

**Intimate Integration: A Study of Aboriginal Transracial Adoption in Saskatchewan,
1944-1984**

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By

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ABSTRACT

The term intimacy brings to mind a type of familiarity between people that surpasses mere affection. Intimacy suggests a deeply personal relationship based on shared experiences, love, and the pursuit of common goals. The intimate lives of families, shared in the domestic sphere, are often thought to be beyond the reach of the state. By contrast, this dissertation demonstrates that intimacy has been the focus of the state through Indian Act legislation and child welfare programs that have uniquely intersected through the lives of First Nations and Métis women and children. Aboriginal transracial adoption provides a particularly vivid example of state sanctioned intimacy. Programs such as the Adopt Indian and Métis program, later known as AIM, REACH and the American version, the Indian Adoption Program, (IAP), created intimate bonds between white families and Aboriginal children. Transracial adoption represents a revolution in integration. The period of integration that took shape after the Second World War manifested in increased interventions of social welfare workers who encountered Aboriginal women and children in various domains. Race, gender, and space are interrogated through exploring Aboriginal women's responses to the opportunities provided by increased access to child welfare programs, as well the limitations and serious handicaps that came as a consequence of their particular gendered and racialized location. In Saskatchewan, the CCF government under the direction of Tommy Douglas sought to utilize "technologies of helping", a secular therapeutic social welfare approach to the problem of Métis marginalization and poverty through the Department of Social Welfare and Rehabilitation to effect Métis integration. Initially envisioned as series of government supported colonies to which Métis were relocated, the Métis policy eventually evolved to focus primarily on Métis children, and tangentially on Métis women. The Adopt Indian and Métis program, coming on the heels of failed relocation policies, increasing urban migration, and the compulsory enfranchisement of Indian women who married non-Indian partners, sought to present transracial adoption of Aboriginal children into non-Aboriginal homes as a potential solution to the breakdown of Indian and Métis families. The television advertisements and newspaper articles alerted the Saskatchewan public to the need for their assistance to love and care for needy children.

This dissertation foregrounds concepts of Aboriginal kinship to illuminate the responses of First Nations and Métis leaders and activists to transracial adoption. Often characterized as "cultural genocide", statistics reveal that there were in fact fewer adoptions than other forms of state based child caring provided to Aboriginal children. These concepts of kinship have been useful to provide a connection between calls for Aboriginal control of child welfare, sovereignty, and transracial adoption that emerged in the US and Canada in the latter half of the twentieth century. The tensions between conceptual and political goals and gendered manifestations of colonization have yet to be reconciled.

Utilizing feminist ethnohistorical methodology along with oral histories from activists and Aboriginal peoples, this study proposes that the child welfare system provided both opportunities and oppression. Following the 1951 Indian Act revisions provincial law became applicable on reserve, and child welfare services were provided to Indian people who moved to urban areas. The Adoption Act supplanted former departmentally sanctioned Indian custom adoptions. Indigenous political leaders and activists have sought different methods to restore colonized kinship systems. These legal kinship systems express not only a uniquely Aboriginal identity, but serve to embed Indigenous children into their respective Indigenous political entities, simultaneously reaching backwards and forwards through time.

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TABLE OF CONTENTS

PERMISSION TO USE i

ABSTRACT..... ii

ACKNOWLEDGMENTS..... iv

TABLE OF CONTENTS..... vi

LIST OF ILLUSTRATIONS..... vii

LIST OF TABLES viii

LIST OF MAPS ix

CHAPTER 1. Introduction 1

CHAPTER 2. Intimate Integration: Situating Aboriginal Transracial Adoption in the History of Native Newcomer Relations21

CHAPTER 3. The Ethnohistory of Aboriginal Transracial Adoption: Origins63

CHAPTER 4. Rehabilitating the “Subnormal Family” in Saskatchewan: Tommy Douglas, the CCF and Aboriginal Adoption..... 118

CHAPTER 5. Adopting a Solution to the “Indian Problem”: From Adopt Indian and Métis (AIM) to REACH in Saskatchewan, 1951-19731 179

CHAPTER 6. Vibrations Across a Continent: Saskatchewan’s Review of The Family Services Act (1973), The 1978 Indian Child Welfare Act, and Adoption/Apprehension..... 245

CHAPTER 7. Conclusion 291

BIBLIOGRAPHY 306

LIST OF ILLUSTRATIONS

Figure 3.1. “Experiment with Métis” from Saskatoon <i>Star Phoenix</i> , 1949.....	120
Figure 3.2 Tommy Douglas	137
Figure 3.3 Métis home on the river road, east of Prince Albert Saskatchewan. From author’s collection	143
Figure 3.4 Métis Girls Standing Outside the Green Lake Shelter, 1940’s	150
Figure 3.5 Green Lake Shelter, 1940’s	151
Figure 3.6 Children at the Shelter, 1940’s.....	151
Figure 3.7 Mildred Battel Child Welfare Director 1952-1965, 1960’s	164
Figure 4.1 Reserve Home, 1958	209
Figure 4.2 Ross Thatcher and Métis Children at Green Lake, 1966.....	218
Figure 4.3 Early Newspaper Ads for Adopt Indian and Métis, 1967	223
Figure 4.4 <i>New Breed</i> Magazine, 1973	238
Figure 4.5 <i>New Breed</i> and REACH Ads, 1973.....	239

LIST OF TABLES

Table 4.1 Transracial Adoption in Canada, 1963-1975	226
Table 4.2 10 Years of Provincial Services to Status Indians in Canada.....	226
Table 4.3 Saskatchewan 1973-74 Statistics on Admission of Children into Care.....	227
Table 4.4 AIM adoption Placements (under 10 years) 1967-1970	227
Table 4.5 Provincial Adoption Placements, Saskatchewan	227

LIST OF MAPS

3.1 Métis Road Allowance Communities, c. 1940.....	146
3.2 Métis Road Allowance Communities and First Nations Reserves, Saskatchewan c. 1940.....	147
4.1 First Nations Reserves and Treaty Boundaries, 1871-1906.....	244

CHAPTER 1. Introduction

“The increase in adoption has been viewed by Indian people as a form of assimilation and genocide, however the courts have attempted to negate them by ruling that an Indian child does not lose his-her status upon adoption. This however has not been acceptable to Indian people.”¹

Ovide Mercredi, 1981

“Consider a part Indian child if you are thinking of enlarging your family. The problems are very small and rewards are very great.”²

Adopt Indian and Métis Advertisement, 1967

Sometime during the early part of 1949 on a Saskatchewan First Nations reserve, grandparents wrote to the Provincial Department of Social Welfare to explore the possibility of adopting four of their five grandchildren, ranging in age from eight to fifteen.³ Following their daughter’s death in 1941, the family had followed the proper channels in order to adopt the children and have them enrolled as band members. In 1942, the Indian band council passed a resolution accepting the children. After forwarding the changes to his supervisor, the Indian agent received the following:

In reply, I am returning the signed Resolution to you as I am fully aware of the stand the department will take in this matter, that is they will be against the admission of these children because their mother married an outsider and the children are not considered as Indian under the interpretation of the Indian Act, I am not submitting this to Ottawa.⁴

¹ Ovide Mercredi and Clem Chartier, “The Status of Child Welfare Services for the Indigenous Peoples of Canada: The Problem, the Law and the Solution” (paper presented at the Indian Child Welfare Rights Conference, Regina Saskatchewan, March 19, 1981).

² Adopt Indian and Métis Project Advertisement, Department of Social Services Collection R-935, File I-49, Adopt Indian and Métis Program, SAB.

³ I have omitted information such as names and locations that might identify any of the children and family members who appear in the archival record. This has been done to protect their privacy.

⁴ Department of Mines and Resources, M. Christianson, General Supt. of Indian Agencies, to Indian Agent Bryant, February 1942, RG 10, Acc: 2000-0321-4, File 117/13-4, Pelly Indian Agency-Adoption, 1940-1968, LAC.

The admission was not approved, and the children remained in a state of legal limbo on reserve, cared for by relatives. In 1949, when the family attempted to secure the children's adoption through the Department of Social Services, they were again denied, based on the Indian Act provisions.

While supportive of the adoption, the social worker involved was confronted by the federal Indian Affairs Branch's blatant disregard for the children's wellbeing, and informed the Branch that federal legislation contradicted child welfare practice that attempted to ensure the legal and social protection of children. She wrote, "The children are receiving good care in the respective homes and the younger ones at least would have no recollection of any other home. It would be desirable to give them security of adoption if it is possible."⁵ The Indian agent, who had been interviewed by the worker, stated that he would be willing to recommend this adoption. The reply to this request was consistent with the Indian Affairs Branch position that rigidly enforced the Indian Act membership codes:

For your information I should point out that, generally speaking, I am not much in favour of the adoption by Indians of non-treaty children, as we run into many different kinds of difficulty with regard to education medical cost, etc., and in this particular case, it would appear to me that our department is expected to be saddled with the responsibility of three children while their father is alive and apparently able to re-marry and support a second family.⁶

The Indian agent and social worker acknowledged the children's relationship with their community and kin, but department policy was clear that no white people (their terminology) were to be admitted to the band membership. The Indian agent was chastised for his role in

⁵ Letter, Department of Social Welfare Province of Saskatchewan, to the Indian Affairs Department August 19, 1949 RG 10, Acc: 2000-0321-4, File 117/13-4, Pelly Indian Agency-Adoption, 1940-1968, LAC.

⁶ J.P.B. Ostrander, Regional Supervisor of Indian Agencies to Indian Agent B., Regina, August 22, 1949, RG 10, Acc: 2000-0321-4, File 117/13-4, Pelly Indian Agency-Adoption, 1940-1968, LAC.

advocating the adoption of the children. The director reminded him that, “You are, surely, aware that it is the policy of this branch to not admit any person of white status to Indian membership and as adoption would not change the status of the children they could not be admitted to membership and should not be permitted to reside on reserve.”⁷ Fortunately, despite the intended policy to remove the children and relocate them, they remained on the reserve among their kin.

This example provides a glimpse into the contested nature of race, gender, and kinship among Indian families, the Department of Indian Affairs, and social workers in the early post-war period. In this case, an on-reserve Indian family sought legal adoption as a method of caring for children who lacked Indian status but were still kin. They were denied. Social work professionals considered adoption the best of all possible child welfare options since it provided children with a sense of permanency and belonging and, most importantly, the love only a family could give. However, federally defined Indian status stood in the way of adoption for many children. This example also demonstrates how social workers working with Indian families sacrificed professional and legal responsibilities to ensure the rights of Indian children when faced with the colonizing logic of the Indian Affairs Branch and its legal dictates. While these children did remain with their family, countless other Aboriginal children in similar forms of legal limbo became wards of provincial child welfare agencies.⁸ In Saskatchewan, Aboriginal

⁷ Director MacKay to Indian Agent B, October 3, 1949, RG 10, Acc: 2000-0321-4, File 117/13-4. Pelly Indian Agency-Adoption, 1940-1968, LAC.

⁸ For the remainder of this dissertation, I will use the terms *Aboriginal* and *Indigenous* to refer to Indian, non-status, and Métis peoples. The terms *First Nations* and *Indian* are used to refer to those people who have retained the legal category of Indian according to the Indian Act. I will use the term *Métis* to describe members of the Métis community who identify as Métis and are identified by outsiders such as social workers, policy makers, and politicians as Métis peoples, or half-breeds. The Métis in Saskatchewan are primarily descendants of the intermarriages between Cree and Dene women and French, Scottish, and English fur traders. Distinctive communities arose around fur trade posts, but many were dispersed after 1885. The dispersed Métis people

transracial adoption, or the movement of Saskatchewan's indigenous children permanently into Euro-Canadian families in the late 1960s and 1970s, began to occur increasingly as non-status, First Nations and Métis children started to overwhelm Saskatchewan's Department of Social Welfare and Rehabilitation.

In 1990, author Geoffrey York singled out Saskatchewan's child welfare system as "the most backwards in Canada."⁹ Now, after four decades of political agitation and a number of scathing reports, First Nations and Métis political leaders have signed a Letter of Understanding with the provincial government to begin assuming a greater responsibility for child welfare provision for First Nations and Métis children. In a department press release, Social Services Minister June Draude commented, "These letters confirm that we will work together as partners to change the child welfare system for the long-term well-being of First Nations and Métis children and all other children--a commitment that I am proud to be a part of."¹⁰ The first of the agreements, between the Lac La Ronge Indian Band and the province, was signed on May 15, 2012. Lac La Ronge Chief, Tammy Cook-Searson, and Minister of Social Services, June Draude, both indicated that this new relationship had emerged from the recommendations of the Child Welfare Review Panel final report.¹¹ The band is set to assume child protective services

reconstituted marginal communities along road allowances and in and around Prairie cities. *Non-status* people are those who are descendants of the First Nations who have lost their legal status as Indians, but retain the cultural and kin links to those communities. I will use the terms *non-Aboriginal*, *Euro-American*, and *white* to describe people who do not identify themselves as First Nations, Métis, non-Status, or Inuit.

⁹ Geoffrey York, *The Dispossessed: Life and Death in Native Canada* (Boston: Little, Brown, and Co., Canada, Ltd., 1990), 221.

¹⁰ "Province Works with Partners to Renew Child Welfare System," News Release, Department of Social Services, August 12, 2011, Department of Social Services Website, accessed May 18, 2012, <http://www.gov.sk.ca/news?newsId=92f1354c-c097-472a-ab17-c3b5d130079d>.

¹¹ "Province and First Nation Agency to Partner on Child Welfare Services in the North," News Release, May 15, 2012, Department of Social Services Website, accessed May 18, 2012, <http://www.gov.sk.ca/news?newsId=431e9c2e-9901-4efa-90d8-90f9a1dfadcd>.

such as children's services, including foster care, extended family care, and other out-of-home care, for children; recruitment, retention, and support of foster parents and other family caregivers; and services to 16 and 17-year-olds. It appears that child welfare provision in Saskatchewan is now at a crossroads as the province acknowledges the need for change.

Saskatchewan's Child Welfare Review Panel's report, entitled "For the Good of Our Children and Youth: A New Vision, A New Direction," provides guidance to the provincial government in an effort to resolve longstanding issues of Aboriginal over-representation and foster home over-crowding. Saskatchewan has had the largest proportion of Aboriginal children in the child welfare system in Canada. This first came to light in 1983, when Patrick Johnston published *Native Children and the Child Welfare System*. Between 1976 and 1981, First Nations and Métis children made up approximately 63% of all children in the care of social services.¹² In comparison, in Alberta Native children made up 42%, and in Manitoba roughly 50%.¹³ Since that time, the numbers of Aboriginal children coming into care have been escalating. Between 2000 and 2009, the number of such children went from 2,470 to 4,382.¹⁴ The panel found that in 2009, Aboriginal children accounted for 72% of all children in care while they were proportionally 15% of the population in Saskatchewan.¹⁵ Poverty and the historic relations between Aboriginal peoples and the state were identified by the panel as contributing to the

¹² Numbers taken from Table 11, in Patrick Johnston's *Native Children and the Child Welfare System*. (Toronto: James Lorimer and Company Publishers, 1983), 37.

¹³ Johnston compiled statistics from across Canada, and no province came close to the high proportion of children in their welfare systems. Ontario and Quebec had 8 percent and 2 percent, respectively; 27-53.

¹⁴ Child Welfare Review Panel Report, "For the Good of Our Children and Youth: A New Vision, a New Direction," December 2010, 18, accessed May 18, 2012 <http://saskchildwelfarereview.ca/CWR-panel-report.pdf>.

¹⁵ Valerie J. Galley, Summary Review of Aboriginal Over-Representation in the Child Welfare System, Prepared for the Child Welfare Review Panel, accessed May 18, 2012, <http://saskchildwelfarereview.ca/Aboriginal-Over-representation-VGalley.pdf>.

increasing number of children living outside their family homes. According to the report, a significant historical contributor to this crisis has been the past practice of transracial adoption, the current term for which is “the sixties scoop.”¹⁶ The panel report determined that part of the reason for the rapid increase in numbers of children is the inability for workers to plan for “permanent” homes for Aboriginal children. The author of the report stated that, “In Saskatchewan, the issue of adopting Aboriginal children is of particular concern because so many Aboriginal children are being separated from their parents, their communities and culture.”¹⁷

The panel, perhaps unwittingly, voiced many of the same concerns that had perplexed social workers and bureaucrats since the provinces began to take on the role of providing service to indigenous people. In 1963, one possible solution advanced by Child Welfare director Mildred Battel was the establishment of a national exchange, essentially exporting Aboriginal children, seen as less desirable, since “Most of us can find homes for blond haired, blue eyed babies.”¹⁸ A *Star Phoenix* article from 1965, titled “Indian, Métis Children Pose Adoption Problems for Welfare,” indicated that Indian and Métis children were becoming a disproportionate number of wards, making up one-third of the permanent wards, creating difficulties for social workers to

¹⁶ Child Welfare Review Panel Report, 11. AIM was identified as an extension of the residential school assimilation policy. Coined by Patrick Johnston in *Native Children and the Child Welfare System*, the central tenet of the sixties scoop paradigm is that the government was responsible for removal of First Nations children without justification and placing them in non-aboriginal homes. This position fails to recognize the effects of colonization and the endemic nature of the problems in aboriginal communities; from Cheryl Swidrovich, “Positive Experiences of First Nations Children in non-Aboriginal Foster or Adoptive Care: De-Constructing the “Sixties Scoop,” (M.A. Thesis, Native Studies), 138-142; and this is further supported by research of Raven Sinclair, who agrees that “sixties scoop” is a problematic term--3 of her 16 interviewees were apprehended; the majority were voluntarily relinquished. Raven Sinclair, “All My Relations: Native Transracial Adoption, a Critical Case Study of Cultural Identity” (PhD diss, University of Calgary, 2007), 254.

¹⁷ *Child Welfare Review Panel Report*, 20.

¹⁸ “Adoption Exchange on National Level Seen,” *Saskatoon Star Phoenix*, May 10, 1963.

plan for them due to the lack of willing adoptive homes.¹⁹ In 1967, under the direction of Franck Dornstauder, the problem was transferred from Aboriginal children to the Saskatchewan public. The Department of Social Welfare piloted the project *Adopt Indian and Métis* to educate Saskatchewan families--through radio, television, and guest speaker appearances at clubs and churches across the province--that Indian children were in dire need of permanent homes and families. AIM, as it was later known, stimulated transracial adoption in Saskatchewan and was the only targeted Aboriginal transracial adoption program in Canada. In the 1960s and 1970s, transracial adoption emerged as an ideal solution for social workers to the problem of increasing numbers of children leaving the care of their parents and communities.²⁰

As in the past, Aboriginal leaders today view transracial adoption and fostering as forms of cultural genocide, believing that children should never be placed into non-Aboriginal homes as adoptive children.²¹ In the panel report, Aboriginal leaders pointed out the high number of breakdowns that occur when children reach adolescence, and that children become lost to their extended families and communities. On the other hand, the majority of non-Aboriginal professionals involved in providing child welfare services, from social workers to judges and children's advocates, point out that children without permanent plans for their future risk moving

¹⁹ "Indian, Métis Children Pose Adoption Problems for Welfare," *Saskatoon Star Phoenix*, June 30, 1965.

²⁰ A good look at other failed "solutions" can be found in Noel Dyck, *What Is the Indian problem? Tutelage and Resistance in Canadian Indian Administration* (Memorial University of Newfoundland: Institute for Social and Economic Research, 1991).

²¹ *Child Welfare Review Panel Final Report*, 20-21, echoing the concerns raised by Ovide Mercredi, who eventually became Chief of the Assembly of First Nations in 1991, and Clem Chartier, who became chair of the Métis National Council in 1983, interpreted the increase in Adoptions 1964-65 to 1976-77. "The increase in adoption has been viewed by Indian people as a form of assimilation and genocide, however the courts have attempted to negate them by ruling that an Indian child does not lose his-her status upon adoption. This however has not been acceptable to Indian people." Ovide Mercredi and Clem Chartier, "The Status of Child Welfare Services for the Indigenous Peoples of Canada: The Problem, the Law and the Solution," presented at the National Workshop on Indian child Welfare Rights, March 1981, Regina.

from home to home. The primacy of the permanent parent-child relationship is a fundamental guiding principle in the child welfare system. Differing cultural beliefs about the family inform why adoption, as practiced in the past, has been defined as threatening to indigenous people's collective identity, and children's individual identity as Cree, Métis, or Saulteaux.²²

Indigenous child removal, whether through residential schooling, child welfare policies, or legal means such as loss of status through Indian Act provisions, has a long and sordid history in interactions between Aboriginal peoples and settlers.²³ The historiography in Canadian Native-Newcomer history has primarily focused on educational policies and residential schooling as a means of assimilation,²⁴ while feminist and gender historians have turned their attention to the sexual regulation of indigenous women through legal means such as the Indian Act and provincial laws.²⁵ This dissertation seeks to bring together these three historiographical streams by situating the history of transracial adoption in earlier Aboriginal children removal policies that in large measure functioned as a primary mode of Aboriginal assimilation. The emergence of the overrepresentation of indigenous children in Saskatchewan's child welfare system in the

²²*The Child Welfare Review Panel Report*, 20-21.

²³ A transnational historiography around child removal policies in settler colonial nations is emerging, in large part, based on the work of Margaret Jacobs, *White Mother to a Dark Race : Settler Colonialism, Maternalism, and the Removal of Indigenous Children in the American West and Australia, 1880-1940* (Lincoln: University of Nebraska Press, 2009), and *A Generation Removed: The Fostering and Adoption of Indigenous Children in the Post-War World* (Lincoln: University of Nebraska Press, 2014). A special edition of *American Indian Quarterly* was devoted to the politics of child welfare in settler colonial nations: *American Indian Quarterly* 37, nos. 1-2 (Winter/Spring 2013), which brought together feminist scholars from Australia, New Zealand, Canada, and the US to reflect on the commonalities and differences between countries. A common finding was the prevalence of child removal as a means of assimilation in each location.

²⁴ J.R. Miller, *Shingwauk's Vision : A History of Native Residential Schools* (Toronto: University of Toronto Press, 1996), and John Milloy, *A National Crime: The Canadian Government and the Residential School System, 1879-1986* (Winnipeg: University of Manitoba Press, 1999).

²⁵ Feminist historian Joan Sangster, *Regulating Girls and Women: Sexuality, Family and Law in Ontario, 1920-1960* (Don Mills: Oxford University Press, 2001); Sarah Carter, *The Importance of Being Monogamous: Marriage and Nation Building in Western Canada to 1915* (Edmonton: University of Alberta Press, 2005.)

1960s and 1970s had many causes. This dissertation situates Aboriginal child welfare and transracial adoption policies in the context of post-war Indian and Métis policies, attentive to the impact of the Indian Act's gendered and racialized legal regime on Aboriginal women and children. Child removal and intimate integration into Euro-Canadian (and in some cases Euro-American) adoptive homes was an important cornerstone in the continuum of the colonization of indigenous kinship.

Transracial adoption is primarily a story of boundary crossing and the manifestation of policies of integration in the most intimate form. Previous boundaries erected between indigenous people and settlers relied on a complex combination of state-based legal and spatial separation, as well as pseudo-scientific theories of difference and cultural beliefs of inferiority.²⁶ One area of difference between Indians and settlers that had been frequently remarked upon involves marital patterns, child rearing, and kinship relations. A promising direction for exploring the legal imperative to detribalize and individualize Indian people through remaking kinship has been proposed by Mark Rifkin, who has applied a queer analysis of US Indian policy and discourses around kinship countered with indigenous writings. Heterosexuality is seen as a social formation in which coupling, procreation, and homemaking take on a particular normative

²⁶ For spatial organization of reserves as gendered and raced space in Saskatchewan, see Pamela Margaret White, "Restructuring the Domestic Sphere: Prairie Indian Women on Reserves: Image, Ideology and State Policy (PhD diss., McGill University, 1987); and Sherene Razak "Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George," in *Race, Space and the Law: Unmapping White Settler Society*, ed. Sherene Razak (Toronto: Between the Lines Press, 2002), and in British Columbia, Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia* (Vancouver: UBC Press 2002). For a discussion of the relegation of Indian people to reserves after 1885 through the imposition of the pass system, see Daschuk, *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life*. (Regina: University of Regina Press, 2013); for a discussion of the cultural perception of Indian peoples, see Sarah Carter, *Capturing Women: The Manipulation of Cultural Imagery in Canada's Prairie West* (Montreal: McGill-Queens University Press, 1997).

shape exemplified by the nuclear family.²⁷ He also has observed what I have termed the colonization of kinship, in the US context, saying that “official and popular narratives from the early republic onward demeaned and dismissed the kinds of social relations around which Native communities were structured, denying the possibility of interpreting countervailing cultural patterns as principles of geopolitical organization.”²⁸ He asserts, “kinship gives shape to particular modes of governance and land tenure.”²⁹ Unlike understandings of kinship in Canadian and American society as a biological relationship, in indigenous societies kinship is an active principle of peoplehood, distinct and ultimately unrelated to reproductive notions of bio substance or homemaking. He asks, “How has heteronormativity played a central role in rendering the terms and aims of settler justification self-evident by transposing the modes of indigenous peoplehood into discourses of sexuality, in which they no longer signify as forms of autonomous political collectivity but as a ‘special/savage aberration from the nuclear household?’”³⁰ I concur that indigenous kinship has been misconstrued through discourses of sexuality leading to the regulation of Indian women, and Indian Act provisions for marital relations. However, one must question whether perhaps indigenous kinship has indeed been perceived as an essential aspect of indigenous sovereignty and peoplehood. Colonization of kinship violently sundered not only intimate and familial ties, but also the geopolitical

²⁷ Mark Rifkin, *When Did Indians Become Straight: Kinship, the History of Sexuality and Native Sovereignty* (New York: Oxford University Press, 2011), 7.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid., 10.

connections that extend beyond the human relationships to encompass ties to land, animals, and ancestors, which make up the indigenous identity.³¹

Indigenous legal scholar John Borrows has also explored how indigenous identity is rooted in kinship, in “‘Landed’ Citizenship: An Indigenous Declaration of Interdependence.” He observed,

My grandfather was born in 1901 on the western shores of Georgian Bay, at the Cape Croker Indian reserve. Generations before him were born on that same soil. Our births, lives and deaths on this site have brought us into citizenship with the land. We participate in its renewal, have responsibilities for its continuation, and grieve for its losses. As citizens with this land, we also feel the presence of our ancestors and strive with them to ensure that the relationships of our polity are respected. Our loyalties, allegiance, and affection are related to the land.³²

Indigenous citizenship belongs simultaneously to a political body and also a geographical space. This identity takes shape through the kinship relations expressed through not only biological ancestral connections, but also to places that are claimed through generations.

Indigenous kinship laws shape citizenship and Indian nations. This thesis contributes to the analysis of how legal changes to the Indian Act--in this case the application of Child Welfare and Adoption legislation to Indian people--became an opportunity to secure the intimate integration of children. A study on transracial adoption necessitates an engagement with concepts of kinship, gender, and sovereignty since transracial adoption actively severed ties and reconstituted children as legal members of Euro-Canadian families. While many variants of

³¹ The perception of Kinship as a formative aspect of Indigenous identity can be seen through the titles of recent dissertations on transracial adoption by Aboriginal adoptees. Sinclair, and J. M Maurice, “De-Spiriting Aboriginal Children: Aboriginal Children during the 1960s and 1970s Child Welfare Era” (PhD diss., University of Toronto, 2003).

³² John Borrows, *Canada's Indigenous Constitution* (Toronto: University of Toronto Press, 2010), ProQuest ebrary, 28 October 2014, 138.

custom adoption between communities and cultures took place prior to this period, and still do, there was a distinct change between 1950 and the 1980s when citizenship and integration became the focus of Indian assimilation.³³ Aboriginal transracial adoption rose to prominence as a key solution to the “racial problem,” or put less delicately, the “Indian problem,” as social workers asserted their expertise in not only adjusting the personal deficiencies of Indian and Métis clients, but also enacting the process of integration, one child at a time, in what was a larger project. Beginning in Saskatchewan as a pilot project with the Métis in Green Lake in the early 1950s, transracial adoption peaked between 1970 and the early 1980s, all but ending with an agreement in March 1984 between the Federation of Saskatchewan Indians Nations (FSIN) and the provincial Department of Social Services to find Indian adoptive homes for Indian children. This agreement led eventually to a departmental policy where adoption for Aboriginal children has all but ceased to exist in Saskatchewan.³⁴

The variant of Aboriginal transracial adoption that emerged between 1967 and 1984 in Saskatchewan differed significantly from that of typical Anglo-Canadian infant adoption. In the narrative of “modern adoption”, or the white infant adoption, typically begins with a young mother with an unplanned pregnancy who seeks to provide a secure family for her infant while she can continue with her future plans.³⁵ The child, surrendered voluntarily by the mother at the

³³ Adoption protocols widely vary between indigenous groups as well have evolved and changed over time. The term custom adoption denotes a community-based method of making relatives. I utilize the term traditional adoption and indigenous adoption to reflect the pre-professional era of Aboriginal adoption when band-level decision-making was still operative.

³⁴ *The Child Welfare Review Panel Report* indicates that there is a lack of permanency planning for Aboriginal children in the child welfare system. This has been identified by the Children’s Advocate in Saskatchewan, as well as by Emily Grier, “Aboriginal Children in Limbo: A Comment on *Re R.T.*,” in *Saskatchewan Law Review* 68, (2005): 1.

³⁵ I use the term “modern adoption” to signify the rationalized methodology of social work professionals who took over the mediation of adoptions. This is emphatically not to position Euro-Canadian adoption opposite

hospital, then becomes a wanted child in a new family, hand-picked by social service experts trained in the management of proper kin relations.³⁶ Until now, there has been no study of Aboriginal mothers who have relinquished children for adoption or whose children have been apprehended. Privacy legislation in Saskatchewan prevents researchers from undertaking qualitative or quantitative research on adoption files. One must rely on statistics compiled by social scientists for evidence for a study of transracial adoption. According to statistics compiled by Phillip Hepworth in 1979, Aboriginal mothers rarely relinquished children voluntarily. Hepworth identified that a high proportion of Native children were “illegitimate,” but, unlike white “illegitimate babies,” very few were relinquished for adoption after birth.³⁷ Hepworth found that the primary reason that Indian and Métis children came into care was protection due to neglect. In the years 1973-1974 the numbers varied between 94% and 96%, while for non-Aboriginal children, that number was between 68% and 73%. Thus, a “typical adoption” involving an Aboriginal infant only took place between 4% and 6% of the time.³⁸ This suggests that the majority of Aboriginal mothers attempted to parent children despite economic and social challenges and rarely sought adoption as a voluntary solution. The numbers suggest that Aboriginal children came into care primarily through apprehensions, rather than through

of “traditional” or “custom” adoptions of Aboriginal people. This term is drawn from the scholarship of Ellen Herman, *Kinship by Design: A History of Adoption in the Modern United States*. (Chicago: University of Chicago Press, 2008).

³⁶ There are several excellent newly published histories of adoption from many important angles. Two books document the experiences of the young mothers; see Ann Fessler, *The Girls Who Went Away: The Hidden History of Women Who Surrendered Children for Adoption in the Decades Before Roe vs Wade* (New York: Penguin Press, 2006), 8-9; and Merry Bloch Jones, *Birthmothers: Women Who Have Relinquished Babies for Adoption Tell Their Stories* (Chicago: Press Review, 1993), xiv.

³⁷ I use the term “illegitimate” to reflect the terminology of the time, and not as a label for children of unmarried mothers.

³⁸ Philip Hepworth, *Foster Care and Adoption in Canada* (Ottawa: Canadian Council on Social Development, 1980), 115.

unmarried parents' legislation, with parental consent for adoption provided at the birth. This dissertation seeks to determine what factors have contributed to this difference.

After Phillip Hepworth published *Foster Care and Adoption in Canada* in 1980, it was undeniable that a worrisome number of First Nations and Métis children in Canada did not live in their family homes. In 1977, over 50% of Saskatchewan children in care were Aboriginal, yet they made up only 20% of the total child population.³⁹ Rather than diminishing, the percentage climbed to 67% in 1979.⁴⁰ In the years examined by Hepworth, 25% of children coming into care were First Nations, and 25% Métis. Of those children who became enmeshed in the provincial childcare system, adoption was the outcome for only 3-4% of Aboriginal children. Hepworth observed that, "The available evidence suggests that Native children once apprehended are less likely to be adopted and more likely to stay in care. The question then becomes whether the care child welfare services can provide is likely to be more beneficial than care provided in the child's original home environment."⁴¹ A small number returned to their families, but the majority remained foster children in white foster homes, or moving between families. Analysing the phenomenon of transracial adoption, historian Karen Dubinsky asserts that "numbers provide part of the answer; overrepresentation is simply the racialization of poverty. But so too are the historical interactions of colonialism, which have consistently produced infantilized relations between Aboriginals and the Canadian state."⁴² Adoption of Indian children into non-indigenous legal families in some cases masked issues that were

³⁹ Hepworth, 115, Table 38: All Native Children as % of In-Care Population, 51.5%.

⁴⁰ Johnston, 100.

⁴¹ Hepworth, 121.

⁴² Karen Dubinsky, *Babies without Borders: Adoption and Migration across the Americas* (Toronto: University of Toronto Press, 2010), 81.

essentially matters of poverty and colonization. Cross-cultural analysis of adoption through ethnohistorical research will reveal how transracial adoption has become the dominant paradigm through which to discuss Aboriginal child welfare despite its statistically rare occurrence. Through an analysis of the particular historical and cultural context of post-war Saskatchewan, this dissertation seeks not only to add to the understanding of Aboriginal transracial adoption policies in the past, but also to provide the historical context for the contemporary child welfare crisis in Canada today.

This study begins with three key avenues of inquiry. First, what was the relationship between historic federal and provincial Indian and Métis policies and the emergence of Aboriginal transracial adoption when viewed through the lenses of gender and race? Secondly, how did local race, gender, and social hierarchies contribute to transracial adoption programs from the 1960s through the 1980s in Saskatchewan? Finally, how have indigenous peoples interacted with child welfare authorities and perceived transracial adoption? This dissertation answers these questions by excavating both the cultural and legal origins of transracial adoption. It situates adoption within the key theoretical and historical issues related to race, kinship, gender, and family in indigenous and non-indigenous societies. Chapter 1 begins with a literature review of relevant publications in the history of child welfare and adoption in North American society. Chapter 2 provides an ethnohistory of adoption and kinship in indigenous societies. By examining cases of indigenous adoptions in the pre-World War II period, this dissertation argues that Aboriginal people attempted to utilize the Euro-Canadian legal system to validate indigenous family making and adoption. The indigenizing of the child welfare law with its potential for expanding Indian nationhood and sovereignty came to an abrupt halt in 1951 with the revisions to the Indian Act, which made reserves subject to provincial law and adoption

of non-Indian children by Indians untenable. Chapter 3 explores the provincial policies surrounding Métis rehabilitation, gender, and child welfare legislation with an eye towards locating the origins of Aboriginal over-representation in the system between the years 1944 and 1965. Chapter 4 traces the conflicts between federal law and provincial law surrounding the legal status of illegitimate Indian children between the years 1951 and 1973, and the subsequent creation of Adopt Indian and Métis (AIM) to resolve the issue. The chapter also highlights the use of compelling images of individual Aboriginal children in print and televised media in the American Indian Adoption program, then later in Saskatchewan's Adopt Indian and Métis (AIM) program. These idealized images enabled non-Aboriginal families to consider adopting children languishing in Saskatchewan's child welfare system. This practice of using emotional renderings of children had its origins in the British child rescue movement and was embraced by early adoption reformers in Canada and the US. These forms of advertisements appealed to the public by drawing on emotional and heart-rending tropes of the child rescue.⁴³ Clearly this approach was successful. Legal adoptions of Aboriginal children in Saskatchewan went from 18 in 1963⁴⁴ to approximately 150 in 1981.⁴⁵ Chapter 5 attempts to explain the emergence of a national and international indigenous resistance to transracial adoption. It also historicizes the role of social scientists, and focuses on the politicization of Saskatchewan's Aboriginal activists to critique the logic of Aboriginal child removal. The final chapter, Chapter 6, draws together historical and theoretical insights into kinship and citizenship to explore the politicized discourses around child

⁴³ This topic is explored in depth by historian Laura Briggs, "Mother, Race, Child, Nation: The Visual Iconography of Rescue and the Politics of Transracial and Transnational Adoption" *Gender and History* 15, no. 2 (2003).

⁴⁴ Mildred Battel, "Adoption Exchange on National Level Seen," (interview) in *Saskatoon Star Phoenix*, May 10, 1963.

⁴⁵ Johnston, 37.

welfare in the 1980s that led Aboriginal leaders to characterize transracial adoption as a form of genocide.⁴⁶

This dissertation employs a post-colonial theoretical approach to situate transracial adoption's familial intimacy into a matrix of gender, race, and class relations between post-war settler society and First Nations and Métis women and families. The work of Sylvia Van Kirk and subsequent feminist historians of imperialism and colonization have influenced this approach. Van Kirk's insights into the intersection of gender, race, class, and imperialism in the western Canadian fur trade stimulated others to trace the social construction of difference and the production of social categories.⁴⁷ Drawing on Van Kirk's research, Ann Laura Stoler urges scholars to attend to the practices of comparison of various colonial governments in the intimate frontiers of empires.⁴⁸ Her work has demonstrated that colonial authority is dependent on shaping affect or the development of emotional connections, severing some bonds, and establishing others. Through intimate colonial practices, policies such as child welfare and transracial adoption contributed to the creation of new types of bodies and structures of feeling, developing new habits of heart and mind.⁴⁹ The malleable nature of modern adoption enabled Aboriginal children to be recast, not as members of a doomed and dying race, but as future citizens reared by proper families. The transformation of Aboriginal children after WW II seen

⁴⁶The chapter was first published as an article in a special edition of *American Indian Quarterly* 37, no. 2 (Spring 2013). Permission has been granted to include in this dissertation.

⁴⁷ A recent publication pays homage to the groundbreaking work of Van Kirk, assessing the significance of her scholarship to Aboriginal history, Western history, and women's history worldwide. See eds Robin Jarvis Brownlie and Valerie J. Korinek, *Finding A Way to the Heart: Feminist Writings on Aboriginal and Women's History in Canada* (Winnipeg: University of Manitoba Press, 2012); Sylvia Van Kirk, *Many Tender Ties: Women in Fur Trade Society 1670-1870* (Winnipeg: Watson and Dwyer, 1999).

⁴⁸ Anne Laura Stoler, "Tense and Tender Ties: The Politics of Comparison," in *Haunted By Empire: Geographies of Intimacy in North American History*, ed. Ann Laura Stole (Durham: Duke University Press, 2006), 24.

⁴⁹ *Ibid.*, 2.

through the discourses utilized in the AIM campaigns by the Saskatchewan Department of Social Services drew “normal” everyday white families into the business of integration through appeals to their sense of civic duty and the timeless visual appeal of homeless children.

I also utilize feminist ethnohistorical analysis of anthropological source material on the Métis and Cree people of Saskatchewan in this period to gain insight into indigenous understandings of adoption and kinship.⁵⁰ Oral history with Aboriginal elders, adoptees, and leaders has shaped my understanding of transracial adoption and the experiences of child welfare intervention in the 1960s and 1970s. At the outset of my dissertation research, I contacted an elder who had been recommended to me for his traditional knowledge of adoption and Saulteaux protocols from Kinistin First Nation. For my interviews, I spoke with two former children in the child welfare system, one of whom was Métis and the other Cree First Nations, three female activists involved in the Saskatchewan Native Women’s Movement, two of whom were Métis, and the other a Cree First Nations woman. Three of the interviews were also with Cree First Nations elders from James Smith Cree Nation. Mid-way through my research, an elder contacted me to share her story of attempted child removal. I received approval from the University of Saskatchewan’s Behavioural Research Ethics Board to conduct interviews with elders and families of origin.⁵¹ For this study, I conducted nine interviews in total in accordance with the ethical and privacy guidelines laid out in the *Tri-Council Policy Statement on Ethical*

⁵⁰ Critical forms of feminist ethnohistory in Canada include Mary Ellen Kelm, *Colonizing Bodies: Aboriginal Health and Healing in British Columbia, 1900-1950* (Vancouver : UBC Press, 1999); and Mary Ellen Kelm and Lorna Townsend, eds., *In the Days of Our Grandmothers: A Reader in Aboriginal Women's History in Canada* (Toronto: University of Toronto Press, 2006); Myra Rutherdale and Katie Pickles, *Contact Zones: Aboriginal and Settler Women in Canada's Colonial Past* (Vancouver: UBC Press, 2005); Robin Brownlie, *A Fatherly Eye: Indian Agents, Government Power, and Aboriginal Resistance in Ontario, 1918-1939* (Don Mills: Oxford University Press, 2003).

⁵¹ University of Saskatchewan Behavioural Ethics Board (Beh-REB) Approval, Feb. 13, 2012, BEH# 11-74.

Conduct for Research Involving Humans. These interviews provided this dissertation with significant data on experiences of First Nations and Métis families, as well as cultural teachings around child rearing and kinship.⁵² I chose to focus widely on the Aboriginal people who have inhabited the province of Saskatchewan from the twentieth century onward, while cognizant of the distinctive cultural make-up and community diversity of the various groups. Their shared experiences of the settler colonial provincial framework, geographical setting, and commonly experienced interventions by social workers have informed my decision to include all Prairie First Nations and Métis peoples in this study.

Conceiving of Aboriginal transracial adoption as a field of historical inquiry requires a thorough consideration of the ethical issues surrounding design, research, and distribution of findings from this project. At the outset, I sought out direction from an elder and leader recognized as knowledgeable about traditional practices and contemporary challenges that First Nations people face. Midway through my research, I then established a relationship with Métis Nation of Saskatchewan, which put me in touch with Métis elders that were willing to share their knowledge with me. In addition, I have been guided by the Six Principles of Métis Health Research when conducting interviews with my Métis participants. The first of these is the importance of building reciprocal relationships that promote equality between the researcher and the Métis community. The second principle stresses the importance of respect for the individual as well as the collectivity. The third principle ensures that I provide a safe and inclusive environment for the participants. The fourth principle is to respect the diversity of the Métis people in their worldviews and beliefs. This concern is based on the recognition of diversity

⁵² Canadian Institute of Health Research, Natural Sciences and Engineering Research Council of Canada, and Social Sciences and Humanities Research Council of Canada, *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans*, December 2010.

among the Métis and on the understanding that Métis identity can be situated anywhere on a continuum from contemporary to very traditional. The fifth principle stipulates that research should be relevant to those involved, and that it should evenly benefit both the researcher and the community. Finally, the sixth principle requires that researchers should be knowledgeable about Métis history and the Métis cultural context.⁵³ I believe that I adhered to each of these principles to the best of my ability. As a Métis adoptee, I feel deeply committed to my community and aspire to have this research reach a wide and diverse audience.

Archival documents in provincial, federal, and private archives in Canada and the United States supplied the bulk of the material on government policies and individual adoptions. Reading against the archival grain of policy documents and newspaper articles has shed light on the cultural, social, historical, and political forces that brought adoption to the forefront of discussions over citizenship and integration. Weaving together the competing narratives of transracial child welfare--one emanating from Euro-Canadian society, the other from indigenous scholars, activists, adoptees and elders--demonstrates that both co-exist in uneasy balance. Adoption in indigenous societies has served to create familial relations where none previously existed, ensuring the family lineages continued, collective memories were passed down, children were cared for, and strangers were transformed into kin. More than a method of providing childless couples with the opportunity to parent, or orphaned children with the security of a permanent home, adoption included men, women, and children. Throughout each chapter of this dissertation, Aboriginal and non-Aboriginal forms of kinship and child caring are foregrounded, presenting opportunities to understand the meaning of belonging, gender, and family in post-war English Canada.

⁵³ National Aboriginal Health Organization (NAHO), "Six Principles of Métis Health Research: Ethical Principles to Guide the Métis Centre in its Work," accessed May 1, 2012, www.naho.ca/Métiscentre.

CHAPTER 2.

Intimate Integration: Situating Aboriginal Transracial Adoption in the History of Native Newcomer Relations

Research into transracial adoption in Canada has only just begun. As an academic topic, it is situated at the intersection of studies on policy, law, family, gender, culture, and Aboriginal activism. As such, this analysis has drawn on a number of current academic publications in a cross-disciplinary approach. The transnational historiography of child removal demonstrates that transracial adoption as a method of assimilation shares common elements with other settler-colonial locations. Nevertheless, its particular manifestations in Saskatchewan from 1950 to 1983 are firmly embedded in the local and national Native-Newcomer relations in Canada. Recent publications in kinship and gender provide new insight into the significance of child removal policies from the early residential school to the contemporary child welfare crisis.

Native-Newcomer historiography in Canada has detailed the significance of policy and education in shaping relations between First Nations and the state. J.R. Miller has termed the Department of Indian Affairs' policies for Indian assimilation carried on from the late nineteenth century up until the end of the Second World War "the policy of the bible and the plough."

¹ These policies were embodied in church-run residential schools, reserves, and heavy-handed tactics of cultural and spiritual repression. Taken together, these all aimed at breaking down communal land holding on the prairies, with the goal being the eventual absorption of First Nations into the body politic. Miller's later work on residential schools looked specifically at those schools from the perspective of church, First Nations, and government, highlighting the

¹ J. R. Miller, *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada*, 2nd edition. (Toronto: University of Toronto Press, 1989, 2000), chapter 11.

role of the schools in shaping gender identities of Indian children through clothing, work regimes, and curriculum.²

More than merely educational facilities, Miller alludes to the importance of the residential aspect of the schooling, which had children live away from parents and communities for a significant portion of the year. Miller demonstrates that, from early contact onward, Europeans expressed a desire to socialize Indian children in the European context. An experiment began with the first Recollect boarding school that opened in 1620 in the colony of New France. Four of the eight original pupils sent off eventually ended up in the care of the French. Their European instructors found it difficult to “curb the Indian youths’ freedom loving ways.”³ The initial experiment failed but was followed shortly by the Jesuit experiment. The instructors found that removing children from the parents prevented parental interference, stating, “We would not be annoyed and distracted by the fathers while instructing the children.”⁴ Later, in 1635 Champlain observed that children also played a larger political purpose in establishing relations between the two groups. In exchange for the promises of European goods, Christianity, and military support, the Huron were asked to “next year bring many of their little boys, whom we will lodge comfortably, and will feed, instruct and cherish as if they were our little Brothers.” Miller notes that, indeed, some First Nations groups did surrender children to the French boarding schools in 1636, and also Indian people requested schooling from officials and in treaties.

² J. R. Miller, *Shingwauk's Vision : A History of Native Residential Schools* (Toronto: University of Toronto Press, 1996).

³ *Ibid.*, 40.

⁴ *Ibid.*, 41.

From the origins of contact, the exchange of children has served both political and assimilatory purpose. The early experiment in residential schooling was replicated by Anglican missionaries, and by Confederation, boarding schools run by missionary societies were spread through the former British colonies. The schools that were established between 1883 and the turn of the century were part of the federal Indian policy, operated by the missionary bodies.⁵ John Milloy also explores the residential school system, connecting it with the increasingly coercive post-Confederation colonization regime. Milloy states that, “In the vision of education developed by both the church and the state in the final decades of the 19th century, it was the residential school experience that would lead children most effectively out of the ‘savage’ communities into ‘higher civilization’ and ‘full citizenship.’”⁶ Despite the lack of success and the high death rates, schools became routine from 1923 to 1946.

Milloy also finds that after 1946, the department began closing schools in response to the push for Indian integration and a desire to wind down the system. However, some Christian churches fought to maintain the schools. He notes that after 1951, the schools were less for the purpose of education, and increasingly filled the gap as child welfare institutions. He states, “Those [neglected children] had become in the post war years, a significant portion of the residential school population, giving a new purpose to the schools as elements of an expanding post-war welfare state. That purpose prolonged the life of the residential school system.”⁷ Orphaned or “illegitimate” Indian children became inmates in the residential schools, masking the social conditions troubling families and communities in this period.

⁵ *Ibid.*, 114.

⁶ John Milloy, *A National Crime: The Canadian Government and the Residential School System, 1879-1986* (Winnipeg: The University of Manitoba Press, 1996), 22

⁷ *Ibid.*, 190.

Studies in comparative Canada-US policy history demonstrate that both countries have drawn upon their British legacy founded on the Royal Proclamation of 1763 when formulating post-colonial Indian policy. Roger Nichols points to the importance of the Royal Proclamation for establishing future treaty making that called for the separation of Crown lands and Indian lands. Indigenous people retained their title to their lands, and although the British Crown ultimately held the title, Indian people were permitted to use and occupy those lands.⁸ Following the American War of Independence, Americans abandoned their colonial agreements, sending Indians on the East coast west of the Mississippi in its removal policy. At that time Canada began to establish its civilization policy, based on the establishment of missions with schools, farming, and political status of wardship.⁹ In both countries, wardship was the legal designation given to indigenous peoples. In the US, it was based on the 1831 *Cherokee Nation vs Georgia* case, in which it was determined by Chief Justice John Marshall that Indians were “domestic dependent nations,” and their dependency was formally established in law.¹⁰ In Canada, after the 1841 Act of Union and the Bagot Report of 1844, a greater emphasis was placed on reducing government expenditures on Indians by encouraging individual assimilation. The Bagot commission established that the past use of day schools had been unsuccessful, suggesting removal of children from parents to “manual labour schools” run by Christian missionaries and funded by the government as a solution.¹¹ Nichols found that in both countries, boarding schools

⁸ Roger L. Nichols, *Indians in the US and Canada: A Comparative History* (Lincoln and London: University of Nebraska Press, 1998), 129.

⁹ *Ibid.*, 185.

¹⁰ *Ibid.*

¹¹ *Ibid.*, 194.

became the primary means of securing assimilation, through the use of removal, isolation, and education of indigenous children.¹²

David Wallace Adams's *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* discusses the importance of the boarding school education within the larger project of nation building in the US. The idea of social evolution, drawn from the research of anthropologist and social theorist Lewis Henry Morgan's *Ancient Society: Or How Researches in the Lines of Human Progress from Savagery to Barbarism to Civilization*, provided the intellectual framework for the system. Based on the belief in education for the uplift of Indian peoples from the low status of "upper savagery" or "lower barbarism," schools sought to offer children the opportunity to advance from the barbarism of their homes and families to the lower rungs of Western civilization. While earlier policies of removal and military conquest had been deemed untenable, assimilation of children replaced it. Wallace states, "After all this, the white man had concluded that the only way to save Indians was to destroy them, that the last great Indian war should be waged against children."¹³ Two key ideas driving the schools were, first, to educate children on the importance of the nuclear family for property, inheritance, and moral respectability; and second, inculcation of the importance of private property, on which rested the entire edifice of civilization.¹⁴ The goals of the system

¹² Ibid., 214.

¹³ David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence: University of Kansas, 1995), 14.

¹⁴ Ibid.

were to provide the rudiments of academics, the creation of individuals, and Christianization, while establishing proper Euro-American gender roles and sexual mores.¹⁵

Margaret Jacobs builds on these insights by assessing the contribution of middle-class women to schooling offered by the state to indigenous children in the US and in Australia. She situates women's participation in the context of nineteenth-century maternal feminism. At this time, middle-class women gained legitimacy in the public realm through providing "uplift" to Indian children in schools. Drawing upon the insights of Sylvia Van Kirk into the connection between colonialism and gender, Jacobs traces the close relationships that developed between women responsible for transforming indigenous bodies of children and homes, as an outcome of their close proximity in the schools.¹⁶ Early in the US boarding school programs, white women reformers played an integral role in implementing child removal. Over the course of their involvement as missionaries, teachers, and matrons, they began to question colonial policies, leading them to organize with indigenous women against the removal campaigns by the 1920s.¹⁷ Jacobs finds that the contradiction in employing white women as maternal agents of the state was, in fact, the intimacy that the boarding school experience engendered. Intimacy led the women to challenge the goals of the Indian Bureau and to demand that children be raised by parents in their homes and concluded that poverty, rather than culture, created the "Indian problem."¹⁸

¹⁵ Ibid., 173.

¹⁶ Margaret D. Jacobs, *Settler Colonialism, Maternalism, and the Removal of Indigenous Children in the American West and Australia, 1880-1940* (Lincoln: University of Nebraska Press, 2009), 11.

¹⁷ Ibid., 371.

¹⁸ Ibid., 392.

Along with education, historians who have studied the impact of government policy on indigenous peoples have connected colonization and ill health. Maureen K. Lux demonstrates, in *Medicine that Walks*, that disease became a function of race in the late nineteenth and early twentieth centuries.¹⁹ Politicians and doctors saw ill health as a racial condition rather than recognizing that poverty and hunger lay at the root of most illness in Indian communities. The turn of the century Plains people faced both bacteriological invasions and economic marginalization. This work demonstrates how the racial construction of ill health functioned as an excuse to deny medical care and proper rations promised in treaties, but most damningly, to deny children in residential schools proper care or to fail to finance improvements. The racialized discourse of Aboriginal diseases created a climate where poverty and medical care were denied; likewise because of the neglect, settler populations developed the perception that reserves were “repositories of disease.” In response to demands from white residents, governments imposed harsh measures such as quarantines that prevented already hungry people from either working or obtaining food. Thus, elimination took the guise of racialized discourses of ill health in the post-treaty era.

Mary-Ellen Kelm’s *Colonizing Bodies: Aboriginal Health and Healing in British Columbia, 1900-1950* also challenges the contention that poor health is a necessary consequence of contact by demonstrating that there are also political, social, biological, and cultural causes of ill health. Kelm looks at Aboriginal health not only through policies for Euro-Canadian medical care provided by authorities, but as a larger issue related to the loss of land in British Columbia, an inability to access adequate resources, and the transition from being autonomous entities to becoming imprisoned on reserves. Residential schools were an important element of this period,

¹⁹ Maureen K. Lux, *Medicine That Walks: Disease, Medicine and Canadian Plains Native People, 1880-1940* (Toronto: University of Toronto Press, 2001).

and ill-health dominated the schools. She dismantles the political rationale used to justify the schools, that they were necessary to save children from their dirty and diseased homes and particularly their unassimilated mothers who failed to understand Anglo-Canadian standards of hygiene. Residential schools, in keeping with her analysis of the construction of Aboriginal bodies, were meant to violently “re-form” children’s bodies through adoption of Euro-Canadian hygienic practices and appearances. The second half of the book illustrates the simultaneous persistence of traditional Aboriginal healing and emergence of the medical profession as the front line in early twentieth century colonialism. In this case, the “combination of a sense of obligation with the notion that cultural change for the First Nations was essential to their physical well-being created a compelling argument for providing First Nations with medical care.”²⁰ Medical care and missionary evangelization often went hand in hand in an effort to control and reform Aboriginal bodies.

Historians have identified the post-war era as a watershed in the history of Native-Newcomer relations. US historian Donald L. Fixico’s *Termination and Relocation: Federal Indian Policy, 1945-1960* traces the development of Indian affairs policies aimed at terminating tribal land holdings and collective Indian identity. Under President Harry Truman, termination policies attempted the integration of Indians into the American melting pot. The answer to Indian poverty and illness was believed to be equality of opportunity.²¹ John F. Leslie’s PhD dissertation examined the policy shift that took place between 1943 and 1963 as Canadian policy

²⁰Mary-Ellen Kelm, *Colonizing Bodies: Aboriginal Health and Healing in British Columbia, 1900-1950* (Vancouver: UBC Press, 1996), 103.

²¹ Donald L. Fixico, *Termination and Relocation: Federal Indian Policy, 1845-1960* (Albuquerque: University of New Mexico Press, 1986), 38.

makers sought a more enlightened approach to the administration of Indian Affairs in Canada.²² Hugh Shewell's history of relief provision by Indian Affairs likewise identified the post-war period in Canada as shifting Indian policy toward integration after the revisions of the Indian Act in 1951. While his work is primarily focused on the origins of Indian welfare dependence, he identifies the post-war period of integration and citizenship as a new assimilation scheme. The discursive term *integration* was employed by the Indian Affairs Branch to consciously signal a rupture with earlier policies of assimilation. Shewell states, "Beginning in the 1950's, Indian social policy and social assistance programs, increasingly reflected the broad objectives of citizenship and integration. For some time, the Welfare Division was central to these objectives, and was the dominant division within the IAB."²³ The role of the state shifted from that of a protective position to a developmental function. The new secular focus utilized the research of social scientists to assist with creating the Indian citizenship through improvements in living conditions and health standards.²⁴ According to Shewell, two obstacles that prevented the success of the new integration model were lack of desire by Indians and a lack of acceptance by other Canadians. While Shewell provides an important start, there is no mention of child welfare, there is a lack of attention to gender, and the study ignores Saskatchewan.

Liberalism and the individualizing tendencies of the federal Indian policies is the focus of Jessa Chupik-Hall's master's thesis, "Good Families Do Not Just Happen." In it, she makes an important connection between integration and the increasing overrepresentation of Aboriginal

²² John F. Leslie, "Assimilation, Integration or Termination? The Development of Canadian Indian Policy, 1943-1963," (Ph D Dissertation, Carleton University, 1999.)

²³ Hugh Shewell, *"Enough to Keep Them Alive": Indian Welfare in Canada, 1873-1965* (Toronto: University of Toronto Press, 2004), 173.

²⁴ *Ibid.*, 153-155.

children in child welfare systems across Canada.²⁵ First, she documents the absence of preventative family support by Indian Affairs Branch (IAB). Rather, the IAB utilized its nationwide system of Residential schools primarily after World War II as child welfare institutions for Indian children whose families were unable to care for them. This system masked the increasing difficulties facing Indian families in the post-war period. Likewise, the application of equality rhetoric, embodied in “They are not Indians, they are just people,”²⁶ served to justify the extension of provincial services, while further accomplishing the goal of integration. While equality rhetoric was portrayed as noble, in fact children did not receive equal treatment because of the lack of in-home preventative services that non-Indian children and families routinely received.²⁷

Byron Plant’s PhD dissertation on British Columbia looks at the period when Indian people went from being government wards to Canadian citizens between WWII and 1969. While the work is primarily policy oriented, Plant also includes the reactions of Aboriginal elders and leaders who lived through this period.²⁸ Although there was much that was unique in this transition, the primary goals remained. Plant argues that, “After WWII the integration of Indians into provincial institutions came to be seen as a new structural means for assimilation.”²⁹ This form of integration took place through phasing out significant boundaries that had been erected, through Indian Act legislation, between Indian people and others. Whereas Shewell looks at

²⁵ Jessa Chupik-Hall, “‘Good Families Do Not Just Happen’: Indigenous People and Child Welfare Services in Canada, 1950-1965” (MA Thesis, Trent University 2001).

²⁶ *Ibid.*, 64.

²⁷ *Ibid.*, 66.

²⁸ Byron King Plant, “The Politics of Indian Administration: A Revisionist History of Intrastate Relations in Mid-Twentieth Century British Columbia” (PhD diss., University of Saskatchewan, 2009).

²⁹ *Ibid.*, 11.

this period as federally determined, Plant looks at the transfer of federal responsibility to provincial governments in health, education and welfare, as coming in large measure at the insistence of Indian peoples. Applying a revisionist lens, he questions the hegemonic power of the state in the lives of Aboriginal peoples.³⁰ Plant argues that, contrary to the dominant paradigm of Aboriginal victimhood, British Columbia's Aboriginal people demanded provincial services. This is decidedly different than in Saskatchewan, where Indian leadership resisted provincial services; it is nonetheless likely that some accepted provincial services and some attempted to work alongside it.

“Integration,” Plant argues, “was a mission administrative in both design and function.”³¹ However, integration permeated all aspects of governmental approaches to the “Indian problem” after WWII, and much of this focus hinged on children. Transracial adoption remains the single most intimate example of this. Children were given new names, and their past ties to families and communities severed. For all intents and purposes they became as completely integrated as possible in the heart of Euro-Canadian ideal families handpicked by the state to rear indigenous children.

John Lutz's work on wage labour and relief in British Columbia adopts the approach of relationality. Like Plant, he argues “The state was not a single entity, but rather a hydra-headed being that pursued many different policies at once, some of which were at odds with others, and some of which, at least on particular issues, supported Aboriginal people.”³² He places Aboriginal voices in the history because in doing so, “integrating Aboriginal voices with non-

³⁰ Ibid., 20.

³¹ Ibid.

³² John Lutz, *Makuk: A New History of Aboriginal White Relations* (Vancouver: UBC Press, 2008), 287.

Aboriginal voices turns history into a dialogue.³³ Unlike Shewell, he contends that “welfare colonialism” was not something the state willingly embraced. The Department of Indian Affairs paid relief to Aboriginal people primarily because the regulations of other provincial agencies limited Aboriginal access to both the subsistence and cash economies. Aboriginal people, for a variety of factors, were squeezed out of the developing economies of agriculture, fishing, harvesting, etc., and relief became its replacement.³⁴ His study ends in 1970, and he concludes that “welfare has ensured that Aboriginal people did not starve and that they continue to have an alternative to wage work--but at a very high price.”³⁵

Former economist Helen Buckley traces the failure of IAB policy to bring prosperity to western Canadian reserve residents, and, like Shewell, is interested in locating the origins of welfare dependency among First Nations people. She begins by insisting on the distinctness of Prairie First Nations from those in the East or British Columbia. In the Prairie provinces, First Nations experienced the disastrous demise of the buffalo economy, followed by a stalling in reserve agriculture, while northern communities dependent on the trap line experienced economic decline with reductions in trap line incomes later in the twentieth century. She points out that reserve conditions worsened as white prosperity increased.³⁶ In the mid-twentieth century in western Canada, there was a collapse of the reserve economy, predicated by government policies aimed at making subsistence farmers out of First Nations people, and of economic development that relied on renting out reserve lands to white farmers. Out of this

³³ Ibid., 47.

³⁴ Ibid., 238-9.

³⁵ Ibid., 273.

³⁶ Helen Buckley, *From Wooden Ploughs to Welfare: Why Indian Policy Failed in the Prairie Provinces* (Montréal: McGill-Queen's University Press, 1992), 70.

collapse came the contemporary origins of poverty, exacerbated by state-delivered income supplements. Mothers' allowances came at a time when trap lines were circumscribed by CCF policies. Buckley alerts readers to the gendered effects of state policies on families, policies that undermined the role of men as women and children moved into villages and towns for children to attend school. Some men, unwilling to trap without their families, were no longer able to play a provider role. In large part, the purpose of the Native family underwent a profound shift with the new sedentary lifestyle in the northern villages.³⁷

Like elsewhere in Canada, the CCF recognized that Indian people were no longer a dying race and crafted policies aimed at the eventual integration and citizenship of First Nations and Métis peoples through equal access to health and social services.³⁸ Previous historical study of CCF Native policy has been approached from traditional topics of political organization and government relations and neglected to fully interrogate the role of the Department of Social Welfare and Rehabilitation in the overall policy of Aboriginal integration. Jim Pitsula has looked at the CCF government liberal ideology of Indian integration, and its three-pronged approach to integration, of which the creation of a single voice for the Treaty Indians in Saskatchewan in the Federation of Saskatchewan Indians was but a part.³⁹ Historian Laurie Barron challenged Pitsula's characterization of the CCF's liberal democratic individualizing

³⁷ Ibid., 72.

³⁸ Between 1941 and 1959, the Aboriginal population in Saskatchewan doubled from 12,783 to 23,000; Laurie Barron, *Walking in Indian Moccasins: The Native Policies of Tommy Douglas and the CCF* (Vancouver: UBC Press, 1997), 101.

³⁹ Jim Pitsula, "The Saskatchewan CCF Government and Treaty Indians, 1944-64," *Canadian Historical Review* 71, no. 1 (1994). He discusses the CCF liberal democratic philosophy regarding Indian policy in the province that sought to eliminate special status. Through providing Indian people with the provincial vote and amending liquor laws to allow Indians the right to drink alcohol, as well as transferring the responsibility for Indian people from the federal government to the province, the CCF believed they would remove the barriers that prevented Indian people from enjoying the same prosperity as the non-Aboriginal citizens in the province.

strategy when documenting the Native policies of the CCF. In *Walking in Indian Moccasins*, Barron argues that the CCF recognized the collective identity of Aboriginal political organizations, whether farmer or Native group, and were sympathetic to aims of the group. He believes that “concern for Native community was generated both by the administrative dictates of the day, and by a socialist philosophy predicated on the notion of government assistance to the disadvantaged.”⁴⁰ In it he argues that Saskatchewan politicians and bureaucrats saw problems faced by Métis and Indian as similar, stemming from the belief that poverty and marginalization could be overcome through reform and rehabilitation policies that would eventually lead to integration into provincial services.⁴¹

In an earlier article, Barron focused on the brief development of Métis farm colonies jointly undertaken with the Catholic Church in Willow Bunch, Lebret, and Green Lake. In attempting to explain the logic of establishing the Métis colonies, Barron refers back to the CCF Social Gospel base, which was “premised on the doctrine of love and it proclaims the sanctity of cooperation as opposed to competition, hence it represents an explicit rejection of the ‘survival of the fittest’ ethos.”⁴² As part of the Métis rehabilitation policy, colonies, like Indian reserves, would enable the Métis to gradually assimilate and become competitive in mainstream society. The colonies were intended to be temporary, perhaps one generation; in actual fact they lasted a little over a decade.⁴³ With schooling and farm instruction, co-operatives, and oversight, colonies were meant to enable the Métis to develop the necessary skills and competencies to

⁴⁰ Barron, 30.

⁴¹ Barron, 61.

⁴²See Appendix 1 for a list of colonies and Road Allowance Communities in Saskatchewan. From F. Laurie Barron, “The CCF and the Development of Métis Colonies in Southern Saskatchewan during the Premiership of TC Douglas,” Accessed March 14, 2013, <http://www3.brandonu.ca/library/cjns/10.2/barron.pdf> 251.

⁴³ Ibid., 261.

enter non-Native society. Inherited from the Patterson government, they were under the direction of the Department of Social Welfare and Rehabilitation and were eventually abandoned by 1960 as a viable response to Métis integration, after which the government sought to integrate Métis people individually as they became part of the urban landscape.⁴⁴

While Barron depicts the CCF colony scheme in the southern portion of the province as unproblematic, other historians have been more critical in their analysis. Despite the lofty goals initially envisioned by the CCF, scholars have documented the failure of the CCF Native policy in the colonies and in the north, and the development of Native dependency and increased poverty. While the government provided aspects of protection such as through health and education, paternalism pervaded the provision of these services.⁴⁵ Despite the rhetoric of rehabilitation, Murray Dobbin and, later, historian David Quiring both argue that the CCF maintained a colonial relationship with the Native people, failing to develop northern resources or a meaningful economic strategy that could bring the Indian and Métis inhabitants into the economy.⁴⁶ Meetings with communities and the establishment of co-operatives are examples of the reforms pursued in the early days of the CCF in the north.⁴⁷ The policy being judged a failure by 1948, Dobbin argues, the government went “into a full retreat in the area of Native rehabilitation.”⁴⁸ What he has characterized as Native rehabilitation was, in fact, not

⁴⁴ Ibid.

⁴⁵ Murray Dobbin, “Prairie Colonialism: The CCF in Northern Saskatchewan, 1944-1964,” *Studies in Political Economy*, 16 (1985): 5.

⁴⁶ David M. Quiring, *CCF Colonialism in Northern Saskatchewan: Battling Parish Priests, Bootleggers and Fur Sharks* (Vancouver: UBC Press, 2004), 190.

⁴⁷ Dobbin, 14.

⁴⁸ Ibid., 16.

rehabilitation but support of self-determination and, in fact, what took place after this retreat was a much different face of Native rehabilitation.

After 1950, the combined effects of the policy of centralization, introduction of a cash-based economy in the North, and implementation of the fur marketing system, devastated the Aboriginal families who had previously been self-sufficient, semi-nomadic trappers and fishers. Gender roles, which had been stable and equitable prior to these changes, dramatically shifted, with men increasingly unable to provide for their large families.⁴⁹ Dobbin finds that it “was clear that the government was made aware from various sources, of the crisis that Native people were facing and measures needed to halt and reverse the process, and it consciously chose to reject such measures.”⁵⁰ The reason Dobbin gives for this clear example of CCF failure was its ideological and political background. With the CCF roots in agrarian social democracy and populist character, Social Gospel, and egalitarian focus, Native needs did not fit into any paradigm.⁵¹ Primarily, the CCF and the Saskatchewan electorate perceived the Métis as impediments to the progress of the province. Dobbin correctly concludes that the CCF party that grew out of the settler colonial project, and its leadership, reflected the concerns of the farmers and small businesses that helped it win its first majority. Quiring attributes the failure of the CCF socialist policies in the north in part vaguely to the white politicians and bureaucrats’ “various non-socialist and non-political beliefs and attitudes,” indicating that the socialist CCF behaved in ways that were similar to other non-socialist governments elsewhere in Canada.⁵²

⁴⁹ Ibid., 22.

⁵⁰ Ibid., 29.

⁵¹ Ibid., 32.

⁵² Quiring, 256.

Missing from the historical accounts of CCF Native policy are experiences of Aboriginal women, hampering historians' abilities to fully comprehend gender and racial implications for rehabilitation policies for Indian and Métis people in the province. In the West, historians have demonstrated that as Euro-Canadian settler society emerged after the Northwest Resistance of 1885, racial and gender boundaries became more rigidly enforced, especially for Aboriginal women.⁵³ During the early settlement period, prairie Indian women were confined to reserves, and Métis women largely became invisible in the rural and urban settlements. After 1945, Aboriginal women once again became visible in settler society. The disciplining gaze of the state turned on Métis women who were not conforming to the proper maternal role. With the introduction of Mother's allowances in 1945, which encouraged settlement into villages and small communities so children could attend school, social workers and anthropologists evaluated Aboriginal's women's domestic and maternal abilities through the bodies of Métis children.

While settler colonialism has its focus on ensuring the settler/indigenous dichotomy, Métis people are a troubling exception to this binary.⁵⁴ Excluded from Indian Act legislation and considered outside pioneer and settler society, Saskatchewan's Métis occupied an increasingly marginalized space in the urban and rural Prairie landscape.⁵⁵ Emma LaRocque's writing has

⁵³ Sarah Carter, *Capturing Women: The Manipulation of Cultural Imagery in Canada's Prairie West* (Montreal: McGill-Queen's University Press, 1997), 185; Adele Perry, *On the Edge of Empire: Gender, Race, and the Making of British Columbia, 1849-1871* (Toronto: University of Toronto press, 2001), 123.

⁵⁴ For a thorough analysis of the Métis place in Canadian imagination and law see Camilla Charity Augustus, "Mixed Race, Legal Space: Official Discourse, Indigeniety, and Racial Mixing in Canada, the US and Australia, 1850-1950," (PhD Dissertation, University of Saskatchewan, 2013).

⁵⁵ *Métis*, the French term meaning to mix, derived from the Latin "miscere," has been adopted to describe all people of mixed European and First Nations ancestry descended from the fur trade. Previously, Métis was applied only to French-speaking mixed-ancestry peoples. D. Bruce Sealey and Antoine S. Lussier, *The Métis: Canada's Forgotten People* (Winnipeg: Pemmican Publications, 1975), 1-2; Jacqueline Peterson and Jennifer S.H. Brown, introduction to *The New Peoples: Being and Becoming Métis in North America* (Winnipeg: University of Manitoba Press, 1985), 4.

served to awaken scholars to the lived experiences of Métis women to challenge neat timelines or idealized versions of Aboriginal culture.⁵⁶ The impact of racist and sexist stereotypes on the day-to-day lives of Métis women who experienced violence both inside and outside Aboriginal society forms an important element when considering issues of child welfare, especially when it was women who were left with child rearing responsibilities the majority of the time. In *Halfbreed*, Maria Campbell tells her powerful story of growing up in post-war Saskatchewan and the impact of racism, poverty, and sexism in her life, as well as her perception of child welfare workers.⁵⁷ For these two women, decolonization has meant defending themselves against the racism, but sexism also. Stereotypes that emerged at the outset of permanent Euro-Canadian settlement on the Prairies have persisted, depicting women as “dissolute, dangerous, and sinister as compared with their fragile and vulnerable pure-white counterparts.”⁵⁸ Métis women experienced a distinctive version of discrimination that effectively segregated them socially and economically from both Indian and white society.

As one of the most intimate forms of integration, adoption remains an under-examined topic by historians engaged in Native-Newcomer scholarship. Academic publications on transracial adoption and Aboriginal child welfare have primarily been the domain of social work professionals and social scientists. In the early 1980s, social scientists in Canada began to alert Canadians to the developing crisis in Aboriginal families. First identified by Philip Hepworth in

⁵⁶ Emma LaRocque, “The Colonization of a Native Woman Scholar,” in *Women of the First Nations: Power, Wisdom, and Strength*, ed. Christine Miller and Patricia Chuchyryk (Winnipeg: University of Manitoba Press, 1996).

⁵⁷ Maria Campbell, *Halfbreed*. Canadian lives. Vol. 16. (Halifax, N.S.: Goodread Biographies, 1973).

⁵⁸ For a discussion of the image of Aboriginal women in popular discourse, see Sarah Carter, *Capturing Women: The Manipulation of Cultural Imagery in Canada’s Prairie West*. (Montreal: McGill-Queen’s University Press, 1997) see especially Chapter 5. In *Sharp Relief: Representations of Aboriginal Women in the Colonial Imagination*, 159.

1980 in *Foster Care and Adoption in Canada*, “Aboriginal overrepresentation” in child welfare systems across Canada became a national problem.⁵⁹ In 1981, social workers Pete Hudson and Brad McKenzie applied the “Agent of Colonialism” theory to explain the unfolding child welfare crisis. This perspective has had a lasting impact on subsequent publications. The key piece of evidence was the statistical over-representation of Aboriginal children in the child welfare system.⁶⁰ The authors concluded that at the heart of child removal was the loss of cultural and political autonomy of Aboriginal peoples, stating that

a conflict perspective of race relations leads then to an examination of colonialism...the child welfare system has been and continues to be, involved as an agent in the colonization of Native people. It is argued that this view provides a more complete understanding of the current failures in the Native child welfare field, and that the measures to decolonize the system are both necessary and possible.⁶¹

As an agent of colonization, the child welfare system operated as another government-directed method of assimilating Aboriginal people. Similar to the health system or educational system, child welfare subordinated Aboriginal ways of knowing, replaced indigenous knowledge systems, perpetuated the dominant-subordinate relationship by removing children, and ignored Aboriginal input.⁶²

Building on the findings of Hudson and McKenzie, Patrick Johnston’s 1983 study, *Native Children and the Child Welfare System*, also pointed to the jurisdictional disputes between the

⁵⁹ Philip Hepworth, *Foster Care and Adoption in Canada*. (Ottawa: Canadian Council on Social Development, 1980).

⁶⁰ Pete Hudson and Brad McKenzie, “Child Welfare and Native People: The Extension of Colonialism,” *The Social Worker* 49, no.2 (Summer 1981): 65.

⁶¹ Ibid.

⁶² Ibid., 66.

federal and provincial governments as contributing to the problem of Aboriginal child welfare in Canada. He noted that, “The jurisdictional factor has been of particular importance to Alberta, Saskatchewan and Manitoba. None of those provinces has ever had a province-wide agreement with the federal government, formal or informal, to extend its child welfare services to reserves.”⁶³ Saskatchewan’s only child welfare agreement for provision of services to on-reserve children and families was for social workers to apprehend children in life or death situations and adoption. In addition, cultural differences in child rearing, kinship, and individual vs collective rights also played a role.⁶⁴ Provincial child welfare officials with middle-class cultural values and material standards unfairly judged poor families.⁶⁵ These two early attempts to locate the high numbers of children removed from their homes as the outcome and practice of colonization provide a useful starting place but fail to account for geographical variation, gender, historical specificity, or the material effects of poverty and residential schooling on Aboriginal people.

Social work professional and adoption researcher Margaret Ward published *The Adoption of Native Canadian Children* at a transitional moment in the history of Aboriginal transracial adoption.⁶⁶ Unlike earlier works by Patrick Johnston and Hudson and McKenzie, Ward presented a neutral analysis of the state of transracial adoption at a time when many Aboriginal groups called for its abolition. She touched on the variance across the country, examining each province’s statistics and programs in a historical fashion. In doing so, she identified a great deal of variation from province to province. For example, Saskatchewan was unique in Canada in the

⁶³ Patrick Johnston, *Native Children and the Child Welfare System* (Toronto: James Lorimer and Company Publishers, 1983), 66.

⁶⁴ *Ibid.*, 60-70.

⁶⁵ *Ibid.*, 76.

⁶⁶ Margaret Ward, *The Adoption of Native Canadian Children* (Cobalt, Ontario: Highway Book Shop, 1984).

development of the racially specific adoption program, Adopt Indian and Métis.⁶⁷ Likewise, she remarked on the influence of the American adoption program ARENA in stimulating cross-border and transracial adoption. She was supportive of adoption, particularly in Saskatchewan, where Aboriginal children were coming into care at increasing rates, and adoption seemed to provide children with the best possible opportunity for a family. Her approach was out of step with the times but reflected her viewpoint as a social worker that the best outcome for individual children could be achieved through adoption.

Aboriginal child welfare scholarship lagged for a decade until the early 1990s, when a resurgence in interest by social scientists, legal scholars, feminist and Aboriginal scholars occurred. The lack of improvement led scholars to grapple with the origins and ideological basis for Aboriginal child removal policies in an attempt to determine the cause of the current child welfare crisis. Social work professional Andrew Armitage looked comparatively at colonial and post-colonial policies of Aboriginal assimilation, including child welfare services policies. Armitage assessed the different measures adopted by former British colonies for indigenous assimilation. He considered child welfare and transracial adoption to be modern assimilation methods employed by governments aimed at inculcating the values of the dominant societies. He pointed out that in Canada social welfare departments were poorly managed and poorly funded by the federal and provincial governments. He asserted that past child welfare practice was “a concealed form of colonial rule, using common mainstream agencies which were based in one

⁶⁷ Ibid., 8.

culture and which ignored the cultures of Aboriginal peoples.”⁶⁸ While this assertion seems plausible, it fails to state exactly how this takes place in practice.

Joyce Timpson’s PhD dissertation in Social Work examined the increase of apprehension in northern Ontario in the 1960s and 1970s, using oral histories from Aboriginal peoples, CAS workers, and government employees.⁶⁹ She took a broad approach to the topic of family breakdown and subsequent intervention, concluding that child apprehensions increased due to, “serious cultural trauma following relocation, loss of independent means of support, and the new educational systems that were incompatible with their traditional beliefs and lifestyles. These stressors revealed themselves in the high rate of alcohol abuse precipitating incidents involving the child protection agency.”⁷⁰ She identified three factors in creation of the child welfare crisis in northern Ontario: the equality ideology, ignorance about Aboriginal people, and lack of systemic flexibility for applying different approaches. This study addressed three factors that shaped disproportionate rates: child welfare policy and programs, the socio-economic context of Native communities, and the response of the Children’s Aid Societies.⁷¹ Her use of geographical, historical, and cultural specificity enabled readers to grasp the complex and multilayered elements that have contributed to the issue of Aboriginal child welfare. Her research also revealed the interrelationship between relocation schemes and the impact on

⁶⁸ Andrew Armitage, *Comparing the Policy of Aboriginal Assimilation: Australia, Canada and New Zealand*, 232. Vancouver, UBC Press, 1995, 232.

⁶⁹ Joyce Timpson., “Four Decades of Child Welfare Services to Native Indians in Ontario: A Contemporary Attempt to Understand the Sixties Scoop in Historical, Socioeconomic and Political Perspective”. (PhD Dissertation, Wilfred Laurier University, 1993)

⁷⁰ *Ibid.*, xvi.

⁷¹ *Ibid.*, 6.

families and communities. This dissertation has also connected this issue in Saskatchewan with the Métis relocations of the 1940s and 1950s.

Indigenous and feminist scholars have theorized how gender, race, and class have shaped the provision of welfare services to poor and racially marginalized women. The late Haudenosaunee scholar Patricia Monture confronted the systemic racism of the child welfare system and courts, and accused the system of committing genocide. She stated in her article, “A Vicious Cycle,” that “removing children from their homes weakens the entire community. Removing First Nations children from their culture and placing them in a foreign culture is an act of genocide.”⁷² Like the criminal justice system, the child welfare system removed people from communities. Addressing the system’s rationale of “Best interests of the child,” she attributed child removal and the breakdown of the Indian family to racism and white privilege.

Legal scholar Marlee Kline published a series of articles that explored Aboriginal child welfare law from a critical feminist theoretical approach. In the first article, “Complicating the Ideology of Motherhood: Child Welfare, Law and First Nation Women,” Kline identified the cultural bias inherent in child welfare practice and application of child welfare law to indigenous families. Kline critiqued the Euro-Canadian understanding of motherhood to expose the cultural norms of the nuclear family and white middle class standards that denigrated Aboriginal extended families and community standards, utilizing judgments from recent court cases.⁷³ In her following article, Kline exposed the ideological processes that led to discrimination against Indian children and families in the courts. Kline deconstructed the “Best interests of the child”

⁷²Patricia Monture, “A Vicious Cycle: Child Welfare and First Nations,” *Canadian Journal of Women and the Law* 3 (1989-90): 3.

⁷³ Marlee Kline, “Complicating the Ideology of Motherhood: Child Welfare, Law and First Nation Women,” *Queen’s Law Journal* 18 (1993): 306.

concept that guides each element of child welfare decision-making. She identified how liberalism has structured racism, and the use of the best interests of the child ideology has created “apprehensions as natural, necessary and legitimate rather than coercive and destructive.”⁷⁴ Courts and social workers have not viewed children’s identity or culture as an area worthy of consideration when determining how best to protect children since the use of nineteenth-century liberal tenets of individualism, abstraction, universalism, and impartiality eliminate such a possibility.⁷⁵ She identified the origins of the system in the post-war era discourse of integration, which had the goal of “economic assimilation of Indians into the body politic.”⁷⁶ Kline differentiates the era of integration from earlier periods of assimilation and claims that “the result of the extension of provincial social welfare law on reserve was the further colonization of First Nations and the erosion of the political and social structures.”⁷⁷ Kline’s critical intellectual history of hegemonic notions of family and protection provides a useful starting point for exploring transracial adoption policies in the West.

Dorothy C. Miller identified how patriarchy underpins the modern welfare state. The norm of the nuclear family with the male breadwinner serves to reconstitute female dependence by establishing the ideal as the reproducing, dependent wife. This paradigm fails to recognize that for African-American women in the US, or Aboriginal women in Canada, marriage does not mean the end of poverty.⁷⁸ She terms enforced female dependence as the “patriarchal necessity.”

⁷⁴ Marlee Kline, “Child Welfare Law, ‘Best Interests of the Child’ Ideology and First Nations,” *Osgoode Hall Law Journal* (1992): 375.

⁷⁵ *Ibid.*, 384.

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*, 389.

⁷⁸ Dorothy C. Miller, *Women and Social Welfare: A Feminist Analysis* (New York: Praeger, 1990), 45.

This is further perpetuated through the foster home system, and the adoption system, which relies on women as a cheap source of labour. She states, “The care of children is women’s work and there is still the notion that it should be done on a voluntary basis, out of mother love, even for other people’s children.”⁷⁹ Transracial adoption and fostering programs in Canada relied on women’s caring work to support indigenous children relinquished or apprehended by the state. This message was imparted to women through Adopt Indian and Métis ads that stressed the singular importance of love and care for Indian and Métis children.

Karen Swift extended the critique of the child welfare system in Canada through her post structural feminist analysis of the category of child neglect. Swift utilized an historically specific anti-oppressive critical analysis that focused on how discourses of child neglect reproduce relations of ruling.⁸⁰ Her approach identified how the legal and social category of neglect works to mask divisions of class, gender, and race. The ideology of motherhood, based on the middle-class nuclear model, places the responsibility for childcare on the shoulders of mothers, as well as attributes neglect to mothers, without considering the obstacles faced by poor women. Factors that interfere with women’s ability to nurture and support children, such as colonialism, alcoholism, violence, and lack of resources, all fall under the category of neglect. Swift stated that “the legalization of child welfare continually reinforces the idea of neglect as a personal problem rather than as the visible appearance of underlying social relations.”⁸¹ Poor single-parent families gain access to state-sponsored resources such as day care, homemaking, or

⁷⁹ Ibid., 97.

⁸⁰ Karen Swift, *Manufacturing “Bad Mothers”: A Critical Perspective on Child Neglect* (Toronto: University of Toronto Press, 1995), 37.

⁸¹ Ibid., 175.

parenting classes firstly through protective child welfare legislation as clients of the system. Swift states, “Mothers must become incompetent in order to qualify for the resources they need. In appearing incompetent, they bring the supervision and scrutiny of the agency upon themselves.”⁸² This doubled-edged sword for poor Aboriginal women has been additionally complicated by the disputes between the federal and provincial governments, which both debate who should provide funding and services to Indian people.

The Sixties Scoop paradigm has become the primary explanatory framework applied to the history of child removal in Canada. It originated from a passage in Johnston’s 1983 book, *Native Children and the Child Welfare System* that attributed the overrepresentation of Aboriginal children in the child welfare system to the ethnocentrism of individual social workers. Due to their middle class value system and goal of ultimate assimilation, social workers “scooped” up Aboriginal babies and children from communities for adoption into white homes. In this approach, social workers operated from a standpoint of conscious assimilative motivation in removing children. Testimony from a former B.C. social worker

Admitted that the provincial social workers would, quite literally, scoop children from reserves on the slightest pretext. She also made it clear, however, that she and her colleagues sincerely believed that what they were doing was in the best interests of the children. They felt that the apprehension of Indian children from reserves would save them from the effects of crushing poverty, unsanitary health conditions, poor housing and malnutrition, which were facts of life on many reserves.⁸³

On one hand, this quotation points to the well-intentioned desire on the part of individual social workers to rescue children from the devastating material conditions they faced, but fails to acknowledge the historical factors that led to those conditions in this first place. Placing the

⁸² Ibid., 125.

⁸³ Quotation from Johnston, 23.

focus on frontline social workers obscures the larger legal and political history of Canada's indigenous peoples.

Recent Canadian scholarship is beginning to challenge this concept as an appropriate model to explain a complex historical problem. Transracial adoption research is beginning to incorporate experiences of adult adoptees and assess the existence of the problematic Aboriginal transracial adoptee identity.⁸⁴ Negative assessments of the health and psychological wellbeing of adoptees have been used to support the moratorium on transracial adoption and the demand for First Nations control of Aboriginal child welfare. Cheryl Swidrovich's master's thesis deconstructed the discourse of the Sixties Scoop through contrasting the positive experiences of former child wards with the Saskatchewan Provincial Ministry of Social Services with the politicization of child welfare in the 1980s. Swidrovich was highly critical of the explanatory framework of the "Sixties Scoop," situating it in the period when Aboriginal political organizations were seeking to expand their rights and obtain control over child welfare services. Using the interviews from former children raised in substitute care, she attempted to create a space for former First Nations and Métis foster children and adoptees who had positive experiences about their interactions with the child welfare system.⁸⁵

⁸⁴ Terminology used to describe Aboriginal transracial adoptees include Scoopsters in Canada, and in the US, Split Feathers, Lost Children, Lost Ones, and Lost Birds. Researcher Carol Locust identified what she terms the "Split Feather Syndrome" in Aboriginal and Native American transracial adoptees. It is defined as "a cluster of long-term psychological liabilities exhibited by American Indian adults who experienced non-Indian placement as children." She concludes that every Indian child placed in a non-Indian home for either foster care or adoption is at great risk of long-term psychological damage as an adult. Accessed June 23, 2014 <http://splitfeathers.blogspot.ca/p/split-feathers-study-by-carol-locust.html>

⁸⁵ Cheryl Marlene Swidrovich, "Positive Experiences of First Nations Children in Non-Aboriginal Foster or Adoptive Care: De-Constructing the "Sixties Scoop" (MA thesis, University of Saskatchewan, 2004.)

Firsthand experiences of adoption shed light on the complexities and contradictions that run through the lives of Aboriginal people who have been made wards of the state.⁸⁶ Adult survivors of child welfare policies have attempted to resolve their often individualized experiences of disconnection and questions about their identities by writing and researching on adoption and connecting with others who have also been through the system.⁸⁷ These personal accounts reveal the human component missing in academic publications.⁸⁸ Ernie Crey, Aboriginal activist and a survivor of the foster care system in British Columbia, links the emergence of the child welfare system to the impact of residential schools on Aboriginal families.⁸⁹ Adoptee Jeannine Carriere has written extensively on transracial adoption in Canada.⁹⁰ Her dissertation looks at the impact of child removal (adoption) on the health and personalities of the Aboriginal adoptee. Carriere applies both a Western theoretical framework

⁸⁶ Tara Turner, "Re-Searching Métis Identity: My Métis Family Story" (PhD dissertation, University of Saskatchewan, 2010) looks at how the death of her grandparents led to her father and his siblings' distribution between foster care, residential schools, and for the youngest siblings, into permanent adoptive homes. The reunion of all the siblings in later life, and reflection on their Métis identity, forms the bulk of the dissertation. Her family history reveals the contradictory role of adoption in at once offering the opportunity for new beginnings, and simultaneously severing past ties and kinship relations with families of origins and Aboriginal ancestry.

⁸⁷ See J.M. Maurice, "De-Spiritizing Aboriginal Children: Aboriginal Children during the 1960s and 1970s Child Welfare Era" (PhD diss., University of Toronto, 2003) for an analysis of the impact of the child welfare system in Saskatchewan on the author's childhood and, L. Nicholson, "Native People and the Child Welfare System: A Study of Multigenerational Experience" (master's thesis, University of Toronto, 1996).

⁸⁸ Two powerful documentaries that follow the journey of former adoptees to reconnect with their birth families are *A Place in Between: The Story of an Adoption* (National Film Board of Canada, 2007), and *Red Road: The Barry Hambly Story* (Lost Heritage Productions, 2005).

⁸⁹ S. Fournier and E. Crey, *Stolen from Our Embrace: The Abduction of First Nations Children and the Restoration of Aboriginal Communities* (Vancouver, BC: Douglas & McIntyre, Ltd., 1997).

⁹⁰ Jeannine Carriere and Cathy Richardson, "From Longing to Belonging: Attachment Theory, Connectedness and Aboriginal Children in Canada," in *Passion for Action in Child and Family Services: Voices from the Prairies*, ed. S.M. McKay and D. Brown (Regina: Canadian Plains Research Centre, 2009); Jeannine Carriere and Susan Strega, *Walking This Path together: Anti-Racist and Oppressive Practice in Child Welfare* (Halifax: Fernwood Publishing, 2009); Jeannine Carriere and Susan Scarth, "Aboriginal Children: Maintaining Connections in Adoption," in eds. Ivan Brown, et al., *Putting a Human Face on Child Welfare: Voices from the Prairies*, (Centre for Excellence in Child Welfare, 2007).

of Human Ecology alongside Aboriginal scientific theory to better understand the interconnections between adoption and wellbeing for Aboriginal children. She is especially interested in the spiritual aspect of transracial adoption. She concludes that children removed from their parents and communities suffer from profound loss, on an emotional as well as spiritual level.⁹¹

Raven Sinclair's PhD dissertation in Social Work from the University of Calgary, entitled "All My Relations," located the history of transracial adoption within the framework of colonization.⁹² An Aboriginal adoptee from Saskatchewan, she conducted interviews with adoptees to examine the impact of transracial adoption on the development of Indian identity in individuals, and the utility of the Sixties Scoop framework to explain their experiences.⁹³ She concluded that the Sixties School does not fit with the context of Saskatchewan, qualitative data, or statistics she reviewed. Rather, it has been a catchall phrase based on the British Columbia case. Further, her core finding shifted the focus of transracial adoption research from the purported problematic identity of Aboriginal adoptees to the larger Canadian cultural context where racism negatively impacts Aboriginal adoptees,⁹⁴ She asserts that adoptees have become bi-cultural, inhabiting both Native and non-Native societies.

A similar study in the US by Indian Adoption Project adoptee Susan Devan Harness explored issues of culture, class, and power to craft a space for understanding Indian adoptee identity and situate experiences of exclusion from both Euro-American societies and Indian

⁹¹ Jeannine Carriere, "The Role of Connectedness and Health for First Nation Adoptees" (PhD diss., Social Work University of Alberta, 2005).

⁹² Raven Sinclair, "'All My Relations': Native Trans-Cultural Adoption: A Critical Case Study of Cultural Identity" (PhD diss., University of Calgary, 2007).

⁹³ See especially Chapter 5.

⁹⁴ Sinclair, 270.

communities when adoptees attempt to reunite with families. The search for belonging for transracial adoptees has been hindered by invisible boundaries marked by race, class, and kinship that adoptees must negotiate. She stated, “Legally sanctioned, closed adoption made it difficult to scale membership walls.”⁹⁵ Adoptee voices are critical sources of qualitative data that could be used to evaluate the impact of transracial adoption programs and to suggest future directions in policy. Rita Simon and Sarah Hernandez surveyed twenty Aboriginal adoptees between the ages of twenty-five and fifty-nine years old to determine how they perceived their adoption or fostering in white homes. Of the thirteen women interviewed, ten rated their experience as positive, and six of the seven men did as well.⁹⁶ Many had eventually reunited with their families of origin. Three of the interviewees were born in Canada. Individual interviews revealed a multitude of circumstances that led families to relinquish children for adoption. Overall, adoptees described themselves as bi-cultural individuals who felt that transracial adoption was an acceptable method of family making.⁹⁷

Over the past two decades, research on adoption has greatly increased, revealing the historical origins of what we now call “modern adoption.” Modern adoption developed alongside the growing proliferation of state regulation in the lives of citizens on both sides of the 49th parallel. The professionalization of social work from 1890 to 1945 played an important role in moving adoption into mainstream acceptance. Regina Kunzel identified the shift in ideology from maternalist evangelical women who sought to keep mothers and babies together, to

⁹⁵ Susan Devan Harness, *Mixing Cultural Identities through Transracial Adoption: Outcomes of the Indian Adoption Project (1958-1967)* (Lewiston: Edwin Mellen Press, 2008), 131.

⁹⁶ Rita J. Simon and Sarah Hernandez, *Native American Transracial Adoptees Tell Their Stories* (Lanham: Lexington Books, 2008), 13.

⁹⁷ Eighteen of twenty Adoptees felt that non-Natives could raise Native children; *Ibid.*, 355.

professional social workers redefining illegitimacy and making new determinations of the best interests of the child.⁹⁸ Julie Berebitsky looked at the origins of adoption as both a legal and familial relationship in American society from 1851, date of the passage of the first adoption law, to 1945.⁹⁹ She traced the changing discourses on adoption through the child rescue campaign in the popular magazine, *The Delineator*, at the early turn of the twentieth century. Middle-class women readers were encouraged to adopt needy children as a civic duty. She concluded that adoption upholds biological kinship and the nuclear family as the ideal and only family form, as viewed by middle-class experts. Ellen Herman's study on adoption explored the emergence of the post-war consensus on adoption. She argued that government played a new role in society in the early to mid-twentieth century, and states, "The therapeutic government that emerged managed people and populations through prevention, protection, instruction, and help rather than blame or punishment."¹⁰⁰ Her persuasive argument regarding the therapeutic nature of "modern adoption" culminated in the "adoption revolution," or the large-scale acceptances of the tenets of "modern adoption," and application of it to children of all types.

After 1945, children who had previously been viewed as unadoptable, such as those from First Nations and Métis families, gradually came to be seen as potential family members by social workers and their evolving definitions of adoptability. Social workers in the US such as Justine Wise Polier and Pearl Buck led the movement that rejected eugenics based on categories

⁹⁸ Regina Kunzel, *Fallen Women, Problem Girls: Unmarried Mothers and the Professionalization of Social Work, 1890-1945* (New Haven: Yale University Press, 1993), 30.

⁹⁹ Julie Berebitsky, *Like Our Very Own: Adoption and the Changing Culture of Motherhood, 1851-1950* (University of Kansas Press, 2000), 3.

¹⁰⁰ Ellen Herman, *Kinship by Design: A History of Adoption in the Modern United States* (Chicago: University of Chicago Press, 2008), 12.

that had previously insisted families resemble biologically based “normal” families through strict matching policies.¹⁰¹ Managed by professional social workers and bolstered by the legal protections, “Safety, naturalness, and authenticity, within reach of more children and adults, at least theoretically, accelerated the momentum of rationalized kinship creation by the state, the market and individual actors.”¹⁰² The rational and professional methodology used by social workers, such as regulation, interpretation, standardization, and naturalization, promised to minimize risks inherent in creating families through adoption.

Underpinning the superiority of the design concept was the belief that the role of the modern family was to provide children and adults with opportunities for personal growth and happiness.¹⁰³ Modern adoption arose as a historical and social institution in tandem with changing ideas of the role of family and nurture in North American society. In both Canada and the US, individualism was cherished as a liberal value in the dominant Anglo-American culture underpinning democratic industrial society. Adoption was designed to erase the stigma of illegitimacy for children born to white, unmarried mothers, and ensure the white, unmarried mothers eventually returned to the prescribed path of married motherhood.

For Aboriginal and Native American children, adoption could not and would never provide a winning solution to the twin problems of illegitimacy and unmarried motherhood. Laura Briggs has traced the history of resistance to adoption in the US by people of color and

¹⁰¹ *Ibid.*, 227.

¹⁰² *Ibid.*, 13.

¹⁰³ *Ibid.*, 286-7.

indigenous groups by connecting adoption to poverty, colonization, and gender inequality.¹⁰⁴ In a similar approach, Margaret Jacobs has located the origins of the Indian Adoption Project and the child welfare crisis to the normalization of Indian children removal and the denigration of the Indian family in the boarding school era.¹⁰⁵ Social workers identified the newly developing social problem of the “unmarried Indian mother” in the 1960s, to which the solution was fostering and adoption in non-Native homes.¹⁰⁶ Adoption saved state welfare agencies money and privatized the solution to the “Indian problem.”

In recent years, Canadian historians have published histories of adoption, moving the topic beyond the confines of those involved in social work and locating the issue in the larger cultural and historical context. Their work adds further nuance and complexity to the often emotionally fraught topic. Veronica Strong-Boag’s *Finding Families, Finding Ourselves* located adoption as one of several methods of caring for vulnerable children across English-speaking Canada, reserving a special section for Aboriginal adoptions. She reviewed adoption from the spectrum of custom adoption practices within indigenous communities, through the integrationist policies of the mid-twentieth century, culminating in the vociferous debates that raged over control, to the persistence of shortcomings in the systems that have emerged since. Her portrayal of the shifting ground under transracial adoptions recognized the dilemma Aboriginal birth mothers face when “women may not be empowered when the custom that has often made them

¹⁰⁴ See especially Chapter 2, “The Making of the ICWA, 1922-1978” in Laura Briggs, *Somebody’s Children: The Politics of Transnational and Transracial Adoption* (Durham: Duke University Press, 2012), 72.

¹⁰⁵ Margaret Jacobs, “Remembering the Forgotten Child: The American Indian Child Welfare Crisis of the 1960’s and 1970’s,” *American Indian Quarterly* 37, no. 1-2 (Winter/Spring 2013).

¹⁰⁶ *Ibid.*, 147.

the primary caregivers is reified in modern legal codes.”¹⁰⁷ The Native women’s dilemma is tied to the racialized stereotypes that have persisted about indigenous women from early contact periods. Strong-Boag cautions that the struggle to establish Indian control of Indian welfare by primarily male leaders may prove detrimental to vulnerable women who lack a voice in planning culturally relevant programs.

Two recent publications highlight the mobility of children who become entangled in the adoption world. Karen Balcom’s *The Traffic in Babies* looked at the development of sound adoption practice in Canada through attempts to stem the illegal cross-border black market adoptions in the years between 1930 and 1972.¹⁰⁸ Karen Dubinsky’s *Babies without Borders: Adoption and Migration across the Americas* moves beyond the confrontational dichotomy between rescue or kidnap framework that has dominated discussion on transracial, transnational adoption. The deeply historic symbolism of children as “bearers, but never makers, of social meaning” has contributed to the polarized discourses around adoption carried on in the press and political arenas.¹⁰⁹ Transnational and transracial adoptions between children from poor countries and communities in Cuba, Canada, and Guatemala and wealthy North American adoptive parents obscure interlocking global issues of economic deprivation, colonialism, and sentimentalized childhood. Her discussion of the Canadian experience utilized a comparative approach between the relatively successful adoptions of black children from a Montreal adoption agency and the primarily unsuccessful adoptions of Aboriginal children, based on readings from adoption files

¹⁰⁷ Veronica Strong-Boag, *Finding Families, Finding Ourselves: English Canada Encounters Adoption from the Nineteenth Century to the 1990s* (Don Mills: Oxford University Press, 2006), 163.

¹⁰⁸ Karen Balcom, *The Traffic in Babies: Cross-Border Adoptions and Baby Selling between the United States and Canada* (Toronto: University of Toronto Press, 2011).

¹⁰⁹ Karen Dubinsky, *Babies without Borders: Adoption and Migration across the Americas* (Toronto: University of Toronto Press, 2010), 5.

in Manitoba and Montreal. Dubinsky's work challenges scholars working in the area of indigenous child welfare to be attentive to the dangers involved in constructing arguments around symbolic children.¹¹⁰

Historic colonial relations, gender, race, and class complicate the standard history of transracial adoption, as both mothers and their children were first viewed through the prism of their race and marginalized class. Jean Barman's study of nineteenth-century prostitution laws and perceptions of Aboriginal women on the streets in British Columbia identified how missionaries and male leadership regulated Aboriginal women's sexuality in order to reorder Aboriginal society as a whole.¹¹¹ Joan Sangster's examination of the sexual regulation of young women in Ontario paid special attention to the experience of Indian women who faced racial discrimination in the provincial correctional system, as well as being subject to the disciplinary power of the Indian Act.¹¹² Sangster highlighted the regulation of Indian sexual morality and marriage patterns through Indian agents, who utilized the law to force Native families to assimilate to middle-class Anglo-Canadian family. She asserted that "marriage, adultery, sexual activity, and illegitimacy were all linked in the view of Indian Affairs; the surveillance of 'proper marriages' should theoretically police illegitimate births and also control the problem of sexual immorality."¹¹³ The adoption of Euro-Canadian morality was considered evidence of civilization

¹¹⁰ Ibid., 92.

¹¹¹ Jean Barman, "Taming Aboriginal Sexuality: Gender, Power and Race in British Columbia, 1850-1900" in *In the Days of Our Grandmothers: A Reader in Aboriginal Women's History in Canada*, ed. Mary-Ellen Kelm and Lorna Townsend (Toronto: University of Toronto Press, 2006), 284.

¹¹² Joan Sangster, *Regulating Girls and Women: Sexuality, Family and the Law in Ontario, 1920-1960* (Don Mills: Oxford University Press, 2001), 191; Robin Jarvis Brownlie, "Intimate Surveillance: Indian Affairs, Colonization, and the Regulation of Aboriginal Women's Sexuality" in *Contact Zones: Aboriginal and Settler Women in Canada's Colonial Past*, ed. Katie Pickles and Myra Rutherdale (Vancouver: UBC Press, 2005).

¹¹³ Ibid., 176.

and order. Nancy Cott's study of marriage regulation in the US has stimulated Canadian historians to consider the impact of marriage laws on non-conformist communities.¹¹⁴ Sarah Carter applied this approach to the colonization of marriage and divorce in western Canada.¹¹⁵ Historians of women and gender have revealed that past policies of assimilation have been engaged in remaking gender relations to more closely approximate those of Euro-Canadian patriarchal nuclear families.

Settler colonial studies, as an approach to Native-Newcomer relations, encourages scholars to situate the gendered effects of government policies in the larger history of colonialism, while simultaneously attending to the indigenous political and cultural responses. Patrick Wolfe argued that settler colonialism, distinct from colonialism, has both positive and negative dimensions. On one hand, it seeks to dissolve Native societies through various government policies and, in its place, establish a new society based on European social and political institutions indigenized so as to appear natural. Wolfe termed this process the "logic of elimination", and pointed to the assimilatory government policies of enfranchisement, whether voluntary or involuntary, child removal policies, allotment schemes, replacing indigenous forms of kinship and genealogy, as evidence of this process.¹¹⁶ As he put it, "settler colonizers came to stay so invasion is a structure; not an event."¹¹⁷ Since settler colonialism has been driven by the "logic of elimination," it continually attempts to remove distinctions between groups, and ideally

¹¹⁴ Nancy Cott, *A History of Marriage and Nation Building* (Cambridge: Harvard University Press, 2000), 26.

¹¹⁵ Sarah Carter, *The Importance of Being Monogamous: Marriage and Nation Building in Western Canada to 1915* (Edmonton: University of Alberta Press, 2008), Introduction.

¹¹⁶ Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (December, 2006): 388.

¹¹⁷ Ibid.

achieving its full expression when Indians and Métis cease to exist as a distinct legal and social group. Thus, for the indigenous people, the struggle against settler colonialism is to maintain cultural distinctiveness, keeping the settler-indigenous relationship going.¹¹⁸

Building on Wolfe's insights, Scott Lauria Morgensen alerted scholars to the importance of locating the differing manifestations of settler colonialism and in particular, how gender and sexuality are intrinsic to colonization and promulgation of European modernity. This approach articulates the importance of gender and historical specificity in viewing interactions between indigenous people and the state relationally. According to Morgensen, "Theories of settler colonialization will remain incomplete if they do not investigate how this political and economic formation is constituted by gendered and sexual power."¹¹⁹ Further, Morgensen encouraged scholars to write histories that enhance the theory of the relationality of indigenous and settler subjects in colonial situations.¹²⁰ He argued that "gendered and sexual power relations appear to be so intrinsic to procedures of indigenous elimination and settler indigenization that these processes will not be fully understood until sexuality and gender are centered in their analysis."¹²¹ One promising direction in this line of inquiry has been the work of feminist scholar Julia Emberely, whose work on the Aboriginal family reveals how the Indian Act legislation was utilized to shift gender allegiances and indigenous political forms. She argued that early Indian Act polices consistently drove to impose an ideology of patriarchal descent, described as the "disentitling of Aboriginal women from indigenous governance, accomplished

¹¹⁸ Lorenzo Veracini, "Introducing Settler Colonial Studies," *Settler Colonial Studies*, 1 (2011): 7.

¹¹⁹ Scott Lauria Morgensen, "Theorizing Gender, Sexuality and Settler Colonialism: An Introduction in *Settler Colonial Studies*," *Settler Colonial Studies* 2, no. 2 (2012): 3.

¹²⁰ *Ibid.*

¹²¹ *Ibid.*, 10.

by establishing fraternal links between Aboriginal men, created fissures within Aboriginal families along gender lines and eventually led to patriarchal relations and the regulation of the ‘Aboriginal family’ on a European and bourgeois model.”¹²² Thus, gendered discrimination served a twofold purpose, attempting to universalize the Euro-Canadian family model and reconstituting the Aboriginal family to reflect it, as well as removing Aboriginal women from political influence.

The impact of the law on race and gender has been a fruitful area of study for scholars interested in settler colonial relations.¹²³ Bonita Lawrence, Martin Cannon, and Pamela Palmater have identified the means through which reproductive relations have been targeted with racialized and gendered legislation.¹²⁴ The Indian Act directed the administration of Indian Affairs in Canada prior to Confederation, yet only in recent years have scholars looked specifically at the implications for women and children. Indian status has been defined and regulated in an attempt to create uniformity across the nation, ordering the differences between the multitudes of indigenous belief systems. Morgensen argued that the Indian Act and the settler colonial ideology that underpinned it has, in effect, racialized kinship, thus contradicting “traditional definitions of indigenous nationhood based on genealogy, which may include adoption as well as biological descent, and without making race a determinant of degree of

¹²² Julia V. Emberley, “The Bourgeois Family, Aboriginal Women, and Colonial Governance in Canada: A Study in Feminist Historical and Cultural Materialism,” *Signs* (Autumn 2001): 63.

¹²³ Mark Rifkin, *When Did Indians Become Straight: Kinship, the History of Sexuality and Native Sovereignty* (London: Oxford University Press, 2011).

¹²⁴ Morgensen, 10; Bonita Lawrence, *Real Indians and Others: Mixed Blood Urban Native Peoples and Indigenous Nationhood* (Lincoln: University of Nebraska Press, 2004); Martin Cannon, “The Regulation of First Nations Sexuality.” *The Canadian Journal of Native Studies* 18, no. 1 (1998): 1-18. Pamela Palmater, *Beyond Blood: Rethinking Indigenous Identity* (Saskatoon: Purich Publishing, 2011), especially see Chapter 1, “Legislated Identity: Control, Division, and Assimilation.”

relationship.”¹²⁵ Applying the law into spaces normally privileged as private, such as the home and family, is evidence of an unequal relationship through colonization.¹²⁶

Cultural teachings on Aboriginal kinship indicate the importance of family to the various First Nations and Métis groups. Cree and Métis people shared the belief that kinship is of central importance for individual and collective identity, and is inseparable from land, home, community, or family.¹²⁷ Through residential schooling, band governance, the pass system, involuntary enfranchisement, reserve housing, and marital laws, the Indian Act has attempted to eliminate Aboriginal tribal kinship forms.¹²⁸

Métis scholar Kim Anderson has published extensively on Aboriginal women’s experiences, based on personal testimonies and oral history, to counteract the toxic history of colonization.¹²⁹ In *Life Stages and Native Women: Memory Teachings and Story Medicine*, Anderson explores womanhood through the typical lifecycle. The basis of this book emerges from Cree Elder Danny Musqua, who teaches that “women were the center and core of our community and our nation.”¹³⁰ Women’s role in supporting indigenous nations comes from their

¹²⁵ Morgensen, 11.

¹²⁶ Ibid., 12.

¹²⁷ Brenda Macdougall, *One of the Family: Métis Culture in Nineteenth Century Northwestern Saskatchewan* (Vancouver: UBC Press, 2010), 3.

¹²⁸ The impact of colonization on kinship in Saskatchewan is explored by Rob Innes, *Elder Brother and the Law of the People: Contemporary Kinship and Cowesses First Nation* (Winnipeg: University of Manitoba Press, 2013), 117-119; Maria Campbell also explores the damage to families and communities through the short story “Jacob,” in *Stories of the Road Allowance People* (Saskatoon: Gabriel Dumont Institute, 2010).

¹²⁹ Decolonization of the role of indigenous women has been greatly advanced through the scholarship of Kim Anderson, *A Recognition of Being: Reconstructing Native Womanhood* (Toronto: Sumach Press, 2000); and Kim Anderson and Bonita Lawrence, eds., *Strong Women Stories: Native Vision and Community Survival Life Stages and Native Women: Memory Teachings, and Story Medicine* (Winnipeg: University of Manitoba Press, 2011).

generative role. Judge, child and youth advocate, legal scholar and member of Muskeg Lake Cree nation in Saskatchewan, Mary Turpel-Lafond has also written, “It is the women who give birth both in the physical and in the spiritual sense to the social, political, and cultural life of the community.”¹³¹ Cree teachings stipulate that it is men’s responsibility to support and assist women because it means they are supporting their people.¹³²

Reproductive justice for Aboriginal women means being accorded the opportunity to parent children free from coercive policies, or secure child welfare services that do not presume indigenous mothers are pathological. Archival evidence and published adoptee accounts demonstrate that in some cases, Aboriginal women opted to relinquish their children for adoption. It is important to acknowledge their agency in pursuing this option, among a small range.¹³³ The right to Aboriginal motherhood, and the right to define Aboriginal motherhood and kinship are a key area where decolonization is taking place. White ideology of Aboriginal motherhood--as the pathological unfit mother--shaped responses to issues of child neglect and Aboriginal forms of child care.¹³⁴ Women’s role in reproduction, daily as well as generational, is

¹³⁰ Quoted in Kim Anderson, *Life Stages and Native Women: Memory, Teachings, and Story Medicine*. (Winnipeg: University of Manitoba Press, 2011), 3.

¹³¹ Mary Ellen Turpel, “Patriarchy and Paternalism: The Legacy of the Canadian State for First Nations Women,” *Canadian Journal of Women and the Law* 6, no. 1 (1993): 180.

¹³² *Ibid.*, 182.

¹³³ Andrea Smith and Rickie Solinger discuss how “choice” is complicated by issues of class and race, limiting women’s range of viable options, and penalizing them as poor “choice makers.” Rickie Solinger, *Beggars and Choosers: How the Politics of Choice Shapes Adoption, Abortion and Welfare in the United States* (New York: Hill and Wang, 2001), 35; and Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide* (Cambridge: South End Press, 2005), see Chapter 4, “Better Dead Than Pregnant: The Colonization of Native Women’s Reproductive Health.”

¹³⁴ Randi Cull, “Aboriginal Mothering under the State’s Gaze, Motherhood,” in *“Until Our Hearts are on the Ground”: Aboriginal Mothering, Oppression, Resistance and Rebirth*, ed. D. Memee Lavell-Harvard and Janette Corbiere Lavell (Toronto: Demeter Press, 2006), 153.

not conceptualized as a source of their oppression. As mothers, women derive benefits from having larger numbers of children because, as they grow older, it places them in the center of distribution networks from which they can derive and/or give support.¹³⁵

Whether through the creation or severance of kinship relations, intimate interactions have provided fertile ground for scholars to explore race, gender, and belonging. Sylvia Van Kirk pioneered feminist historical research into the intersection of gender, race, class, and imperialism through the study of changing marriage patterns in fur trade families.¹³⁶ The malleable nature of “modern adoption” enabled Aboriginal children to be recast, not as members of a doomed and dying race, but as future citizens reared by proper families. The transformation of Aboriginal children after WW II, seen through the discourses utilized in the AIM campaigns by the Saskatchewan Department of Social Services, drew “normal” everyday white families into the business of integration through appeals to their sense of civic duty and the timeless visual appeal of homeless children.

Canadian scholars have identified the period from 1951 to 1969 as one of citizenship and integration. Canadian Indian policy between the 1951 Indian Act and the White Paper of 1969 pursued a unilateral direction, that of removing the distinctions between Indian people in Canada and other Canadians by incorporating them into the education, health, and welfare systems from which they had previously been excluded. While writing on this period has primarily seen this process from the vantage point of the political goals, integration played out in the personal lives of individuals through fostering and adoption policies, particularly once Indian people became

¹³⁵ Albers, “Autonomy and Dependency in the Lives of Dakota Women: A Study in Historical Change,” *Review of Radical Political Economics* 17, no. 3 (1985): 127.

¹³⁶ Sylvia Van Kirk, *Many Tender Ties: Women in Fur-Trade Society in Western Canada, 1670-1870* (Winnipeg: Watson & Dwyer Pub, 1980).

citizens of the Canadian nation after 1960. The transracial adoption of individual children was merely the intimate expression of the larger administrative and political goals, integration and elimination. In this period, the Euro-Canadian home and the intimate domain of the nuclear family was enlisted as a site for establishing new methods intercultural relations through the colonization of indigenous kinship.

CHAPTER 3. The Ethnohistory of Aboriginal Transracial Adoption: Origins

“I regret allowing myself to be obsessed with the result of the adoption of Frances Gertrude T--- in presenting to you the Indian Affairs Branch’s question as to her status as an Indian.”¹

Federal Justice Department Memo, 1939

The adoption of Frances Gertrude T---, a mixed-ancestry child, into an Indian family in the mid-1930s caused bureaucrats in the Indian Affairs Branch in Ottawa an extraordinary amount of anxiety. While it had long been an accepted orthodoxy that Indian people would move from Indian homes to white schools and communities through assimilation and enfranchisement policies, there were few mechanisms in place that allowed the reverse.² This adoption posed a serious threat to the longstanding policy of Indian assimilation and called into question the racial and gender hierarchy that was being established through Indian Act membership codes. The curious case of Frances T--- reveals the obsession over race and boundary-crossing that this adoption created by reversing the standard order of things among Indian Affairs Branch staff.

The history of transracial adoption begins long before the first social worker encountered an Aboriginal mother and child, ending in the child changing hands. Both the meaning and practice of transracial adoption has changed significantly over the past centuries of contact between indigenous and settler societies. Variations in the adoption protocols and meanings

¹Memorandum for Mr. Miall, File 9-139664, Volume 2581, Part 1, Feb. 21, 1939, RG 13 2581, File 139663 Adoption by Indians, LAC.

² The exception to this would be when a white woman marrying an Indian man would take her husband’s Indian status, as would any of their children.

between the numerous indigenous societies across Canada make it unwise to generalize. Some early Aboriginal adoption ceremonies, whether transnational or transracial, could include infants and small children, as well as adults.³ Difference, in indigenous societies, was not based on race, but rather on where one stood in relation to the group. Adoption ceremonially incorporated individuals into families and nations, drawing adoptees into a web of relations, and provided a method to manage difference while also enlarging the circle of allies. The practice of making strangers kin through adoption has been labeled “fictive kinship” by anthropologists, and recognized as a distinctive aspect of indigenous culture and identity, differentiating them from the primarily patrilineal-based kinship of Western European societies.⁴

Historians are gradually becoming cognizant of the significance of kinship within indigenous communities, in part due to the insistence of indigenous scholars, as well as through a growing body of interdisciplinary research in Native-Newcomer relations.⁵ As anthropologist Raymond DeMallie stated, “the kinship system itself provided the foundation for social unity and moral order. The norms of kinship were the most basic cultural structures patterning the social system; they formed a network that potentially embraced all members of society and related

³ James Axtell, *The Pleasures of Academe: A Celebration and Defense of Higher Learning* (University of Nebraska Press, 1998), 79.

⁴ Raymond J. DeMallie, “Kinship and Biology in Sioux Culture,” in *North American Indian Anthropology: Essays on Society and Culture*, ed. Raymond J. DeMallie and Alfonso Ortiz (Norman: University of Oklahoma Press, 1994).

⁵ Recent studies on Indigenous people have utilized kinship to explore the retention of community connections and persistence of Indigenous kinship practices, such as Ron Innes, *Elder Brother and the Law of the People: Contemporary Kinship and Cowessess First Nation* (Winnipeg: University of Manitoba Press, 2013); Brenda Macdougall, *One of the Family: Métis Culture in Nineteenth Century Northwestern Saskatchewan* (Toronto: University of Toronto Press, 2010); Bea Medicine, “American Indian Family: Cultural Change and Adaptive Strategies,” *Journal of Ethic Studies* 8, no. 4 (Winter 1981): 13; Patricia Albers, “Autonomy and Dependency in the Lives of Dakota Women: A Study in Historical Change,” *Review of Radical Political Economics* 17, no. 3 (1985): 109-134.

them as well to the sacred powers of the world at large.”⁶ Whereas children and adults have been made kin in indigenous societies as a method to create obligations and relationships in pre- and post-contact periods, adoption in North American society is viewed as a legal parent-child relationship meant to approximate the biological nuclear family.⁷ Exploring the emergence of mid-twentieth-century transracial adoption policies presents the opportunity to explore the meaning of race, family, gender, and belonging, as well as control, in both indigenous and Euro-Canadian society.

Undertaking an historical analysis of transracial adoption requires an understanding of Euro-Canadian notions of kinship, its relationship to adoption, and further, the interplay between colonialism and gender. According to American anthropologist David Schneider, the underlying and unspoken basis of North American kinship is predicated on what he terms “shared biogenetic substance,” or the blood relationship, and is unique to North American culture. There are two aspects to the kinship system, “the order of nature,” meaning reproducing biological family, and “the order of law,” or the creation of rules, regulations, and traditions, such as adoption and marriage.⁸ Also distinctive about American kinship is the “common sense” belief in the superiority of the ideal nuclear family: man, woman, and children, which is believed to have been formed according to the laws of nature and been given legal sanction.⁹ In viewing transracial adoption cross-culturally through the lens of kinship, this chapter will trace the origins

⁶ DeMallie, quoted in Editor’s Introduction, Sergei Kan, ed., *Stranger to Relatives: The Adoption and Naming of Anthropologists in Native North America* (Lincoln and London: University of Nebraska Press, 2001), 15.

⁷ For a discussion of the role of adoption in Native American societies, see Kan, 3-4. To see the role of adoption in North American middle-class society, see David H. Kirk, *Shared Fate: A Theory and Method of Adoptive Relationships* (Port Angeles, WA and Brentwood Bay: Ben-Simon Publications, 1984).

⁸ David M. Schneider, *American Kinship: A Cultural Account* (Englewood: Prentice-Hall), 1968.

⁹ Linda Stone, *Kinship and Gender: An Introduction*, 2nd ed. (Boulder: Westview Press 2000), 269.

of Euro-Canadian child removal policies alongside the Aboriginal people's participation in remaking adoption to conform to their own cultural expression of kinship.

As J.R. Miller asks concerning legislation to control and assimilate Indian children in the late nineteenth century, "Were the Indians simply victims of these policies?"¹⁰ Answering his own question, Miller asserts that, in fact, Indian people "resisted, evaded and defied efforts to control their decision making, limit their traditional rights and deprive them of their children."¹¹ Similarly to earlier periods, Aboriginal women and communities responded in a variety of ways to attempts to realign indigenous kinship. The multiplicity of responses suggests that indigenous peoples have interpreted the opportunities afforded by law, policy, legislation, and social welfare services based on perceived advantages and historical experiences. In all cultures kinship is part of the social and cultural management of reproduction and is interwoven with gender.¹² The persistence into contemporary times of Aboriginal traditional adoption ceremonies, and resistance by indigenous peoples to modern transracial adoption policies, is suggestive of the central importance and contested nature of kinship to the narrative of colonial relations.

During pre-child welfare era in the early twentieth century Indian people on Saskatchewan reserves sought out various methods to care for needy children including adoption. However, adoption went from being an indigenous method of securing alliance and child caring to a potential solution to the Indian problem in Canada after World War II.¹³ From

¹⁰J.R. Miller, "Owen Glendower, Hotspur, and Canadian Indian Policy," in *Sweet Promises: A Reader in Indian-White Relations* (Toronto: University of Toronto Press, 1991), 324.

¹¹ *Ibid.*, 241.

¹² Stone, 1-2.

Confederation until the 1950s, transracial adoption of Indian infants and children by white nuclear families was very rare. However, by the early 1980s, Indian leaders in Saskatchewan were charging the provincial department of Social Services with enacting cultural genocide through its adoption policies. Central to this transformation is the critical role of gender and kinship in settler colonial relations. As both treaty people and legally designated Indians, the Cree, Assiniboine, Saulteaux, and Dene peoples of Saskatchewan have a unique relationship to the state. Métis experiences are explored in the next chapter. The laws contained in the Indian Act have governed First Nations people in Canada. Additionally, Aboriginal peoples have been subject to pervasive cultural racism that has deemed Indian parents, particularly mothers, as unfit and communities inherently disorganized. Prior to 1951, Indian people and Department officials, along with Protestant and Catholic religious orders and provincial social work professionals struggled over who would control the socialization of indigenous children. Once “modern adoption” became available to Indian children through provincially delivered services the various stakeholders came into conflict.

For indigenous peoples on the Prairies, adoption traditionally ensured that the reciprocal care provided through familial relationships was provided for vulnerable members. One example of inter-tribal adoption, or transnational adoption, created a longstanding peace and also replaced a son who had been killed in warfare. In 1873, Blackfoot Chief Crowfoot adopted a Cree young man named Poundmaker. One of Crowfoot’s wives pled with the chief to adopt Poundmaker into their family after seeing how he resembled her recently deceased son. Upon being adopted, Poundmaker acquired a new Blackfoot name, wealth, resources, and a large

¹³The Indian problem primarily means the unwillingness of Aboriginal people to sever their tribal ties; “Each Indian must be recognized as an individual and so treated, just as each white man is”; quoted in Francis E. Luepp, *The Indian and His Problem* (New York: Anro Press, 1971), 47.

Blackfoot family. In his Cree tribe, he also was given special status because of his new relationship with the powerful chief and former enemy.¹⁴ The young Cree warrior would eventually become an influential Cree chief and vocal critic of the Canadian government Indian policy. The adoption benefitted Poundmaker personally and western First Nations as a whole. In Plains society it was customary to adopt outsiders when family members died. Anthropologist Mary Rogers-Black observed this in her work among the Swampy Cree, noting that “sometimes these adoptions took place within the context of sustained trading and merger relations, but they often occurred in relations dominated by hostilities.”¹⁵ In this case, adoption came at the insistence of Crowfoot’s wife, suggesting that women played an important function in adoption. Likewise, this case illustrates how Poundmaker was integrated into Crowfoot’s kinship and social networks and was a recognized member of both groups.

Ethnographer David Mandelbaum observed adoption while working among the Cree in 1934 and 1935. The traditional practice of adopting an individual who resembled a lost relative was still in effect. His informant Fine-Day had adopted a young man from another reserve to replace his eldest son, who had passed away.

I took a man from Pelican Lake for a son because he resembles my eldest boy who is dead. He comes here every once in a while and I generally have a horse for him. Sometimes he brings me moose hides and meat in the winter. When I first took him for a son, I told him and gave him a horse. I didn’t expect anything in return. If he is poor he doesn’t have to give me anything. I am getting old and cannot do everything for myself. When I built that stable he helped me.¹⁶

¹⁴F. Laurie Barron, “Poundmaker,” in *Encyclopedia of the Great Plains Indians*, 159-160.

¹⁵ Mary Rogers-Black, “Effects of Adoption on the Round Lake Study,” in *Stranger to Relatives: The Adoption and Naming of Anthropologists in Native North America*, ed. Sergei Kan (Lincoln and London: University of Nebraska Press), 107.

¹⁶Quoted in David G. Mandelbaum, *The Plains Cree: An Ethnographic, Historical and Comparative Study* (Regina: Canadian Plains Research Center, University of Regina, 1979), 127.

Parent-child relationships entailed more than sentimental attachments. Obligations for care and assistance in times of need were created through adoption, since the family was responsible for providing for needy loved ones in the absence of alternative caring facilities. Elderly people were also adopted if their children had passed. Mandlebaum also observed that when an elderly couple were without adult children to assist them, the chief took them to his house to care for them and treated them as his parents.¹⁷

Another example of transnational and transracial adoption illustrates that on occasion adoption meant the severance of tribal ties. Peter Erasmus, a Métis fur trader and interpreter, adopted an orphaned Peigan boy named Peter Shirt. In 1863 during a trading excursion in what is now Alberta, he came across a child sobbing at the graveside of what was likely one of his parents. Erasmus, who was single at the time, recalled in his memoirs, “I do not know what prompted me to take pity on the lad as he stood crying his heart out. I had witnessed many harrowing scenes previously that never affected me with any feeling of responsibility before, but that time I was filled with the overwhelming desire to help the poor boy.”¹⁸ Erasmus first went to the chief to ask his permission. The chief deferred to the child. ““Will you come with me as my son?”” I asked, ‘Yes,’ he said, ‘if the chief will say I can go.’ The chief agreed, saying, ‘I am glad you can give the boy a home, as my own teepee is full and he has no relatives in this camp.’”¹⁹ The child left with Peter Erasmus and quickly adapted into his new situation. Peter Shirt became a valued and important member of Erasmus’s expanding family. He was educated

¹⁷ Ibid. The point about adoption serving to mimic biological relationship is also made by Macdougall, 82.

¹⁸ Peter Erasmus, *Buffalo Days and Nights* (Calgary: Fifth House, 1999), 232-233.

¹⁹ Ibid.

in a Christian boarding school, eventually married, and began a family of his own near Erasmus at Whitefish Lake.

Many themes emerge from this example of early transracial/transnational Aboriginal adoption. First is the imagery of the child left alone without kin. The sight of the parentless child moved Erasmus to consider adoption. Erasmus then set out to secure the adoption of his son through searching out the permission of the chief. Peter Erasmus was Métis in culture and outlook, an outsider to the Peigan people, and therefore sought the approval of the chief to secure the adoption of his son. The chief, in turn, supported his request after he ensured the boy was willing, which might demonstrate respect for children's autonomy in some Aboriginal societies.²⁰ Kinship, created openly, was not temporary or insufficient and persisted throughout the lives of both father and son. Finally, this story reveals the existence of transracial, transnational adoption on the Prairies before, during, and after contact.

These examples of adoption reflect notions of Aboriginal kinship, called *Wahkowtowin* in Cree, or *Inewedensowen* in Saulteaux.²¹ The indigenous worldview draws its inspiration from the interconnectedness expressed through the familial relationship.²² Kinship embodied the obligations and responsibilities that both describe and prescribe proper relations between kin and non-kin. Métis scholar Brenda Macdougall explains,

The Métis family structure that emerged in the northwest was rooted in the history and culture of the Cree and Dene progenitors, and therefore in a worldview that privileged relatedness to land, people (living, ancestral, and those to come), the spirit world, and

²⁰ This point is also made by David G. Mandelbaum, *The Plains Cree: An Ethnographic, Historical and Comparative Study* (Regina: Canadian Plains Research Center, University of Regina, 1979), 144.

²¹ Kinistin Chief, Peter Nippi, interview by author, Feb. 4, 2011.

²² Brenda Macdougall, *One of the Family: Métis Culture in Nineteenth Century Northwestern Saskatchewan* (Vancouver: UBC Press, 2010), 8.

creatures inhabiting the space. In short, this worldview, *wahcootowin*, is predicated upon a specific Aboriginal notion and definition of family as a broadly conceived sense of relatedness with all beings, human and non-human, living and dead, physical and spiritual.²³

As such, belonging in the complex web of expanding relationships entailed obligations for support, knowledge of the protocols, the passing down of community memories, teachings, and ensuring the transmission from generation to generation. Cree scholar Neal McLeod states, “Kinship, *wahkohtowin*, grounds the collective narrative memory within the *nehiyawiwinn* [Cree people].”²⁴ Listening to his great-grandmother’s sister’s stories, *nicapan*, provided him with “a map that helped me find my place in the world.”²⁵

Brenda Macdougall’s history of the ethnogenesis of the Métis community at Île à la Crosse reconstructs the methods by which the kinship system was expanded. One method entailed the assimilation of outsider European men into the Cree-Dene indigenous community. Through establishing marital ties, based on the Cree conceptual framework of *Wahkowtowin*, the families were strengthened, with men and subsequent children becoming assimilated into the local Cree, then Métis community. Adoption was also an important element in the operation of *Wahkowtowin*. Expanding the boundaries of family by bringing in additional people into the group increased the total number of relatives an individual could look to for support.²⁶ Macdougall observes that, “Adoption of young children by other family members, particularly after the death of their biological parents, was an important social institution that ensured the

²³ Brenda Macdougall, *One of the Family: Métis Culture in Nineteenth Century Northwestern Saskatchewan*. Vancouver: UBC Press, 2010, 3.

²⁴ Neal McLeod, *Cree Narrative Memory: From Treaties to Contemporary Times* (Saskatoon: Purich Publishing, 2007), 14-15.

²⁵ Ibid.

²⁶ Macdougall, 81.

perpetuation of ‘wahcootowin’ because it allowed a family to survive death.”²⁷ Adoptions were public and private displays of familial behaviours and beliefs. Macdougall found instances of interfamily adoption from scrip applications, but primarily adoptions of children by grandparents. Adoption of grandchildren not only provided continuity for children who’d lost their parents, but was also a benefit to the older person who passed down wahcootowin through sharing memories, protocols and life ways with children.²⁸ After the Indian Act, the practice of matrilocality, where European husbands became integrated into the pre-existing kinship networks, was eliminated.

Two legal mechanisms order relations between Indian nations and the Canadian state, treaties and Indian Act legislation. The Canadian government signed treaties with Western First Nations between 1871 and 1877 to obtain Aboriginal title to the lands for settlement. These treaties also set out the future relationship with the Crown. Just prior to this, the Canadian government began to incorporate all previous legislation pertaining to Indian people into one body of laws. As John Tobias points out, the principles of Canada’s Indian policy had been established in the colonial period, prior to Confederation. The three principles guiding Indian policy--protection, civilization, and assimilation--were incorporated in 1868 into the legislation, entitled “An act providing for the organization of the Department of Secretary of State of Canada, and for the management of Indian and Ordinance Land,” which became the legislation guiding the administration of the federal Department of Indian Affairs.²⁹ Ever increasing

²⁷ Ibid, 82.

²⁸ Ibid, 23.

²⁹ John L. Tobias, “Protection, Civilization, Assimilation: An Outline History of Canada’s Indian Policy,” in *As Long as the Sun Shines and Water Flows: A Reader in Canadian Native Studies*, ed. Ian A.L. Getty and Antoine S. Lussier (Vancouver: University of British Columbia Press, 1983), 44-45.

amendments to the Indian Act through the years attempted to speed the process of assimilation and legislate Euro-Canadian values into the everyday lives of Indian people across Canada. Kinship and gender systems were eventually targeted by the Act when marriage and reproductive choices of Indian men and women came under the purview of legislators and Indian agents. The colonization of the kinship was recognized as fundamental to remaking indigenous peoples, as well as an elusive yet essential aspect in defining what was Canadian.

While the gendering of legal Indian status had been a feature of colonial Indian legislation from 1857 onward, greater emphasis was placed on male political involvement as well as patrilineage once the Canadian legislators took over after 1867.³⁰ For example, the 1869 amendments increased gender discrimination when women lost the right to vote in band elections. The legislation also mentioned the consequences for women marrying non-Indians for the first time, revised in Section 6: “Provided always that any Indian woman marrying any other than an Indian shall cease to be an Indian within the meaning of this Act, nor shall the children issue of such a marriage be considered Indians within the meaning of this Act.”³¹ She and her children could be ejected from reserves. In 1876, Canada consolidated all legislation pertaining to Indian people in Canada into the “Act to amend and consolidate the laws respecting Indians,” or as it became known, “The Indian Act” of 1876.³² A fundamental feature of this Act was the colonization of indigenous kinship since, as John Tobias points out, “To speed up their advance, and under the guise of protecting them from exploitation, the 1876 Indian Act and subsequent amendments contained provisions which attacked traditional Indian sexual, marriage and divorce

³⁰ Ibid, 42.

³¹ Kathleen Jamieson, *Indian Women and the Law in Canada: Citizens Minus* (Canada: Advisory Council on the Status of Women, 1978), 29-30.

³² Tobias, 44.

mores and furthered Christian-European values.”³³ The gendered definition of Indian has a political dimension that goes beyond the religious and moral desire to regulate the sexuality of women and the paternity of children. In democratic countries such as Canada and the US, marriage takes on an additional significance because it was within the family unit where the composition and reproduction of the populace took place. As Nancy Cott argues, by incriminating some marriages, such as traditional Aboriginal marriages outside of the church and Indian women marrying non-Indian men, it defines what types of sexual relations and which families are legitimate. Thus, public policy and legislation are as critical for family formation, for racial definitions, and fundamental aspects of national building.³⁴ Indian agents had a number of tools at their disposal to enforce conformity to Euro-Canadian ideals of femininity and domesticity. For example, women considered disobedient had their rations withheld or children removed to residential schools by local Indian agents.³⁵

As scholar John Tobias has pointed out, the Indian Act first defined who could be categorized as Indian. At the same time, the Indian Act provided a means for the enfranchisement of Indian peoples. This created a paradox in Canadian society--a group of Aboriginal people who were indigenous yet not legally Indian. One of the primary goals of the Act was to prepare Indian people for their gradual assimilation into Euro-Canadian society; however, in doing so, it created a distinct legal category of people who were prevented from assuming the full rights enjoyed by other members of early Canadian society. This ironic twist

³³Ibid, 45.

³⁴ Nancy Cott, “Afterword,” in *Haunted By Empire: Geographies of Intimacy in North American History*, ed. Ann Laura Stoler (Durham: Duke University Press, 2006).

³⁵ Robin Jarvis Brownlie, “Intimate Surveillance: Indian Affairs, Colonization, and the Regulation of Aboriginal Women’s Sexuality,” in *Contact Zones: Aboriginal and Settler Women in Canada’s Colonial Past*, ed. Katie Pickles and Myra Rutherdale (Vancouver: UBC Press, 2005), 165, 169.

reveals the particular logic of the settler state. Tobias states, “Thus, the legislation to remove all legal distinctions between Indians and Euro-Canadians actually established them.”³⁶ And, alternately it also establishes the category “us.” Indian men who met certain qualifications became Canadian citizens, yet Indian women became citizens upon marriage to those defined non-Indian. Across Canada, the Indian Act attempted to reorganize kinship structures in communities that had been matriarchal and matrilineal.³⁷ In doing so, it severed the “tender ties” that not only bound families together, but also bound individuals in the web of kinship--“all my relations”--that connected them to the land of their ancestors.

The Indian Act’s sexual and gendered modes of elimination defined and regulated racial status in contrast to the operation of *Wahkowtowin* and other indigenous kinship systems based on obligations and relationships. J.R. Miller states, “these compulsory enfranchisement provisions showed that Ottawa still aimed at the peaceful elimination of Indians as a legal and social fact,”³⁸ yet it is debateable whether these strategies of elimination were, in fact, peaceful as severed family connections reverberated through generations. At the very least, it imposed a system of relations alien to indigenous peoples. Scott Morgenson points out that, “racializing kinship contradicts traditional definitions of indigenous nationhood based on genealogy, which may include adoption as well as biological descent, and without making race a determinant of degree of relationship.”³⁹ The Indian Act (1869) stipulated that women who married non-Indian

³⁶Tobias, 42.

³⁷Martin Cannon, “First Nations Citizenship: An Act to Amend the Indian Act (1985) and the Accommodation of Sex Discriminatory Policy,” *Canadian Review of Social Policy*, (2006): 45.

³⁸J.R. Miller, *Skyscraper Hide the Heavens: A History of Indian-White Relations in Canada*, 3rd ed. (Toronto: University of Toronto Press, 2000), 281.

³⁹Scott Lauria Morgensen, “Theorizing Gender, Sexuality and Settler Colonialism: An Introduction,” *Settler Colonial Studies* 2, no. 2 (2012): 11.

men became automatically enfranchised, and they could not pass on their Indian status to their children. Revisions to the Indian Act in 1951 further enforced a version of patrilineal kinship on Indian women and children by preventing women who lost status from remaining on reserves. This change had a twofold effect on transracial adoption. First, by forcing women and children to sever ties to maternal kin and community, families became vulnerable in times of financial or health crisis, increasing the likelihood of child welfare intervention. Second, Aboriginal forms of kinship underwent colonization in the same manner as had spirituality and language. Aboriginal adoption came under the purview of the social workers and Indian agents, and in time, child removal and adoption became another legal Euro-Canadian imposition used to assimilate indigenous families. Prior to the Confederation period in the West, missionaries sought to impose the nuclear family model on Cree and Blackfoot polygamous families, encouraging the removal of secondary wives and children.⁴⁰ Thus with the extension of the federal legislation of the Indian Act over Indian people, many aspects of this ancient kinship system became illegal.

The civilizing logic of the Department of Indian Affairs (DIA) Indian policy not only targeted indigenous marital practices in an effort to sever kinship ties, but also sought (legal) Indian elimination through socialization and education of children in isolated residential schools. Both the churches and government shared the goal of assimilating the Canadian Indian population through child removal policies, a common practice in settler colonial nations.⁴¹

⁴⁰ Sarah A. Carter, "Creating 'Semi-Widows' and 'Supernumerary Wives': Prohibiting Polygamy in Prairie Canada's Aboriginal Communities to 1900" in *Contact Zones: Aboriginal and Settler Women in Canada's Colonial Past*, ed. Katie Pickles and Myra Rutherdale (Vancouver: UBC Press, 2005), 138.

⁴¹ For a discussion of the child removal policies of the United States and Australia, see Margaret D. Jacobs, *White Mother to a Dark Race: Settler Colonialism, Maternalism, and the Removal of Indigenous Children in the American West and Australia, 1880-1940* (Lincoln: University of Nebraska Press, 2009).

Children were targeted by the churches because, based on earlier experiences with missionary activities, they considered adults unsuited to the total physical, mental, and moral transformation required for Indians to take their place in the Canadian nation. The origins of the logic of child removal to residential schools stemmed from the belief that only through separating children from their parents could they be effectively assimilated.⁴² The federal government and the churches considered the on-reserve day schools a failure in the efforts to rapidly assimilate Indian children. Families continued to engage in the traditional seasonal activities of gathering and hunting, meaning children's school attendance was sporadic. Other reasons included the poor state of the clothing of the children that attended school, and lack of a school lunches.⁴³ Residential schools were often purposely located in remote and inaccessible locations since visits from families were seen to be disruptive to the civilizing process. That was in part why orphans remained the preferred students.⁴⁴

It is not merely racial prejudice or ethnocentrism that fuelled child removal policies but the need to eliminate indigenous peoples as a distinctive group in Canada's nation-building efforts. The effects of these policies on the health of Aboriginal people individually and collectively include physical, mental, emotional, and spiritual aspects. The Cree concept of *mino pimatisiwin*, meaning living a good life, encompasses the social and spiritual aspects of health and wellbeing within Cree societies. According to Maria Campbell, part of that good life

⁴² J.R. Miller, *Shingwak's Vision: A History of Native Residential Schools* (Toronto: University of Toronto Press, 1996), 76.

⁴³ John Milloy, *A National Crime: The Canadian Government and the Residential School System* (Winnipeg: University of Manitoba Press, 1999), 24.

⁴⁴ *Ibid.*, 30-31.

includes kinship relations, how people live with and interact with one another.⁴⁵ The good life and health are based on how relations are managed, which includes all of one's relations. Children had responsibilities to the community. Strong relationships between elders and children were considered critical for maintaining the strength and continuity of the people.⁴⁶ For indigenous peoples, it was as if a silent bomb went off in their communities: the shattering of Wahkowntowin, the system that connected each of the members to "all our relations."⁴⁷ Despite these interventions, persistence and survival of traditional teachings have endured. Through the examples of adoption that follow, indigenous families continued to find methods of caring for children that reflected traditional kinship systems, sometimes aided by Canadian law, other times in spite of Canadian law.

The early examples of legal adoption that appear in the Department of Indian Affairs records in the first part of the twentieth century reflect the maintenance of traditional kinship relations and absence of external interference from professionals. Adoption of orphaned children by their grandparents enabled them to have history and traditions passed on, as well as providing assistance for the elderly as children grew older.⁴⁸ In some Ojibwa and Cree societies, children were considered orphans and sent to live with other relatives when one parent died and the other parent remarried.⁴⁹ Several examples exist in the historical record to support this

⁴⁵ Kim Anderson, *Life Stages and Native Women: Memory Teachings, and Story Medicine* (Winnipeg: University of Manitoba Press, 2011), 167.

⁴⁶ *Ibid.*, 168.

⁴⁷ *Ibid.*, 170.

⁴⁸ Macdougall, 83.

⁴⁹ Mary Rogers-Black, "Effects of Adoption on the Round Lake Study," in *Strangers to Relatives: The Adoption and Naming of Anthropologists in Native North America*, ed. Sergei Kan (Lincoln and London: University of Nebraska Press, 2001), 106.

finding as these cases demonstrate that adoptions have taken place between families where one parent is deceased and the remaining parent is unable to care for the children or has plans to remarry.

Because the Department of Indian Affairs had control over membership matters, and adoption entailed a change in legal status and family name, or perhaps band membership, families needed to obtain departmental permission before securing adoptions. In each of the following cases, the Department had no objection to the parent-initiated adoptions. The adoption process followed a common pattern. First, the surviving parent selected the adopting families for the children, after which the band leadership was consulted. Many of the adoptions took place between relatives, but sometimes it is not always clear. The primary reason that parents sought adoption for their children prior to 1940 was the death of a spouse, either mother or father. The child or children were often transferred to other family members selected by the parent and facilitated by the Indian agent. Subsequently the band leaders of the adoptive family met and agreed whether to accept the child as a new member.

Several cases in Ontario illustrate the Indian women's use of adoption to secure families for their children. In the B--- case, Mrs. B---, the mother of the three children, remarried after her first husband's death and secured homes for the children with her nearest relatives.⁵⁰ She sought adoption because it was thought to be a better option for her children, and likely beneficial for her new marriage. The adoption paper read, "She is getting married to a young man here and thinks the children will be better taken care of and the parties by whom the

⁵⁰ I have removed the names of these families out of respect for their privacy.

children are adopted are the nearest relatives.”⁵¹ The case indicates that traditional adoptions had also been altered by the need for departmental approval, as well as a formalized process for ensuring band membership transfer. In seeking out the approval of the department to have her children adopted, she assured the department of the goodwill of the adopting families and requested the proper channels be followed to secure legal adoption. “I will therefore ask your kind favor to write a proper form of agreement for both parties to sign. Mrs. Jeremiah M--- is my mother and grandmother of Thomas B--- and I fully trust that the child well be well treated. Maria my daughter will be adopted by Mr. and Mrs. Sampson F---, as well as my oldest son by Benjamin J---. All will have good homes and good care.”⁵² In July 1913, the chief of the Alnwick band sought departmental approval for the adoption of B--- children who had been dispersed to the relatives. “Those children are all in good Christian homes and are well looked after. The families intend to be guardians only to the children and not adopt them.”⁵³ It appears that there was some discrepancy between the wishes of the mother and the thoughts of the family as to the arrangement for care.

Ottawa’s policy for adoptions between Indian people took shape in these early cases, which predate official adoption laws in some Canadian provinces.⁵⁴ A letter between officials on July 24, 1913, from J.D. McLean to Walton Lean states,

⁵¹ Eva B. to Indian Agent Walter Lean, Chermong Indian Reserve, May 7, 1913, File 430100, Reel C-9670, LAC.

⁵² Ibid.

⁵³ Chief D.E. Whiting, Jr. to Mr. Walter Lean, Indian Agent, December 16’ 1913, File 430100, Reel C-9670, LAC.

⁵⁴ Saskatchewan passed its first adoption law in 1922. Prior to this, adoptions were considered de facto, in name only.

Secure from Indian agents the financial standing, and general character of persons who agree to adopt the children. If the recommendations are favorable the matter must be laid before the respective Indian bands and a resolution obtained in each case to accept the children into membership. It should be made clear in each case that amount at the children's credit in the Capital funds of the Alnwick band will be transferred to the band or bands into which they are admitted provided the Department approves the transfers.⁵⁵

On November 28, 1913, Indian Agent Walton McLean informed his superior in Ottawa that he had obtained good reports of the adopting families, meaning they had "satisfactory characters and financial standing" enabling them to be able to care for the children. He recommended the adoption be carried out with the approval of the bands into which the children would be transferred, "In reply to the letter 28th ultimo, re the case of the children. Take no action until the matter of the band resolutions are passed by the Mud Lake and Christian Island Bands agreeing to accept these children into their bands, These resolutions, as well as any agreements, should be forwarded to the Department for necessary action."⁵⁶ The terms of the legal adoption stipulated the transfer of parental obligations from Mrs. B--- to the F---, and the complete severance of ties to her child:

The said Eva B--- is the mother of a female child born Jun 17th 1908 and named Maria B--- and whereas the said Eva B--- has agreed to and with the said Mr. and Mrs. S. F--- To give the said child to them and to relinquish all right to the possession control and custody of the said child. And where as the said Mr. and Mrs. S. F--- has agreed to adopt the said child and to maintain and support her. Now this agreement witnesses that the said Eva B--- doth hereby give up possession of the said child to the said Mr. and Mrs. S. and doth abandon relinquish and transfer to the said Mr. and Mrs. S. her right title and possession to the said child and custody and control of the same, and the said Sr. Mr. and Mrs. S. F--- on their part hereby agrees to and with the said Eva B--- to take the said child and maintain and educate and support her in every respect as if she the child was the lawful child of them. Mr. and Mrs. S. F--- shall be entitled in addition to the absolute control and custody of the said child to the labour performed by her. The said child and her interest moneys and all monies due the said child until such time as she attains the

⁵⁵ J.D. McLean to Walton Lean, Ottawa, July 24, 1913, File 430100, Reel C-9670, LAC.

⁵⁶ Assistant Deputy Secretary J.D. McLean, Ottawa, to Walter Lean, Indian Agent, Roseneath, Ontario, December 4, 1913, File 430100, Reel C-9670, RG 10 Red Series, LAC

full age of twenty one years. Signed Eva B---, Mr.. S. F---, Witnessed by the Chief Alfred McCue.⁵⁷

Through this case, the elements of “modern adoption” intermingle with traditional Aboriginal adoption. The children’s mother had accessed her kinship networks with their protocol of obligations to seek out substitute care. The leadership of both communities was consulted and agreed to the adoptions. The language of the agreement clearly outlines the new relationship between the adoptive family and the children, removing the obligations for care from the children’s mother. The community involvement and oversight ensure that each of the parties would fulfil their responsibilities set out through the adoption for the duration of the child’s life.

Another similar adoption case took place after the remarriage of a widow, although it was unclear whether she relinquished care of her daughter to a relative or another band member. Nevertheless, it was agreed to openly by each set of parents, and witnessed by the chief. The agreement stated,

I Mary W---, and formerly wife of the late Jacob S--- of this Rama Band of Indians, do hereby on this fifth day of January, 1914, give and hand over my child, Annie Lily Irene S--- to David S--- of this Rama Band of Indians to adopt her as his daughter as long as she shall live, thereby relinquishing and surrendering my claim and care of the child, according to the adoption laws of the Dominion of Canada, Signed, Mrs. Thom Wesley, witnessed by Chief Clarence Shilling moved by councillors and seconded that the above agreement be sanctioned between the above parties by the Department of Indian Affairs Ottawa.⁵⁸

In another agreement in the same year, Mrs. Martha H---, wife of Arthur, likely a widow, signed an adoption agreement on August 27, 1913 for her son with John R. C---. Both were

⁵⁷ Memorandum, May 26, 1913, File 430100, Reel C-9670, RG 10 Red Series, LAC.

⁵⁸ “Adoption of Annie Lily Irene S--- by David Simcoe,” March 1914, RG 10, Reel C-9671, File 443587, RG 10 Red Series, LAC.

members of the Mississauga band of the Credit Band of Indians. The order recognized that the mother had given her child, Cecil Ross Roy H---, born February 25, 1905 over to the custody of John R. C---:

the said Martha Henry has placed and doth hereby place the said infant child in the care and custody of the said John C--- to be adopted by him as his own child and to be supported maintained, and educated by and wholly at the expense of the said John C---, suitable to the station in life of the said John C--- who shall in all respects govern and maintain the said child in the same manner as would be appropriate if the child was their own lawful child, and the said Martha H--- shall in no way interfere in respect to the custody control maintenance education and religion of the said child. Signed. By both, and witnessed by the Indian Agent that is was read over and explained to both, WC Van Loon.⁵⁹

As is clear by the variation in each of these cases, no single official process governed adoption, but the essential framework remained similar.

Adoption was also used for children who were too small to place in residential schools. In another case that took place in Alberta, Peter S--- applied to have his young son adopted after his mother died in childbirth. The four-year-old child was too young to be placed in residential school like his older siblings, and his father, Peter, had found an adoptive family that would be willing to care for him. It is unclear from the archival record whether Mrs. W--- was a relative to him or his deceased wife. Mrs. Jimmy W--- of the Enoch Band was found to be an acceptable choice as adoptive mother by the Department of Indian Affairs, but prior to securing the adoption, the band first had to accept the transfer of membership from the Saddle Lake Band to the Enoch Band.⁶⁰ The Indian agent wrote to the Secretary of Indian Affairs in Ottawa in 1917, “Under the circumstances, I am of the opinion that it would be advisable to authorize the transfer

⁵⁹ Agreement for Indenture, August 27th, 1913. RG 10, File 432248 C-9670, RG 10 Red Series, LAC.

⁶⁰ Letter Indian Agent George H. Race to C.E. Hughes January 26th, 1918. File 508261 Reel C-10205 RG 10 Black Series, LAC.

of the boy to Mrs. W---. I might state that Peter S--- has no proper home and has been moving from place to place during the past two years.”⁶¹ In response, the department recognized the band’s jurisdiction over membership by deferring to their decision: “If Enoch’s band passes a resolution agreeing to the transfer of the boy from Blue Quill’s Band to Enoch’s band, no objection will be made by the Department, providing that the father, Peter S--- agrees in writing to the transfer and adoption of the boy by Mrs. Jimmy W.”⁶² Based on the written archival evidence, parents appear to exercise greater autonomy over children than in later periods, and band jurisdiction over members demonstrates some degree of self-determination.

Each of these cases that have been preserved in the archives, indicates that Indian parents sought to transfer their parental responsibilities to kin and other tribe members for children after the death of a spouse. Where mothers remarried after the husband’s death, their children were considered orphans and placed with relatives. Relatives took on additional family members, supporting the autonomy of women to establish new marriages, perhaps protecting children and women from new spouses who may not have accepted children from past relationships. Bands had the option of supporting or denying these kinship arrangements, often approving the decisions of their members. Fathers who lost wives faced difficulties in caring for children alone and sought families to provide for their young, pre-school-age children who would require more intensive care, while residential schools provided older, school-age children with not only education, but also institutionalized care that families would have otherwise provided. These examples speak to greater fluidity in family making, and less rigid gender roles for women and mothers. Newly emerging legal adoption supported indigenous cultural systems, and as long as

⁶¹ Letter WE Hughes to The Secretary DIA, Feb. 6th 1917. File 508261 Reel C-10205 RG 10 Black Series, LAC.

⁶² J.D. McLean, Asst. Deputy and Secretary to C.E. Hughes, Indian Agent, Saddle Lake, Ottawa, Feb. 15, 1918, File 508261, Reel C-10205, RG 10, LAC.

adoption did not challenge existing Indian Act objectives, the Department of Indian Affairs provided no objections.

When adoption challenged the legal regime established by the Indian Act, kinship systems came under attack. The case of an attempted Aboriginal adoption in the same period draws attention to the racialized and gendered regime established by the Indian Act as it played out in the lives of women and children. In Saskatchewan on July 12, 1918, Mr. Robert B--- of James Smith Reserve sought permission from the department to adopt the children of a widow by the name of Ellen S---, known formerly as Elena B---, of the Okemases Band. She had married Thomas S---, an Englishman, and as a result, lost her Indian status and had been unable to pass Indian status along to her children. In 1909, Mr. S--- had enlisted with the CEF in Prince Albert, but died before going overseas, leaving a widow and three children. Mrs. S---, while in Prince Albert, sought to find families to place her children. Mr. B---, a young man married to Eliza S---, had been childless, but had adopted the illegitimate child of his wife's sister. In reply to this request, the official rejected the adoption, stating, "I do not recommend allowing B--- to adopt the S--- children and bring them on the reserve as they are non-treaty. If Mrs. S--- will not keep them, the department of neglected children for the province of Saskatchewan should look after them. I beg to enquire whether the Department can forbid Indians adopting half-breeds, or white children and bringing them on reserve. I beg to ask for instructions in the case."⁶³ While officials acknowledged that the adoption was a private decision to be made between both parties, realistically they felt that there was no possibility that the adoption could work since the children would not be allowed to live on the reserve with their adoptive family. "I beg to state that the Department is opposed to Indians adopting halfbreeds or white children and bringing them into

⁶³ Memo: Ottawa, August 1, 1918, Duck Lake, File 513362, Reel c. 10205, RG 10, Black Series, LAC.

the reserve and cannot approve of the agreement submitted and sanction the adoption of the children, as they would be brought on the reserve.”⁶⁴ Mr. B--- requested Department permission in advance of adopting the children, and since permission to adopt was denied, it is likely the children would have been placed in an institutional orphanage run by a benevolent society in Saskatchewan or a “free home.” The mother, Mrs. S---, had lost her Indian status with her marriage to a non-Indian and been forced to leave her reserve and sever her kinship ties. One of the difficulties for women and children that came as a result of the Indian Act was that none of her kin who retained their Indian status would be able to adopt her children. Since her husband had come from England, it was unlikely she could look to his family for assistance. Kinship in North American settler society, viewed as the blood-based nuclear family, proved unstable when trouble arose. When this broke down through death or desertion, the state and churches filled in to supply the needed care for children and vulnerable mothers. Settler society, particularly in areas recently settled, such as Saskatchewan and Alberta, lacked the deeply rooted extended families and institutions that more established areas would have. Indigenous women and children who’d lost Indian status faced few options outside of their kinship networks.

The Frances T--- adoption case reveals the illogic of the racial and gendered definitions used to define who is and who is not an Indian through the Indian Act, as well as the conflicts between federal and provincial legal regimes when it came to the care of children.⁶⁵ In this potentially precedent-setting legal case, the Department of Indian Affairs attempted to set aside an order of adoption that had been granted by a provincial court judge in Alberta. Two years

⁶⁴ Letter J.D. McLean, Assistant Deputy and Secretary Department of Indian Affairs to C.E. Schmidt, Indian Agent at Duck Lake, File 513362, Reel c. 10205, RG 10, Black Series, LAC.

⁶⁵ Frances Gertrude T--- Mr. and Mrs. Joseph C--- of the Chipewyan Indian Band Whether the effect of adoption of child by Indian couple would confer full Indian status upon the child having regard to the definition of Indian in the Indian Act. Feb. 21, 1939, File 9-139664, Volume 2581, Part 1, RG 13,, LAC.

after the original adoption, the Indian Affairs branch secured the assistance of lawyer, C.E. Gariepy of Edmonton Alberta, to overturn the adoption of Frances G. T--- by Joseph C--- and wife on February 15, 1937. Frances T---, a young mixed-ancestry child with a Métis mother and white father, had been legally adopted by an Indian couple of the Fort Chipewyan Band in Alberta.

On February 21, 1939, the Indian Affairs branch, under the Department of Mines and Resources, submitted a request to the Department of Justice that an attorney be obtained to overturn an adoption order that had been put into place for Frances G. T--- in Alberta on February 15, 1937. At issue in the case was the child's non-Indian status prior to her adoption, and subsequent confusion regarding her legal status after her adoption by a status Indian couple. The department solicitor raised the issue first as a test case to determine whether Indian status could be conferred through adoption. Through the Indian Act legislation, non-Indian women could legally become Indian through marriage; thus, it was probable that legal adoption could confer Indian status to children. The question put forward by the Department of Indian Affairs was whether provincial child welfare legislation could do the same. With the increasing popularity of adoption across Canada, it was certainly probable that Indian families would seek to adopt children without Indian status, thereby increasing federal obligations. Unlike earlier examples, the Department of Indian Affairs had not been consulted on this matter prior to going forward, and thus was unable to prevent the adoption from taking place. There was concern that since no explicit legislation barred adopted children from Indian status, adoption could potentially reverse the goals of reducing the Indian population in Canada.

The Department submitted the follow to a lawyer in Edmonton:

I am of the opinion that this child being adopted under provincial legislation and Order of the Provincial courts falls within the category of Indian within the meaning of the Indian Act. The definition of an Indian within the meaning of the Indian Act. Definition 2. D) “Indian” means (1) any male person of Indian blood reputed to belong to a particular band. (11) any child of such person. It was, of course, unfortunate that the Department was not consulted prior to the Order of the Court so that the views could be placed before his Honor Judge Dubuc. In view of all the circumstances, it is suggested that the consideration should be given towards having the order set aside, if possible. Failing this then, as I see it the Department must necessarily supply relief, education and other services as and if the child were the true daughter of Joseph C--- and his wife.⁶⁶

This development proved troublesome to the Branch whose mandate for over half a century had been to reduce the number of Indian people under its control. To accept this adoption could potentially set a precedent that non-Indian children could become Indians through adoption. The department sought to set aside the adoption and reassert its control over Indian membership.

The branch obtained the services of Mr. Edouard Gariepy, an Edmonton lawyer, to look into having the adoption order overturned based on Section 30 of the Indian Act, to determine if adoption gave the child a claim against the trust fund administered by the Crown. Gariepy replied that he would give the matter consideration and consult with the provincial attorney general about the matter. Due to the length of time elapsed since the adoption had been put into place, the attorney general did not believe it could be successful. However, Gariepy thought that the order could be overturned based on the inability of the ward (in this case, Mr.--- as an Indian was considered a ward) to take on contractual obligations without the written consent of the superintendent general, based on Sections 34 (2) and 90 (2) of the Indian Act. In addition, Gariepy inserted his personal opinion that in the interest of the child herself, she, “only being [of]

⁶⁶ Memorandum of February 11, 1939 from Mr. Cory for Mr. MacInnis, Indian Affairs Branch, File 9-139664, Volume 2581, Part 1 , Feb. 21, 1939, RG 13, LAC.

limited Indian blood, should not remain and be raised in the Indian fashion.”⁶⁷ He agreed to pursue the matter based on the absence of department consent to the adoption.

At issue were deeper matters related to blood-based understandings of race and degeneration. The possibility that adoption could confer Indian status on non-Indian children disturbed white officials, who were perhaps well aware of the poor state of care they offered their Indian charges. To potentially allow a white child to suffer the indignities of Indian status and all that entailed, challenged the binary thinking that enabled department officials, and the public at large, to justify and rationalize poverty and poor health on Indian reserves across the country. Also at issue was who had control over the matter. Indian people utilizing provincial legislation could potentially restore members lost to enfranchisement legislation, calling into question the gendered and racialized parameters used to restrict band membership.

The background information provided for Frances reveals a complex Métis identity that officials continually sought to discipline into manageable Euro-Canadian definitions of either Indian or white. Frances’s mother Jennie (LaR) T--- had been born in 1896 in Red Deer, Alberta to Métis parents. Her first marriage in 1914 was to Métis Henry N---, who went overseas and was killed in action. In August 1915, she married William T---, a white man who died in 1927. Frances was born in 1927, and in June 1935, she was left in the care of Alex A---, Chief of the Cree Band of Riviere Que Barre, Alberta, after which the children came to the attention of child welfare officials. The case file on the adoption states that, “Mrs. C at this point states she arranged to take the child in question from Alex A---, her brother, and got the child June 1935. Through questioning, Gertrude (a sister to Frances) T--- states the mother was of Indian blood and her father a white man, further that she believes the mother was a relation to Chief Harry

⁶⁷ Ibid.

Cardinal who now resides at Anzac...”⁶⁸ This genealogy of relations alludes to some type of family relationship between Frances’s Métis mother and the C--- family, although it remains unclear.

D.B. Mackenzie, the provincial attorney general for Alberta, who had been contacted by the DIA to set aside the adoption, refused to participate in setting aside the order after a discussion with the Department of Child Welfare. In reply to the federal department he stated, “From information obtained in that department I gather that no great hardship will be done to anyone if the adoption is now ratified by the proper official of the Indian Department.”⁶⁹ He cited past practice:

As you probably know, half-breed children have been placed on Indian Reserves under Adoption Orders in the past with the full knowledge and approval of the Dominion Government officials in charge of said reserves. A better approach according to the Solicitor, would be to leave the child with her parents. It would appear to me therefore, that Ottawa should be asked to consider issuing more exact instructions as to the proceedings to be adopted in the future and to consider leaving this particular child with the Indian foster parents with whom she has been living happily for something like two years.⁷⁰

The fascination over Frances T---’s race and the refusal to accept that the adoption was legitimate reveal a preoccupation with patrilineal descent and fears of racial degeneration. After this mild rebuke, officials at the Department of Indian Affairs stated emphatically, “Frances T--- is not a half-breed but a white girl, and to recognize the adoption of a white child by Indians and the consequent Indian status of such child, would be out of the question from the view point of

⁶⁸Memorandum for the Deputy Minister of Justice, File 9-139664, Volume 2581, Part 1 Feb. 21, 1939, RG 13, LAC.

⁶⁹D.B. MacKenzie, Solicitor, Attorney-General’s Department, to C. Gariepy, Re: Adoption of Frances Thompson, March 27, 1939, File 9-139664, Volume 2581, Part 1, Feb. 21, 1939, RG 13, LAC.

⁷⁰ Ibid.

this branch.”⁷¹ In response, lawyer Gariepy countered, “For the purpose of the application, it was sufficient to show that this child was not the daughter of Indian parents, that she could not be considered Indian.”⁷² However, Gariepy was not as paranoid about race in his grasp of the matter: “As a matter of fact from inquiries made by the Indian Agent and the RCMP, it is clear that she is the daughter of a half-breed mother and a white father. This could make her a quarter breed Indian.”⁷³ Based strictly on the objective facts, he felt the adoption unwise, “To accept the adoption order, as to for instance that fact the C--- couple are treaty Indians, are destitute etc., would be a very bad precedent, as apparently the Department here to do child welfare would be very pleased to have Indian affairs branch take care of any half breed or child being part white and part half breed.”⁷⁴ In addition to racial fears, adoption provided the opportunity to find families for problematic mixed-race children; the provincial departments struggled to find homes for children among white society.

Local doctor P.W. Head of Fort Chipewyan was familiar with the Indian people of the area, and on May 26 1939, echoed the fears of the department officials, “This girl who has never known much of a proper home is taken fairly well to the Indian mode of life, but I do not consider it a suitable life for her as her views are very likely to change as she gets older. Moreover the aspects of schooling and general welfare will diminish rather than increase with the ageing of her foster parents. Personally I do not like the idea of a three quarter white child

⁷¹ Letter, Department of Mines and Resources, Indian Affairs Branch, to Edouard Gariepy, April 22, 1939, File 9-139664, Volume 2581, Part 1 , Feb. 21, 1939, RG 13, LAC.

⁷² Letter Gariepy to Deputy Minister of Justice, May 10, 1939, File 9-139664, Volume 2581, Part 1 , Feb. 21, 1939, RG 13, LAC.

⁷³ Ibid.

⁷⁴ Ibid.

being made a treaty Indian.”⁷⁵ Like the case of unredeemed captive Eunice Williams, adopted into a Mohawk family at Kahnawake in 1704, Frances represented reverse boundary crossing that troubled the settler colonial imagination. At age seven after a raid on Deerfield, Massachusetts, Eunice Williams was marched north to Canada, and for all intents and purposes became Mohawk, speaking the language to the point of forgetting English, marrying and having children. Despite attempts to induce her to return, she refused to go back to her Anglo-American family and remained an unredeemed captive.⁷⁶ As Sarah Carter has found regarding sensational captivity narratives in the early settlement period, “Assumptions about the ‘wretched fate’ that awaited these girls once they grew up both promoted and confirmed the negative images of Aboriginal women that were firmly embellished in the colonial imagination.”⁷⁷

After lawyer Edouard Gariepy was unable to have the order overturned, the department referred the matter to the Deputy Minister of Justice E. Miall for his legal opinion, who provided the final word. On July 19, 1940, based on a reading of the Indian Act, child welfare law, and how the term *child* has been defined in past cases, Miall stated clearly and unequivocally that Indian status could be created through adoption.⁷⁸ Deputy Minister of Justice Miall looked to the Indian Act to answer the questions of status, since Section 2(d) ii the Indian Act defined Indian

⁷⁵ P.W. Head, M.D., to C.E. Gariepy, May 26, 1939, File 9-139664, Volume 2581, Part 1, Feb. 21, 1939, RG 13, LAC.

⁷⁶ John Demos, *Unredeemed Captive: A Family Story from Early America* (New York: Alfred Knopf, 1994), 142.

⁷⁷ Sarah Carter, *Capturing Women: The Manipulation of Cultural Imagery in Canada's Prairie West* (Montreal: McGill-Queen's University Press, 1997), 157.

⁷⁸ Deputy Minister of Justice to Director of Indian Affairs, re: Adoption of Frances G. T--- by Indians of the Chipewyan Band, Alberta, July 19, 1940, File 9-139664, Volume 2581, Part 1, Feb. 21, 1939, RG 13, LAC.

as the child of “any male person of Indian blood reputed to belong to a particular band.”⁷⁹ Since the Act did not cover the issue of adoption, it was then necessary to define the meaning of child. He then looked to both provincial and federal legislation. The Alberta Adoption of Infants Act; section 45(i) stated that “an order of adoption shall b) make such child, for the purposes of the custody of the person and filial and paternal duties and rights, to all intents and purposes the child of the adopting parent; c) give the child the same rights to claim for nurture, maintenance and education upon his adopting parent that he would have were the adopting parent his natural parent.”⁸⁰ Based on the legally established parent-child relationship created through adoption legislation, Miall concluded that Section 45(10) provides that

a person who has been adopted in accordance with the provisions of this Part shall, upon the intestacy of an adopting parent, take the same share of property which the adopting parent could dispose of by will as he would have taken if born to such parent in lawful wedlock and he shall stand, in regard to the legal descendants but to other kindred of such adopting parent, in the same position as if he had been born to him.⁸¹

Thus, based on a reading of both the definition of Indian in the Indian Act and child in the Alberta Adoption of Infants Act, Frances T. had become an Indian through the powerfully worded legal protections that adoption legislation defined.

Adoption proved to be a unique mechanism for providing vulnerable children with social and legal belonging, and potentially affirmed indigenous kinship systems. Miall was also careful to indicate that

Frances Gertrude T--- is to be considered as the child of Joseph and Angelique C---. I surmise that the interest of the IAB in the status of this girl has to do with the

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Ibid.

distribution of moneys or potential inheritance within the Band of an interest in the Band property and is not directed to the proportion of Indian blood. By section 14 an Indian woman, marrying a person other than an Indian, ceases in every respect within the meaning of the Act to be an Indian, and I am therefore not putting forward any suggestion that the girl's status as an Indian derives otherwise than from the adoption.⁸²

Miall pointed out the relative unimportance of race and Indian blood quantum in the past administration of the Act by referring to Treaty 8, signed in 1899 with the Chipewyan Indians and the promise to pay every family head \$5. He inferred that this clause had contemporary significance to the Indian family stating, "I suggest that effect can only be given to this promise if payment be made to the head of the family in respect of each person who, in the eyes of the law, is a member of this family. I submit, therefore, that the effect of the adoption is to confer full Indian status upon Frances Gertrude T---, the child in question."⁸³ Using the written text of Treaty 8, Miall defined the Indian family as being made up of all members who were legally recognized as under the authority of the head of the family. Thus, race played no role in determining who became an "Indian" under this legal definition utilized by the treaty. As such, adoption, by conferring a legal parent-child relationship, fell under the same category. Despite the clear legal argument made by the deputy minister, the department refused to recognize the logic of his argument, which essentially rendered the gendered colonizing (il)logic of the Indian Act and the Department of Indian Affairs null and void when he determined that neither blood nor race played a role in deciding who qualified as Indian.⁸⁴

⁸² Ibid.

⁸³ Memorandum for the Deputy Minister of Justice, July 29, 1940, File 9-139664, Volume 2581, Part 1, Feb. 21, 1939, RG 13, LAC.

⁸⁴ Two further memorandums were sent to Deputy Minister of Justice Miall, further arguing against admitting Frances as an Indian, as defined by the Indian Act; File 9-139664, Volume 2581, Part 1, Feb. 21, 1939, RG 13, LAC.

Despite the apparent hegemony of the Indian Act, this early example may indicate that indigenization of adoption laws began to emerge as Indian people utilized the protections of adoption to support kinship obligations in the face of oppressive control by the department, day-to-day struggles of poverty and isolation, illness, and death. However, Indian status conferred by adoption posed the risk of flaunting the irrationality of the legal construction of Indian identity. In response, the branch sought to impose its own narrow definition of who could and could not qualify as Indian and to restrict the ability of Indian people to define adoption according to their own notions of family and kinship outside the legalized definition of Indian.

This case is significant in that it provides an early example of the tensions in the inter-space between federal attempts to reduce and legally eliminate Indian women and children, and the provincial child welfare prerogative to ensure permanent care of children in families through adoption. The conflict between provincial adoption laws and the federally defined Indian status created by the Indian Act becomes more pronounced over time. This is especially true after 1951 once provincial laws become applicable to Indian people on reserves and in cities. Likewise, it presents an opportunity to view the manner in which Indian people sought to indigenize the child welfare system and seek the legal recognition of indigenous kinship. Frances T---s Aboriginal adoption reveals a counter-narrative of colonization with regard to kinship, race, gender, and legal status. Through the communication between highly placed bureaucrats in the various government departments, one can witness the primary objectives of the Indian Act: elimination of “Indian” and legal responsibilities for Indians through restrictive laws to manage relations between Indian and non-Indian people.

Oral histories collected from Aboriginal elders in Saskatchewan about experiences and cultural beliefs around gender and reproduction indicate that a period of transition took place

between the 1930s and the 1950s. While older marriage traditions remained operative in the 1950s, Christian churches and residential schools had begun to influence how marriage was understood and lived. Marriage was ideally lifelong with one partner. However, while infrequent, divorce and separation could take place if the couple were incompatible. One partner could simply leave. After marriage, young women continued to be mentored by older women.⁸⁵ Saulteaux men would come and live with the woman's family for one year after the marriage, hunting and trapping for their in-laws. As Kim Anderson has discovered while conducting oral histories with Prairie elders, "Marriage was as much about strengthening the female bonds of kinship and family as it was about a union between a man and a woman."⁸⁶ Both matrilineal and patrilineal arrangements have been recorded among the Cree, Anishnabe, and Métis. When young women moved in with their husband's family they continued to be under the tutelage of mother-in-laws. Older women were authority figures in the households with young women entering into a circle of women's kinship.

Traditional women-centered approaches around birth and reproduction continued to be practiced openly from the 1930s until the 1950s, after which Western male doctors took over pregnancy, birth, and postpartum care.⁸⁷ Previously, women in the community had managed these aspects of health. The midwives were older women who were highly regarded in their communities, as Anderson again points out, saying, "their significant role in catching incoming life and managing a transition into community is a demonstration of a uniquely feminine power,

⁸⁵Kim Anderson and Bonita Lawrence, eds., *Strong Women Stories: Native Vision and Community Survival Life Stages and Native Women: Memory Teachings, and Story Medicine* (Winnipeg: University of Manitoba Press, 2011) 122-123.

⁸⁶ *Ibid.*, 124.

⁸⁷ This was part of a broader trend in Canadian society, explored by Wendy Mitchinson, *Giving Birth in Canada, 1900-1950* (Toronto: University of Toronto Press, 2002).

a power that allowed women to be a conduit between the spirit and earthly worlds.”⁸⁸ The declining opportunity for older women to play a role in birthing practices likely altered cultural and community relationships based on generational and gendered roles.

Likewise, family planning was a community affair, and older women, often midwives, sought to help young women of childbearing age manage fertility so that they could be strong to care for their children. Older women cared for new mothers who became weak after childbirth, preparing medicines for them until they were strong enough to have the next child. It was widely understood that a mother’s death would negatively impact her children, and communities sought to prevent that occurrence as best they could. Traditional families looked after the health of their members by planning for births on a seasonal basis, ideally having babies born in the temperate months of May and June, rather than the harsh winter months when food was scarce and frigid temperatures made survival difficult. Like many cultural adaptations to the harsh subarctic climate faced by Prairie indigenous peoples, “family planning was undertaken to ensure the survival of the people.”⁸⁹

The distinctive cultural practices and gender relations in indigenous societies have been used to justify coercion and assimilation. The greater freedom of women and children proved threatening to Euro-Canadian definitions of the nuclear family. This level of coercion was couched in the language of protection and linked to the national body.⁹⁰ Historian Joan Sangster has observed in her study of women’s incarceration in Ontario that

⁸⁸ Anderson, 163.

⁸⁹ Anderson, 42.

⁹⁰ Jacobs, 24.

The sexual regulation of Native and non-Native women alike was part of a broader project of nation building. The creation of moral families, based on Western (Anglo) middle-class notions of sexual purity, marital monogamy, and distinct gender roles of the female homemaker and male breadwinner was an important means of creating moral and responsible citizens, the “bedrock of the nation”, as legal authorities never tired of saying.⁹¹

The law has been the manner by which women and gendered norms have been colonized in Aboriginal societies. Gendering band membership and political participation that replicate Euro-Canadian societies has had the effect of severing female kinship circles among women. The impact of these laws made women and children vulnerable to poverty and abuse.

For Euro-Canadian settler populations adoption was a new world development that reflected an optimistic belief in the power of the environment to shape individuals and the role of the family to nurture future citizens. Like European settlers who left behind pasts and kinship connections, moving to their adopted countries for a brighter future, adoption offered the promise of new beginnings for both unwed mothers and children.⁹² It also reflected a new role for families, not only as economic units, but also where the emotional needs of children and adults were met. Massachusetts had the first recorded reference to adoption as the legal transfer of parental rights in 1851.⁹³ This law has been considered a watershed in the history of American family and society as well as a model for future adoption laws. The parent-child relationship was no longer considered strictly defined by blood ties.⁹⁴ Judges utilized the “best interests of the

⁹¹ Feminist scholars Sarah Carter, Jean Barman, and Joan Sangster have connected the significance of regulating women to pursuing Indian assimilation; Sangster, 169.

⁹² See Veronica Strong-Boag, *Finding Families, Finding Ourselves: English Canada Encounters Adoption from the Nineteenth Century to the 1990's* (Don Mills: Oxford University Press, 2006), Introduction.

⁹³ Julie Berebitsky, *Like Our Very Own: Adoption and the Changing Culture of Motherhood, 1851-1950* (Lawrence: University of Kansas Press, 2001), 22.

⁹⁴ E. Wayne Carp, *Adoption in America: Historical Perspectives* (Ann Arbor: University of Michigan Press, 2002), 7.

child standard” to evaluate whether parents were “fit and proper.”⁹⁵ France did not pass an adoption act until 1923; Scotland, 1930; and Ireland not until 1950. In Canada, the first law enacted was in New Brunswick in 1873, but Saskatchewan did not have adoption laws until 1920. If children needed care, few families used legal adoption to formalize kinship prior to the 1950s. Beyond being prohibitively complicated and expensive, many other methods were available, including informal adoption, orphanages, foster homes, and boarding schools, to name a few.⁹⁶

Modern adoption has a history deeply embedded in early twentieth-century reform movements, but it rose to prominence in the post-war era of the normalized ideal family promulgated by psychologists and social workers.⁹⁷ Prior to the advent of the professional social worker, the late nineteenth-century Protestant benevolent societies believed in keeping white mothers with their infants. Adoption historian Julie Berebitsky has explored how changing definitions of good motherhood contributed to the increasing popularity of adoption. Previously, she argued, “the reform efforts of the late 19th century which focused on keeping families intact and unwed mothers and their children together, glorified biological parenthood, and especially biological motherhood.”⁹⁸ Initially, adoption was considered unappealing to potential adoptive families since the possibility of parents returning to retrieve youngsters caused anxieties, more so

⁹⁵ Ibid., 6.

⁹⁶ Ellen Herman, *Kinship by Design: A History of Adoption in the Modern US* (Chicago: University of Chicago Press, 2008), 21.

⁹⁷ An important look at the role of psychologists in the post-war period is Mona Gleason, *Normalizing the Ideal: Psychology, Schooling and the Family in Post-War Canada* (Toronto: University of Toronto Press, 1999).

⁹⁸ Berebitsky, 36.

than fears of tainted blood.⁹⁹ Further, the rise of the maternalist welfare state and the provision of mothers' allowances enabled financially strapped women to parent children, and demonstrated that the state had a role in ensuring responsibilities for parent care. The idea was to keep children with mothers, since "mother's pension laws deterred adoption by offering married mothers financial support when male breadwinners failed them through death and desertion."¹⁰⁰ By enabling women to care for children at home, it was less likely the children would be institutionalized or adopted.

Early pro-adoption reformers in the US mixed benevolence with civic duty, self-interest, and class interest. Progressive thinkers in the early nineteenth century rejected the then popular eugenics movement. These "positive environmentalists" believed that a child's environment could be used to overcome the so-called hereditary taint.¹⁰¹ Middle-class adoption reformers challenged the narrow definition of biological motherhood, and are unique from other maternal feminist progressives by their pro-adoption stance that clashed with the anti-adoption position of the eugenicists. In the 1910s, reformers embraced an unconventional standpoint in an era when blood was considered to be thicker than water, and illegitimacy was synonymous with inferiority.¹⁰² For example, prior to World War I, child welfare organizations rarely recommended children for adoption since the majority continued to believe that personality, intelligence, criminal tendencies, feeble-mindedness, and promiscuity were inherited. These

⁹⁹ Ibid., 38.

¹⁰⁰ Herman, 34.

¹⁰¹ Berebitsky, 30.

¹⁰² Herman, 40. This point is also made in David Schneider, *American Kinship*, 49.

beliefs were supported by law and science of the times.¹⁰³ Thus, in the early adoption era, adoptive children were doubly burdened, first socially because of illegitimacy, and second, medically through being perceived as defective as a result of tainted blood. To reflect the triumph of adoption as a new beginning and a major development in the history of “modern adoption,” laws were passed that removed the term *illegitimate* from the child’s birth certificate and issued a new name and birth certificate.

Three conditions altered the role of adoption in family making. First, the debunking of eugenic pseudo-science after World War II; second, the rapid increase in out-of-wedlock births; and finally, increased interest by potential adoptive parents.¹⁰⁴ To reduce the perceived risks inherent in accepting unrelated kin, professional social workers crafted policies and procedures to ensure safer, legal adoptions. Early adoption was meant primarily for childless white families seeking to adopt white children, and the matching of class, appearance, and intelligence enabled adoption to mirror the natural family. Social workers developed a scientific attitude toward matching, employing intelligence testing and taking detailed case histories of each individual involved in order to ensure the best possible outcome. The struggle to professionalize adoption reflected the struggle to professionalize social work in general, and over the first part of the twentieth century, commercial and benevolent adoptions were replaced by professional adoptions designed using exacting standards and regularized procedures.¹⁰⁵ While each step taken in professionalizing adoption brought it closer in appearance to the biological family, society failed to accept the legitimacy of the adoptive family on the same footing as the

¹⁰³ Carp, 8.

¹⁰⁴ *Ibid.*, 10-11.

¹⁰⁵ Herman, 50-51; Katerina Wegar, *Adoption, Identity and Kinship: The Debate over the Sealed Birth Records* (London: Yale University Press, 1997), 49-50.

biological family. Laws have been passed that are intended to benefit the adoptive family against the power of blood ties and provide children the most American of dreams, the opportunity for social mobility.¹⁰⁶ In this effort, “social workers attempted to create adoptive families that not only mirrored biological families, but also reflected an idealized version of them.”¹⁰⁷

Social workers, psychologists, and the state promoted a new role for families in the post-WWII period. As Mona Gleason has argued, the idealized nuclear family envisioned by experts was no longer bound by outside forces such as the church, law, and economic necessity, but primarily existed to meet the psychological and emotional needs of the members. She quotes from popular Canadian psychologist, Dr. Samuel Laycock, who explained the shifting function of the modern family, and the increased demand on parents. He explained this as a ‘shift in function’ from a collaborative productive purpose, ‘making things,’ to the ‘insistent and urgent’ building of personality.¹⁰⁸

Experts on family life concluded that in the normal family, not merely in the ideal family, the primary function would be the giving and receiving of love.¹⁰⁹ Gendered discourses supported the so-called traditional roles of men and women, with women instructed to be good wives and mothers who remained in the home, and men to be gentle leaders.¹¹⁰ The exacting middle-class standards of psychologists and social workers made it profoundly difficult for

¹⁰⁶ Wegar, 26.

¹⁰⁷ Berebitsky, 129.

¹⁰⁸ Mona Gleason, *Normalizing the Ideal: Psychology, the School, and the Family in Postwar Canada* (Toronto: University of Toronto Press, 1999), 88 .

¹⁰⁹ *Ibid.*, 92.

¹¹⁰ *Ibid.*, 52-53.

groups such as immigrants and Native families living in poverty to live up to such ideals.¹¹¹

Those who were unable to conform to the race-based, class-based expectation could expect scrutiny of social workers and other helping professionals in assisting with their role. With the rise of psychology, and widespread acceptance of Freudian analysis in debunking eugenics, early environmental exposure and experiences determined personality more so than heredity.

Motherhood became a political act. As Gleason has concluded of the beliefs in the power of the family in the post-war period, “Strong cooperative industrious families meant a strong, cooperative industrious country.”¹¹²

The combination of decades of political organizing, unprecedented service in the armed forces during World War II, and a sympathetic Canadian public, converged to bring Indian Affairs policy to the attention of the Canadian government in 1946. The Special Joint Committee of the Senate and the House of Commons to Consider and Examine the Indian Act (JSCSHC) sat from 1946-1948, and Indian leaders from across Canada were also invited to take part in presenting their views on the policies of the department and conditions on reserves.¹¹³

The Canadian government believed that revising the Indian Act would lead Indians to embrace modern industrial society by preparing Indian people for future citizenship. As historian John Leslie has pointed out, the immediate post-war period is one of profound historical importance to the study of Canadian Indian policy, as it provides a historical bridge between the earlier protectionist era and the new integrationist era.¹¹⁴ An important aspect of the policy goals since

¹¹¹ *Ibid.*, 92.

¹¹² *Ibid.*, 111.

¹¹³ John F. Leslie, “Assimilation, Integration or Termination? The Development of Canadian Indian Policy, 1943-1963” (PhD diss., Carleton University, 1999), 9.

¹¹⁴ *Ibid.*, 4.

the creation of the department had been the elimination of the Indian people, or, as Duncan Campbell Scott put it bluntly in 1920, “our object 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.”¹¹⁵ A policy of “integration” became the stated goal for Indian Affairs, which would allow Indian people to retain aspects of their culture while embracing the political and social values of the rest of Canadians. The committee considered a wide range of pressing areas including band membership, schooling, taxation, land rights, treaties, and governance on reserves, but the matters of band membership and child welfare service provision are the two most significant to this study.

The joint submission of the Canadian Welfare Council and the Canadian Association of Social Workers carried the most weight when the committee sought direction for its new drive toward integration. In it, the CWC and CASW mapped out a new role for social welfare experts and the helping services of professional social scientists in solving the Indian problem. The submission stated that “in our judgment, the only defensible goal for a national program must be the full assimilation of Indians into Canadian life, which involves not only their admission to full citizenship, but the right and opportunity for them to *participate freely* with other citizens in all community affairs.”¹¹⁶ The definition of integration and assimilation for these social welfare experts meant that Indians would no longer be relegated to receiving second-rate services from voluntary organizations and Indian agents. Instead, they would be joining the rest of Canada as

¹¹⁵ This famous line by Duncan Campbell Scott is taken from J.R. Miller, *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada*, 3rd Edition. (Toronto: University of Toronto Press, 2000), 281.

¹¹⁶ Joint Submission by the Canadian Welfare Council and the Canadian Association of Social Workers to the Special Joint Committee of the Senate and the House of Commons appointed to examine and Consider the Indian Act. Ottawa, January 1947. MG 28 I 10 Volume 118 Canadian Welfare Council. LAC.

fellow citizens in embracing the therapeutic ministrations of professionals, whether they be social workers, doctors, or educators.

In documenting the vast discrepancy between white and Indian communities in social indicators like tuberculosis, infant mortality, educational levels, and housing, the CWC and CASW attributed these to the state of dependence Indian people had been forced to endure as a result of their protected status. They supported full citizenship rights for Indian people since they had demonstrated their willingness to participate in the two World Wars.¹¹⁷ While offering commentary on aspects of Indian policy such as education and health, and acknowledging the interrelationship between all three of these areas, social issues were considered to be most pressing and also the area where the CASW and CWC could offer support. The problems identified as stemming from a lack of properly administered services were

1. wide open prostitution...with Indian girls becoming diseased and pregnant.
2. Indian juvenile delinquents, apprehended off the reserve, are in most cases returned forthwith without any attempt being made for their treatment or reform
3. The practice of adopting Indian children is loosely conceived and executed and is usually devoid of the careful legal and social protection given white children. Frequently children are simply absorbed into the homes of relatives or neighbours without any legal status.
4. A child either legitimate or illegitimate of a Treaty Indian woman and a white man is precluded from absorption into the maternal grandparent's home, even though socially such a placement is desirable and would thereby establish normal family contacts.
5. Owing to the fact that the wards of the Dominion Government are not eligible for benefits under provincial legislation, Indian children who are neglected lack the protection afforded under social legislation available to children in white communities.

¹¹⁷ *Ibid.*, 3.

Instances could be multiplied. No matter what phase of Individual opportunity or family situation is considered, the Indian are at a disadvantage by comparison with other groups in the Canadian community.¹¹⁸

Social workers sought to bring enlightened adoption practice to Indian children to provide them with what was believed to be the protection of years of accumulated professional expertise.

Likewise, the submission pointed out the injustice of separating women and children from Indian families (through status legislation) as fundamentally problematic and abnormal.

The submission suggested the coordination of federal and provincial relations and the development social services on reserves. Critical of the out-dated residential school system that perpetuated the breakdown of the families, professional social workers attempted to modernize Indian policy to bring new knowledge and methodologies of family services to bear in Indian communities. Like orphanages, which had been abandoned in white society, it was felt that residential schools could not socialize children properly for the modern Canadian nation-state. The joint submission recognized “that no institution is an adequate substitute for normal family life. We believe that foster home service should be developed within the Indian setting.”¹¹⁹ Normal family life--rather the idealized family life with a two-parent nuclear family--was profoundly racialized and gendered and did not reflect the realities or aspirations of Aboriginal peoples. It was widely recognized that the schools were responsible for more than educating children and were used largely for orphaned and neglected children. The submission further stated,

with respect to the child welfare aspects of residential schools we urge the abandonment of the policy for caring for neglected and delinquent children in educational institutions. These children require very special treatment and we suggest the utilization of recognized child welfare services. Agreements might be made with provincial child

¹¹⁸ *Ibid.*, 6.

¹¹⁹ *Ibid.*, 9.

caring authorities to supply a service on the basis of payment for individual cases where it was deemed advisable.¹²⁰

Through utilizing existing Child Welfare legislation in provinces, Children's Aid Societies, and the Department of Child Welfare, Indian children could obtain proper nurture in a family-based setting like other neglected and dependent future citizens.

Based on the recommendation of the CWC and CASW and others, the revised Indian Act recommitted policy toward the eventual integration of Indian people. However, Indian people would now play a role in helping themselves advance. It stated, "All proposed revisions are designed to make possible the gradual transition of Indian people from wardship to citizenship and help them advance themselves."¹²¹ The revised Indian Act brought Indian people across Canada under the scope of the provincial laws, via Section 87, paving the way to allow provinces to provide educational, health, and welfare services.¹²²

The newly understood "Indian problem" was no longer viewed through racial theories of physiological difference or social evolution. In the post-war period, psychological explanations for difference arose. According to an Indian Affairs circular,

What is this so-called 'Indian problem'? In essence it is this: The Indian is too often considered an outsider in our society. His reserve is palisaded with psychological barriers which have prevented close social and economic contact between Indian and non-Indian. It is the policy of the government to help the Indian, caught in an age of transition, to adapt himself to a larger and more complex society, to be able to earn a

¹²⁰ Ibid., 12.

¹²¹ Hugh Shewell, *Enough to Keep Them Alive: Indian Welfare in Canada, 1873-1965* (Toronto: University of Toronto Press, 2005), 203.

¹²²Section 87, Indian Act (1951), read, "Subject to the terms of any treaty and any other Act of Parliament, all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province, except to the extent that such laws are inconsistent with this Act or any order, rule, regulation or by-law made thereunder, and except to the extent that such laws make provision for any matter for which provision is made by or under this Act."

living within that society if he wishes to do so. But there are many factors which inhibit the Indian in his adaptation to a mid-twentieth century technological world. Most are but dimly understood.¹²³

Indian Affairs effectively recast the barriers faced by Indian people from imposed external barriers such as the legislation preventing Indian's from leaving the reserve or others from coming onto the reserve, into a collective psychological inferiority complex. The role of social welfare experts would be to assist with breaking down the internal 'psychological barriers' and to bring to light the 'dimly understood' factors that prevented Indian people from embracing the allegedly superior modern world.

The new psychological interest focused on the subjectivity of the Indian rather than the anthropological interest in dying races or the religious interest in saving souls. Support for alternative approaches gained traction after the publication of Dr. Moore's study of malnutrition in 1948 in the *Canadian Medical Association Journal*. After conducting research on Indian people during WWII, he found what had been formerly understood as racial characteristics, such as "shiftlessness" and "indolence," might actually be the result of chronic fatigue stemming from malnutrition.¹²⁴ This shift away from racial explanations stimulated further study in the search for an alternate explanation for Indian people's lack of interest in assimilation. Not surprisingly, attention turned to the early socialization of Aboriginal children in their families as the possible origin of difference. Dr. Bartlett, from Favorable Lake, Ontario, suggested early socialization as one possibility. Locating Indian behaviour in early childhood experiences, Bartlett echoed missionaries from an earlier era:

¹²³ Shewell, 207.

¹²⁴ For further information on the nutritional studies conducted on Aboriginal communities and in residential schools, see Ian Mosby, "Administering Colonial Science: Nutrition Research and Human Biomedical Experimentation in Aboriginal Communities and Residential Schools, 1942-1952," *Social History* 46, no. 91 (May 2013).

I have another thought on the subject: It occurred to me that I have never yet seen an Indian parent punishing his child in any way. On looking into it, I find that they actually very rarely enforce any sort of discipline at all: the child merely obeys all his whims and the parents cater to them at will. It is the path of the least immediate resistance to let the child have its own way....Contrast this with a white child's upbringing.

Is it unusual, then, that the child should grow up with no sense of responsibility to anyone but himself? In adulthood he merely continues to do as he pleases, usually along the path of least resistance. He works when he feels like it, eats when he is hungry and makes no store for tomorrow, etc. There are still childhood patterns, and I suggest that they have persisted into adulthood because at no period in his life was he taught to disregard them and adopt adult thinking and discipline.

In support of this we have the observation that Indians who have been brought up in a better environment, e.g.: a good school under a good teacher, who tried to do more than teach reading and writing, usually show more initiative, and usually have more sense of responsibility towards other people than do Indians raised entirely in native ways.¹²⁵

Taking this approach to the next logical step, Rioux, a cultural anthropologist at the National Museum in Ottawa, conducted a study of social customs of the Iroquois at the Six Nations Reserve near Brantford. For his research on family life and social development, he developed an extensive (and invasive) questionnaire on childrearing practices and family reactions to newborns. Those with new academic interest in the intimate lives of Indian families had no misgivings in asking highly personal questions, such as "Question 14. Does the couple continue to have intercourse?" listed under the heading Prenatal Period, and "Question 47. Is there much attention shown to the baby?" followed by "Question 48. How is he nursed? Breast or bottle fed?"¹²⁶ While the results of these questions remain unknown, it reveals a greater degree of intrusion into the lives of indigenous peoples, seemingly powerless subjects trapped in government-controlled laboratories, in the wrongheaded search for the elusive answer to the problem of assimilation.

¹²⁵ Quoted in Shewell, 212.

¹²⁶ *Ibid.*, 214.

The subjects of this particular study, the Mohawk of Brantford, strenuously objected to having researchers pry into their intimate lives. Mrs. Farmer, a representative of the Local Council of Women in Brantford, wrote a letter of protest to Ross Macdonald, Speaker of the House of Commons, stating their displeasure. In rare and candid response, the government stated its purpose:

It is thought that there is a close relation between the way children are brought up and the way they will later behave as members of a group; the aim of these studies on child social adaptation is to find the roots of actual adult behaviour with a view to eradicating the sources of maladjustments...The behaviour, which we justly consider as intimate, has a wide influence on other aspects of human behaviour and should be investigated if a full understanding of a given society is to be arrived at. The best example...of the good effects of this type of enquiry is that of the Navaho Indians who have been studied in this manner by members of the Peabody Museum of Harvard. These Indians are now dealt with by administrators with a full comprehension of their point of view and will in the near future be completely integrated into the active life of the county with their complete consent and satisfaction.¹²⁷

According to the logic of the government, researchers were indeed justified to pry into the intimate areas of family life deemed private by indigenous people. New psychological knowledge, seeking out the roots of adult behaviour ‘with the view to eradicating the sources of maladjustments’ gave permission to “helping professionals” to first study, then adjust unhelpful aspects of the intimate lives deemed regressive. Ideally, through proper application of technologies of helping, integration would be consensual and satisfactory.¹²⁸

The newly revised Indian Act, in addition to allowing provincial laws to be applicable on reserves, also expanded the enfranchisement section and altered the section on band membership. Indian women who married out and their children were further disadvantaged. However, women

¹²⁷ Document 7.1 Questionnaire on Childhood among the Iroquois (excerpts). Found in Shewell, 213.

¹²⁸ Franca Iacovetta has also examined the role of social workers adjusting the behaviors of immigrant women and families in order to assimilate to Canadian ways; Franca Iacovetta, *Gatekeepers : Reshaping Immigrant Lives in Cold War Canada* (Toronto: Between the Lines, 2006).

obtained the right to vote in band elections for the first time. Section 11, devoted to stipulating who could claim Indian status in Canada for the purpose of the Indian Act, placed much greater emphasis on the male line of descent and the legitimacy of children. It would also appear that out of the Frances T- case and the potential for adoption to bestow Indian status, Indian child the section detailing children`s status clarified that adopted children could not claim Indian status.

Section 11(c) is a male person who is a direct descendant in the male line of a male person described in paragraph (a) or (b);

(d) is the legitimate child of

(i) a male person described in paragraph (a) or (b), or

(ii) a person described in paragraph (c);

(e) is the illegitimate child of a female person described in paragraph (a) (b) or (d) or

(f) is the wife or widow of a person who is entitled to be registered by virtue of paragraph (a), (b), (c), (d) or (e).

Section 12 laid out who was not entitled to be registered as an Indian,

Section 12 (10 (b) of the Act states;

12(1) The following persons are not entitled to be registered, namely

(b) a woman who married a person who is not an Indian, unless that woman is subsequently the wife or widow of a person described in section 11.¹²⁹

In 1869 the Indian Act amplified the already extant gender discrimination to determine who could claim Indian status and political rights. However, the 1951 revisions further stipulated that women who married out were now automatically deprived of Indian status and band rights from the date of their marriage. Children were also enfranchised along with their mother and no longer entitled to live on a reserve, and property women may have owned was sold by the superintendent, and they were given the proceeds.¹³⁰ Previously, women who married a non-

¹²⁹ Indian Act, R.S.C. 1971, C.I-6.s.11. Quoted in Jamieson, 7-8.

¹³⁰ Jamieson, 63.

Indian had ceased to be Indian but were able to retain their treaty annuities and community membership. Likewise, illegitimate children were placed in a precarious position, unable to claim Indian status from their mothers.

The combined outcomes of these changes were quickly apprehended by child welfare experts upon reviewing the legislation prior to it going before Parliament. In March 1951, Reg Davis, Executive Director of the Canadian Welfare Council, pointed out, “While Indians now must conform to all laws of general application from time to time in force in any province, (78) he should also have the rights of any provincial citizen regarding will, maintenance of children etc.”¹³¹ The key difference between the federal legislation and the provincial child welfare legislation lay in the legal relationship between mothers and illegitimate children:

The same point arises in regard to illegitimate children (s.11 9e). An unmarried mother is the legal guardian of her child, and yet this act would have the effect of depriving the child of that guardianship if his father is not an Indian, and preventing the child from being brought up on the reserve by his mother. This guardianship is recognized in regard to inheritance (s.48) (13) but it is much more important that the child should have the care of his mother than any money she may leave. The mother should be allowed to give that care on the reserve, if that seems desirable to her.¹³²

The director also had noticed that there had been no clear policy regarding the extension of social welfare services on reserves.

In response Minister Harris denied the implications for mothers and children, stating:

You speak of illegitimate children, sec 11 (e) I cannot follow the reasoning by which you come to the conclusion that an unmarried Indian mother would cease to be the legal guardian of her child. There is nothing in sec. 11 (e) which has anything to do with the child living on reserve, and I must say that there are literally hundreds of illegitimate children on reserves some of them having an Indian father and some having a white

¹³¹ Reg Davis, Executive Director of CWC, to Min. W.E. Harris, Department of Citizenship and Immigration, March 27, 1951; Comments on Bill no. 79 (revisions to the Indian Act), MG 28, I 10, volume 118, Canadian Welfare Council, LAC.

¹³² *Ibid.*, 2.

father. We do not put them off reserves (though bands often demand that we should when the father is a white man) but we do not allow them to be entered on the band list. I would appreciate it if you would tell me just how you arrive at the conclusion that the mother is not the guardian of her child under these circumstances, as we have nothing to do with guardianship except under section 52 which has to do with the appointing of guardians for the protection of property of infants in estates.”¹³³

Davis replied that there were reports from provincial child welfare workers of the practice of removing illegitimate children from mothers by officials employed by Indian Affairs. In addition, adoption of these children who lacked Indian status could not take place since the legislation stipulated that only legitimate children were accorded Indian status. He further elaborated on his original letter:

We have been informed by child welfare workers that there is often real difficulty in arranging for a child whose mother is Indian and whose father is white to be brought up by his mother on reserve. There seems to be a tendency on the part of officials to think that it is preferable for him to be removed from his mother. If he is brought up on the reserve and is not technically Indian, there must be problems for him in relation to his acceptance by the Indians and his later adjustment as an adult. We recognize that there will be some problems because of a tendency not to accept him in with the white or Indian community, but these should not be magnified by the fact that he is deprived of the rights of Indians if he and his mother wish him to be Indian. The legislation cannot wholly overcome the difficulties facing such children but it should not increase them. At the same time we are informed that the adoption of children who, because of Indian blood, are difficult to place with white families, is also a constant problem. The adoption by Indians may be very desirable from the point of view of the welfare of the child if by such action the child could become not only a member of the Indian family, but also the cultural group.

The proposed Bill makes it socially difficult for the mother to act as a guardian of the child, although legally she has that right. The child, who is technically not an Indian would be on the reserve only on sufferance and not by right.¹³⁴

As Davis could see, the legal and social limbo of Indian children of unwed mothers made it impossible for them to be adopted into Indian families, and they were unlikely to be adopted into

¹³³ Minister of Citizenship and Immigration Harris to Reg Davis, Executive Director, CWC, Ottawa, April 9, 1951 (reply), MG 28, I 10, volume 118, Canadian Welfare Council, LAC.

¹³⁴ Executive Director Canadian Welfare Council Reg Davis to Minister of Citizenship and Immigration Harris, April 28, 1951, MG 28, I 10, volume 118, Canadian Welfare Council, LAC.

white families as a result of the racial attitudes toward indigenous people in Canada. The legislation consequently further marginalized indigenous mothers and children.¹³⁵

Also, while enabling the extension of provincial law on reserves, the bill failed to mention a role for Indian people to assume responsibility for the development of welfare and health services in their communities, merely stating the eligibility for accessing provincial education. Davis pointed out that

we should also like to see welfare services combined with health as among the items for which bands may take some responsibility... We assume that Indians like other people learn to take responsibility by having it given to them, and if the financial assistance were accompanied by education, individual counselling, as it is available in some of the provinces, we predict that the Indians would need less and less supervision in such matters.”¹³⁶

The revised Indian Act was passed on May 17, 1951, without the suggested changes.

Without clear direction on the issue of child welfare and with a lack of resolution of the impact of gendered discrimination, social welfare developed slowly and unevenly. As Jessa Chupik Hall has concluded, child welfare services to Indian people evolved into a “patchwork” of residential schools as child welfare institutions, foster homes on reserves, community development, and removal of women and children.¹³⁷ In English-speaking Canada, the movement away from institutional methods of providing for the indigent and abandoned children, or in the case of Aboriginal populations, residential schooling, came about as a result of new methodologies and ideologies of children and family life. Social workers sought to wrest

¹³⁵ Brownlie also points out that the Indian Act membership likely worked against increasing marriages and conformity to middle-class norms as women opted to enter common-law relationships with non-Indians rather than lose status by marriage; Brownlie, 169-170.

¹³⁶ *Ibid.*

¹³⁷ Jessa Chupik-Hall, “Good Families Do Not Just Happen: Indigenous People and Child Welfare Services in Canada, 1950-1965” (master’s thesis, Trent University, 2001), 34.

adoption away from Children's Aid societies, Indian agents, doctors, and lawyers through offering a rigorous scientific approach over sentimental, customary, or dangerous "black-market" adoptions. In the case of Canadian First Nations, Aboriginal adoption, where families were involved in choosing the adoptive kin and bands had the authority to either approve or deny adoptions based on cultural and material considerations, no longer took place once provincial adoption laws became applicable on reserves. Unintentionally, Aboriginal adoption and child caring practices were colonized in the effort to provide equal services and uniformity.

Social workers who had worked to make adoption more scientific, did so in an attempt to overcome the Euro-American cultural belief that adoptive bonds between children and parents were inferior to biological relationships.¹³⁸ Provincial adoption law enshrined the adoptive relation as being as strong as a biological connection. Courts issued adoptive children new birth certificates and ensured that adoptive children received the same inheritance and legal rights as a natural child. Likewise, records of birth parents were sealed to ensure privacy for all involved.¹³⁹ In both Canada and the US, scientific adoption promised to overcome disadvantages of birth, provide social mobility to illegitimate children, and importantly provide childless couples with the opportunity to parent, while eliminating the uncertainty that birth families might attempt to retrieve youngsters once their situations improved. Adoption offered permanency and stability in a hand-picked, "normal" family chosen especially for their adherence to the ideal. Social workers tried to replicate the biological family as well as possible through matching intelligence, appearance, and economic status. The legal kinship ties created through adoption, up to the

¹³⁸ Herman, 7.

¹³⁹ Section 30 of Saskatchewan's Adoption Law, The Adoption of Children Act, states, "A person who has been adopted in accordance with the provisions of this part, and his issue, shall notwithstanding any law or statute to the contrary, have the same rights of succession to property from or through the adopting parent as though the person adopted had been born to such parent in lawful wedlock in the date of the order of adoption." Quoted in Battel, 115.

emergence of transracial adoption, consistently came closer and closer to mirroring the “normal” Euro-Canadian biologically-based nuclear family through both legislation and policy directives. For all intents and purposes, adopted children became legally similar to a child born to the adopting parents in lawful wedlock.¹⁴⁰

The entrenched belief that the solution to the Indian problem lay in removing children from the influence of their parents and reconfiguring kinship relations became reinvigorated with the specialized language of the expert. With introduction of the new Indian Act in 1951, two important developments occurred that have had long-lasting effects on the way Aboriginal women and children related to the state. First, the intensification of involuntary enfranchisement policies aimed at Indian women and children eliminated the ability of Indian people to adopt children who had lost status and raise them on a reserve. This development placed women and children in precarious social and economic situations.¹⁴¹ While Aboriginal adoption had been utilized for generations as a method of caring for children in need of security, the legal apparatus of the Indian Act had ensured that only those legally designated as Indians could be adopted. Second, the introduction of Section 87, which enabled provincial laws to be applied to Indian people and on Indian reserves, brought federal patrilineal Indian membership codes into conflict with provincial laws enabling the rights of the illegitimate child to flow from the mother. The continued ambiguity and confusion have led to “jurisdictional issues,” which in turn have led directly to the dismal state of child welfare in Canada. In addition, as social workers took over the role of mediating adoptions, professional methodologies utilizing home studies, ensuring

¹⁴⁰ Ibid; Elizabeth Bartholet, *Family Bonds: Adoption and the Politics of Parenting* (Boston: Houghton Mifflin Company, 1993), 48-49.

¹⁴¹ Brownlie, 169.

legal marriages and medical certificates, replaced traditional criteria. After 1951, integration through transracial adoption and fostering became the vanguard of the new criteria for citizenship.

CHAPTER 4. Rehabilitating the “Subnormal Family” in Saskatchewan: Tommy Douglas, the CCF, and Aboriginal Adoption

“At the zone of contact the scene is confused and turbulent.”

1954 Report, Native Welfare Policy, Department of Natural Resources¹

The brief headline, “Shelter Opened for Métis,” in the *Regina Leader Post* on September 29, 1949, detailed the official opening of the Green Lake Children’s Shelter for orphaned and neglected Métis children. The Provincial CCF government built the first non-denominational children’s institution in Saskatchewan specifically for the Métis, which housed up to fifty children and employed fourteen staff members in 1947. The article captured the words of Minister of Social Welfare and Rehabilitation John Sturdy, who spoke of the long-term goals for the children. In “dealing with the rehabilitation of the Métis, they should have pride in their ancestry. It is hoped all these children will eventually be placed in foster homes, or after reaching the age of 16 they will be able to take their place in society.”² The Green Lake Children’s Shelter closed amid a small scandal in 1951, four years after its opening. It stands as the earliest rehabilitation experiment applied to Aboriginal children in the province. The Green Lake Children’s Shelter utilized the application of CCF secular therapeutic assimilation strategy, which was the first expression of Saskatchewan’s later transracial adoption policy.

Rehabilitation was one side of a two-sided coin. On the other side was relocation. Coinciding with the opening of the children’s shelter was another experiment undertaken with

¹ Report, 1954. File 522 Native Welfare Policy, Collection R-190.3 Department of Natural Resources, SAB.

² *Regina Leader Post*: “Shelter Opened for Métis” September 28th, 1949.

members of the provincial Métis population. The article entitled “Experiment with Métis: Punnichy Settlers did not Stay Long-Children’s Home Opened”³ detailed the relocation of a southern Métis to the community of northern community of Green Lake. Saskatchewan readers were given a brief history of the community, complete with pictures of recently constructed buildings, and introduced to the Department of Social Welfare and Rehabilitation’s Métis strategy. The contact zone of this remote northern Métis community was depicted as inhabiting a liminal space requiring proper guidance in order to emerge fully modernized and integrated into the provincial society and economy. The author stated, “Green Lake now hangs precariously--in socio-economic balance--between a fur trade past and a frontier agricultural potential.”⁴ All the indications in 1949 pointed to a bright future for both the Métis and the north. The photos provided reassuring images of progress. Happy children in front of the newly built children’s shelter stood smiling in one picture, and another had the principal proudly standing in front of the recently constructed schoolhouse. Another picture depicted the recently built church, and another a large and relatively impressive government building. The three agents of modernization--the church, government, and school--would provide the necessary direction to ensure Métis children’s future would be among white society. Looking back, the photos also provide an eerie representation of Douglas’s agents of intervention to correct the sociological problems of the subnormal family.⁵ Under the photo of the smiling children in front of the shelter, the caption read, “Happy little girls, with children’s Home in Background. Homeless

³ Jim Wright, “Experiment with Métis,” *Saskatoon Star Phoenix*, Sept 21, 1949.

⁴ *Ibid.*

⁵ See Chapter 4, “Suggested Remedies for the Subnormal Family,” which outlines the various roles for the state, the school, and the church in rehabilitating the multi-problem subnormal family. T.C. Douglas, “The Problems of the Subnormal Family” (MA Thesis, McMaster University, 1933), Open Access Dissertations and Theses 1.



Figure 3.1. “Experiment with Métis” from Saskatoon Star Phoenix, 1949.

Métis children have a community home financed by the government, until they become adopted into family homes.”⁶The adoptive homes in question were with white families who the government hoped would play a role in their future.

Green Lake was the destination the government chose to relocate twenty-one Métis families from the Punnichy area and, eventually, several other Métis communities across the province.⁷ According to the article, “The families had been squatting on road allowances without economic facilities or much hope for

the future. They were given 40 acres at Green Lake of bush land with much of it

cultivable, with the option of 40 more acres. Whatever the reason, of the 21 families, 6 remain.” The troubling fact of the missing Métis did not seem to dampen enthusiasm for the project. When asked where the majority of the families had gone, the Deputy Minister of the Ministry of Social Welfare and Rehabilitation, J.S. White, replied, “Where have the other 15 families gone? We don’t know, though some of them did head back for Punnichy.”⁸ It was hoped that those settlers who did remain, would stay and prove themselves in the semi-agricultural settlement schemes. The messages printed in Saskatchewan were intended to be

⁶ “Experiment with Métis.”

⁷ It is difficult to say with accuracy how many Métis families were transported in total since the archival documents that would support this number contain information that violates provincial privacy legislation.

⁸ “Experiment with Métis.”

positive. The CCF government demonstrated that it was addressing concerns that had been raised about the condition of the Métis by members of the public and municipalities.

The concept of a “contact zone” applies in several different contexts in the period from 1945-1965. As defined by Mary Louise Pratt, it is a “space of colonial encounters, the space in which peoples geographically and historically separated come into contact with each other and establish ongoing relations, usually involving conditions of coercion, radical inequality, and entrenched conflict.”⁹ Métis road allowance communities became a contact zone as agricultural settlers disdained the presence of hybrid “others” in their midst. Métis northern communities became contact zones, as the CCF began to exploit northern resources while simultaneously attempting to assimilate Métis peoples. The bodies of Métis children became contact zones as social welfare experts abandoned rehabilitation attempts for the Métis people as a whole and refocused their attentions on individual children instead.

The unique historical context in post-WW II Saskatchewan is an essential aspect of the history of Aboriginal transracial adoption. In June 1944, T.C. Douglas and the CCF came to power in the provincial election, winning 47/53 ridings, and making it the first social democratic party to be elected in North America. From the outset, the impoverished Métis and Indian communities in Saskatchewan were an area of personal concern for the premier. Bolstered by its overwhelming majority, Douglas’ CCF undertook sweeping reforms in the areas of child welfare legislation and Métis rehabilitation. From 1944 onward, the party grappled with developing a Métis and Indian policy that would fit with its social democratic ethos “humanity first.” The philosophy was an all-encompassing ethos that sought to integrate all Saskatchewan citizens into society through equalizing access to education, health, and welfare. However, this policy was at

⁹ Mary Louise Pratt, *Imperial Eyes: Travel Writing and Transculturation* (London and New York: Routledge, 1992), 7.

odds with fulfilling the ongoing imperatives of a white settler-colonial hinterland. These conflicting objectives impacted the direction undertaken and certainly the outcomes of Native policies, particularly in the area of child welfare. This chapter explores the little known history of the CCF Métis rehabilitation policy in Saskatchewan. It argues that over time the focus of rehabilitation gradually shifted from rehabilitating Métis families and male heads of households to rehabilitating women and children. Through child welfare legislation and the provision of child welfare services such as fostering and transracial adoption, Saskatchewan's child welfare system incorporated the Métis children of its failed rehabilitation attempts. The process has obscured the impact of racialized poverty and loss of land. Instead, what the CCF strove to demonstrate was an image of cultural superiority and benevolent generosity.

New historical works demonstrate that the Métis people in Saskatchewan did not disappear after 1885. Instead, it was during the critical years from 1900 to 1950 that the contemporary political and national identity was formed.¹⁰ Métis communities continued to exist in both the northern and southern portion of the province. For Métis, the years after 1885 proved difficult. Poverty, lack of economic opportunities, aggressive pursuit of Métis lands by rural municipalities, and poor crop years meant that those Métis who did obtain lands in exchange for scrip ended up landless. In some cases Métis sold their lands to pay their debts. Eventually many

¹⁰ Frits Pannekoek, "Métis Studies: The Development of a Field and New Directions," in *From Rupert's Land to Canada: Essays in Honour of John E. Foster*, ed. Theodore Binnema, Gerhard Ens, and R.C. McLeod (Edmonton: University of Alberta Press, 2001), 124. Pannekoek argues the need for greater research in this critical period of Métis history. There are a large number of scholarly works on the history of the Métis peoples and their role in the 1885 rebellion. Known as the "Forgotten People," Métis historiography tends to focus on Métis history from contact to 1885, then re-emerges with the era of Métis nationalism in the later 1960s and early 1970s. For a good but now dated look at the historiographical preoccupations of earlier historians of the Métis, see J.R. Miller, "From Riel to the Métis," *Canadian Historical Review* 69, no.1 (March 1988): 1-20.

Métis moved to the edges of Crown Lands.¹¹ Physically and metaphorically on the margins of Prairie society, the Métis road allowance communities were formed. Métis men worked as seasonal labourers for local area farmers, clearing roots, picking rocks, and helping at harvest time.¹² Since they did not own their property, they did not pay taxes and, as a result, were unable to send their children to local schools or obtain medical care. The poverty and marginalization of the Métis people increased from 1885 to 1940.¹³ Male Métis unskilled labour provided an essential component of the rural economy prior to large-scale mechanization after World War II. Once their labour was no longer necessary in the post-WW II period non-Aboriginal settlers increasingly perceived the Métis road allowance communities as disease-ridden “embarrassments.”

The perception of Métis by the non-Aboriginal Saskatchewan public was generally negative in this period. Their visible poverty proved an embarrassment to the CCF government. White residents feared the Métis posed a health threat to white communities in close proximity to Métis road allowance communities. Writing to the provincial government in 1943, concerned

¹¹ Métis Scrip is the government-issued land certificate for the descendants of European fur traders and Indian women who developed into the Métis people in western Canada. In recognition of the Aboriginal rights to the land inherited from their aboriginal mothers, the government dealt with the Métis on an individual basis through offering men, women and children a scrip certificate for cash or land. See Camilla Charity Augustus, “Métis Scrip,” http://scaa.sk.ca/ourlegacy/essays/OurLegacy_Essays_07_Augustus.pdf, accessed February 22, 2013.

¹² A road allowance is land set aside by the Crown for future development of roads. Since they were not legally titled to any one individual, the Métis established homes without the need to purchase land. This land was not taxable by the municipalities for schools and services; hence the Métis children did not attend schools in the nearby communities or obtain health benefits that landowners would be eligible for. Many Métis have embraced the descriptor “Road Allowance People” to defy this characterization, and fondly recall the family connections and cultural autonomy that developed in those locations; Maria Campbell, *Stories of the Road Allowance People*,” and documentaries produced by the Gabriel Dumont Institute: *Road Allowance People: A Story about Community Persistence and Survival* and *The Story of the Crescent Lake Métis: Our life on the Road Allowance*, produced by Gabriel Dumont Institute, 2002.

¹³ http://www.museevirtuel-virtualmuseum.ca/sgc-cms/expositions-exhibitions/batoche/html/resources/proof_life_after_1885.php, accessed February 22, 2013.

citizen Antoinette Draftenza felt that the government should intervene, at least for the sake of the children. She believed that “the children are intelligent and could be taught to become respected citizens.”¹⁴ She likened the Métis to biohazard:

If we know that animals are roaming at large spreading dangerous diseases, every effort would be made to check them, yet our Métis come into our business offices and stores, mop our counters with their trachoma and otherwise infected rags and handle foods which other unsuspecting people must touch or purchase. They eat out of garbage cans; not from choice but because they are hungry. What a pity any Canadian child should have to grow up to an existence like that.¹⁵

She proposed the government provide health care and education to the children. Draftenza saw the potential for education and health care to instruct the Métis in embracing Euro-Canadian standards of living through which Métis bodies could be reformed and made healthy prior to integration. Through proper education, the children “would also be inspired with a desire to improve their standards of living, and their parents through them. This in turn would give them confidence in their ability to make good and work shoulder to shoulder with the rest of us.”¹⁶ Draftenza saw the Métis, educated and healthy, as sharing in the province’s future prosperity.

Increasingly, white citizens of Saskatchewan placed the responsibility for Métis rehabilitation on the provincial government. Prior to integrating Métis people into the social fabric of the province the Métis’ “standards of living” had to be improved. The strong tone and language of this letter reflects a simultaneous revulsion and fear of contamination, as well as a desire for Métis children’s uplift and integration. Education prepared children for their role as

¹⁴ Antoinette Draftenza, Secretary, Business Girls Club, to Hon. W.J. Patterson, Premier of the Province of Saskatchewan, March 15, 1943, R-283 Legislative Assembly of Saskatchewan Session, 1943, Box 177, File LXVI 15 Métis, SAB.

¹⁵ Ibid.

¹⁶ Ibid.

future citizens and would also enable them to educate their parents about the Euro-Canadian ideals of cleanliness and proper living.

Métis recollections of road allowance life provide an alternative perspective. In their own histories of this time Métis people placed a value on family and simplicity. Elder Rose Boyer, daughter of Colin McKay and Marjorie Plant, came from a family of seventeen children who lived in the road allowance community of Glen Mary, prior to their relocation to Green Lake. She gives an account of her identity as a Métis from a road allowance community and the hard work expected of all family members:

I come from the Road Allowance People, one of the clans, from the Glen Mary District. I remember my brothers going out to work in the bush at age 11 and 12 years old, cutting logs in Green Lake. They would go out at four in the morning, to go and work in the bush cutting wood. They were men at the age of twelve. As the oldest daughter, I helped raise my brothers and sisters. I learned to make bannock, to iron and wash at the age of seven and eight years old. Today you would never see a child that age being able to do that. We survived those things because we had to, we had to do it. I never complained. You never complained. There were five girls, and we'd fight over the flour bags. It's my turn to get one, to get whatever... Mom used to go out and snare rabbits. We always had rabbit or something on the table. She made a big garden.¹⁷

As this example demonstrates, children were all enlisted to support the family and ensure survival. Family economic strategies including the labour of both mothers and children were essential.

Community leaders among the Métis organized politically to address their position in rural society. The Métis Society was established in 1938 to address the issue of outstanding Métis land claims. Locals spread throughout the province to represent them. *The Leader Post*, when it reported on the Métis Society in 1939 attributed Métis poverty to the early turn of the

¹⁷ *In the Words of Our Ancestors: Métis Health and Healing* (NAHO: Ottawa, 2008), 62.

century when Métis had obtained scrip instead of treaties for their Aboriginal title.¹⁸ The Métis Society argued, “scrip issued at a time when land had so little value, and for the most part, as soon as this scrip was issued, it was bought up by rapacious speculators at prices that often amounted to little more than a few cents per acre.”¹⁹ Métis leaders acknowledged the precarious position of Métis in the province and sought to secure a land base similar to what had been obtained by the Alberta Métis for future generations. The Society wrote to Métis politician and activist Joe Dion of Bonnyville, Alberta, and invited him to their convention in Saskatoon on June 25-27, 1940. Dion had been a founding member, organizer, and president of the Métis Association of Alberta from 1932 to 1940. During this time, the Métis successfully lobbied the provincial government of Alberta for an inquiry into the Métis lands issue in Alberta. The Ewing Commission was struck in 1936 and recommended the establishment of Métis colonies where they could become re-established on tracts of land held in common.²⁰

To address the concerns of the Métis for land and livelihood, the Saskatchewan Liberal Party established the Métis settlement of Green Lake in 1940. The government Local Improvement District (LID), which was a department that administered areas without municipalities, operated the settlement.²¹ Green Lake’s remote location and proximity to the forest fringe enabled residents to combine agriculture with hunting, trapping, fishing, and animal

¹⁸“Claims of the Métis,” *Regina Leader Post*, January 31, 1939.

¹⁹ *Documents and Articles about Métis People*, Pamphlet, “Métis” Pamphlet Collection (Saskatchewan Legislative Library, 1972).

²⁰ The Métis Population Betterment Act established eight large settlements guaranteeing the Métis of Alberta a land base and some measure of self-determination. The Métis Population Betterment Act is the only Métis-specific legislation in Canada; “Key Dates: The Métis in Alberta,” http://www.aboriginal.alberta.ca/documents/Key_date_final_November_1.pdf, accessed February 24, 2013.

²¹ F. Laurie Barron, *Walking in Indian Moccasins: The Native Policies of Tommy Douglas and the CCF* (Vancouver: UBC Press, 1997), 46.

husbandry. Initially, 100-150 Métis families had resided there but the arrival of white settlers had left the Métis destitute. With the establishment of the colony, white settlers were bought out, and six townships were set aside for the exclusive use of the Métis. Families obtained forty-acre plots with ninety-nine-year leases that had title held by the Crown. Schools were established by Catholic Sisters after a lay teacher could not be secured. Reporting on Green Lake, Commissioner G. Matte indicated that “this condition existed at Green Lake, but we were able to arrange with a certain RC sisterhood to provide not only schooling but nursing and hygienic facilities as well, as the health condition of these people was very poor.”²² In addition, other community buildings were constructed, including a central farm, cannery, flourmill, and new homes. In 1941 Commissioner Matte was optimistic when he said “this project is still in its infancy, but the co-operation given by the Métis people themselves augers [sic] well for success.”²³ Provision for Métis education and health by the nuns meant the government expenditures were minimal.

At the CCF Party Convention in 1944, the beginnings of a Métis policy took shape around two issues of concern for local white populations, the need for health care and the need for education. Since municipalities had responsibility for providing financial support for health care for those too poor to afford insurance, those municipalities with large Métis populations struggled. The CCF resolved to seek out an alternative arrangement where the province provided health care for the Métis.²⁴ First Nations people in the province had federally provided

²² SHS 141 Métis Settlements File Métis Settlement at Green Lake, Report on Green Lake Settlement by Matte, G. (1941) SAB.

²³ Ibid.

²⁴ CCF Party Convention, July 19, 1944: “Whereas, we have many Indian Reserves in Saskatchewan, inhabited by the Métis people, these same people living without any schools and medical care, many of their children being diseased and blind, under present conditions none of the children in the reserve allowed to attend

health and education and a constitutionally protected land base. Indigent Métis residents became the responsibility for rural municipalities who issued relief and hospital cards.

Unsatisfied with long-range efforts to reform the Métis, municipalities with road allowance communities put political pressure on the government to remove and relocate the Métis. During the early settlement period, the Métis men provided a pool of unskilled farm labour. However, by the late 1940s, much of the land had been cleared, and with the advent of mechanized farming on the prairies after WWII, Métis men who lived in the road allowance communities were no longer required as seasonal farm labour. Thus, the need to retain the Métis working in rural municipalities was no longer essential. The Métis simply “didn’t fit into communities.”²⁵ In the late 1940s, a growing chorus of citizen groups vocally demanded a solution, “Contending that the non-Treaty Indian is becoming an increasing burden on the municipalities adjoining Indian reserves, on resolution, asked the provincial government to assume responsibility for their care instead of them becoming municipal charges.”²⁶ Another resolution requested the government to locate Métis in districts where they can become self-supporting from their own efforts and become responsible citizens. It was argued that the Métis

any of the adjoining schools, there being at this time 52 children of school age on the Little Bone Reserve who are now unable to attend any schools,

Therefore Be it Resolved: That we request the Provincial Government to take the necessary steps to see that these Métis people be given proper treatment and care, so that they can associate with other people.

Be it further resolved: That scholarships be granted to Métis people so that they can educate themselves adequately to take their place in the legislature and other places and represent their own people;” Carried.

²⁴ Barron, 31.

²⁵ “Métis Problem Discussed: Indians and Métis Figured in Deliberations of Delegates of SKARM--Friday,” *Leader Post*, Feb. 27, 1948.

²⁶ *Ibid.*

should be a responsibility of the whole province, not a burden on a few municipalities. The resolution suggested that they could be self-sufficient if located in surroundings natural to them.

Encouraged by the success of the formation of the Union of Saskatchewan Indians by Douglas and the CCF in 1945, the government hoped to replicate its success with the Métis. A conference was held July 30, 1946 in Regina to seek the input of provincial Métis groups regarding the future direction of Métis policy. Forty-two Métis representatives attended from across the province. Premier Douglas and Minister of Social Welfare and Rehabilitation O.W. Valleau were present on behalf of the government, as well as DSWR bureaucrats J.S. White and K.F. Forster. The meeting was chaired by Dr. Morris Schumiatcher, who was also legal counsel for the Executive Council and a “trouble-shooter concerning Indian and Métis affairs.”²⁷ Premier Douglas had requested that representatives of all Métis people gather in Regina to bring these issues to government attention. Chairman Morris C. Shumiatcher referred to the success of Douglas bringing the Indian people together under the single voice of the Union of Saskatchewan Indians. He began, “Now the problems of the Métis are every bit as great as those of the Indians, if anything they are greater. You have all the white man’s problems and some of the Indian’s problems as well, so that together that makes a very formidable set of obstacles which must be overcome in order to bring to you a reasonably good share of the good things in life.”²⁸ The policy of the government was to assist marginalized groups to obtain health, welfare, and education. The chairman explained that the government felt itself responsible to ensure that each segment of society had the same access to the “good things in life.” As well, it was hoped to create a single voice, as had been done for the Indian people, for all Métis in the province.

²⁷ Barron, 42.

²⁸ “The Conference of the Métis of Saskatchewan,” Proceedings July 30, 1946, Collection R-E 139, File “Métis” Conference Proceedings, SAB.

The negotiation between the political representatives of the Métis and the government took place through the Department of Social Welfare, “Our department of Social Welfare hopes to be able to meet and consult with you, that together we may work out some method of assisting you with your problems. We do not believe in simple handouts, and we know that you do not believe in handouts of charity.”²⁹ Prior to the meeting, the government had determined that the solution to Métis needs would be channelled through the Department of Social Welfare and Rehabilitation. While the stated intention was to assist in forming a Métis political organization, it was more likely that the department would introduce a policy for rehabilitating individual Métis rather than addressing political grievances. During the course of the conference, those gathered heard the Metis policy take shape from Premier Douglas and Minister O.W. Valleau, the Minister of Social Welfare.

The pressing issues for the meeting included the creation of a new Métis organization, welfare, education, health and Veterans affairs. In addressing the crowd, Douglas stated,

We feel that the time has come now when we ought to face up to whole problem of the Métis people, because of the fact the Métis people will affect other groups of people in the Province, and in particularly, communities where the Métis people live. Now that attitude of the government I can put in a very few simple words... What we feel is that any group of people in our province, given an opportunity, given a proper chance, can do for themselves if only they are given a chance. In other words, our idea is not so much to help a group of people as to help them to help themselves.³⁰

It is clear from this statement that there is some conflict about the purpose and goals that the government had for the Métis. Métis would be integrated as individuals not as a collective.

Many of the Métis from the agricultural communities came with suggestions for settlement and housing assistance from the government. Those in the northern areas sought to

²⁹ Ibid.

³⁰ Ibid., 35.

obtain reassurances that their communities would not be disturbed. While the intention was for the government to hear the Métis voices and for Métis input, in reply, Minister of Social Welfare Valteau indicated his lack of enthusiasm for a collective approach to resolving land issues, “I am not at all sure myself that the idea of group settlements is the wisest thing. You see you people are not a definite race apart. The ultimate solution will be absorption into the general population. I don’t think there is any doubt about that.”³¹ The government was unwilling to purchase land for the Métis. They aimed to assist with uplift, albeit in a rather ambiguous manner: “With your help we can give you people a certain pride in yourselves, and you can’t have that pride in yourselves until you are really proud of yourselves.”³² There was much disagreement throughout the conference amongst the Métis about the future of the organization; however many were in agreement about the need for secure land. Their historic experience of dislocation proved the value of a secure land base. The meeting ended without a clear articulation of the issues or their solutions.

The ongoing and conflicted public outcry for government intervention stimulated an interprovincial meeting aimed at finding a solution. Chaired by J.H. Sturdy, Saskatchewan’s Minister of Health and Welfare (who had replaced Valteau after the election in 1948), the government hosted an inter-provincial conference to seek out possible solutions to the Métis situation. Inviting other welfare directors from Prairie Provinces, Sturdy addressed the group with the predicament:

Many Métis follow the cultural and economic pattern of the Indians, and that the Métis problem and that of the Indian is related, together with the effect each group had on the

³¹ Ibid., 53.

³² Ibid., 56.

other made it imperative that the living standards and cultural level of these minority groups as a whole should be brought up to a more acceptable level. It is an accepted fact that these groups fall short of the economic and cultural level of the white population and accordingly the groups had a higher incidence of illiteracy, destitution, illegitimacy, and other social problems.³³

The problems of the Métis that Sturdy listed encompassed social, cultural, and economic maladaptation. The list of perceived Metis social problems began with prevalence of common law relationships, followed by illegitimacy; the misuse of family allowance and public assistance grants in the proper foods and essentials not being purchased; restlessness of parents and lack of sustained effort in keeping employment and also nomadic life of the parents. In addition were the economic issues such as growth in mechanical farming, which had eliminated much of the need for farm labour; and finally the fact that the isolated and segregated communities were usually away from industrial and urban areas where employment may be available. Furthermore, Minister Sturdy lamented that despite the assistance being given to the Métis, the situation was but worsening.³⁴

The conclusions reached by the conference recommended approaching the issue of Métis and Indian rehabilitation together with assistance of the federal government. “Mr. Schultz felt that an overall welfare approach to the Dominion would be better if the broad aspects for health and welfare on Dominion-Provincial relations could be arranged, rather than on an individual approach for a Métis problem only. Métis problem alone, or Indian and Métis problem? It appeared that the opinion of the meeting was both.”³⁵ The multiple difficulties faced by indigenous residents of the province were seen primarily as lack of adjustment to the Euro-

³³ Métis Conference, with Alberta and Manitoba, July 13, 1949, File T.C. Douglas Fonds, File 859 (44), 1 of 3, SAB.

³⁴ Ibid.

³⁵ Ibid.

Canadian nuclear family model and the inability to integrate into the modernizing economy and society in the West. The solution was, not surprisingly, increasing social welfare interventions. While the long-term plan for addressing the growing social distance between white and Aboriginal communities in the province was a comprehensive, federally supported Indian and Métis welfare response, presently the provincial government moved forward with its program of rehabilitation and relocation.

The term *rehabilitation* was a therapeutic word increasingly employed by various officials in the CCF bureaucracy to describe the process by which the Métis people would come to embrace the value system of the surrounding Euro-Canadian settler communities and cease to require government assistance and support. After World War II there was renewed interest in resource development and government intervention, particularly in the north, which led to fundamental changes to the traditional fur and fishing economy. This tension led to what one observer termed a confused and turbulent contact zone. The primary outcome was family breakdown and intergenerational conflict.³⁶ In the south, poverty and loss of land had pushed the Métis into a tenuous existence dependent on seasonal employment and government relief. From the point of view of government officials the high birthrate exacerbated these problems. “It would appear that this process of change is giving rise to a problem from the point of view of the government in that budgetary appropriations on behalf of these people have increased in recent years”³⁷ Government rehabilitation policy, established in the early years of the CCF government, strove toward “the gradual integration under which the Métis ultimately are encouraged to develop into a mature, independent and self-sufficient group of people able to

³⁶ 1954 Report (author unknown), R-190.3, Department of Natural Resources, File 522, Native Welfare Policy.

³⁷ Ibid.

conduct their own enterprises and to solve their particular problems without excessive reference to government or other agencies.”³⁸ Rehabilitation sought to educate Métis families to adopt the work ethic, dress, language, land tenure, aspirations, family structure, and political outlook of the majority Anglo-Canadian Saskatchewan residents. The virulent racism that flourished among the settler population in the post-war period was left unaddressed and unacknowledged.³⁹

Tenets of Social Gospel and moral purity were deeply embedded within the social and political identity of Tommy Douglas and the CCF party. During the CCF years in power, the state assumed the role of shaping the subjectivities of provincial citizens through the aegis of reform efforts in education and through the modernization of social welfare programs.⁴⁰ While, unlike Indian wards of the federal government, the Métis did not experience a distinctive legal regime dictating their relationship to the state, integration came through the existing legal and political structure of the province. As Joan Sangster points out, “Even if ‘race’ as a legal category was not articulated in Canadian statutes, racist ideology and operations resonated through the articulation of the law.”⁴¹ That Métis children went from being a fraction of the

³⁸ Native Rehabilitation, J.W. Churchman, January 21, 1957, R-190.3 Department of Natural Resources, File 522 Native Welfare Policy, SAB.

³⁹ For a discussion of the Métis experience in rural Saskatchewan in the post-war period, see Howard Adams, *Prison of Grass: Canada from the Native Point of View* (Toronto: General Publishing, 1975); and Maria Campbell, *Halfbreed* (Toronto: McClelland and Stewart, 1973), 126.

⁴⁰ Richard Allen, “The Social Gospel as the Religion of the Agrarian Revolt” in *Riel to Reform: A History of Protest in Western Canada Saskatoon*, ed. George Melnyk (Calgary: Fifth House Publishers, 1992), 139. This point was originally made by Ramsay Cook, *The Regenerators* and Moral Purity is discussed by Mariana Valverde, *The Age of Light, Soap and Water: Moral Reform in English Canada, 1885-1925* (Toronto: McClelland and Stewart, 1991), 29.

⁴¹ Joan Sangster has explored the impact of moral regulation on Native women and girls in Ontario and the incarceration of young women for sexual offenses in *Regulating Girls and Women: Sexuality, Family and the Law in Ontario, 1920-1960* (Don Mills: Oxford University Press, 2001), 15.

child welfare cases to the predominant number over the two decades under discussion, illustrates how welfare legislation was articulated in the lives of Métis women and children.

While many of Tommy Douglas's accomplishments as both Premier of the Province of Saskatchewan and as an MP in Parliament have been well documented, there is a dearth of information in standard biographies to indicate his views on the subject of relations with Indian and Métis peoples.⁴² The traditional historical accounts of the CCF and biographies of Douglas lack any meaningful analysis of his view on Native issues. Primarily, discussion of Indian Affairs and Métis issues is limited to a few paragraphs, with special mention of Douglas being made honorary Chief, We-a-ga-sha, in 1945.⁴³

A number of historic events shaped Douglas's intellectual, spiritual, and political development.⁴⁴ Primarily, the widespread and indiscriminate devastation of the Depression on the prairies played a critical role in his reformist outlook. According to biographers McLeod and McLeod, "The specter of poverty, in the city and in the countryside, challenged the youthful pastor to rededicate himself to the social gospel."⁴⁵ Douglas followed a similar route to J.S.

⁴² The exceptions are listed in Chapter 1 of this dissertation.

⁴³ A.W. Johnson, *Dream No Little Dreams: A Biography of the Douglas Government of Saskatchewan, 1944-1961* (Toronto: University of Toronto Press, 2004); and Thomas H. McLeod and Ian McLeod, *Tommy Douglas: The Road to Jerusalem* (Edmonton: Hurtig Publishers, 1987).

⁴⁴ The dynamic leader of the CCF, Thomas Clement "Tommy" Douglas, was born in Scotland in 1904. His family immigrated to Winnipeg in 1911, where he witnessed the Winnipeg General Strike of 1919. He became involved in J.S. Woodsworth's Methodist All People's Church and Mission in North Winnipeg that embraced the Social Gospel. He received his Baptist education at Brandon College and arrived in Weyburn in 1929 to pastor Calvary Baptist Church at the beginning of the Depression. Douglas first got involved in politics through the United Farmers of Saskatchewan and Independent Labour meetings at the beginning of 1932. He was elected to the House of Commons as a CCF Member of Parliament in 1935. He left this position to become leader of the provincial CCF when it was elected in SK 1944 as government. He remained Saskatchewan's Premier from 1944-1961. From Michael Shevall, "A Canadian Paradox: Tommy Douglas and Eugenics," *The Canadian Journal of Neurological Sciences* 29 (2012): 36-37.

⁴⁵ *Ibid.*, 139.

Woodsworth, his intellectual and political mentor, mixing ministry with sociological inquiry, eventually abandoning both for provincial and national politics.⁴⁶

Another impact of the Depression on Douglas was his advocacy of eugenic solutions, most notably in his MA thesis.⁴⁷ Biographers have explained this anomaly as further evidence of Douglas's faith in the role of the expert, and as part of a misdirected, but not uncommon, belief in the pseudo-scientific promise of eugenics in the interwar period.⁴⁸ When Nazi Germany began to sterilize its opponents, many on the Left grew disillusioned with eugenics. Douglas came to the realization that the Nuremberg Race Laws of 1935 led to the slaughter of millions in Eastern Europe, and he dropped his support of eugenics. As evidence of his disavowal of eugenic solutions, while premier, Douglas soundly rejected any attempt to initiate eugenics as part of the public health care system.⁴⁹ Unlike Alberta and British Columbia, Saskatchewan did not politically or legally develop sterilization laws targeting specific populations.⁵⁰ Douglas and the CCF embraced a social rather than biological solution to

⁴⁶ Cook, 229.

⁴⁷ Eugenics was a pseudo-scientific field that emerged in the late nineteenth and early twentieth centuries combining the Darwinian principles of natural selection and a Mendelian understanding of genetics. It evolved as a proposed solution to the problems of urbanization, immigration, and social unrest, and the belief in the capacity of science to solve these modern problems. The focus was on improving the human condition through the selective breeding of humanity to improve the species. The goal was the removal of inferior stock from the gene pool, such as those with mental illness, intellectual disabilities or social diseases; Shevell, 25.

⁴⁸ McLeod and McLeod, 40.

⁴⁹ *Ibid.*, 40-41.

⁵⁰ Alberta passed the Sexual Sterilization Act in 1928 and BC in 1933. The laws were passed based on the perceived threat to society posed by those who were mentally ill, such as immorality, and passing on defective traits to children, Shevell, 37.



Figure 3.2 Tommy Douglas, R-A57294
criminality and illegitimacy, out of their left-of-center belief in government involvement in the conduct and reform of society.⁵¹

Even though Douglas's master's thesis in sociology from McMaster University, "The Problems of the Subnormal Family," did propose eugenic solutions, it was primarily interested in sociological interventions.⁵² The disorderly "subnormal families," according to

Douglas, had a detrimental impact both on the local community and society in general.

While the families that Douglas studied were non-Aboriginal, his overall recommendations to rehabilitate the "subnormal" class bore a striking resemblance to early CCF Métis policy. Because of the apparent danger of "subnormals" to the surrounding community and their ongoing need for financial support, Douglas argued that this class should legitimately be subject to the intervention and regulation of the state. For Douglas and other social reformers, first, in order to be disciplined, the "subnormals" would have to be represented. This legitimized

⁵¹ Shevall, 38; In a recent publication on Eugenics, medical historian Erica Dyck, looks at Douglas's place in the history of eugenics. Dyck situates Douglas's thinking on eugenics and degeneracy within a larger intellectual framework in the period before World War II, stating that, "Canadian mental hygiene reformers fit within a broader international movement of intellectuals and activists interested in testing eugenic theories of social degeneration, the heredity of delinquency and criminality, and the associations between 'mental abnormality' and 'illegitimacy, prostitution, and dependency,'" Erica Dyck, *Facing Eugenics: Reproduction, Sterilization, and the Politics of Choice* (Toronto: University of Toronto Press, 2013), 39.

⁵² T.C. Douglas, "The Problems of the Subnormal Family" (master's thesis, McMaster University, 1933), Open Access Dissertations and Theses 1.

the invasive surveys and intellectual queries into the private lives of citizens.⁵³ Douglas, through his voyeuristic enumeration of the impoverished residents in Weyburn, Sk., shared an outlook similar to other middle-class reformer men who ventured into the working class areas and homes in the name of scholarship or social intervention. In later years, many dispossessed and impoverished Métis people fit the criteria Douglas utilized to categorize those who were “subnormal.” Surveys were conducted among the Métis to obtain demographic and personal information.

According to Douglas, “The subnormal family presents the most appalling of all family problems.”⁵⁴ In addition to containing members who appeared mentally deficient, families were seen as falling below accepted moral standards, “subject to social disease, and finally so improvident as to be a public charge.”⁵⁵ Douglas proposed a new solution for the social worker, legislator, and educator “to a problem long neglected, too long placed in the category of unmentionables.”⁵⁶

Douglas’s concerns hinged on the unbridled sexuality and perceived irresponsible reproduction of the women, the evidence of which was their large families. “Surely the policy of allowing the subnormal family to bring into the world large numbers of individuals to fill our

⁵³ Anne McClintock, *Imperial Leather* (New York: Routledge, 1995), 108.

⁵⁴ Douglas, 1.

⁵⁵ The terminology used by eugenicists is appalling to the modern reader and offensive to those so categorized. I used these terms in order to reflect the thinking of the time. Whereas today, these terms are merely considered empty of meaning, to those involved in the “science” of eugenics, these terms denoted the intellectual level of the individual rather than a subjective judgement.

⁵⁶ “Significance: effect on society. Case and effects study a group of indigents who are entirely dependent upon charity for support. Focus on 12 immoral or non-moral women. Charts have submitted 175 living descendants, 12 women had 95 children, 105 grandchildren. Of the 175 living, 34 graded “normal” defined as able to move through school at a reasonable pace, and find employment. Group intermarries. “The result is an ever increasing number of morons and imbeciles who continue to be a charge upon society.” Douglas, 6.

jails and mental institutions, and to live upon charity, is one of consummate folly,”⁵⁷ Douglas lamented. Not only was the impact felt in the economic cost to society, but also in the contamination to the surrounding “normal” community. Having the “subnormal” live amongst the normal led to three interrelated social outcomes Douglas was concerned. First was the danger of sexual and medical contamination.⁵⁸ Second, there was a degeneration of academic standards in the classrooms, where he feared that “a large number of subnormal children in the community cannot but have a detrimental effect on the mental standards and intellectual attainments of the community.”⁵⁹ Finally, there were the moral effects of the female “sexual delinquents” who were responsible for lowering the moral standards of those they contacted. Unlike the “normal” young women, these women lacked a sense of shame at unwed pregnancies, clear evidence according to the thinking of the time that they were mentally defective. “At the same time some of these girls become illegal mothers and much of the stigma has been removed.”⁶⁰ The high economic needs of the “subnormal family” increased the taxes for the whole community through expenses of medical bills, dental bills, charity, and education. With their children cared for in orphanages or on relief, Douglas stated, “Instead of having the upkeep of 12 women, the city now has the cost of 175 individuals on its hands.”⁶¹ Douglas focused his attention on women’s reproductive abilities and their moral guidance/instruction within their families. On both counts, he judged the women harshly and deficiently, while he demonstrated they were a clear threat to provincial society.

⁵⁷ Ibid., 6.

⁵⁸ Ibid., 6-7.

⁵⁹ Ibid., 8.

⁶⁰ Ibid., 9.

⁶¹ Ibid., 11.

The environment was implicated in the moral state of the families. However, Douglas was at a loss as to whether it was the cause or the effect. Moral and physical qualities intertwined in the “filth, squalor and unwholesome conditions.” For example, “Case no. 1 where two entire families are living in a three room shack. Privacy is of course impossible, and despite the fact that the children are normal, there are unmistakable signs of moral degeneration, because of the home influence.”⁶² The subnormal social environment encouraged the lack of adherence to decent moral codes accepted in the larger society as the families in general ‘seem to have no feeling of shame.’ He was especially critical of unwed mothers since “the girls who have given birth to illegitimate offspring have in the main refused to part with them, and seem to feel no compunction about the censure of society.”⁶³ Among middle and working-class families, intense shame at illegitimate offspring reflected the “proper” moral sensibilities. Unwed mothers in working and middle-class families in this period would often give birth in maternity homes and relinquish children for adoption to avoid the stigma of being a “fallen woman.”⁶⁴ According to Douglas, maintaining the shame of unwed pregnancy was an essential component of regulating women’s sexuality and an aspect of moral citizenship.

Douglas’ final chapter spelled out his formula to address the problem of the subnormal family. He posited a new role for the state: rehabilitation. Families would be encouraged to embrace the values of the majority society through law and education, assisted by the churches.

⁶² Ibid., 15.

⁶³ Ibid., 17.

⁶⁴ Regina Kunzel, *Fallen Women, Problem Girls: Unmarried Mothers and the Professionalization of Social Work, 1890-1945* (New Haven: Yale University Press, 1993); and Ann Fessler, *The Girls Who Went Away: The Hidden History of Women Who Surrendered Children for Adoption in the Decades before Roe v. Wade* (New York: Penguin Press, 2006) both discuss the role of shame in middle-class, white families whose daughters had unplanned pregnancies.

He argued, “Since the state has the problem of legislating in the best interests of society, and since we have seen that the subnormal family is an ever increasing menace physically, mentally and morally, to say nothing of a constantly rising expense, it is surely the duty of the state to meet this problem.”⁶⁵ Douglas proposed the improvement of existing marriage laws; articulated a policy of segregation; and finally proposed the sterilization of the unfit while providing increased knowledge of birth control.

Douglas was primarily interested in the social segregation: relocating the ‘subnormal’ class where the physical, mental, and moral effects listed would no longer contaminate the normal community. He claimed, “There can be little doubt that this group exercise an influence that is detrimental and which could be best removed by segregating them.”⁶⁶ Men who were able to work but lacked initiative should be placed on state farms or colonies where competent supervisors could make decisions for them. Similarly, Douglas recommended, “With proper supervision the women could become better housewives and better managers of family finance.” In addition, separate schools with specialized curriculums should be developed that would isolate students from contaminating other children, while teaching them useful skills.⁶⁷

This treatise on the potential for the state to rehabilitate the “subnormal” contains a good degree of interest in moral and gender rehabilitation. Unlike earlier periods, when the state looked to churches and private charities to effect the work of moral regeneration, Douglas envisioned, then enacted, a colony regime directed by social welfare experts to assimilate Métis peoples. In interviews in the late forties, he still utilized terms like “subnormal” to describe

⁶⁵ Ibid., 20.

⁶⁶ Ibid., 24.

⁶⁷ Ibid., 29.

impoverished, under-educated groups of Saskatchewan residents.⁶⁸ It was hoped that Métis subjectivities—that is the living standards, family structure, hygiene practices, and kinship patterns, and educational and economic aspirations—would be refashioned to fit neatly into the surrounding settler communities through embracing the same moral standards of Euro-Canadians.⁶⁹ Utilizing the early colony schemes and rehabilitation policies, the state attempted to bring about the moral regulation of Métis families regarding reproduction and proper gender roles.⁷⁰ According to Mariana Valverde, “Moral regulation was an important aspect to ruling, helping to constitute class, gender, sexual and race relations by interpreting both social action and individual identity as fundamentally ethical.”⁷¹ Tommy Douglas, as progressive reformer, embraced the opportunity to employ his rehabilitation strategy once he became premier and was supported by rural municipalities who sought government solutions to their economic burdens. This approach overlooked such complexities as the long-standing issues of land loss, race, and the complicity of the surrounding white communities in the economic marginalization of Métis families.

The CCF began a program of relocating Métis road allowance families as early as 1947.⁷² Green Lake, the previous Patterson Government experiment, became the destination of several

⁶⁸ See pg. 16 of this chapter.

⁶⁹ Valverde, 154.

⁷⁰ Valverde explains this type of reform, thus: “Moral reform, like moral regulation generally, seeks to construct and organize both social relations and individual consciousness in such a ways to legitimize certain institutions and discourses—particularly the patriarchal nuclear family, racist immigration policies—through the point of view of morality.” 164.

⁷¹ Ibid.

⁷² For a list of the Métis colonies in Saskatchewan, see Appendix 1 at the end of the chapter.

relocated Métis families from a number of communities around the province.⁷³ Henry Pelletier was married and working at the time of the relocation and recalled the promise of forty acres, assistance in setting up farms, and relief to live on until they were able to clear the land. His father had been told by municipal councillor, Henry P...,

“Oh going over there isn’t going to cost you nothing.” All right. Then as he said it, we were loading up there, and we seen the smoke. That was the Chicago outfit; the house was a little shack. Well, they had some pretty fair shack lumber. There were quite a few [houses]. They had some pretty fair shacks. They were log houses with a lumber roof and good floors. Oh, they were fit to live in. That’s where they lived all the time. We didn’t even leave Lestock that great big smoke that was them houses burnt. Now who the hell got paid to go and...?⁷⁴



Figure 3.3 Métis home on the river road, east of Prince Albert, Saskatchewan. From author’s collection.

⁷³ For more information on the CCF colony scheme, see Laurie Barron, *Walking in Indian Moccasins: The Native Policies of Tommy Douglas and the CCF* (Vancouver: UNC Press, 1997); and Laurie Barron, “The CCF and the Development of Métis Colonies in Southern Saskatchewan during the Premiership of TC Douglas,” Accessed March 14, 2013 <http://www3.brandonu.ca/library/cjns/10.2/barron.pdf> 251.

⁷⁴ Henry Pelletier, Regina, Saskatchewan, Interview, March 17, 1978, *The Virtual Museum of Métis History and Culture*, Métismuseum.ca/media/media.php?id=02355.

Homes were burnt to the ground while the people destined for Green Lake were still at the railway station. This gave the Métis the strong message not to return to the community.

Other Métis experienced having homes burnt and the feeling of disappointment when they arrived at the new community. Métis leaders Jim Sinclair and Jim Durocher saw relocations as a way to rid white communities of the embarrassing reminder of their intolerance:

Again to help us, but really to clear the land of our people. Try to shift us where no one was and they had the old Green Lake project, of which they shipped our people in trains, not in trains, in boxcars in 1947. I think in '46 and '47. They moved all our little belongings into the boxcars. I remember that as a boy and one of the things that really bothered me and it still bothers me today, our people lived in tar paper shacks, you know and, very little shelter and as these people left their community with all their stuff piled on their wagons and chairs and the little bit they had, the houses were purposely set on fire as they were leaving, as if to say it to them, these people "Don't ever come back here again." And that was done at Crescent Lake, that was done in Lestock and it was done in other communities. And as I, as I met with other half-breeds a few years later they had the same experiences. So again, it was, you know, people speak about the holocaust for the Jews, well it was much the same for us in terms of trying to drive us from one place to another. And it was difficult for us and it wasn't very long 'till most of those people just made their way back to Regina. And then we set up a tent city, then we start moving into the nuisance grounds around Regina where all the half-breeds lived and then we had tent cities and then people would come in there with their cars and trucks at night and run over people's tents, you know drive people out.¹

According to Jim Sinclair, he felt the reason the government moved the Métis was because they were a political embarrassment, "I don't think it was the farmers so much. I think it was just the embarrassment to the government of Saskatchewan at that time and of course their philosophy of hoping to find us a better life, which never really was the issue. It was to get rid of us and put us in the North whether we survived or not they didn't care."² They attempted to hide the shame of

¹ Interview with Jim Sinclair, Jim Durocher, and Ron Laliberte, Métis Political Activist Interviews (April 17, 2004), GDI, *The Virtual Museum of Métis History and Culture*.
<http://www.Métismuseum.ca/media/document.php/06095.pdf>

² Ibid.

Métis poverty and marginalization by relocation to the north. “Just hide us where ever they could and hide their shame for the way they were treating the half-breeds and to keep our rights, sort of under the rug and to hope that we would never organize. And I think the worse they treated us the more we became aware of what was happening and the more we became aware of what had to be done to move our, to move ourselves into a position to, to be part, to be part of Canada.”³ The relocation and rehabilitation of Métis road allowance communities after 1947 was one facet of the early CCF Métis policy.

Oral histories collected by the Gabriel Dumont Institute from Métis elders provide a narrative of the interconnection between relocation policies and the Green Lake children’s shelter. Green Lake resident Peter Bishop was a child during the 1940s. He recalled the Green Lake shelter and the arrivals from the Métis resettlement program:

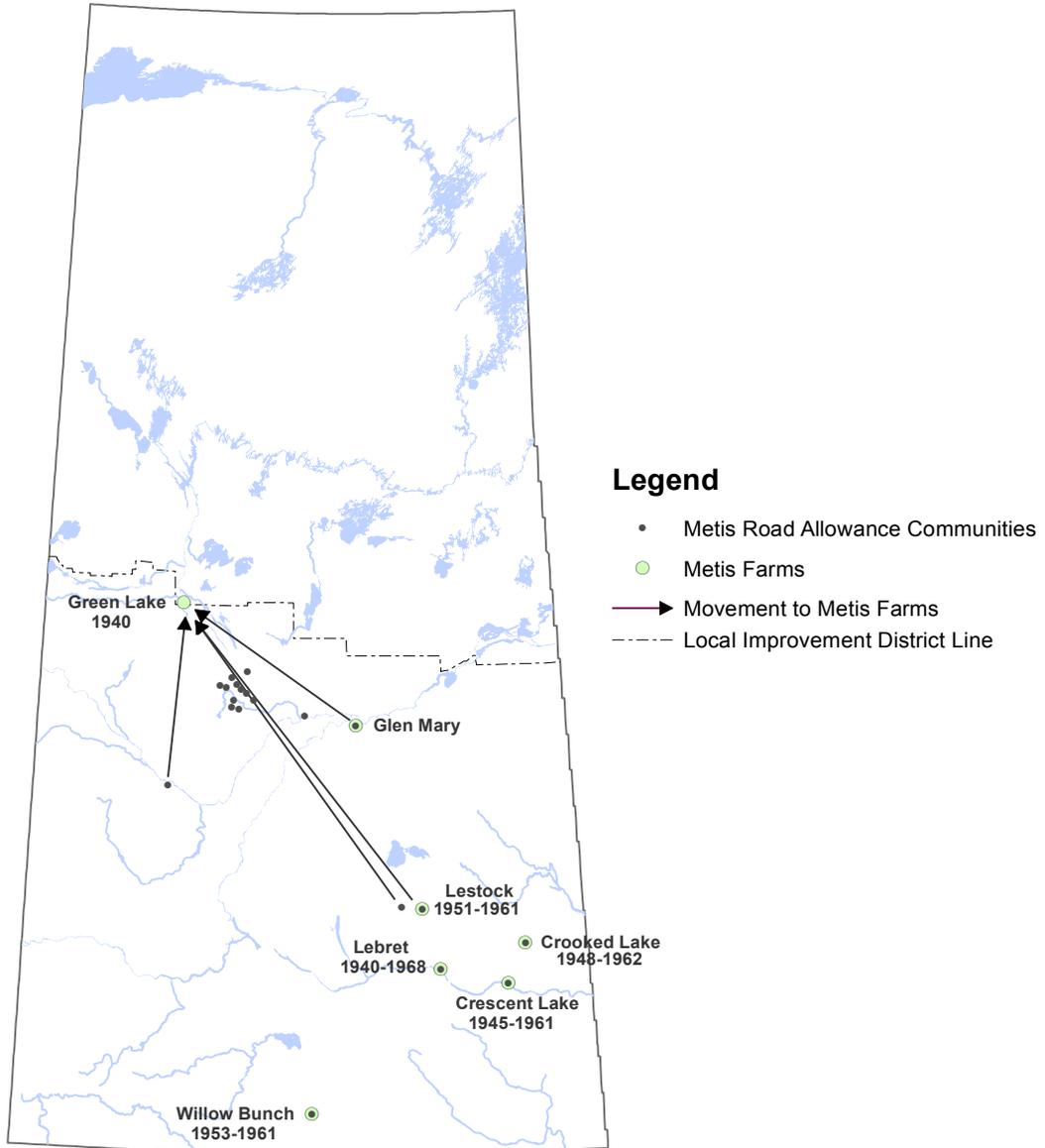
They had a couple of shelters there for mostly Métis kids from southern Saskatchewan. They were shipped there and they were looked after by the government. They had set up those houses. In fact there’s one building that’s still standing up there. That’s the old Alec Bishop Childcare Centre. That’s one of the shelters. And they had shipped a bunch of Métis, I think it was the late 1940’s early 50’s from all over southern Saskatchewan. Yeah. These are the road allowance people that Nora’s talking about. Glen Mary and Duck Lake? Glen Mary, yes. And Kinistino. Baljennie. All those places. That’s where these people came from. Okay? They arrived in the spring and they stored most of the furniture in the church. It was an only church by where we lived. My Dad gave them permission. And they lived in tents because right away, soon as they moved to Green Lake, they had to walk to the bush to cut logs so they could build their own homes for the winter, before the winter set in. And it was the local people that helped them, because they didn’t know how. My dad was one of them. And what was sad, particularly sad about the children that came with them they’d never gone to school. They weren’t allowed. See a lot of the road allowance people lived close to Indian reserves. The Indians wouldn’t allow them in their schools so they never went to school.⁴

³ Ibid.

⁴ Interview with Nora Cummings, Peter Bishop, and Ron Laliberte (11) re: Green Lake-Children’s Shelter, *GDI The Virtual Museum of Métis History and Culture*.

Map 3.1

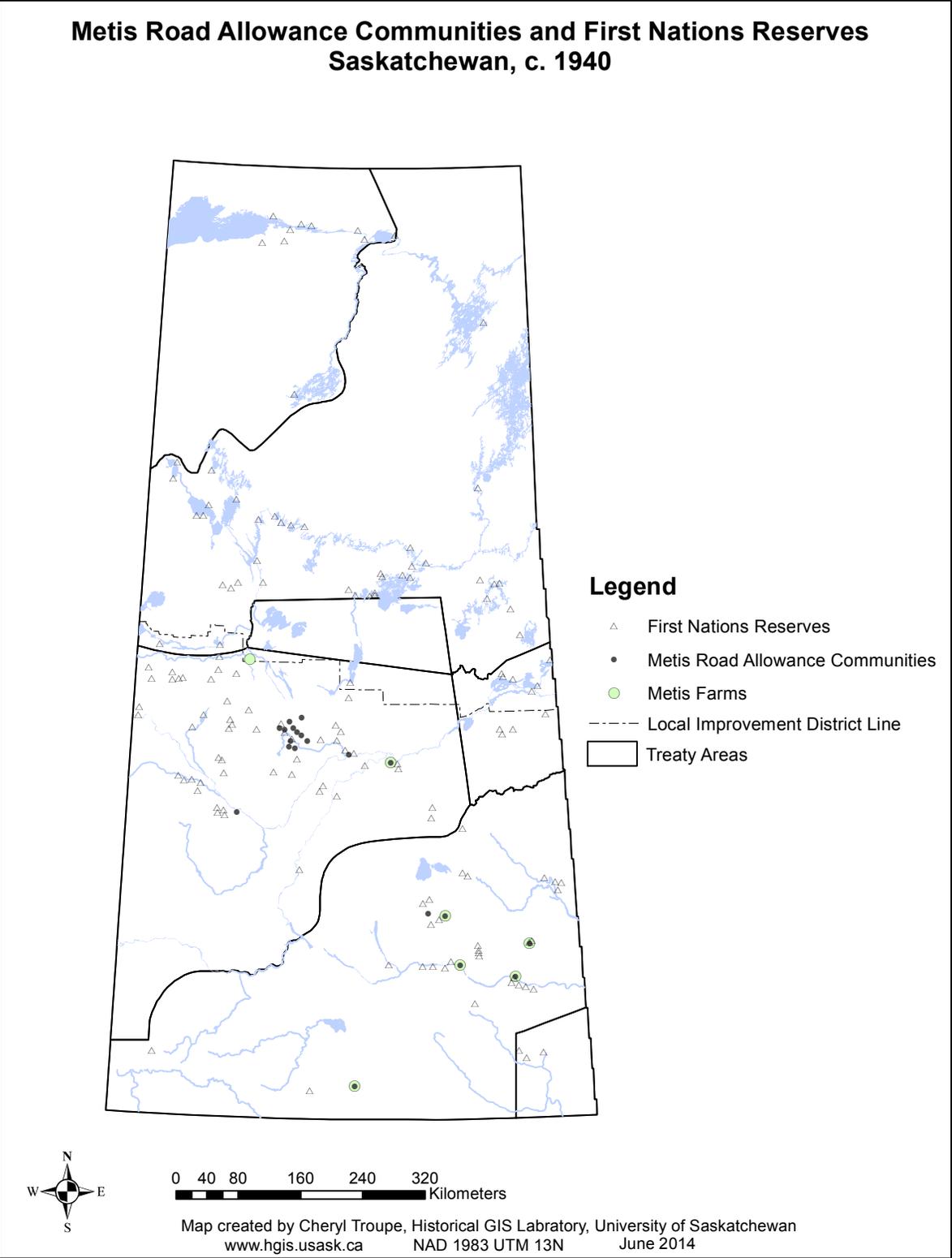
Metis Road Allowance Communities Saskatchewan, c. 1940



0 40 80 160 240 320
Kilometers

Map created by Cheryl Troupe, Historical GIS Laboratory, University of Saskatchewan
www.hgis.usask.ca NAD 1983 UTM Zone 13N June 2014

Map 3.2



Another former resident of the Lestock road allowance, Isadore Pelletier, a Métis elder who experienced relocation as a child, shared his memories of being moved from Lestock to Green Lake. He and his family lived on a road allowance community called the Chicago line, ten miles from Lestock. The men worked for farmers during summer months. They picked roots, helped with thrashing, and chopped bush. Isadore recalled, “My dad would always make enough for 10 bags of flour. We’d be alright. Make it through the winter, we’d hunt deer and trap mink and muskrats, eat turnips and potatoes from the garden. My job was to start the fire then go out to feed and water the horses.”¹ The seasonal wage labour that was supplemented with hunting and trapping provided the family with an adequate living.

During the relocation, the family arrived in Meadow Lake, then Green Lake, where Isadore recalled the family received a cool welcome. The new arrivals placed additional strain on already dwindling resources and job opportunities in Green Lake. Isadore felt, “They (Green Lake residents) resented us. Children had problems in the school. And it seemed even there, it was ‘just like we always were.’”² Gradually, the relocated Métis began to leave, since it appeared that there was not enough to make a living there. He remembered feeling bad for his community: “We made it back but all the way back we were harassed.”³ It was the recommendation of a local Métis leader in Lebreton, L... who was working for the CCF government that led the local Métis to embrace the relocation to Green Lake as a new opportunity for future prosperity. He recalled the reasons the community were given: “We were living in squalor, children not going to school. Those were some of the reasons they gave.”

¹ Interview with Isadore Pelletier, November 23, 2000 (04), *The Virtual Museum of Métis History and Culture*, Métismuseum.ca/media/media.php?id=02355.

² *Ibid.*

³ Video, 07.

Upon returning to Lestock, the family found that there was nothing left and went to Regina.

Isadore remembered fondly, “It was such a tight community. We had self-government. That was what we had, and it was good.”⁴

Premier Douglas, who certainly intellectually and politically supported if not initiated the relocation and segregation of the Métis, faced criticism over the outcome of the relocations from opposition MLAs. Defensive of the government’s Métis policy, Douglas replied to the opposition criticism from Vic DeShaye, the Liberal MLA for the Melville riding:

For some time the DSW has been working on a program for re-establishing the Métis on a self-supporting basis and has been doing so in cooperation with the several municipalities where they are located. However, in view of your comments in the legislature on Thurs March 2, I would take it that you are opposed to moving these people from the road allowances and re-establishing them in areas where they can become self-supporting citizens. It is difficult for me to see how you can oppose that action of the government in moving these people when you are speaking in the legislature then write to me privately to ask what we are going to go about moving them. It is about time you made up your mind whether you are anxious to have these people rehabilitated or whether you are merely concerned with making political capital out of the situation.

I don’t think that municipalities will take very kindly to the fact that the first time any constructive steps were taken to re-establish the Métis you did everything possible to have this action by the government misrepresented and misunderstood. I shall make it my business at my earliest opportunity to acquaint the municipalities in question with the stand which you have taken in the legislature as opposed to the concern which your letter shows for the difficult position in which the municipalities find themselves in connection with the Métis problem.⁵

In response, DeShaye reiterated the point that the relocation policy challenged the CCF image of a humane and just political alternative in its treatment of the Métis people. He replied,

If you will read the transcript of my speech you will see that what I criticized was not the movement of the Métis to Green Lake, but the failure to provide an adequate program and accommodation, for them at Green Lake. The delegation that saw me said that they had to move away from Green Lake because they and their families had only tents to live

⁴ Ibid.

⁵ T.C. Douglas to De Shaye, March 7, 1950, File T.C. Douglas Fonds File 859 (44), 1 of 3, SAB.

in and no accommodation was being made available for them for winter. Then when some returned to find their homes burnt they became a greater responsibility than before.⁶ The attempt at crafting a Métis policy based on relocation and rehabilitation left the Métis further impoverished and at the mercy of municipalities. The financial commitment required to adequately re-establish and rehabilitate Métis at the Green Lake Métis colony was never in place, and Douglas's vision of the relocations and rehabilitation merely succeeded in removing road allowance families and casting them adrift in the province.



Figure 3.4 Métis girls standing outside the Green Lake Shelter, 1940s

Figure 3.5 Green Lake Shelter, 1940s

Figure 3.6 Children at the shelter, 1940s.

Permission granted by Lawrence Arnault and the Gabriel Dumont Institute for usage.

⁶ Vic DeShaye to T.C. Douglas, File TC Douglas Fonds File 859 (44), 1 of 3, SAB.



The Green Lake Children's Shelter was a short-lived experiment in providing residential care for Métis children in a remote location using southern white employees. The shelter provided specifically for "Métis children who are wards of department, and from Northern parts of the province, neglected and illegitimate."⁷ As the early social welfare professionals in Saskatchewan stated, often "neglected" Métis children were not so much in need of protection from neglectful parents, but due to poverty. Of prime concern was re-education:

In certain areas of the province, neglect among this group is very serious-neglect arising from inadequate school facilities and improper housing. When it has become necessary to apprehend the children the problem of proper placement is difficult due to prejudice and the difficulty that the children have in adjusting themselves to a new environment. In cooperation with the Department of Municipal Affairs a survey was made of children in the Green Lake Area and as a result of this survey plans were instituted to build a shelter in which an attempt will be made to specifically train these children.⁸

While at the shelter, the children had access to medical and nursing care and attended a nearby school operated by the Department of Education. The non-denominational shelter opened February 5, 1947 and cared for twenty-five children up to sixteen years old. Non-Aboriginal child welfare experts from the southern portion of the province staffed the shelter. Part of the rationale articulated by the government was that Métis children needed to be trained in Euro-Canadian hygienic standards prior to being fit for adoption into white, middle-class family homes.

In an article documenting the rise and fall of this experiment, Alice Dales revealed her own and the government's racial and class-based ideology that informed their approach to the

⁷ Ibid.

⁸ Saskatchewan Government Publications, Department of Social Welfare and Rehabilitation, SW.1 Annual Reports, 1944/45-1963-64; SW1.1 Annual Report of the Department of Social Welfare of the Province of Saskatchewan, Annual Report, 1945-46.

Métis children. The children were characterized as parentless and in need of rescue. She claimed that, “These children were from broken homes, orphans, children of unmarried parents, and children of unknown origin.”⁹ The community of Green Lake itself, observed Dales, suffered from regressive tendencies unsuitable for a true rehabilitation project since “the standard of living is low, and because of the lack of opportunity and education the Métis appear shiftless and lacking in initiative.”¹⁰ Despite the commonly accepted child welfare practice that considered the best place for children was in the natural family setting, the Métis children, because of their race, were categorized as an exceptional case requiring an exceptional response. Dales reflected “the decision was based on the assumption that it would be easier for the children if they were left in the surroundings familiar to them; because of their ethnic origin it was thought it would be difficult for them to move out to integrate with the ‘white’ outside world.”¹¹ Moving children from their surroundings would have been too abrupt since, once at the home “most of them slept in beds for the first time and enjoyed foods and clothes unknown to the world they had formerly lived in. It was surprising how quickly these children were able to adapt themselves to the standards of their white cousins and how much pride and pleasure they took out of the finer things of life.”¹² In total, there were forty to forty-five children, aged one to sixteen.

Soon after the opening of the shelter, a shift in perspective caused the Bureau of Child Welfare professionals re-evaluate the Green Lake shelter. Documenting the radical new approach to integration and caring for indigenous children, Social Work professional Alice Dales

⁹ Alice Dales, “Closing a Children’s Institution in Saskatchewan,” *Canadian Welfare* 30, no. 6 (1954): 39.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid., 40.

published an article detailing the process by which children were institutionalized then deinstitutionalized in Saskatchewan. Private correspondence also hints at another reason for the demise of the Green Lake Shelter. Personnel issues and racial tensions between the local Métis and the white staff hired to look after the shelter created political problems for the CCF. Local Métis people resented its presence in their midst and questioned the purpose and quality of care the children received there. They felt the shelter was poorly run, and all positions within the shelter, with the exception of the lowest paid, were staffed by outsiders. An official sent north to investigate the charges conceded “the dismissal of the Métis janitor and the employment of the non-Métis person has apparently caused some resentment among the Métis people in this area.”¹³ Regardless of the precise reason to close the short-lived shelter, the rehabilitation of the Métis children was deemed a success. In this case, “success” meant that the children were deemed suitable to then proceed to white foster homes far from the scrutiny of the local community who could advocate on their behalf.

The official reason for closing the shelter was based on the newly developing consensus that indigenous children were no different than Euro-Canadian children. Dales wrote that the government and social welfare professionals questioned the institutional approach wondering if it were, “adequately meeting the needs of the children it was set up to serve and that anyhow an institution was not what we wanted for these particular children, whom we had grown to realize were not different from other children.”¹⁴ A new methodology of caring for indigenous children was taking shape as special staff meetings were held in various locations as the drive to find

¹³ G.H. Castleden to T.C. Douglas, June 14, 1950, T.C. Douglas Collection R-33.2, File XVIII, 34 (19-1-5), Green Lake Children’s Shelter.

¹⁴ Ibid.

foster homes began.¹⁵ Extra resources were thrown into the project, and a canvass was made by both letter and personal visits of numerous Roman Catholic clergy to inform them of the changes from institutionalized care to transracial adoption. Dales commented on the importance of home visits to “enlightened” white communities to inform them about their new role in integrating Métis children, stating, “These visits were enlightening. We learned from them how uninformed communities can be about programs, and how frequently we forget to bring them along with us. The interest and concern for children aroused by these trips was encouraging, and proved that an enlightened community can make a valuable contribution to our work if given a chance.”¹⁶ The local white community was enlisted to assist with rehabilitating the individual Métis children since the institutional setting had proven unworkable. The Department of Social Welfare and Rehabilitation deemed the shelter unsuitable to the goals of full integration because of the location at Green Lake with the large concentration of Métis families at Green Lake and conflicting interests between the community and the government concerning Métis children.

Not all the local people saw the merits of the experiment. It was necessary for the social work professionals to re-educate the local Catholic sisters about the revolutionary new integration plans. Dales recalled that “during these trips we discussed the virtues of foster homes as compared with institutional care in general terms, without revealing too much of our future plans.”¹⁷ At first the nuns who taught the children were sceptical about foster homes because they had developed close relationships with the children and were protective of them. However, after being fully “educated” with the new theories on child rearing, the sisters gave social

¹⁵ Dales.

¹⁶ *Ibid.*, 41.

¹⁷ *Ibid.*, 43.

workers their blessing, even to the point of suggesting people who might have been interested in the program.¹⁸

After securing the support of the white community authorities, the task of revising a century of racial orthodoxy and engaging the public was undertaken. Dales initially met with resistance when educating the white public about its role in integration and assimilation:

The biggest obstacle encountered was the reluctance of communities and individuals to accept Métis children. We encouraged people to think about these children as children. And not as classes or colours, and helped to see that their wants and needs were the same as those of children the world over. Where it was possible to get this interpretation across, the great majority of people were able to accept the Métis child.¹⁹

The ultimate goal of the project was full integration into non-Aboriginal middle-class society; therefore, school boards, teachers, merchants, and municipal and public officials were interviewed and acquainted with their plans. The shelter closed in June 1951. Two years later, the children had been moved to various communities in the province.²⁰ From this experiment, Alice Dales concluded:

We learned from this experience that you do not plan impetuously for children, and our premise that a community would not accept a minority group such as the Métis was false. We also learned that in meeting the needs of these children institutional care was not the answer. We found out too what it means to have well informed communities and the importance of having them keep pace with our program.²¹

Closing the children's shelter did not immediately stimulate changes to the overall child welfare policies in the province but provided evidence that white families were willing to incorporate Métis children if provided with the proper preparation. After the Green Lake Shelter experiment

¹⁸ Ibid., 42.

¹⁹ Ibid.

²⁰ Ibid., 43.

²¹ Ibid.

successfully demonstrated that white families were willing to foster Aboriginal children, emphasis was placed on seeking out homes for Métis children and actively providing services to Métis women.

The implementation and outcomes of the relocation and rehabilitation policies at Green Lake and elsewhere received mixed reviews. D.F. Symington unequivocally extolled the benefits of the CCF policy of relocation and rehabilitation to a national audience in 1953, providing visual contrasts between the old and the new policies. He firmly stated that rehabilitation held great promise for the Métis, whom he termed “a group that can be considered the west’s forgotten minority.”²² Like others, he believed that the 850 Métis in Green Lake were in the midst of an economic and social revolution from extremely primitive to modern living. Until the government intervened, the Métis had “been gypsy-like, untrained and unwilling to work, despised by and despising the prosperous white man.”²³ The author stated that “rehabilitation must take into consideration the traits and peculiarities of the Métis as a cultural group and as individuals, such as the Métis tendency to stress the value of personal enjoyment on a day to day basis, material possessions to be valued as they add to the enjoyment, discarded as they become a burden.”²⁴ The goal of rehabilitation was to raise the standard of living in community. “In other words he had to make them wish to work.”²⁵ Because of the traditional lifestyle of hunting and seasonal migrations, unlike the white settlers, who needed to work in order to eat, “They have never needed to work in order to exist, and had no such incentive.”²⁶ Eliminating the seasonal

²² D.F. Symington, “Métis Rehabilitation,” *Canadian Geographical Journal* 46, no. 4 (April 1953): 128.

²³ *Ibid.*, 130.

²⁴ *Ibid.*, 131.

²⁵ *Ibid.*

²⁶ *Ibid.*, 134.

cycles of living off the land ensured that by necessity the Métis would embrace subsistence agriculture, wage labour, or both.

According to this early publication, the relocated Métis from the southern road allowance communities brought a twofold benefit to the Green Lake community; first they brought “new blood into the Green Lake settlement, where for two centuries the dozen major families had been intermarrying.”²⁷ Second, the relocated Métis had been dependent on social aid, living in shacks on road allowances, and by contrast in Green Lake, they had been given lumber by the government. For those who remained to build, “There are now none without board floors and roofs, and the unutterable filth of a decade ago has been replaced by something approaching cleanliness.”²⁸ He failed to mention the large percentage of families who chose to leave rather than remain in Green Lake. The rehabilitation envisaged through farming plots would bring the Métis what had eluded them as seasonal trappers and hunters: a notion of private property and elimination of mobility. Symington claimed that, in “tying themselves to plots of land, they are beginning to look on their plots as their own.”²⁹ Finally, rehabilitation included the education of Métis children. The next phase in the rehabilitation of the Métis would be focused on Métis women in order to inculcate proper notions of morality through rehabilitating Métis views of illegitimacy. Symington observed that, “Most of them remain amoral, and illegitimacy occasions

²⁷ Ibid.

²⁸ Ibid., 137.

²⁹ Ibid.

no stigma.”³⁰ Like the “subnormals” of Douglas’s master’s thesis, according to Symington the Métis lacked the sentiment of shame attached to unwed motherhood.

Commenting on the impact of CCF northern Métis policies, anthropologist Vic Valentine was critical of rehabilitation for being incapable of addressing what were economic and cultural changes the formerly self-sufficient Métis faced in the north as hunters and trappers. As an anthropologist hired by the Department of Natural Resources of Saskatchewan, Valentine stated that prior to 1944, “each man provided for himself and his family in an isolated camp with the aid of simple tools.”³¹ With the CCF’s introduction of the new administration for the north along with the fur marketing service, and the block conservation system, “It was hoped by these means not only to raise the living standard of the Métis but at the same time wean them from their nomadic hunting and collecting existence.” Consequently, “in some regions the Métis had become almost totally dependent on family allowance and relief.”³² The development of systematic programs dealing with the distribution of land and the conservation of wildlife, education, health, and collective marketing had a devastating impact on gender relations within the Métis family and only created an increased cycle of dependency. The twin goals of rehabilitation--raising the standard of living and reducing Métis mobility--had served to undermine the stability of the family and the cohesion of the community. Métis voiced their resistance politically in lack of support for the CCF government at election time.³³

³⁰ Ibid., 139.

³¹ V.F. Valentine, “Some Problems of the Métis of Northern Saskatchewan,” *The Canadian Journal of Economics and Political Science* 20, no. 1 (Feb. 1954): 89-95, accessed Jstor 21/01/12:28 90.

³² Ibid., 90.

³³ Ibid.

The block conservation system was meant to regulate Métis mobility by designating a defined area surrounding settlements in order to conserve fur-bearing animals, as well as “put an end to their nomadic way of life by confining them to a settlement.”³⁴ The outcome of inducing settlement was to “create a hodgepodge of overcrowded homes.”³⁵ With the increasing size of Métis families, the blocks could not provide for the increase in population. In addition, Valentine found that men left the area to find work in Alberta and the NWT, leaving the women for months and even years. The single-mother-headed families left in the settlement relied on family allowance money for support.³⁶ The altered gender dynamics within the Métis families resulted in a loss of prestige for men when they were no longer able to obtain credit.³⁷ Children growing up in the settlements observed a continual round of drinking, visiting, and gambling, a lifestyle that the trap line did not include. Valentine warned, “It is true that the population is increasing, but it is by no means what we might call a healthy population. An increase in venereal disease, tuberculosis, crimes (especially drunkenness and theft), and illegitimate births typifies conditions among the modern Métis.”³⁸ To bolster his argument, he cited the mission records at the northern outpost community at Portage la Loche, where, out of thirty births for eight months in 1952, seven were illegitimate, or 23.3 percent.³⁹

³⁴ Ibid., 93.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid., 94-95.

³⁸ Ibid.

³⁹ Ibid., 95.

In response to Valentine's publication documenting the failed CCF Métis policy a new partnership was struck. In 1955 the Local Improvement District, the government branch responsible for the administration of the Green Lake Settlement, and the Department of Social Welfare and Rehabilitation began to work together to solve the "Métis problem" in Green Lake. Together, government bureaucrats began to develop a new direction in Métis policy, bringing the expertise of social workers and social welfare professionals into Métis policies in a new fashion. Like elsewhere in Canada, a "welfare economy" was beginning to emerge, as the expansion of settlement and fishing and game restrictions reduced subsistence hunting and gathering, and growing industrial activities gave preference to white male labourers over Aboriginals.⁴⁰ Despite the belief on the part of officials that their involvement would be temporary, the welfare state expanded exponentially after 1950, as did Aboriginal poverty.

Addressing the Regional Conference on Social Welfare in June 1946, Tommy Douglas articulated his vision for Saskatchewan in charting a new course for government-administered welfare services. He stated, "In terms of technological progress we will measure our success by what society does for the under privileged, the subnormal, for the widow, for the aged and the unwanted child, and recognize her responsibility for the weak in society. Canada will, in this way, take her place among the great nations of the World."⁴¹ Through rehabilitating families to take their proper place in the modernizing province, the CCF envisioned social work professionals providing expert therapeutic services on a case-by-case basis for the "subnormals" and others deemed in need of assistance. The recently reorganized Department of Social

⁴⁰ John Sutton Lutz, *Makuk: A New History of Aboriginal-White Relations* (Vancouver: UBC Press, 2008), 286-288.

⁴¹ Mildred E. Battel, *Children Shall Be First: Child Welfare in Saskatchewan, 1944-1964* (Local History Program, 1980), 16.

Welfare would be the vanguard of social welfare and child welfare practice as the state moved in to ensure families carried out their responsibilities toward younger members, and offered therapeutic support for mothers without male breadwinners. The gendered nature of child welfare legislation has been identified by feminist historians to penalize mothers and fathers who were unable or unwilling to provide for offspring.⁴² As Veronica Strong-Boag has argued, “The rights of those who were judged to be inadequate family men were to be limited by the male-led government that would better protect the nations’ human resources.”⁴³ Métis men, who had been provided the opportunity to be rehabilitated into the proper role of breadwinner and agriculturalist, were deemed to have failed by 1961. Reports of illegitimacy and common-law relationships among the Métis required the interventions of social workers who had become the nation’s leading experts on the “problem of the unwed mother,”⁴⁴ while offering solutions to the dilemma of Aboriginal integration. Métis children entered the child welfare system via three facets of child welfare legislation: apprehension due to neglect, identification through unmarried parents legislation, and legal adoption.⁴⁵

⁴² Marlee Kline, “Child Welfare Law, ‘Best Interests of the Child’ Ideology, and First Nations,” *Osgoode Hall Law Journal* 30, no. 2 (1992); “Complicating the Ideology of Motherhood: Child Welfare Law and First Nation Women,” *Queen’s Law Journal* 18, (1993); Karen Swift, *Manufacturing “Bad” Mothers: A Critical Perspective on Child Neglect* (Toronto: University of Toronto Press, 1995).

⁴³ Veronica Strong-Boag, *Fostering Nation: Canada Confronts Its History of Childhood Disadvantage* (Waterloo: Wilfrid Laurier University Press, 2011), 70-71.

⁴⁴ Leontine R. Young, “The Unmarried Mother’s Decision about Her Baby.” 1947, MG 28 I 10, Volume 300, File 300-30, LAC. Young, an influential social worker, an expert on the unwed mother, said, “Speaking generally, we know that the unmarried mother is an unhappy and neurotic girl who seeks through the medium of an out-of-wedlock baby to find an answer to her own unconscious conflicts and needs.” The role of the case worker was to enable to girls to recognize their own inability to plan for their children, and thus relinquish them to the worker for adoption.

⁴⁵ Since I have not been able to view individual case files of children, these laws are discussed in general terms of how they probably would have contributed to apprehensions.

Mildred Battel, Saskatchewan's first professionally trained social worker, was part of the team engaged in modernizing the Department of Social Welfare, formerly, the Department of Reconstruction, Labour and Public Welfare.⁴⁶ The development of Saskatchewan's child welfare legislation and administration took place gradually during the early twentieth century. Provincial responsibility for child welfare and social aid had been based on the division of powers at Confederation in the BNA Act, with "all matters generally of a merely local or private nature" given to the provinces. At the time, caring for children was the responsibility of families and the churches and voluntary societies; by the twentieth century this came to represent public education, health, and welfare. Child protection legislation in Saskatchewan had been closely based on similar legislation first passed in Ontario under J.J. Kelso, entitled, "An Act for the Prevention of Cruelty to and Better Protection of Children, 1893."⁴⁷ The defining aspect of child welfare legislation was the transfer of guardianship by the court from biological parents to an agency. Saskatchewan passed the Act for the Better Protection of Neglected and Dependent Children in 1908. In 1911, Saskatchewan established the Bureau of Child Protection.

In the early years of the child welfare branch, the underlying premise, that "children must be protected," was based on the courts' determination of the "best interests of the child." The primary method of protection was through removing children from the care of parents into the care of the state, utilizing community resources such as foster homes, adoption, and institutions.⁴⁸ The Bureau of Child Protection, which operated from 1911 to 1944, had been the agency within the government responsible for implementing the legislation, and Children's Aid

⁴⁶ "Social Work Leader Honoured," *Regina Leader Post*, March 14, 1991.

⁴⁷ Battel, 4.

⁴⁸ *Ibid.*, 1.

Societies made up of volunteers were tasked with the administration of protecting neglected or orphaned (primarily non-Aboriginal) children. Not until the 1930s was there mention of case work and social work approaches, as well as the terms “unmarried mother” and “putative father.” The first social worker in the Bureau of Child Welfare was hired in 1943.⁴⁹ The year 1940 was the first year that the Métis problem was cited in the annual reports of the Department of Social Welfare.⁵⁰



Figure 3.7 Mildred Battel, Child Welfare Director, 1952-1965, 1960s R-A11592-1 SAB

In 1944, the Department of Social Welfare took responsibility for the Child Welfare Branch and replaced the former Department of Reconstruction, Labour and Public Welfare under Minister O. Valteau.⁵¹ One of the first projects of the newly reorganized department was the planning for a children’s shelter at the Métis settlement at Green Lake “to give proper care and training to upwards of 50 children who are either illegitimate or orphaned” as well as “a long-range plan for the rehabilitation of the Métis

⁴⁹ Ibid., 10.

⁵⁰ Ibid., 8.

⁵¹ Ibid, 15-16.

population in the province”⁵² There were plans for expansion of child welfare, and field staff in child welfare were encouraged to take courses in social work; it was hoped that the department would have a complement of fully trained social workers in the near future.⁵³

The legislation guiding and defining family and state obligations toward children expanded in the 1946 Child Welfare Act. Modern notions of gender and childhood held by Anglo-Canadian middle-class reformers in the primarily rural, immigrant settler agricultural province were reflected in the amendments.⁵⁴ According to former Child Welfare Director Mildred Battel, the basis of the Child Welfare Act of 1946 was “the assumption that children have rights, and the rights of parents can be limited or removed if children could be harmed by the actions of the parents.”⁵⁵ The objective of the act was to ensure that the child who is or is likely to become neglected, within the meaning of the act, was protected. The act broadened the scope of the child welfare program and authorized that

any officer of the department, local superintendent, constable or other peace officer may without warrant apprehend and take to a place of safety any child who is within one or more of the following descriptions, and may make entry without warrant into any premises for the purposes of such apprehension.⁵⁶

The criteria for determining if a child was neglected were based primarily on the ability of the father as head of household to ensure that the mother and child’s material, physical, and moral

⁵² Saskatchewan Government Publications, Department of Social Welfare and Rehabilitation, SW.1 Annual Reports, 1944/45-1963-64; SW1.1 Annual Report of the Department of Social Welfare of the Province of Saskatchewan, 1944-45.

⁵³ Ibid.

⁵⁴ To illustrate the mobility of rural populations, in 1951 30% of the population in Saskatchewan lived in urban areas, and by 1971 it had risen to 53%. For a thorough look at the changes to Saskatchewan’s society and demographics see Bill Waiser, *Saskatchewan: A New History* (Calgary: Fifth House, 2005), 498.

⁵⁵ Battel, 49.

⁵⁶ Ibid.

needs were met. While Métis and Indian children were not targeted specifically, many would fall under these categories following the removal policies, relocation, and social dislocation in urban centers and road allowance communities. The following criteria for neglect would be most relevant for Métis children existing in impoverished circumstances and applied to any child

a: who is found begging or receiving alms in a street, building or place of public resort, or loitering in a public place after 10 o'clock in the evening.

c: whose home, by reason of neglect, cruelty, or depravity on the part of his parent or parents, guardian, or other person in whose charge he may be, is an unfit and improper place for him;

i: who is abandoned or deserted by his parents or only living parent, or who is deserted by one parent and whose other parent is unfit or unwilling to maintain him.

j: who is a child born out of wedlock whose mother is either unwilling or unfit to maintain him

o) who is subject to such blindness, deafness, feeble-mindedness or physical disability as is likely having due regard to the circumstances of his parents or family, to make him a charge upon the public, or who is exposed to infection from tuberculosis or from any venereal disease by reason of proper precautions not being taken or who is suffering from such lack of medical or surgical care as is likely to interfere with his normal development.⁵⁷

If the judge found the child to be neglected, he or she had the option to return the child with supervision to his parents, order the child to be committed temporarily to the care of the department, or order a permanent committal.⁵⁸ When committed, the minister required the child's information respecting his age, religious affiliation, racial origin, and nationality. Once committed as a ward to the department, the minister became the legal guardian of the child, until he or she reached twenty-one years of age.

Prevalent attitudes towards the Métis in 1944 had led to the continued relocation and isolation of indigenous peoples, and thus the initial child caring solution for Métis children was

⁵⁷ 1946, Chapter 91, "An Act Respecting the Welfare of Children," Part One, 4, 751.

⁵⁸ 1946, Chapter 91, "An Act Respecting the Welfare of Children," Part One, 11, A-c

the previously discussed short-lived Green Lake shelter experiment. However, the Child Welfare Branch had been gradually reducing the use of institutions for white children through increasing the payments to foster families to make substitute caring more appealing. According to historians of child welfare Rooke and Schnell, this move from institutionalization to foster homes reflected a newly developing “rhetoric of family life [that] meant the best institution had to be inferior to all respectable working class families because families, unlike [institutions], could provide for the psychological development as well as the occupational training of children.”⁵⁹ The move toward fostering is in part based on the belief in the transformative power of respectable family life to properly socialize children as future citizens. Policies that paid householders to receive such children as family members and not as unpaid labour, attempted to narrow the class gap between children and households, and limited numbers of children in individual foster homes to ensure individual attention.⁶⁰ Child welfare practice stressed the positive aspects of the “criteria of childhood.”⁶¹ If children were separated from unsavoury families and moral contamination, they received, in exchange, placement in respectable homes where they could develop an association with positive lower-class life. This method promised a preventative approach to social disorder through the inculcation of the habits of decency, industry, and regularity in stable families.⁶² Foster families, paid by the state, ensured that the citizens did not question the criteria of disadvantaged Métis families and lent their assistance to socializing Métis children.

⁵⁹Patricia Rooke and R.L. Schnell, *Discarding the Asylum: From Child Rescue to the Welfare State in English-Canada (1800-1950)* (Lanham: University Press of America, 1983), 396.

⁶⁰ Ibid.

⁶¹ Ibid; the criteria of childhood held by middle-class reformers include notions of protection, segregation, and dependence; 11.

⁶² Ibid., 397.

Unmarried parents legislation had been on the books in Saskatchewan since 1930 and provided limited financial assistance to unmarried mothers, or guardians, as a protective measure for children. After 1944, increased input from social workers engaged in ensuring that adoption followed the legitimate procedures led to revisions in the Child Welfare Act of 1946. Unmarried Parents assistance, although the title sounded gender neutral, was specifically designed for unmarried white mothers who were reported to the Director of Child Welfare by hospital staff after giving birth. Women were then provided the helpful assistance of social workers in planning for their future.⁶³ In 1945, the program was transferred to Social Aid Branch, then in 1946, back to Child Welfare Branch so that services such as adoption, already offered to unmarried parents by the Child Welfare Branch, could be combined. According to Mildred Battel, “in particular to ensure case work services to these recipients.”⁶⁴ The early administration of Unmarried Parents assistance reflected the attitude of society toward unmarried mothers and children. No Métis received assistance, mothers with “illegitimate” children received less assistance than those whose children were “legitimate,” and no mother received assistance until the putative father had been contacted.⁶⁵ The objective of this program was to identify potential neglect cases, expand the realm of practice for professional social workers, bring putative fathers within the therapeutic circle, and prevent the feared “black market adoptions.”⁶⁶

⁶³ Battel, 75.

⁶⁴ Battel, 79.

⁶⁵ *Ibid.*

⁶⁶ Battel, 76. Social workers in this period commonly employed the technique of stressing the dangers of the prevalence of “black market adoptions” to the public as one method of obtaining professional control over adoptions in Canada and the US. The highly publicized case in Alberta in the traffic in babies across the Canada-US border in 1947 was the focus of Charlotte Whitton’s survey and a subsequent call for greater social work standards and national collaboration. For more on control of adoption, professionalization, and cross-border baby scandals,

The revised Unmarried Mother's Legislation (UML) passed in 1946 has been deemed "a revolutionary move" in an era when having a child out of wedlock was scandalous. Some critics argued that the legislation condoned unwed motherhood.⁶⁷ In part, the UMP provided financial assistance to unmarried mothers and assisted women to obtain the financial support of putative fathers. The act read, "A single woman may apply to the director for advice and protection in matters connected with her child or the birth of her child and the director may take such action as may seem to him advisable in the interests of such single woman and child."⁶⁸ While financial assistance was available, in many of the cases children were simply surrendered for adoption.⁶⁹ If mothers opted to retain children, they were required to apply to the Social Welfare Board for financial assistance. The legislated stated that was the responsibility of the Board to

determine whether or not such mother has made reasonable effort to provide a suitable home for the child, has assumed the duties and responsibilities of motherhood and has made a reasonable effort to obtain support from the father pursuant to the provisions of this act...if in its opinion the application is meritorious the board may authorize the payment of a monthly allowance to the mother of such child, "the board" on the recommendation of the director, the allowance may be cancelled without notice.⁷⁰

The board had the authority to judge the mother's ability to parent, and if she was found acceptable, would offer financial support. On the other hand, if found lacking, she would likely have to relinquish her child for state care, where the child would either be placed in foster care or put up for adoption.

see Karen Balcom, *The Traffic in Babies: Cross-border Adoptions and Baby Selling between the United States and Canada* (Toronto: University of Toronto Press, 2011).

⁶⁷ Battel, 79.

⁶⁸ 1946, Chapter 91, "An Act Respecting the Welfare of Children," Part One, 115, 785.

⁶⁹ Saskatchewan Government Publications, Department of Social Welfare and Rehabilitation, SW.1 Annual Reports, 1944/45-1963-64; SW1.1 Annual Report of the Department of Social Welfare of the Province of Saskatchewan, Annual Report, 1945-46, SAB.

⁷⁰ 1946 Chapter 91, "An Act Respecting the Welfare of Children," Part One, 115, 785

The revisions also made it mandatory rather than voluntary for hospitals and maternity homes to report births to unwed mothers. This action brought all unwed mothers under the gaze of the state. This legislation simultaneously offered assistance and technologies of helping that would provide unwed mothers, often deemed “neurotic girls,” the ability to resolve their hidden psychological tensions and relinquish babies for adoption to proper families.⁷¹ As Mildred Battel recalled, “An unmarried mother was told of the services which were available. If she wished to give up her child, this problem was worked through with her. Their difficulties were many-- sometimes it was concern about the father and her feelings in this area; sometimes her family; and frequently a complete lack of financial resources.”⁷² Within two weeks of the date a single woman entered an institution for pregnancy, the institution was required to fill out a form with the date of the birth and send it to the director. The legislation stated, “Any person violating subsection (1) shall be guilty of an offense and liable on summary conviction, to a fine of not less than \$10 and not more than \$100.”⁷³ Hospitals, maternity homes, and midwives were required to inform Child Welfare Branch or face violating the new law. Each woman was required to submit to the technologies of helping offered by social work professionals to ensure their parenting plans met with the branch approval or face removal of children.

Prior to the late 1950s, Métis mothers were excluded from receiving Unmarried Parents allowances. Neither did Métis mothers and children obtain state-based adoption services

⁷¹ File 300-30, Leontine R. Young, “The Unmarried Mother’s Decision about Her Baby,” 1947 Canadian Welfare Council Files, MG 28 I 10, Volume 300, LAC.

⁷² Battel, 76.

⁷³ Ibid.

available to white infants and mothers.⁷⁴ Several possibilities may explain why this was the case. In part it had been feared that Métis women would “reproduce carelessly” and look to the state for assistance since it was believed that there was not a cultural stigma attached to unwed motherhood.⁷⁵ Perhaps homes could not be found for Métis infants, or it was simply a matter of discrimination. Nevertheless, after the success in placing Métis children from the shelter, the argument that white families would not accept Métis children could no longer be sustained. When attempting to determine how best to address the tensions involved in bringing Métis women into the definition of unwed mothers, Mildred Battel asked of this new approach, “How can there be provision for overall assistance without it being interpreted and publicized as a right?”⁷⁶ For those who lacked the stigma of being an “unwed mother,” some Métis mothers could never see social workers as the helping pseudo-mother assisting them in working through their deep ambivalence over giving birth out of wedlock, but only see the state as providing for needed financial resources for their child-caring responsibilities. While some may have accessed adoption services voluntarily, Métis mothers now came under the intense scrutiny of social workers armed with legislation to assess their abilities as parents and to judge the validity of their “plan.”

⁷⁴ Report, L.E. Brierley, Regional Administrator, Green Lake Project, August 12, 1955, R-933 Department of Social Welfare and Rehabilitation File XI-30, Green Lake Project; and Mildred Battel makes this point also; Battel, 142.

⁷⁵ “The majority have more than one child out of wedlock and often several children are born in this status. There is comparatively little community rejection of the unmarried mother, and consequently very little guilt feeling or remorse is experienced by the unmarried mother. Local Improvement District services by way of financial assistance is often withheld and this seems to have been done to act as a deterrent, which, of course, is questionable”; *Ibid.*

⁷⁶ *Ibid.*

The Department of Welfare officially abandoned the Métis rehabilitation scheme in 1961, suspended support to Métis colonies, and encouraged the Métis to leave rural Saskatchewan and take up residence in the towns and cities.⁷⁷ In reflecting on the outcome of the colony schemes, Director of Welfare Talbot stated,

The lack of resources in these communities has made it almost impossible to provide for the Métis people living there and we have directed our efforts toward diminishing the Métis population in these communities. We have encouraged and helped those who are able to do so to take work in urban centers and our vocational training program has trained and placed 39 Métis youngsters in permanent employment. Our problem at present involved those Métis between 17 and 30 years of age who have very low academic education coupled with some indifference to vocational training and employment.⁷⁸

These men faced a bleak future and would have few economic prospects when entering the cities and competing with white men for jobs.

Child welfare statistics clashed with the positive assessment of Welfare Director Talbot, who wrote, “There has been a reduction in numbers of families in most depressed areas as a result of these activities, and discussion with city welfare officials does not disclose any special problems with those who have moved to urban centers and been employed.”⁷⁹ The Child Welfare Branch became the primary department tasked with the policy of Indian and Métis integration in the years after 1961. Growing numbers of Métis and First Nations people came to the attention of Child Welfare Authorities as Métis moved from colonies and road allowances to cities, and newly enfranchised Indian mothers and children left reserves. Social welfare workers observed

⁷⁷ R. Tabot, Director of Welfare, to Mr. J.S. White, Deputy Minister, October 16, 1961, Re: Provincial Programs in Northern Saskatchewan and Provincial Programs Related to Indians in Department of Social Welfare-Rehabilitation Branch, Métis-General Correspondence, R-85-308 933, File III 23, SAB.

⁷⁸ Ibid.

⁷⁹ Ibid.

the changing demographics: “It appears that more services are being provided to Indian unmarried mothers than in former years. More services as they move off reserve.”⁸⁰ In the 1959 Annual Report of the Department of Social Welfare and Rehabilitation, the first mention was made of the province’s Indian and Métis population becoming problematic, or overrepresented. However, the department was optimistic in its new role of integrating children: “A serious attempt is being made to equip all children to become as useful citizens as possible.”⁸¹

While official messaging spoke to colorblind and uniform services for Indian and Métis children, the Annual Report for the Child Welfare Branch in 1960-61 was the first year in which wards of the department were differentiated based on race. Of the 1482 children in foster homes, 580 were Métis or Indian. Since Roman Catholic adoption and foster homes were in short supply, and many families were reluctant to accept Indian or Métis children, concentrated efforts were made by the department to find white adoption and foster homes for Aboriginal children. It was believed that even for Indian and Métis children, if the child was legally free, the best plan was adoption.⁸² Newspaper, radio, and television were used to entice white families in Saskatchewan to become foster and adoptive parents.⁸³ Not surprisingly, the increase in children

⁸⁰ Saskatchewan Government Publications, Department of Social Welfare and Rehabilitation, SW.1 Annual Reports, 1944/45-1963-64, SW1.1 Annual Report of the Department of Social Welfare of the Province of Saskatchewan, Annual Report 1959-60; Minister A.M. Nicholson, Deputy J.S. White, Miss M.E. Battel, Director of Child Welfare, SAB.

⁸¹ Ibid.

⁸² Saskatchewan Government Publications, Department of Social Welfare and Rehabilitation, SW.1 Annual Reports, 1944/45-1963-64; SW1.1 Annual Report of the Department of Social Welfare of the Province of Saskatchewan, Annual Report, 1960-61.

⁸³ Ibid.

entering the child welfare system was attributed to the greater number of Indian and Métis families moving to cities.⁸⁴

A new problem was beginning to take shape on the horizon, threatening to derail the hopes of social workers that initially proposed to solve the Indian and Métis problem through integration into welfare services. Since white families were the essential ingredient in socializing Aboriginal infants and small children, their unwillingness proved a serious liability. In 1963, at the annual meeting of the federal Canadian Welfare Council, provincial directors of child welfare discussed the adoption problems they experienced, and the need to expand the public's notion of "adoptability."⁸⁵ Social welfare professionals were constructing the "problem of the overrepresentation of Aboriginal children" mystifying the loss of land, homelessness, poverty and severed kinship ties that post-war policies engendered.⁸⁶ At the national meeting, directors from the western provinces with large Indian and Métis populations spoke of the many children of mixed race who were being supported by provincial governments in foster homes. The directors sought to work together to "solve what is a national problem of finding homes for Indian, Métis and Negroes, and other children who are difficult to adopt because of physical handicaps."⁸⁷ Mildred Battel's problem was the hundreds of Métis and Indian children for whom she was responsible. She lamented, "It's always much easier to find homes for fair-haired, blue-eyed babies... it's the mixed-race children that represent the hard, unadoptable group."

⁸⁴ Ibid; of the 2,476 children in care in 1960, 670 were Métis of Indian, or 27%

⁸⁵ "Proposed Adoption Exchange," *Ottawa Citizen*, May 19, 1963.

⁸⁶ The term "mystifying" is used here to indicate that the reasons children were coming into care stemmed from the colonization effects of racism, loss of land and failed relocation policies, but were presented as individualized personal failings of indigenous families in child welfare terminology, that being "illegitimacy" and "neglect."

⁸⁷ Ibid.

Education could solve this dilemma. She felt that “the answer must be found in a reflection of public opinion.” Mr. MacFarlane, Welfare Director for Alberta, noted that 1,300 Métis children were in foster homes in his province and endorsed advertising these children to find them homes. He termed the advertising an “expensive but efficient means to dispel old wives tales about adoption.”⁸⁸

Racial attitudes in Saskatchewan proved intractable and contributed to obstructing the idealized solution for permanent wards. According to Mildred Battel, Indian families rarely came forward to adopt children. However as the following chapter will illustrate, Indian parents were indeed interested in adopting Indian children, but the legal and policy barriers put into place by governments prevented the adoption of indigenous children into Indian homes. Home studies, poverty, legal distinctions between children and parents, the need for marriage licenses, forms, and medical exams all made legal, social worker-sanctioned adoption either unattainable or unappealing to Indian and Métis families. In 1965, twenty Indian children were adopted into white homes, but that was but a small fraction of potential adoptees since one-third of children in permanent care were of Native ancestry.⁸⁹

Increasing numbers of Indian and Métis children apprehended meant that children were placed in foster care with no possibility of permanent family connection, whether adoptive or biological. In that year, 1965, the number of children apprehended from white parents began to decrease while Indian and Métis apprehensions increased. A total of 131 more children than the previous year were apprehended, and all from Indian and Métis parents. In addition, Indian and Métis mothers began to relinquish infants for adoption, whether voluntarily or because they were

⁸⁸ Ibid.

⁸⁹ “Indian and Métis Children Pose Adoption Problems for Welfare,” *Star Phoenix*, June 30, 1965.

coerced by social workers armed with Unmarried Parents legislation.⁹⁰ Rather than seeking an alternative to the apprehension of Aboriginal children from poor families or those who lived in substandard housing in urban areas, the government pursued the transracial adoption solution with greater intensity. In discussing the problem in the local newspaper, Battel explained that, “Not only is it essential that homes be found for Métis and Indian children, but the acceptance and attitude of the general public must change. It is hoped that the adoption of a non-white child will become just another adoption rather than a special placement.”⁹¹ Battel and other directors responsible for child welfare proposed this as the best solution to the emerging problem of overrepresentation of Aboriginal children in the system. The key, she believed, was to craft a message that would transform adoption from what had previously been a mirror to the biological nuclear family, into a liberal experiment in race relations and integration.⁹²

The CCF government under Premier Tommy Douglas initially developed a Métis policy founded on the program of rehabilitation articulated in his 1933 master’s thesis, “The Problems of the Subnormal Family.” This was premised on relocating, segregating, and rehabilitating entire communities of Métis in colonies, with the eventual goal of integration. Métis people came under the jurisdiction of the provincial CCF government, which had committed to applying reformist strategies aimed at the Aboriginal family through the Department of Social Welfare

⁹⁰ Saskatchewan Government Publications, Department of Social Welfare and Rehabilitation, SW.1 Annual Reports, 1944/45-1963-64; Annual Report of the Department of Social Welfare, 1965-1966, SAB; Informants interviewed for this dissertation have indicated that either they or their family members had children involuntarily removed from them at the hospital after giving birth.

⁹¹ Saskatchewan Government Publications, Department of Social Welfare and Rehabilitation, SW.1 Annual Reports, 1944/45-1963-64; Annual Report of the Department of Social Welfare of the Province of Saskatchewan, 1965-1966, SAB.

⁹² Julie Berebitsky, *Like Our Very Own: Adoption and the Changing Culture of Motherhood, 1851-1950* (Lawrence: University of Kansas Press, 2000), makes the point of the changing understanding of adoption in Western culture, 129.

and Rehabilitation, rather than addressing the issues of land loss and racial intolerance. The failure of the Métis rehabilitation experiment of segregation and rehabilitation was replaced with integration of children into the child welfare system. The case of the Green Lake children's home represents a bridge between the past policy of segregation and relocation through institutionalization, and the later policy of integration into Euro-Canadian foster and adoptive families. Also, the Green Lake experiment is the earliest example of a government-directed transracial adoption program. This published example set the stage for how future Aboriginal children could be integrated into the larger provincial system. The experts viewed the Métis people, as both indigenous peoples and provincial citizens, as best suited to integration.

While the CCF government had plans to solve the "Métis problem" when first elected, the "problem" tested the limits of expert knowledge. Furthermore, it highlighted the persistence of settler colonial mentalities in the drive to eliminate indigenous land rights and self-determination. This early Métis relocation and rehabilitation experiment informed the government's approach to providing services to the Indian people after 1951. By constructing the needs of Indian and Métis people through the lens of welfare and rehabilitation, assimilation took the guise of benign and de-racialized technologies of helping. Likewise, Aboriginal people also sought to negotiate the best option for their children amid the era of government neglect and racial marginalization. They engaged the government to address their political and economic grievances rather than accept paternalistic welfare services. The activist CCF provincial government sought to utilize a range of child welfare and adoption legislation as a method of rehabilitating single mothers and Métis children, whereas the federal Indian Act sought the sexual reorganization of the Indian family and reduction of expenses. Adoption of Indian and Métis children slowly gained traction as a viable method for integration in the repertoire of child

welfare caring options. The Métis were the first recruits in the early CCF years but they would not be the last.

CHAPTER 5. Adopting a Solution to the “Indian Problem”: From Adopt Indian and Métis (AIM) to REACH in Saskatchewan, 1951-1973

On April 1, 1967, the Adopt Indian and Métis project was launched with great optimism and fanfare in newspapers across Saskatchewan. Utilizing becoming images of Aboriginal youngsters and stories of parentless children to tug readers’ heartstrings, Adopt Indian and Métis was designed to usher in a revolution in race relations, one child at a time. Director Frank Dornstaeder explained to the Saskatchewan public the success of transracial adoptions in Montreal and Toronto with African-Canadian children, stating, “The need for a program like this has always been there, and now people are willing to take a crack at it... Something must be done or the racial problem will increase and not decrease.”¹ Adopt Indian and Métis program, or AIM as it was later known, began as a two-year pilot with funding from the federal Department of Health and Welfare. Due to its success at recruiting adoptive and foster homes for its Indian and Métis wards, Saskatchewan’s Department of Social Services continued the program, locating the AIM center permanently in Regina and expanding it from the southeast to the entire province. Post-war policies of citizenship and integration, combined with increasing numbers of Aboriginal children coming into care, led to the development of this public relations campaign to reconfigure Aboriginal children as potential family members. Needed for the new project of Aboriginal integration were willing families to assume their role in the solution to the “racial problem,” one that paradoxically relied on denying the relevance of the race of Indian children. The Adopt Indian and Métis project coincided with resurgence in international decolonization

¹ *Regina Leader Post*, April 10, 1967.

and women's liberation movements, rapidly making it a flashpoint in the struggle over self-determination among Aboriginal groups in the province.

The Saskatchewan CCF government under Tommy Douglas, in power from 1944 to 1964, strongly endorsed Indian integration with the goal of full citizenship. Unlike previous Saskatchewan provincial administrations, Douglas proactively engaged Indian leadership supporting the creation of a single provincial political organization, the Federation of Saskatchewan Indians, to hear grievances in 1946.² The short-lived organization was soon replaced by the Union of Saskatchewan Indians after Indian leadership rejected the interference of Douglas and the CCF. Organizing status Indians in the province served as one aspect of a larger provincial Indian policy that had its eventual goal of eliminating the jurisdictional issues created by the Indian Act and Indian wardship. Philosophically, the CCF rejected the principles of segregation that underpinned the government-Indian relationship defined by the Indian Act and administered through the Department of Indian Affairs, likening reserves to voluntary concentration camps that went against the party's "humanity first" ethos.³ Combined with the doubling of Saskatchewan's Indian population between 1941 and 1959 from 12,783 to 23,000, and increasing impoverishment in the north and on reserves, the solution was seen as extending the benefits of citizenship through the franchise and access to alcohol, as well as the full services afforded by the Department of Social Welfare and Rehabilitation.⁴

² F. Laurie Barron, *Walking in Indian Moccasins: The Native Policies of Tommy Douglas and the CCF* (Vancouver: UBC Press, 1994), 72.

³ Jim Pitsula, "The Saskatchewan CCF Government and Treaty Indians, 1944-1964," *Canadian Historical Review* 75, (1994): 26.

⁴For a discussion of the CCF Indian Policy, see Barron, Chapter 2; numbers taken from Barron, 101.

The 1951 revisions to the Indian Act, through the inclusion of Indian people under provincial legislation, provided the opportunity for the provincial Department of Social Welfare and Rehabilitation to simultaneously address the perceived Indian and Métis problems. While the Métis did not come under federal jurisdiction, Indian people's separate legal status added additional complexity to an already highly complex undertaking. The revisions to the Indian Act brought Indian people under provincial child welfare laws for protection, adoption, and juvenile delinquent legislation; however, it was unclear as to how this would proceed. The CCF, via the Department of Social Welfare and Rehabilitation (DSWR), viewed the Indian and Métis "problem" as stemming from a similar origin: a lack of integration into provincial health, educational, and social standards. Recalling the inter-provincial meeting of the Ministers of Welfare from the western provinces, Minister John Sturdy saw the Métis problem as an overall Aboriginal problem. He explained,

Many Métis follow the cultural and economic pattern of the Indians, and that of the Métis problem and that of the Indian is related, together with the effect each groups had on the other made it imperative that the living standards and cultural level of these minority groups as a whole should be brought up to a more acceptable level. It is an accepted fact that these groups fall short of the economic and cultural level of the white population and accordingly the groups had a higher incidence of illiteracy, destitution, illegitimacy, and other social problems.⁵

The conclusions found by the conference recommended approaching the issue of Métis and Indian rehabilitation together with assistance from the federal government. "An overall welfare approach to the Dominion would be better if the broad aspects for health and welfare on Dominion-Provincial relations could be arranged, rather than on an individual approach for a Métis problem only. Métis problem alone, or Indian and Métis problem? It appeared that the

⁵Métis Conference, with Alberta and Manitoba, July 13, 1949, T.C. Douglas Fonds, File 859 (44), 1 of 3, SAB.

opinion of the meeting was both.”⁶ The problems of Métis and Indian people in the province were constructed as primarily social maladjustment to the familial model of the nuclear family, and the inability to integrate into the modernizing economy and society in the west.

Consequently, the solution was seen as needing a coordinated welfare response.

Correspondence between the federal and provincial governments regarding the future direction in provision of welfare services took place shortly after the new *Indian Act* took effect. Minister of the Department of Social Welfare and Rehabilitation (DSWR), John Sturdy met with Federal Minister Paul Martin (Sr.) of Health and Welfare and Minister of Citizenship and Immigration, Walter Harris in April 1952, to discuss Indian and Métis issues. Minister Sturdy pointed out that Aboriginal cultural and living standards were below those of the rest of the provincial population. Isolation of reserves and jurisdictional disputes prevented the provincial government from providing welfare services for Indian peoples, and he sought federal assistance in a combined approach to the Métis and Indian problems in the province.⁷ While the province was eager to come to an agreement with the federal government, it quickly found resistance to its approach from federal circles. In the areas where social workers could best apply their expertise; such as providing professional adoption services and rehabilitation for unwed mothers, provincial legislation and techniques conflicted with the Indian Act. In addition, the federal government refused to supply the necessary financial commitment to implementing a full-scale welfare response, or take on responsibility for the Métis.

⁶ Ibid.

⁷ John H. Sturdy, Minister of Social Welfare and Rehabilitation, Regina, to Hon. Walter Harris, Minister of Citizenship and Immigration, May 16, 1952, Files IV, 7 R-935, Department of Social Services and Rehabilitation, SAB.

Following the meeting, Sturdy wrote to the minister outlining the most pressing issues for the provincial government concerning child welfare, especially in the areas of adoption services, protection of children, and services to unmarried mothers. The province's social welfare concerns for children clashed with the Indian Affairs logic of elimination. He explained how the experiences of social workers in Saskatchewan removing non-Indian children from reserves presented "a very difficult situation because these children have been accustomed to the ways of the reserve and the Indians and they do not readily adjust, therefore to other standards."⁸ White foster and adoptive homes would not accept the children removed from reserves, and children of Indian unmarried mothers, who had been relinquished for adoption, could not be placed with reserve Indian families due to membership stipulations. Mothers who chose to remain on reserves with children had to be able to prove that the father of the child was a status Indian. Sec 11 (e) defined that a person was entitled be Indian if: "He is the illegitimate child of a female person in (a), (b) or (d) unless the Minister is satisfied that the father of the child was not an Indian and the Minister has declared that the child is not entitled to be registered."⁹ Due to the membership changes that were brought about by the new Indian Act specifically identifying illegitimate children with non-Indian fathers, federal and provincial law conflicted regarding the legal rights of children. Provincial law held that sole custody of the illegitimate child rested with the mother and legal rights came from her. This ran contrary to the act, which stated that children were unable to claim status through the mother and only at the discretion of the Indian Affairs Branch minister. The consequences became a legal and social barrier between mother and child. Sturdy pointed out that, "She is legally Indian, the child is

⁸ Ibid.

not, and thus not legally entitled to live with the mother. In order for the child to live with the mother on reserves, it had to be determined whether the father was Indian.”¹⁰

There was also confusion as to whether adopted children obtained the same status as their adoptive parents. The province required clarification regarding Section 2 (b), in which a legally adopted child could be registered as in an Indian band, which was seen to contradict section 12, which stated that persons of less than one quarter Indian blood were not entitled to be registered. As a result of the new wording, social workers were hesitant to enter into adoption contracts with Indian parents if the child was illegitimate and the father possibly non-Indian. “Our experience has been that the Indian Affairs Branch takes steps to remove the child before the legal adoption may be completed.”¹¹ The unclear legal status of the illegitimate Indian children then presented problems and questions about whether children could be adopted by Indian relatives. Even if adoption was secured, cases arose where it was later discovered that the child did not have Indian status. Sturdy recalled times when recommendations for adoption had been made by a local Indian agent to approve an adoption, after which it was overruled by a higher authority.¹² The entire premise of legal adoption as providing a forever family for children and securing legal and cultural kinship was undermined by the patriarchal definition of Indian status.

The province asked that a conference take place in order to establish the new direction and begin planning “to give Indians the opportunity to reach adequate living standards.” Sturdy

⁹ Ibid.

¹⁰ Ibid., 3.

¹¹ Ibid. Evidence of this type of activity taking place was presented in Chapter 2 of this dissertation.

¹² Ibid., 3-4.

suggested that the governments jointly commence research and planning into the fields of economics, health education, and welfare, and also include Métis peoples who were often intermarried with Indians, with input from a committee of church, federal, provincial, and municipal representatives. At this time, the federal government opposed his suggestion. Writing in reply, W.E. Harris, Minister of Citizenship and Immigration, which was the federal department responsible for the Indian Affairs Branch, abruptly dismissed the concerns of the province for formulating a policy for the extension of provincial services on reserves for Indian people.¹³ Whereas the province was looking to the federal government for financial assistance for the extension of programs and services to Indian people, the federal government felt that it was “undesirable for the Indian Affairs Branch to duplicate existing provincial services set up to deal with child welfare in areas contiguous to Indian reserves, and we shall be pleased to facilitate the extension of these services to include Indians on reserves in respect to child welfare generally in accordance with provincial law.”¹⁴ The lack of financial commitment to extending services or planning for coordination left the extension in a state later described as “unsatisfactory to appalling.”¹⁵

While the IAB did not offer to assist with the financing of Indian welfare services, it did lend its assistance through hiring a social worker for consultation. In an apparent demonstration of solidarity with the provincial social welfare approach, the Indian Affairs Branch indicated that it had hired a fully qualified social worker with headquarters in Regina, who was “available for consultation with your officials and will be pleased to co-operate in every way in matters

¹³ Response to letter May 16th, 1952 W.E Harris to John H. Sturdy Minister of Social Welfare and Rehabilitation Ottawa, July 4th, 1952 File IV. 7, R-935 Department of Social Services and Rehabilitation, SAB.

¹⁴ Ibid.

¹⁵ H.B. Hawthorn, *A Survey of the Contemporary Indians of Canada : A Report on Economic, Political, Educational Needs and Policies* (in two volumes) (Ottawa: Indian Affairs Branch, 1966-1967), 327.

concerning social welfare.”¹⁶ However, the single social worker for the entire province was a token gesture at best, and the lack of desire for a clearly outlined plan revealed the federal government’s lack of commitment to the process of integration or attempts to resolve legal inconsistencies.

Harris went further, disregarding Sturdy’s examples of child removal, and maintained that the new Indian Act made provincial laws apply on reserves, regardless of the different legal regime or impact on women and children. In regard to the matters of child welfare, Harris felt that the new clause in the Indian Act clarified previous ambiguities in federal-provincial responsibilities. Section 87 of the Indian Act--Legal Rights stipulated that all Indians were subject to provincial laws. According to Harris, this section covered the position of Indian children regarding provincial laws governing adoptions, neglect, and delinquency. Generally, in the absence of any provision in these respects under the Indian Act, provincial law applied equally to Indian children resident on or off reserves. It followed, therefore, that the adoption of Indian children by Indians or non-Indians, whether resident on or off a reserve, must be in accordance with provincial law. Similarly, provincial laws in respect to the protection of children, child neglect, and delinquency applied to all Indian children in Saskatchewan. Harris maintained that rather than muddying the waters, the new act clarified the definition of an Indian and provided for the appointment of a registrar to deal with status and membership problems. If questions arose for child welfare officials regarding issues pertaining to Indian membership, the province was counselled to direct all inquiries toward the registrar.

¹⁶John H. Sturdy, Minister of Social Services, Regina, to Hon. Walter Harris, Minister of Citizenship and Immigration, May 16,1952, Files IV, 7 R-935, Department of Social Services and Rehabilitation, SAB.

Harris explained the IAB position on legal adoption for Sturdy. Adoption did not bestow a change in status for either Indians or non-Indians, thereby simplifying adoptions for Indian children by non-Indian people and reducing the incidence of adoption of non-Indian children by Indian parents or relatives. The now explicit policy of the government with regard to adoption was that adoption of children did not affect Indian legal status. Section 2(B) of the Indian Act clarified a legally adopted *Indian* child, and therefore did not apply to any children who were not legally Indian. For example, if a non-Indian child were to be adopted by Indian parents, it would not affect status; the child would remain a non-Indian. If an Indian child were adopted, the child would retain Indian status.

In recognizing the difficulty in finding satisfactory adoption placements for Indian children, the branch provided its version of a sliding scale of preferred adoption and foster homes for Indian children. It was the responsibility of the Indian Affairs Branch social worker to compile a list of potential adoptive and foster homes classified according to the needs of Indian children. It read:

- 1) Enfranchised Indian families resident off reserves who would be prepared to accept children of Indian status
- 2) Indian families who have not been enfranchised off reserve and who would be prepared to accept children of Indian status
- 3) Suitable Indian families on the various reserves prepared to accept Indian children for either adoption or foster home care. Children placed in such homes on reserves would, of course, have to be of Indian status.
- 4) Foster homes other than Indian who would be prepared to accept children of Indian status but who by accident of birth have non-Indian physical characteristics.¹⁷

Not only did this list reflect the branch's racial outlook in stark terms, it was completely unrealistic in expecting off-reserve enfranchised families to provide the majority of homes for Indian children. The enfranchisement rates had been dismally low, with few families choosing to sever their Indian connections. The homes of enfranchised Indian families and off-reserve

¹⁷ Ibid., 5.

families were the top placement choices for Indian children, followed by on-reserve families, only after which non-Indian homes were sought. In addition, the branch embraced aspects of the provincial extension of services to Indian people on and off reserve without agreeing to any aspect of financial responsibility. In particular, it refused to contemplate addressing the issues of Indian and Métis people simultaneously since they had no legal obligation to the Métis.

Following the disappointing and unhelpful branch clarification of Indian policy, representatives of the Indian Affairs Branch and the Department of Social Welfare and Rehabilitation (DSWR) met on October 23-24, 1952 in Regina to further discuss the difficulties encountered by department staff surrounding federal policy of absorbing Indians into the mainstream.¹⁸ The Indian Affairs Branch representatives included Colonel H.M. Jones, Superintendent of Welfare Services; J.P.B. Ostrander, Regional Supervisor; and the IAB social worker. For the province of Saskatchewan, Miss V.M. Parr, Director Child Welfare; Mr. A.V. Shivon, Director of Rehabilitation; Miss M.E. Battel, Assistant Director of Child Welfare; and Mr. J.S. White, Deputy Minister represented the DSWR. IAB officials informed the Social Welfare representatives from the province that the goal of Indian policy was that Indian people “should contribute to the economy of Canada, and while accepting the obligations of citizenship, should also benefit from Social Welfare programs provided for the rest of the population.”¹⁹ This pronouncement of the new relationship with provincial officials would have met a warm reception

¹⁸ Recording of Meetings Between Representatives of the Indian Affairs Branch and the Department of Social welfare and Rehabilitation held in Regina-October 23rd and 24th, 1952 in File IV.7 R-935 Saskatchewan Department of Social Services and Rehabilitation. SAB.

¹⁹ Ibid.

in Saskatchewan since the CCF government shared the desire to have Indian people integrated through social welfare and education.

The legal and historical barriers that stood in the way of a smooth transition from federal to provincial control of Indian integration were not easily overcome. The central place of adoption in the province's social welfare strategy for Indian children is indicated by its location as the first item on the agenda for the inter-departmental meeting. Since adoptions were under provincial jurisdiction and no longer undertaken through the federal IAB Indian agents or band councils, as had been the case in the time prior to the 1951 revisions, the province needed to determine how to undertake planning for Indian children relinquished for adoption. Provincial social workers were faced with the illogical situation that enabled Indian parents to adopt a non-Indian child, but where adoption did not enable the child to assume the same status as the parents. Therefore, a non-Indian child legally adopted by Indian parents would not be registered with the band and not permitted to reside with the family on the reserve.²⁰ The central tenet of "modern adoption" was that the adopted child would, in every aspect, assume the same rights and privileges as the naturally born child. Thus, adoption among Indian people became a method of ensuring the gradual elimination of Indian status, and not the reverse. The final conclusion was that "no adoption application would be proceeded with or considered until it was cleared by the Branch."²¹ While the social welfare principle "the best interests of the child" applied to the vast majority of children, for Indian children, financial considerations outweighed the social, moral, and ethical considerations since "a child who is adjudged a non-Indian should be removed from the reserve because of trespass."²²

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

When and for whom the DSWR provided services was also established at the meeting. In keeping with the newly developing policy of reducing reserve populations and encouraging urbanization, the federal officials proposed an arrangement whereby Indians who had left reserves would become the responsibility of the provincial welfare department after a one-year residence in a municipality. Welfare Director for the IAB, Colonel Jones, stated, “This is in line with the Federal government’s policy of making it possible for Indians to leave the reserves and become part of the economic stream of Canada.”²³ Through the meeting it was mentioned that municipalities would not necessarily embrace the added financial responsibility for providing health and welfare needs. In addition, it appeared that the IAB was instituting a heavy-handed approach to residents of Indian reserves who had lost status, in all likelihood women and children. Officials said,

A very difficult problem may be encountered due to protests lodged by Indians concerning the status of certain persons presently living on Indian reserves. As a result of these protests some of these persons may be found to be non-Indians and therefore trespassers, for who provision may have to be made for residence and livelihood outside the boundaries of the reserve. These families, unless having made capital improvements, would have nothing to take with them and are likely to become public charges once they are removed from the reserves.²⁴

While not stated explicitly, these individuals were very likely women and children who lost status due to marriage, but had returned to the reserve with their children. Through the meeting, it was resolved that after the period of one year, the province would assume financial responsibility for Indians living off reserve, and the IAB would continue to provide support until that point.

Provincial officials in the DSWR remained troubled by the newly developing policy of the IAB and particularly the impact it would have on the numbers of children who would be separated

²³ Ibid.

²⁴ Ibid., 5.

from their mothers, and unresolved adoption issues. Not surprisingly, Saskatchewan's social welfare technocrats observed, "there appears to be considerable differences in the philosophy and intent between the provincial and federal legislation, creating as a result many of our residual problems."²⁵ The Indian problem, as understood by the province, partially stemmed from the boundaries established through legal Indian status, but they believed the cultural differences could be addressed through government rehabilitation policies. "Integration" seemed both the method and the logical solution to the Indian problem. As the DSWR had ascertained with the Métis population within its boundaries, Indian people needed adjustment to the modern economic and social reality taking shape. Boundaries formerly erected needed dismantling since "the cultural, economic, and social pattern of this group was obviously a factor in their present circumstance with little opportunity to integrate themselves as ordinary citizens or the ability to accept responsibilities of citizenship."²⁶ Recognizing the national scope of their issue, the CCF agreed to approach the federal government with the plan to hold a federal-provincial conference on Indians and their future status as citizens. Rather than adopting a province-by-province approach, as the federal government appeared to want, Saskatchewan sought a national conversation with all the provinces to clarify their future roles in Indian integration.

The origin of "jurisdictional disputes" in child welfare arose from conflicting objectives expressed through law and policy. Following the departmental discussion, DSWR Deputy Minister J.S. White penned a letter to Colonel Jones to express the provincial dismay at the "opposite views of our respective offices."²⁷ The province, in order to establish a partnership with the IAB to

²⁵"Indian Problem," in File IV.7 R-935, Department of Social Services and Rehabilitation, SAB.

²⁶ Ibid.

²⁷ J.S. White, Deputy Minister, to Colonel H.M. Jones, Director Indian Affairs Branch, File IV.7 R-935, Department of Social Services and Rehabilitation, SAB.

integrate Indian people socially and economically into the Saskatchewan economy, felt hampered by the legal barriers erected through IAB, whose only intention was to eliminate Indian status. The newest agents enlisted to bring about Indian assimilation, social welfare experts, brought their professional expertise to the project, soon to discover it was not necessarily welcomed. The sheer insanity of the IAB policy toward unwed Indian mothers, their children, and adoption complications particularly vexed social welfare experts in Saskatchewan. White reiterated his dismay at the membership legislation set out in earlier correspondence, “The foregoing clearly sets out the legal situation but disregards entirely the social implications of a non-Indian child being adopted by Indian parents and not being allowed to live with them on reserve. Similarly, your position that a child born out of wedlock takes its status from its father is contrary to provincial practice, policy and legislation.”²⁸ Due to its interests in alleviating the social distance between Indian people and the rest of the provincial population, the province hoped to look at the social factors contributing to the Indian problem, whereas the government of Canada only viewed the legal aspects. Deputy Minister White again requested that a committee be formed to organize the terms of reference for a federal-provincial conference in the hopes of developing a comprehensive analysis of the Indian population in the province and the country as a whole. Deputy Minister White stated, “The idea was to compile information on all people of Indian ancestry in the province in order to formulate a systematic and planned attack on Native problems.”²⁹ CCF’s love of social engineering and planning was resisted by IAB, which refused to consider Métis and non-status issues together with Indian issues. A conference was contemplated again in 1957, when Conservative Prime Minister John Diefenbaker from Saskatchewan took office, but it did not occur. Indian people in

²⁸ Ibid.

²⁹ Ibid.

Saskatchewan were left with a confusing and conflicted system.³⁰ Ontario became the only province in Canada to sign an agreement with the IAB to extend all range of child protective services on reserves in 1956.³¹

The Indian Affairs Branch had hired its first social worker in 1949. Previously, the IAB superintendents in each province had been responsible for the welfare needs of status Indian people. The social work manual laid out the purpose and policy to be followed by Indian Affairs social workers, careful to first inform them that there were some essential differences between Indian Affairs social work and typical case work in a provincial welfare department. To begin with, “the role of the social worker is similar to that of a rural case worker in the Provincial social welfare departments in that she carries a general case load and does not specialize in any case category of social welfare.”³² The branch social workers would offer advice to agents on methods of dealing with specific problems, reporting and recommending action on certain welfare conditions. Social workers were also encouraged to supervise and establish Homemakers clubs on reserves, stimulate group activities, and develop leadership on the reserves.³³ Realistically, “the geographic location of Indian reserves and the scattered Indian population make it financially impractical to staff the Branch with a sufficient number of social workers to allow for this type of concentrated case work, and consequently it is necessary for the social workers to operate as part of a team.”³⁴ Areas where it was suggested that social workers might offer assistance were in aspects of child welfare such as neglect, desertion, adoption, and foster home placement, as well as immorality and illegitimacy.

³⁰ Barron, 121-22.

³¹ Indian Affairs Branch *Annual Report*, year ending 1956.

³² *Reference Manual: Social Welfare*, p. 1, July 1953, RG 10, Volume 8463, File 1/23-21, pt. 1, LAC.

³³ Indian Affairs Branch *Annual Report*, Year ending 1954.

³⁴ *Reference Manual: Social Welfare*, July 1953, RG 10, Volume 8463, File 1/23-21, pt. 1, LAC; *Ibid.*

In the area of child welfare, the IAB informed workers all provincial child protection legislation was applicable on reserves and apprehensions might be authorized by courts for reasons of neglect. In the event of a child's apprehension, a transfer of guardianship was needed to make the child a ward of the provincial Director of Child Welfare. In this respect, social workers were encouraged to assist the provincial agencies in locating acceptable Indian foster or adoption homes for children if such were needed. In the case of foster home placements, the Indian Affairs Branch took financial responsibility for Indian children taken into non-ward care by a child welfare agency but warned social workers that such action should be limited as far as possible to emergency and short-term placements primarily in urban areas.³⁵ Workers were encouraged to explore the possibility and availability of placements with relatives prior to and for the duration of alternative foster home care. Relatives should be assisted financially with the child's maintenance only if their circumstances were such that without assistance they would be unable to care for the child.³⁶ The manual stated, "In promoting the foster care programme the social worker should stress the idea of 'service' rather than financial remuneration for work done."³⁷

Regarding adoption, workers were again informed that legal adoption fell under the scope of provincial legislation, and branch social workers were to encourage the province to include Indians within the adoption programs. Their role was to provide assistance to provincial social workers by selecting suitable Indian homes. There again, IAB logic differed from child welfare practice since the selection of appropriate adoptive parents was based on the need to assimilate and integrate Indians. The manual stated: "The success of any child welfare programme is largely dependent on

³⁵ Ibid.

³⁶ Ibid., 9.

³⁷ Ibid.

the number and variety of permanent and temporary homes for placement and the need for Indian homes is increasing in proportion to the advancing civilization, the importance of finding homes is an important part of the social workers job.”³⁸ Homes selected using the sliding scale of legal and geographical considerations mentioned above primarily reflected the goals of legal and social elimination, rather than the best interests of the child.

The investigation of Indian status of illegitimate children also fell under the purview of social work responsibility. The manual stipulated that prior to band registration, an investigation was required for all illegitimate births and sworn statements of paternity needed to be obtained from both parents, if possible, in order to be submitted to the registrar for status ruling. Until such time as a definite ruling had been made regarding the status of the illegitimate child of an Indian woman, the IAB was willing to accept any financial responsibility. However, should the child be ruled non-Indian, it was then determined that the responsible government was required to reimburse IAB to the extent of the financial outlay on behalf of the child.³⁹

After hiring social worker Miss Monica Meade for the Saskatchewan Region, Colonel Jones explained the rationale of the IAB. As a social work professional, Meade might have been alarmed at the callous attitude toward women and children in branch policies. He cautioned Miss Meade that, “In the field of child welfare, the Indian Affairs Branch is not always in accordance with the philosophy with which you will be familiar as a result of your expertise in the CAS. Two points: the status of illegitimate children, and adoption and foster home placements. Both of which can be quite frustrating to a social worker unless you have an appreciation for the reason for the stand taken by

³⁸ Ibid.

³⁹ Ibid.

the IAB.”⁴⁰ First, the letter contrasted the approach of the provinces regarding the status of illegitimate children, stating,

Provincial legislation for protection of unmarried mothers and illegitimate children affords the mother all legal rights to her illegitimate child and traces all the child’s legal rights through the mother. The rights of the putative father are limited to financing the support of the child and the mother’s medical costs during pregnancy. An example of the inherited legal rights of the illegitimate child is that of residence, the child’s being traced through the mother, not the putative father. The determination of status in the case of the illegitimate Indian children runs contrary to this accepted child welfare philosophy. In theory no person is entitled to be registered a member of an Indian band with full Indian status unless both natural parents are Indian within the meaning of the Indian act. In cases where one parent only has Indian status the child is considered “a breed” (crossed out and replaced with non-Indian) and not entitled to Indian status. This regulation was created to assure the progressive assimilation of people of only part Indian racial origins in to the non-Indian, or white community and thereby check the regressive trend of the assimilation of such people into the more backward Indian communities. In theory this regulation is sound. It protects the purity of the race (which is the desire of many Indians themselves, particularly in certain areas) it protects the Indian bands financially restricting shareholders in Indian monetary and land rights to the full blooded Indian for whom it was intended and who, in fact are the only legal heirs. And it prevents the development of a race of people who in them would become less Indian than “white” in racial origins, yet would be laying claim to rights and privilege designed for the civilization of a backwards group of people.⁴¹

Under the guise of protecting the “purity of the race,” women and children bore the brunt of the IAB’s gendered definitions of Indian status, and provincial welfare departments and their foster and adoptive programs provided a handy, although unwilling, source of support for children being removed.⁴² White women who married Indian men assumed Indian status, and their children were deemed Indian despite their technically mixed-racial status. The letter continued:

⁴⁰ H.M. Jones, Superintendent of Welfare Services, to Miss Monica L. Meade, Social Worker, Indian Affairs Branch, (draft) April 7, 1953, RG 10, Volume 8463, File 1/23-32, pt. 1, LAC.

⁴¹ Ibid.

⁴² First Nations communities responded in a variety of ways to the imposition of Euro-Canadian legal definitions for Indian membership. To gain an appreciation of this complexity one can read the printed transcripts of the Special Joint Committee of the Senate and the House of Commons Appointed to Examine and Consider the Indian Act, especially appendix ES, Submission of the Union of Saskatchewan Indians in Canada, *Special Joint*

Unfortunately this regulation frequently results in the unnatural situation of an Indian mother having a non-Indian child who is neither entitled to the same rights and privileges as the mother, nor permitted permanent residence on the reserve, but is in trespass and must eventually be prepared to go out on his own and settle elsewhere. Consequently, unwanted children with Indian appearance but non-Indian status present a difficult problem in placement. By reason of their appearance they would be more accepted in an Indian than non-Indian home, but as non-Indians they cannot be placed on reserves. Consequently, they frequently become the problem foster home cases well known to the CAS. The procedure for establishing the status of an illegitimate child is outlined in a department letter that will be on file in your office.⁴³

The letter clearly states that women did not have a right to their children, since children could be removed from their care if found to be non-Indian. Women had the option to leave reserves with children, have them taken from them, or voluntarily relinquish them to social workers. Either way, race and gender converged so that women and children faced a greater likelihood of removal and relocation.

In addition, Miss Meade was informed that regarding adoption and foster home placements, contrary to professional experience and accepted practice, unmarried Indian girls were not generally encouraged to relinquish their illegitimate children for adoption. Jones explained the reason was not that the IAB was unsympathetic to the child welfare philosophy that a child's future is more secure if raised in a home with two parents, but "simply the facts and figures of supply and demand." Unlike in white communities, where there was an excess of potential adopting parents over and above children for adoption, the contrary was true in Indian communities, where it was felt that the demand for children was low, since "most Indian families have as many or more children as they can cope with, but the potential supply of adoptable children is extremely high owing to the prevalence of illegitimacy." Consequently, unless Miss Meade felt that the unwanted child would

Committee appointed to examine and consider the Indian Act, Minutes of Proceedings and evidence. Microform. Ottawa: Printer of the King, 1946.

⁴³ H.M. Jones, Superintendent of Welfare Services, to Miss Monica L. Meade, Social Worker, Indian Affairs Branch, (draft) April 7, 1953, RG 10, Volume 8463, File 1/23-32, pt. 1, LAC.

be neglected if left with its mother, or a family was known to exist who wanted such a child for adoption, a mother had to plan to keep her baby.⁴⁴

The extension of provincial law onto reserves proceeded in an uneven and haphazard manner, compounded by the conflicting objectives of the various levels of government. Indigenous peoples in Saskatchewan, subject to the contradictory legal regimes and hampered by racial and economic marginalization, continued to find methods to pursue ways of caring for needy children. Whether by activating kinship networks, leaving reserves in search of better opportunities, or relinquishing children for adoption in spite of the resistance of IAB officials, indigenous women negotiated opportunities despite the very many challenges they faced. The CCF government in Saskatchewan attempted to bring Indian women and children into the orbit of social workers and child protection legislation. In 1959, child welfare, protection, and unmarried parents services were extended to all Indian families living off reserves, even if they did not meet the residency requirements.⁴⁵ In 1960, Saskatchewan had 107 Indian children in foster homes. The IAB explained the reason for the increase of over a hundred children since 1957 as “the result of increased services which child welfare agencies now provide Indian families.” It would appear that by increased services, the IAB meant apprehensions of children from families. In 1961, a new cost-sharing agreement was reached in Saskatchewan for children taken into care by the Provincial DSWR. The branch accepted responsibility for children who were apprehended on reserve, while the province provided the funding for children who had been removed outside the reserve.⁴⁶ Between 1960 and 1967, Indian and Métis children increasingly left the care of their mothers,

⁴⁴Ibid.

⁴⁵ Indian Affairs Branch, *Annual Report*, 1959.

⁴⁶ Indian Affairs Branch, *Annual Report*, 1961.

becoming permanent wards in the provincial child welfare system ill equipped to provide homes for indigenous children. The DSWR lamented the lack of willing white families to take Indian and Métis children: “Not only is it essential that homes be found for the Métis and Indian children, but the acceptance and attitude of the general public must change. It is hoped that the adoption of the non-white child will become just another adoption rather than a special placement.”⁴⁷ In the fifteen years between 1952 and 1967, transracial adoption of Indian children became a logical solution that appeared to resolve the complex web of problems termed “child welfare” stemming from gendered elimination legislation, racialized poverty, jurisdictional issues, and the urbanization of Aboriginal people.

The following sampling of cases demonstrates that despite the policy and legislation governments passed attempting to rehabilitate and integrate Indian and Métis people, some families used adoption to retain family connections, seek relief from child-caring responsibilities, or respond to opportunities for state-based support for caring work.⁴⁸ Tensions between how Aboriginal adoption would develop existed in a tenuous three-way competition between Indian Affairs officials in Ottawa and local IAB officials, provincial social workers, and Indian families. As a consequence, adoption and child welfare have remained contested. Early adoptions reflect multiple dimensions of control as IAB attempted to exercise control over family-making through band membership legislation, the provincial DSWR through adoption protocols, and indigenous women and families through cultural practices. Modern adoption practiced by Saskatchewan’s adoption

⁴⁷Department of Welfare *Annual Report*, 1965-66, Province of Saskatchewan, WE.1, Government Publications, SAB.

⁴⁸ These cases come from the Indian Affairs Branch archives, RG10 collection. I was not able to view the actual adoption case files of the Department of Social Welfare due to strict privacy legislation around adoption files. These may have indeed provided a different view of adoption.

experts reflected the North American model that promised predictable and safe kinship design.

Describing their approach, Mildred Battel stated,

Each child has to be medically examined and his background investigated and evaluated and personal qualities estimated before a home could be selected for him. Each home in turn had to be as thoroughly studied and evaluated as the child had been in order to ensure that the best possible home was selected for the child. A great deal of time and effort must be given by the social worker to the intricate process of the adjustment of the child and adopting parents.⁴⁹

Thus, as provincial law became activated on Indian reserves, social workers enforced adherence to professional adoption protocols in each case, evaluating the merits of private adoptions according to the standard procedures.

An early case of on-reserve Aboriginal adoption took place prior to the revisions to Indian Act took effect in 1946 after an Indian husband returned home from serving in the military to find his wife had given birth to a baby girl. The Indian Agent arranged for another family on the reserve to adopt the baby.⁵⁰ He wrote to his superiors, “We have an illegitimate child case which requires adoption in order to settle domestic difficulties between H.W. and her husband who returned from overseas a little while ago.”⁵¹ The mother in this case likely did not desire the child relinquished for adoption, but experienced pressure from the Indian agent and her returned husband. This example highlights the role of Indian agents arranging for private adoption on reserves prior to 1951.

Following 1951, Indian women had the option to relinquish children to provincial child welfare agencies if their situation became untenable. One example of a mother who relinquished

⁴⁹ Saskatchewan Government Publications, Department of Social Welfare and Rehabilitation, SW.1 Annual Reports, 1944/45-1963-64, SW1.1 Annual Report of the Department of Social Welfare of the Province of Saskatchewan, 1948-49.

⁵⁰ Indian Agent Bryant to Indian Affairs Branch, Ottawa, February 11, 1946, RG 10, Acc: 2000-0321-4, File 117/13-4, Pelly Indian Agency-Adoption, 1940-1968.

⁵¹Ibid.

the care of her two children demonstrates the federal and provincial governments working together to make arrangements for the care of Indian children. In a letter from Mildred Battel to Miss Meade, the IAB Social Worker, on Feb 10, 1956, they discussed the case of two treaty Indian children from south-eastern Saskatchewan placed by their mother, who had requested her children be placed for adoption. The DSWR looked to Miss Meade to obtain the assistance of the IAB to contact the families of the mother and father, as well as find adoptive parents following the policy established by the IAB.⁵²

Another adoption case file from 1954 illustrates women's pursuit of adoption for their children. After giving birth, one unmarried mother insisted on adopting her baby out against the wishes of the department officials involved. Rejecting the construction that private adoptions were exclusively for middle-class, white women and girls, Mary (not her real name) left her Saskatchewan reserve to go to Winnipeg to have her child and receive adoptive services, much to the displeasure of the Indian agent and other bureaucrats in Saskatchewan. They wrote, "Mary refuses to go to (omitted) Manitoba to her father and also refuses to go to her reserve in SK. She wishes the boy adopted. As it now appears to be an Indian baby we feel it would be best to adopt it legally with a good Indian family on a SK reserve. The better types of families want legal papers... We have no precedent for adopting a Treaty Indian from one province to another."⁵³

The bureaucrats discussing the actions of the young First Nations mother seemed particularly concerned that she chose to relinquish her parental rights completely, attempting to find ways to have her maintain ties to her child:

⁵² Mildred Battel to Miss Meade, Social Worker, DIA, Regina, Feb 10, 1956, RG 10, Acc: 2000-0321-4, File 117/13-4, Pelly Indian Agency-Adoption, 1940-1968, LAC, Burnaby.

⁵³ Mr. D, Regional Supervisor of Indian agencies, to Mr. J.A. Davies, Supt, Indian Agency, Kamsack, Sk., September 3, 1954, RG 10, Acc: 2000-0321-4, File 117/13-4, Pelly Indian Agency-Adoption, 1940-1968.

It would not be possible for us to have the baby adopted by Indians on a Saskatchewan Reserve, and moreover we are opposed to the fact of taking illegitimate babies from Indian girls and having them adopted, as we feel that the girls should be made to take responsibility for the matter. If the girl in question knows of a family on her reserve who would be willing to take the child, then we would make any necessary investigations, but we feel that she has responsibility to the child she has brought into the world, and that she be the one to find someone to take care of the child.⁵⁴

In this case, it was advantageous for the IAB to encourage the maintenance of kinship relations between the child and his relations, rather than support the young woman's choice of adoption.

It served no financial purpose or assimilatory purpose, since the department would be responsible for the maintenance; however, it did serve an ideological purpose. The young girl had transgressed a number of expected behaviours from becoming an unwed mother to exercising her ability to determine where her child would be cared for, without the paternalistic involvement of the department or the traditional involvement of kin. She was constructed by department officials as a newly emerging "Indian girl problem":

The trend lately has been for Indian girls to have babies, then to disclaim all responsibility for them. In many cases they name a non-Indian putative father, a man whose whereabouts are unknown. By doing this they think the Province will take responsibility for the child then the girl herself will be free to follow her previous pattern of life. We, together with the provincial welfare authorities, are trying to do everything possible to fight this trend, for we feel that it is in the interest of the girls in question, to the Indians as a whole, for us to take responsibility for the care of illegitimate children, except in extreme cases where it is not possible for the girl to get a home for her child, or that the child is suffering in any way from neglect.⁵⁵

After discovering the child's father belonged to an Indian band in Saskatchewan, the officials wrote the Children's Aid Society in Manitoba, asking for a social worker to speak with the girl "in order to see if there is any possibility of having the child placed with relatives, or if the

⁵⁴ E.S. Jones to Mr. R.S. Davies, Regional Supervisor of Indian Agencies, Winnipeg, September 15, 1954, RG 10, Acc: 2000-0321-4, File 117/13-4, Pelly Indian Agency-Adoption, 1940-1968.

⁵⁵ Ibid.

mother is willing to take some responsibility in the matter.⁵⁶ Unfortunately for the officials, the mother of the baby signed her consent forms for adoption while she had been in Winnipeg, releasing the child for adoption. On a positive note, the officials acknowledged that the baby was healthy and attractive.⁵⁷ Despite the misgivings, officials managed to locate a young couple on reserve that wanted to permanently adopt the baby in 1954.⁵⁸

While department officials spent much time and effort to retrieve the baby who had been relinquished in Winnipeg, children of enfranchised Indian mothers were refused such consideration. One case in Saskatchewan illustrates the ambiguous place of orphaned children whose involuntarily enfranchised mother passed away. Despite a resolution passed by the Indian band council accepting the children as members, the superintendent responded to the band council's decision presented by the Indian agent, "In reply I am returning the signed Resolution to you and as I am fully aware of the stand the department will take in this matter, that is they will be against the admission of these children because their mother married an outsider and the children are not considered as Indian under the interpretation of the Indian Act, I am not submitting this to Ottawa."⁵⁹ In spite of the resistance of the federal department, the children's grandparents approached the Department of Social Welfare on October 17, 1955, to explore the possibility of adopting four of the five children, ranging in age from eight to fifteen. Three had

⁵⁶ E.S. Jones, Regional Supervisor to R.S. Davies, Regional Supervisor, Sept 21, 1954, RG 10, Acc: 2000-0321-4, File 117/13-4, Pelly Indian Agency-Adoption, 1940-1968.

⁵⁷ E.S. Jones to J.A. Davis, Nov. 2, 1954.

⁵⁸ The "girl problem" arose as young women left the rural areas for cities at the early turn of the century. Constructed as a "problem" because young women demonstrated increasing independence, both sexual and financial, concerned onlookers attempted to find methods to clamp down on this new problem of urbanization and industrialization. See Carolyn Strange, *Toronto's Girl Problem: The Perils and Pleasures of the City, 1880-1930*. (Toronto: University of Toronto Press, 1995).

⁵⁹ Department of Mines and Resources, M. Christianson, General Supt. of Indian Agencies, to Indian Agent Bryant, February 1942, RG 10, Acc: 2000-0321-4, File 117/13-4, Pelly Indian Agency-Adoption, 1940-1968, LAC.

been living with their maternal grandparents on the reserve, and two with relatives also on reserve. The mother of the children died in 1941, at the home of her parents. Following her death, their father had remarried and was no longer involved in raising his children. According to the social worker involved in the case, “The children are receiving good care in the respective homes and the younger ones at least would have no recollection of any other home. It would be desirable to give them security of adoption if it is possible.” The Indian agent, who was interviewed by the worker, stated he would be willing to recommend this adoption. The reply, however, was consistent with the department’s position that stipulated paternal responsibility and patriarchal lines of descent:

For your information I should point out that, generally speaking, I am not much in favour of the adoption by Indians of non-treaty children, as we run into many different kinds of difficulty with regard to education medical cost, etc., and in this particular case, it would appear to me that our department is expected to be saddled with the responsibility of three children while their father is alive and apparently able to re-marry and support a second family.⁶⁰

The Indian agent acknowledged the children’s relationship with their community and kin, but department policy was clear that no white people (their terminology) were to be admitted to the band membership. The Indian agent was chastised for his role in advocating the adoption of the children: “You are, surely, aware that it is the policy of this branch to not admit any person of white status to Indian membership and as adoption would not change the status of the children they could not be admitted to membership and should not be permitted to reside on reserve.”⁶¹

Fortunately, despite the intended policy to remove the children and relocate them to their father, they remained on the reserve among their kin.

⁶⁰ J.P.B. Ostrander, Regional Supervisor of Indian Agencies, Regina, to Indian Agent B., August 22, 1949, RG 10, Acc: 2000-0321-4, File 117/13-4, Pelly Indian Agency-Adoption, 1940-1968, LAC.

⁶¹ Director MacKay to Indian Agent B., October 3, 1949, RG 10, Acc: 2000-0321-4, File 117/13-4, Pelly Indian Agency-Adoption, 1940-1968, LAC.

In another case, a potential adoptive father wrote to his Indian agent to ask how he might legally adopt the baby who had been left with his family at two years old. He needed to locate the mother and obtain her permission to have the baby registered as part of the adoptive parent's band. When the Indian agency wrote to the Department of Social Welfare in Saskatchewan on Feb. 23, 1956, they needed much more information.⁶² Several steps had to be followed prior to obtaining a legal adoption. The social workers needed to determine if the band would accept the child, they needed to obtain consents signed by the mother, and before the finalization of the adoption, a home study needed to be undertaken: "It is necessary that we have a social history of the child in question, and also that we obtain signed consents to Adoption from the Mother of the child."⁶³ While the complex process required by the DSWR made legal adoption a complicated process, this example and others have indicated that First Nations peoples actively pursued legal adoption to establish permanency for their kin.

During the early 1960s, a young unmarried mother sought out adoption, writing a letter to the superintendent of the Southern Saskatchewan Indian Agency. She had been attending school in a small Saskatchewan city and became pregnant. She wrote, "I would really appreciate if you could make arrangements to have my baby adopted out because I don't feel I could support it or give it the care that it needs. As I was told you're the one I'm supposed to see about it. I was trying to get somebody to keep her but I could not get anyone. As I want to work, I have a job until winter."⁶⁴ The young woman's lack of kin relations, or inability for kin to assist, prevented

⁶² Letter to Department of Social Welfare, Feb. 23, 1956, RG 10, Acc: 2000-0321-4, File 117/13-4, Pelly Indian Agency-Adoption, 1940-1968.

⁶³ Response from Department of Social Welfare and Rehabilitation, Feb. 28, 1956, RG 10, Acc: 2000-0321-4, File 117/13-4, Pelly Indian Agency-Adoption, 1940-1968, LAC, Burnaby.

⁶⁴ Letter from Mildred K., August 16, 1962, RG 10, Acc: 2000-0321-4, File 117/13-4, Pelly Indian Agency-Adoption, 1940-1968, LAC, Burnaby.

her from finding anyone to care for her child. Unfortunately, due to her position as a Treaty Indian, she was not able to obtain services that other mothers may have. The provincial Department of Social Services, the agency responsible for adoptions in Saskatchewan, did not provide Aboriginal unmarried mothers the same support as white mothers.

The response from the Department of Social Welfare explained, “The essence of our discussion with her is that in so far as Treaty Indians on reserves are concerned, we will only become involved with Juveniles and Private Adoptions. The exceptions to this are emergency protection situations. In the latter instances, requests for services must be channelled through your social workers or regional supervisor who in turn will contact Miss Battel.”⁶⁵ The department was only willing to remove neglected children, or help with private adoptions if there was already someone wanting to adopt. At this point, the DSWR was not providing adoption to Indian children on reserve due to the lack of willing white families to adopt Indian children.

Another example of a young unwed Aboriginal mother requesting adoption of her infant took place when a grade nine pupil in Moose Jaw gave birth to a female infant while at home for the Christmas holidays. She had given the child up for adoption to another family on the reserve. Her Indian agent wrote,

I (not her real name) is 15 years old. I have a return ticket to school on Monday. The principal of the school is not being advised by us of the reasons for her absence. May the adoption be approved at an early date, as the arrangements made seem to be the most satisfactory to us. The (family) are a responsible couple but like all Indians here are on relief. To get the child clothed, I have issued an emergency clothing order and also relief order to foster parents.⁶⁶

⁶⁵ Ibid.

⁶⁶ Sup. to Regional Supervisor, January 9, 1963, RG 10, Ass: 2000:0321-4, File 673/13-4, Adoption General Dates: 1958-1969, Confidential, LAC.

The open adoption, a method that would be employed in future middle-class, Euro-Canadian adoptions, was referred to the Department of Social Welfare for its oversight. Because the province had certain protocols, the adoption could not be completed immediately. “We will certainly visit the W’s with regard to their wish to adopt this child, once you have obtained with them their marriage certificate, and once they have completed the attached medical examinations. We realize with the weather so severe they may not be able to complete the medicals soon. However we will be waiting to hear from you when they are completed.”⁶⁷ First Nations women who opted to leave their tribal kinship connections and reserves, may have seen transracial adoption as one means to gain acceptance through appropriating middle-class standards of behaviour, to finish education, to provide upward mobility, or perhaps to enable children to obtain the socialization that would have potentially allowed them to move in white society with greater ease.

While these adoptions indicate some mothers relinquished children voluntarily, the vast majority of children came into the care of social services through protection legislation.⁶⁸ When children were apprehended, most did not end up adopted, but rather entered the foster care system permanently.⁶⁹ In 1980, Philip Hepworth acknowledged that the available data did not account for why Aboriginal children were coming into care.⁷⁰ It is still difficult to determine with complete accuracy due to Saskatchewan’s provincial privacy legislation that protects case

⁶⁷ A.L. Clements, Supervisor, to Mr. J. Woodsworth, Supt. Crooked Lake Agency, RG 10, Ass: 2000:0321-4, File 673/13-4, Adoption General Dates: 1958-1969, Confidential, LAC.

⁶⁸ See Table 3 of this chapter. For Indian children, 94% came into care through apprehensions, and only 6% voluntarily, in 1973.

⁶⁹ Hepworth, 118-119; Between 3% and 4% of status Indian children were adopted. The experience of multiple foster home placements and failed adoption attempts is described by Jacqueline Maurice, “De-Spiriting the Aboriginal Child” (PhD diss, University of Toronto, 2003).

⁷⁰ Hepworth, 121.

files from researcher scrutiny. Though it was not acknowledged at the time, communities were reeling from three generations of children removed to attend residential schools, who returned to communities as young adults with unresolved grief and trauma. It has only been in recent years that the inter-generational effects of residential schools and the historic trauma of indigenous peoples are being recognized as impacting parenting skills.⁷¹ Despite the significance of these cumulative events on the health of Aboriginal communities and individuals, there are very few studies that look at this in great detail.⁷² Many stories of the impact on individuals, families, and communities from survivor testimonies are now surfacing through the hearings of the Truth and Reconciliation Commission. Several of the cases I observed through the RG10 Federal IAB files indicate families experienced extremely high levels of substance abuse, poor housing, spousal violence, illness, accidental death, suicide, and child abandonment.

Parents, despite their poverty and difficulties in providing a safe environment for their children, attempted to raise children. One case file in the RG 10 files graphically illustrates the multiple layers of trauma facing Indian families in the late 1960s. On a northern Saskatchewan reserve, impoverished families with alcohol abuse and a history of violence sought the care of child welfare authorities. In this case, a mother with three small children died as a result of head injuries sustained by spousal violence. The children's father also had a severe drinking problem. His second wife also had a severe drinking problem, and their two children were apprehended shortly after birth due to "failure to thrive."⁷³ The social worker looking after the case described

⁷¹ Amy Bombay, Kim Matheson, and Hymie Anison, "Intergenerational Trauma: Convergence of Multiple Processes among First Nations People in Canada" National Aboriginal Health Organization (NAHO) *Journal of Aboriginal Health* (2009), accessed June 14, 2014, <http://www.naho.ca/journal/>

⁷² *Ibid.*, 29.

⁷³ File 677/29-4, Care of Children, Dates 1979-1981, RG 10, Ass: E-1996-97/252, LAC, Burnaby.

the family home as a one-room 12' x 12' log shack consisting of one bed, a small table, two chairs, one small cupboard, a wash stand, a wood heater, and a wood box. At the request of their grandmother, the two younger children from the father's first marriage were placed in a foster home in Regina shortly after the mother's death. Once there, the children's Métis foster mother hoped to be able to adopt the two children. However, the children's father still wanted to retain contact with his children. He wrote to the department requesting that his children be moved close to him so that he might be able to visit them more regularly, "Dear Sir, I am writing concerning my Children B. and K. I would like to have them back on the reserve or near this area where I can have easy access to visit them when I want to. Regina is such a long way to go and very expensive. I hope to get a house on the reserve where I can look after them. Thank you for your concern."⁷⁴ The children were eventually placed with a foster family on their reserve. Grandparents traditionally provided child caring in Plains First Nations, but family-based care networks were increasingly strained by poverty, addictions, and high mortality rates.⁷⁵ Grandparents, overwhelmed by caring for children, often sought the assistance of IAB for foster homes



4.1 Reserve Home, 1958. (R-B6926 3 SAB)

In some cases, parents who initially requested the assistance of child welfare professionals lost control once their children had

⁷⁴ Ibid.

⁷⁵ Patricia A. Albers, "Autonomy and Dependency in the Lives of Dakota Women: A Study in Historical Change," *Review of Radical Political Economics* 17, no. 3 (1985): 126.

entered the system. One mother, perhaps unaware that adoption entailed a complete severance of parental ties, sought to regain access to her child once she had become better equipped to care for her child. She wrote, “Dear Sir, I am writing to you about my child (name and birthdate omitted). I would like to have him back, and I will look after him with my mother’s help. I am writing to you to help me get him back. Thank-you, (name omitted).”⁷⁶ The Indian agent referred the mother to the provincial Department of Welfare, and it is unknown whether she was ever able to have her children returned. Another mother who had been unable to care for her children due to substance abuse, poverty, and homelessness still wrote multiple letters over several years to department officials, attempting to regain custody of her apprehended children. The widowed mother initially sought assistance with caring for her one-year-old child following her husband’s suicide on February 1, 1966. The reason given on her placement sheet was homelessness.⁷⁷ In March 1966, she began writing to officials, looking to retrieve her daughter:

I sure would like to know what you are going to do with my little B. I sure like to have her back soon I sure miss her. I hope you guys won’t take her away from me. Maybe you are trying to give my little girl away. Hope not. This time I won’t want the welfare take her away. I took that baby in the (omitted) hospital that she was sick and not for my drinking. Why don’t they take (omitted) kid? That kid always goes to the hospital and she left her kids for a week or more. I know all about her instead of me they are lots of people from the reserve that’s ...

And I want my B back. That’s my kid. I had the kid for myself and not for anybody. No not for the welfare either. So this I want to know. What are you going to do? I am staying here at F. S’s place. (Unclear) So please let me know real soon. From Mrs. C M.⁷⁸

This mother’s incomprehension at the lack of information and refusal to return her children is evident. She gave birth to another baby in August 1968, who was apprehended that November at

⁷⁶ File No: 601/3-4 (DS), RG 10, Ass: 2000:0321-4, File 673/13-4, Adoption General Dates: 1958-1969, Confidential.

⁷⁷ File 677/29-4, Care of Children, Dates 1979-1981, RG 10, Ass: E-1996-97/252, LAC, Burnaby.

⁷⁸ Ibid.

the hospital, due to severe neglect. That child was placed in a foster home where a social worker reported in 1970, “She seemed happy there and was quite attached to Mrs. F. There seemed to be a good and close relationship between the child and the foster parents.”⁷⁹ The foster parents inquired of the BIA social worker about adopting the little girl and were told about how to proceed with securing an adoption.

This mother continued to pursue the return of her daughters. In 1973, after receiving another letter from the mother looking to have her children returned, social workers investigated the possibility of having the children returned. They reported, after visiting both the mother’s home and the foster home,

March 13, 1973: This home is modern, clean and comfortable. V looks healthy contented and well cared for. Mrs. F concerned that V not be moved to a different home.

March 28, 1973: Saw natural parents. Their home is overcrowded, poorly maintained and in general disorder. Evidences of a drinking problem. One other girl in foster home, evidence of neglect of the rest of their children.

Recommendation: This is an excellent home and no attempt should be made to change the situation at present.

The contrast between the two homes is striking. The term “neglect” used by the social worker, together with the terms “overcrowded” and “general disorder” signalled this mother’s inability to provide an appropriate home to raise her children, and ensured that she could never have her children returned.⁸⁰ Both children remained in foster homes despite the protests of their mother. Social workers felt the children were well provided for in homes that met their white, middle-class standards. Adoption was pursued by the foster parents of the girls, and since this

⁷⁹ Ibid.

⁸⁰ Karen Swift, *Manufacturing “Bad” Mothers: A Critical Perspective on Child Neglect* (Toronto: University of Toronto Press, 1995).

information is covered by privacy legislation, it is not known whether it was concluded; however since both cases end in 1973, they may have been adopted at this time.

Many factors must be taken into account when looking at the emergence of transracial adoption and the overrepresentation of Aboriginal children. In some cases, due to extreme alcohol abuse related to trauma, poverty from lack of education, employment, and marginalization, some families could not care properly for children in this period, and little support was available. Mothers, grandmothers, and even children looked to the foster care system for assistance to cope with the difficult situations in the 1950s, 1960s and 1970s on reserves and in cities in Saskatchewan. One informant recalled his difficult childhood growing up with parents who had attended residential school. At age ten, he left the reserve with his younger siblings to seek out foster care. His parents regularly left the children without food or warmth in the winter, to go drinking. He hoped that the foster home system could provide him and his siblings with the necessities that his parents did not. His experience in a foster home did not turn out as he expected. Unprepared for life in the white world, he quickly asked to return home.⁸¹ These examples demonstrate the difficulties in making generalizations about Aboriginal adoptions.⁸²

The extension of provincial adoption laws onto reserves led directly to an increase in transracial adoptions of Indian children out of Indian communities. This development necessitated a clarification in registration of adopted Indian children. Since adoption did not change status, Indian children adopted by non-Indians remained on band membership lists. Children's names were placed under their birth parents' with an entry that explained that the child had been legally

⁸¹ G. W., interview by author, Marguerite Riel Centre, September 19, 2012.

⁸² This point is also made by Karen Dubinsky in *Babies without Borders: Adoption and Migration across the Americas* (Toronto: University of Toronto Press, 2010), 82-84.

adopted out of the band in a remarks column. In each case, a copy of the adoption order or other official document was attached to the membership list, giving the full details of the adoption and the child's new name. Adoptive parents' name did not appear on the membership return because information was always treated as confidential. Each child adopted out was entitled to share in all cash distributions made to the other band members.⁸³ The registrar in Ottawa required all the official documents in its attempt to establish procedures that would enable it to meet legal obligations to register persons in accordance with the Indian Act and provide maximum protection of confidential information.⁸⁴

Keeping track of the increasing numbers of transracial adoptions of Indian children required a process to ensure the IAB retained a record of children no longer on band lists but still eligible for band funds, treaty money, and entitlements. The privacy legislation around adoption made this extremely difficult. Since provincial legislation prohibited the Child Welfare Branch from releasing information concerning adoptions, it was necessary for IAB officials to look to Indian parents for copies of adoption orders as confirmation of the adopted child's eligibility for band registration. Policy directives going out to local superintendents requested that they report all adoptions: "It is requested that you report to Regional office on a confidential basis any information coming to your attention which indicates that a legal adoption involving Indians may have been granted. Regional office may request you ... advise Indian parents that copies of their

⁸³ Registrar to Supt., Crooked Lake Agency, March 4, 1959, RG 10, Ass: 2000:0321-4, File 673/13-4, Adoption General Dates: 1958-1969, LAC, Burnaby.

⁸⁴ DSWR from R.T. Smith to Miss Dorothy Moore, RG 10, Ass: 2000:0321-4. File 673/13-4, Adoption General Dates: 1958-1969, LAC, Burnaby.

adoption order are needed if their child is to be included on band membership lists.”⁸⁵ Children leaving bands and communities may not have been recorded on lists if their information was not gathered from parents. Some may not have been informed by foster and adoptive parents that they were entitled to band funds and treaty entitlements when they came of age.

For both federal and provincial agencies, adoption of indigenous children with or without status provided a solution to the jurisdictional ambiguity between the Saskatchewan provincial and federal governments over responsibility for Aboriginal residents, once the legal status of Aboriginal adoptees was clarified. Adopted children retained their Indian status, although it was up to the adoptive parents to decide if they wanted to reveal it to their children. Children adopted by Indian people did not receive status through the adoption.⁸⁶ The Department of Indian Affairs created the position of Registrar, who maintained a list of all children, adopted on the confidential “A” Band list. As well, the Registrar tracked treaty money and band shares which were maintained in a special savings account.⁸⁷

Adoption as practiced by the Department of Social Welfare in Saskatchewan varied depending on the race and location of the people involved. The case studies reveal a complex interplay between the roles of the Department of Indian Affairs and the provincial Department of Social Welfare. Based on research of adoption and apprehension files, there are multiple variations of child placement pursued, making generalizations impossible. These cases indicate that the entry of provincial social workers onto Saskatchewan reserves in the 1950s, ‘60s and ‘70s challenged the

⁸⁵ Regional Supervisor in Sk to all Superintendent Indian Agencies, July 14, 1961, RG 10, Ass: 2000:0321-4, File 673/13-4, Adoption General Dates: 1958-1969, LAC, Burnaby.

⁸⁶ W.E Harris to Hon. J.H. Sturdy, Minister of Social Welfare and Rehabilitation, Ottawa, July 4, 1952, R-935, File I-48, SAB.

⁸⁷ RG 10, Ass: 2000:0321-4, File 673/13-4, Adoption General, Dates: 1958-1969, LAC, Burnaby.

boundaries of their professional knowledge. Social workers privileged the privatized nuclear-family model situated within the privatized space of the middle-class home. That model reached its high water mark in the 1960s and 1970s. As Philippe Aries has observed, “The concept of the family, the concept of class, and perhaps elsewhere the concept of race, appear as manifestations of the same intolerance of variety, the same insistence on uniformity.”⁸⁸ Engineering adoptive kinship to mirror the North American idealized version of the “normal” nuclear family is most evident in the critical importance attached to the home, and the home study prior to the finalization of any professionally arranged adoption.⁸⁹ The meaning and role of the family had been given enormous responsibility for determining the social behaviours of children. In particular, these nuclear families who were engaged in remaking indigenous citizens into Canadians.

Permanent, legal adoption was also preferable to insecure, temporary placements or other family arrangements that left children without permanent belonging. According to Ellen Herman, “It was almost as safe, natural, and real as biological kinship. It might approximate normality through intelligent design.”⁹⁰ With the increasing numbers of Aboriginal children coming into provincial departments, remaking Indian and Métis children into acceptable family members became the new frontier in integration policy.

The creation of the Adopt Indian and Métis program in April of 1967 sought to secure the permanency of adoption for Indian and Métis children relinquished or removed from reserves

⁸⁸ Phillipe Aries, *Centuries of Childhood: A Social History of Family Life*, trans. Robert Baldick (New York: Vintage Books, 1962), 415.

⁸⁹ The modernization of the Euro-American nuclear family in part came about with the, “The rearrangement of the house and the reform of manners left more room for private life; and this was taken up by a family reduced to parents and children, a family from which servants, clients, and friends were excluded,” Aries, 415.

⁹⁰ Herman, 95.

and reduce pressure on foster homes through enlisting “normal” Saskatchewan families to adopt Indian and Métis children. The impetus behind the development of a public relations campaign to reconfigure Aboriginal children as potential family members was the increasing numbers of Aboriginal children being taken into care by the Department of Social Services, whether for reasons of neglect or relinquishment by biological family members.⁹¹ Aboriginal integration through the existing provincial child welfare system was failing to live up to its promise, hampered by the unwillingness of the non-Aboriginal public to assume its role as potential foster parent or adopters. Selling the idea that the public could play a role in providing a solution to the “racial problem” paradoxically relied on denying the relevance of race of Indian children and reassuring non-Aboriginal potential parents that the children were in every way the same as non-Aboriginal children.

The Adopt Indian and Métis program brought the needs of Aboriginal children to the attention of the viewing public in Saskatchewan, erasing their ties to their Aboriginal heritage and offering the public the opportunity to imagine themselves as parents forging a new color-blind society. The social construction of childhood as a central responsibility of the state and middle-class population first became widespread in the early nineteenth century with the child rescue movement in Britain. The Adopt Indian and Métis program shared a common language and goal with the nineteenth century child rescue movement in the creation of specific kinds of

⁹¹ The report on the Aim program states that “for several years prior to that time, the number of Indian and Métis children coming into the care of the Department was increasing by approximately 100 per year.” From the Adopt-Indian and Métis, a joint federal-provincial pilot project. Government of the Province of Saskatchewan Department memo G. Joice, Chief, Special Services, to Regional Directors and Adoption Supervisors, re: Committee on Adoption Criteria Discussion Paper, June 3, 1974, from Collection R-935 Saskatchewan Department of Social Services, I-49 Adopt Indian and Métis Program, SAB.

subjects and bodies to be fundamental in the making of the body politic.⁹² The “child as future citizen” was the core tenet of child rescue discourse. In the nineteenth century, children were transformed from private parental property to future citizens, and hence the responsibility of the nation.⁹³

Through the use of books, periodicals, melodrama, and children’s literature, the public became aware of its responsibility in assisting in the rearing of poor children and youth. Like the AIM ads, often parents were absent from the stories. The primary objective of the publications was first to identify the problem to the public, then attract the financial support of the public for the orphan rescue institutions. As Shurlee Swain points out, “The neglected child, however romanticized, had to be made real if they were going to attract financial support.”⁹⁴ From its beginnings, child rescue discourse lacked any call for social justice, or a roadmap for eliminating the causes that had led to the poverty and neglect of children. Like the Adopt Indian and Métis ads, early child rescue literature erased children from their families and histories. According to Swain, “Through the publications, children were constituted as victims, not of an unjust society but of the failing of their parents or other caregivers, often articulated in the old evangelical discourses of morality and sin.”⁹⁵ The images and discourses of victimized children moved working and middle-class families to support children’s homes and eventually transracial adoption programs such as Adopt Indian and Métis.

⁹² Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule*. (Berkeley: University of California Press, 2002), 9.

⁹³ Shurlee Swain and Margot Hillel, *Child, Nation, Race and Empire: Child Rescue Discourse, England Canada and Australia, 1850-1915* (Manchester and New York: Manchester University Press, 2010), 3.

⁹⁴ *Ibid.*, 40.

⁹⁵ *Ibid.*, 72.

Figure 4.2 Ross Thatcher and Métis Children at Green Lake, 1966. (R-B7227 SAB)



With the election of Liberal leader Ross Thatcher in 1964, the CCF twenty-year rule came to an end. Declaring the province “open for business,” Thatcher gave high priority to resolving “the Indian problem.”⁹⁶ The

expression of this Euro-Canadian intellectual construction has shifted, depending on time and place, but in mid-1960s Saskatchewan, the “Indian problem” signified the extreme poverty and growing welfare dependence of Indian and Métis people. In April 1965, the Liberal government created the Indian and Métis Branch in the Department of Natural Resources, the only one of its kind in Canada. The branch was intended to “accelerate the process by which these people become an integral part of Canadian society.” The primary purpose of the department was to find employment for Indian and Métis people.⁹⁷ In 1967, 89.1 percent of residents living on southern reserves derived their income from welfare compared with a 4.5 percent rate for the non-Indian population of the same area.⁹⁸ Thatcher differed from the previous CCF social democratic government he had replaced; he believed in an individualist strategy, helping individual Indians and Métis take their place in the work world through individual job placements.

⁹⁶ *The Encyclopedia of Saskatchewan*, s.v. “Wilbert Ross Thatcher,” accessed July 13, 2012, http://esask.uregina.ca/entry/thatcher_wilbert_ross_1917-71.html

⁹⁷ Jim Pitsula, “The Thatcher Government in Saskatchewan and Treaty Indians, 1964-1971: The Quiet Revolution,” *Saskatchewan History* 48, no. 1 (1996): 3.

⁹⁸ M. Mickleborough, Program Consultant, to D. Cowley, Director, Program Division, Aug 8, 1972, Draft Letter: Services to Indians, File I-80b, R-933, Department of Social Services, SAB.

In crafting Indian and Métis policies, Thatcher was deliberately indifferent to the legal and cultural differences between Indian and Métis people. Not surprisingly, both Indian and Métis political organizations objected to the direction he took. Thatcher's emphasis on individual job placements came out of his right-of-centre political philosophy, his opposition to welfare programs, and his desire to see measureable results. According to historian Jim Pitsula, "His vision of the future was that Indians would be economically integrated and culturally assimilated into the dominant society."⁹⁹ Thus, he shared a common outlook with the Federal IAB in bypassing problematic legal and cultural issues, and ensuring that individuals assumed their economic and social responsibilities.

From the perspective of the newly elected government, the state of child welfare services for Indian and Métis children appeared troubling and destined to escalate. From a confidential planning document, the Department of Social Welfare outlined the trajectory of child welfare responsibilities if the province continued on its current course of providing services to Indian and Métis children without the assistance of the federal government or working-class and middle-class Saskatchewan families. While Indian and Métis people made up a small percentage of the overall provincial population (7 1/2 percent) in child welfare, 41.9 percent of all children in 1969 in foster homes were Indian or Métis, and "additionally, an increasing number of Indian unmarried mothers avail themselves of provincial adoption services and leave their children."¹⁰⁰ The lack of child welfare services on reserves meant that the province only apprehended children in cases of the most serious neglect if a child's life was in danger, and the only other service available was adoption on and off reserves. In most cases, unmarried mothers were told to return

⁹⁹ Pitsula, 7.

¹⁰⁰ *Annual Report*, Department of Social Welfare Government of Saskatchewan 1968-69, Government Publications, SAB.

to their reserves. The planners suggested the need to negotiate for immediate extensions of provincial child care services to reserves or to call for changes to child welfare legislation so that IAB staff could legally take action in neglect cases. The piloting of the Adopt Indian and Métis Program in 1967 called for little financial investment and did not require an extensive negotiation between federal and provincial counterparts or a radically new approach to resolving underlying economic and social factors contributing to increasing numbers of Aboriginal children coming into provincial care. In keeping with the individualist ethos of the Thatcher government, individual children adopted by individual families provided an important method by which to reduce the financial responsibility of the government as well as provide the nurturing and permanence that was idealized by social work professionals as in the “best interest of the child.”

The first step in creating the Adopt Indian and Métis project was surveying the available Indian and Métis children who were permanent wards. In April 1966, adoption consultant Alice Dales, who had been responsible for the Green Lake experiment, conducted a region-by-region survey. She reviewed a total of 373 files, which indicated the Indian and Métis children were legally free for adoption.¹⁰¹ The stated purpose of the project was to determine if a special approach to the problem of Indian and Métis overrepresentation would increase adoptions so fewer children would remain in foster homes. Through the creation of a specialized advertising campaign and immediate follow-up by a unit of workers, Frank Dornstauder, the project architect, hoped the program would encourage white families to adopt Indian children. This plan fundamentally altered the understanding of racial boundaries that the federal government had

¹⁰¹ Department of National Health and Welfare: Welfare Grants Division: Application of Welfare Demonstration Grant: Title: Special Adoption Unit to Place Indian and Métis Children for Adoption, Province of Saskatchewan, Collection R-935, Saskatchewan Department of Social Welfare, File 49 (4.9), Adopt Indian and Métis Program, AIM, 1967-1973, SAB.

assiduously erected over the past century in western Canada through its Indian and Métis policies of segregation.

Dornstauder was inspired by the Montreal Open Door Society which he was familiarized with while studying for his master's degree in social work at McGill. The society had been created in 1959 by three families to assist adoption professionals who sought to raise the prominence of interracial adoption of part-Black children through education and support.¹⁰² Dornstauder acknowledged that Saskatchewan differed profoundly from Montreal--first, that racial attitudes in Saskatchewan toward Indian and Métis were "more negative than in Montreal," and second, that the vast rural landscape required a different approach than in Montreal. The project was limited initially to a small geographical area, and after measuring the results, the study would allow administrators to see if the ad campaign could be effective throughout Saskatchewan. Not only would children benefit from the permanency of an adoptive family, but also there were pragmatic reasons to explore adoption. As Dornstauder mused, "If it is successful, it will also be a major saving in maintenance costs for children."¹⁰³

The Federal Ministry of Health and Welfare approved the AIM pilot budget for 1967-68, providing the funds to run the program for two years. Dornstauder hoped that through demonstrating the universal appeal of children and targeting one specific geographical area with "consistent, continuous, specific publicity," people would ultimately see the appeal of including Aboriginal children as "family."¹⁰⁴ His hope was that "AIM will try to provide the spark and the

¹⁰² *Mixed Racial Adoption: A Community Project* (The Open Door Society, 1967).

¹⁰³ *Regina Welfare Council Newsletter* 5, no. 3 (April 1967).

¹⁰⁴ *Ibid*

initiative so that people will investigate the possibility.”¹⁰⁵ The south-eastern portion of the province targeted by the AIM campaign coincidentally also had the highest concentration of Indian reserves, and although not mentioned by the officials, the greatest degree of Aboriginal poverty. It consistently ranked last in the Hawthorn Report’s survey of socio-economic conditions across Canada. The per capita income of residents in 1966 was \$55 per year, significantly less than the highest paid reserve, Skidegate, at \$1252. James Smith Band, located in one of Saskatchewan’s richest agricultural areas, had an average per capita income of \$126. The survey also noted that 100 percent of households were receiving welfare; at Piapot that number was 86.5 percent.¹⁰⁶

Television was an ideal medium to spread the message through the vast rural province to a diverse swath of the viewing population. The TV images of playful and innocent children detached them from the reality of their history, communities, and Aboriginality. By doing so, white families could imagine them as family members and see themselves as providing a solution to the poverty and marginalization of indigenous peoples.

Advertisements ran in the small local community papers as well as in the Regina daily newspaper, the *Leader Post*. Newspaper articles provided information about legal questions that adoptive parents might have about adoption of status Indian children. For example, the article with the title, “Homes Sought for 160 Indian and Métis Children: Adopted Children Retain

¹⁰⁵Department of National Health and Welfare: Welfare Grants Division: Application of Welfare Demonstration Grant: Title: Special Adoption Unit to Place Indian and Métis Children for Adoption. Province of Saskatchewan, Collection R-935, Saskatchewan Department of Social Welfare, File 49 (4.9), Adopt Indian and Métis Program, AIM, 1967-1973, SAB.

¹⁰⁶ Numbers taken from, H.B. Hawthorn, *A Survey of the Contemporary Indians of Canada: A Report on Economic, Political, Educational Needs and Policies* (in two volumes) (Ottawa: Indian Affairs Branch, 1966-1967), 51, 120.

Status,” ran July 22, 1967.¹⁰⁷ In it, Dornstauder outlined how adoptions of Indians would work, explaining “until an adopted Indian child reaches the age of 21, laws pertaining to Indians pertain to him. If adopted by non-Indians, he is removed from the natural parents’ band number and registered in a special index for that band. If adopted by Indians, he is registered under their band number.”¹⁰⁸ According to Dornstauder, adoptive parents were told by the agency arranging the adoption whether the child was Indian or Métis but were not given the name of the band or band number. It was up to the parents whether they informed their child of his or her Indian status. At that time, the greatest numbers of children available for adoption were Catholic Métis children. The article explained how the children came to be wards of the state--first through illegitimacy, and second through neglect.¹⁰⁹

Figure 4.3 Early Newspaper Ads for Adopt Indian and Métis, 1967¹¹⁰



¹⁰⁷ *The Leader Post*, July 22, 1967, Collection R-935, Saskatchewan Department of Social Welfare, File 49 (4.9), Adopt Indian and Métis Program, AIM, 1967-1973, SAB.

¹⁰⁸ *Ibid.*

¹⁰⁹ *Ibid.*

¹¹⁰ From Department of Social Services Collection, R-935, File I-49, Adopt Indian and Métis Program, SAB.

With the completion of the pilot project in late 1969, the department gained new understanding of the power of the media to influence Euro-Canadian Saskatchewan families' perception of indigenous children. From the Adopt Indian and Métis project, families took at face value the messages imparted by the ads that Indian children were no different than any other child. To quote the government, "Advertising does pay." It was proven that the definition of the adoptable child went beyond the "blue ribbon baby," or the white infant in perfect health. Likewise, the streamlined process utilized by Adopt Indian and Métis expanded to all other areas of adoption. In 1970, the Department of Social Welfare introduced the AIM program, broadening the focus to all children who needed plans.¹¹¹ The AIM program supposedly no longer represented racial designation of Adopt Indian and Métis, and Indian and Métis children became homogenized under the label "Hard to place children," with the promise that adoption "Gives the less-than-perfect children the hope of a home and family."¹¹² The new approach sought to overcome the traditional barriers to adoption that included hereditary risks, health, education, welfare problems, age, sex, race, and membership in a family group. No longer would children be labeled "Hard to place," but rather defined by their greater level of service needs, and the focus shifted from special children to special services.¹¹³ Adoption made financial sense, and it was seen to be preferable to multiple foster home placements in the lives of children. In the new policy manual, the author rationalized the expansion of the AIM program, "One child placed for adoption represents a savings of \$1,000 per year minimum. Over

¹¹¹ Director of Program Division, W.K. Morrissey to A.W. Sihvon, Deputy Minister, January 4, 1972, from Draft AIM report originally known as KIN, Collection R-935, Saskatchewan Department of Social Welfare, File 49 (4.9), Adopt Indian and Métis Program, AIM, 1967-1973, SAB.

¹¹² *Ibid.*

¹¹³ *Ibid.*

a twenty-year period or the duration of wardship it represents a savings of \$20,000. If this program placed 10 children for adoption that normally would not be placed, the program would pay for itself. The Adopt Indian Métis program as it is presently constituted places an average of 70 children per year.”¹¹⁴ The Adopt Indian and Métis provided a complete solution for both children and the government, so it would seem.

The imagery of the commercials and messages provided by newspaper articles had a two-fold impact on Saskatchewan residents. On one hand, it successfully stimulated interest in transracial adoption as planned. The first year in operation, a total of 16 children were placed, but by 1970 the number had risen to 50 placed with AIM. However, 137 overall Indian and Métis adoptions had taken place throughout Saskatchewan outside of AIM. Between April 1967, the year AIM’s pilot began, and January 19, 1970, 160 Aboriginal children were placed into adoptive homes. With the expansion of the program and office in Saskatoon placements increased. By 1970 there was a balance between children available for adoption and willing homes. Officials judged AIM to be a success in raising the awareness of the need for homes by non-Aboriginal peoples, yet recognized that only 5 percent of homes were Indian or Métis, and consistently lamented that they did not recruit more Aboriginal peoples. While these numbers represent a large increase, in reality, of those coming into care, only 3.5-4.5 percent of children were adopted, with the rest remaining in foster care, only rarely returning home.¹¹⁵ Given that the primary reason Aboriginal children came into care often being poor housing, they would likely never return home because of lack of family resources.

¹¹⁴ Ibid.

¹¹⁵ H. Phillip Hepworth, *Foster Care and Adoption in Canada* (Ottawa: Canadian Council on Social Development, 1980), 119.

Table 4.1 Transracial Adoptions in Canada, 1963-1975¹¹⁶

Year	Adoption by Indian	%	Adoption by Non-Indians	%	Total Number of Adoption	Total Status Indian Population
1963			94		168	204,677
1964-65	44	32.1	93	67.9	137	
1965-66	43	25.9	123	74.1	166	
1966-67	87	48.3	93	51.7	180	
1967-68	54	35.5	98	64.5	152	
1968-69	57	22.9	201	77.1	258	
1969-70	70	31.1	155	68.9	225	
1970-71	36	15.0	205	85.0	241	244,113
1971-72	53	15.8	282	84.2	335	
1972-73	41	12.7	281	87.3	322	
1973-74	75	20.0	300	80.0	375	
1974-75	101	27.8	262	72.2	363	

Table 4.2 10 Years of Provincial Services to Status Indians in Canada^{117*}

Year	# Children in Care	# Of Adoptions	Expenses (, 000's)
1970	5,395	241	10,042
1971	5,531	335	10,458
1972	4,467	322	11,494
1973	4,422	375	12,351
1974	5,270	363	14,091
1975	5,390	406	16,076
1976	5,952	581	19,806
1977	5,336	441	20,992
1978	5,659	519	24,773
1979-80	5,426	568	25,626

¹¹⁶ Numbers taken from Annual Reports of the Department of Citizenship and Immigration 1963-1974, www.collectionscanada.gc.ca and Hepworth, *Foster Care and Adoption in Canada*. Ottawa: Canadian Council on Social Development, 1980.

¹¹⁷ Numbers Taken from Annual Reports of the Department of Citizenship and Immigration 1963-1974, www.collectionscanada.gc.ca

Table 4.3 Saskatchewan 1973-74 Statistics on Admission of Children into Care

	Apprehension	Relinquished	% Apprehensions
Indian Children	519	33	94.0
Métis Children	557	46	92.4
Non-Aboriginal	712	297	70.5
Total			

Table 4.4 AIM Adoption Placements (under 10 years) 1967-1970

Year	Girls Adopted	Boys Adopted	Total
1966-67			16
1967-68	27	19	46
1968-69	36	28	64
1969-1970	33	17	50

Table 4.5 Provincial Adoption Placements, Saskatchewan¹¹⁸

Year	All Adoptions	Indian Métis Adoptions	Aboriginal adoption as a % of total
1966-67	501	50	10%
1967-68	556	96	17.2%
1968-69	636	137	21.6%

*Note about statistics--these reflect only some Indian children. Those who are legally defined as Indians by the Indian Act paid for by DIAND--those in urban areas or of enfranchised mothers not included.

On the other hand, the messages portrayed by the Adopt Indian and Metis ads contradicted the lived experience of First Nations and Metis peoples who also viewed the commercials and read the newspapers. Not all segments of Saskatchewan's population viewed the Adopt Indian Métis ads with such admiration, nor interpreted the needs of Aboriginal children to be white adoptive homes. The Métis Society, located in Saskatoon, undertook a campaign in 1971 to challenge the images utilized in the ads. That year, the Society formed the

¹¹⁸ The numbers in Tables 4.3, 4.4 and 4.5 are taken from Government of the Province of Saskatchewan Department memo, G. Joice, Chief, Special Services, to Regional Directors and Adoption Supervisors, re: Committee on Adoption Criteria Discussion Paper, June 3, 1974, from Collection R-935, Saskatchewan Department of Social Services, I-49, Adopt Indian and Métis Program, SAB.

Métis Foster Home committee led by Howard Adams and Métis activists Phyllis Trochie, Nora Thibodeau, and Vicki Racette to research the creation of a Métis-controlled foster home program. In their letter to the Department of Social Welfare, the committee stated, “In this plan we are proposing a system of foster home care of our Métis children to be placed in Métis foster homes or in group foster homes under the control and management of Métis people.”¹¹⁹ The group had a list of eleven reasons that the current government-run system was detrimental to children, parents, and the Métis community as a whole. The objections centered on the lack of acceptance by both white foster parents who raised the children and the larger white society in which the children were being raised. The final point stated, “We are opposed to a foster home scheme as a relocation or integration program” in reference to the Adopt Indian and Metis project.¹²⁰ The society proposed to transfer Kilburn Hall in Saskatoon to Métis control through a board of Métis parents. They claimed, furthermore: “Past experiences with the welfare department has proven that it is unable to treat Métis people as equal and full citizens and any new foster home plan under the welfare department would continue to be administered in a repressive and discriminatory way.”¹²¹ While the discourse of equal treatment and color blindness permeated official pronouncements by the department, Métis and Indian people drew upon their own collective experiences of discrimination to formulate their position on child welfare.

The Métis society specifically targeted the advertising campaign that had been the primary function of the AIM program. Their letter charged, “These ads are racist propaganda

¹¹⁹ “Métis Foster Home Plan: Saskatoon,” December 1971, Collection R-935, Saskatchewan Department of Social Welfare, File 49 (4.9), Adopt Indian and Métis Program, AIM, 1967-1973, SAB.

¹²⁰ *Ibid.*

¹²¹ *Ibid.*

against the Métis and Indian people.”¹²² A list of nine reasons followed that spelled out how Indian and Métis people perceived the advertising of their children. First, the ads implied that Métis parents were unable to look after their children; second, they degraded Aboriginal children as inferior and unwanted since ‘they are displayed as surplus and unwanted children.’ To the Métis community, the ad campaign was objectionable because ‘it portrays our people and nation as being weak because we are portrayed as begging white people to take our children.’ Métis people in Saskatchewan felt the ads used their children ‘to degrade and humiliate our people by playing on our children’s pathetic appearance to have white people care for and support our children.’ The society claimed that AIM created the public impression that Métis children were ‘so unwanted and ugly that the government has to make great efforts to find some kind of home for them.’ Further, it suggested that the children were so desperate for homes they would accept any white family who was sympathetic enough. Métis people said the ads were merely the reinvention of a paternalistic racism, reinforcing the negative stereotypes about Indian peoples. Finally, they promoted the idea that Métis parents did not want or love their children.¹²³ In addition, the group objected to having Métis children being shipped out of the province of Saskatchewan for adoption into white homes in other provinces.

Seeking control over child welfare was only one component in an overall “revival of Métis nationalism” led in part by Howard Adams.¹²⁴ Originally from St. Louis, Saskatchewan, Adams sought the decolonization of indigenous peoples in Saskatchewan following his

¹²² Ibid.

¹²³ December 1971, Métis Foster Home Plan Collection R-935, Saskatchewan Department of Social Welfare, File 49 (4.9), Adopt Indian and Métis Program, AIM, 1967-1973, SAB.

¹²⁴ Jim Pitsula, "The Thatcher Government and the Revival of Métis Nationalism, 1964-71" *Great Plains Quarterly* 17, no. 3 (1997): 223.

experience of the Civil Rights Movement while doing his PhD at Berkeley during the 1960s. Adams returned to Saskatchewan in 1966, seeking economic, social, and cultural autonomy for Métis people in Saskatchewan. The *New Breed Magazine* and partnership with Saskatchewan Native Women's Movement provided a voice for the movement. Métis people began to speak up and challenge the images governments generated for public consumption. Or, as Maria Campbell states of this period, "They started talking back."¹²⁵

In response to the letter received from the Métis Society, officials at the Department of Welfare called a meeting with Dr. Howard Adams and the Métis Foster Home Committee in Saskatoon. There the government minimized the concerns of the Métis people, stating, "There seemed to be a good deal of confusion in the minds of the Métis people with regard to our Department's requirements for foster parents. This was clarified very quickly and we indicated that we would be only too pleased to have their assistance in locating Métis foster homes."¹²⁶ Officials acknowledged that the strongest point of view presented by Adams was resistance to the images of children used in the Adopt Indian and Métis ads. They considered altering the name, Adopt Indian and Métis, to AIM to appease the activists and dropping the reference to race, and giving the program a much broader focus. The officials admitted that the resistance engendered by the ads had seriously hampered their ability to work, stating, "The situation is this--Our Adopt Indian and Métis Centers in Regina and Saskatoon have been almost immobilized because we have not been able to recruit prospective adopting parents through the

¹²⁵ Marie Campbell, *Halfbreed* (Toronto: McClelland and Stewart, 1973), 183.

¹²⁶ A.W. Sivhon to Mr. J.S. Sinclair, December 14, 1971, Métis Foster Home Plan Collection R-935, Saskatchewan Department of Social Welfare, File 49 (4.9), Adopt Indian and Métis Program, AIM, 1967-1973, SAB.

media because of the objections raised by the Métis Association.”¹²⁷ This event marked the beginning of pollination between this group and the Native Women’s Association.

The Saskatchewan Native Women’s Movement (SNWM) came into existence on Dec 6, 1971, bringing together Indian and Métis women from across the province to politicize gender and race. Members included Nora Thibodeau, a politically engaged Métis activist from Saskatoon who had been involved in the Métis Foster Homes Committee, along with Josephine Pamburn, (Meadowlake), Viki Wilson (Regina), Florence Desnomie (Prince Albert), Louisa Bird (Saskatoon), and Elvina Cote (Regina), and was open to any women of Native ancestry or married to a Native man. The objective of the movement was to advance the interest of all Native women, whether they were status, non-status, or Métis. Together, they promoted their common interests through collective action, engaged in research to promote interest of Native women, lobbied government, co-operated with other organizations, and supported the treaty rights of Indian women and the civil and human rights of all Native women in the province.¹²⁸ Their slogan was “The unity of all women of Native ancestry.”¹²⁹

Nora Thibodeau (now Cummings) had first hand experience of the “technologies of helping” provided by Saskatchewan social workers in this era. When interviewed about her life and the time she spent as president of the SNWM, she spoke of her own experiences and those of her sisters and aunts, who were continually under the surveillance of social workers and Catholic nuns. She recalled being a single Métis woman in the city with children and expecting another:

¹²⁷ A.W. Sihvon to G.R. Snyder, Métis Foster Home Plan Collection R-935, Saskatchewan Department of Social Welfare, File 49 (4.9), Adopt Indian and Métis Program, AIM, 1967-1973, SAB.

¹²⁸ The Province of Saskatchewan The Societies Act Application for Incorporation, D-921 Human Resources Development Agency Records File 19 (192.2.3) b) Sask. Native Women’s Movement 1975-1976, SAB

¹²⁹ Report to SNWM to The secretary of State in Ottawa, D-921 Human Resources Development Agency Records File 19 (192.2.3) b) Sask. Native Women’s Movement 1975-1976, SAB

When I had my children, and I had my four children and I was pregnant with my fifth. ... They decided that because my first husband and I separated, and they tried to take my children. "We will give you the oldest boy, and we will take the younger boy and the babies." I said you will take nothing. My exact words, "if you think I'm a bitch dog you got another thing coming. Cause you are not taking my babies." And I remember he had his feet up and I took his feet, and I said, "Send a social worker to my house, I will hammer her. You are not taking my babies." And they didn't take my babies. Cause I stood up for me. And I know how they did it. It was Sister Obrien's way of doing things. I had a half-sister who moved away to Edmonton and they tried to take her baby. And these things happened in the city and they happened on the reserve and they happened in our community.

They would walk in to homes in the north. And my husband is from Buffalo Narrows. They just walked in and took the baby. And that's how they'd do things. My aunt when she was pregnant with her child. It was Bethany home at that time. That's where mothers would go and that's where they would take their babies. And there's lots of untold stories that went on in our city, and I can speak of our city. I was more fortunate because I had my mom, my grandmother, my aunties. I was more fortunate. Other Métis didn't have that support. And fell into that system, and lost their children.¹³⁰

An outspoken advocate for Métis women, Métis families, and communities, Thibodeau played an important role in shaping the SNWM. The provincial organization was located in Saskatoon and played a coordinating function, hosting the annual meeting, conducting board meetings, developing special projects, and publishing the monthly newsletter, "Iskwew." The first provincial meeting was held in October 1972 in Regina and focused primarily on women's leadership training. Women from Saskatoon, Buffalo Narrows, la Ronge, Prince Albert, Battleford, Yorkton, Cumberland House, Meadow Lake, Uranium City and other outlying areas participated. The main function was based on four points: first, to organize at the local level and create unity among all Native people; second, to create social awareness among all Native

¹³⁰ Nora Cummings, interview by author, May 4, 2013. This point was made by some of the female Aboriginal informants I spoke with. Informant E.B, interviewed at the Marguerite Riel Centre on September 19, 2012, recalled her sister's infant removed at the Hospital in Wakaw, Sk. after giving birth. The child was adopted and never heard from again. Informant J.P. interviewed on October 16, 2012, in Prince Albert, Saskatchewan, was present the day her nephew was removed from his mother by a local priest in Buffalo Narrows, Sk., the same incident that Nora was referring to. Informant R.J, interviewed on October 20, 2014, in Saskatoon, had her baby apprehended at a hospital in Winnipeg, Man., but refused to sign a consent for adoption. She regained custody of her son after she married the boy's father and established a home in the city. More research needs to take place to determine how many babies were removed at birth from mothers without proper informed consent.

women to better themselves through community action; third, to help develop programs and to support programs at the community level, such as recreation, day care, old age homes, half way houses, equal employment, child welfare, foster homes, and education; and finally, to carry out research into Native women's rights. Unlike other male-run organizations, SNWM organized both treaty and non-treaty women. While they acknowledged that previous organizations had failed, the women hoped to overcome this through a better understanding of the historical and political background, along with knowledge of the changes within the Native family unit.

The SNWM looked at the areas that male organizations neglected, such as day care centers in Aboriginal communities, on reserves, and in residential neighbourhoods, as well as assistance for mothers who were working, training, or ill. The women sought to establish a halfway home for Aboriginal women leaving jail, along with other programs for cultural and economic regeneration of Indian and Métis women. Above all, they hoped to provide needed services from a Native perspective. Their two-year budget amounted to \$287,200.¹³¹ The organization suffered from unstable funding since it was viewed by funding agencies as replicating services provided by other Aboriginal groups, such as the Métis Society and FSI. It was unable to obtain funding from Indian Affairs because its membership was open to non-status and Métis women.¹³²

Aboriginal women's knowledge and experiences informed their decisions regarding on which areas to focus their political and organizing energies. Two interconnected themes figured

¹³¹ Proposal for Federal Government for Funding from 1972-1974, "The Saskatchewan Native Women's Movement," August 25, 1972, D-921 Human Resources Development Agency Records, File 19 (192.2.3) b), Sask. Native Women's Movement, 1975-1976, SAB.

¹³² Historical Perspective of the Saskatchewan Native Women's Movement by Helene Jasefowiz, Social Development Officer, Department of the Secretary of State, Citizenship Development Branch, March 15, 1976, D-921 Human Resources Development Agency Records, File 19 (192.2.3) b), Sask. Native Women's Movement, 1975-1976, SAB.

large on the agenda of the SNMW, women's ability to birth and rear their children and building up the Native family unit. In one meeting, women raised concerns about involuntary sterilizations of Native women in Saskatchewan and suggested speaking to the College of Physicians and Surgeons about the issue. They recognized that they needed to combat what they saw as genocide through forced sterilization and birth control.¹³³ At the same meeting, they discussed their plans to speak out about AIM and work toward its eventual abolition by getting to the root of the social problems that caused AIM to be established. In their analysis of the community child care needs, the Native women challenged the expectation that grandparents could carry the burden alone for caring for their grandchildren. Traditionally, extended families had cared for needy children, but the women realized that people no longer wanted to keep their grandchildren and nieces for nothing because they could no longer afford to support extra children. The women believed that working together would enable both men and women to find creative solutions that were culturally and socially relevant to Indian and Métis people.

In an interview with Cummings about the SNWM and the Adopt Indian and Métis program, she proudly stated, "The AIM ads--we changed it!" She became interested in the Adopt Indian and Métis program after encountering a mother whose children had been advertised by the department for adoption.

I was involved. I was president of Native Women in 1973, and I went to pick up this lady; she was one of my girls I used to work with. I would take her to meetings. That was what we do, we'd work with the women. Her name was Lillian. I went to pick her up; she had this paper and she was crying and she held it. 'Look at this, these are my children.' And I look at it and I asked, what do you mean these are your children. Are you drinking? What do you mean they're your children? I turned my car off. And she cried and she told me her story. Her husband died. And she had a break down. She had these seven children. So she had a break down, and they walked in and took these kids. And

¹³³ Minutes, April 10, 1973, Annual Board Meeting, D-921 Human Resources Development Agency Records, File 19 (192.2.3) b), Sask. Native Women's Movement, 1975-1976, SAB.

they would never give them back to her. And they said they were adopted out; all these year she thought they were adopted out.

The children were being advertised for adoption and in fact had not been placed for adoption as she had been told. Nora said,

I came back to my little office, I got on the phone and I phoned the women, and we got together with Minister Taylor, Alex Taylor was the Minister of Social Services... We always made sure that we got involved. We had a meeting at the friendship centre off 2nd Ave. we had over 200 people show up at that time the program changed from AIM: Adopt Indian Métis. We didn't stop there. We did researching more and more, legal aid was just starting then. Judge Barry Singer. So we ended up getting transferred from the Battleford court. It was sad. It was. We got Minister Taylor to work with us. And we found all her children. And she got all her children back. But then she needed a lot of support so we needed to do that. Last year, at the reconciliation [Truth and Reconciliation Commission meetings] I was one of the elders here at the Prairieland Exhibition, they had a teepee and they had a circle and I was one of the speakers. As I was sitting there someone grabbed me and hugged me and said I was her saviour, and I said it can't be and she said it is. And she hugged and hugged and cried and cried. And uh she told everybody this is my saviour, she got my children back. And we changed that name and she's got grandchildren and great grandchildren. We are always proud of that. We helped this one lady. And from then things started changing. We were able then to go into the system and build on that. We had women's groups all across Saskatchewan, women's centres. People had an opportunity to work with them.¹³⁴

From late winter to early summer of 1973, the SNWM was engaged in an ongoing campaign to challenge the legitimacy of the Aim program. On February 28, 1973, Saskatchewan Native Women's Movement circulated petitions through the *New Breed* magazine, asking for support in a quest to end AIM in Saskatchewan and replace it with a Native Family Foster Home Program. They objected to the ads and the lack of voice in crafting policies for Aboriginal children. The SNWM also submitted a brief to the Saskatchewan Human Rights Commission, seeking their support in challenging the policies that excluded Métis and First Nations families from fostering and adopting through the program. There is also evidence that suggests that the Saskatchewan Native Women's Movement enlisted the assistance of the American Indian

¹³⁴ Nora Cummings, interview by author, May 4, 2013.

Movement. Department officials at the Aim Centre received a call from an individual claiming to represent AIM (American Indian Movement). The memo stated,

In the telephone call he indicated that he was opposed to sending Native children for adoption out of the country, that the American Indian Movement was going to file an injunction against (ARENA) and they were prepared to file an injunction against AIM as well. No further details were available on these particular points but the man indicated that he would be back in Regina in about a month's time if the Director of Aim wished to learn more about the matter. He indicated to the worker who took the call that he was serving Aim with notice of their intention. He indicated that they were backing the Saskatchewan Native Women's Movement.¹³⁵

The combined effort of the frontal assault on the AIM program forced the Department of Social Services to sit up and take notice. The SNWM effectively immobilized the Adopt Indian and Métis advertising campaign. The response by the department was, by today's standards, tentative and superficial, but realistically it was the first concession made to an Aboriginal group regarding input into child welfare policies. In a letter between directors discussing the escalating attacks, Aim Centre director Gerald Joice stated, "Though the letter (From SNWM) obviously contains misinformation, such fallacies are irrelevant over the long run and we should be addressing ourselves to what seems to be a growing opposition to have the Aim program terminated."¹³⁶ He proposed two alternatives for the department: first, they could continue to run the program despite the oppositions and it would die for political reasons, or they could seize the moment to take advantage of the opportunity to negotiate through the office of the Saskatchewan Human Rights Commission to make changes to the Aim program in exchange for support of the Native groups developing resources for the children. He suggested the department opt for the

¹³⁵ G. Joice, Chief, Special Services (Children), to D.G. Cameron, Director of Social Services, June 6, 1973, RE: *Saskatchewan Native Women's Movement vs AIM Centre*. File I-49 Adopt Indian and Métis Program R-935 Department of Social Services, SAB.

¹³⁶ G.E. Jacob, Director, AIM Centre, to G. Joice, Special Services, Children, April 9, 1973, RE: *Saskatchewan Native Women's Movement vs Aim Centre*. File I-49 Adopt Indian and Métis Program, R-935 Department of Social Services, SAB.

second. The Aim director felt that “if it could be possible to work co-operatively with the SNWM groups then a great deal more could be accomplished than is currently the case.”¹³⁷ He suggested they sit down and discuss the SNWM’s objections and make concessions. First, they would be willing to drop the name Aim. Second, they were prepared to drop advertising of children aged six years or older, and finally, the department was willing to set up a publicity campaign directed specifically at developing Native homes though not to the exclusion of other homes. In return for these concessions, they asked that the Native Women’s Movement approve the program and support the department’s work whenever possible.¹³⁸

A fundamental part of the new focus on finding Native families acknowledged the prior exclusion of Indian and Métis families because of racial and material considerations. Joice recommended that

Basic to a concerted effort to locate homes among Native people is the establishment of a policy with regard to eligibility requirements. For instance it is a fact that Native families by comparison have less to offer materially in terms of educational opportunities, financial security and housing. In order to recruit successfully and develop resources in the Native community, it will be necessary to accept a good number of the Native homes who may be financially dependent on welfare, have only one parent and may be poorly housed compared with homes that might be available within the majority society where are two parents, much better income and educational opportunities and generally better housing conditions. Unless the department is fully prepared to accept the different standards that will be found in the Native community, there is little or no point in initiating a recruitment campaign for that community.¹³⁹

The preference for middle-class adoption homes, the goal since the beginning of the Adopt Indian and Métis program, had again hit a snag. While white middle-class families were now more than willing to embrace Indian and Métis children as kin, indigenous people voiced their

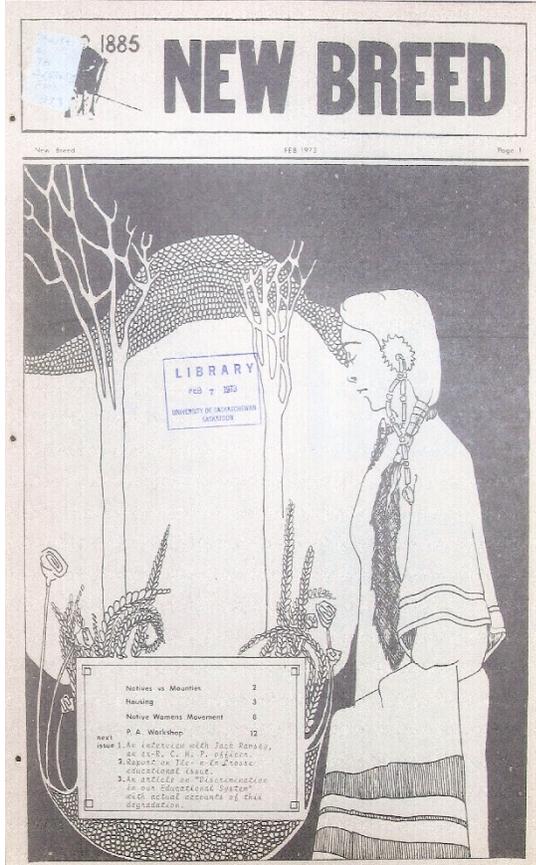
¹³⁷ *ibid.*

¹³⁸ *ibid.*

¹³⁹ *ibid.*

rejection of this violation of their own kinship systems. The heavy-handed attempt to exclude Indian and Métis people from participating in the program had been challenged when SNWM and the Métis Society utilized their political and social power to indigenize the policies at the Department of Welfare.

Figure 4.4 *New Breed Magazine*, 1973



By fall 1973, the director of the Aim Centre, now known as REACH, sent out a memo informing employees of the changes. The new attempt to include Aboriginal families as foster and adoptive applicants, rather than as clients, working alongside Aboriginal organizations and advertising in Aboriginal publications, had never been previously considered. The new objective was to make the adoptive needs of Native wards known amongst parents and potential parents in the community through publicity in Native newspapers. The primarily non-Aboriginal employees needed

departmental preparation. The circular stated, “The department must be prepared to receive inquiries and process home studies from the Native community on a priority basis. The department must adopt the position that Native wards if at all possible should be placed in

suitable homes of Native ancestries. This position requires that the Department give priority to Native inquiries in view of the large number of unplaced and unplanned for Native wards.”¹⁴⁰



Figure 4.5. *New Breed* and REACH Ads, 1973.

Not only was the tentative step uncomfortable for the department, but for the Métis editor of *New Breed* magazine, advertising Aboriginal children for adoption also pushed the boundaries of what Métis people felt were proper family-making techniques. In her letter in response to the new ads, co-editor Linda Finlayson grudgingly agreed to publish ads to be cleared through the

¹⁴⁰ Department Memo: Advertising Campaign: *New Breed* and the *Saskatchewan Indian*, October 3, 1973, G.E. Jacob, File 5.19, Native Media, 1973 Collection, R-1721, Department of Social Services, SAB.

Native Women's Movement of Saskatchewan.¹⁴¹ In her reply to the request, she stated, "We object very seriously to the advertisement of Native children for adoption through the mass media as the indication is present that our children are being advertised as pets, however as much as our staff object to white families adopting Native children, we have no objection to making your program known to Native people in order that more Native adoption homes can be located and utilized."¹⁴² The tension between the ideology of indigenous pride and the reality of child welfare needs made running the ads an act of compromise between the government and Métis Society. This tension was apparent in the *New Breed* magazine where the REACH (Resources for the Adoption of Children) ads ran alongside an article on genocide, news from various indigenous communities in North America, and the report from the Committee on Indian Rights for Indian Women.¹⁴³

Victory for the SNWM in the battle over the representation of Native children in mass media gained the organization a foothold in negotiating with the department. The REACH advertisements portrayed Native families adopting Native children and attempted to represent First Nations and Métis families in a realistic manner that could perhaps generate the desired response, that of Native families "reaching" out to adopt a ward of the province. This first step, alongside the creation of day care centres, women's centres, publications, and community building was an important aspect of the history of transracial adoption in Saskatchewan. The national alarm over the "disproportionate number of Native children in the child welfare system" was not sounded until the early 1980s. Saskatchewan's Native women saw this materializing, in

¹⁴¹ Métis Society of Sk: Publisher of *New Breed*, to Gerald Jacob (A.I.M. Centre), November 15, 1973, Native Media, 1973 Collection, R-1721, Department of Social Services, SAB.

¹⁴² *Ibid.*

¹⁴³ *New Breed Magazine*, May/June 1975.

their own lives and the lives of their family members since the inception of the Adopt Indian and Métis project in 1967, and organized to challenge it.

In the period between 1952 and 1973, the province of Saskatchewan gradually began to integrate Indian and Métis families into emerging child welfare programs. Provincially delivered child welfare services were idealized as a means of socializing both families and children to voluntarily accept the roles and responsibilities of citizenship through adjusting personal outlooks and attitudes to embrace Euro-Canadian gender roles, educational aspirations, and employment patterns. It was believed that this outcome could best be achieved through professionally managed transracial adoptions. Realistically, these services never achieved the outcomes promised. Child welfare for Aboriginal children primarily operated as child removals in extreme cases of neglect with the occasional adoption of Native children. Federal and provincial law came into conflict over women's reproductive choices, with women often losing their children to the provincial welfare department. Gendered and racialized laws intersected, severing familial and tribal ties for involuntarily enfranchised women and children as social workers became responsible for enforcing the logic of elimination on behalf of the Federal Government. The extension of provincial child welfare legislation to Indian people primarily meant that Indian parents came under a legal regime that criminalized their many perceived deficits. For both Indian and Métis people in Saskatchewan, the long history of military, economic, and social suppression were ignored which left traumatized families to struggle to maintain their integrity and raise their children. For some, adoption and fostering offered the opportunity to stabilize personal situations that included abuse, violence, homelessness, abandonment, and poverty. The system rarely looked sympathetically upon struggling Indian and Métis families, and compared them unfavourably with more stable state-selected families.

The Adopt Indian and Métis Project shared many characteristics with early nineteenth-century child rescue movements in Britain and North America. The imagery of the vulnerable child in need of rescue through permanent adoption homes appealed to many families in Saskatchewan who had a genuine interest in providing loving homes to children who needed them. The commercials, radio and newspaper ads, constructed children as “normal, healthy, and mostly happy children except for the fact they did not have parents and distinguishable from other children only by the fact they were of Indian or part-Indian ancestry.”¹⁴⁴ In reality, many of the children did have parents, and their ethnicity as Indian or part Indian mattered a great deal more than the advertising indicated. As was increasingly apparent, the department acknowledged that many Indian and Métis children in care “were found to have a medical, mental, genetic or social problems other than that associated with age or racial origin.”¹⁴⁵ The troubling pasts of the children were not erased with a change in birth certificate and removal from their birth homes. Social welfare experts hoped that adoptive parents could “disassociate the handicap from their child’s racial identity and assist the child and community in differentiating between the racial identity and the handicap.”¹⁴⁶ The promise of Euro-Canadian methods of child welfare service, and adoption in particular, proved elusive and demanded increasing investment and perhaps a change in focus. The Métis Society and the SNWM rejected the tropes used in the commercials and demanded a say in the creation of policies for Indian and Métis children. Claims made by newspapers and commercials whitewashing the experiences of poverty, racism, and neglect of

¹⁴⁴ Some guidelines: re: Adopt Indian Métis Change in Focus, File I-49 Adopt Indian and Métis Program, R-935 Saskatchewan Department of Social Services, SAB.

¹⁴⁵ *Ibid.*

¹⁴⁶ *Ibid.*

Indian and Métis people demanded a response. The ongoing engagement by Aboriginal activists and leadership represents the counter narrative of child rescue.

Aboriginal child welfare did not become a national topic until scholars began to tabulate the numbers of actual children across Canada in the care of social service agencies.¹⁴⁷ Combining the statistics from provincial agencies with those kept by the Indian Affairs Branch, a startling trend began to emerge. From 1973 to 1980, the numbers of Aboriginal children coming into care escalated until, in Saskatchewan, Métis and Indian children hovered around 63 percent of all child welfare cases.¹⁴⁸ Indian Affairs kept careful track of the numbers of Indian children adopted, whether into white homes or Indian homes. Transracial adoption of Indian children took place in 91 percent of cases in 1977, but went down to 80 percent in 1981.¹⁴⁹ Social scientist Patrick Johnston termed this process the “Sixties Scoop,” referring to the decade in which Aboriginal children became the majority population of the child welfare system in British Columbia. The following chapter will address the way in which Indian leadership in Saskatchewan responded to this information, drawing on cross-border affiliations and activating transnational indigenous networks of activists who had worked to curb similar trends in the US

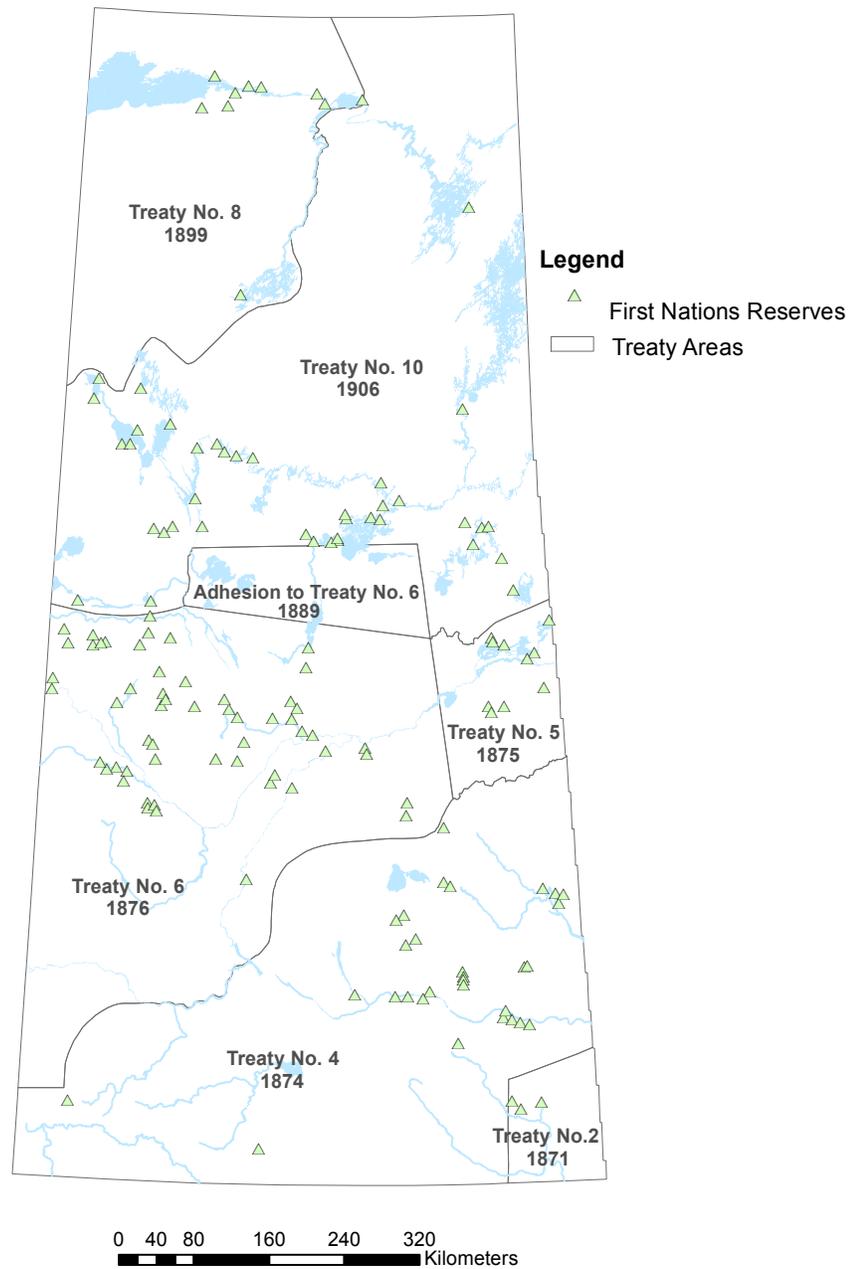
¹⁴⁷ “Chapter 8: Native Children in Care,” in H. Phillip Hepworth, *Foster Care and Adoption in Canada* (Ottawa: The Canadian Council on Social Development, 1980) was followed by Patrick Johnston, *Native Children and the Child Welfare System*, The Canadian Council on Social Development (Toronto: The James Lorimer and Company Publishers, 1983).

¹⁴⁸ Johnston, Table 12, 39.

¹⁴⁹ Johnston, Table 13, 40.

Map 4.1

First Nations Reserves and Treaty Boundaries, 1871-1906



Map created by Cheryl Troupe, Historical GIS Laboratory, University of Saskatchewan
www.hgis.usask.ca NAD 1983 UTM 13N June 2014

CHAPTER 6. Vibrations across a Continent: Saskatchewan's Review of the Family Services Act (1973), the 1978 Indian Child Welfare Act, and Adoption/Apprehension ¹

On September 14, 1983, the Honourable Gordon Dirks, Minister of Social Services in Saskatchewan, addressed the Peyakowak Committee in Regina, stating, "I am today establishing a Ministerial Advisory Council consisting of experienced community individuals and experts in the area of child and family services. I shall be directing this council to hold public meetings and receive public opinion, and to review legislative and policy themes."² Dirks was responding to calls from many segments of the community for a public inquiry into the death of a toddler in a Saskatchewan foster home and an examination of the general state of Aboriginal child welfare in Saskatchewan. For the past year, the Peyakowak Committee had been raising awareness about the high proportion of Native children in the care of Social Services. In addition, it had vocally questioned the quality of care provided by the Department of Social Services. The advisory council was an act of compromise between the Saskatchewan government and the Peyakowak Committee, who had called for a provincial inquiry along the lines of the inquiry that had taken place in Manitoba.³ During the meetings held in Saskatchewan's three major cities, the council highlighted the views of many within the Aboriginal community who were dissatisfied with the

¹The chapter was first published as an article in a special edition of *American Indian Quarterly* 37, no. 2 (Spring 2013). Permission has been granted to include it in this dissertation.

² Minister's Advisory Council on Child Protection, Family Services Act Review; submitted to the Honourable Gordon Dirks, Feb. 1984, 3.

³The Manitoba provincial government initiated the Kimelman Inquiry, led by Judge Kimelman, to look into the high rates of transracial adoption of Aboriginal children into the US. The published findings, *No Quiet Place: Final Report to Honourable Muriel Smith Minister of Community Services*, Review Committee on Aboriginal Adoptions and Placements, 1985, identified the cultural bias throughout all levels of the child welfare system that worked to strip Aboriginal people of their rights to survive as a people. From the *Report of the Aboriginal Justice Inquiry of Manitoba*, accessed June 26, 2014, <http://www.ajic.mb.ca/volumel/chapter14.html>.

state of child welfare and adoption in the province. During the first part of the 1980s, a growing chorus of Canadian First Nations and Métis leaders and activists began to resist the logic of the child welfare system, joined by supportive members of the white academic community.

Following the failure of the 1969 Liberal White Paper, attitudes toward Canada's First People underwent a significant transformation. By 1980 tangible gains- both legally and socially-were visible.. The movement toward Aboriginal self-government was strengthened in large measure by the protections afforded Aboriginal rights in the Constitution Act, 1982, and a broadened definition of Aboriginal peoples to include "Indian, Métis and Inuit."⁴ This in turn led Aboriginal leaders to consider the role of child rearing in articulating and defining "existing Aboriginal rights." As had been the case in the US with the passage of the Indian Child Welfare Act, 1978, child placement decisions and the strengthening of the Indian family were fundamental areas Native American tribes sought to reclaim in the larger movement for political and social self-determination. From 1980 to 1984, the common sense business of transracial adoption and apprehension that had continued in Saskatchewan despite the Native Women's Movement's resistance and the Métis Society's challenge came under attack, bolstered by the success of Indian people south of the border, and the positive climate for human rights activism in Canada.

International, national, and local factors shaped the articulation of child welfare issues that became prominent in the public discussions surrounding Saskatchewan's review of the Family Services Act. Indian activists and their supporters in the US had recently scored a legal victory for Indian families that sent vibrations across the continent. Indian legal scholars in

⁴ The clause in the Constitution Act, 1982, states, "The existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed." From J.R. Miller, *Skyscrapers Hide the Heavens* (Toronto: University of Toronto Press, 2000), 350.

Canada immediately seized the possibilities afforded by the recently drafted national legislation in the US entitled the Indian Child Welfare Act (1978), which gave tribal courts jurisdiction over the placement of Indian children. ICWA legislation provided Canadian scholars and First Nations with a framework for articulating a position on child welfare jurisdiction as part of the larger goal of self-government. The second force shaping the discussion in Saskatchewan was the national movement for self-government among indigenous people in Canada.

Simultaneously, there was growing awareness of Indian and Métis children removed from parents through provincial child welfare legislation. The inclusion of Aboriginal peoples and Aboriginal rights in the Constitution of Canada succeeded in creating an “uneasy and undefined relationship with the colonizing state.”⁵ Crafting a unified national strategy on child welfare was one area where Indian and Métis rights activists asserted their pre-existing rights. Lastly was the development of the Peyakowak.⁶ In Saskatchewan this diverse activist organization brought together both Aboriginal and non-Aboriginal community members organized around challenging the power and legitimacy of the Department of Social Services. The discourse that took shape in Saskatchewan around transracial adoption reflected the intersection of local, national, and international knowledges shaped by the settler colonial historical context of indigenous child removal policies.

Absent from discussion of child welfare and transracial adoption was any recognition of the gendered constraints experienced by Aboriginal women or the impact of gendered policies affecting the Aboriginal family. Adoption occupied a marginal space in the public hearings but

⁵ Joyce Green, “Balancing Strategies: Aboriginal Women and Constitutional Rights in Canada,” in *Making Space for Indigenous Feminism* (Black Point: Fernwood, 2007), 142.

⁶ The term “Peyakowak” is derived from the Cree term meaning “They are alone,” referring to the children that are removed from their families and communities.

was a primary concern for Aboriginal leaders who sought control over Indian Child Welfare. Through looking at the published hearings from the ICWA, the printed report of the advisory council for the Family Services Act (1973), and the Indian Control of Indian Child Welfare document produced by FSIN (Federation of Saskatchewan Indian Nations), transracial adoption came under fire, as Indian leaders demanded the right to define indigenous kinship, adoption, and citizenship as an aspect of self-government.

Two publications drew the plight of Aboriginal children to the attention of the academic and activist communities in Canada, providing irrefutable evidence for what Aboriginal peoples had been claiming for decades. First, H. Philip Hepworth published *Foster Care and Adoption in Canada* in 1980, devoting a chapter to the anomalous situation facing Indian children in Canada, who were simultaneously underserved by child welfare services, yet overrepresented in foster and adoption homes.⁷ Shortly thereafter, Patrick Johnston published *Native Children and the Child Welfare System*, scrutinizing Indian child welfare on a province-by-province basis and examining the various factors contributing to the dismal record providing welfare to children since 1951. Saskatchewan had the dubious distinction of the highest percentage of children in the care of Social Services and the Department of Northern Development. Between 1976 and 1981, Native children ranged between 62.8 percent and 63.8 percent of all children in the care of social services.⁸ Transracial adoption was given a prominent place in Johnston's analysis because it was so problematic. In 1977, 91 percent of Indian children were adopted by Non-Indian families; by 1981 that had dropped to 80.5 percent. The percentages do not tell the whole

⁷ H. Phillip Hepworth, "Chapter 8: Native Children in Care," in *Foster Care and Adoption in Canada* (Ottawa: The Canadian Council on Social Development, 1980): 111-121.

⁸ Numbers taken from Table 11, in Patrick Johnston, *Native Children and the Child Welfare System*, The Canadian Council on Social Development (Toronto: The James Lorimer and Company Publishers, 1983), 37.

story, though. The total number of children adopted in 1977 was seventy-eight; in 1980 the number was eighty-three. In 1977, the total number of status children in care was 573, and by 1980 it had risen to 789. As a percentage of the total status Indian population, in 1977, 14 percent of Indian children in care were adopted, and in 1980 it was 11 percent. As a percentage of the total outcome for Indian children who entered into the care of the Department of Social Services, Indian children often remained in foster care, but when adopted, primarily went into the homes of Euro-Canadians.

In Saskatchewan, the struggle taking shape over control of Indian child welfare emerged in a political climate that was more receptive to the political activism of Indian people than at any time previously. The passage of the Indian Child Welfare Act (1978) in the US, a major victory of Native American families, influenced how Indian and Métis leaders, as well as non-Indian scholars and activists, approached the political, cultural, and legal understanding of over-representation of Aboriginal children in Saskatchewan's child welfare system. The legislative approach to resolving the issues of child welfare, while an essential component for restoring indigenous people's rightful role in caring for their children, submerged other potentially liberating approaches offered by Aboriginal women at this time. Undertaking a comparative history of this period offers one the opportunity to interrogate circuits of knowledge production, governing practices, and indirect as well as direct connections in the political rationalities that supported racial distinctions as well as worked to eliminate them.⁹

In both Canada and the US, transracial adoption of Indian children into white homes increased from the post-war period onward. In the U.S., transracial adoption of Native American infants into white homes was stimulated in large part through the Indian Adoption Project (IAP)

⁹ Ann Laura Stoler, "Tense and Tender Ties: The Politics of Comparison in North American History and (post)Colonial Studies," *The Journal of American History* 88, no. 3 (2001), 844.

that ran from 1958-1967. The special adoption program, operated by the Child Welfare League of America (CWLA), with the financial assistance of the federal Bureau of Indian Affairs (BIA), sought to provide adoption placements for the Indian children who, according to project director Arnold Lyslo, were “‘the forgotten child,’ left unloved and uncared for on the reservation without a home or parents of his own.”¹⁰ The IAP began as a demonstration project to encourage transracial adoption by establishing an inter-state adoption exchange between state and county welfare agencies and two eastern adoption agencies, the Louise Wise Services of New York City and the Children’s Bureau of Delaware. The project initially targeted the western states of Arizona, Montana, Nevada, North Dakota, South Dakota and Wyoming, due to their large American Indian populations. It focused on Indian children of one-quarter or more degree of Indian blood, who were considered to be “adoptable,” both emotionally and physically.¹¹ The exchange program, removing Indian children from reservations and regions to faraway families in urban areas, was felt to be necessary due to the recognition that the prejudice against minority children was always strongest closest to their home communities.¹²

By 1967 the success of the IAP was clear. It had not only stimulated transracial adoptions of Indian children in faraway regions, but also led to interest in Indian adoption in nearby states and communities. From 1967 onward, the CWLA developed a transnational exchange, which included children and potential adoptive families from both Canada and the US, entitled the Adoption Resource Network of America (ARENA). Using the same logic as the IAP, social work professionals believed that greater geographical distance between children and

¹⁰ Arnold Lyslo, “Adoptive Placement of American Indian Children with Non-Indian Families, part 1, “The Indian Adoption Project,” *Child Welfare: Journal of the Child Welfare League of America*, (May, 1961), 4.

¹¹ *Ibid.*, 5.

¹² Karen Balcom, “The Logic of Exchange: The Child Welfare League of America, The Adoption Resource Exchange Movement, and The Indian Adoption Project, 1958-1967,” *Adoption and Culture* 1, no. 1 (2007), 7.

racially intolerant communities would “help overcome the uneven availability of homeless children and suitable adoptive families that now exist throughout the country.”¹³ Professionals working in transracial and transnational adoptions in the US and Canada believed that the creation of an international exchange was a necessity for children handicapped by either race, family situation, or physical and mental disability. For Indian and Métis children from Canada, it was hoped ARENA would “by-pass the regional prejudices that prevent many homeless children from being adopted.”¹⁴

The IAP eventually resulted in the adoption of 395 Indian children in twenty-six states and one territory by fifty agencies throughout the US. The majority of children came from South Dakota (104) and Arizona (112), with the rest fairly evenly split between the other fourteen states.¹⁵ By the end of the project, Lyslo proudly stated that “one can no longer say that the Indian child is the ‘forgotten child,’ as was indicated when the Project began in 1958.”¹⁶ Stimulation of adoptions brought about by favourable national media representations encouraged 5,000 prospective parents to enquire into adopting an Indian child. Positive “sentiment for our first Americans” in eastern US communities, according to Lyslo, stimulated by the adoption exchange, “caused social agencies in the child’s home states to take a ‘new look’ at the Indian child’s adoptability. The end result was that many more Indian children are being placed for

¹³ Child Welfare League of America, “America’s Social Frontier: A National Adoption Exchange?” in *Current*, (August 1966), 57.

¹⁴ *Ibid.*

¹⁵ Indian Adoption Project 1958-1967: Report of Its Accomplishments, Evaluation and Recommendations for Adoption Services to Indian Children, Child Welfare League of America Archives, SW0055 Series 2.2, Adoption, Indian Adoption Project, Box 17, Folder 4, Adoption-Report, Social Welfare History Archives, University of Minnesota.

¹⁶ *Ibid.*

adoption in their own state.”¹⁷ The appeal of the Indian adopted child had reached a level in South Dakota that the BIA social worker stated, “Here in South Dakota these activities have expanded to such an extent that we really no longer consider the Indian infant a hard-to-place child.”¹⁸

The establishment of the IAP came about during the height of American “termination” policies in Indian Affairs. The Cold War era fears of communism sparked a rethinking of the previous reforms undertaken during the 1930s by Commissioner John Collier. Termed the Indian “New Deal,” the Bureau of Indian Affairs had reversed its decades-long policies of assimilation and provided support for Indian self-determination during the 1930s.¹⁹ After World War II, under Dillon S. Myer, formerly the director of the War Relocation Authority responsible for the removal and internment of Japanese-Americans, the policy of assimilation was restored. Termed “termination,” the newest program sought to have Indian people leave reservations, phase out the Bureau of Indian Affairs, and have states provide all services that non-Indian individual Americans had access to.²⁰ Similar to Canada’s revisions to the Indian Act (in 1951), the US Congress passed Public Law (PL) 280 in 1953. This legislation gave states jurisdiction over civil and criminal matters on reservations including family law.²¹ The BIA also introduced a “relocation” program known to Indian people as the second “Trail of Tears.” The program

¹⁷ Ibid., 6.

¹⁸ Ibid.

¹⁹ Brian Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy* (Lawrence: University Press of Kansas, 1982), 336.

²⁰ Ibid., 338.

²¹ Laura Briggs, *Somebody’s Children: The Politics of Transracial and Transnational Adoption* (Durham: Duke University Press, 2012), 71.

encouraged Indian people to move from segregated reservations to urban areas in order to be integrated as just another minority in US society. The intended goal of termination policies was the liberal idea to eliminate the barriers that stood in the way of individuals accessing education and jobs. Eventually, it was believed, that Indian people would cease to be a separate legal and cultural entity within American society.²²

The Indian Adopt Project drew upon pre-existing child removal logic that had made boarding schools the solution to Indian education. This was despite the fact that boarding schools produced poor outcomes for Indian children.²³ In the boarding school era, the entrenched belief among the white public and policy makers was that the Indian family constituted a threat to the wellbeing of Indian children. This deeply held belief enabled white women reformers in the US, who used their privileged race and social position, to act as teachers and moral reformers in the operation of Indian Affairs. As Margaret Jacob writes of the early twentieth-century Progressives, “White women reformers often claimed that they could transform indigenous homes and thereby solve the so-called Indian or Aboriginal problem simply by teaching girls middle-class domestic skills.”²⁴ Through removing children from parents and homes where tribal knowledge, kinship relationships, and collective memories were shared, new subjectivities and sensibilities could be cultivated that would align Indian children

²² Dippie, 342.

²³This point is made by Margaret Jacobs, “Remembering the Forgotten Child: The American Indian Child Welfare Crisis of the 1960s and 1970s,” *American Indian Quarterly* 37, no. 1-2 (Winter/Spring 2013): 145. The Meriam Report, produced in 1928, found the children taught in Bureau boarding schools “ill fed, overcrowded, unhealthy, poorly taught, unduly regimented, and still obliged to contribute too much labour to keep the institutions going.” Christine Bolt, *American Indian Policy and Reform: Case Studies of the Campaign to Assimilate the American Indians* (London: Allen and Unwin, 1987), 234. While changes to the schools came about, they continued to operate well into the twentieth century.

²⁴ Margaret Jacobs, *White Mother to a Dark Race: Settler Colonialism, Maternalism, and the Removal of Indigenous Children in the American West and Australia, 1880-1940* (Lincoln: University of Nebraska Press, 2009,) 305-6.

with surrounding settler communities. The shift from the public maternalism of first-wave feminist reformers in federal boarding school, to the individualized private mothering in private homes reflected changing notions of American motherhood. Similarly, transracial adoption afforded white women the opportunity to inculcate the Euro-American social and cultural sensibilities in Indian children. New methodologies enabled urban, white middle-class women to continue to participate in providing a solution to the problem of Indian poverty.

The Indian Adoption Project came at a time when American Indian policy shifted intensely towards terminating Indian tribal affiliations through urbanization and integration in an era when American culture strongly embraced privatized solutions to all manner of complex and troubling problems.²⁵ Extending “modern adoption” to Indian children, the most intimate form of integration, required selling its possibilities to both tribal councils and Indian mothers. Prior to its establishment, Lyslo first canvassed several Indian reservations and four national Native American organizations to gauge Indian attitudes toward adoption of children into non-Indian families. While some groups, such as the Shoshone, Navajo, Winnebago, and some of the Sioux, had on occasion allowed off-reserve adoption, the Apache and Mojave strongly asserted their desire to have children remain within their own communities.²⁶ Lyslo was confident that once the superiority of such an approach had been demonstrated, with faith and good will, “those tribes now opposed to the adoption of Indian children by white families will acquiesce.”²⁷

²⁵ The familial consensus, essentially a belief that the greatest expression of American freedom was through the ideal family of the breadwinner father and homemaker mother, in the post-war era, was meant to allay anxieties over nuclear proliferation and Cold War militarism; Elaine Tyler-May, *Homeward Bound: American Families in the Cold War Era* (New York: Basic Books, 1988), 27.

²⁶ Lyslo, 5; Balcom also draws attention to Lyslo’s paternalism in Balcom, *Logic*, 18.

²⁷ *Ibid.*

Although Lyslo had taken the time to consult with Indian leaders, their concerns were not taken seriously, nor were their desires to support tribal adoption considered.

The other prerequisite before transracial adoption could reach its full potential was to fashion single Indian mothers into the unwed mothers of social casework, and children, as illegitimate children. Social workers needed to re-evaluate their approach to reservation women and children. This meant that Indian mothers would have to accept the casework services of social workers that pathologized Indian marriages and families, and sceptical social workers would have to envision Indian children as in need of adoption. While the BIA had employed social workers on Indian reservations, few had thought Indian mothers and children could benefit from adoption services since few white families considered Indian children as potential family members. In 1961, Stella Hostbjor, a social worker with the BIA at the Sisseton Indian Agency, published her experiences (alongside Lyslo's first account of the IAP) in *Child Welfare*. Culturally and socially, Indian unmarried mothers presented a series of issues that added complexity for social workers attempting to offer typical unmarried-mother services as they would for an unwed white mother. She wrote:

The transition from the old kinship system to a nuclear family has meant less control over family relationships and a great increase in family breakdown. There are many stable marriages which may be legal or so-called "Indian custom." However, there are also many casual and temporary relationships which do not offer satisfaction or security to the couple involved or the children born to them. The members of this group do differentiate between a legal marriage, a true Indian custom marriage, and a temporary relationship, and are critical of the last. However their disapproval is not consistent enough or strong enough to be much of an influence. Since the state does not recognize the common law marriages all children born as a result of those temporary relationships or Indian custom are considered illegitimate.²⁸

While the unmarried Indian mother was certainly influenced by her culture, the social position she occupied as a result of her race, and poverty, Hostbjor nonetheless felt that "we see her needs

²⁸ Stella Hostbjor, "Social Service to the Indian Unmarried Mother," *Child Welfare* (May 1961), 7.

as being basically the same as those of other unmarried mothers, but her personality, experiences and cultural patterns, do create differences.”²⁹ One of the primary differences between the white unwed mother and the Indian unwed mother was the cultural perception of illegitimacy. Rather than a profound family crisis, as in white middle-class families, Indian families and communities were “very permissive and accepting.”³⁰ There was little evidence of families rejecting children born out of wedlock. Unlike white families, children were fully accepted and “we never hear a disparaging tone or term used in speaking of the child, and we seldom hear anyone speak of him with pity because he is a fatherless child.”³¹ Motherhood without marriage was not seen to be a handicap for either the mother or the child.

The positive gloss placed on incredibly complex cultural and social issues continued unabated in Child Welfare League publications. Agencies responded to the opportunities presented to assist Indian children since, as May J. Davis, the supervisor from the Children’s Bureau of Delaware wrote, “all Americans feel a certain sense of guilt about our treatment of the Indian and so we were glad of the chance to do something concrete to offset our nebulous sense of shame.”³² White families interested in adoption were assured that the children placed with them had been faced with a life of degrading poverty with little hope for future happiness. Davis, after a tour of two reservations, offered her perspective on the advantages of adoption for these children,

²⁹ Ibid.

³⁰ Ibid., 8.

³¹ Ibid.

³² May J. Davis, “Adoptive Placement of American Indian Children with Non-Indian Families: Part II,” *Child Welfare*, (June 1961), 12.

Since most children placed for adoption were born out of wedlock, perhaps it is also true that my knowledge is gathered from families with a degree of social pathology. Within these limits I have formed a few rather clear impressions of the Indian on the reservation. I have the sense that for many Indians living on a reservation, there is a dead-end quality and humdrumness to their existence which transcends any ability or wish to accomplish or achieve. The soporific quality of life on a reservation must have some bearing on the fact that, among the families of our children, heavy drinking seems to be the rule rather than the exception.³³

The IAP successfully aligned the interests of middle-class families, state social service providers, and the federal government through professional adoption technologies undermining tribal governments and family ties and negating the possibility for identifying actual economic and social needs of Indian people.

While the CWLA through the IAP stressed the importance of high social work standards and application of proper legal adoption channels in transracial adoptions, these standards were not applied in many instances of Indian transracial adoptions. Evidence emerged that Indian mothers and children had become incredibly vulnerable to the heavy-handed tactics of social workers. Similar to the situation in Canada, the passage of the 1953 law making reservations subject to state civil and criminal law brought a dramatic increase in Indian children in the cases of child welfare agencies. By 1968, one tribe had all its children living in out-of-home care.³⁴ Poverty, racial and gendered characterizations of Indian unfitness, and the intergenerational effects of colonial trauma rendered Indian families and children vulnerable to the social welfare interventions aimed at rescuing children from the dire futures social workers believed awaited them if left on reservations.

³³ *Ibid.*, 15.

³⁴ Briggs, 72.

In response to an Indian family from South Dakota who had their children illegally removed, the Association on American Indian Affairs (AAIA) began to collect evidence to determine the extent of child removal practices in the US.³⁵ Through a national survey utilizing the numbers provided by the BIA, the AAIA demonstrated that many Indian children were growing up in white foster and adoptive homes, or in faraway boarding schools. The AAIA became a driving force behind the politicization of transracial adoption and Indian child welfare in the United States in the 1970s. When inquiring further into this incident at Devil's Lake Reservation in South Dakota, they discovered that one fourth of all this reservation's children were living elsewhere. The tribal council strongly resisted the removal of children and invited the AAIA to assist in fighting this trend.

In addition, the AAIA was asked to conduct a statistical survey for the American Indian Policy Review Commission taking place in the US in 1968 to determine the number of Indian children living out of their homes across the nation. Their report provided state by state breakdown of the rates of children that had been apprehended and placed by social service agencies in non-Indian homes. The AAIA found that children were being removed from their families at rates far beyond their proportion of the population in many states across the continental US and Alaska, where as many as 25-35 percent of children had been removed.³⁶ This removal included boarding schools, foster homes, adoptive homes, and other child-care institutions.³⁷ The statistics were merely a cold and quantifiable launching for the tragic human

³⁵ Ibid., 77.

³⁶ Briggs, 79.

³⁷ One example: In South Dakota, one out of every 9.9 children were in adoptive or foster homes as compared to one out of every 27.2 non-Indian children; "Indian Child Welfare Act of 1977. Hearing before the United States Select Committee on Indian Affairs, Ninety-Fifth Congress, First Session, on S-1214, to establish

story that was unfolding. Published by the AAIA in their “*Indian Family Defense*,” Native American people and experts began a process of exploring the meaning and significance of those numbers.

The Association on American Indian Affairs (AAIA) originated in 1922 as the Eastern Association on Indian Affairs to support the New Mexico Pueblo Indians. Made up of Euro-American members from New York, they lobbied in support of issues related to the well-being of tribes throughout the United States. William Byler was president of the AAIA from 1962 to 1980, the period in which the child welfare crisis came to light. As one member of the AAIA, Mr. Ortiz, expressed it in 1973, "The Association had set as its major and immediate goal the comprehensive implementation of Indian self-determination in all its aspects.... American Indian people today are at a crossroads in their destiny; the Association stands ready to help insure that Indian people themselves ultimately determine that future."³⁸

To bring national attention to the Indian child welfare crisis, the Association on American Indian Affairs successfully mobilized a wide range of supportive cross-disciplinary friends, and published their findings in the bulletin, *Indian Family Defense*. Most critically, the organizing of the AAIA caught the attention of legislative aide Sherwin Broadhead, who had attended a child welfare strategy meeting sponsored by the Association in January 1974.³⁹ Senator James Abourezk (D-SD), chair of the Senate Subcommittee on Indian Affairs, invited the AAIA and

Standards for the Placement of Indian Children in Foster or Adoptive Homes, to Prevent the Breakup of Indian Families, and For Other Purposes” (Washington: United States Government Printing Office, 1977), 592.

³⁸ Princeton University Library, Mudd Manuscript Library, Association on American Indian Affairs Fonds, 1851-2010; summary information, History of Association on American Indian Affairs, accessed April 20, 2009, <http://diglib.princeton.edu/ead/getEad?id=ark:/88435/z316q159f>.

³⁹ Association on American Indian Affairs, *Indian Family Defense: A Bulletin of the Association on American Indian Affairs*, no. 2 (Summer 1974).

Native American peoples to attend its meetings in Washington DC in April to provide testimony about the Indian child welfare crisis. Once there, Native American peoples had the opportunity share their experiences of suffering at the hands of the system(s) to the public record.

At the subcommittee hearings, Indian women told of the forceful removal of their children without any reasonable grounds. One witness stated, “On many reservations the most feared person in the community is the welfare worker.”⁴⁰ Another stated that when they saw the welfare worker, “the children ran into the rooms and hid under the bed”⁴¹ Stories recounted by Native American peoples from across the United States highlighted the aggressively coercive actions of police and social workers. These remarks echoed similar stories of children being removed from communities to be placed in residential schools in other settler-colonial nations.⁴² One example from a former residential school survivor testified to the impact of removal and the commensurate powerlessness experienced by family members. She recalled, “The mothers and grandmothers cried and wept, as mine did, in helplessness and heartache. There was nothing, absolutely nothing they could do as women, to reverse the decision of the ‘Department.’”⁴³ Indian people interpreted the action of police, social workers, and government officials as a continuation of the policies of assimilation pursued through the residential school system. As one submission to the Senate Select Committee stated, “In the past, it seems as though the public

⁴⁰ *Indian Family Defence*, no. 2 (Summer 1974), 1.

⁴¹ *Ibid.* In the spirit of comparative history, in a recent discussion with a First Nations friend, he also recalls as a child hiding under the bed with his siblings when the social worker knocked on the door if they were absent from school.

⁴² Such stories can be read in publications such as J.R. Miller, *Shingwauk’s Vision: A History of Native Residential Schools* (Toronto: University of Toronto Press); Margaret D. Jacobs, *Settler Colonialism, Maternalism, and the Removal of Indigenous children in the American West and Australia, 1880-1940* (Lincoln: University of Nebraska Press, 2009).

⁴³ Andrew Armitage, *Comparing the Policy of Aboriginal Assimilation* (Vancouver: UBC Press, 1995), 110.

and private welfare agencies have operated on the premise that Indian children would have greatly benefited from the experience of growing up non-Indian. This premise has resulted in the abusive practices of removal of Indian children from their families, and has contributed to what many Indians and non-Indians have called “cultural genocide” of Indian people and Tribes.”⁴⁴ The AAIA believed Indian children were removed from communities and families at a shockingly high rate due to the unrealistic judgments of white middle-class social workers, lack of attention to due process, and the state of poverty caused by colonization.⁴⁵

Biases against Indian families, combined with the concept of the pathological-unfit Indian mother, shaped responses to issues of child neglect and Aboriginal forms of childcare. One research project reported by the AAIA gives an example that Indian people were denied preventative services on the basis of race. A study comparing white families and families of Indian ancestry who approached social agencies in Minnesota between 1956 and 1971 for aid for deteriorating family situations such as unemployment, strife, alcoholism, or spousal death or separation revealed that Indian families routinely had their children removed as a solution.⁴⁶ Whereas a more appropriate response might have been counselling services, the provision of homemaking services, or financial assistance, as white families received, Indian families ended up fragmented and dispersed.

⁴⁴ Submission: National Indian Health Board Indian Child Welfare Act, hearing before the United States Senate Select Committee on Indian Affairs, Fifty-Fifth Congress, First Session, on S. 1214 (Washington: 1977), 320.

⁴⁵ Steven Unger, ed., *The Destruction of American Indian Families* (New York: The Association on American Indian Affairs, 1977), 2-8.

⁴⁶ Joseph Westermeyer, “The Ravage of Indian Families in Crisis” in *The Destruction of American Indian Families*, ed. Steven Unger (New York: American Association on American Indian Affairs, 1977), 53.

Negative perceptions of Aboriginal women and indigenous gender relations have historically justified the coercive actions of the professionals working on behalf of the state, whether doctors or social workers.⁴⁷ Powerful pronouncements by middle class medical professionals characterized Aboriginal women as detrimental to the health and mortality of their children.⁴⁸ The Native American women who testified in front of the Senate Subcommittee recounted the coercive and incoherent actions of social workers. In one example, Cheryl Spider DeCoteau, a twenty-three-year-old member of the Sisseton-Wahpeton Sioux Tribe, had to defend the right to parent her children after they had been removed because she had left them with her mother. After the birth of her second child, welfare workers hounded her until they finally obtained her child for adoption.⁴⁹ Other examples contained in the AAIA publication involve women being subjected to involuntary sterilizations in addition to surveillance from welfare workers.⁵⁰ At the Lac de Flambeau Reservation, there were two examples reported of women being sterilized in exchange for not having their children removed, then having them removed anyway.⁵¹ Sterilization child removal policies operated as parallel strategies to reduce Indian populations. The right to Aboriginal motherhood, and the right to define what Aboriginal

⁴⁷ There is a growing body of literature that is beginning to balance out the representation of Native American women. Long overdue, women's roles and power within their own communities are coming to light to challenge the Euro-American stereotypes of the "squaw" or "Indian princess." Laura F. Klein and Lillian A. Ackerman, eds., *Women and Power in Native North America* (Norman and London: University of Oklahoma Press, 1995), 5.

⁴⁸ Mary Ellen Kelm, "Diagnosing the Discursive Indian, Medicine Gender and the 'Dying Race,'" *Ethnohistory* 52, no. 2 (Spring 2005): 390.

⁴⁹ American Association on Indian Affairs, *Indian Family Defense: A Bulletin of the Association on American Indian Affairs*, no. 2 (Summer 1974).

⁵⁰ This topic is examined in greater detail in Jane Lawrence, "The Indian Health Service and the Sterilization of Native American Women," *American Indian Quarterly* 24, no.3 (Summer 2000): 400-415.

⁵¹ *Ibid.*

motherhood entailed emerge from the history of state intervention into families through resistance narratives of women who organized to challenge social workers' construction of the unfit Indian mother⁵²

In highlighting these women's experiences at the hands of social workers, one cannot conclude that Aboriginal women did not exercise agency in negotiating with the child welfare services. As Devon A. Mihesuah points out, "There was and is no such thing as a monolithic, essential Indian woman."⁵³ However, the rights of Indian tribal entities to determine the best interests of children took precedence over the need for private adoptions for Indian women. During the hearings, the issue of women's desire for privacy was brought to the attention of the committee by Mr. Butler, representing the BIA. He opposed the legislation creating placement standards, such as section 101(c), as invasion of the privacy of unwed mothers who sought to have their children adopted without the knowledge of their community.⁵⁴ Likewise, the issue of privacy concerned the representative from ARENA, the organization most responsible for arranging the adoption of Indian children in this period, asserting, "Our organization stands for the concept that every child has the right to a permanent nurturing family of his own."⁵⁵ She

⁵² Randi Cull, "Aboriginal Mothering under the State's Gaze: Motherhood," in *Until Our Hearts Are on the Ground: Aboriginal Mothering, Oppression, Resistance and Rebirth*, ed. D. Memee Lavell-Harvard and Janette Corbiere Lavell (Toronto: Demeter Press, 2006), 153; Marlee Kline, "Complicating the Ideology of Motherhood; Child Welfare, Law and First Nation Women," *Queen's Law Journal* 18 (1993), 306; Patricia Monture, "A Vicious Cycle: Child Welfare and First Nations," *Canadian Journal of Women and the Law* 3 (1989-90): 1-17.

⁵³ Devon A. Mihesuah, "Commonality of Difference: American Indian Women and History," in *American Indians in American Indian History, 1870-2001: A Companion Reader*, ed. Sterling Evans (Westport: Praeger, 2002), 168.

⁵⁴ Statement of Raymond V. Butler, Acting Department Commissioner of Bureau of Indian Affairs, Indian Child Welfare Act of 1977, hearing before the United States Select Committee on Indian Affairs, 95th Congress, 1st Session, on S. 1214 to Establish Standards.

⁵⁵ ARENA Submission: Mary Joe Fales, Project Director. Indian Child Welfare Act of 1977, hearing before the United States Select Committee on Indian Affairs, 95th Congress, 1st Session, on S. 1214 to Establish Standards.

voiced concern that children could become caught up in a lifetime of temporary care. By comparison with “experience and research shows us that transracial adoptive placements can produce stable adults with a sense of ethnic identity.”⁵⁶ She also feared that the drafted legislation would invade the rights of parents to choose care for their children. Despite the concerns of the bureau and ARENA representatives, the *Indian Child Welfare Act (1978)* placed the jurisdiction for adoptions under tribal courts. Tribal courts were empowered to weigh the questions of permanency and privacy against the needs of families and children.

The AAIA drafted a bill entitled the Indian Child Welfare Act(1976) to address the following five perceived issues at the root of the removal of Indian children from their homes and communities: first, that parents did not understand the nature of the court proceedings; second, lack of legal representation or awareness of rights; third, lack of knowledge and respect for Native customs; fourth, a lack of reasonable grounds to remove children; and finally, the failure to consult tribal governments about the proceedings.⁵⁷ The resultant Indian Child Welfare *Act*, passed in 1978, acknowledged the “special relationship between the United States and the Indian tribes and their members and the Federal responsibility to Indian peoples” based on Article I, section 8, clause 3 of the United States Constitution, as well as other statutes, treaties, and dealings, which indicated that the government had a relationship of protection for Indian tribes.⁵⁸ In recognition of the “alarmingly high percentage of Indian families that are broken up

⁵⁶ Ibid.

⁵⁷ Indian Child Welfare Act of 1977; Hearings before the United States Select Committee on Indian Affairs Ninety-Fifth Congress, First Session, on S-1214, To Establish Standards for the Placement of Indian Children in Foster or Adoptive Homes, to Prevent the Breakup of Indian Families, and for Other Purposes (Washington: United States Government Printing Office, 1977), 539.

⁵⁸ Ibid.

by the removal, often unwanted, of their children,” ICWA set minimum federal standards for the removal of Indian children and placement in foster and adoptive homes.⁵⁹ Title I, Section 101 (a) gave Indian tribes exclusive jurisdiction over child custody proceedings involving Indian children through the tribal court system; likewise it established a number of restrictions on agencies prior to removal. In the case of voluntary placements or termination of parental rights, consent had to be received in writing from tribal authorities, and preference was given to placing children with extended family members or in tribal foster homes, Indian homes, or institutions approved by the Indian tribes. Likewise, the Act called for direct funding to tribes for provision of services to preserve families and placement of children on reservations.⁶⁰ The passing of ICWA signalled a transformative moment in supporting self-determination and restoring tribal kinship forms to American Indian communities.

The Act recognized the Federal-Tribal relationship in a dramatic way and provided a tool for tribal governments to begin to apply their own community standards in the provision of child and family services to their members. Tribal sovereignty of American Indians in law has been based both in Canada and the US on the Royal Proclamation of 1763 and the ruling of Justice Marshall on appeal that Indian nations were considered distinct, political communities retaining some of their original natural rights. These two elements set the stage for future federal-state-Indian relations such as the ICWA. In the court case *Cherokee Nation vs. Georgia* (1831) 30 U.S. (5 Pet.) 1 (U.S.S. c), the place of the Cherokee and thus all Native inhabitants in the federal state was resolved as “domestic dependent nations,” in a trustee relationship with the federal government, acknowledging that indigenous peoples retained residual sovereignty. At the time

⁵⁹Ibid.

⁶⁰Title II, Sec 201 (a), Indian Child Welfare Act of 1978: An Act to establish standards for the placement of Indian children in foster and adoptive homes, to prevent the breakup of Indian families and for other purposes.

of the passing of the ICWA, the state of tribal courts varied from community to community. They were started under the provisions of the Indian Reorganization Act of 1934 under John Collier, Commissioner of the Bureau of Indian Affairs from 1933-1945, as part of the reforms of Indian policy intended to restore lost land and tribal sovereignty from past abuses.⁶¹

The impact of such a dramatic recognition of tribal sovereignty was not immediately felt in Canada. Indian and Métis groups who had experienced very similar child welfare policies sought several different methods to secure control over child welfare and stem the removal of children. Indeed, many similarities in Indian policy existed between Canada and the US, primarily as a result of the shared foundation in British law, the negotiation of treaties, creation of reserves, wardship, and assimilation through education and institutionalized paternalism.⁶² One significant divergence between Canada and the US is the role the Canadian Indian Act has played in determining who obtains and retains Indian status. While the US Indian status is derived from a combination of blood quantum and tribal membership rules in Canada, it flows from the patrilineal descent.⁶³ Legislation in the US did not attempt to define who qualified as Indian and primarily relied on the courts to decide on a case-by-case basis. Women who married white men, but continued living on their reservations with their husbands and children, remained tribe members, with courts often recognizing the mother-right rule, or rights of tribes to define their own membership.⁶⁴ The presence of mixed-bloods on reservations has been a common

⁶¹ Dippie, 309.

⁶² Roger L. Nichols, *Indian in the United States and Canada: A Comparative History* (Lincoln and London: University of Nebraska Press, 1998), 250-251.

⁶³ For a discussion on the origins of the blood quantum and definitions of Indian tribal membership, see Paul Srpuhlan, "A Legal History of Blood Quantum in Federal Indian Law to 1935," *South Dakota Law Review* 51, no. 1 (2006). For a further discussion of Indian status, see Chapter 2.

aspect of tribal communal life in the US, whereas in Canada, the notion of racial blood quantum has been complicated by the legal and gendered regime around Indian status.

Gendered experiences of colonization have led male and female leaders to approach self-determination through different avenues in Canada.⁶⁵ Colonization of Aboriginal peoples brought about a loss of both men's and women's political and economic power, and in addition, transformed those that had previously been egalitarian societies to economies where males controlled production of products of exchange and political control. One area of Aboriginal women's organizing from 1970 onward focused on restoring the status and community membership of Indian women, from whom it had been involuntarily stripped.⁶⁶ Utilizing the courts to restore their lost connection to rights and treaty benefits negotiated by their ancestors, Canadian Indian women rejected the assaults on traditional kinship systems and their ability to pass on cultural and tribal inheritances to their children that removal entailed. The right to define membership in accordance with traditional definitions of belonging, be it through marriage or adoption, was seen as a matter of self-determination.⁶⁷ Jeannette Corbiere-Lavell, an Ojibway woman from the Wikwemikong First Nation, was one of the first Aboriginal woman to challenge the sex discrimination in the Indian Act. After marriage to David Lavell in April 1970, she received a letter that she was no longer a member of her community, due to the Indian Act, Sec

⁶⁴ Ibid., 35.

⁶⁵ A succinct discussion of Aboriginal women's political strategies in Canada is Joanne Barker, "Gender, Sovereignty, and the Discourse of Rights in Native Women's Activism," *Meridians: feminism, race, transnationalism* Vol. 7 1 (2006): 127-161.

⁶⁶ Compulsory enfranchisement of women who married non-Aboriginal men, introduced in 1951, sec 12 (1) (b); women lost the right to live on a reserve, to treaty benefits, and to inherit reserve land; Royal Commission on Aboriginal Peoples, *Report of the Royal Commission on Aboriginal People*. Volume 1. *Looking Forward, Looking Back*. (Ottawa: Supply and Services, 1998), 313.

⁶⁷ For a discussion of the impact of government policy on identity, see Bonita Lawrence, *"Real" Indians and Others: Mixed-Blood Urban Native Peoples and Indigenous Nationhood* (Vancouver: UB Press, 2004).

12(1)(b). She argued that her loss of status upon marriage violated her equality before the law, guaranteed by s. 1 (b) of the Canadian Bill of Rights.⁶⁸ While certainly this loss of status posed an individual hardship to herself and her future children through the loss of community support, inequality loomed over the lives of all Indian women in Canada, in part, hampering their abilities to provide for their children. Lavell recalled that knowing that her children would not benefit from the connections developed growing up in their community strengthened her resolve to pursue her case. Although she lost at the county court level, she appealed the decision to the Federal Court of Appeal, which ruled in her favour; however, under pressure from the federal government and several federally funded Native organizations, it was appealed to the Supreme Court of Canada, where she lost by one vote.⁶⁹ Aboriginal women such as Lavell and the members of the Native Women's Association of Canada recognized that underlying racist legislation posed a threat to their wellbeing and the wellbeing of their children and adopted a feminist approach to ending patriarchy as a road to resolving child welfare issues.⁷⁰

An example from Anishinaabe-kwe illustrates how kinship systems support women and children. Mothering and motherhood are seen as a complex web of relations working to provide support and solidarity among women.⁷¹ Each woman has a responsibility to foster and nurture

⁶⁸ D. Memee Harvard Lavell and Jeannette Corbiere Lavell, "Aboriginal Women vs. Canada," in *Until Our Hearts are on the Ground: Aboriginal Mothering, Oppression, Resistance and Rebirth*, ed. D. Memee Lavell-Harvard and Janette Corbiere Lavell (Toronto: Demeter Press, 2006), 188.

⁶⁹ Ibid., 190. Aboriginal women eventually had their status restored through Bill C-31 in 1985, although unfortunately this has not resolved issues of exclusion or solved issues of gender discrimination. For a discussion of the women who have had their status returned, see Katrina Srigley, "'I Am a Proud Anishinaankwe': Issues of Identity and Status in Northern Ontario after Bill C-31," in *Finding a Way to the Heart: Feminist Writings on Aboriginal and Women's History in Canada*, ed. Robin Jarvis Brownlee and Valerie J. Korinek (Winnipeg: University of Manitoba Press, 2012), 241-259.

⁷⁰ One good discussion of their perspectives is Joyce Green, ed., *Making Space for Indigenous Feminism* (Black Point: Fernwood, 2007).

the next generation and allows others to assist in that process, such as aunts and grandmothers. Motherhood does not only refer to biological motherhood, but is expressed also through the teaching and nurturing of the next generation. Women often assisted in raising the children of their sisters and daughters, on occasion adopting kin to raise. Women, removed from communities and on the outside of these relations and networks, likely found themselves negotiating the services provided by provincial agencies, and all the difficulty that would present. As Jo-Anne Fiske has observed through her time spent with Aboriginal women in British Columbia, federal policies responsible for Aboriginal women intersect with provincial policies that regulate women who live on the social and economic margins.⁷²

Aboriginal kinship relations, used to supplement meagre incomes and provide assistance, were targeted as a fundamental stumbling block to full integration into the Canadian economy. The authors of the Hawthorn report identified traditional social relations, which they termed “Kin obligations,” as a significant detriment to the economic position of the individual Indian worker. They stated, “The burdens of aid to kin and friends seem to underlie a multitude of problems in addition to those of employment and income alone. In some cases alcoholism is induced by the feelings of helplessness and resignation-nothing to work for or see ahead-as well as a means of blunting the interpersonal conflicts and tensions that arise from overcrowding and

⁷¹ Renée Elizabeth Mzinegizhigo-kwe Bédard, “An Anishinbaabe-kew Ideology on Mothering and Motherhood” in *“Until Our Hearts are on the Ground:” Aboriginal Mothering, Oppression, Resistance and Rebirth*, ed. D. Memee Lavell-Harvard and Janette Corbiere Lavell (Toronto: Demeter Press, 2006), 66 and 73-74; Jo-Anne Fiske, “Carrier Women and the Politics of Mothering,” in *Rethinking Canada: The Promise of Women’s History*, 4th ed., ed. Veronica Strong-Boag, Mona Gleason, and Adele Perry (Don Mills: Oxford University Press), 242 states that extended families in Carrier communities of matrilineal kinship units of three to four generations are the strongest economic unit.

⁷² Jo-Anne Fiske, “Boundary Crossings: Power and Marginalization in the Formation of Canadian Aboriginal Women’s Identities,” *Gender and Development* 14, no. 2 (July 2006), 247.

friction with kin and others.⁷³ Rather than a source of support and strength, white social scientists and social workers viewed the extended family system as sources of retrogression and impediment to integration. The gradual weaning of Aboriginal people from kinship obligations, and replacing the supports provided by family with the rationalized and regularized services provided by the state in the form of social welfare, education, child rearing advice, day care, and public health services were idealized as the solution to poverty and separation that contributed to the marginalized place of Canada's First Nations.

Rather than support, Indian and Métis people in Canada ended up with children removed and placed into underfunded and poorly run provincial child welfare systems. Child removal policies provided an opportunity to discipline non-conforming women, shape family relations to approximate that those of the two-parent nuclear family, and socialize Indian children into normative working-class roles. Following the ill-conceived federal attempt at resolving Aboriginal poverty and marginalization with the drafting of the White Paper, and the subsequent fallout and politicization, the shifting cultural and political landscape of the late 1970s and early 1980s in Canada little resembled the post-war era of integration.⁷⁴ The most significant transformation occurred with the relationship between Aboriginal peoples and the government of Canada. Mirroring the move toward self-determination that occurred in the U.S. in the mid-1970s, First Nations, Métis, and Aboriginal Women's organizations mobilized around issues of land claims, self-government, and equal rights. The 1982 repatriation of the British North

⁷³ H.B. Hawthorn et al, *A Survey of the Contemporary Indians of Canada : A Report on Economic, Political, Educational Needs and Policies* (in two volumes) (Ottawa: Indian Affairs Branch, 1966), 61.

⁷⁴ For an overview of the origin and intent of the White Paper, J.R. Miller, *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada*. Toronto: University of Toronto Press, 2000. The reaction of First Nations on the Prairies was a swift and furious rejection of the Trudeau and Chretien policy to repeal the Indian Act and gradually eliminate the treaty obligations of the government. See Harold Cardinal, *The Unjust Society*, (Edmonton: M.G. Hurtig, 1969).

America Act of 1867 (Constitution Act of 1867) and adoption of the Charter of Rights and Freedoms revitalized federal and democratic engagement in constitutional politics. Prior to the passing of the 1982 Constitution, the only reference to indigenous peoples was section 91(24), giving the federal government sole jurisdiction over “Indians, and lands reserved for the Indians,” resulting in the creation of the Federal Department of Indian Affairs and the Indian Act. Citizens had the opportunity to challenge dominant structures through social movements and participatory democracy as never before. Aboriginal inclusion in the Constitution came from the strong position of the National Indian Brotherhood, later known as the Assembly of First Nations. As a result of intense lobbying by women’s rights groups and Aboriginal rights groups, the drafters of the constitution inserted the clause, “The existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed.” Likewise, Aboriginal people were defined to include “Indian, Métis and Inuit.” It then became necessary to determine what these rights were.⁷⁵ According to political scientist Joyce Green, “Citizens would henceforth have rights guarantees under the Charter, including protection from race and sex discrimination and recognition of Aboriginal and treaty rights.”⁷⁶ Women’s groups played an important role in obtaining inclusion of sex equality rights in the Charter, and inclusion of unsundered Aboriginal and treaty rights in the Constitution. However, male Aboriginal and non-Aboriginal politicians did not always welcome women’s views. For example, mainstream Aboriginal governments and bands resisted the passage of Bill C-31 enabling women who lost their status under the discriminatory Indian Act to regain it. Thus, there remained tension

⁷⁵ Miller, 350.

⁷⁶ Joyce Green, “Balancing Strategies: Aboriginal Women and Constitutional Rights in Canada,” in *Making Space for Indigenous Feminism*, ed. Joyce Green (Winnipeg: Fernwood Publishing, 2007), 140.

between male and female Aboriginal organizations over how their newly granted rights would unfold, and how newly revitalized Indian and Métis nations would define their citizenship.⁷⁷

In Saskatchewan, the Federation of Saskatchewan Indians Nations, (FSIN) representing treaty and status Indians in Saskatchewan, the Indian Federated College, and the Canadian Indian Lawyers Association looked south to the United States for inspiration on how to frame their position on Indian Child Welfare since Hepworth's statistics had revealed the troubling trends of overrepresentation. The first group to consider the Indian Child Welfare Act of 1978 as a model for Canadian legislation was the Aboriginal Lawyers Association sponsored by the Saskatchewan Indian Federated College. At a workshop on Indian Child Rights held in Regina in March 1981, lawyers representing jurisdictions from across Canada listened to presentations by various experts on the nature of the problem of Aboriginal child welfare, and attempted to draft a solution.⁷⁸ Clem Chartier, consultant for the Indian Law Program at the Saskatchewan Indian Federated College and President of the Canadian Indian Lawyers Association, had invited AAIA executive director Steven Unger to attend the Canadian Indian Lawyers Association convention in Regina. Due to the role of the AAIA in advancing the rights of Indian children and families in the US, Chartier requested that Unger attend to discuss the experiences of the US.⁷⁹ Ms. Nancy Tuthil, the assistant director of the American Indian Law Centre, had also been invited to the conference to explain the ICWA to those gathered. The vibrations of the ground-

⁷⁷ Native Women's Association, *Dancing with a Gorilla: Aboriginal Women Justice and the Charter*, NWAC Submission for Roundtable on Justice Issues for the Royal Commission on Aboriginal Peoples, 19. This argument is also made by Pamela D. Palmater, *Beyond Blood: Rethinking Indigenous Identity* (Saskatoon: Purich Publishing Limited, 2011).

⁷⁸ Canadian Indian Lawyers Association, Summary of Proceedings, National Workshop on Indian Child Welfare Rights, March 1981.

⁷⁹ Clem Chartier to Steven Unger, Dec. 19, 1980, Box 75, folder 3, Canadian Indian Child Welfare, 1973-1984, American Association on Indian Affairs Collection, Seeley G. Mudd Manuscript Library, Princeton University.

breaking recognition of the rights of the collective tribal entities to dictate not only the futures of Indian children, but the definition of Indian families through the passage of ICWA in the US enabled Canadian Indian leaders and lawyers to consider pressing for a national law similar to that of the US removing jurisdiction from the provinces for Aboriginal children, and placing it with Indian peoples.

In addition to legislative revisions like that of ICWA under consideration by Indian leaders and lawyers, the conference also heard from Chief Wayne Christian. His band in British Columbia implemented an alternative approach to stop child removal through the existing legal framework of the Indian Act. In 1980, the 300-member Spallumcheem Band near Enderby, British Columbia, passed a band by-law taking full responsibility for child custody based on their inherent right to self-determination and the right to care for their children.⁸⁰ Responding to the removal of 150 children over a thirty-year period, Chief Wayne Christian took advantage of section 81 of the Indian Act that enabled Indian bands to pass by-laws.⁸¹ Taking the individual initiative to reverse the trend toward removal, harm, and family breakdown, the by-law echoed much of the 1978 ICWA legislation. Emphasizing the importance of children to the long-term survival of the people, and the devastating and community-wide impact of removal, the by-law gave the band “exclusive jurisdiction over any child custody proceeding involving an Indian child, notwithstanding the residence of the child.”⁸² In addition, it stipulated a preferential scale of placements for band councils when considering with whom to place Indian children, after the

⁸⁰ Appendix C, excerpts from Spallumcheem Indian Band By-Law, No. 2-1980, in Johnston, 138.

⁸¹ Ovide Mercredi and Clem Chartier, “The Status of Child Welfare Services for the Indigenous Peoples of Canada: The Problem, the Law and the Solution,” Presented at the National Workshop on Indian Child Welfare Rights, March 1981, Regina 1981.

⁸² Section 3 (a), Spallumcheem By-law no. 2-1980, Johnston, 138.

child's wishes had been considered and every effort had been made to restore the original family. Family resources were considered to be the preferred option, followed by on-reserve band members, off-reserve band members, then Indians on or off reserve. Finally, "only as a last resort shall the child be placed in the home of a non-Indian living off the reserve."⁸³ While the federal government initially rejected the band's by-law, it was allowed when presented the second time around. While child welfare was recognized as a provincial jurisdiction, the band actively sought an agreement with the provincial authorities in British Columbia that recognized their jurisdiction over children, and developed a plan to provide the necessary resources to develop a program of support.⁸⁴ Elsewhere, bands had begun to delve into securing agreements to keep children on reserves.⁸⁵

In light of the changing climate around self-government, child welfare and transracial adoption became issues for political leaders seeking out areas where Indian and Métis people could potentially obtain control. At the convention, Ovide Mercredi, who eventually became Chief of the Assembly of First Nations in 1991, and Clem Chartier, future chair of the Métis National Council in 1983, drafted a formal statement on the importance of Indian Child Welfare to the future of Indian self-government. They stated that from the White Paper onward, Indian people had been asserting their nationhood and expressing their right to self-determination. One common thread was the right to ensure the safety and security of children in order to secure the

⁸³ By-Law Section 10(7), Johnston, 138.

⁸⁴ Johnston, 107.

⁸⁵ The Blackfoot Band in Alberta signed a tri-partite agreement in 1975, and the Manitoba Indian Brotherhood signed an agreement with the federal and provincial governments in 1982 establishing a framework to extend autonomy to bands in southern and central Manitoba. This agreement was preceded by the Dakota-Ojibway Child and Family Services Agreement of 1981, Canada's first Child and Family Services Society run completely by Aboriginal peoples; Johnston, 106-120.

future of Indian nations.⁸⁶ Based on evidence published revealing the increase in transracial adoptions from 1964-65 to 1976-77, Mercredi and Chartier explained, “The increase in adoption has been viewed by Indian people as a form of assimilation and genocide, however the courts have attempted to negate them by ruling that an Indian child does not lose his-her status upon adoption. This however has not been acceptable to Indian people.”⁸⁷ This problem, articulated by the Indian lawyers, stemmed from the lack of federal legislation providing direction on child welfare. Further, the Indian legal experts asserted that any future changes to child welfare legislation or provision must take place with the consultation of Indian people. Chartier stated “any negotiations between the federal and provincial government without the prior consultation and participation of Indian associations are viewed with a great deal of suspicion and resentment.”⁸⁸ Provincial responsibility for child welfare was rejected by First Nations people. The current child welfare crisis was attributed to the deep poverty of Aboriginal people who had been denied a share of the vast resources of Canada.

In response to the emerging interest among Aboriginal leadership, the Native Law Center at the University of Saskatchewan provided legal direction on the issue of responsibility for the provision of child welfare for First Nations. Kent McNeil looked at the legal issues involved in the delivery of services, with emphasis on the jurisdictional question to determine who was responsible for providing welfare services to status Indian children.⁸⁹ In his publication, McNeil

⁸⁶ Ovide Mercredi and Clem Chartier, “The Status of Child Welfare Services for the Indigenous Peoples of Canada: The Problem, the Law and the Solution,” presented at the Indian Child Welfare Rights Conference, Regina, Saskatchewan, March 19, 1981.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Kent McNeil, *Indian Child Welfare--Whose Responsibility? Report No. 1* (University of Saskatchewan Native Law Centre, 1981).

considered the feasibility of implementing legislation similar to the Indian Child Welfare Act in Canada. Like the US, federal jurisdiction over Indians in Canada enabled the government to recognize band councils' jurisdiction. He stated that, "By passing the ICWA, the United States Congress accepted responsibility for Indian child welfare matters and used its legislative power to transfer jurisdiction in this area back to the tribal level. Under section 91(24) the BNA Act, Parliament has the authority to enact similar legislation in Canada, if it so chooses. Lack of a tribal court system in Canada, would need tribunals, or could be filled by band councils."⁹⁰ The poor state of Indian child welfare in Canada had been due to the jurisdictional disputes between the provinces and the federal government. The provinces were reluctant partners in the provision of services for two reasons: their belief that Indians in Canada were solely a federal responsibility, and secondarily, because Prairie Indian people refused to accept provincial control based on the treaty relationships they had established with the Crown. McNeil envisioned two possible ways Indian governments could pursue control over child welfare. The first was to pressure the federal government to enact legislation similar to that of the American ICWA, The second was for bands to enact by-laws like the Spallumcheem band in B. C. (1980). That option required that the federal government amend the Indian Act to give band councils power to make by-laws in that area.⁹¹

Unlike the US, Canada did not develop a widespread grassroots cross-cultural child welfare movement to challenge the status quo. Without the widespread support for a national paradigm shift in Indian child welfare, there was little hope for major change. In February 1982,

⁹⁰ Ibid, 4.

⁹¹ Ibid, 11.

the province of Saskatchewan began an internal policy review of existing child welfare policy, with an eye to eventually revising the legislation. The Family Services Act, passed in 1973, reflected the thinking of the time and had been based on an uncertain relationship regarding services provided to treaty Indian people.⁹² Winds of change were blowing in the form of the Charter of Rights and Freedoms and Aboriginal self-determination, and the province was mindful of its failure to address concerns that Aboriginal people raised in the past decade. Looking to Manitoba as a possible template for future action, the Department of Social Services circulated a memo containing the recent events in Manitoba. On February 23, 1982, the Manitoba government, the federal government, and the Four Nations Confederacy signed an agreement for the development and delivery of on-reserve child welfare services. The agreement provided a full range of child welfare services to all Indian communities who opted in. Such services included supportive and preventative services. Funding for the programs came directly from the federal government to agents delivering services.⁹³

Shortly thereafter, the Department of Indian Affairs and Northern Development, formerly Indian Affairs, released a policy statement. It simply indicated that the provinces would continue to provide services to all treaty people but provided a framework to begin negotiation of the tripartite agreements between provinces, the First Nations, and the federal government.⁹⁴ It reiterated the position that provincial child welfare services should be extended to all reserve

⁹² Marv Hendrikson, Executive Director, Treaty Indian Policy Secretariat, to Duane Adams, Deputy Minister, Saskatchewan Social Services, Feb 9, 1982, File 10.10.1. Indian/Native Issues, R-1655 Department of Social Services, SAB.

⁹³ Indian Child Welfare Agreement Signed, File 10.10.1, Indian/Native Issues, R-1655, Department of Social Services, SAB.

⁹⁴ Indian and Northern Affairs Canada, Child Welfare Program Policy, May 1, 1982, Preamble, File 10.10.1 Indian/Native Issues R-1655, Department of Social Services, SAB.

communities and families on Crown lands, and that they would fund, as negotiated within the context of a clear agreement, the costs of child welfare services provided to residents of Indian communities. In contrast to the ICWA, Indian Affairs made clear in their statement of principles that provincial and territorial government had legal responsibility to provide childcare and protection.⁹⁵ DIAND's role was financial and not developmental. In response, the Saskatchewan government issued a revised Family Services Policy Statement to continue to provide all services to off-reserve First Nations people, with the federal government providing payment. On reserves, the Department of Social Services would only step in for extreme cases of neglect or if there was a request to remove a child by the Department of Indian Affairs. This policy applied when a child's safety was at stake, in the absence of a federal policy, or upon refusal of the federal government to respond to a child protection situation on the reserve.⁹⁶ The lack of presence on reserve, other than to remove children in cases of abuse or neglect, certainly would not have endeared workers to residents. Likewise, apprehensions and adoption appear to be the only services to which on-reserve people had access.

Child removal, in the form of apprehension and adoption, remained the only services available for Indian children and families residing on reserves, while off-reserve families technically had access to all range of preventative services. The continuation of the unsatisfactory arrangements, leaving the provincial government reluctantly providing second-rate services to on-reserve children, did not go unchallenged. With the emergence of the Peyakowak committee, the politicization of child welfare in Saskatchewan took a new turn.

⁹⁵ibid.

⁹⁶ Revised Family Services Policy Statement, May 10, 1982, File 10.10.1 Indian/Native Issues, R-1655 Department of Social Services, SAB.

Formed as a steering committee for the Taking Control Project at the University of Regina's Faculty of Social Work, Peyakowak was a diverse community-action committee. Led by social work professor Harvey Stalwick, Peyakowak played a community-activist role, seeking out new solutions for Aboriginal child welfare in Saskatchewan. The Taking Control group received financial support from the federal government to revise social work education in Canada. It eventually became a three-year project with the working title, Indian and Native Social Work Education in Canada: A Study and Demonstration of Strategies for Change. The group shortened their name to "Taking Control," centered on the concept of Aboriginal self-government.⁹⁷ Using the participatory action model, they defined their role as supporting the advancement of social justice, stating, "Research is a means of understanding conditions, being in dialogue and becoming involved in change."⁹⁸

The Peyakowak Committee began in 1983. They set out to "learn from elders, communicate with others, share with those who still suffer, re-establish evaluation of the Family Services Act, stop apprehensions where alternative exist, create cross-cultural awareness with non-Natives and do it ourselves."⁹⁹ The committee held a conference in 1983 that brought together members in the Regina Aboriginal community involved in the child welfare system. Their aim was to identify important issues, then take them to the provincial Department of Social Services. It is clear from the list of resolutions that the Taking Control Group shared the perspective of the FSIN, that child welfare and transracial adoption were tied to the expression of

⁹⁷ Harvey Stalwick, Lavina Bitternose, Yvonne House Thomas, and Peter Brook, "Reform as the Creation of New Usages: 1982-1985: Synopsis of the Taking Control Project," in *Perspectives on Social Services and Social Issues*, ed. Jaqueline S. Ismael and Ray J. Thomlison (Canadian Council on Social Development), Selections from the Proceedings of the Second Conference on Provincial Welfare Policy held at the University of Calgary, May 1-3, 1985, 223.

⁹⁸ Ibid, 224.

⁹⁹ Ibid, 227.

self-government in ways that echoed the ICWA in the US. For example “Resolution: Indian children are being placed or adopted in non-Native foster homes without the consent of their natural parents or Indian governments (Chief and Councils).”¹⁰⁰ Resolution D also echoed the provisions of the ICWA of 1978 in calling for control by band governments.¹⁰¹ The Taking Control Conference identified the need for more Native adoptive and foster homes, something that the Métis Society and the Native Women’s Movement had been advocating for many years. In the 1970s and onward, the Métis Society and the Native Women’s Movement worked alongside the department while simultaneously developing community resources to reform the system. In the 1980s, First Nations and Métis leadership along with sympathetic academics saw “taking control” of child welfare as the solution to the overrepresentation of Indian and Métis children in white foster homes. The membership of the Peyakowak Committee had academics from the University of Regina and activists engaged in social movements like the right to Indian self-government sweeping the country.

Peyakowak lobbied the provincial government to launch an inquiry into the child welfare system in Saskatchewan to raise the profile of Indian child welfare in Saskatchewan. With the change in government in May 1982, from the NDP under Allen Blakeney to the Progressive Conservatives under Grant Devine, conditions were ripe to revise past NDP legislation. On May

¹⁰⁰ Executive Director, Regional Services Div., to Dianne Anderson, Director Fed-Prov Arrangements Branch, March 29 Re: Resolutions from the Working Together Conference 1982, File 10.10.1. Indian/Native Issues R-1655 Department of Social Services, SAB.

¹⁰¹ Resolution D: Need for Indian child custody courts on reserves for the purpose of Indian governments to make policy decisions regarding the future care and adoption of our Indian people in Sask. Responses of the Department of Social Services: positive goal, interested in hearing further results of the two projects. We would be interested in discussing such an approach with bands in this province that feel able to undertake such responsibilities; Executive Director, Regional Services Div., to Dianne Anderson, Director Fed-Prov Arrangements Branch, March 29 Re: Resolutions from the Working Together Conference 1982, File 10.10.1. Indian/Native Issues R-1655, SAB

27, 1983, following the death of toddler Christopher Aisaican in a foster home, Lavina Bitternose, secretary of the Peyakowak Committee, wrote to the Minister of Social Services Patricia Smith. The group charged that Native children in the system received poor care and were more likely to be made permanent wards or adopted rather than being returned to their families. Peyakowak raised these questions, “Who advocates on behalf of the child? What protection for child’s rights, for family’s rights? We have a charter of rights and freedoms, yet there is no visible protection for children in the system--in the care and custody of the department. The department has sole authority for the care of the children--and it is a system that has a severe lack of resources for protection of the child.”¹⁰² In Saskatchewan there were no mechanisms in place to ensure that once children were removed from their families and communities, they were protected by the system. For example, the government did not have a system for monitoring foster homes. One area that needed attention, the committee believed, was the legislation that provided direction for the Department of Social Services, the Family Services Act(1973). In particular, they highlighted the lack of sections that dealt with prevention, as well as a lack of cultural resources for Native children in foster care. Likewise, there had been cutbacks in funding, not enough support for families, not enough social workers, and a general lack of support for vulnerable families and children.

Publically, Minister Smith rejected the need for an inquiry, claiming the department had completed an internal review and a prepared discussion paper. In truth, the discussion paper never came together. In her official statement, she replied, “I do not believe an inquiry would be

¹⁰² File E6575-1, Title: Family and Children Services--General File Dates: 1980-90, RG 10, Ass. E-1998-01236-0, LAC, Pacific Regional Services.

an efficient or appropriate means of resolving these issues.”¹⁰³ Rather than an inquiry, the department suggested a consultation process and requested that Peyakowak take part.¹⁰⁴ While the government remained resistant to an inquiry, a number of allies called for and supported the demand for an inquiry. For example, from the Conference of Mennonites in Canada, Henry Bartel, chair of the Native Support Committee, wrote to the department advocating an inquiry.¹⁰⁵ Mr. Patrick Johnston, who had just published his critically important contribution to the discussion, *Native Children and the Child Welfare System*, knew better than anyone the need for it. In supporting an inquiry, he stated, “I came to believe that the situation in Saskatchewan was more serious than any other province. In my opinion, the problems inherent in the delivery of child welfare services are most acute in Saskatchewan and barriers to constructive change most complex.”¹⁰⁶ Certainly the support of these well-respected individuals gave credibility to the idea of a public review. The department recognized that change was necessary, stating, “Our efforts in this area need to be stepped up. Native participation in decisions of this kind is absolutely essential if our child welfare system is to meet the needs of Native children and their families.”¹⁰⁷ Nevertheless, the inquiry did not materialize.

¹⁰³ “Minister Says Inquiry Not Necessary,” *Indian Head Woolsey News*, July 13, 1983.

¹⁰⁴ Memorandum from Honourable Patricia A. Smith, Minister of Social Services, to Honourable Grant Devine and Members of the Cabinet, Cabinet Agenda Item Re: The Family Services Act: Review of the Child Protection Services, June 27, 1983, File 10.5.3., Family Services Act Review, R-1655 Department of Social Services, SAB.

¹⁰⁵ Henry Bartel, Conference of Mennonites in Canada, to Minister Patricia A. Smith, June 24, 1983, File 14. Family Services Act Review, R-1156 Gordon Dirks Fonds, SAB.

¹⁰⁶ Mr. Patrick Johnston to Minister of Social Services Patricia A. Smith, July 6, 1983, File 14. Family Services Act Review, R-1156 Gordon Dirks Fonds, SAB.

¹⁰⁷ Press Release--Child Welfare Inquiry, June 30, 1983, File 10.5.3, Family Services Act Review, Collection R-1655, Department of Social Services, SAB.

Shortly thereafter, Gordon Dirks replaced Smith as Minister of Social Services and initiated a revision of the Family Services Act. Prior to the public review, an internal discussion paper identified areas of concern. The primary concern was the legislative emphasis on the removal of children in need of protection. Too often, children were removed from families and were placed in group homes or foster homes until the child was returned home or adoption placement was made. Also, there was failure to include families in planning or community groups in the provision of services. Too much power was concentrated in the hands of the department. The role of the courts was problematic since it created an adversarial atmosphere and again contributed to apprehension. Native groups also criticized the trauma faced by Aboriginal children entering into care in large numbers. Finally, the group suggested that the legislation needed to broaden the definition of parent to include unmarried father, relative or friend, or Indian Band.

On September 14, 1983, Hon. Gordon Dirks, Minister of Social Services, presented an address to the Peyakowak Committee outlining the proposed direction of the government. He commended the group for their role in bringing these issues to the public's and the government's attention:

In your time together as the committee, you have shown great effort and dedication on behalf of children and families in Saskatchewan. In addition to your activities in identifying issues in childcare and communicating these issues to the government and the public, I believe you have also begun to work collaboratively with staff of my department toward resolving these concerns. I am very pleased to see these initial steps being taken toward a cooperative resolution of issues with which we are all concerned.”¹⁰⁸

The next step in the process was to gather public input into the changing direction on child and family services, as well as perhaps uncovering other areas of concern to groups in the

¹⁰⁸ Hon. Gordon Dirks, Min. of Social Services, Address to the Peyakowak Committee on the FSA, Wednesday, September 14, 1983, File 10.5.3. The Family Services Act Review R-1655 Department of Social Services, SAB.

community. At the address, Dirks officially established the ministerial advisory council on child protection. The council chaired public meetings in Regina, Saskatoon, and Prince Albert. Chaired by child psychiatrist Dr. Peter Matthews, President of the Saskatoon Society for the Protection of Children, the committee had five members of the Aboriginal community, including Ivy Seales from Regina Native Women.¹⁰⁹ Questions were distributed asking for direction in a number of areas, including adoption. For the adoption of children, Matthews was curious about a) adoption of children by step-parents, b) privately arranged adoptions, c) adoption of adults, and d) de facto adoptions where a child has been in the care of a particular family but is not legally a member of that family.¹¹⁰ He credited Peyakowak as “a catalyst to bring child and family services issues to my attention and so I wanted to share any announcement and thoughts with you first.”¹¹¹ Over the next several months, public meetings were held across urban Saskatchewan. First Nations governments had the opportunity to provide input, and in doing so, developed a political position on the issue of Indian child welfare that supported their larger claims to self-government.

Saskatchewan residents, most of whom likely had little experience with the Department of Social Services, discovered that services provided with their tax dollars were less than satisfactory. Three themes came out of the three days of meetings held in Saskatoon--the lack of services for prevention through family support systems, abusive actions of department employees in pushing parents aside, and the fact that Native children had been harmed by

¹⁰⁹ “Advisory Council Meetings Set,” *Saskatoon Star Phoenix*, Thursday October 13, 1983.

¹¹⁰ Hon. Gordon Dirks, Min. of Social Services, Address to the Peyakowak Committee on the FSA, Wednesday, September 14, 1983, File 10.5.3. The Family Services Act Review Collection, R-1655 Department of Social Services, SAB.

¹¹¹ *Ibid.*

uniform application of the law. In addition, First Nations sought to take control of child welfare services. Their position was problematic, because government was unwilling to make the changes necessary.¹¹² When questioned on how to balance needs for prevention with protection, Minister Dirks replied, “It’s not an either/or situation.” Clearly, Dirks found it complicated to determine “who defines what is a family in need of Services, who is responsible to give those services, what role does the family have in saying no?” He also indicated that the final legislation would need to satisfy general public concerns, and not just one group.¹¹³

In the Regina meetings, Aboriginal representatives articulated the need to utilize the extended family for foster placements to prevent children from having their relationship to their communities severed. Chief Standing Ready from White Buffalo First Nation stated that children had been removed without proper input from Indian people. He felt that when children who were adopted were put in white homes they did not know who they were. He believed that what was needed was more Indian foster homes. At the same time, he recognized that one of the major problems for Indian people was a lack of housing. Leona Blondeau, a representative from the Saskatchewan Native Women’s Association, argued that apprehensions should only be a last resort. Aboriginal families in Saskatchewan needed prevention and education to retain children and strengthen families. She felt that the goal for some social workers was for Native children’s ultimate adoption and integration into white society.¹¹⁴

The council heard that Indians blamed the Social Services Department for causing cultural and social genocide in its treatment of Indian children. Claudia Agecoutay, of

¹¹² Jenni Mortin, “Advisory Council Hears Conflicting Advice,” *Saskatoon Star Phoenix*, Saturday, November 5, 1983.

¹¹³ “Dirks Doesn’t Envision Conflicts in Act,” *Saskatoon Star Phoenix*, Tuesday, November 1, 1983.

¹¹⁴ “Extended Foster Family Home Discussed,” *Regina Leader Post*, November 8, 1983.

Cowessess Reserve, outlined the need for Native control, provisions for Indian families, notification of band or community leaders about adoption or fostering even in the case of children living in the cities, finding Indian foster and adoptive homes, and placing children with members of extended families. The council also heard from Nancy Ayers, a Saskatoon lawyer, about the impact of jurisdictional disputes between federal and provincial governments, suggesting that the province could delegate responsibility to bands and enter tripartite agreements like Manitoba. Provincial law should be amended so bands could administer their own programs and child services.¹¹⁵

The provincial government anticipated that the FSIN position on child welfare would be related to the ultimate goal of Indian self-government. The primary goal of Saskatchewan First Nations was to have federally funded Indian child welfare under the control of First Nations bands. They did not want the provincial government playing any role in the process. In the report drafted for the hearings, *Indian Control of Indian Child Welfare*, the FSIN focused solely on the goal of securing control over child welfare. The introduction read, “The principal reason for the high numbers of Indian children in the care of the present child welfare system is the lack of control Indian people have over the lives of Indian families and children. Without this control, Indian people cannot ensure the continuity and stability of the culture from generation to generation.”¹¹⁶ They did not support provincial provision of services, and used their recently gained and recognized constitutional position to argue for control of child welfare services:

¹¹⁵ “Indians Seek Child Welfare Control,” *Saskatoon Star Phoenix*, Thursday, November 3, 1983.

¹¹⁶ “Indian Control of Indian Child Welfare”: A Report by the Health and Social Development Commission, Federation of Saskatchewan Indian Nations, Vice-Chief Melvin Isnana, Executive Member in charge, December, 1983, 1.

The Indian people of Saskatchewan, through their bands, districts, regional and national organizations have strongly supported the entrenchment of Aboriginal rights and treaty rights, and the recognition of Indian self-government in the constitution. The struggle to entrench those rights led to an intense period of national and international lobbying during the recent deliberations concerning the patriation of the Canadian constitution.¹¹⁷

To show their determination to obtain control and see an end to transracial adoption, the FSIN passed a resolution at the First Annual Legislative Assembly insisting there be a one-year moratorium on Indian adoptions, while urging the province to support the concept of Indian control over Indian child welfare. The Minister of Social Services offered no comment.¹¹⁸

Following the submission of the FSIN position paper and the rather hasty round of hearings in October and November 1983, the council prepared its final report for the Department of Social Services and the Saskatchewan people. It soundly rejected the FSIN's demand for Indian control of Indian child welfare. In the final report, Indian control was viewed in economic rather than political terms, pointing to the lack of financial and human resources of Indian bands. The council resolved that it was impossible at that point for Native communities to offer protection for their children. The council recommended limiting Aboriginal transracial adoption outside Saskatchewan, except to family members. It endorsed financially supported adoptions as an alternative to regular adoption for Aboriginal people, as well as handicapped children. The council also called for increased cooperation with Native communities across Saskatchewan through the Department of Social Services. Based on the input of the Peyakowak Committee on adoption, which was strongly opposed to cross-cultural adoption, the council recommended that private adoptions, as arranged by Native communities from time immemorial, begin to receive the force of law. It suggested a gradual move in the direction of Native control, using the model

¹¹⁷ *Ibid.*

¹¹⁸ "Moratorium Said Pending on Indian Child Adoption," *Saskatoon Star Phoenix*, Thursday, October 21, 1983.

of tripartite agreements in Manitoba and elsewhere. The council was hesitant to relinquish complete control to First Nations and Métis groups since “because of the requirement for skills and expertise in the area, the department must continue to be involved until satisfied with the quality of service that can be delivered.”¹¹⁹ Overall, the council warned against using children as pawns in the political process. Finally, the council rejected the FSIN’s recommendation that there be a moratorium on interracial adoption like Manitoba and the US. The council argued that the only alternative to adoption would be to make children permanent wards, and the better solution would be to find Native homes for the children. The council was hopeful that a supportive relationship between the newly forming Indian child welfare organizations and the departments would develop.¹²⁰

Saskatchewan’s review of the Family Services Act (1973) in the second half of 1983 was part of a country-wide movement to address problems that beset provincial governments providing child welfare services to indigenous peoples and to bring legislation in line with the cultural and legal changes that had taken place over the past decade.¹²¹ The Saskatchewan public review process offered an explanation and presented a number of recommendations to address the high proportion of indigenous children in care and the lack of preventative care for families. These explanations didn’t satisfy Aboriginal leaders or activists who had sought full control and recognition of their rights to determine the futures of their children. It also provided a public

¹¹⁹ Minister’s Advisory Council on Child Protection, *Family Services Act Review*, Submitted to the Honourable Gordon Dirks, Feb. 1984.

¹²⁰ All recommendations, from Minister’s Advisory Council on Child Protection, *Family Services Act Review*, Submitted to the Honourable Gordon Dirks, Feb. 1984.

¹²¹ Other jurisdictions that reviewed their child welfare legislation at this time included Alberta (Bill 105), Ontario (Child and Family Services Act of Ontario, 1984), Manitoba (Manitoba Child and Welfare Services Act), and British Columbia; Minister’s Advisory Council on Child Protection, 4.

forum to air grievances, as well as raise awareness about these issues in the greater community. In the decade since the Métis Society and the Native Women's Movement first articulated a challenge to the child removal logic of the Department of Social Services, indigenous peoples in North America had grown increasingly vocal in protesting the government policies that led to the breakdown of the Indian family, whether for education or protection. Beginning with decolonization movements in both Canada and the United States, control of the provision of child and family services to indigenous children occupied a central position in discussions of self-determination. Ending transracial adoption symbolized ending the unequal and unilateral policies of integration that had been ongoing from the post-war period.

While Aboriginal women took part in the council and had their voices heard at the community meetings, no meaningful analysis of women's experiences or analysis of gender emerged through the process. The silence around Aboriginal motherhood, the breakdown of the Aboriginal family, and the impact of residential schools left a legacy that continues today to prevent governments from moving forward in addressing the increasing rates of children who are identified as Aboriginal, entering the child welfare system. The systemic logic that continues to operate today perpetuating the notion that removing children will somehow manage to save them from their families is difficult to dislodge with high rates of poverty, family breakdown, and addictions plaguing many communities. Without a meaningful analysis that takes into consideration the impact of gender and racial discrimination that has led to the denigration of Aboriginal kinship, the child welfare crisis will continue.

The conservative perspective of the council was unable to reconcile the connection between retaining children in communities and the future health of Aboriginal cultures. The advisory nature of the council also limited its impact, and the two-month duration and three-city

tour limited the scope. By contrast, the inquiry by Judge Kimelman in Manitoba began in May 1982 and went until February 1983, travelling from Brandon to Churchill, visiting reserves in the north and south. In Saskatchewan, no significant changes occurred in the area of child welfare until 1989, when the Child and Family Services Act was revised. In 1991, the first tri-partite agreement was signed. Rather than tangible gains, the council's value was that it provided a forum for diverse groups to enter into a public dialogue about the strengths and weaknesses of Saskatchewan's child welfare system. Transracial adoption, while statistically minor in Saskatchewan, was symbolically significant in the struggle over child welfare for Indian groups. Aboriginal peoples in Canada in the early 1980s sought out various means to regain control over family relationships severed through policies, ignorance, and good intentions, and to restore Aboriginal kinship systems as a foundation of self-determination.

CHAPTER 7. Conclusion

This dissertation began by outlining three avenues of inquiry for analysis of historic policies of Aboriginal transracial adoption in Saskatchewan. First, utilizing an intersectional gendered and racial analysis it assessed the relationship between historic federal and provincial Indian and Métis policies and the emergence of Aboriginal transracial adoption. Second, it determined how local race, gender, and social hierarchies contributed to transracial adoption programs from the 1960s through the 1980s. Finally, it gauged how indigenous peoples interacted with child welfare authorities and perceived transracial adoption. In response to these three inquiries, this dissertation has demonstrated that Aboriginal transracial adoption became an ambitious, and ultimately unsatisfactory program of social engineering. Attempts to apply technologies of helping based on the goals of professional social workers to indigenous peoples suffering from almost a century of severe marginalization, residential schooling, poverty, and trauma from loss of land was a poor fit. Specifically, for First Nations women and children, conflicts between provincial and federal laws created a state of limbo, where the Provincial Department of Social Welfare and Rehabilitation and social welfare workers became a substitute for ensuring the care of enfranchised women and children. For Métis peoples, failed relocation and rehabilitation schemes were replaced by individualized responses to child neglect and lack of housing. The overrepresentation of indigenous children in the 1960s and 1970s was in large part a consequence of post-war policies and gendered and racialized laws meant to enforce a singular version of nuclear-family formation on Aboriginal peoples. Child removal and integration into Euro-Canadian (and in some cases Euro-American) adoptive homes were but another mechanism in the continuum of the colonization of indigenous kinship.

A new direction for Indian Affairs in Canada took shape after the post-war period symbolized by the transfer of the Indian Affairs Branch from the Ministry of Mines and Resources (1936-1950) to the Ministry of Citizenship and Immigration (1950-1965).¹ With the new focus on citizenship, came a revision in the legal regime that directed bureaucrats in administering the policies that dominated the lives of Indian people in Canada. The Indian Act, an evolving body of laws respecting Indian people in Canada, underwent further revision in 1951 to remove the most appalling laws and place a greater emphasis on the preparation of Indian people to eventually accept the voluntary nature of democratic citizenship.² A new terminology reflecting the voluntary nature of citizenship replaced the more coercive terminology as Indian assimilation shifted to Indian integration.³ The alteration of tribal kinship systems and gender relations to mirror that of Euro-Canadian heterosexual nuclear families, as in previous times, was an essential aspect of preparation for Canadian citizenship.⁴ After 1951, colonization of indigenous kinship through policing genealogies and removal of women who married non-Indian men, as well as the application of provincial laws on reserves, meant that Canadian citizenship

¹ Indian Affairs Annual Reports, 1864-1990, <http://www.bac-lac.gc.ca/eng/disc/reports/Pages/introduction.aspx>

² The change in focus from outright assimilation to integration is documented by Hugh Shewell, *Enough to Keep Them Alive: Indian Welfare in Canada, 1873-1965* (Toronto: University of Toronto Press, 2005).

³ Ibid; this change is also explored by Jessa Chupick-Hall, "Good Families Do Not Just Happen: Indigenous People and Child Welfare Services in Canada, 1950-1965" (MA Thesis, Ottawa: Trent University 2001).

⁴ This aspect of Native-Newcomer relations has been explored by gender and queer historians such as Gary Kinsman, *The Regulation of Desire: Homo and Hetero Sexualities* (Toronto: Black Rose Books, 1996) and Sarah Carter, *The Importance of Being Monogamous: Marriage and Nation Building in Western Canada to 1915* (Edmonton: University of Alberta Press, 2008), and in the US by Nancy Cott, *Public Vows: A History of Marriage and Nation* (Cambridge: Harvard University Press, 2009) and John Demilio and Estelle Freedman, *Intimate Matters: A History of Sexuality in America* (London: University of Chicago Press, 1997), see especially Chapter 5, "Race and Sexuality."

became gendered and racialized to a greater extent than before.⁵ The gendered and racialized laws activated unique forms of disadvantage for Indian women and children. On one hand, the Act acted as a disincentive to legal marriage, and destabilized families. Second, it enhanced gendered form of compulsory enfranchisement that originated in the Gradual Enfranchisement Act of 1857 when women were enfranchised along with their husbands.⁶ The 1869 version of the Indian Act stipulated that Indian women who married non-Indian men lost their status, as well as any of their children.⁷ This law did not apply to men who married non-Indian women. Indian women who adhered to the domestic ideal, the evidence of which was their marrying a non-Indian male, automatically gained Canadian citizenship, or became enfranchised. The establishment of nuclear households outside the indigenized space of the reserve meant these women no longer came under the purview of the Indian Act, or could reside on reserve.⁸ While feminist scholars recognized that this provision has contributed to the historic and current gender tensions among First Nations men, and women, there are also implications for child welfare. The tenuous nature of this arrangement, the sole dependency of enfranchised women on their male provider, becomes evident through research into transracial adoption and child welfare history.⁹

⁵ John Tobias, Protection, "Civilization, Assimilation: An Outline History of Canada's Indian Policy," in *As Long as the Sun Shines and Water Flows: A Reader in Canadian Native Studies*, edited by Ian A. L. Getty and Antoine S. Lussier, (Vancouver: University of British Columbia Press, 1983) and Martin Cannon, "The Regulation of First Nations Sexuality," *The Canadian Journal of Native Studies* 18, no. 1 (1998).

⁶ This point is also made by Jo-Anne Fiske, "The Political Status of Native Women: Contradictory Implications of Canadian State Policy," in *In the Days of Our Grandmothers: A Reader in Aboriginal Women's History*, ed. Mary-Ellen Kelm and Lorna Townsend (Toronto: University of Toronto Press, 2006), 334.

⁷ Quoted from Cannon, 9.

⁹ This aspect of the heterosexual relationship, female dependency, has been termed the "patriarchal necessity" by feminist scholar Dorothy C. Miller, *Women and Social Welfare: A Feminist Analysis* (New York: Praeger, 1990).

The outcome of gender tensions, combined with new theories in child socialization and the rise of therapeutic government worked in tandem to legitimize child removal and transracial adoption as a “common sense” solution to colonization effects. This complex history of the child welfare system, with its colorblind experiment of Aboriginal transracial adoption, took shape in the immediate post-war period when Canada embarked on a modern nation-building project. Childhood socialization was one crucial area where the origins of Indian difference was thought to be located.¹⁰ Early childhood socialization took on greater significance once the pseudo-science of racial theory had been dismantled. Knowledge gained of the intimate through “scientific inquiry” by experts in the fields of psychology, ethnology, or anthropology could be wielded to effect integration with “complete consent and satisfaction.”

During the review of Indian Act legislation that took place in 1946-1948, social welfare experts represented by the Canadian Association of Social Workers and Canadian Welfare Council, positioned themselves as ideally suited to assist the Department of Indian Affairs with the integration of Indian people into Canadian social and economic life. Their expertise in adjusting personalities and individuals to the new social realities, working with unwed mothers, juvenile delinquents, and putative fathers in white society, could be applied to Indian people. The submission acknowledged a number of crises facing Indian people, such as poor housing, in which First Nations were referred to as “a race of slum-dwellers,” and the high rates of tuberculosis and infant mortality.¹¹ Regarding malnutrition, the submission pointed to the 1945

¹⁰ Mona Gleason, *Normalizing the Ideal: Psychology, the School, and the Family in Postwar Canada* (Toronto: University of Toronto Press, 1999) documents the increasing focus on psychological discourses of motherhood and delinquency in the post-war period that pathologized immigrant and Aboriginal mothers in new and pervasive ways.

¹¹ “Joint Submission of Canadian Association of Social Workers and Canadian Welfare Council to the Senate-Commons Committee on Indian Affairs,” Section: Housing.

medical survey that had concluded that malnutrition, rather than racial characteristics, likely contributed to Indian malaise; the characteristics historically termed shiftlessness, indolence, and improvidence and inertia,

so long regarded as hereditary traits in the Indian race, may at the root be really manifestations of malnutrition. Further it is probable that the Indian's greatest susceptibility to many diseases, paramount among which is tuberculosis, may be attributable among other causes to their high degree of malnutrition arising from lack of proper foods.¹²

The elusive causes of Indian poor health, starvation and poor housing, were the consequence of federal Indian policies.¹³ However, these were brushed aside by social welfare experts to shift to their primary concern. Directly following the references to ill health and malnutrition was the concern over the increasing rates of prostitution and juvenile delinquency, the practice of custom adoption, illegitimate Indian children being forced off reserve, and lack of provincial legislation on reserves. The recognition that such outcomes were due to failed government policies was erased. Instead, attention was directed to the social pathologies and individual maladaptation that social work professionals felt could be alleviated with their specialized knowledge.

Social welfare professionals strongly positioned themselves to participate in partnership with Indian Affairs by aligning themselves with the goal of Indian assimilation. They stated, "In our judgment, the only defensible goal for a national program must be the full assimilation of Indians into Canadian life, which involves not only their admission to full citizenship, but also

¹² Ibid.; quoted from Report of Brooke Claxton, June 6, 1945, 6.

¹³ The connection between colonization and ill-health of Indian peoples in Canada has been documented by Maureen Lux, *Medicine That Walks: Disease, Medicine and Canadian Plains Native People, 1880-1940*. (Toronto: University of Toronto Press, 2001) and more recently by James Daschuk, *Clearing the Plains: Disease, Politics of Starvation and the Loss of Aboriginal Life* (Regina: University of Regina Press, 2013), 177. He looks especially at the prevalence of tuberculosis among Indian people on the plains and the poor housing and conditions on reserves that were never properly addressed, leading to current health crises. The connection between colonization and ill health in British Columbia also detailed by Mary Ellen Kelm, *Colonizing Bodies: Aboriginal Health and Healing in British Columbia, 1900-1950* (Vancouver: UBC Press, 1998).

the right and opportunity for them to participate freely with other citizens in all community affairs.”¹⁴ As members of a profession seeking legitimacy, which had gained respect from work with immigrant and urban populations during the Depression, they found that Indian Affairs appeared to provide a virtually unlimited field for their specialized services. Social workers recalibrated the Indian problem as one of personal, social, and economic adjustment, offering the tools of their trade, such as adoption and apprehensions, to enact integration. Like past attempts at assimilation, success proved elusive.

Saskatchewan was an early pioneer in utilizing social welfare expertise for solving the particular manifestations of settler colonialism that have been referred to as the “Indian problem.”¹⁵ Under the direction of Tommy Douglas, Métis rehabilitation was orchestrated through the provincial Department of Social Welfare and Rehabilitation. High rates of disease, extreme poverty, lack of education, and poor housing characterized Métis existence through the 1930s and 1940s. Unlike the First Nations people, Métis did not fall under the Indian Act legislation and as such were provincial citizens. However, they remained outsiders to provincial Euro-Canadian social and economic life. Like Indian people, Métis suffered from the Euro-Canadian belief that they stood outside modernity as relics of a bygone era.¹⁶ After the defeat of

¹⁴ Ibid., 2.

¹⁵ Noel Dyck, *What Is the Indian problem? Tutelage and Resistance in Canadian Indian Administration* (Memorial University of Newfoundland: Institute for Social and Economic Research, 1991), 3. The concept of the “Indian problem” has its origins in the earliest contacts between Europeans and First Peoples. According to Dyck, “Discussions of the Indian ‘problem’ revolve around the deep-rooted belief that perceived differences between Indians and other Canadians constitute a regrettable situation that needs to be remedied,” Dyck, 1. The remedies that have been applied over the course of contact represent the underlying belief that with just the correct combination of guidance and knowledge, First Nations and Métis people will join Canadian polity as another colorful tile in the mosaic without a distinct political voice.

¹⁶ Two academic works published in this period applied this analysis that provided an authoritative gloss to justify popular sentiment. See G.F.G Stanley, *The Birth of Western Canada: A History of the Riel Rebellions* (London: Longmans, Green and Co, 1936) for a portrayal of the Métis as backward and archaic, resisting the

Louis Riel in 1885, Métis people were ended up squatting in small communities on road allowances.¹⁷ The CCF government experiment in the rehabilitation of the so-called “subnormal” Métis initially took shape around relocating families to colonies to be trained as subsistence farmers and housewives. Métis children were to be educated in schools run by the Department of Social Welfare and Rehabilitation. When the government officially abandoned the relocation and brief colony scheme in 1961, rehabilitation attention shifted to prioritizing children and unmarried mothers. From 1961 onward, social workers were on the front lines where they could best enact the rehabilitation of Métis women and children through child welfare legislation.

The colonization of indigenous kinship in the post-war period departed from earlier attempts through education of children in residential schools and domestication of women in the home and shifted to integration into the child welfare system and surveillance by social workers through provincial child welfare laws surrounding “neglect.”¹⁸ Aboriginal children removed from families and communities increasingly became wards of Saskatchewan’s Social Welfare Department. Social workers proposed establishing kin relations with non-Aboriginal parents through “modern adoption” as a potential solution. The Adopt Indian and Métis program

inevitable expansion of modernity. Also, Marcel Giraud, *Les métis canadien* (Saint-Boniface, Manitoba: Editions du Blé, 1984) documented the origins of the Métis people as a regressive example of the failure of racial mixing, and an example of inevitable dominance of Anglo-Protestant civilization; these interpretations held sway until the 1970s.

¹⁷ The process by which many Prairie Métis ended up living in road allowance communities has not been fully explored by academic historians as of yet.

¹⁸ Pamela Margaret White, “Restructuring the Domestic Sphere: Prairie Indian Women on Reserves: Image, Ideology and State Policy: 1880-1930” (PhD diss. McGill University, 1987) examines the period up to 1930 when the state attempted to refashion Indian women to replicate the feminine roles in Euro-Canadian society. Women were encouraged by white women field matrons and Indian agents to cook bread rather than bannock, live in homes with more than one room, and improve housekeeping skills. Women were often portrayed as negligent in their housekeeping duties and responsible for the high rates of TB on reserves rather than placing the blame on lack of adequate medical facilities or federal policies that gutted reserves of economic opportunities.

enticed Euro-Canadian families in Saskatchewan to consider adopting either a First Nations or Métis child through an extensive television, radio, and slide show advertising campaign. After the successful pilot in the south-eastern portion of the province, the Adopt Indian and Métis program was then extended to include the rest of Saskatchewan.

State-directed Aboriginal transracial adoption represents a radical rethinking of racial boundaries that were previously erected between Aboriginal and non-Aboriginal peoples on the Prairies. Transracial adoption was the most intimate form of integration that Canadian policy makers had attempted. It erased children's history of Aboriginality and severed ties to family and communities. Simultaneously, the problems of Indian and Métis families were individualized and pathologized. Social work professionals became one of the primary groups in Canadian society tasked with managing the fallout from loss of land, sovereignty, poverty, residential school abuse, and gender tensions which followed from Indian Act legislation. The convergence of geographical relocation of Métis families and the cultural and physical relocation of Aboriginal children into non-aboriginal homes provides a starting place from which to understand the logic of Aboriginal child welfare in the province of Saskatchewan. Métis people, as Aboriginal people who did not fall under the federal Indian legislation, enabled the province to assemble experts and attempt a secular solution to the "Métis Problem."

Managed by professional social workers and bolstered by legal protections, transracial adoption promised "safety, naturalness, and authenticity."¹⁹ The rational and professional methodology used by social workers, such as regulation, interpretation, standardization, and naturalization promised to minimize the potential risk inherent in creating families through transracial adoption. These softer "technologies of helping" appealed to post-war Euro-Canadian

¹⁹ Ibid., 13.

politicians and citizens. Adoption was promoted as a legal, safe, and morally neutral method to both create families and manage indigenous relations. Adoption services provided by the provincial Department of Social Services in Saskatchewan promised privacy for adoptive and birth parents. Closed records gave children new futures, as past histories were eliminated. New homes in chosen locations with chosen families gave individual Indian and Métis children the opportunities to enjoy the advantages of working-class or middle-class status. However, the hegemony of “modern adoption” essentially abolished the practice of traditional adoption that had for centuries taken place without the assistance of social workers, under their indigenous legal systems of government. With the extension of provincial adoption laws onto reserves, indigenous adoption essentially became illegal, or at the least, an illegitimate form of family making.

In 1966-67, Indian and Métis transracial adoptions in Saskatchewan accounted for only 10 percent of all adoptions, but by they 1977 had risen to 35 percent.²⁰ According to social scientist, Phillip Hepworth social workers, not surprisingly, viewed adoptions as preferable to institutionalization. He, like many in this field, felt that infant adoption was the best solution to the problem of illegitimacy for unmarried, single, or poor mothers, and was a preventative measure for children likely to suffer from maternal deprivation or neglect. In Saskatchewan 50 percent of all children committed into care were Aboriginal, yet very few ended up in adoptive homes. Aboriginal mothers tended to keep their children, only to have them apprehended when they were older and, therefore, given less opportunity for adoption placement. In 1980 Philip Hepworth noted that, “As one of the major reasons of Indian and Métis children coming into care is poor housing, it is more than likely that more of them will stay in care rather than return

²⁰ H. Phillip Hepworth, *Foster Care and Adoption in Canada* (Ottawa: Canadian Council on Social Development, 1980); 93.

home.”²¹ Hepworth shared the perspective of other social work professionals, who viewed adoption as in the “best interests of the child” because it provided the care of two parents and establishing a permanent, legal relationship. In addition, it was vastly cheaper than both fostering and institutional care.²²

This point of view diverged from that of members of Saskatchewan’s Native Women’s Movement (SNWM), who were as concerned as Hepworth with the growing numbers of single girls and women giving birth. They proposed an indigenous feminist approach to address the impact of colonization in the lives of First Nations and Métis women in Saskatchewan. For example, they became involved providing education and support to teen mothers to support their children. Also, the SNWM opened the first Native-run daycare in the downtown core area of Regina in 1973. Their voices represent an important alternative to the dominance of experts who were engaged in constructing the “problem of Indian child welfare” in the 1980s.²³ Considering issues of agency and choice is fraught with difficulties, and oversimplifies a complex situation that is affected by the limitations of the sources consulted. Evidence indicates that Aboriginal mothers managed to exercise their right to obtain welfare services such as adoption to secure homes for children they felt would otherwise suffer deprivations. Adoption provided an important child caring option among a limited range of options in a social and political climate that was hostile to Aboriginal mothers and children.²⁴ The historically specific and varied

²¹ Ibid., 119.

²² Ibid., 183.

²³ *Iskwew*, Saskatchewan Native Women’s Movement Newsletter, May 1975.

²⁴ Andrea Smith and Rickie Solinger discuss how “choice” is complicated by issues of class and race, limiting women’s range of viable options, and penalizing them as poor “choice makers.” Rickie Solinger, *Beggars and Choosers: How the Politics of Choice Shapes Adoption, Abortion and Welfare in the United States* (New York: Hill and Wang, 2001), 35; and Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide* (Cambridge:

responses by First Nations and Métis women in mid to late twentieth century Saskatchewan point to the need to take into account changes in gender relations in Aboriginal communities. Through looking comparatively at transracial adoption in Canada and the US, as well as the resistance it engendered, my dissertation takes up the challenge of seeking the heart of colonial politics through the management of affective ties, and attempts an explanation of changing national identities that transracial adoption sought to create.

Exploring the history of transracial adoption brings into focus the malleable nature of racial difference. It highlights how child welfare responses contributed to First Nations and Métis marginalization, albeit in a new and virtually unrecognizable ways. Evidence presented in this dissertation demonstrates that the policies and legislation developed by the Department of Indian Affairs, particularly related to indigenous gender relations, manifested with growing poverty, family breakdown, alcoholism, unplanned pregnancy, child neglect, and apprehension. The effects were mystified and submerged through programs such as AIM and the Indian Adoption Project and later through demands for control over child welfare by First Nations leaders.²⁵ Aboriginal people rejected the narrow scope for relations that the creation of adoptive kinship ties provided through the modern secretive adoption process. While adoption promised permanency of loving families and legal protections for Aboriginal children that the fostering system could not do, indigenous peoples, globally, have rejected this form of child welfare service. While transracial adoption has been rejected by the vast majority of indigenous people,

South End Press, 2005), see Chapter 4, "Better Dead Than Pregnant: The Colonization of Native Women's Reproductive Health."

²⁵ For a better understanding of the impact of violence on the lives of Aboriginal women and children, see Anne McGillivray and Brenda Comansky, *Black Eyes All of the Time: Intimate Violence, Aboriginal Women, and the Justice System* (Toronto: University of Toronto Press, 1999).

culturally relevant alternatives have yet to emerge in Saskatchewan.²⁶ Nevertheless, it is clear that proper oversight to ensure the safety of vulnerable children who are placed in kinship care or through adoption needs to be in place.²⁷

During the 1980s, when Indian child welfare became politicized in Canada, Aboriginal leaders and legal experts looked south to consider the relevance of the 1978 Indian Child Welfare Act for Canadian tribes. Indian boarding schools and transracial adoption programs, such as the Indian Adoption Program and ARENA, were recognized at that time in the US to be a national phenomenon detrimental to the future of Native American tribes. The significance of ICWA (1978) is that it challenged the logic of child removal in the US. It established a legal framework to ensure the role of tribal governments in crafting locally relevant solutions while providing funding for the preservation of Indian families.²⁸ In Canada, the federal government has remained the reluctant funder of on-reserve Child and Family Service Agencies and provided provincial governments with dollars to provide services to Indian families. There is no national equivalent in Canada that provides direction, evaluation, or guidance to Indian child welfare.

While the most blatant forms of gender discrimination became obsolete with the passage of Bill

²⁶ There are locations where traditional adoption is recognized and practiced, such as Nunavut and Alberta. Yellowhead Tribal Services Agency in Alberta has developed an award-winning custom adoption program that boasts a 100 percent success rate in that there have been no adoption breakdowns in 100 cases. Cindy Blackstock, "Supporting First Nations Adoptions," Submission to: Standing Committee on Human Resources, Skill and Social Development and the Status of Persons with Disabilities, December 2010, Accessed November 22, 2014, <http://www.fncaringsociety.com/sites/default/files/13.FNCFCS-Supporting-First-Nations-Adoption-Dec2010.pdf>

²⁷ A recent report by the Representative for Children and Youth in British Columbia has looked at the failure of social welfare agencies in British Columbia and Saskatchewan to provide proper oversight to ensure the safety of a small girl placed on reserve in her grandfather's care. A convicted criminal battling with additions, he and his spouse abused the child while acting as foster parents. The report looks not only at the individual factors but the systemic problems with Indian child welfare in Canada. Representative for Children and Youth, "Out of Sight: How One Aboriginal Child's Best Interest Were Lost between Two Provinces: A Special Report," September 2013, Accessed November 22, 2014, <http://www.rcybc.ca/reports-and-publications/reports/cid-reviews-and-investigations/out-sight-how-one-aboriginal-child%E2%80%99s>

²⁸ Barbara Ann Atwood, *Children, Tribes, and States: Adoption and Custody Conflicts over American Indian Children* (Durham: Carolina Academic Press, 2010).

C-31, problems remain. Scholars and activists correctly note that an underlying gender and assimilatory bias remains within the Indian Act.²⁹ This unsatisfactory arrangement has reached a tipping point with the current human rights case brought against the federal government by Cindy Blackstock and the First Nations Family Caring Society, along with the Assembly of First Nations, for discriminating against Indian children by failing to properly fund child welfare on reserves.³⁰ The judgment, expected sometime in 2015, will set a precedent for addressing future services delivered to First Nations by the federal government.

A possible starting place for better services to indigenous peoples in Canada, after resolving the inequitable funding of First Nations child welfare services and education, would be to begin conducting outcome studies on what has been and is successful in First Nations and Métis child welfare. These studies could be a springboard to then establishing successful programs. Lack of research in this area perpetuates poor services and lack of direction.³¹ Forty years ago, the Saskatchewan Native Women's Movement called for greater research into lives of Aboriginal women particularly for services that reflected both the contemporary needs and cultural traditions of Aboriginal people in this province. This dissertation has argued that Aboriginal people have been engaged in indigenizing Canadian adoption laws and services to

²⁹ Pamela Palmater, *Beyond Blood: Rethinking Indigenous Identity* (Saskatoon: Purich Publishing, 2011).

³⁰ First Nations Caring Society, "Information Sheet: The Canadian Human Rights Tribunal on First Nations Child Welfare (Docket: T1340/7708)," July 2014, Accessed November 23, 2014, <http://fncaringsociety.com/all-news>

³¹ In the US there are currently two publications that discuss the impact of transracial adoption on the lives and identities of Indian children. The first was published shortly after the completing of the Indian Adoption Project, David Fanshel, *Far from the Reservation: The Transracial Adoption of American Indian Children* (Meuchen: Scarecrow Press, 1972); and more recently, Rita J. Simon and Sarah Hernandez, *Native American Transracial Adoptees Tell Their Stories* (Langham: Lexington Books, 2008). In Canada, two theses have looked at the experiences of adult adoptees. Raven Sinclair and Cheryl Swidrowich utilize the interview format to assess the experiences of adoption and fostering on individuals. These provide a good starting place, but there are many areas left unaddressed.

reflect their own kinship, law, and governance systems. Historically, this approach has engendered resistance by bureaucrats, experts, and politicians because of the subversive potential it represented. While the difficulty in effecting systemic change is daunting, the human and financial cost of doing nothing is also significant. First Nations communities cannot “afford” another generation of Indian children in Canada growing up dislocated from families and communities. By identifying the historical roots of Aboriginal transracial adoption and recognizing indigenous resistance to transracial adoption, this dissertation suggests the future direction in child welfare should be recovering indigenous adoption as both a method of child caring and a process of restoration and decolonization for indigenous peoples, while simultaneously recognizing and ending the denigration and colonization of indigenous kinship via gendered modes of elimination.

Appendix 1. Road Allowance Communities in Saskatchewan³²

a) Government-Operated Farms

Green Lake

Willowbunch farm (1953-1961)

Lebret farm (1940-1968) colony operated by the DSWR jointly with the Catholic Church

b) Rehabilitation Projects Operated by the DSWR

Lestock (1951-1961),

Crooked Lake (1948-1962)

Crescent Lake (1945-1961).

c) Road Allowance Communities Relocated to Green Lake

Punnichy (little Chicago road allowance community 1949)

Baljennie (1951 and 1952)

Glen May (1945/6?)

d) Road Allowance Communities Surveyed by CCF Government (1945, 1955)

Canwood

Baljennie

Mount Nebo

Hawkeye

Sandy Lake

Park valley

Polwarth

Victoire

Pascal

Qu'Appelle

Prince Albert

North Prince Albert

Yorkton, Saltcoats, Cana, Orkney

³² Robert G. Doucette, *The Archival Resource Guide for Aboriginal Issues* (Saskatoon: Gabriel Dumont Institute, 2009), 49-50.

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