



## Child Welfare, Indigenous Children and Children's Rights in Canada

*Bem-Estar da Criança, Crianças Indígenas e Direitos das Crianças no Canadá*

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**Abstract**

In Canada, Indigenous children have been removed from their families and communities for residential schooling and for adoption and fostering by the state. These historic and ongoing policies have contributed to a general lack of awareness and respect for the rights of Indigenous children as children, as well as Indigenous rights bearers. This paper examines the ways in which historic Indigenous transracial adoption projects acted as a means of public education for ignorance, and argues there is an urgent need for increased public and academic attention to Indigenous children's rights as both universal children's rights and Indigenous rights.

**Keywords:** Indigenous Rights; Adoption; Children.

**Resumo**

No Canadá, crianças indígenas foram removidas de suas famílias e comunidades para educação residencial e para adoção e acolhimento institucional pelo estado. Essas políticas históricas e em andamento contribuíram para uma falta geral de conscientização e respeito pelos direitos das crianças indígenas desde uma perspectiva de suas condições como crianças, bem como de portadoras de direitos indígenas. Este artigo examina as maneiras pelas quais projetos históricos de adoção indígena trans-racista agiram como um meio de educação pública para a ignorância, e argumenta que há uma necessidade urgente de maior atenção pública e acadêmica aos direitos das crianças indígenas como direitos das crianças e direitos indígenas, ambos de caráter universal.

**Palavras-chave:** Direitos Indígenas; Adoção; Crianças.



In recent years, Canada has been taken to task both nationally and internationally for the poor conditions that Indigenous children experience.<sup>1</sup> As an advanced industrialized nation, for decades Canada has promoted itself as a humanitarian leader and human rights advocate in the world. Closer to home, Indigenous children and communities still want for basic access to water, sewer and schools, while poverty rates among on-reserve Indigenous children are a shocking 60%.<sup>2</sup> Saskatchewan has the second highest poverty rate for Indigenous children in Canada at 69% as compared to poverty rates settler children at 13%.<sup>3</sup> The studies, newspaper articles, and reports provide evidence of the marginalization of Indigenous peoples and communities in Canada, and reveal a stubborn apathy on the part of the government and public for addressing a blight on the nation's reputation, and the suffering of Indigenous children within its borders.

This current historical moment in Canada is rooted in the colonial relationship between the Canadian state and the Indigenous peoples of "Turtle Island," the Indigenous term for North America. This paper looks specifically at the emergence of adoption programs in the United States and Canada during the post-war period following 1945 to identify the roots of the current child welfare crisis, and reveal the deliberate creation of campaign of public education for ignorance around Indigenous transracial adoption.<sup>4</sup> In the 1960's and 1970's, First Nations and Métis children were increasingly apprehended by social workers and made wards of the provincial departments of Social Services.<sup>5</sup> Termed "the Sixties Scoop," Indigenous children across Canada and the United States were fostered and

<sup>1</sup> Margo Greenwood, Sarah de Leeuw, and Nicole Lindsay identified that Indigenous children and youth face disproportionate burdens of ill health and suicide in part due to the socioeconomic and political context of their lives, due to both contemporary and historic relations of colonization. Consult in: GREENWOOD, Margo; LEEUW, Sarah de; LINDSAY, Nicole. "Challenges in health equity for Indigenous peoples of Canada," *The Lancet*, Feb. 23, 2018. Available in: <<https://www.sciencedirect.com/science/article/pii/S0140673618301776?via%3Dihub>>. In 2012 Chief Theresa Spence staged a sit-in in Ottawa to draw attention to the poor housing conditions on her Northern Ontario reserve of Attiwapiskat. In 2016 the community again declared a state of emergence due to the rash of suicides, and attempted suicides by some as young as 11. Available in: <<http://www.cbc.ca/news/canada/sudbury/attawapiskat-suicide-first-nations-emergency-1.3528747>>.

<sup>2</sup> MACDONALD, David; WILSON, Daniel. "Shameful Neglect: Indigenous Child Poverty in Canada", Ottawa: Canadian Centre for Policy Alternatives, May 2016, p. 5.

<sup>3</sup> MACDONALD, p. 5.

<sup>4</sup> My use of the idea "public education for ignorance" is in part inspired by the work of SCRIBE, Megan "Pedagogy of Indifference: State Responses to Violence Against Indigenous Girls" in *Canadian Woman Studies* Vol. 32 (1/2) Summer/Fall 2018 who terms the process of deliberate state deployed education as a means of perpetuating the settler colonial relations of oppression.

<sup>5</sup> STEVENSON, Allyson. "Intimate Integration: A Study of Aboriginal Transracial Adoption in Saskatchewan, 1944-1984", University of Saskatchewan, 2015. Available in: <<https://ecommons.usask.ca/xmlui/bitstream/handle/10388/ETD-2015-04-2021/STEVENSON-DISSERTATION.pdf?sequence=4&isAllowed=y>>.



adopted by non-Indigenous families in turn losing their culture, language and connection to families and communities.

The term “Sixties Scoop” originated from a passage in Patrick Johnston’s 1983 book<sup>6</sup>, *Native Children and the Child Welfare System*. According to one social worker, the overrepresentation of Indigenous children in the child welfare system stemmed from the ethnocentrism of individual social workers. Armed with a middle-class value system and goal of ultimate assimilation, social workers “scooped” up Indigenous babies and children from communities for adoption into white homes.<sup>7</sup> The perspective of social workers was and is rooted in Euro-Canadian cultural superiority and lack of knowledge of Indigenous culture and kinship systems. Testimony from a former B.C. social worker:

[A]dmited 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.<sup>8</sup>

On the surface, this quotation pointed to the well-intentioned desire on the part of individual social workers to rescue children from devastating material conditions. However, it also illustrated the lack of understanding of the historical factors that led to those conditions in this first place. Additionally, this quote identified one of the ways in which Canada, and Canadians more broadly, have failed to uphold the basic rights of Indigenous children. By removing Indigenous children (allegedly for their best interests) Indigenous child removal logic operated against meaningfully addressing the economic and political conditions that made families vulnerable, and caused communities struggle to provide the necessary elements for healthy children and families. A remedy to this harmful logic lies rooted in a rights-based approach. By approaching the issue of Indigenous child removal from a perspective of Children’s rights outlined by the United Nations Convention on the

<sup>6</sup> JOHNSTON, Patrick; *Native Children and the Child Welfare System*. The Canadian Council on Social Development (Toronto: The James Lorimer and Company Publishers, 1983).

<sup>7</sup> LEEUW, Sarah de; GREENWOOD, Margo; Emilie Cameron, “Deviant Constructions: How Governments Preserve Colonial Narratives of Addictions and Poor Mental Health to Intervene into the Lives of Indigenous Children and Families in Canada” *International Journal of Mental Health and Addiction* 8, no. 2, April 2010, p. 282–95, Available in: <<https://doi.org/10.1007/s11469-009-9225-1>>.

<sup>8</sup> JOHNSTON Patrick; *Native Children and the Child Welfare System*. The Canadian Council on Social Development (Toronto: The James Lorimer and Company Publishers, 1983) 23.



Rights of the Child, in conversation with United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), a meaningful framework for simultaneously addressing the systemic child welfare issues, and addressing the underlying factors can emerge.<sup>9</sup> By undertaking a new approach rooted in recognizing Indigenous children as bearing both children's and Indigenous rights, Canada must be compelled to act accordingly. In Canada, Indigenous children have remained outside human the human rights regimes as meaningful righters bearers. It is now time they were brought in.

In the small rural province of Saskatchewan, like elsewhere across the country of Canada, Indigenous children make up a disproportionate percentage of children in the provincial child welfare system.<sup>10</sup> The ongoing crisis of Indigenous child removal is a clear violation of Indigenous children's human and Indigenous rights, as children who are removed often lose connection to their families, culture and communities. Saskatchewan has the second highest rate of out of home care of Indigenous children, with 80% of children in the system being Indigenous, while making up only 25% of the total child population.<sup>11</sup> Although from the 1980's onward, First Nations in the Canadian context have taken on a greater role in the provision of child welfare services to Indigenous families and children, the funding of Indigenous child welfare remains inadequate, and has been found to be a violation of Indigenous children's human rights.<sup>12</sup> Some scholars argue that overrepresentation of Indigenous children is in part due child neglect rooted in factors that

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<sup>9</sup> Cynthia Price Cohen argues that draft Indigenous human rights instruments do not specifically identify the rights of children, and that there is a danger that Indigenous children might be treated as "property" of the group. Consult in: COHEN, Cynthia Price. "International Protection of the Rights of Indigenous Children" in ANAYA, James, *Indigenous Peoples in International Law*. London: Oxford University Press, 37-38, 2004

<sup>10</sup> A note on terminology: First Nations refers to the contemporary Indigenous social and political groups who are recognized by federal Indian Act legislation, and includes a wide array of linguistic and culturally distinct Indigenous peoples in Canada. The legal term "Indian" is a historic term used to identify individuals who met certain federally established legal criteria and were descendants of the First Peoples in northern North America. The term Métis describes the contemporary descendants of mixed First Nations and European marriages in the fur trade period in Canada and the US who emerged as distinct social and political entities in the nineteenth century, and identify as Métis and maintain their distinctive Métis way of life. I use Indigenous to refer to First Nations, Métis and non-status Indian peoples in a way that denotes the common historic experiences of colonization among global First Peoples.

<sup>11</sup> SINHA, V., KOZLOWSKI, A. "The Structure of Aboriginal Child Welfare in Canada," *The International Indigenous Policy Journal*,4(2), 2013, 3. Retrieved from: <<http://ir.lib.uwo.ca/iipj/vol4/iss2/2>>.

<sup>12</sup> First Nations Child and Family Caring Society of Canada and Assembly of First Nations and Canadian Human Rights Commission and Attorney General of Canada and Chiefs of Ontario and Amnesty International, Canadian Human Rights Tribunal Ruling January 26, 2016, File no. T1340/7008.



include poverty, poor housing, domestic violence and substance abuse.<sup>13</sup> However, one of the driving factors that have led to high rates of child removal is the deliberate underfunding of services to Indigenous families on Canadian reserves.

In 2016, the Canadian Human Rights tribunal found the government of Canada guilty of discriminating against First Nations children on the basis of race for inequitably funding on-reserve Child and Family services. Former social worker, and University Professor Cindy Blackstock and the First Nations Child and Family Caring Society argue that the cumulative impact of the decades long funding gap has led to children removed from their family homes and communities, living indefinitely in foster care, an outcome that mirrors the disgraced residential schools system of years past.<sup>14</sup> Recently, the Minister of Indigenous Services, Jane Philpott has characterized this overrepresentation as a national “humanitarian crisis” and vowed to devote increased resources to prevent apprehensions of Indigenous children.<sup>15</sup>

In 2015, Canada’s Truth and Reconciliation Commission (TRC) published its final report on the disgraced Indian Residential schools system in operation in Canada between 1876 and 1996 and with it, 94 Calls to Action.<sup>16</sup> For the TRC Commissioners, the reconciliation of past and current harms of the residential schooling system hinged on the implementation of a number of contemporary policy and legal changes to address the unequal position of Indigenous peoples in Canada. Recommendations include allocation of proper funding to Indigenous Child Welfare, Education, and Justice and education of Canadians about the systemic and individual acts of violence that were part of the day to day operations of the residential school system. In addition, the commissioners called for a

<sup>13</sup> Ibid.

<sup>14</sup> CLIBBON, Jennifer. “First Nations child advocate wins 1<sup>st</sup> battle with Ottawa on services,” CBC News, April 19, 2012. Available in: <<http://www.cbc.ca/news/canada/first-nations-child-advocate-wins-1st-battle-with-ottawa-on-services-1.1149966>>.

<sup>15</sup> Available in: <<http://www.cbc.ca/news/indigenous/crisis-philpott-child-welfare-1.4385136>>.

<sup>16</sup> The Truth and Reconciliation Final Report was submitted to the Government of Canada in 2015 following an extensive public commission that examined the historic origins and impact of the residential school system that operated in Canada from 1876 to 1996. The schools were operated by religious orders and funded by the Canadian government, through legislation termed “The Indian Act.” The schools, located throughout all regions of Canada, deliberately separated Indigenous children from their families in order to “civilize” and “assimilate” them. Children were very frequently physically, sexually and emotionally abused, and culturally humiliated and shamed. The findings of the commission termed the legacy of the schools “cultural genocide” and published 94 Calls to Action to reconcile the legacy of the schools for both Indigenous peoples and Canadians alike. The Calls to Action for the purpose of reconciliation attempt to address the fundamental inequality of Indigenous peoples in Canada. The findings of the Commission can be found at: <<https://nctr.ca/reports2.php>>.



repudiation of the Doctrine of Discovery and *terre nullius* (Article 45, TRC Calls to Action, 2015)<sup>17</sup> that justified state-based subjugation of Indigenous peoples and the institution of UNDRIP in their place. Most importantly, call to Action 43: under the heading Reconciliation states: “We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.”<sup>18</sup>

In 2015, the newly elected Liberal government under leader Justin Trudeau platform that promised a renewed relationship with Indigenous peoples, based on a nation-to-nation relationship.<sup>19</sup> The following year, on May 10<sup>th</sup> 2016 Canada’s Minister of Indigenous Affairs, Carolyn Bennett officially, endorsed the UNDRIP. Between 2007 and 2016, Canada’s had been a permanent objector to several articles in UNDRIP. Initially Canada, the United States, Australia and New Zealand opposed UNDRIP, however, by 2016, Canada remained the lone objector.<sup>20</sup> UNDRIP spells out a wide range of Indigenous rights to self-determination, consent to development, culture, political expression, language and child-rearing for Indigenous peoples globally. It also outlines state obligations to ensure that Indigenous rights are protected and fostered, formally recognizing an Indigenous order of governance that exists world wide, despite the emergence of nation-states rooted in seventeenth century European colonial ventures. Thus, the responsibility shifts from that of Indigenous peoples to that of nation-states to acknowledge the limitations of their power with respect to Indigenous populations within their borders, and, if necessary, bring legislation and policy into alignment. UNDRIP signals a fundamental change to the relationship between Indigenous peoples and national governments based on the recognition of Indigenous collective and human rights.

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<sup>17</sup> Article 45 (i) Repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and terra nullius. Truth and Reconciliation Commission of Canada, “Truth and Reconciliation Commission of Canada: Calls to Action,” 2015 Available in: <[https://nctr.ca/assets/reports/Calls\\_to\\_Action\\_English2.pdf](https://nctr.ca/assets/reports/Calls_to_Action_English2.pdf), 5>.

<sup>18</sup> Truth and Reconciliation Commission of Canada, “Truth and Reconciliation Commission of Canada: Calls to Action,” 2015. Available in: <[https://nctr.ca/assets/reports/Calls\\_to\\_Action\\_English2.pdf](https://nctr.ca/assets/reports/Calls_to_Action_English2.pdf), 4>.

<sup>19</sup> Available in: <<https://www.liberal.ca/realchange/a-new-nation-to-nation-process/>>.

<sup>20</sup> “Canada removing permanent objector status to UN Declaration on the Rights of Indigenous Peoples”. Available in: < <http://www.cbc.ca/news/indigenous/canada-position-undeclaration-indigenous-peoples-1.3572777>>.



Adopted by the United Nations (UN) in 2007, UNDRIP is the culmination of a decades long process to recognize Indigenous rights in international law.<sup>21</sup> UNDRIP articulates and codifies a range of Indigenous rights distinct from those they may or may not possess in the nation states in which Indigenous peoples reside. The *Declaration* preamble begins with a series of statements that position Indigenous peoples relative to nation-states with recognition of their historic experiences of colonization emerging from the imperialist period. The preamble goes on to reflect on the importance of Indigenous peoples in enriching the collective human heritage, denying ideologies based on the superiority of certain peoples and rights of Indigenous peoples to live free from discrimination, it further states:

*Affirming* that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,<sup>22</sup>

*Concerned* that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

*Recognizing* the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially to their lands territories and resources,<sup>23</sup>

Further, the Declaration speaks to the role of families:

*Recognizing* in particular the rights of Indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child.<sup>24</sup>

In total, the Declaration contains 46 Articles that are “equally guaranteed to male and female indigenous individuals.”<sup>25</sup> Articles stress the importance of ensuring measures to support the integrity of Indigenous peoples, communities and institutions, while rejecting efforts aimed at the destruction Indigenous peoples, systems of knowledge or languages. Of particular significance for Indigenous children is Article 7 which states:

<sup>21</sup> LIGHTFOOT, Sheryl. *Global Indigenous Politics: A Subtle Revolution*. 1 ed. London; New York: Routledge, 2016.

<sup>22</sup> UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples : resolution / adopted by the General Assembly, 2 October 2007, A/RES/61/295*, available at: <<https://www.refworld.org/docid/471355a82.html>>. Accessed: 16 Apr. 2019.

<sup>23</sup> *Ibid*, 2.

<sup>24</sup> *Ibid*, 3.

<sup>25</sup> Article 44, *UNDRIP*.





1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.<sup>26</sup>

This is further articles by Article 8:

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
  - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
  - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
  - (c) **Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;**
  - (d) **Any form of forced assimilation or integration;**
  - (e) **Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.**<sup>27</sup>

The 1989 UN Convention on the Rights of the Child likewise identified Indigenous child removal as a violation of Indigenous children's rights.

**Article 30:** In those states in which ethnic religious, or linguistic minorities of indigenous origin exist, a child belonging to such a minority group or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess or practice his or her own religion, or to use his or her own language.<sup>28</sup>

The forcible removal of Indigenous children for education and for reasons of child protection are acts that undermine the ability of Indigenous peoples to pass on Indigenous knowledge, as well as violate the right of Indigenous children to an identity. Indigenous peoples have characterized these acts as genocide and a violation of human and indigenous rights. Adoption and fostering is a forcible removal of children from one group to another.

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<sup>26</sup> Article 7, *UNDRIP*, 4.

<sup>27</sup> Article 8, *UNDRIP*, 4.

<sup>28</sup> U.N. Doc. ECN. 4/1989/48 (1989) quoted in Cohen, 49



### The History of Indigenous Transracial Adoption

Modern adoption is one of the innovations pioneered and managed by professional social workers in the twentieth century, although it was not until the post-war period that Indigenous children were considered “adoptable.”<sup>29</sup> Prior to the 1950’s, social workers did not consider Native American children serious candidates for adoption since government officials responsible for Native Americans primarily placed orphaned, abandoned or needy children in boarding schools. The United States first piloted a special adoption program operated by the Child Welfare League of America (CWLA) financed by the federal Bureau of Indian Affairs (BIA) 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.”<sup>30</sup> The Indian Adoption Project (IAP) began as a demonstration project to encourage transracial adoption by establishing an inter-state adoption exchange between western state and county welfare agencies and two eastern adoption agencies. The project initially targeted the western states of Arizona, Montana, Nevada, North Carolina, South Dakota and Wyoming, because of their large American Indian populations and focused on Indian children of one-quarter or more degree of Indian blood, who were considered to be “adoptable.”<sup>31</sup> The rationale for the adoption exchange in removing Indian children from western American reservations to far away families in Eastern urban areas reflected the negative attitudes towards Native American peoples prevalent in nearby communities and sought families with more positive conceptions of Native American peoples.<sup>32</sup>

Shortly after operating, the Indian Adoption project demonstrated that Euro-American families were enthusiastic about adopting Native American children.<sup>33</sup> By 1958 adoption had become the centerpiece of child welfare efforts.<sup>34</sup> Adoption was seen as the

<sup>29</sup> Ellen Herman, *Kinship by Design: A History of Adoption in the Modern United States*. Chicago: University of Chicago Press, 2008.

<sup>30</sup> LYSLO, Arnold; “Adoptive Placement of American Indian children with Non-Indian Families, Part 1. The Indian Adoption Project,” in *Child Welfare: Journal of the Child Welfare League of America*, Inc. May, 1961 4.

<sup>31</sup> *Ibid*, 5.

<sup>32</sup> BALCOM, Karen; “The Logic of Exchange: The Child Welfare League of America, The Adoption Resource Exchange Movement, and The Indian Adoption Project, 1958-1967.” In *Adoption and Culture* 1.1 (2007) 7.

<sup>33</sup> JACOBS, Margaret D.; *A Generation Removed: The Fostering and Adoption of Indigenous Children in the Postwar World*. Lincoln : London: University of Nebraska Press, 2014, 17.

<sup>34</sup> *Ibid*, 18.



“ultimate solution” (final solution?) to the Indian problem since it provided cost savings, socialization in white homes, separated children from contact with families with legal severance and geographical distance.<sup>35</sup> Lyslo and others had successfully created a new demand for Native American children with the carefully crafted narrative that publicized the adoption project as a benevolent, and humanitarian response to a pressing, but previously unacknowledged need. Through advertising done in various newspapers and periodicals throughout the country, the project cultivated a new, and previously nonexistent demand in white adoptive families for Native children.<sup>36</sup> The project also both set about identifying, and increasing the numbers of adoptable Native American children, speeding up the rate at which they could be adopted, and cutting the red tape that prevented tribal children from adoption by American citizens, all the while, reducing the focus on rehabilitating families.

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”.<sup>37</sup> Stimulation of adoptions brought about by favorable 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, brought about by the adoption exchange “caused social agencies in the child’s home states to take a ‘new look’ at the Indian child’s adoptability with the result that many more Indian children are being placed for adoption in their own state.”<sup>38</sup> 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.”<sup>39</sup> The IAP eventually resulted in the adoption of 395 Indian children in 26 states and one territory.

From 1976 onward, the CWLA developed a transnational exchange with Canada entitled the Adoption Resource Network of America (ARENA). Using the same advertising strategy as the IAP, social work professionals believed that greater geographical distance

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<sup>35</sup> Ibid, 19.

<sup>36</sup> Ibid, 20.

<sup>37</sup> 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 (SWHA) University of Minnesota.

<sup>38</sup> Ibid, 6.

<sup>39</sup> Ibid.



between children and racially intolerant communities would “help overcome the uneven availability of homeless children and suitable adoptive families that now exist throughout the country.”<sup>40</sup> Advertising Native American children and crafting heart-warming adoption stories was part of a campaign to repackage the narrative of Indigenous depravity and settler superiority by focusing on needs of forgotten children for loving (white) parents. ARENA workers prepared an article for the November 1970 issue of *The Readers Digest* that revealed ARENA’s adoption program to 50,000,000 American readers, and countless Canadians, in a version tailored specifically to Canadian audiences with Canadian examples. The article combined a heart-warming testimony from what appeared to be real adoptive parents, with educational information from director of the CWLA Joseph Reid. Featuring the Norquist family from the Red River Valley in Minnesota, the article drew on the trope of a barren western landscape with the white farm wife left alone in her white farmhouse. Mrs. Norquist lamented, “Life can be lonely here on the prairie.”<sup>41</sup> The artistically rendered image on the front of two dark-haired little girls on the swing reflected a normal Euro-American depiction of carefree childhood. It is only when the article mentions that the girls were adopted from Alaska and were of Inuit-white parentage that readers might be aware of the racial difference.

Along with the glowing testimonial of transracial adoption, the article provided an educational element. It went on further to explain why it arose. Claiming ARENA was founded to meet an adoption crisis in the US that had arose in response to the increase in illegitimate births since the 1940’s, the author erased the previous connection to the Indian adoption project. Director of CWLA Joseph Reid described the new program as a modernization of the archaic limits that had been part of traditional adoption, particularly matching race, religion and intelligence that had made adoption the purview of professional social workers who claimed they alone could ensure proper family creation. Further, the article proposed that in the adoption market there was an insufficient supply of white infant girls to meet demand, but there was an oversupply of “other” types. Director of CWLA Joseph Reid curiously claimed that “We were betting that we could demonstrate that local

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<sup>40</sup> Child Welfare League of America, “America’s Social Frontier: A National Adoption Exchange?” in *Current*, August 1966 57.

<sup>41</sup> Arena News Issue No. 14, October 1970. CWLA Fonds, Box 89 ARENA Folder, SWHA University of Minnesota.



prejudice might work for a child instead of against him.”<sup>42</sup> In keeping with the market analysis of adoption, transracial adoption made sense to taxpayers since at \$2500 per year, maintaining a child in foster care or institution cost states \$40,000 over a child’s lifetime. Reid argued, “By contrast, to place a child with a family through ARENA usually costs less than \$500.”<sup>43</sup>

Officials who advocated, then implemented Euro-American adoption practices for both Canadian and American Indigenous children, operated from the logic that Indigenous children were best off adopted, rather than remaining in what often became a series of foster homes. Canadian social scientist Philip Hepworth argued in 1979, that Canadian Indigenous mothers rarely relinquished children voluntarily. A high proportion of Native children were “illegitimate” but, unlike white “illegitimate babies” very few were relinquished for adoption after birth.<sup>44</sup> In the years 1973-1974, 94% and 96% of Indigenous children were apprehended, by comparison, 68% and 73% of non-Indigenous children were apprehended. Indian and Métis children were most frequently removed due to the catch-all category of “neglect.” Karen Swift argues 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.”<sup>45</sup> As mothers sought our services for support, they likewise invited the scrutiny of social workers into their homes. A majority of Indigenous families attempted to parent children despite economic and social challenges, while some women relinquished children in what was undoubtedly a difficult and potentially coercive hospital environment.<sup>46</sup>

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<sup>42</sup> Arena News Issue No. 14, October 1970. CWLA Fonds, Box 89 ARENA Folder, SWA University of Minnesota.

<sup>43</sup> Arena News Issue No. 14, October 1970. CWLA Fonds, Box 89 ARENA Folder, SWA University of Minnesota.

<sup>44</sup> HEPWORTH, H. Phillip; *Foster Care and Adoption in Canada*. Ottawa: Canadian Council on Social Development, 1980); I use the term “illegitimate” to reflect the terminology of the time, and not as a label for children of unmarried mothers.

<sup>45</sup> SWIFT, Karen; *Manufacturing “Bad Mothers”: A Critical Perspective on Child Neglect*. Toronto: University of Toronto Press, 1995, 175.

<sup>46</sup> SINCLAIR, Raven; “‘All My Relations’: Native Trans-Cultural Adoption: A Critical Case Study of Cultural Identity.” PhD diss., University of Calgary, 2007 has compiled adoption experiences of adult adoptees. Among her participants, 10 were relinquished by birth mothers, 3 apprehended, and 3 had “other” situations. P. 188-191.



### Adopt Indian and Métis

Beginning in 1946 Department of Social Welfare in Saskatchewan undertook experimental social work projects with Métis children, and by 1960, plans were underway to increase adoptions of Indigenous children removed from their families of origin.<sup>47</sup> That same year, government officials first acknowledged that Indigenous children were “overrepresented,” assuring both the public and the government as a whole that, “A serious attempt is being made to equip all children to become as useful citizens as possible.”<sup>48</sup> The following year was the first to track the racial origins of children who were wards of the department categorizing wards as Indian, Métis or white. At this time, of the 1482 children in foster homes, 580 were Métis or Indian, or nearly 40%. Social workers attributed the increase in Indigenous children entering the child welfare system to an increased migration of Indian and Métis families to Prairie cities.<sup>49</sup>

### Adopt Indian and Métis in Saskatchewan, 1967-1971

Provincial Minister of Welfare Cy MacDonald in Saskatchewan first proposed The Adopt Indian and Métis pilot project in 1967 as a means to determine how Indigenous children could be placed for adoption on a larger scale. Similar to the American Indian Adoption Project, non-Indigenous families did not consider Indigenous children potential adoptive kin. The racial boundaries between non-Indigenous peoples and Indigenous peoples in the early twentieth century had been zealously policed by Indian agents and government officials, however the post-war integration policy of the federal Department of Indian Affairs sought to reduce Indigenous populations through integration into provincial systems. For Indigenous children this included in provincial schools, child welfare systems, and health care systems. The Adopt Indian and Métis project initially sought to enumerate Indigenous

<sup>47</sup> STEVENSON; “Intimate Integration: A Study of Aboriginal Transracial Adoption in Saskatchewan, 1944-1984.”

<sup>48</sup> 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

<sup>49</sup> 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.



children not only legally available for adoption in the Province, but also those “socially free.”

<sup>50</sup> This presumably meant Indigenous children of unwed mothers who were receiving care who might potentially be adopted at some future date. This “inventory” of adoptable children was deemed necessary to quickly secure the child when a home came available as well as to “publicise properly.”<sup>51</sup>

Following the initial tabulation of Indigenous children, the Child Welfare Branch undertook a more expansive joint Federal/Provincial adoption project. Described as a special approach to encourage the adoption of Indigenous children, Adopt Indian and Métis sought to advertise children to save on the costs of providing for children over the course of their childhood. The grant argued, “If successful, it will also be a major saving in the maintenance costs for children.”<sup>52</sup> The proposal outlined five streams to increase adoptions over the course of the project’s two year timeframe. Firstly, and most important, was the creation of overall publicity and information campaign specifically geared to the needs of Indian and Métis children in a general way. The advertisements that ran in the various media outlets included information about the children, and were intensive and continuous for at least three to four years in a given geographic area. The ads were communicated over radio, television, newspapers, magazines, special publicity, speeches, writing articles. The revised budget increased the advertising budget from \$2,000.00 to \$10,000.00. In total the Adopt Indian and Métis information and promotion budget was \$15,424.00 of the \$29,112.00 total program budget.<sup>53</sup>

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 and reduce pressure on foster homes through enlisting “normal”

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<sup>50</sup> March 7, 1967. Grant Application filed by Deputy Minister Sihvon and Minister C. MacDonald to the Department of National Health and Welfare Grants Division. Title of Project: Special Adoption Unit to Place Indian and Métis Children for Adoption, 1966-67 budget year. File 49 (4.9) Adopt Indian and Métis Program, AIM, 1967-1097 in R-935 Department of Social Welfare Files, SAB.

<sup>51</sup> Ibid.

<sup>52</sup> Letter from O.H. Drieger to W.W. Struthers Director of National Health and Welfare Department Grants Division March 3rd, 1967 regarding 557-1-10, Special Adoption Unit Demonstration Project File 49 (4.9) Adopt Indian and Métis Program, AIM, 1967-1097 in R-935 Department of Social Welfare Files, SAB.

<sup>53</sup> June 5<sup>th</sup> 1967, Project 557-1-10 Special Adoption Unit to Place Indian and Métis Children for Adoption File 49 (4.9) Adopt Indian and Métis Program, AIM, 1967-1097 in R-935 Department of Social Welfare Files, SAB.



Saskatchewan families to adopt Indian and Métis children.<sup>54</sup> The public education component of the Adopt Indian and Metis Project created an important and enduring legacy in the public imagination about Indigenous children and families. The powerful imagery of the vulnerable Indigenous child in need of rescue through permanent adoptive homes appealed to many families in Saskatchewan likely had little knowledge of Indigenous peoples, or Indigenous children. Through the Adopt Indian and Metis commercials, radio and newspaper advertisements, the project constructed Indigenous 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.”<sup>55</sup> Euro-Canadian methods of child welfare service, adoption in particular, became way through which the state and the public could participate in solving the “Indian problem” without addressing the legacy of colonization that haunted the margins of the commercials and advertisements. Left out of these commercials are the complicating factors of families, communities, histories, treaties, poverty and dislocation that brought children into the child welfare system initially.

The Saskatchewan provincial government contracted Struthers and Associates to create an advertising campaign to generate a public demand for Indigenous children. The company was responsible for designing the Adopt Indian and Métis newspaper and radio advertisements, and television commercial as well as prepare a travelling slide show and sound series to accompany it. The slide show used actors who appeared to be actual adoptive parents, and imparted reassuring messages their adoption experience. In the slide show, a narrator reassured listeners and viewers of the ease of adoption in an authoritative voice while educating them of the new orthodoxy in adoption outside the narrow category of the “blue ribbon baby.”<sup>56</sup> The portability of the slides and sound slide series enable AIM social workers to travel throughout the province spreading the message about the need for

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<sup>54</sup> 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-Indiana 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.

<sup>55</sup> Some guidelines: re: Adopt Indian Métis Change in Focus. File: I-49 Adopt Indian and Métis Program in R-935 Saskatchewan Department of Social Services. SAB.

<sup>56</sup> Sound Slide Series, 1972-1978. File 5.11 Collection 935 Department of Social Services SAB.





adoption of Indigenous children. The messages were deployed in church basements, Elks Halls, and for countless Women's Auxiliaries. The slide show crafted a particular narrative of Indigenous children and families that erased Indigenous families, and constructed Indigenous children as exclusively in need of apprehension and adoption. Social workers sought the support of the public through the use of both the images and the accompanying testimonials by imaginary adoptive parents.<sup>57</sup> In inviting the audience to imagine themselves as benevolently responding to a government generated need, the slide shows sought to gain both ideological support for child removal, as well as more tangible support in the form of adoptive homes.<sup>58</sup>

### Indigenous Transracial Adoption in Canada, 1960s-1980s

In addition to those children living part of the year in residential schools, 67% of children in Saskatchewan government care were Indigenous in 1979.<sup>59</sup> Of those children who became enmeshed in the provincial childcare system, 3-4% of children were then adopted. 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."<sup>60</sup> 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 over-representation of Indigenous

<sup>57</sup> WILLIAMS, Carol; *Framing the West: Race, Gender and the Photographic Frontier in the Pacific Northwest*. London: Oxford University Press, 2003, 29.

<sup>58</sup> Ibid.

<sup>59</sup> Between 1876 and 1996, generations of First Nations children attended boarding schools specifically designed and operated to assimilate Indigenous children to adopt Euro-Canadian cultural habits. Indian Residential Schools operated throughout Canada and at the schools, Indigenous children suffered from abuse, neglect, and cultural shaming. Between 2008 and 2015, a court mandated Truth and Reconciliation Commission gathered testimonies from survivors, and government documents to create a historical record of the Residential School system in Canada. See for example the connections between residential schooling and the Sixties Scoop FOURNIER Suzanne and Ernie Crey; *Stolen from Our Embrace: The Abduction of First Nations Children and the Restoration of Aboriginal Communities*. Douglas & McIntyre Ltd, 1997, and Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada.*, 2015, and JOHNSTON, 100.

<sup>60</sup> HEPWORTH; 121.



children, 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 Indigenous and the Canadian state.”<sup>61</sup> 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 home.”<sup>62</sup> Child removal, or apprehension in cases of neglect and subsequent transracial adoptions of Indigenous children into non-Indigenous legal families, served to mask issues of settler colonial relations in Canada.

Hepworth reflected the perspective of the Canadian social work professional 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. The perspective aligned well with government departments looking to reduce welfare expenditures for their long-term wards who were unlikely to be returned to their parents or families. Adoption was vastly cheaper than both fostering and institutional care.<sup>63</sup> Indeed, infant adoption was viewed by social workers as 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. Single Indigenous mothers tended to keep their children only to have them apprehended when they were older and considered less suitable candidates for permanent adoption placement. In the decade between 1967 and 1977, Indian and Métis transracial adoptions in Saskatchewan went from 10 percent to 35 percent of all adoptions.<sup>64</sup>

Often in white families, adopted Indigenous children took new names and identities far from their home communities. Adoption integrated children into state sanctioned families to be “properly” reared as Canadian or American citizens. In doing so, these government directed efforts both depended on and reinforced settler colonial relations of

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<sup>61</sup> DUBINSKY, Karen; *Babies without Borders: Adoption and Migration across the Americas*. Toronto: University of Toronto Press, 2010, 81.

<sup>62</sup> HEPWORTH; 119.

<sup>63</sup> *Ibid.*, 183.

<sup>64</sup> *Ibid.*, 93.



Euro-Canadian racial dominance.<sup>65</sup> Adoption programs that used appealing images of Indigenous children to sell transracial adoption, reinforced historical narratives of Indigenous savagery and settler civility in settler colonial nation states such as Canada. One of the many long-term impacts of such dedicated government driven advertising has been the creation of “common sense” understandings about the “necessity” of Indigenous child removal, about Indigenous peoples’ inability to care for their children, and the lack of more complex understandings of the rights of Indigenous children. Along with the Human Rights case fighting the Canadian government to ensure adequate resources are devoted to preserving Indigenous families, Cindy Blackstock has also been engaged in a public relations campaign to change the public understanding of Indigenous children and families. The *I am a Witness* Campaign was designed to change the narrative around Indigenous child welfare.<sup>66</sup> It encouraged all Canada’s children to become involved in understanding the case, and think critically about it. The campaign was rooted in the UN Convention on the Rights of the Child, Article 12 that recognizes children’s right to participate in matters that affect them.<sup>67</sup> The campaign also sought to gain increased attention to the case through the media as a means of educating the public more broadly about Indigenous children’s rights as a tool of public education and engagement. Blackstock and others recognize that the systemic of discrimination against Indigenous children is rooted in the social, political and legal DNA of Canada, and thus social movements, such as *I Am A Witness*, work to educate the public to care about all children in a new way. Adoption advertising in the American Indian Adoption Project campaign and the Adopt Indian and Métis project were a strategically designed form of public education that undermined Indigenous families and communities. Indigenous children have long been left out of contemporary Canadian discussions of human and Indigenous rights; the long overdue conversation of Indigenous children’s rights is urgently needed.

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<sup>65</sup>Patrick Wolfe’s theory of settler- colonialism identifies the consistent “logic of elimination” through assimilatory policies of enfranchisement, whether voluntary or involuntary, child removal policies, allotment schemes, replacing indigenous forms of kinship and genealogy, which is fundamentally different from colonialism. WOLFE, Patrick; “Settler colonialism and the elimination of the native,” *Journal of Genocide Research* (2006), 8(4),December, 388.

<sup>66</sup> BLACKSTOCK, Cindy; “Social Movements and the Law: Addressing Engrained Government-Based Racial Discrimination Against Indigenous Children” in *AILR VOI* 19(1) 2915/16.

<sup>67</sup> *IBID*, 11.



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**The author is solely responsible for writing the article.**

