their children and had not agreed to have their children indoctrinated, which is precisely what happened. In 1899, a report from the Department of Indian Affairs stated "the strong disinclination on the part of the parents to the separation involved in letting [the students] go to industrial schools… remains more or less widespread" (cited in Furniss 1992). In the face of this resistance the Canadian state continued to expand the school system and in 1920, changes to the Indian Act made attendance mandatory for all First Nations children in Canada over seven years old (Miller 1996: 169). At this time students were required to live in the schools for the year in an effort to remove them from the influence of their parents and communities. In this way, resistance from Indigenous communities was often met with more coercive policies from officials (Miller 1989: 115).

Violations in the Schools

Various churches worked along with the Government and encouraged the development of residential schools. The churches ran and staffed the schools; however, their main concerns were not in educating children but rather in converting the souls of the children away from their traditional spiritualities (Murdock 2001: 15). Praying, confession and other forms of religious indoctrination were the predominant lessons taught in the schools (Murdock 2001: 6; Knockwood 2001).

From the very outset the government underfunded the schools. Officials were well aware of the problems inherent in the school system and the underfunding, neglect and deaths that were occurring at astounding rates. The poor living conditions were largely due to government underfunding. Funding comparisons for non-Aboriginal schools at the time indicate a major disparity. In 1938, two non-Aboriginal schools funded by the government, the Manitoba School for the Deaf and the School for Boys received $550 and $642 per student, respectively. At this

time, residential schools received $180 per Indigenous student (Milloy 1999: 103). Residential schools were underfunded and this underfunding was based on race. One agent from a residential school in Kamloops even stated "if the children are to be kept they ought to be reasonably clothed and fed, and this is utterly impossible to do from the present per capita grant" (Milloy 1999: 105).

Most schools operated on a half day system, which required that students participated in classroom education for only half of the day while the other half was spent learning practical trades, such as farming, carpentry and domestic skills (Furniss 1992: 30). In effect, students performed free labour for the schools to supplement the underfunding. The working conditions in the schools were very harsh. Students as young as grade four were expected to complete extensive farming and domestic tasks, often with little to no supervision (Grant 2004: 23; Knockwood 2001). The duties were also gendered; while boys would work on the farm and learn trades such as carpentry or mechanics, the girls were taught domestic skills and often worked in the kitchen or laundry (Grant 2004: 23; Miller, 1996 Milloy 1999).

The consequences of the lack of funding and resources were dire. The working conditions in the schools were very harsh and Churchill (2004: 82) refers to 'slow death measures' implemented by the schools including starvation, torture and abuse, child labour, lack of proper housing, medical care and poor hygiene that all resulted in debilitation and death of students. Officials were well aware of the problems inherent in the school system and the underfunding, neglect and death that were occurring at astounding rates. The poor living conditions were largely due to government underfunding.

Tuberculosis was widespread in the schools, and was the direct cause of the majority of student deaths, which numbered in the thousands. Students were admitted to the schools, even while suffering from an infective disease. Often, the windows of the large buildings were sealed for the winter months and schools were generally in deplorable conditions, which created an environment for disease to flourish (Milloy 1999: 75; Titley 1998: 84). The government underfunded the very same schools that they forced Indigenous children to attend leading

directly to many deaths. Poor diet and inadequate food due to underfunding and neglect led to many students being malnourished and ill (Grant 2004: 10).

In 1907, the Chief Medical Officer of the Indian Department, P.H. Bryce compiled a report on 1,537 students who had attended 15 different residential schools since they had first opened. The report found that 24 percent of the students were reported dead, while another seven percent were in poor health (Bryce 1907: 18). At one of the schools, sixty nine percent of the students had died. Almost all of the student deaths were caused by tuberculosis. Bryce determined that the poor ventilation and old school buildings were primarily to blame. He also found that many children who were discharged had died soon after returning home (ibid). Indicating that he was well aware of these statistics, in his writings about Indian Affairs in 1913, the superintendent of the RSS, Duncan Campbell Scott concluded, "fifty percent of the children who passed through these schools did not live to benefit from the education which they had received therein" (quoted in Milloy 1999: 51). Although the Bryce report was made available to many officials in charge at the time, they not only refused to act on it but they also fired and eliminated the position of medical examiner. Bryce responded in 1922 with a self-published pamphlet, *The Story of a National Crime,* outlining federal government's lack of response to the health crisis in residential schools. The Indian Affairs Department claimed changes would be too expensive (Furniss 1992: 29). However, the numbers of children in the schools continued to increase.

While some students did have positive experiences while attending the schools, it appears that the majority experienced "poor instruction, cultural oppression, inadequate care, overwork, severe discipline, and, in all too many cases, outright abuse" (Miller 1996: 418). Many horrific stories of physical and sexual abuse have surfaced from Survivors, indicating that it was commonplace in many schools (Milloy 1999; Miller 1996). The children were often punished in the schools so severely that Churchill (2004) categorizes the numerous abuses as torture. Miller (1996: 318) attributes the frequent mistreatment of the young students to "insufficient funding, recruitment problems, and lack of inspection". Staff members accused of physical abuse and

pedophilia were often only dealt with internally or merely transferred to another school (Miller 1996: 320-1). This indicates major structural failures on the part of the school system, rather than a few bad apples.

Eleanor Brass, a Survivor of the File Hills residential school, recalls wetting herself after the matron locked in a closet all day as punishment. When the matron discovered this,

> She then took me up to the dormitory where the rest of the girls were in bed. She told me to get into my nightgown and lie across the bed on my stomach. Then she got a strap and strapped me on my back. Finally I got so numb that I couldn't cry anymore. But she kept on strapping me and telling the other girls that she was making an example out of me, and that they would get the same treatment if they got caught doing what I did…. All my life I have suffered from a sore and tender back which I attribute to the strappings I received in the school (Cited in Deiter 1999: 28-29).

Reports of abuse are severe. Survivors recall seeing other students beaten to death (Grant 1996: 134). Another common recollection from former students is being forced to eat their own vomit and punished for normal bodily functions like wetting the bed or menstruating. Corporal punishment was common, from strapping to hitting and choking (Grant 1996: 226). Survivors of the St. Anne's Residential School in Fort Albany Ontario allege that an electric chair was used to punish the young students (CBC News: 2013b). One supervisor at the Port Alberni school was found guilt of sexually assaulting fifteen boys over a period of twenty years (Grant 1996: 229). There have been multiple reports of nuns and priests sexually abusing students as well (Grant 1996; Knockwood 2001).

Although most schools only allowed English or French to be spoken, in 1909 this became official government policy (Grant 1996: 75). Not only were the students in a frightening and unfamiliar environment, they were not even allowed to express themselves in their own languages. The suppression of their languages, often associated with physical punishment, had psychological effects as well as delaying the children's development and ability to adjust and learn. Moreover, many children lost their ability to speak their languages, creating barriers to communicating with their parents and grandparents upon returning home (Grant 1996: 192-193.

Evidence was recently brought to light of nutritional experiments performed on students in residential schools. These experiments were fully supported by the Canadian government (Mosby 2013). Without the consent of the students or their parents, these nutritional experiments were conducted in six residential schools between 1948 and 1952. Precisely because students in the schools were malnourished, they were ideal experimental subjects for the nutritional study. Without their knowledge, 1,000 Indigenous students across Canada were subjected to various vitamin and dairy diet interventions. That also meant that some of the students were used as a 'control' group. While they were determined to be malnourished and deficient in certain vitamins and minerals, the students were denied adequate nutrition and even dental care as part of the experiment (Mosby 2013).

There is also evidence of a local nurse and doctor performing medical ear experiments unbeknownst to the children of the Cecilia Jeffery Residential School in Kenora or their families (CBC News 2013a). They tried 14 different drugs on the students and documented their results. Several students mostly or entirely lost their hearing.

Inuit Experiences

Residential schools also impacted Inuit in Arctic and Subarctic Canada, although the schools took many different forms in the North. Inuit experiences of forced assimilation involved a variety of techniques, including forced settlement and relocations, hostels and tent camps (Legacy of Hope 2010: 8). The schools were not prevalent in the North until the 1950s when Inuit welfare became the responsibility of the Canadian government (Ibid 18). At this time, Inuit culture was relatively intact and untouched by European encroachment, although European disease had spread (Legacy of Hope 2010: 22). Several mission schools in the Arctic existed

prior to federal-run schools, beginning in Aklavik in 1919. These Roman Catholic and Anglican missionary facilities, which mainly taught Christian religion, were set up near main trading posts in the North West Territories. The facilities had no government involvement and, in fact, at this time, the government had little interest in educating Inuit (King 1998: 29). Students enrolled in these schools were generally either orphans or their parents were unable take care of them.

Federal-run residential and day schools in the North were initiated by The Subcommittee on Eskimo Education of the Department of Northern Affairs and Natural Resources1954 report, which stated that residential schools would benefit the Inuit and be "perhaps the most effective way of giving children from primitive environments, experience in education along the lines of civilization leading to vocational training to fit them for occupations in the white man's economy" (King 1998: 55). The expectation was to prepare Inuit to participate in development in the 'new' north (King 1998: 46). Some consultation had been done in Inuit communities and Inuit had overwhelmingly supported formal education but not residential schools. The government determined that most Inuit communities were not large enough to justify the construction of day schools. Another concern was that parents would have to take their children with them when they went out on the land for many months of the year and would have to remove their children from school to do so.

The eventual compromise was day schools, run by the federal government, with attached hostels, which would be run by the churches. King makes a distinction between schools that had small hostels and those that had large hostels, and the latter he considered to be residential schools, similar to those in the south. Tent camps or small hostels by day schools usually held the families of the students or other Inuit adults, which provided cultural continuity for the students. Schools with large hostels were run by the Churches, and they were usually very far

from the students' home communities so students were completely removed from their family and any cultural influences (King 1998: 68). According to this distinction, there were four residential schools in the Arctic, opening between 1955 and 1964 (King 1998: 45-46). By 1964, Over 75 percent of school-age Inuit children were attending school compared to 15 percent in 1955 (King 1998: 77-78).

The schools had no comprehensive education strategy and instead borrowed from southern provincial curricula (King, 1998: 65). The southern Canadian curriculum taught to the Inuit students was often completely irrelevant to Northern lifeways and instead enforced southern Canadian lifestyles, ideals and values (King 1998: 119). Although the majority of Inuit at the time spoke only Inuktitut, the students were taught only in English (King 2006: 10; Legacy of Hope 2010: 27). Many students were forbidden to speak Inuktitut; as one Survivor, Salamiva Weetaltuk, explains, "we were allowed to wear our clothes, but we were not allowed to speak our language… everybody who spoke Inuktitut, an eraser or chalk would be thrown at you" (Legacy of Hope 2010). Traditional Inuit diets were also changed when Indian Affairs banned traditional foods in the schools in 1961 and students were instead taught to make southern foods (King 1998: 16,182). The students also became accustomed to southern styles of dress, both of which altered, "the very reciprocal relationship Inuit held with the animals that they depended on for food and clothing" (King 1998: 160).

Some Inuit students experienced physical, sexual and emotional abuse in the schools (King 2006: 15; Legacy of Hope 2010; Amaujaq Kusugak 2012: 121). Peter Irniq, another residential school Survivor relates what a grey nun explained, after hitting him with a yardstick for speaking Inuktitut, "you're here to learn to speak and write English and arithmetic. Forget

about your culture, forget about your language, and forget about your Inuit spirituality" (Legacy of Hope 2010).

It is estimated that between 40 and 50 percent of Indigenous adults over the age of 45 in northern communities attended a residential school (TRC 2012: 64). Often coming from remote communities, students would have to travel long distances to attend the schools. It was particularly hard for Inuit students to communicate with their parents while attending the schools (Legacy of Hope 2010: 24). This resulted in many years passing before children could see or speak to their parents. At Choutla School in Yukon, some students went ten years before returning to their families and communities (TRC 2012: 57).

Traditional knowledge and crucial survival skills necessary in the North are handed down from older generations to young children through oral tradition and observation (Pauktuutit Inuit Women of Canada 2006: 19). Inuit Elders were not allowed to share traditional teachings in the educational systems (King 2006: 13). These crucial teachings were lost to generations of Inuit residential school students.

Inuit students recall being taught to be ashamed of their traditional way of life, a feeling that lasted after returning to their communities. Marjorie Flowers recalls,

> another thing that I noticed my first day going home, when I actually went home, was the smell was different. There was seal skin, we used to have seal skins in our porch, and I was really ashamed of that once I came home from school. I thought that was the wrong thing for my parents to have done and their way of life, our way we used to live, was, I thought that was the wrong way. I thought that I was a little bit better than what they were (Legacy of Hope 2010).

David King concludes,

> While many Inuit today have benefited from the education they received in the residential school system, it was not without a human cost to Inuit as a people. The loss of culture and family bonding, self-esteem as a result of government and staff paternalism and prejudice, sexual and physical abuse at the hand of a minority of staff who caused a

negative impact on the lives of many former residential school students, are all a part of the legacy left behind. Often referred to as the lost generation, Inuit who went through the residential school system survived rapid cultural change that was unprecedented in their history (2006: 17).

In 1970, control over the schools was handed over to the North West Territories government. To this day, schools in the North have low educational attainment and communities are still struggling to include Inuit cultural and language programs.

Metis Experiences

Thousands of Metis children attended residential and day schools and report diverse experiences (Metis National Council, 2013). Some Metis communities welcomed in the Catholic Church and often the church established a school. In the late 19ᵗʰ century, the Metis were largely dispossessed of their land, facing violence and discrimination after the Red River and Northwest Resistances. Many fled their homeland and lived on the peripheries of reserves and urban areas. Other communities were built and rebuilt on unused crown lands. Considered squatters and therefore not paying taxes, Metis children were often denied access to education, by both public schools and residential schools. Some Metis students were denied admission into residential schools or even kicked out in the middle of the school year, since spots were reserved for First Nations children who were deemed the priority (Ledoux 2001: 61).

Often living in poverty, many of the Metis communities could not afford to build their own schools or pay the required tuition. Although the federal government eventually refused to fund Metis students due to the 'extinguishment' of their Indigenous rights, some churches did admit Metis children and there were several residential schools with predominantly Metis students (Chartrand 2006: 9, 18). Due to their invisibility and poor record keeping, it is nearly impossible to determine the number of Metis students that attended residential schools (Logan

2001: 63).   However, at one time, as many as nine percent of residential school students were Metis (Chartrand 2006: 9).

Although Metis students certainly had unique experiences in residential schools, it does not appear that they experienced better or worse circumstances than First Nations students, although they were often treated as outsiders (Logan 2001: 62). Due to a variety of factors, including economic status and community of origin, Metis students had very different experiences. Those who were identified as more Indigenous, either culturally or racially, were often admitted over those students who appeared more "European" (Chartrand 2006: 18). Regrettably, Metis Survivors report similar physical, sexual emotional abuse and cultural violations as other First Nations and Inuit residential school Survivors (Chartrand 2006:21; Flamand 2012; 129-130). The students were usually not allowed to speak their Michif language (Flamand 2012: 135; Chartrand 2006: 15, 21).

Metis Survivors, along with non-status First Nations Survivors have further struggled to access counseling and health services provided to status First Nations and Inuit Survivors (Chartrand 2006: 22-23). However, they report experiencing similar impacts to other Survivors, including, "the loss of parenting skills, the inability to express feelings, as well as the effects of the loss of language, culture and self-esteem" (Logan 2001: 83).

Resistance

Communities, parents and children resisted the school system. Although parents consistently saw value in aspects of a European education, such as reading and writing, they rejected the assimilation, the way their children were treated and the long-term removal of children from their homes and communities.

Resistance sometimes took the form of boycotts and letter-writing. Parents hid their children, did not send them back to the schools on time, or refused to send them at all (Grant 1998:209; Gresko 1986:98). In the early 20th century, a Cree Chief wrote to the Governor General asking for schools that did not result in children being "torn from their mother's arms or homes" (Barman, Hebert & McCaskill 1986: 11). During the 1930's many parents demanded better teachers and more academic lessons for their children. There was also a lot of political organizing, although that was especially challenging during periods of the pass system and with other strict regulations in place before the 1951 amendments to the Indian Act (Grant 1998:213).

When they were allowed, and even at times when they were not, parents and community members visited the schools for informal inspections and to see their children. Some parents directly confronted staff of the schools if they discovered their children had been mistreated (Grant 1998:213; Deiter 1999: 30-31). Eleanor Brass recalls a time when her father came to visit the school and found her cousin beaten and chained after an attempt at running away. She describes his reaction,

> when he saw my cousin, his face went white, he was so mad. He took the stairs in a few leaps right up to the principal's office, grabbed him by the scruff of the neck and dragged him downstairs to my poor cousin. "Take those chains off that child!" he said, then he gave the principal a good shaking. "You're lucky this is all you're getting. These are children, not criminals and I don't even want to see cruelty like this again" (Deiter 1999:30-31).

Student resistance took the form of running away, stealing food, either defying authority or even physically fighting back against abuse (Grant 1998: 216). Some students resisted by speaking their languages, which was usually forbidden.

At the Edmonton residential school in 1962, students organized a riot in protest of the harsh punishments and conditions they were facing (Deiter 1999:75). In 1970, a sit-in was organized at the Blue Quills Residential School near St. Paul, Alberta in response to the school's

impending closure. Throughout the previous ten years, Church control over the school had diminished while the state was moving towards a new policy of integrating of First Nations students into public schools. At the same time, there were also increasing demands for First Nations involvement in First Nations education. When officials announced their intention to close the school and fully integrate the students into provincial schools, the community rallied and instead requested control over its operations. With 300 Indigenous and non-Indigenous supporters from across Canada, the peaceful protest was successful and Blue Quills became the first school under First Nations control in Canada (Persson 1986: 50).

The National Indian Brotherhood, now the Assembly of First Nations, delivered the policy paper, "Indian Control of Indian Education" in 1972. In it, they made the case for "education to provide the setting in which our children can develop the fundamental attitudes and values which have an honoured place in Indian tradition and culture" and for the transfer of the responsibility of First Nations education from the federal government to First Nations Bands. (Indian National Brotherhood 1972:2). The federal government accepted this policy, resulting in the devolution of control of schools in First Nations and Inuit communities (White & Peters 2009:23). However, there are still disagreements about the implementation and level of control and required funding between Indigenous communities and the federal government.

The End of the System

During the 1960s and 70s, the residential school system began the long process of winding down. Firstly, the federal government took over control of the schools from the churches. Additionally, many First Nations fought for and won control over the schools. Other students were integrated into provincial public schools. By 1979, there were only 12 residential

schools operating in Canada and most Indigenous children were in provincial schools (RCAP 1996: 325). The last residential school closed in the mid-1990s.

Students returning home from residential schools faced many challenges. Due to the abuses suffered, some students carried trauma and shame from their experiences. Some turned to drugs and alcohol as a way to soothe those feelings and forget about what had occurred. Some students feared or no longer believed in their parents' traditional practices (Grant 1998: 249). The children had not received the knowledge from their parents and grandparents that they required to thrive in their home communities. Due to the English-only policies in the schools, some children had completely forgotten their language. This made communication with Elders and family members a struggle. They had lost connections to their families and communities and had missed out on crucial teachings from their Elders. Furthermore, in the schools they had had no positive role models and had not learned appropriate parenting skills (Grant 1996:249). The schools also did a poor job educating the students and preparing them to successfully compete in the mainstream economy.

CHAPTER 4: THE SECOND ERA: THE SIXTIES SCOOP

Child welfare can be defined as a "group of services designed to promote the well-being of children ensuring their safety, and to support families in successfully caring for their children" (Auditor General of Canada 2008: 7). A child or youth "in care" means that a child is under the care of a child welfare agency. They can either be placed in a foster home, an adoptive home or an institutional setting (RCAP 1996: 2). A child can come into care for a variety of reasons, including abuse and neglect, either by the parents or other family members or family friends. The death of a parent, physical or mental health issues, addiction, behaviour problems with the child or special needs that the parent cannot provide for, are all reasons that children come into care (McEwan-Morris 2006: 15). When an Indigenous child is placed in care, that child is removed not only from her or his parents, but also from their extended family, community and from their distinct culture. Therefore the effects on that child are three-fold (RCAP 1996: 23-4).

The History of Child welfare in Canada

Describing the historical context of social work, Vedan (2009: 15) explains,

Based upon a Judeo-Christian worldview and tradition, social work theories and practices were developed to address the issues arising from the European industrial revolution and urbanization. The consequent policies and practices derived from a modern western liberal philosophy have for many generations been of major consequence for the social policies imposed upon First Nations.

In the late 19th century, several children's aid societies were established across Canada. The main purpose was to help orphaned and abandoned children (Bala 2011: 2; McGillivray 1997: 146). In Ontario, these agencies were given the legal authority to remove children from their homes in 1893. Other provinces followed suit. By the 1960s, delinquent children, children born to single or children from abused or impoverished families were taken into care (Bala 2011:2). Parents

were often unable to challenge the agencies as they lacked resources. By the second half of the 20th century, the system had grown substantially. In 1979, the Canadian Child Welfare Council recognized that marginalized and economically disadvantaged families were often able to access the child welfare system as the only resources, while wealthy families had access to a "broad and superior range of supportive resources" (cited in Bala 2011:17).

The history of colonialism has led to social and economic inequality for Indigenous peoples in Canada. Moreover, due to colonial policies, "Indigenous families are more likely to be subject to government intervention and surveillance" (Tilbury, Clare and Thoburn 2011: 293). Multiple disadvantages and marginalization coupled with increased government intervention has resulted in an overrepresentation of Indigenous children coming into care.

Importantly, the large-scale removal of Indigenous children from their families and communities has been common in four colonial nations: Canada, the United States, Australia and New Zealand (Jacobs 2012: 4). In all four of those nations, the promotion of fostering and adopting Indigenous children into non-Indigenous families was prevalent by the 1960s. Jacobs explains, "The widespread practice of Indigenous fostering and adoption appears to be one more facet of an ongoing settler colonial policy bent on eliminating Indigeneity and any other vestiges of sovereignty and gaining full claim to and control over the territory and resources of each settler nation" (2012:5). While early practices, like the residential school system, required substantial effort and rationale, more recent child welfare practice has become much more accepted and common place (Jacobs 2012: 8).

Origins of the Sixties Scoop

The Sixties Scoop was an era in Canadian child welfare between the early 1960s and the early 1980s, in which the child welfare system removed Indigenous children from their families

and communities of origin en masse and placed them in non-Indigenous foster or adoptive families, institutions and, in some cases, residential schools. During the Sixties Scoop, tens of thousands of First Nations, Metis and Inuit children in Canada were removed from their families and communities by social workers and either placed in institutional care, fostered or adopted to non-Indigenous families outside of their home province and sometimes outside of Canada (Fournier & Crey 1997; Johnson 1983). Over 11 thousand children with Indian status were adopted during this time, as reported by the department of Indian Affairs (Sinclair, 2009: 91). However, due to poor record keeping and the common failure to disclose the child's origin, those numbers are likely much higher. At least 70 percent of those Indigenous children removed from their homes were placed in non-Indigenous homes (Sinclair 2009: 91).

Placement was often done without reason or without seeking proper alternatives to out-of-home care. The child welfare system also worked alongside the residential school system at this time, as social workers would often remove children from 'unfit' families and place them in the schools, well into the 1960s (Blackstock 2009: 30). In fact, in regions where residential schools had been the most prominent, the child welfare system was the most active (Armitage 1993: 147). Prior to that, residential schools were used as a placement for "orphaned" or "neglected" Indigenous children. However, during the 1950s and 60s, social workers began to recognize that institutions were not the best environment for children to be raised in (Palmer and Cooke 1996: 712). A study in 1967 by the Canadian Child Welfare Council found that as many as 80 percent of the children in Saskatchewan residential schools had reportedly been admitted because of children welfare issues (Grant: 1996: 80). This was likely true for other provinces. The children would then spend the summers in a foster home but would technically be under the guardianship of the school principal.

The Sixties Scoop was precipitated by the introduction of child welfare services on reserves. The changes resulted from social workers arguing that Indigenous children were not offered equal services on-reserve that non-Indigenous children were offered through provincial social services (Johnston, 1983:2-3). The Canadian Child Welfare Council and Canadian Association of Social Workers presented a brief to the Subcommittee created to make amendments to the Indian Act in 1947 (Mcgillivray 1997: 159). In 1951, the government made changes to Section 88 of the Indian Act, so that all provincial laws were also applicable on reserves. Consequently, reserves were included in provincial government welfare social services programs, including health, education and child welfare, although the federal government still provided the funding for all Status Indians (Armitage, 1993: 137, 144). During the negotiations that followed, the federal government made different deals privately with each province, which has led to varied funding agreements across Canada (Fournier & Crey 1997: 82). It is important to note that while First Nations were under federal jurisdiction, Metis children were under provincial responsibility. Thus for a time, many more Metis than First Nations children were brought into care (Ward, 1984: 5).

While the federal government amended the Indian Act in 1951 to allow provincial jurisdiction over reserve communities, it did not provide adequate funding to provincial governments that would increase resources in relation to the additional responsibilities. It was not until the mid1960s that the federal government agreed to share the costs of on-reserve child welfare. The provincial and territorial governments then began to offer increased services, although the individuals in the child welfare organizations as well as the attendant social workers were entirely non-Indigenous. The introduction of child welfare services on reserves led directly to increased child apprehension from on-reserve communities. The agreement to increase

funding was related to the release of the 1966 Hawthorne Report, which highlighted the poor living conditions on reserves (McGillivray 1997: 159). There was absolutely no consultation with First Nations peoples about the proposed changes.

At the same time, and Indian Adoption program was instituted in the United States, a joint project between the Child Welfare League of America and the Bureau of Indian Affairs (Ward 1984: 5). The promotion of interracial adoption in the US was also increasing and many non-Indigenous homes became available to permanently adopt Indigenous children, previously considered hard to place (Ward, 1984 3, 5). Concurrently, the availability of non-Indigenous, European children for adoption in Canada began to decline.

During the Sixties Scoop, many children were sent out-of-province or out-of-country for adoption and often were not told about their true heritage (McGillivray 1997: 161). Standard procedure was not to offer culturally meaningful support or to find alternatives to out-of-home care but rather to apprehend the children. Social workers and agents from Indian Affairs would go into some small communities and take away their children by the busload (Bennet *et al*. 2005:20; Fournier & Crey 1997: 87). Entire generations of children were lost from their communities this way. Children were scooped from reserves "on the slightest pretext" because provincial social workers believed they would fare better away from the widespread poverty and substandard housing that was a reality on many reserves (Johnson 1983:23).

Importantly, the beginning of the Sixties Scoop coincided with Indigenous families "dealing with the fall-out of the residential school project and were experiencing severe upheaval as the result of social, economic and cultural changes" (Sinclair 2009). Generations of First Nations, Metis and Inuit children had gone through the residential school system at this point, leaving them with no normal experience of family life to draw from and thus a lack of

knowledge of parenting skills (Palmer and Cooke 1996: 712). Years of trauma in the schools also resulted in high levels of social problems in many Indigenous communities, including alcohol and substance misuse. Regardless, there was no mandate for social workers to engage in preventative measures, rather "intervention was limited to assessing neglect, usually based on parental absence, placing children in care, and seeking a court order for agency custody" (Palmer and Cooke 1996: 713).

The process following the apprehension generally did not include the parents at all. Court proceedings and important decisions were made in the parents' absence. Furthermore, the homes in which the children were placed were almost always those of non-Indigenous families who lived outside of the child's community. (Palmer and Cooke 1996: 714). It was additionally challenging to place children in Indigenous foster homes, given the strict regulations, including economic and employment requirements that were a challenge to many Indigenous parents at this time (Palmer and Cooke 1996: 716).

There was a massive influx of Indigenous children placed into care during the first decade of the Sixties Scoop. Indigenous children represented only 1% of children in care in 1959; by 1969 they made up 30-40% of children in state care. At this time, Indigenous children represented only 4% of the national population (Fournier & Crey 1997:83). The large majority of these children were sent to foster families or permanently adopted into non-Indigenous homes, and no attempt was made to ensure their cultural heritage was preserved. In the Spallumcheen community in British Columbia, 150 children were removed during the period of 1951-1977. The community was only made up of 300 people at this time (McKenzie & Hudson 1985: 125). In 1973, a reserve of less than 500 in Kenora had 97 children removed by a Children's Aid Society (Ward, 1984: 4).

In Manitoba, of 108 children placed outside of the province for adoption in 1981, 56 were First Nations and 37 were Metis. Fifty-seven of those children were placed in the US. By the 1970s, Indigenous children were greatly over represented in care, especially among the Prairie Provinces. In Alberta, 44 percent of the children in care were First Nations or Metis, while in Saskatchewan it was 51 percent. Manitoba had the highest percentage: 60 percent of children in care were First Nations or Metis. (Sinclair 2009: 93).

The Adoption Resource Exchange North America (ARENA) program was initiated in the United Stated in 1948 (Swan 1968: 86). The goal of the program was to bring together adoption agencies from all over Canada and the US to coordinate adoptions of children that were harder to place. These included Indigenous and other minority children and children with special needs. ARENA placed mostly Indigenous children in adoptive homes during the 1950s and 1960s, likely because they integrated the Indian Adoption Project into their mandate (Swan 1968: 86-87). Adoptions across state and national lines were encouraged through this program and one of the goals was to reduce barriers to this type of family placement.

Saskatchewan had a similar program beginning in 1967, called Adopt Indian Metis (AIM). The program targeting middle class Anglo-European families to adopt Metis and First Nations children and was a successful program in terms of finding placements (Ward 1984: 7-8). Over 500 First Nations and Metis children were adopted within a few years of the program, with only a very small minority of adoptive parents identifying as First Nations or Metis (Ward 1984: 9). Although all of those children were adopted within Saskatchewan, inter-provincial adoption and the placement of Indigenous children in the United States began to increase at this time. For example, in 1968 no children were adopted from Canada to the United States. In 1970, 339 Canadian children were placed in American homes, the vast majority of which were Indigenous

(Ward 1984: 10). Reportedly, the AIM program was "coercive, covert and illegal" and there are accusations that parents were unaware or did not agree to have their children adopted but they were permanently adopted anyway (Sinclair 2009: 91-92).

An inadequate amount of time was spent on screening those adoptive and foster homes. Subsequently, many adopted and fostered children of the Sixties Scoop have reported experiences of physical and sexual abuse, racism, neglect and many other identity and familial struggles that resulted from the substandard practices, their forced removal from their families and placement into new, non-Indigenous homes. In some provinces, by the end of the 1970s, one out of every two Indigenous children, including Metis and non-status, were separated from their family for all or part of their childhood (Fournier & Crey 1997:88).

Experiences of Indigenous children in care varied. Many experienced discrimination and racism. One woman recalls being called a "dirty Indian" by foster siblings while another woman had boiling water poured on her face by her foster family in order to "civilize" her (Palmer and Cooke 1996:710). Experiences with racism, either from families, peers or members of the wider community, are quite commonplace (Sinclair 2009: 108). These experiences are often compounded by the fact that the non-Indigenous family is unable to fully understand the impact of racism, having never experienced it.

In the early 1970s many groups increasingly resisted the placement of Indigenous children in non-Indigenous homes. The Task Force on Native Peoples' Mental Health (1977) and The Report of the British Columbia Royal Commission on Family and Children's Law (1975) recommended that Indigenous children be kept in Indigenous homes, preferably those of their relatives or in the same community (Ward 1984: 11). The report surmised that the Adoption Act was destroying Indigenous cultures by "taking away the right of the Indian bands to take

care of their own children and as a means of placing Indian children in white homes where they would lose contact with their own race" (Cited in McGillivray 1997: 161). However, the emphasis was not on the well-being of Indigenous communities and the ability of group life to continue, but rather on individual health development. The main focus was on the experiences of individual children rather than finding fault in the larger system. By the end of the 1970s policies across Canada favoured Indigenous homes for Indigenous children and the adoption of Indigenous children by Indigenous parents had increased. In the Northwest Territories, custom adoption, which had been occurring between families for many generations, was legally recognized for the first time (Ward 1984: 19). Regardless, during this period, "for many (Indigenous) children, the choice was between growing up in a white foster home or homes, and being adopted by white parents" (Ward 1984: 22-23).

By 1982, a moratorium was enacted on placing First Nations and Metis children from Manitoba in homes outside of the province (Ward 1984: 37). Judge Kimelman released a report in 1985 as the head of a committee investigating First Nations child welfare placements in Manitoba. In the report, he recognized that the widespread adoptions were a symptom of a much larger issue in the child welfare system (Kimelman 1985: 2). He further acknowledged that cultural child-rearing patterns must be taken into account and that alongside the rights of the child, the rights of the parents and the community must be considered (Kimelman 1985: 37). Importantly, he emphasized that the rights of the child include the right not to be removed from their families without substantial cause and where no harm is likely to occur. The Kimelman Inquiry resulted in a report with 109 recommendations, concluding unequivocally, "cultural genocide has been taking place in a systematic, routine manner" (Kimelman 1985:328-9). He

added that the best interests of the child certainly included retaining their cultural and linguistic heritage.

One important finding of the inquiry was that "it was evident that the child welfare system lacked accountability at every level of operation" (Kimelman 1985: 72). Parents often were never told of their children's whereabouts when the apprehension was supposed to be temporary and many children were placed without their siblings and even recorded as being single children when they were not (Kimelman 1985: 73). Unlicensed homes that had not passed program standards were being used for foster care, while references for potential adoptive parents were not checked. Some children were even placed in adult drug treatment facilities (Ibid).

McKenzie and Hudson argue that although the overrepresentation of Indigenous children in care in non-Indigenous families Canada is a huge problem, is it not by any means a simple problem. First Nations, Metis and Inuit children have very different experiences than non-Indigenous children in care. They are more likely to experience negative outcomes and identity crises. Indigenous children are also less likely to return home (McKenzie & Hudson 1985: 127). Additionally, families and communities are greatly impacted by the removal of their children (McKenzie & Hudson 1985:126).

A Third Era: The Millennium Scoop

The intergenerational trauma from generations of parents and grandparents who were forced to attend residential school and then had their children taken away from them during the Sixties Scoop has created a legacy where the placement of Indigenous children in non-

Indigenous homes has been normalized. Kenn Richards, the Executive Director of the Native

Child and Family Services in Toronto explains,

> Most of our clients-probably 90% of them- are, in fact, victims themselves of the child
> welfare system. Most of our clients are young, sole mothers who very often were
> removed as children themselves. So we are dealing with perhaps the end product of the
> child welfare system that was apparent in the sixties scoop. Actually the sixties scoop
> lasted well into the 70s and we are seeing the reality of that on our case loads… We take
> the approach in our agency that it is time to break that cycle. The other interesting note is
> that while the mother may have been in foster care the grandmother - I think we all know
> where she was. She was in residential school. So we are into a third generation (Cited in
> RCAP fam 1994: 31).

The beginning of the contemporary era in child welfare can be defined by the shift from

Sixties Scoop policies of child removal, which included a disregard for adopting Indigenous

children out of their cultural group, adopting and fostering them into a different cultural group,

different province and sometimes different country. Around 1982, a shift in policies marked an

end to an era with no accountability and ignorance of the large scale cultural damage inflicted on

Indigenous children and families. Higher awareness of the problematic policies and a distinct

change in outlining practices led to this contemporary era.

In the United States, this shift was prompted by the Indian Child Welfare Act of 1978,

which also influenced Canadian policy (Palmer and Cooke 1996: 716). The Act recognized that

the families and communities had to be involved in any adoption or foster placement of

Indigenous children. At this time, First Nations, Metis and Inuit communities in Canada were

demanding greater control over welfare services.

The main policy changes included, in 1982, an end to out of province and out of country

adoptions and, in 1990, a First Nations Child Welfare policy that required the development of

culturally appropriate services that would be controlled by First Nations (Kimelman, 1985;

AGC: 7). Importantly, in 1982, the "best interests of the child" were redefined to include the

child maintaining "the child's familial, cultural, social and religious heritage" (Kline 1992: 420). First Nations and Metis agencies were created to manage Indigenous child welfare cases.

However, with all the shifts in policy that brought us to the current era, multiple issues remain in the policies and practices of child welfare and the removal of Indigenous children from their communities and families continues. Throughout the duration of the residential school system, approximately 150,000 children attended the schools. During the height of the residential schools in the 1940s, there were approximately 8900 Indigenous children attending (Milloy 1999). It is currently estimated that there are 27,000 Indigenous children in care today, which is over three times the amount of children in residential schools at their height (Blackstock 2010:187). However, although the absolute number of Indigenous children in care today is higher than the peak number enrolled in residential schools at any one time, the rapid population growth of Indigenous peoples in Canada means that the proportion of Indigenous children in care, relative to the entire population of Indigenous children, is lower than the comparable proportion of Indigenous children in residential schools in that era.

The current proportion of Indigenous children in care has surpassed those of the Sixties Scoop (Blackstock 2010: 188). While Indigenous children make up 5-6 percent of the population in Canada, they continue to account for 30-40 percent of the children living in out-of-home care (Blackstock *et al.,* 2005: 115; Blackstock 2010: 187). The numbers are much higher in some provinces. Currently, over 80 percent of the children in care in Manitoba are Indigenous, while they make up only 15 percent of the population of children (Hughes 2013: 28). The numbers are still increasing: in 2007 the Canadian Minister of Affairs stated that the number of on-reserve children in care had risen 65% in the past decade (Blackstock 2009: 165).

Reasons for the current overrepresentation of Indigenous children in the child welfare system have to do with poverty, biased non-Indigenous social workers and the damage done to parents through residential schools and the Sixties Scoop (Bennett *et al.,* 2005: 18). Indigenous children are primarily removed from their homes due to neglect. The two main types of neglect reported are failure to supervise and physical neglect, which indicates a failure to provide adequate clothing or housing for example (Blackstock *et al.,* 2005: 14). The main reasons that Indigenous children experience neglect are poverty, poor housing and care giver substance misuse (Blackstock 2010: 187). This indicates that structural reasons are generally the cause of child removal in Aboriginal communities. Once again, due to generational endemic poverty, prevalent poverty issues and the ongoing struggles of addiction in many communities, Indigenous families are facing consequences of child apprehension rather than receiving needed supports.

While the provincial government funds social services for the entire province, it is the federal government that funds social services on reserves across Canada. This has led to a national funding discrepancy where the federal government funds on-reserve child welfare services approximately 22 percent less than the provincial government funds off-reserve child welfare (McDonald & Ladd 2000: 94). This means that the least disruptive measures, which are those prevention services that are intended to keep Indigenous children safely at home, are the ones that are not adequately funded. Child apprehension should undoubtedly be the last resort, not the first one. Furthermore, placing children in foster care does not always lead to a safer or better environment.

Child welfare agencies, including First Nations Child and Family Service (FNCFS) agencies, are provincially mandated (Clarke, 2007: 81). This means that FNCFS agencies must abide by the provincial child welfare legislation, which varies depending on the province or territory. Based on the complex funding agreement, Directive 20-1, the FNCFS agencies are

allocated federal funding through AANDC yet must follow guidelines of each provincial or territorial government. The provinces then grant authority for FNCFS agencies to provide child welfare on-reserve but must work to meet provincial standards. While all provincial and territorial child welfare legislation requires that least disruptive measures be used, a 2004 survey found that not one FNCFS agency was able to provide those services based on the Directive 20-1 funding agreement (Clarke 2007: 86). In sum, FNCFS agencies are required to follow provincial rules for on-reserve child welfare but receive inadequate funding to provide those services under the federal funding agreement.

Furthermore, part of that funding agreement only reimburses FNCFS agencies for children in care, so social workers often must place children in care in order to receive any resources to aid them. Child removal should be a last resort, but under this funding arrangement there are in fact more resources available to children who are removed from their home than for children to stay safely in their homes. If funds are provided only for children in care, children have to be put in care simply to receive funding, again leading to the increased apprehension of Indigenous children (Blackstock *et al.,* 2005: 91, 100).

In 2005, the First Nations Family and Caring Society released the WEN:DE report, commissioned by AANDC, that outlined exactly what the government needed to do to ensure equitable treatment from the child welfare system for Indigenous children. Over 20 researchers in various fields ranging from sociology to child welfare and economics prepared the report. The report concluded that an increase in federal funding by $109,000,000 per year over the next six years was needed to ensure that on-reserve services were comparable to off-reserve services. This increase in funding would specifically allow for maltreatment prevention services designed to keep Indigenous children safely at home.

When the report was released, the federal government publicly acknowledged the connection between insufficient funding and the high numbers of Indigenous children in care. That same year, the federal government ran a 13 billion dollar surplus (Blackstock, 2010:189; Blackstock, 2009; 169; Blackstock et al., 2007: 81). Regardless, the federal government did not

commit to action, leading the First Nations Child and Family Caring Society along with the Assembly of First Nations to file a human rights complaint against the Canadian federal government in 2007 (Blackstock, 2009: 170). The claim was discrimination based on race. The state filed a motion to dismiss the claim, arguing that child welfare was not an Aboriginal right. Instead, they argued that the federal government elected to offer those services and were therefore not required to ensure they were equitable (Blackstock *at al.,* 2005: 90). During a motion to dismiss hearing, the government (INAC) further argued that off-reserve and on-reserve children were not comparable groups and therefore did not need to be equally funded.

Though there has been a shift to more autonomous on-reserve child welfare, this has not necessarily offered any meaningful change. There are currently over 100 FNCFS agencies serving communities across Canada (Clarke 2007: 86). MacDonald (2010: 182-3) argues that although Indigenous agencies are now able to make child welfare decisions, that has not really led to increased autonomy for Indigenous communities. The policies that Indigenous agencies must follow are still based in Anglo-Canadian laws and values. As long as the state remains the true centre of power and continues to allocate minimal funding, there can be no real transformation of on-reserve child welfare. There has also been little effort by the government to address the drivers of child maltreatment on reserves, such as poverty, unemployment, and substandard housing conditions, or the lack of culturally based prevention services (Blackstock *et al.,* 2004: 903). As long as FNCFS agencies are still required to operate within the provincial acts, they merely have "administrative but not legislative control" (Hudson & McKenzie 1985: 137).

A 2008 study used interviews and focus groups to understand the experiences of First Nations and Metis mothers and grandmothers in Manitoba with the child welfare system. Poor treatment by social workers, racism, denial of cultural practices, false accusations, nearly impossible programming expectations, lack of supports or knowledge of rights and negative courtroom experiences emerged from the women's experiences (Bennett 2008:56-96).

Additionally, advocates and lawyers interviewed working in the area of child welfare affirmed many of these experiences. The intergenerational nature of coming into contact with these systems was also apparent; many of the women had themselves been in contact with child welfare system as children. Several of the mothers and grandmothers expressed extreme frustration with the lack of communication between them and the social worker. Many of the participants stated that they did not even know why their children were being taken away or when they would see them again. Furthermore, the programming requirements outlined by the social worker in order to regain custody were often unrealistic for parents trying to work and not having reliable transportation and having to attend multiple day workshops. Even when many of the mothers and grandmothers completed all of the required certifications, their children were not returned (Bennett 2008: 73-77).

For participants, visitations with their children were few and far between. One mother was even required by her social worker to quit her well-paying job to keep her visitation appointments (Bennett 2008: 78-79). Others had visitation appointments cancelled at the last minute, resulting for one woman in her children missing her graduation. Still others, while struggling to have their children returned, discovered that their children had been designated as permanent wards. Cultural issues were also highlighted. One mother shared that her sons were placed in foster care and the foster parents immediately cut off their long hair, which had been grown out for significant cultural reasons. The mother was not consulted (Bennett 2008: 69).

Several parents in the study feared that their children were abused in the foster care homes. The women shared how they were powerless to intervene and their children were not believed by the social workers. Many participants stated that they were unaware of their rights and were unable to access the resources required to have their children returned. The mothers

and grandmothers had no help determining where to access the appropriate services. Some mothers had initially gone to a child and family service branch to ask for help and the workers turned around and apprehended their children (Bennett 2008: 56-57). The experiences shared by participants in this study emphasize the ongoing issues and hardships facing parents and grandparents in dealing with the current child welfare system.

CHAPTER 5: FINDINGS AND DISCUSSION

Continuities between the systems

There are multiple continuities between these eras of forcible removal of Indigenous children from their homes and communities. Throughout both systems, Indigenous homes, families and mothers have been devalued and degraded, which has justified the removal of children. Government legislation and workers, the justice system and the child welfare system have all shown a predisposition to evaluate Indigenous homes as lacking and therefore the removal of children from homes, by force if necessary, as essential. This has been particularly hostile for Indigenous women and mothers: targeted discriminatory legislation has increasingly left them marginalized and vulnerable to state intervention. Many policies and interventions have been based in concepts of racial and cultural inferiority as well which worked to support the 'saving' of children from an 'uncivilized' environment. These concepts are echoed today in child welfare policies that apprehend children due to misunderstood parenting practices, poor housing situations or by blaming a mother for her social situation.

A complete misunderstanding and ignorance of differing worldviews and lifeways have accentuated these issues. While residential schools purposely disconnected the child from their culture and traditions, the child welfare system continues that legacy through the dispossession of children from their communities and teachings. Cultural misunderstandings are still evident in child welfare decisions. Moreover, Indigenous families continue to be evaluated based on a non-Indigenous framework and served through non-Indigenous systems of care.

The effects of intended cultural and community dislocation of the residential school system are still apparent today. These effects are not separate from the current overrepresentation of Indigenous children in care but are directly implicated. The aftermath of the disruption of

community life, traditional parenting and traditional education is still reverberating through many communities today. The consequences of this systematic disruption are manifested in substance abuse, low educational attainment, health issues and involvement with the criminal justice system, among others. These consequences are entirely related to reasons that Indigenous children are presently removed from their homes.

Devaluing Indigenous Families and Homes

One of the ways in which the mass apprehension and relocation of Indigenous children in Canada has been justified is through the devaluing of Indigenous families, homes and child rearing practices. Deeming Indigenous families as "unfit" dates back to the early missionaries, who considered Indigenous "child-rearing methods as being negligent, irresponsible, and "uncivilized" (Aboriginal Justice Implementation Commission 1991). As shown in the previous chapter, the residential school system relied heavily on the dismissal of Indigenous homes and parenting practices to carry out the mass removal of their children.

Anderson (2000: 59) explains that before European contact, Indigenous women were valued and respected in their communities; they had positions different from but equal to those of men. Women had also made the majority of the decisions in the community and many kinship systems were matrilineal (Anderson 2000: 65-9; Lawrence 2000: 51). The patriarchal colonial laws imposed by settlers disempowered Indigenous women and rendered them marginal in their communities (Lawrence 2004: 51). Jamieson (1978: 13 cited in Lawrence: 47) writes, "a central aspect of the colonization process in Canada would be to break the power of Indigenous women within their nations". Indigenous women in Canada still experience high rates of intersecting oppressions of colonialism, racism and sexism (Green 2007: 1).

As discussed previously, The Indian Act constituted an extremely discriminatory document for Indigenous women. As an official legal document it legislated Indigenous identity in distinctly gendered ways (Lawrence 2004: 38, 50). Although some of the gender biases were repealed, to this day there are still gender inequities in the Indian Act and the determination of Indian Status. Gehl explains that in cases of unknown and unstated paternity, fathers are determined to be non-Indigenous. This may eventually result in the denial of status for some children. This directly affects single women and perhaps the most vulnerable women who may not want to declare their child's paternity for a variety of reasons. (Gehl 2012).

During over 100 years of the residential school system, tens of thousands of Indigenous children were taken from their families and communities of origin, actions which were justified in part based on the notion that Indigenous homes were poor and "primitive" and Indigenous parents, and mothers in particular, were "inferior" or "unfit" (Cull 2006: 141; RCAP 1996: 336; AJIC 1999). These negative stereotypes developed from a need to devalue Indigenous women and peoples, specifically to prove that Indigenous peoples were not capable of holding land (Cull 2006:143).

Indigenous women were targeted in many policies as Cull explains, "old government sessional reports dating back to the early 20th century suggest that inadequate native mothering practices were to blame for the prevalence of TB and high rates of infant mortality that were ravaging Indian communities" (2006:143). Rather than placing blame with radical lifestyle changes and dire social conditions experienced since colonization, Indigenous women became the scapegoats justifying the removal of Indigenous children from their care. In fact, the desire to remove Indigenous children from their parents was explicitly stated in the House of Commons in 1883, when Minister Langevin explained, "in order to educate the children properly, we must

separate them from their families. Some people say this is hard but if we want to civilize them we must do that" (Cited in TRC 2012:5). Furthermore, an overriding goal of the system was for the children to not return to their homes upon graduation. Rather, they were expected enfranchise into the non-Indigenous society.

The Royal Commission on Aboriginal Peoples noted that children were likely to receive a worse diet in the residential schools than what they had while living in their communities (1996: 333). The students were also subject to unhygienic conditions. In fact, the schools really did not provide proper care at all for the students they intended to parent. The Royal Commission on Aboriginal People additionally accused the schools of "providing a custodial care service rather than a child development service" (1996: 358). While the state forcefully charged themselves with the care of Indigenous children, they were terrible parents.

As early as 1847, a federal government report stated that the education of Indigenous children "must not consist of merely training of the mind but of a weaning of the habits and feelings of their ancestors" (cited in Grant 1996: 59). This is a clear indication that the intention of providing education for Indigenous children would include assimilative functions. In 1889 the Annual Report for Indian Affairs claimed that, "The boarding school disassociates the Indian child from the deleterious home influences to which he would otherwise be subjected. It reclaims him from the uncivilized state in which he has been brought up" (Cited in Grant 1996: 65). This statement highlights the state's notions that an Indigenous child's own home was not the best place for her or him to be. Additionally, religious institutions denigrated the parental influence on Indigenous children to ensure continued enrollment in their schools. In a letter to Indian Affairs in 1912, five St. Boniface OMI priests wrote,

> And what may be urged in favour of the early schooling of white children has ten fold force in the care of Indian children for they must be "caught young" to be saved from

what is on the whole denigrating influences of their home environment (cited in Grant 1996: 75).

The overrepresentation of Indigenous children in care is also connected to the devaluing of Indigenous families and, in particular, mothers. Thobani describes how the

residential school system institutionalized the idea that Aboriginal families were incommensurable with the national ideal and that the welfare of Aboriginal children was in conflict with that of their families and communities, including that of their mothers (2007: 119, cited in Strega & Esquao: 2009: 18).

This continued into the child welfare era where parents "are described as lacking skills, resources, and expertise needed to parent their children" (Richardson & Nelson 2007: 78). Richardson and Nelson (2007:78) further describe the relationship between the "helping" professions in Canada and Indigenous peoples, which is characterized by three sentiments: firstly, that you are deficient/I am proficient, secondly, therefore, I have the right (duty, privilege, responsibility) to preform prescribed operations upon you, with or without your consent; and thirdly, these operations are undertaken for your own good.

Kline describes the dominant ideology of motherhood in North America which effects Indigenous women in child welfare cases in two ways: first, the historical and current factors of colonial and racist oppression are ignored and women are held to be individually responsible for the challenges they experience raising children. Second, the dominant cultural values of mothering are imposed on Indigenous women while traditional Indigenous practices are devalued (Kline 1993: 306).

The intersecting oppressions of race, gender and class combine to inform child welfare law, while the dominant cultural ideas of motherhood work against Indigenous mothers. Those who do not fit into the dominant construction of ideal motherhood are punished and characterized as "bad mothers". This construction often erases the circumstances of poverty,

violence and racism that are a part of the experiences of many women who do not fit the dominant expectations of motherhood and individualize the issues to blame the mother (Kline, 1993: 309-320).

In reviewing legal child welfare decisions involving First Nations mothers in the 1980s and early 1990s, Kline determined that addiction was often characterized as a "lifestyle choice" while domestic violence was described by judges as a "personal problem" or "chaotic lifestyle" (1993: 321). Furthermore, Kline found that housing issues were also blamed on the mothers, when they are actually indicative of poverty. Again, the material conditions of colonial oppression are taken to be "risk factors" and the fault of the mother (Kline 1993: 324). Bennett explains that mothers also need the support and resources that are only provided to children under the child welfare system. She found that mothers whose children are removed from their custody had experienced similar trauma as the children (Bennett 2009:79, 81). Moreover, once children have been in alternative care, they have a very hard time returning to their communities and becoming functional members (Bennett 2009: 94).

Elaborating on the positioning of Indigenous mothers, Cull (2006:141) argues that there has been an ongoing theme in the construction and treatment of Indigenous mothers as "unfit" which connects their past and present experiences with the state. The most extreme of these experiences involve interventions, including assimilation initiatives, policies within the Indian Act, the eugenics movement, and the residential school system and child welfare decisions (Cull: 2006: 141). These stereotypes of Indigenous mothers as "uncivilized" and "bad mothers" continue to justify state interventions but also legitimize them (Ibid). There is an inability in the current system as it stands to take into account the historical context of colonization that resulted in "radical lifestyle changes and dire social conditions" (Cull 2006: 143). The fault is instead

placed on Indigenous mothers for any problems they experience rearing children along with any medical or social problems the children themselves experience.

Greenwood and De Leeuw describe the circumstances as "triple jeopardy". That is, the state sees Indigenous peoples as in need of intervention, while marginalizing Indigenous peoples economically and socio-culturally. Then, the state conflates poverty with neglect and moves in to remove Indigenous children from their families and communities (Greenwood & De Leeuw 2006: 176).

Differing Worldviews and Lifeways

The very intention of the residential school system was to create rapid social change and completely alter the culture and lifeways of Indigenous peoples across Canada. The Royal Commission on Aboriginal People explained, "A wedge had to be driven not only physically between parent and child but also culturally and spiritually" so that upon returning to their communities, the child would still feel disconnected and separated (RCAP 1996: 316). It has been widely confirmed that residential schools greatly affected the cultural integrity of Indigenous communities, leading to dysfunction (RCAP 1996: 361). Consequently, First Nations, Metis and Inuit children "remain among the most vulnerable children today in Canada" (Canadian Council of Child and Youth Advocates 2011:1).

Reflecting on her experiences in Shubenacadie Residential School in Nova Scotia, Isabelle Knockwood, a Mikmaw woman, explains, "we were being forcibly disconnected from everything our parents and elders had taught us, and everything new was taught in an atmosphere of fear. Shame too was associated with learning, particularly in history and catechism where Indians were depicted in a derogatory way as savages and heathens" (2001: 52). Once returning

home, former students struggle to bond with their families and community Elders (Fournier and Crey 1997: 62).

Upon returning from residential school, many students felt caught between two worlds (Murdock 2001: 18). The transmission of traditional knowledge and culture had been disrupted. Many are still suffering from that cultural disruption (Murdock 2001: 18). Language barriers now separated young children from the cultural teachings of the Elders. Former students had been taught to distrust their traditional beliefs, leading some students to reject any new teachings from their communities. In the residential schools, students were instructed according to racist notions and attitudes that denigrated Indigenous traditions, and many of these attitudes were internalized by the young students (Starr 2001: 43). Not only were bonds broken between generations but the largely oral tradition of Indigenous knowledge was utterly compromised, which halted many cultural practices and understandings (Murdock 2001: 19). This also disrupted traditional roles in communities.

Although the system was ostensibly designed to be an educational one, the students were taught more than just a reading, writing and arithmetic. Marlene Starr explains, "I did my time for seven years, and there were four significant lessons I learned in that institution. I learned how to be silent and how to be obedient to authority. I learned that being "Indian" is to be inferior. I also learned how to read and write".

Regarding the Sixties Scoop and implementation of child welfare practices, Johnson (1983: 71) explains

> Native people have a distinct and unique value system manifest in customs and traditions that have been passed down from generation to generation. A system of child welfare is based on certain beliefs held by members of the dominant culture. Those beliefs evolve into normative standards of child-rearing and define which practices should be considered good or bad, proper or improper. A problem arises if one set of standards is

applied to a group with a different set of norms. This is precisely what happened to Native people as they come into contact with child welfare services.

During the Sixties Scoop, the new, burgeoning field of social work allowed Canadian society a new means by which to judge Indigenous families by Anglo-European standards. There was a blatant cultural bias in the system that led to the rapid increase of Indigenous children being removed from their homes (AIJC 1991).

Indigenous children have different experiences in care and are put into care for different reasons compared to non-Aboriginal children (Hudson & McKenzie 1985: 127). The concept of the "best interests of the child" is often based on Anglo European individualistic culture, rather than taking into account the Indigenous view that emphasizes family and community (Richard 2004: 102). Social workers may also assume poor housing circumstances indicate neglect by parents when those circumstances are merely indicative of poverty. The Euro-Canadian status of most child welfare workers has also led to this overrepresentation of Indigenous children in care, deeming Indigenous homes and families unfit when compared to their own middle class neighbourhoods. The assumption that children would fare better in a white middle class family and without the ability to retain their cultural or linguistic heritage is also a misguided cultural bias.

One commonly ignored aspect of child welfare practices has to do with the effect of removing children from the community. The Aboriginal Justice Implementation Committee (1999) explains:

> The health of the community is an important factor in addressing the best interests of the child. Removing a child from one family in the community can have a negative impact on other children in that family, as well as on the wider community… if removal of children occurs on a large scale, the ability of the community to function properly and to retain its cultural traditions with a sense of positive self-esteem are undermined, and

social disorganization results. Taking measures on a child-by-child basis that undermine the long-term health of the community puts the entire culture at risk.

The best interests of the child surely are not pursued through the weakening of their communities and families, which occurs when children are apprehended and relocated. The AIJC goes on to explain that although a child may need to be removed from a particular situation, this certainly does not need to entail removal from their extended families and communities, never to be seen again. Surely children do not need to be permanently removed and kept away from their parents and culture and not told about their true identity. In fact, the best interests of the child are not necessarily universal but should be understood within their cultural context (AIJC 1999). The best interests of *Indigenous* children should perhaps be considered as an entirely different category altogether with distinctive standards and practices (McDonald & Ladd 2000: 40).

Moreover, when judging a parent or family's capabilities outside of their own cultural framework, parents can often be seen to be deficient (Richardson and Nelson 2007: 81). The terms used in child protection are often vague and can therefore be interpreted in many ways and thus lead to "cross-cultural misunderstandings" (AIJC: 1999). For example, "unfit circumstances" and "adequate care" can frequently lead to value judgments by non-Indigenous social workers who have a very different framework for making those calls. When mainstream Canadian families are held as the norm, Indigenous families may appear "deficient" compared to those standards.

Importantly, the assessment of neglect was fraught with cultural misunderstandings. For example, Richardson and Nelson (2007: 80) explain that, "playing outside with other children on the block is often seen as dangerous or neglectful by mainstream standards". They further explain that traditional activities for many Indigenous families may be labeled as neglectful or

even dangerous. Allowing younger children to be supervised by older children or having several children share a bedroom in a small house or racial or linguistic biases against the family can all work against Indigenous families and result in the permanent removal of children (Richardson and Nelson 2007: 80). It could also be quite common for parents to leave children with a neighbour for an indefinite amount of time while they engaged in traditional activities, including seasonal trapping or hunting. This type of behaviour can also be considered neglectful from a non-Indigenous perspective (Palmer and Cooke 1996: 713). Something as minor as poor attendance at school may result in the apprehension of Indigenous children (Palmer and Cooke 1996: 717). This is especially troubling, given the recent experiences many parents would have had in the residential school system. It is not at all surprising that many parents would perhaps not encourage their children to attend government-run schools.

Different parenting styles have also led to misunderstandings and judgments of inferiority. Cull (2006:147) explains that the pacifist parenting style found in many Indigenous communities can appear too lenient for an uneducated social worker. Many Indigenous parents allow freedom and independence for their children, which may be interpreted as neglect by caseworkers.   In sum, cultural misunderstandings may help explain why neglect has been the predominant reason why Indigenous parents are investigated by the child welfare system (2006: 147). In his report, Patrick Johnston explained that this has been due to "the devaluing of and inferior status accorded to the customs and practices of the colonized group by dominant culture" (Johnston, 1983:24).

Kline (1992: 411) explains the faulty notion involved in many child welfare decisions that understands a child's best interests to be individualistic and thus separate from collective interests of the community. More than that, she found that often courts view the interests of the

child and community to be antagonistic. Kline found that considerations for the well-being of the community in child welfare decisions were interpreted by the courts to imply the disadvantage of the child. Misunderstandings by welfare workers and the judicial system of the connection between the interests of children and the larger community group further emphasizes the narrow and ethnocentric conceptions that form the basis of many welfare decisions.

Kline further argues that the child welfare system works to hide the colonial nature of its practices through the "best interests of the child" ideology. The abstract, individualist framework is made to appear natural and neutral and is written into a western legal system. Importantly, this approach ignores the entirely relevant community connections as well as any cultural context in the well-being of a child. In this sense, a child's identity as First Nations, Inuit or Metis and the continuation of that identity is not a consideration in the child's "best interests". The result of this framework leads to a scenario where the removal of an Indigenous child from her or his family and community appears "natural, necessary and legitimate" (Kline 1992: 394). Again, this type of system creates a picture of a child's best interests as something that is completely removed from the familial and cultural context. As Kline argues, if the cultural identity of the child is assumed not to be important, then it is no problem to remove the child from it (1992: 396). Further, collective interests are ignored for individual considerations.

It is important to note that there have been changes from the Sixties Scoop era of child welfare to present day policies and practices. One of the main policy changes has been the inclusion of cultural considerations in welfare decisions. In 1990, a federal policy was implemented that called for the development of culturally appropriate services provided by Indigenous workers (Auditor General of Canada 2008: 7). However, as of 2003, the majority of workers in the child welfare system were non-Indigenous, did not speak an Indigenous language, and only 2 percent were Indigenous (Strega and Esquao: 2009: 19).

One mother explained her concern about the denial of cultural activities to her children while they have been in care,

> And there's some things they don't allow. They don't allow my children to go to any Pow Wows or anything like that. That's what the foster mom told that worker, the worker told her that, the children can't be at any kinds of things like that. So they are denying them their culture as well?...
>
> Yah, they're in a non-Aboriginal foster home… well, I'm thankful they're still in the same foster home. They are being engrained as Christians again, once again. They're not getting exposed to who they really are (Cited in Bennett 2008: 68).

Importantly, one mother felt that she was also being assimilated through the child welfare system in order to regain custody of her children,

> They want you to adopt a different way of… I found that the Aboriginal agencies are starting to do that too… your life has to be done in a certain way to their expectations not the way you're lived or how you've grown up… it's just their perception and that's it. It's their way… they're forcing you to live the way they want to see you not the way you've been living… obviously if your kids have been apprehended you're not doing it right, basically… assimilation isn't that what it's called… to assimilate me to the perfect parent (Cited in Bennett 2008:68-69).

The court process that many Indigenous parents are required to participate in to regain custody of their children is extremely adversarial. This often does not fit with traditional ways of dealing with issues within an Indigenous community, which favour more restorative justice techniques (Palmer and Cooke 1996: 714). Moreover, prior child welfare and judicial experiences that have not favoured Indigenous parents can add to the frustration and perceived powerlessness that may keep parents from even attempting to have their children returned (Palmer and Cooke 1996: 715; Bennett 2008).

Interconnected Issues

The issues of the child welfare system, past and present, are connected to many other ongoing issues facing Indigenous communities, including poverty, housing, substance abuse, low educational attainment, health problems and low life expectancy, high rates of suicide, and

involvement in the criminal justice system, multiple income barriers, racism and discrimination and the high rates of missing and murdered Indigenous women in Canada, among others.

The Sixties Scoop era of the apprehension and relocation of Indigenous children was directly connected to the residential school era. The devastation and disruption to communities and families caused by the residential school system have had reverberating effects. While strong family and community relations can strengthen cultures, the dismantling of those support systems can result in the inability for an individual to make sense of the world (RCAP 1996: 9, 16). Identity issues often surface, especially when a child is raised outside of their cultural group. Decades of residential schools have led to generations of parents who are unable to pass on those cultural interpretations of the world. Furthermore, residential schools disrupted the transference of crucial skills, including parenting skills and other life skills. The often brutal, abusive and neglectful environment of the residential schools was, for some, the only context for child rearing. These actions were then repeated as adults.

It is extremely important to note that current parenting struggles experienced in some First Nations, Metis and Inuit communities are in no way indicative of cultural predisposition to conflict in caregiving. Of course, Indigenous groups have been caring for their own children since time immemorial (Greenwood & DeLeeuw 2006: 173). Fournier and Crey (1997: 81) explain,

> Aboriginal cultures teach that children are special gifts lent by the spirit world; if they are not loved and cherished, they may flee back to the realm from which they came. In traditional times there was no greater dishonour than an extended family who could not look after its own young ones. In rare circumstances where that was the case, the surrounding society always stepped in to share communal responsibility for raising the children.

Green and Thomas agree that traditionally, everyone in the community would have a role in child rearing (2009: 32). Decisions concerning the welfare of a child would be made collectively

by extended families Indigenous communities. Green and Thomas explain, "if someone was unwilling to look after a child, there was a whole community infrastructure that stepped in and made alternate plans to share the responsibility" (2009: 32). The residential school system and implementation of child welfare services in Indigenous communities disrupted those traditional childcare practices.

The child welfare system continues to be a colonial power, expecting the minority group to simply adapt (McKenzie & Hudson 1985: 128). McKenzie and Hudson explain that the dominant group developed the welfare system and Indigenous peoples are now expected to play by those rules or lose their children. Children are geographically and culturally removed from Indigenous communities, while their own traditional methods of child-rearing and managing childcare problems are ignored and devalued. The consequence of this cannot be overstated. By denying the social and political structures that were in place, the state has once again dismantled traditional systems that had been used for many generations by Indigenous groups. This dismantling and devaluation of cultural values and systems ensures the dominant group's powers and justifies their domination over others (McKenzie and Hudson 1985: 131-2).

The widespread apprehension of Indigenous children has resulted in the disruption of intergenerational transmission of knowledge. This knowledge is generally crucial to cultural identity and survival skills. Traditional responsibilities were simply not passed down to generations of Indigenous children (Jacobs 2012: 10-11). Indigenous children are not just removed from their parents; they are removed from their cultural identity. Not only do children sent to non-Indigenous homes outside of their communities lose contact with their own culture, they generally are socialized into the dominant culture and come to devalue their own culture. In

this way, the practices of child apprehension and relocation can directly be linked to the destruction of the ability for communities to survive.

Fournier and Crey argue that "in the foster and adoptive care system, Aboriginal children typically vanished with scarcely a trace, the vast majority of them placed until they were adults in non-Aboriginal homes where their cultural identity, their legal Indian status, their knowledge of their own First Nation and even their birth names were erased, often forever" (1997: 81). In this way, group identity and cultural knowledge was completely taken away from children placed in homes through the Sixties Scoop.

During the Sixties Scoop, it was common practice to separate all siblings, sending them to different homes with no way to contact their family. Some were never able to contact their parents again since adoptions were considered entirely permanent. Many parents were never told what had happened to their children. The large majority of Indigenous children were sent to non-Indigenous homes and communities where there were no other Indigenous peoples. This led to extreme assimilative pressure to for the young children become 'non-Indigenous', since they were so isolated with no promise of return to their communities (Armitage 1993: 151).

Loss of culture and language are common themes in the narratives of Indigenous children placed in non-Indigenous families. One woman explained,

> I get really resentful when people start talking about, you know, all these people who don't have language and culture. I'm, like, where the hell were you? Where the hell were you thirty-five years ago when I was born? Where the hell were you when I was adopted? Where the hell were you for my mother? (cited in Sinclair 2009: 105-106).

Resenting the denial of a traditional upbringing, one woman shared, "I would have liked to learn my language and know more about my tradition. That's what I miss — my language and my tradition, that I lost it, and it's hard to get back and my kids lost it, too" (Cited in Carriere 2010:

25). As she points out, these impacts are transmitted to the next generations as well. Moreover, some children in care had no records or contact with their communities leading to confusion,

> I never really knew until I was eighteen where I was from. I thought I was told that I was Cree, and it wasn't until I was talking to my biological dad one day and he said, "You're not Cree. You're Ojibway. You're from [community] and that's all Ojibway land." I had heard for so many years that I was Cree because that's what I had been told by my adoptive parents and that's what they were told. So, it was a shock, it really was. So, all over the place, I had been learning Lakota tradition, thinking I was Cree, but really [I am] Ojibway (Cited in Carriere 2010: 26).

Another woman shares her feelings,

> They just took us, shipped us off, put us somewhere else and forgot about us. I think they should be accountable for that, because — I know there were good adoptions, and a lot of kids probably had good lives, but I would say the majority of adoptions were— and foster home placements — were not so good. I hear so many stories of things that happened. I hear very few success stories. You know what I mean? I always hear adoptees saying how lost they felt and how disconnected and "Who am I? Who are my people?" Lots of emotional instabilities, like, I put down right here, there's a lot of unrest and I think — I don't know what the government was thinking, what their reason was that they felt they had the right to do this (cited in Carriere 2010: 22).

In additional to direct cultural and identity impacts as a result of apprehension, Indigenous children already experience inequity in life chances compared to non-Indigenous children in Canada. While one in ten non-Indigenous children live in poverty in Canada, for Indigenous children that number jumps to one in four (CCCYA 2011: 34). There are many barriers connected to poverty, including barriers to education, employment, housing and health (CCCYA 2011: 23). Substandard housing is also widespread in many First Nations communities, including the lack of basic services such as running water and sanitation. Currently, the poorest population in Manitoba is youth formerly in care (AGC 2004: 46).

Not only do Indigenous children disproportionately live in poverty, they are also much more likely to come into contact with the criminal justice system. In Manitoba, 84% of the children in custody are Indigenous, while they represent only 23% of the Manitoban population

(Canadian Council of Child and Youth Advocates: 2001:46). Shockingly, Indigenous youth in Canada have a greater chance to be involved in the criminal justice system than graduate from high school (Ibid). A study in 2001 found that the majority of incarcerated Indigenous and non-Indigenous men had lived in care at some point in their youth (McEwan-Morris 2006: 47). Criminal behaviour is especially high for Indigenous youth in care. Additionally, less than ten percent of youth in permanent care graduate from high school and less than five percent go on to post-secondary school (AGC: 55). A high number of Indigenous children in Canada are in the sex trade, a position that leaves them highly vulnerable. Many of the missing and murdered Indigenous women across Canada were in the sex trade and often were formerly in out-of-home care (CCCYA 2011: 40).

Residential schools interrupted the intergenerational sharing of Indigenous cultures and traditional teachings when the government systematically took Indigenous children from their homes and families. Many of the children that have been placed in care have parents who were placed in residential schools. (Bennett et al., 2005: 18). As Bennett et al. (2005: 56) state: "children were the means by which the Canadian government historically gained control over the Aboriginal peoples". In the past and present, the Canadian state has charged itself with the care of Indigenous children.

As of 2007, an Indigenous child in foster care will be placed in three to thirteen homes before they age out of the system (Richardson and Nelson 2007: 80). Some children were found to have been moved between 15 and 37 foster homes (AGC 2008: 44). In 2006 in Manitoba, 85% of the children taken into care were Indigenous, 9% were Metis while 70% were First Nations (Kozlowski, Sinha, Petti & Flette 2011). Currently, Indigenous children are predominantly brought into the child welfare system due to neglect directly related to poverty

(Strega and Esquao 2009: 21). The incidence of poverty among Indigenous families and children continues to rise.

Another lasting effect of the residential school system has been a distrust of education for many Indigenous peoples. Damaging education experiences for parent and grandparents have resulted in a lack of encouragement for their own children to pursue education (Murdock 2001: 14-15). For many Survivors of residential schools, education was not the way to a better life. These devastating experiences have persisted into present views. The former Principal of Winnipeg's Children of the Earth school Mary Courchene explains, "one of the most pervasive tools of attempted genocide, inflicted upon Aboriginal people, was the residential school system…So when numerous Aboriginal students became disconnected and displaced from the families, cultures, languages and communities the result was that dysfunctional living became the norm for generations" (cited in Murdock 2001: 13).

CHAPTER 6: CONCLUSION, LIMITATIONS AND FUTURE RESEARCH

Aboriginal people were not simply caught in an onslaught of development. In fact, they were subjected persistently and systematically to interventions that sought to eliminate or replace Aboriginal institutions with the allegedly better institutions of colonial society. (RCAP 1996: 57).

Genocide in Canada

Canadian Prime Minister Stephen Harper issued an apology on behalf of Canada to the former students of residential schools in 2008. In the apology, he stated,

> Two primary objectives of the residential school system were to remove and isolate children from the influence of their homes, families, traditions and cultures, and to assimilate them into the dominant culture. These objectives were based on the assumption that aboriginal cultures and spiritual beliefs were inferior and unequal. Indeed, some sought, as was infamously said, "to kill the Indian in the child"(Government of Canada, 2008).

While he detailed the forceful assimilation efforts, the forcible removal of Indigenous children from their homes, widespread institutional neglect and numerous abuses and deaths, he stopped short of calling the school system genocide.

The residential school system was supported by a direct policy of forced transfer of Indigenous children from their homes and communities in the interest of separating them from their culture and erasing their "Indianness" (Bennett *et al*., 2005). It was assimilation through education and, as Kelm (1998: 51) argues, education has always been a form of social control. The schools were used to contain and control the bodies of Indigenous children and to separate them from their families and communities in order to interrupt cultural transmission. Importantly, residential schools were not merely a tragedy, but resulted from direct policies of assimilation and forced child apprehension and relocation and less direct policies that allowed for pervasive abuse and neglect (Churchill, 2004b: 67). The effects of the residential school system on Indigenous families in Canada cannot be overstated. The disruption of cultural

transmission for generations, including child-rearing practices, has led to hardships in family life for generations.

The residential schools system can be argued to fit into the goal of eradicating Indigenous peoples as a matter of policy, when the superintendent of the RSS Duncan Campbell Scott declared in

> our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic, and there is no Indian question and no Indian department…. I want to get rid of the Indian problem. (Funk-Unrau and Snyder 2007: 285).

Through the use of residential schools, the Canadian state violently forced Indigenous children to give up their way of life (Chrisjohn *et al.,* 2006: 62). In this way, the residential school system did not merely fail its students in their educational shortcomings; they effectively were used as an outright tool that attempted forced assimilation and therefore genocide.

Genocide is directed at a targeted group. In this case, the federal government made it painfully clear that erasing the 'Indian' was a main goal of the school system. Although an appallingly high number of children died in residential schools, the children's physical lives were not necessarily the target of destruction. However, the destruction of the children as Indigenous children was clear. When changes were made to the Indian Act in 1920 Indian Agents and RCMP officers, on behalf of the state, were further empowered to forcibly remove children from their parents and communities and place them in schools designed to eradicate those qualities that made them Indigenous and assimilate them into non-Indigenous culture.

The future of a group depends on the next generation of children and the group acculturation of those children. Even if no physical harms had been perpetrated against children in the schools, which was the case for some students, the very nature of forced attendance and

forced assimilation qualifies the system as one of genocidal ambitions. If the children of the group are made to no longer be members of the group, through the denial of a collective culture, then the group existence will eventually cease. The group's right to exist has therefore been violated by the perpetrators. Students were denied that collective culture in the school system when they were taught to become Christians rather than practice their own spiritualities, speak English and not their own languages, eat and prepare foreign foods, learn European domestic and labour skills as opposed to skills essential for survival in their own communities and were made to internalize shame for engaging in any of their traditional practices or beliefs. Understanding group life as a network of social relations, one can see how removing children from a group and placing them in a completely different and hostile environment where they cannot speak or interact with their families and community members would suppress those relations. Denial of those relations means that the group cannot survive.

Before and after European contact, there were many Indigenous nations with varying social structures, governing systems, legal traditions and cultural practices. The majority relied on storytelling and oral transmission to impart cultural teachings and lessons and proper social conduct. Students of residential schools were expected to give up their languages, spirituality, beliefs, and worldviews and were denied the opportunity to learn their cultural traditions and skills to survive and thrive in their communities. They were denied the opportunity for their group members to pass on their oral knowledge and teachings to continue to reproduce the foundations of their group life. With the backing of the state, staff in the schools simultaneously taught students to be ashamed of their lifeways while indoctrinating them with new worldviews, beliefs and habits. This was meant to alienate them from their families and nations so that even when they left the schools, they would not again feel comfortable in their communities or

engaging in their cultural practices. In this way, the schools colonized not only the children's bodies but also their minds.

The forced transfer of Indigenous children is especially problematic considering that for Indigenous peoples, the continuation and survival of traditional ways depends on the transmission of that knowledge to the children of the community. When children are removed from their homes, families and communities, "the traditional circle of life is broken. This leads to a breakdown of the family, the community, and breaks the bonds of love between the parent and the child. To constructively set out to break the Circle of Life is destructive and is literally destroying Native communities and Native cultures" (Monture 1989: 3).

Discussion of the Sixties Scoop as genocide is less frequent in the literature; however, even these claims are now gaining traction (for example, Kimelman 1985; Kline 1994; Alston-O'Connor 2010) While many have suggested an attempted cultural genocide, most authors have not explored the concept fully enough. Likewise, many authors have acknowledged the link between the residential school and child welfare systems of child abduction and relocation but have elaborated on the continuities and discontinuities between the systems.

While the residential school system was beginning to wind down in the 1960s (although the last school would not close until 1996), the child welfare system rose to take its place as a system engaged in the apprehension of Indigenous children from their families and communities. The overrepresentation of Indigenous children continues in the contemporary child welfare system, as the percentage of First Nations, Metis and Inuit children in care has not decreased since the 1980s. Most Indigenous children are still placed in non-Indigenous homes and environments.

Indigenous children are not only removed from their parents when placed in care, but they

are generally also removed from their extended families, communities and from their distinct cultures. Since the entire community often participates in child rearing, including grandparents and neighbours, the removal of a child from the community does not only affect the child but has devastating effects for the parents and community as well (Johnston 1983: 60, 69). This analysis led Johnston to conclude that, "the apprehension of Native children weakens Native families and, in doing so, weakens Native society as a whole" (1983:61). The Sixties Scoop and contemporary child welfare practices are still engaged in forcibly apprehending and relocating children away from their families, cultures, languages, and traditional knowledges. Removing an Indigenous child from their community continues to destroy the social relations of the group and to deny those networks.

Non-Indigenous people have largely created child welfare policies in Canada. Legislation will therefore reflect the values and standards of care of Euro-Canadians, which differ from Indigenous cultural values, and material standards (Johnston 1983: 76). Therefore, the apprehension of Indigenous children is still related to the devaluing of Indigenous cultural practices and lifeways by the non-Indigenous people and governments. (Johnston 1983: 79). As long as the dominant, non-Indigenous group creates the legislation and systems that are designed to care for Indigenous families, they will always be inherently biased and discriminatory. Regarding the implementation of child welfare services on reserves, Palmer and Cooke explain that "in summary, the government's initial approach to [Fist Nations] people was to judge them as incapable of rearing their own children; the government applied materialistic standards, ignored the [Fist Nations] community strengths, and pursued a goal of assimilation" (1996: 714). These actions continue today and seriously threaten the well-being of Indigenous communities and the ability for Indigenous groups to raise their families according to their own cultural

practices and traditions.

Ongoing Resistance

Many Survivors of the residential school system began to come forward in the 1980s and 1990s and describe the terrible experiences they had during their time in residential schools. Some Survivors filed lawsuits against the church and state which eventually led to the largest settlement in Canadian history, the Indian Residential School Settlement Agreement. Alongside the monetary settlement, the agreement included a mandate for a Canadian Truth and Reconciliation Commission. The goals of the commission were to gather stories from Survivors and perpetrators of the residential school system across Canada and to share those findings with all Canadians.   Currently in Canada, the Truth and Reconciliation Commission is pursuing a nation-wide reconciliation process into the actions, effects and experiences of the residential school system. While the efforts of the Commission are ongoing, some adoptees from the Sixties Scoop are demanding recognition, compensation and a formal national apology (CBC 2014). There is also a class action lawsuit in Ontario on behalf of Indigenous persons removed from their families during the Sixties Scoop (Debel 2011). Additionally, many former students are asking for more research into this era.

The First Nations Child and Family Caring Society is currently appealing the Canadian Human Rights Tribunal decision regarding their claim that the federal government is violating the human rights of First Nations children by underfunding on-reserve child welfare. While efforts are being made to preserve the cultural heritage and cultural ties for Indigenous children that come into state care, not nearly enough is being done to in terms of prevention and change in the child welfare system. Additional resources are required to implement a child welfare system based on prevention rather than apprehension. In the long run it will be more cost effective, since

"setting priorities in prevention is not only fiscally prudent but is also a humanitarian response to child maltreatment" (Blackstock *at al.*, 2005: 18). Parenting and family support programs that are culturally based and designed towards prevention are required to cease high numbers of Indigenous children being taken away from their families and communities, which does not build healthy communities (Blackstock *et al.*, 2004: 914).

This is supported by The United Nations Committee on the Rights of the Child refers specifically to the rights of Indigenous children in general comment 11 (2009). This document recognizes that "considering the collective cultural rights of the child is part of determining the child's best interests" (UN 2009: 7). The Committee further maintains that in countries "where indigenous children are overrepresented among children separated from their family environment, specially targeted measures should be developed in consultation with indigenous communities in order to reduce the number of indigenous children in alternative care and prevent the loss of their cultural identity" (2009: 11).

The child welfare system must be more accountable in its stated aims for meeting the 'best interests of the child'. Judge Edwin Kimelman succinctly argued, "When the child is abused or neglected within its own family, the state can step in and remove that child for its own protection. Who protects the child when it is neglected or abused by the child welfare system? Who holds the system accountable?" (1985:342). Although under national and legal pressure to answer for the actions of the residential school system and the child welfare system during the Sixties Scoop era, the federal government continues to resist significant change to the system in the present.

In the apology to residential school Survivors, Harper concluded that "There is no place in Canada for the attitudes that inspired the Indian residential schools system to ever again prevail" (Government of Canada 2008). Yet, the same attitudes that led to the removal of

Indigenous children from their homes and communities continued to persist through the Sixties Scoop and are evident in contemporary child welfare practices.

Limitations and Future Research

Although federal day schools were not included in the Indian Residential School Settlement Agreement, many former students are seeking recognition for the harms they experienced. A class-action lawsuit was filed in 2012 against the federal government by Tk'emlups Te Secwepemc and Sechelt bands. They alleged similar practices and goals in the day schools as residential schools, which caused irreparable harm (CTV news 2014). They argued that the fact that day school students were able to go home at the end of the day does not take away from the damage caused by the schools attempting to eradicate their cultures and languages. While day schools were not the focus of this research, there is a definite need for further research that investigates those experiences of the thousands of former students who have been left out of the formal reconciliation process.

Another area for further research could include more detailed statistics about proportional student attendance at day schools and children currently in care. There are many issues to comparing those statistics, however. While absolute numbers are available from some provinces for residential school attendance it is hard to know what proportion of the Indigenous population these figures account for. Moreover, many Indian Affairs records have been destroyed or have not yet been handed over to the Truth and Reconciliation Commission of Canada for analysis. Also, while the residential school system ran for over a century with varying attendance, the Sixties Scoop lasted approximately two decades, and the contemporary child welfare numbers offer a snapshot of children in care at the moment. When looking at student attendance at residential schools, the numbers often consider only school age children while child welfare statistics generally account for all children under 16 years of age or an age group within those parameters. Importantly Indigenous children are also the fastest growing population in Canada. For these reasons, it is challenging and perhaps even misleading to compare absolute or even

proportional numbers of residential school students and children in care throughout the eras. For these reasons, the policies and practices were analyzed rather than a statistical comparison. However, further research could provide a clearer statistical picture.

This thesis has striven to expand on the genocide debate in Canada as well as larger debates in genocide theory. It is imperative to investigate the policies that have led to the residential school system, Sixties Scoop and the present child welfare system that threatens yet another generation of Indigenous children and families. The ability to shed light on the past actions of the Canadian government could hopefully impact current policies in child welfare. While there is an abundance of information regarding Indigenous children and the child welfare system as well as the harms associated with state child abduction from communities, there has been little action from the state to change it. The main findings of this thesis was that residential school system was a form of genocide and that the child welfare system continues to threaten the ability of Indigenous groups to properly acculturate the next generation of children.

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