

A “Cruel Kindness”: Laying the Foundations of Federal Child Welfare Policy in the 1920s
and 1930s.

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Introduction:

In 2005, John S. Milloy gave a speech at the *Reconciliation: Looking Back, Reaching Forward* conference at Niagara Falls, Ontario. In a few paragraphs, Milloy was able to make several wise observations about the history of Canadian federal government's Indian residential school system and its child welfare program. His statement explored the question that is still pertinent sixteen years later, “How Do Bad Things Happen When Good People Have Good Intentions?” He stated,

Doing “good” is apparently better than doing “nothing” well—and so hangs the tale of the residential school system, and the child welfare system too, which could only ever afford child protection (removal of children from their families), rather than prevention activity (building up families). Those good people constantly lobbied for better funding but rarely made any structural critiques and thus they became fellow travelers of a system they did not approve of and earned the ill-feeling of those to whom they delivered second-class service.¹

Ten years later, Canada’s Truth and Reconciliation Commission released its final report in 2015, and it was hoped that truth and reconciliation could occur between Indigenous and settler Canadians.² This report documented the historical and enduring consequences of the Indian Residential School system (IRS) and introduced 94 “calls to action” that urged all levels of government—federal, provincial, territorial, and Aboriginal “to work together to change policies and programs in a concerted effort to repair the harm caused by

¹ John S. Milloy, “How do bad things happen when good people have good intentions?” Paper presented at the *Reconciliation: Looking Back, Reaching Forward*, Niagara Falls, Ontario, 2005.

² Truth, and Reconciliation Commission of Canada. *Canada's Residential Schools: The Final Report of the Truth and Reconciliation Commission of Canada. Vol. 1.* (Montreal: McGill-Queen's Press-MQUP, 2015).

residential schools and move forward with reconciliation”.³ It is interesting that “Child Welfare” sits on the top of the list including calls to “reduce the number of Aboriginal children in care”, “provide adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together”, and the requirement that “all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers”.⁴ Although there has been much discussion of the implementation of each of the 94 calls to action, it is clear that progress has decelerated in the application of major change at any level of government.

Six years later, inspired by the first National Day for Truth and Reconciliation on September 30, 2021, large numbers of Canadians donned their Orange Shirts and attended ceremonies across the country. They were often greeted by Indigenous Elders and survivors and their families who shared their experiences in the IRS and the child welfare system. Indigenous peoples shared traditional ceremonies with settler Canadians, they shared their knowledge of the past and they have taken on that responsibility admirably. However, if we consider the history of the Indian Residential School (IRS) and the Child Welfare systems (CWS), this should not be entirely an Indigenous story. As Milloy pointed out ““As non-Aboriginal Canadians, it’s important that we tell the story of residential schools, because it is our story. We built and operated the residential school system based on our ideology, and the horrors and the cruelty came from us and our

³ Susana Mas, “Truth and Reconciliation offers 94 'calls to action'” on CBC News, December 14, 2015, accessed November 17, 2021, <https://www.cbc.ca/news/politics/truth-and-reconciliation-94-calls-to-action-1.3362258>

⁴ Truth and Reconciliation Commission of Canada. *Truth and reconciliation commission of Canada: Calls to action*. (Truth and Reconciliation Commission of Canada, 2015).

culture.”⁵ If Canadians both Indigenous and settler are to work towards achieving truth and reconciliation, the damage inflicted by the IRS and CWS must be acknowledged. As scholars of the IRS system, we have been asked on numerous occasions, “How could this happen in Canada”? The answer is never simple, and the sources are multi-faceted.

Interest in the history of the Indian residential school system (IRS) has undergone a sort of revival with the discovery of mass graves at various sites of residential schools across the country. The resulting reaction from Indigenous and settler Canadians ranged between feelings of sorrow and loss to anger and rage. In the case of the Canadian child welfare system (CWS), it was once again a media highlight after the Canadian Federal Court dismissed an application for a judicial review of a landmark human rights tribunal compensation order for First Nations children. This case addresses “systemic discrimination against First Nations children and their families relating to the services provided to children and families. This ruling approves a compensation process for those First Nations children and their parent or grandparent caregivers who suffered from this discrimination”⁶ As Cindy Blackstock stated

This case is about First Nations children, youth and families. It is to them that we owe a sacred duty of ensuring their safety and well-being. We are committed to seeing through what the residential school survivors have made their top Calls-to-Action – ending the discrimination in child welfare and ensuring the full and proper

⁵ John S. Milloy, Interview with Trent University, accessed November 15, 2021, http://www.trentu.ca/showcase/overview_milloy.php.

⁶ First Nations Child and Family Caring Society of Canada - and - Assembly of First Nations Complainants - and - Canadian Human Rights Commission - and - Attorney General of Canada (Representing the Minister of Indigenous and Northern Affairs Canada).

implementation of Jordan's Principle. And there is still much work to be done.⁷

For many settler Canadians, it is common to believe that discrimination (systemic or otherwise) against Indigenous peoples is a thing of the past. Rowan Savage has written extensively about the "stolen generation" among Australian Aboriginal populations, and he stated that the denial of wrongdoing and lack of acknowledgement of racist and discriminatory policies are actively maintained by settler societies as a method of preserving authority over Indigenous populations. Furthermore, the lack of acknowledgement or responsibility for discriminatory policies can be directly connected to the "survival" of settler identity.⁸ He states that "its legitimacy can only be maintained by denying that any attempt was made to carry this out. This double-bind, this necessary 'knowing and not-knowing at the same time,' may be the source of the frustration settler society expresses at the very presence of Aboriginal Australians".⁹ In the Canadian context, IRS history and the role of the schools has been formally acknowledged and although the "federal government has pledged to 'build a new relationship' with Indigenous peoples", it has consistently dodged responsibility for the "state removal of children from their families and communities".¹⁰ Furthermore, it has not been truly

⁷ Cindy Blackstock, "In response to the statement from the Hon. Marc Miller, Minister of Crown-Indigenous Relations, and the Hon. Patty Hajdu, Minister of Indigenous Services regarding ongoing negotiations on compensation and long-term reform of First Nations child and family services and Jordan's Principle", First Nations Child & Caring Society, accessed Dec. 13, 2021, <https://fncaringsociety.com/publications/response-statement-dec-13-2021>

⁸ Rowan Savage, "The political uses of death-as-finality in genocide denial: The Stolen Generations and the Holocaust." *Borderlands* 12, 1 (2013): 1-22, 15.

⁹ Savage, "The political," 15.

¹⁰ Val Marie Johnson, "I'm sorry now we were so very severe": 1930s Colonizing Care Relations between White Anglican Women Staff and Inuvialuit, Inuinait, and Inūpiat People in an "Eskimo Residential School." *Feminist Studies* 45, 2-3 (2019): 335-371, 337.

acknowledged that the child welfare system has a higher “overrepresentation” of Indigenous children that replicated residential school dynamics “by a factor of three”.¹¹

When it come to the settler role in the IRS and CWS, there is more information available pertaining to many elite department bureaucrats including Duncan Campbell Scott, Dr. Peter Bryce, and Hayter Reed and less concerning the motivation behind the involvement of lesser agents in the systems. This report will attempt to aim a spotlight on the evolution of the policy that was established and the resulting influence on the motivations, reactions to and roles of individuals working in the system. Significantly, reports from staff members including teachers, principals and matrons are not as well known in the scholarly record.¹² We can once again ask the question, “How Do Bad Things Happen When Good People Have Good Intentions?” It is clear from many reports from IRS staff, that many found faults in the running of the schools, the consistent lack of funding and the constant neglect of Indigenous children that resulted in a high death rate among school populations. In many media reports and publications, school staff have been called “evil”, “uncaring” and “abusive”. Can we place blame on the design of the system to understand the faults of agents of the department, church and school administrators, and staff members?

If we examine the rationales within the system, they are unmistakably linked to capitalist and colonist efforts by the Canadian federal government to “control” and “govern”

¹¹ Cindy Blackstock, "Residential schools: Did they really close or just morph into child welfare." *Indigenous LJ* 6 (2007): 71-78.

¹² For a focus on social workers and Indigenous peoples, see Cindy Blackstock, "The occasional evil of angels: Learning from the experiences of Aboriginal peoples and social work." *First Peoples Child & Family Review: A Journal on Innovation and Best Practices in Aboriginal Child Welfare Administration, Research, Policy & Practice* 4, no. 1 (2009): 28-37.

Indigenous populations. Dean Neu and Richard Therrien in their work *Accounting for Genocide: Canada's Bureaucratic Assault on Aboriginal People* have considered this subject extensively.¹³ They stated that

relationships between Indigenous peoples and governments are filtered and managed through a complex field of bureaucratized manipulations, controlled by soft technologies such as strategic planning, law and accounting...those government processes are firmly entrenched within the broader phenomena of modernity, colonialism, and genocide.¹⁴

During the era of the IRS system, there were numerous reports of abuse, unhealthy conditions, and educational curriculum that was failed to bring reform. In many cases, reports were made to the individual's superior or to the Department by Indian agents as well as through personal correspondence. Seemingly, they fell on deaf ears. In other cases, individuals stayed at schools for years knowing that the institutions were failing indigenous children. How can we explain this indifference? How can we explain the disconnect that many staff members including teachers, administrators, and agents applied in their interactions with Indigenous children? Neu and Therrien have stated that the system was designed to create a divide between settlers and Indigenous peoples. They quantified this inaction stating that,

a rational thinking human being operating within a bureaucracy is logically answerable to the administrative dictates of that organization. The functionary's gaze will inevitably back up the chain of command from which the directive has come; it is not outward to the end result, which is in someone else's official jurisdiction. If a person or persons happen to be the recipients of the logically directed action, they are not within the sphere of the functionary's observations. Thus, the actions are not clearly immoral or unethical; morals and ethics simply do not logically or structurally enter the equation.¹⁵

¹³ Dean Neu and Richard Therrien, *Accounting for Genocide: Canada's Bureaucratic Assault on Aboriginal People*, (Winnipeg: Fernwood Publishing, 2003).

¹⁴ Neu and Therrien, *Accounting for Genocide*, 5.

¹⁵ Neu and Therrien, *Accounting for Genocide*, 14.

Can this help to explain the how the damaging policies of the IRS system could persist and become the foundation for the damaging treatment of Indigenous children and their families in the Canadian Child Welfare system?

This report will be separated into two parts. The first will focus on reports and interviews with former school staff and their accounts of the IRS system. It will examine the responses of non-Indigenous individuals who worked in the schools when confronted with the atrocities connected to the legacy of the IRS system and their roles within that network. By focusing on “statements” of staff members who worked in the schools, this section will provide insight into the persistence of discrimination against Indigenous peoples (specifically children) and how deeply rooted it is in Canadian settler thought.

The second will provide a historical analysis of the foundation of Child Welfare system in Canada. It is based on the consequences of the IRS system, the horrendous outcomes that the schools had on the children who passed through them and the how the federal government responded through the creation of a child welfare system that was equally discriminative against Indigenous children, their families, and communities. By employing individual stories of the survivors of the IRS system and their experiences in the child welfare system, this section will provide valuable understanding of the transition from “assimilation” to “integration” in federal policy.

Part 1: Finding the Monstrous in the Benign: Recollections of Indian Residential School Staff in the 20th century.

the puzzles of residential schooling have many pieces, fitting together in various levels. No level is more complex than another, and each deserves serious attention.¹⁶

What can we learn from the perspectives of past staff members of the IRS system? What can their perspectives help us learn about past, present and future understandings of “colonial ideology and policy”?¹⁷ Staff accounts often “frame the schools as positive or at least well-meaning institutions, with abuse restricted to isolated individuals in a distant past”.¹⁸ By examining past perspectives, there is a great opportunity for the expansion of discourse surrounding the policies of the IRS system and how they became ingrained in 20th and 21st century policy and action surrounding approaches to child welfare for Indigenous children in Canada. Milloy addressed the need to study past systems such as the IRS and child welfare systems by both Indigenous and settler Canadians. He stated, “As such, it is critical that non-Aboriginal study and write about the schools, for not to do so on the premise that it is not our story, too, is to marginalise it as we did Aboriginal people themselves, to reserve it for them as a site of suffering and grievance and to refuse to make it a site of introspection, discovery and extirpation—a site of self-knowledge”¹⁹

¹⁶ Roland D. Chrisjohn, Sherri L. Young, and Michael Maraun. *The Circle Game: Shadows and Substance in the Indian Residential School Experience in Canada*. (Custer: Orca Book Pubs, 1997), 174.

¹⁷ Natalie A. Chambers, “‘Seeking Validation’ Staff Accounts of Indian Residential Schooling” (M.A. Thesis, Simon Fraser University, 2003), 2.

¹⁸ Johnson, “I’m sorry,” 335.

¹⁹ John S. Milloy, *A National Crime: The Canadian government and the residential school system*. Vol. 11. (Winnipeg: Univ. of Manitoba Press, 2017), viii.

A number of papers and conference publications have focused on the opinions of former staff members of the IRS system. This report will analyse reports of school staff and their accounts of the schools from several publications. First, the M.A. thesis of Denise Hildebrand titled “Staff perspectives of the Aboriginal Residential School Experience: a study of four Presbyterian Schools, 1888-1923”.²⁰ Second, the work of Natalie A. Chambers’ titled “‘Seeking Validation’ Staff Accounts of Indian Residential Schooling’ offers invaluable insights into the perspective of former staff who worked in the 1950s and 60s.²¹ Third, Val Marie Johnson’s , “I’m sorry now we were so very severe”: 1930s Colonizing Care Relations between White Anglican Women Staff and Inuvialuit, Inuinait, and Iñupiat People in an “Eskimo Residential School” provides a unique insight into “white women” staff working in the Western Arctic Anglican residential schools in the 1930s. Other publications will include excerpts from John S. Milloy’s book *A National Crime: The Canadian government and the residential school system*, and Chris Benjamin’s work *Indian School road: Legacies of the Shubenacadie Residential School*.²²

IRS survivors have spent over 20 years extensively communicating their stories of time spent and abuses suffered in residential schools to various TRC panels and gatherings. This history has lived “through survivors speaking back to these institutions’ ongoing multigenerational impacts and linked forms of colonizing damage”.²³ Hildebrand, Johnson

²⁰ Denise Hildebrand, "Staff perspectives of the Aboriginal residential school experience: a study of four Presbyterian schools, 1888-1923." (M.A. Thesis, University of Manitoba, 2003).

²¹ Chambers, “‘Seeking Validation’.

²² Chris Benjamin, *Indian school road: Legacies of the Shubenacadie residential school*. (Halifax: Nimbus Publishing Ltd, 2014).

²³ Johnson, “I’m sorry,” 335.

and Chamber's analyses are complementary as they serve to cover staff working throughout the height of the schools from the 19th to the 20th century in varied regions across the country. Beginning with Denise Hildebrand's work "Staff perspectives of the Aboriginal Residential School Experience: a study of four Presbyterian Schools, 1888-1923", she examines primary documents drawn from records from the Presbyterian Church and Department of Indian Affairs to reconstruct staff perspectives of the early decades of residential schooling.²⁴ Hildebrand pointed out that although the history of the residential school system is extensive, there are few studies that exists on residential school staff members. Hildebrand references Scott Trevithick's work "Native Residential Schooling in Canada: A review of the literature" stating that "the average staff at the schools remain not only nameless but except for a few general inferences, largely faceless".²⁵ Hildebrand explains the purpose of her work stating that is "is to contribute to the knowledge of residential school staff members" as an addition to the importance of including settler roles in the IRS system.²⁶ The role of staff in the schools has long been connected to becoming "surrogate parents" and a responsibility for "creating the reality experienced by students".²⁷ Although, school policies and curriculum were designed and provided by federal government officials, it was at the discretion of the principals and staff to interpret the policy and implement it as they saw fit.²⁸

²⁴ Hildebrand, "Staff perspectives," iv.

²⁵ Scott Trevithick, "Native Residential Schooling in Canada: A review of the literature" *The Canadian Journal of Native Studies*, 18 (1998): 49-86, 78.

²⁶ Hildebrand, "Staff perspectives," 2.

²⁷ Hildebrand, "Staff perspectives," 3.

²⁸ Hildebrand, "Staff perspectives," 3.

She formulated a number of research questions on which to focus her analysis. They include: *“What are their backgrounds (social, educational, employment)?”*, *“What were their motivations for engaging in such employment?”*, *“What was their vision of Aboriginal education?”*, *What were their representations/perceptions of Aboriginal children?”*, *“How did they treat the children?”* and *“Why did they leave the work?”*.²⁹

Her study was limited to Presbyterian schools located in or close to Manitoba between the late 1880s and early 1920s.³⁰ As well, she employed Reports from the Department of Indian Affairs, School Files of Record Group 10, Records of the Department of Indian Affairs and National Archives of Canada. This sampling included reports of school principals, staff members, church officials, school inspectors, and correspondence between various government DIA agents concerning operations of the Department of Indian Affairs.³¹

“What are their backgrounds (social, educational, employment)?”

Hildebrand found a number of general characteristics among the men and women who found employment at the schools. She stated that “typically, the best qualified individuals were deterred from entering this line of work due to the remote locations of many schools and the low pay”.³² It was also found that Churches often staffed schools with “ministers and church-affiliated instructors who had failed in other areas of employment”.³³ Most of

²⁹ Hildebrand, "Staff perspectives," 30-31.

³⁰ At the time of this study, Hildebrand was unable to access records from all schools that were run in Manitoba. This included Anglican, Methodist and Presbyterian. She had difficulty accessing Anglican and Methodist records and therefore, focused on Presbyterian schools including Crowstand, Cecilia Jeffrey, Birtle and Portage la Prairie. Hildebrand, "Staff perspectives," 37.

³¹ Hildebrand noted that there are limitations in the data as “social research must always be evaluated for inherent biases”. Hildebrand, "Staff perspectives," 40.

³² Hildebrand, "Staff perspectives," 44.

³³ Hildebrand, "Staff perspectives," 44.

the staff tended to be untrained or unqualified for the positions they filled. Many had no previous experience teaching children. Hildebrand also states that there was a smaller percentage of staff who were “well-educated, competent and dedicated”.³⁴

“What were their motivations for engaging in such employment?”

With schools placed in remote and isolated locations, what persuaded individuals to seek a position of employment? Hildebrand states that the literature and evidence is limited to motivation of individuals other than they “were unable to find work elsewhere and thus were only eager to secure employment”.³⁵ She mentions a report concerning one teacher who was employed for a short time at the Crowstand school. Miss Downing was dissatisfied with her employment almost immediately after arriving at the school. Her principal stated that perhaps her deficiencies lay on the fact that “she was not driven by a Christian spirit but rather simply wanted employment”.³⁶ Other employees resigned from their situations based on being offered high pay from another situation. In other cases, Hildebrand believes that finding work at a school was less dependant on a “desire to work with Aboriginal people” and more focused on “a sense of commitment and duty to their church”.³⁷

What was their vision of Aboriginal education?”

Experience teaching Indigenous children was rarely mentioned as a requirement to obtain employment at a Residential School. Hildebrand relates that one Department of Indian

³⁴ Hildebrand, "Staff perspectives," 44.

³⁵ Hildebrand, "Staff perspectives," 46.

³⁶ Hildebrand, "Staff perspectives," 46.

³⁷ Hildebrand states that there were staff members who “expressed a personal aspiration to work and help Aboriginal people”. Hildebrand, "Staff perspectives," 48.

Affairs employee claimed that “instructing Aboriginal children was an inherent skill rather than one that could be taught”.³⁸ Teachers who found employment did not often realize how much time they would be spending with children and how much responsibility they would be expected to take over their wards. Many teachers who ended up working in the IRS system had been previously employed in the public school system and found themselves working in a situation that “entailed a degree of parenting responsibilities”.³⁹ It is evident that a high percentage of staff members who worked at residential schools did not have a clear vision of what Indigenous education should look like or how they could contribute to the curriculum provided by the Federal government.

What were their representations/perceptions of Aboriginal children?

For many who were employed in residential schools, their first day of work was often the first time they had met a child of Indigenous descent.⁴⁰ Many arrived at schools with predetermined ideas about what Indigenous children would be like and often stated they were “pleasantly surprised and impressed with the children”.⁴¹ At the Crowstand Boarding School, staff members were shocked by the “students’ considerate, caring side” and found they had no trouble getting children to obey them inside and outside of school.⁴² In many cases, staff reported that they knew they could not provide the same care to children that a parent would. Principal of the Crowstand school, Rev. McWhinney clearly acknowledges this when he stated that,

the crux of the whole matter lies in the fact that no institution
however good can take the place of a fairly good home. No

³⁸ Hildebrand, "Staff perspectives," 80.

³⁹ Hildebrand, "Staff perspectives," 80.

⁴⁰ Hildebrand, "Staff perspectives," 107.

⁴¹ Hildebrand, "Staff perspectives," 108.

⁴² Hildebrand, "Staff perspectives," 108.

member of any School staff can win the same love and confidence from a child that a mother can. The secret is the confidence of a mutual love. Anyone who knows Indians knows that they love between parents and children is very strong.⁴³

Why did they leave the work? Why did they stay?

Hildebrand found that sixty percent of the staff members discussed in her study gave a reason for resigning from their employment. The most common reason for resignation was health concerns as many staff were often inflicted with similar health concerns as the children at the schools.⁴⁴ Some resigned after they saw how sick the children were and feared that “working in such an environment would take a toll” on their own health.⁴⁵ Second on the list was resignations based on family considerations. Female teachers (excluding nuns and women married to administrators or principals) often tendered their resignations “on account of their forthcoming marriages”.⁴⁶ Other family considerations included family emergencies and carting for family members. Some teachers left after expressing concern for their families who lived at the schools with them as they feared the transmission of disease to their partners and children. Additionally, some teachers resigned as they felt that their children were not receiving a good education.⁴⁷ In many cases, staff were transferred to another school on more than one occasion. This was often due to disagreements between staff and their superiors over discipline and mismanagement of the school. It was often the case that certain staff could not work with others due to personality issues. For many staff members, they were often critical of how the schools were run from their first experiences at the schools. In some cases, if a staff member expressed any

⁴³ Hildebrand, "Staff perspectives," 111.

⁴⁴ Hildebrand, "Staff perspectives," 252.

⁴⁵ Hildebrand, "Staff perspectives," 252.

⁴⁶ Hildebrand, "Staff perspectives," 252.

⁴⁷ Hildebrand, "Staff perspectives," 255.

criticism concerning conditions of the school or health concerns, they were pushed to resign by their superiors. Salary must be considered as a reason for resignation although it is “seldom mentioned in letters of resignation”.⁴⁸ Other reasons included moving to a less isolated region and career promotion. Staff often stayed at schools for decades. Hildebrand finds that “those who stayed working at the Presbyterian boarding schools for longer than average, either enjoyed their jobs, were committed to the cause/or were good at what they did.”⁴⁹

Indigenous perspectives about residential school staff

School staff including principals and teachers were expected to recruit new children for the school. They often traveled to Indigenous communities to become acquainted and encourage parents to send their children. Many school staff stated that many Indigenous parents were reluctant to send their children away to school. Annie McLaren who taught at the Birtle School stated “nothing can induce some parents to send their children. Sometimes they refuse because of their preference for the Indian way of training, and prejudice at, or fear of, English customs. Sometime because of their deep love, which makes it hard to part with them”.⁵⁰ Other staff members remarked that Indigenous grandparents were even harder to convince, and staff felt that they were resentful as they felt that “little grandchildren should do nothing but play, and the school is looked upon as a place where the children are made to work by hard-task masters”.⁵¹ There are numerous reports from Hildebrand’s collection of evidence from staff members that clearly stated

⁴⁸ Hildebrand, "Staff perspectives," 260.

⁴⁹ Hildebrand, "Staff perspectives," 265.

⁵⁰ Hildebrand, "Staff perspectives," 97.

⁵¹ Hildebrand, "Staff perspectives," 97.

that Indigenous parents, grandparents and communities would not allow their children to be mistreated in the schools. Before Residential School attendance was made mandatory by the federal government, Indigenous parents removed their children from school if they were not satisfied with the treatment of their children based on a number of factors including, corporal punishment, substandard accommodations, poor quality of education, and lack of supervision.⁵² School staff often “undermined such complaints” and complained that Indigenous parents were “petty” or “unreasonable”.⁵³ Teachers who did not have good relations with a community could directly affect enrollment. If a teacher was thought to be a detriment to procuring students, they were often “pressured to leave” by school principals.⁵⁴ In other cases, Indigenous parents were interested in sending children to school but were refused based on lack of funding and space.⁵⁵ Although Indigenous parents were “often recognized for the deep love they had for their children”, school staff also criticized Indigenous parenting techniques. We can find a deep seeded discrimination against Indigenous peoples as one teacher (Miss Nicoll) from the Cecilia Jeffrey school felt that Indigenous parents allowed their children to “run wild” and were thus incapable of “judging what is proper treatment for a child”.⁵⁶ Staff members regardless of background, education or location shared a stereotypical Western idea that Indigenous people were “lazy” and “complainers”.⁵⁷ Hildebrand states that this type of stereotype was often used against Indigenous parents who complained of mistreatment of their children.

⁵² Hildebrand, "Staff perspectives," 98.

⁵³ Hildebrand, "Staff perspectives," 98.

⁵⁴ Hildebrand, "Staff perspectives," 100.

⁵⁵ Hildebrand, "Staff perspectives," 100.

⁵⁶ Hildebrand, "Staff perspectives," 101.

⁵⁷ Hildebrand, "Staff perspectives," 103.

Hildebrand concludes her study after she completed her analysis of numerous documents and reports that there were several significant points gathered through her study. First, a high percentage of staff “lacked relevant training and expertise”. The requirements of the church were focused on “good health and a Christian spirit” rather than appropriate training.⁵⁸ Knowledge of Indigenous peoples and their cultures was considered unessential and, in many cases, the first day of employment was also the first time meeting a person of Indigenous descent. Second, Hildebrand finds that schools suffered due to poor working conditions for staff, and this filtered down to their treatment of Indigenous children.⁵⁹ Underfunding was a constant thorn in the side of many schools and “added much strain and anxiety”.⁶⁰ Hildebrand concludes that school staff varied in their effectiveness as teachers and administrators. This is a logical conclusion that some excelled and some failed. She states that her work provides,

another avenue through which to understand the relationship between the Euro-Canadian colonists and the Indigenous peoples, as it presents the point of staff members, who were in essence, agents of colonialism.⁶¹

Although, physical, sexual, and emotional abuse did occur more frequently at isolated schools. This cannot only be attributed to “inhospitable working conditions” but also the fact that isolated locations may have drawn abusive individuals such as pedophiles to gain employment there. She further acknowledges the abuse of Indigenous children in the schools can not be solely blamed on poor working conditions or isolation. Many staff

⁵⁸ Hildebrand, "Staff perspectives," 271.

⁵⁹ Hildebrand, "Staff perspectives," 273.

⁶⁰ Hildebrand, "Staff perspectives," 273.

⁶¹ Hildebrand, "Staff perspectives," 275.

members did not beat their pupils simply because they felt lonely. She also states that accounts and percentages of numbers of abuses may be skewed based on the proximity that a school had to an Indigenous community. The closer a school was to a settler community were in a “better position to cover up such abuse”.⁶² As well, Hildebrand acknowledges that her study is limited due to its focus on more official reports and a lack of inclusion of survivor testimony and the personal correspondence of staff.

While Hildebrand’s study focuses on the early part of the 20th century, Natalie Chambers focused her analysis on staff members who were active near the end of the IRS system working in the 1950s and 60s. She stated that “staff accounts of their experiences present opportunities to explore the ways that contemporary non-Native peoples think about Indian Residential schools, and how they struggle to make sense of their colonial past”.⁶³ She further affirms that staff accounts can reveal important insight into how “individuals construct realities that minimize and distance the oppression of other peoples”.⁶⁴

Chambers centred her research process and interview questions through collaboration with First Nations Residential School survivors based on a community-driven approach. She states that in a “‘community-driven’ research paradigm, the position of the researcher is not separate from and superior to the community”.⁶⁵ She engaged six First Nations participants including Henry Michel, Gordon Bird, Erma⁶⁶, Virginia Baptiste, Chief

⁶² Hildebrand, "Staff perspectives," 281.

⁶³ Chambers, "Seeking Validation," 4.

⁶⁴ Chambers, "Seeking Validation," 4.

⁶⁵ Chambers, "Seeking Validation," 18.

⁶⁶ Erma did not wish to provide her full name.

Robert Joseph, and Alvin Dixon. It is important to note that many of the First Nations participants asked Chambers to be “sensitive” in her interviews with former staff.

Henry Michel stated that

I think Indian Residential School teachers may be very sensitive people right now. They probably have a lot of guilt and a lot of shame because the impact of the institutions is very widespread...negative widespread...This is also an aging population. Their health and well-being could be endangered by looking at this. There is so much hurt, and pain caused by Residential Schools. It is not a good idea to cause more hurt.⁶⁷

Chief Robert Joseph and Alvin Dixon concurred stating,

we cannot deny that they were very committed to their work. The supervisors had to get up by 6:30am, so they had to wake up themselves at 5am, and they were often working until 10pm. This was very hard work.⁶⁸

Other Indigenous participants expressed concerns about the truthfulness of former staff (focusing on Catholic nuns and brothers at Cranbrook Indian Residential School) including Virginia who pointed out that,

I really don't think they'd tell you the truth. I believe deep down they won't because they themselves did a lot of harm to us. How else can they justify it? They can't ... to tell you the truth, I wouldn't believe their stories. Because I think that they'll only tell you what they think you want to hear. They won't tell you the truth. Even though they're nuns, they won't tell you the truth. So I don't think they'd be truthful to you.⁶⁹

Chambers collaborated on her research questions for former staff with the Indigenous participants. They provided insight into the research paradigm. The questions included, “*To what extent did employees have any real insights into the real purpose of the Indian*

⁶⁷ Chambers, “Seeking Validation,” 36.

⁶⁸ Chambers, “Seeking Validation,” 36.

⁶⁹ Chambers, “Seeking Validation,” 37.

Residential School system?”, *“Were staff aware of the extent of the abuse?”*, *“Reasons why they worked in the schools”*, *“If they had to do it over again, would they change anything and what would they change?”*, *Do former staff still consider Indian Residential Schools as necessary?”* and *“What were their qualifications when they began working at the school?”*.⁷⁰ Henry also pointed out that this process had significant educational possibilities as it may be helpful as a teaching tool for the future. He stated that by looking into the past and the asking “agents of the past” questions about their participation in the IRS system may help to illustrate “processes of colonization” for settler Canadians.⁷¹

Henry also pointed out that

The work that needs to happen is to understand what the process is. [To do this work, like teaching in IRS] the colonizer must see themselves doing different work than colonizing. For example, the Minister of Indian Affairs believes that he's doing good work, but ask anyone else and they see them as the bad guys. So the colonizer needs to look at this. This work opens up that discussion.⁷²

After a research package was prepared using the above-mentioned questions (forty in total), Chambers set out to recruit former staff members to interview. Chambers became aware of an event in 2000, called “Worker’s Wonderings: a gathering of those who worked in the Indian Residential Schools”.⁷³ Thirty-four former teachers and staff representing 17 different residential or day schools from Newfoundland to British Columbia attended along with three Indigenous participants including Alvin Dixon, a survivor of the Alberni Residential School, Verna Kirkness who taught at Norway House school and Charlotte

⁷⁰ Chambers, “Seeking Validation,” 42.

⁷¹ Chambers, “Seeking Validation,” 43.

⁷² Chambers, “Seeking Validation,” 43.

⁷³ National Centre for Truth and Reconciliation, “Evaluation of Worker's Wonderings: a gathering of those who worked in the Indian Residential Schools”, 2000, accessed November 18, 2021, <https://collections.irshdc.ubc.ca/index.php/Detail/objects/6206>.

Sullivan who was a member of BC Conference Staff with the Native Ministries Division (Charlotte also had a number of relatives who survived the schools).⁷⁴

During the weekend, over 14 hours were spent discussing experiences, theological reflection, sharing information concerning court cases. Many of the discussions revolved around the theme “on how good intentions could result in both good and harm”.⁷⁵ The final report from the conference supplied comments from participants. One significant comment evaluated how many former staff members felt concerning their involvement in the schools. They stated, “It gave me a much better understanding of the question, of its complexity, of the great diversity of opinions, attitudes, of reactions of those who lived in residential schools and now have to cope with the ‘damning’ of the system evident in the media and public opinion”.⁷⁶ Other significant comments included “a really remarkable meeting of ‘oppressors’ and the ‘oppressed’”⁷⁷, “realization and regret that our years of service in the residential school was to some degree misguided and ill conceived”⁷⁸, “I would like to have heard from a Native person whose viewpoint was different from that of Alvin, Charlotte and Verna”, “hearing the denial that exists among some UCC ministers and other UCC members”, and “it might be good to have more Native people at an event like this...’ordinary’ men and women. The three who were here were people of position and well-known activists”⁷⁹. It seems that this conference did inspire positive feelings for

⁷⁴ A number of people who could not attend the weekend sent letters and other material about their years at the schools.

⁷⁵ Workers Wonderings, 1.

⁷⁶ Workers Wonderings, 2.

⁷⁷ Workers Wonderings, 2.

⁷⁸ Workers Wonderings, 3.

⁷⁹ Workers Wonderings, 5.

many of the participants but there was still an underlying resentment by many concerning their villainization regarding their role in the running of the schools.

When the comments gathered from the conference are analysed, it is significant to see statements including phrases such as “years of service”, “somewhat misguided”, “denial that exists”, and “‘damning’ of the system” voiced by participants. The settler participants were provided with ample evidence of the atrocities that occurred in the schools, they listened to survivors speak about their experiences and still many maintained that they were somewhat innocent in their connection to the schools. Furthermore, they complained about the Indigenous participants stating that they were “activists” and not “ordinary men and women”.⁸⁰ Chambers selected four participants (known as Christine, Jack, Beverly and Gerri) who attended or knew of the “Worker’s Wondering” conference and they agreed to share their stories.⁸¹ Each former staff member stated (directly or indirectly) that they had agreed to participate as they felt it would “validate” their experiences in the schools.⁸² In many publications concerning school staff, they are described as being “outsiders” and “deviant” from the dominant society.⁸³ Staff were often described as “marginalised or deviant people who could not hold jobs elsewhere”.⁸⁴ It was found through examination of employee records that many of the staff were recent immigrants “who were foreigners to Canadian culture, and were often engaged in a challenging

⁸⁰ Workers Wonderings, 5.

⁸¹ Chambers, “Seeking Validation,” 44.

⁸² Chambers taped all the interviews and had them transcribed. All four staff members had worked in a school during the 1950s and 60s. Chambers, “Seeking Validation,” 45.

⁸³ Chambers, “Seeking Validation,” 64.

⁸⁴ Grant, No end of grief, 23.

process of cultural adaptation themselves”.⁸⁵ Milloy who has written extensively about staff backgrounds, pointed out that,

for many staff, the schools were not peaceful, rewarding places to work; they were not havens of civilization. Rather, they were sites of struggle against poverty, the result of underfunding, and, of course, against cultural difference and, therefore, against the children themselves. Locked away in an establishment often distant from non-Aboriginal settlements, always impenetrable to the gaze of almost everyone in Canada, they carried on this struggle against the children and their culture within an atmosphere of considerable stress, fatigue, and anxiety. These conditions may well have dulled the staffs’ sensitivity to the children’s hunger, ill-kempt look and illness, and often, perhaps inevitably, pushed the application of discipline over the line into physical abuse and transformed what was to be a culture of care into one of violence.⁸⁶

In Chambers interviews with former staff, she found that they did not “position themselves in their accounts as deviants, outsiders or perpetrators of abuse either during the time that they worked for the schools, or in retrospect as they look back”.⁸⁷ In fact, they were more invested in ensuring that they were not associated with “negative constructions of staff” and were often cautious in their sharing of stories about instances where they did not act properly. As well, they often criticized the behaviour of other staff members when relating memories of the neglect or abuse of Indigenous children in the schools.⁸⁸ Out of the four staff interviewed, three worked at schools for three years or more and one had only been employed for six weeks before resigning. The staff who worked for longer periods of time were often “defensive, minimizing and distancing” in their responses as Chambers felt they were attempting to navigate “official’ government and church discourse” while supporting their own personal opinions.⁸⁹ After analyzing each staff members response to

⁸⁵ Chambers, “Seeking Validation,” 65.

⁸⁶ Milloy *A National Crime*, 154.

⁸⁷ Chambers, “Seeking Validation,” 78.

⁸⁸ Chambers, “Seeking Validation,” 78.

⁸⁹ Chambers, “Seeking Validation,” 79.

the research questions, Chambers found that the interviewees tended to “position themselves as the kinds of ‘well-intentioned’ individuals” who did not “perceive themselves to have directly or indirectly facilitated the oppression of Indigenous peoples”.⁹⁰ Additionally, it appeared that they experienced difficulty when attempting to comprehend that the IRS system and their participation “served as tools of colonization”.⁹¹ In fact, they often positioned themselves as “victims” of the discourse surrounding the IRS system and stated frequently that staff “lacked agency and control over the situations that they were confronted by” during their time at the schools.⁹² This “failed agency” was often supported by affirmations that “First Nations children feature as possessing inherently undesirable cultural qualities”.⁹³ Chambers found that in their accounts, each staff member “normalized a repertoire of ‘cruel kindness’ in their relationships with the Indigenous children they were charged with teaching and caring for.”⁹⁴ This apparent deficiency in Indigenous children was used as an excuse to explain why staff members failed to “express caring and kindness towards the children and to act responsibly in their employment positions as guardians and teachers”.⁹⁵ All of the staff interviewed thought themselves to be “benevolent, altruistic and self-sacrificing” and enforced this sentiment with a shared argument that stated that non-Indigenous peoples “have a ‘responsibility’ to assume authority over Indigenous peoples’ and their lives”.⁹⁶ This served to prevent the staff

⁹⁰ Chambers, “Seeking Validation,” 79.

⁹¹ Chambers, “Seeking Validation,” 79.

⁹² Chambers, “Seeking Validation,” 80.

⁹³ Chambers, “Seeking Validation,” 80.

⁹⁴ Chambers, “Seeking Validation,” 81.

⁹⁵ Chambers, “Seeking Validation,” 80.

⁹⁶ Chambers, “Seeking Validation,” 80.

members from actually relating or understanding the negative experiences of Indigenous children in the IRS system.

The colonial thought that Western culture was “superior” to Indigenous cultures blinded their understanding of the larger concepts of the assimilating policies of the IRS system. This imbedded system of thinking goes far beyond the experiences of staff working in the 1950s and 60s. Chambers concluded her research stating that her analysis and attempt to “further understandings between First Nations and non-Native peoples has been somewhat like fumbling in the dark.”⁹⁷ She points out that employees of the IRS system are often “perplexed by contemporary negative critiques of the schools” and thus have “chosen to remain silent about their experiences at the schools”.⁹⁸ She found that although inconsistencies between staff and survivor accounts can be confusing, it is important to note that any discourse between Indigenous and settler peoples can assist “contemporary encounters” and will further future community consultation.⁹⁹ She further reiterates that her hope is that her project as well as future projects can “facilitate” settler peoples to better understand why Indigenous survivors use the terms “cultural abuse, or cultural genocide” to describe their experiences in the IRS system.¹⁰⁰ Chambers ends her thesis with comments from the Indigenous participants who assisted her in a collaborative method to create her research plan as well as the reactions of the staff members that she interviewed. He stated that

⁹⁷ Chambers, “Seeking Validation,” 134.

⁹⁸ Chambers, “Seeking Validation,” 136.

⁹⁹ Chambers, “Seeking Validation,” 136.

¹⁰⁰ Chambers, “Seeking Validation,” 137.

it extends into all sectors...history, language, law philosophy, science, etc...I suppose my point is that the denial of the colonizer runs far deeper than silence. The colonizer used every institutional tool, including schooling, academia, history, the judiciary to write their genocidal tendencies out of western society practices.¹⁰¹

Henry concluded that future research could extend into understanding how deeply denial runs throughout settler Canadian society.

Denial as a prevalent concept among former IRS staff can be found in many staff recollections. Val Marie Johnson focused her study former IRS staff members employing Anglican Church archival material, Indigenous people's testimony, and related documentation of records from two teachers (Bessie Quirt and Adelaide Butler) from the St. John's Eskimo Residential School at Shingle Point (Shingle Point Residential School).

¹⁰² She states that through the analysis of the above-mentioned evidence, she can "illustrate the key roles white women and good intentions play in Canadian settler colonialism and white supremacy".¹⁰³ Additionally, Johnson found that "colonial actors can simultaneously operate oppressively and with good intent".¹⁰⁴ While other residential school reports have claimed that staff members often had difficulty becoming emotionally attached or "close" to their Indigenous wards, Johnson states that "Quirt and Butler's relations problematize the understanding of colonialism as solely involving brute domination, and their affection with students and adults channeled racist frameworks for identity and worth".¹⁰⁵ Through analysis of Quirt and Butler's reports and writings of their

¹⁰¹ Chambers, "Seeking Validation," 139.

¹⁰² Johnson, "I'm sorry," 338.

¹⁰³ Johnson, "I'm sorry," 339.

¹⁰⁴ Johnson, "I'm sorry," 340.

¹⁰⁵ Johnson, "I'm sorry," 341.

time spent at the school, Johnson found they refused to “recognize their part in the coercion of colonization, even while being aware of its damage”.¹⁰⁶ She calls this state of being “refusal-awareness” and diminishes claims of “ignorance” of “colonizing activities” and that “good intent enables colonialism by averting responsibility for its harms”.¹⁰⁷

Bessie Quirt and Adelaide Butler were both trained as teachers before they took employment at Shingle Point.¹⁰⁸ As previously mentioned, teacher training was not always the norm for IRS staff members. The school was operated by the Anglicans from 1929 to 1936 and was financed solely by the MSCC (Missionary Society of the Church of England in Canada) and was administered by the Department of the Interior. Quirt and Butler both wrote about their relationships with Indigenous students and families in the region of the school. Quirt described herself as a “caretaker” and “Inuvialuit descendants linked with the School confirm affection between Quirt and their ancestors”.¹⁰⁹ However, Johnson clarifies that missionaries (especially female ones) often acted as mothers to students as a method of a “sustained structural intrusion” into the lives of their Indigenous wards.¹¹⁰ As mentioned in other publications, relationships between school staff and their wards were often reported as two-sided with accounts of kindness and accounts of cruelty occurring in many situations. Quirt and Butler both stated that they became close to their students and often shared “goodnight kisses” to four and five year old girls in their care.¹¹¹

¹⁰⁶ Johnson, “I’m sorry,” 342.

¹⁰⁷ Johnson, “I’m sorry,” 342.

¹⁰⁸ Shingle Point was the first residential school created specifically for Inuit children. It operated from 1929 to 1936.

¹⁰⁹ Johnson, “I’m sorry,” 345.

¹¹⁰ Johnson, “I’m sorry,” 346.

¹¹¹ Johnson, “I’m sorry,” 346.

However, when the same girls despondent over being deserted at the school by their parents refused to eat, Quirt responded by writing that the girls were “putting it over on them” and then proceeded to whip the girls in order to make them eat.¹¹² Quirt later lamented her actions stating that “I’m sorry now we were so very severe...I guess she often was too frightened to really eat”.¹¹³ It has been clarified that “whipping students may have reflected historic childcare norms” but that violence from staff is “best understood in the context of colonization”.¹¹⁴

Seemingly opposite reports of kindness and cruelty are found in many descriptions of relationships between school staff and Indigenous children. Chris Benjamin’s work *Indian School road: Legacies of the Shubenacadie Residential School* tells the story of the Shubenacadie Residential School that was the only Indian Residential School located in the Maritimes. Constructed near the village of Shubenacadie, Nova Scotia, the school was constructed in 1928 and was open to students until 1967. The Shubenacadie school was administered and funded by the federal government and managed first by the Roman Catholic Archdiocese of Halifax and later the Missionary Oblates of Mary Immaculate. It was staffed by the Sisters of Charity of St. Vincent de Paul of Halifax. Benjamin states that Shubenacadie opened in the midst of surging criticism of the IRS system. The IRS network was already being criticized as a failure not only in educational requirements but also as dangerous locations for Indigenous children to inhabit. The Department of Indian Affairs was aware of health concerns, of reports of rampant physical, sexual, and emotional abuse,

¹¹² Johnson, “I’m sorry,” 350.

¹¹³ Johnson, “I’m sorry,” 351.

¹¹⁴ Johnson, “I’m sorry,” 351.

and the rising number of deaths in the schools. Benjamin states that “years before Shubenacadie opened, residential schools had come to be seen in most of Canada as places of disease and death, a failed experiment”.¹¹⁵ For schools like Shubenacadie, the reciprocal relationship between the church and federal government was an absolute necessity. Benjamin states that “the government couldn’t run the schools without the churches, which provided administrative and teaching staff on the cheap”.¹¹⁶ What is very interesting about Benjamin’s reports is the disparity between the recollections of school staff versus survivor testimony. One example stated that one of the school’s longest serving principals (over a decade of administration) , Father Jeremiah Mackey, was lauded for his “low paid administrative efforts” and he was described as working so hard it was deemed “superhuman”.¹¹⁷ Newspaper articles such as one found in the 1939 Halifax Chronicle described Father Mackey as a “humanitarian” and he was admired for attempting to (unsuccessfully) hire a Mi’kmaw teacher for a day school in Cape Breton.¹¹⁸ His public persona was one of gentleness and dedication to his Indigenous students. However, survivor testimony and personal correspondence paints a different picture of Father Mackey. Personal correspondence showed that Father Mackey was often negative about Indigenous peoples describing them as “unreliable liars and con artists”.¹¹⁹ Testimony from survivors describe his time at the school as a “reign of terror” and that Father Mackey was a “sadist who ‘loved to dish out punishment’ simply because ‘he was that type of person’”.¹²⁰ This included placing children in solitary confinement in small closets called

¹¹⁵ Benjamin, Indian School Road, 64.

¹¹⁶ Benjamin, Indian School Road, 84.

¹¹⁷ Benjamin, Indian School Road, 84.

¹¹⁸ Benjamin, Indian School Road, 86.

¹¹⁹ Benjamin, Indian School Road, 86.

¹²⁰ Benjamin, Indian School Road, 86.

“the hole”, giving severe beatings known as “scourging” with a piece of horse harness, forcing Indigenous children to box one another and many cases of sexual assault.¹²¹ Even his departure from the school in 1943 was based on mixed reports, some stating that he resigned his position due to illness, others stating that he was forced to resign due to “reports of physical assault made by angry parents”.¹²²

For many years, the school was staffed by over 91 Sisters of Charity originating from the Missionary Oblates of Mary Immaculate.¹²³ Sisters working at the school throughout the 1930s and 40s found themselves in an isolated region working long hours and were expected to perform hard labour with little recompense other than a small yearly stipend. Given the context of ecclesiastical teachers at IRS institutions during this era, this was the norm. However, Benjamin states that Sisters working with Indigenous children were wholly unprepared to understand the situation of many children and unable to care for them on a psychological or emotional level. They followed the views of many bureaucrats of the era that Indigenous children were “part of a problem to be solved”.¹²⁴ One Sister wrote in 1948 about collaborating with staff at other schools that “they have the Indian problem as we do, so a little discussion should be of mutual help”. Sisters were also known to write positive things about Indigenous children in their reports often stating that they felt empathetic for students returning to the school stating that Indigenous children often “mourned” the return to discipline that was “so contrary to the Indian temperament”.¹²⁵

¹²¹ Benjamin, Indian School Road, 86.

¹²² Benjamin, Indian School Road, 112.

¹²³ Benjamin, Indian School Road, 117.

¹²⁴ Benjamin, Indian School Road, 127.

¹²⁵ Benjamin, Indian School Road, 130.

Many Sisters were frustrated by the curriculum they were expected to teach. One stated that they were “saving the children from the calamity of Indianness” and reports often stated that Indigenous children were “lazy”, “stubborn” and “mentally and morally weak”.

¹²⁶ Benjamin scrutinized many similar statements from the reports and has connected frustrations from the teaching staff to be based on a complete misunderstanding for the cultural background of their wards. ¹²⁷ They attempted to rectify this vacancy through their own interpretation of “Indian culture” including their own interpretations of “Indian Dance’ and craft” into special events such as visitors to the school. ¹²⁸ Reports from Sisters conflict directly with survivor testimony and Benjamin finds that it “is hard to reconcile the Sisters as they portrayed themselves in their Annals—as sweet and devoted lovers of children...with the cruel and brutal tyrants many survivors can’t forget”. ¹²⁹ Survivors from the school did report that some Sisters were kind and others cruel. However, reports of severe violence committed against Indigenous children are often “impossible to fully explain”. ¹³⁰ As mentioned previously, Father Mackey was well known for the use of “brutal violence and psychological torture” and there are many reports of Sisters who followed his lead. ¹³¹ One of the most feared of the Sisters, Mary Leonard was well-known for her frightening and sadistic behaviour. One survivor reported that Sister Leonard “beat her thirty times on each end with a strap three times a day”. ¹³² It was stated that even small kindnesses felt like “punishment” with testimony relating that Sister Leonard would throw

¹²⁶ Benjamin, Indian School Road, 137.

¹²⁷ Benjamin, Indian School Road, 139.

¹²⁸ Benjamin, Indian School Road, 143.

¹²⁹ Benjamin, Indian School Road, 151.

¹³⁰ Benjamin, Indian School Road, 151.

¹³¹ Benjamin, Indian School Road, 151.

¹³² Benjamin, Indian School Road, 153.

handfuls of candy on the floor so she could watch “the children scramble for them”.¹³³ TRC testimony given at an event in Halifax in October of 2011 reported that Sister Leonard was responsible for the murder of two Indigenous children and perhaps even more.¹³⁴ It is apparent that the difference between reports from Shubenacadie can provide us with conflicting images of Sisters smiling and bobsledding with Indigenous children and horrifying images of Sisters force feeding children until they choked or beating their heads against walls until they passed out.¹³⁵ The later is often the image that many settler Canadians are exposed to when it comes to IRS history, but, what if the damage and discrimination against Indigenous children was often more subtle and seemingly benign?

If we return to Johnson’s analysis, we can find similarities in the disconnect felt by many school staff. Although, Shingle Point Residential School does not have the same accounts of brutal punishments meted out by school staff, the methods employed there were more understated but equally damaging. Johnson wrote that “white staff recorded the devastation wrought by colonization, including in connection with their own institutions, but denied their own involvement in producing these conditions by reading others as causal agents.”¹³⁶ The disconnect between teachers such as Quirt and Butler and their inability to consider “how those in their care, and their relations, felt the combined impact of kin and community deaths, economic and political colonization , and missionary and residential school efforts to transform Inuit cultures” is telling. Johnson maintains that her

¹³³ Benjamin, *Indian School Road*, 153.

¹³⁴ Benjamin, *Indian School Road*, 153.

¹³⁵ Benjamin, *Indian School Road*, 153.

¹³⁶ Johnson, “I’m sorry,” 368.

analysis as well as the work of others who have investigated staff records can work to “bridge contrasting accounts of residential schools as monstrous institutions with a living history of dispossessing Indigenous peoples” with benevolent accounts that state that schools were “well-meaning institutions”.¹³⁷ This can perhaps help to dispel notions that the violence of schools and their resounding effect on Indigenous cultures, families and communities is not purely “based in the past” but persists in contemporary relations.¹³⁸ She finds that although individuals such as Quirt and Butler demonstrated “good intentions, affection and awareness”, their involvement was constructed “on colonization’s brutal impacts, unfolded under coercive conditions, and facilitated further damage.”¹³⁹ As Johnson stated, “a focus on the violent sexual abuse of children has dominated criticism of Canadian residential schools”, however, she states that this focus (although significant) has framed staff as “monstrous exceptions”.¹⁴⁰ Johnson further contends that by placing some staff as deviant “monsters” belies the deeply assimilative and cultural genocide that occurred at the schools often incorporated into seemingly benign actions based on “good intentions”.¹⁴¹ This position “can also distance well-intentioned settlers from responsibility for colonialism”. This lack of responsibility and acknowledgment creates a gap between the harms of colonialism “organized through routine and extant dimensions of residential schooling” often rendered as “care”.¹⁴² Understanding how individual agents could support and sustain damaging practices has yet to be “seriously addressed”.¹⁴³ Johnson aptly points out that reconciliation can only proceed when Indigenous peoples are

¹³⁷ Johnson, “I’m sorry,” 369.

¹³⁸ Johnson, “I’m sorry,” 369.

¹³⁹ Johnson, “I’m sorry,” 370.

¹⁴⁰ Johnson, “I’m sorry,” 337.

¹⁴¹ Johnson, “I’m sorry,” 370.

¹⁴² Johnson, “I’m sorry,” 337.

¹⁴³ Johnson, “I’m sorry,” 371.

allowed to “determine their own needs and the resources required to meet them” and when settler Canadians can acknowledge and “recognize” their roles in the persistence of discriminatory albeit “well intentioned” colonizing practices.¹⁴⁴ It is evident that studies such as those written by Hildebrand, Johnson and Chambers can encourage broader studies of IRS staff members and create a valuable discourse between those accounts and the reflections of Indigenous survivors.

Part 2: Vera Reilly in Transition: Prefiguring the Post-war Child Welfare System.

As a child, Vera Reilly was sent to the Mount Elgin residential school in Ontario.¹⁴⁵ In 1937, she was both a mother and a widow and, as she informed the Department, she was “not able to secure employment to maintain herself and her dependent child.” Hers was not an unusual predicament; she was not the first “graduate,” and she certainly would not be the last, who found themselves in that difficult situation. Tragically, thousands of Aboriginal people, men and women, school leavers and others who had not been away to school, would find it impossible, especially in the post-World War II period, to adequately support themselves and their children and would become the objects of a growing national social welfare system. Indeed, the link between First Nations communities and that system, the imposition of its legislation and the intervention of its agents – social workers, police, and judicial officials – became, in the 1960s and 70s, and remained thereafter, the hallmark of Indian Affairs. Eric Robinson President of the Aboriginal Council of Winnipeg,

¹⁴⁴ Johnson, “I’m sorry,” 371.

¹⁴⁵ The dates Vera Reilly attended the school are not known precisely.

commented angrily on that stubborn reality at a public hearing of the Royal Commission on Aboriginal Peoples in 1992.

We are the largest employers of non-Aboriginal people in the welfare systems, federal and provincial jails, child welfare, parole and probation services. We see very influential and affluent non-Aboriginal workers with their nice houses, driving nice cars – out of the misery of our people. Taking control of our own affairs will be met with resistance from the governments because it will take away those jobs from the non-Aboriginal people.¹⁴⁶

The reasons for this and for the most critical consequence - the fact that First Nations people, were in Robinson's words, "the poorest of the poor in our own homeland" - were many and complex: the failure of traditional and post-traditional Aboriginal economies, levels of illness much higher than that of other Canadians, population growth rates again higher than for any other group of Canadians and an inter-connected federal and provincial child welfare system that was not enabled by governments, and thus was not able, to cope adequately with such challenges. One of the most problematic factors was the effects on children, like Vera, of their residential school experience. The consequences of residential school attendance, the terrible toll the schools took on the children that passed through them - on the ability of many to lead an independent life and meet the responsibilities of parenting - would, as extensively, perhaps, as any other factor, prepare the ground for the post-war crisis in childcare in First Nations communities.

In the 1920s and 1930s, before all those dynamic forces were fully manifest, though not before the schools' sorrowful influence on children and their families began to be felt, the Department had begun to develop ways of responding to mothers in Vera Reilly's

¹⁴⁶ Eric Robinson, Public Hearing of the Royal Commission in 1992.

situation, and to children in need, within the context of its evolving child welfare system. By 1937, with social program development soon to be interrupted by the war against fascism, basic elements of that system had been put in place and trends were evident which pre-figured the system's post-war principles and structure as well as some of the tragic situations it would struggle to come to terms with situations, indeed, that it, in common with residential schools, helped in part to create.

Unlike the development of residential schools, when it came to the establishment of child welfare there was no study or report comparable to the thinking done by Davin and other senior officials. Rather, these developments were tentative, almost unconscious; yet they were significant. On the basis of authorities provided by the Indian Act, the Department was involved in both fostering and adoption.¹⁴⁷ And that involvement took the Department in surprising directions. In a radical break from the assumptions of residential schools, an inherent element of both fostering and adoption was the Department's reliance on on-going First Nations' traditions and child caring capacity. Perhaps even more striking, the Department articulated, in the early 1920s, an understanding both of its authority over, and its obligations to, First Nations' children. And, on the constitutional plane, it developed and acted upon a nuanced understanding of Section 91(24) re-configuring its relationship with the provinces, asserting a provincial responsibility to status people. All of this was necessary groundwork for the post-war integration policy – for child welfare, post residential school education and other social policy initiatives.

¹⁴⁷ After the Second World War, there were claims made by Departmental officials that the Department was never a child caring institution. Evidence in this report directly contradicts that claim.

Not everything, however, was new in what might be seen, in hindsight, as the beginning of the transition from civilization to integration in the 1920s and 1930s. There were yet significant holdovers: the vision of civilization, the continuing centrality of residential schools, Departmental control, and regulation of communities, in theory at least, according to Canadian values and beliefs, and recourse to the foundational wisdom of, and partnership with, the churches. The drift to secularization, the reign of social science and of social workers that may well have begun in the rest of the country, was not yet the norm in Indian Affairs.

There had been, however, movement towards integration. While the reserve and residential school isolated First Nations in what was meant to be a preparatory process leading to full citizenship, fostering and adoption, and other policies geared to the welfare of children, even in this preliminary period, moved First Nations children and their parents closer to sharing some of the same legal categories as other Canadians and in so doing brought them closer to the social service sites developed generally for “needy” Canadians.

Vera Reilly experienced both worlds, isolation, and integration; she was the transition incarnate as she moved from the Indian school to what was the first, if temporary, integrated program – the Department’s participation in the Ontario Mother’s Allowance benefit. Her experiences as child and parent, the forces that carried her from student to welfare supplicant, in particular the destructive influence of the residential school, and the treatment accorded her and other First Nations’ mothers and their children in the Allowance program were all signals of what would be the experiences of so many First

Nations parents and families when full integration to provincial services across the nation became the Department's object of desire in the 1940s.

There is, additionally, one further fact about Vera and the hundreds of other women, and indeed men, whose path, before and after the war, took them from their community to broader provincial and national contexts. The official story of their passage, and, indeed, their continuing presence in historical documentation, are a construction of civil servants coded in the language of non-Aboriginal culture. For many of those First Nations' people and their children, that fact - that it was Departmental officials who wrote them into history, made them legible, and who alone had the power to determine what was "true" about them and their communities - constituted a severe disability for them then and remains a serious challenge now to historical work, to any chance of seeing things as they may have been different from the representations of non-Aboriginal authorities. Those representations, no matter the extent to which the women, parents and communities might contest them, were "effective truths" in that they were the basis for decisions - for benefits given or denied, for children apprehended. Vera Reilly, in 1937, was imprisoned in those official representations and researchers now are challenged by them. A consciousness of that is a pre-requisite for historical reconstruction; and problematizing Departmental characterizations, its official story, provides some chance of liberating the past, if not Vera and her child, from the tyranny of historical documentation.

Certainly, on reviewing Indian Department records of the 1920s and 1930s, senior officials have had their own story to tell about child welfare. The Departmental Secretary, J.D.

McLean, when replying to an inquiry from Miss Madelein Revell, who was, in 1929, “making a survey of Child Welfare work in Canada,” put residential schools first in his “outline of care ... for Indian children.”¹⁴⁸ The schools then accommodated, he told her, “seven thousand pupils,” affording the children thereby “comfortable homes where they are properly fed and clothed.” Most of the other care measures he listed were add-ons to the education system: a hot lunch, “biscuits, milk, soup and cocoa” in “most of the Day Schools,” “large quantities of Cod Liver Oil” and on reserves where “the Indians are very poor the children are given a complete and nourishing meal at noon.”¹⁴⁹ Day school teachers, in “quite a number of instances” acted as Field Matrons and in that “capacity they visit the homes of the children, dispense simple medicine ... and endeavour to teach the women of the Reserve how to keep their homes and care for their children.”¹⁵⁰ There was, apparently, a more professional medical element, too, in that an unspecified number of the Field Matrons had “some practical nursing experience” and they, and the Department’s “staff of Travelling Nurses,” gave “classes where Indian women are taught sewing, knitting and cooking” and the nurses “where possible” hold “Baby Clinics and the mothers receive valuable instruction in the care and feeding of children.”¹⁵¹

Unfortunately, McLean’s outline is not as useful as it might appear, providing, for example, no sense of the scope of this on-reserve childcare work. It is, however, given greater precision by the historical memory of other officials. S.J. Bailey, a senior Department welfare officer, in notes for a speech he delivered at the annual meeting of the

¹⁴⁸ N.A.C. RG 10, Vol. 6820, Reel C8543, File 492/1-5 Pt. 1.

¹⁴⁹ N.A.C. RG 10, Vol. 6820, Reel C8543, File 492/1-5 Pt. 1.

¹⁵⁰ N.A.C. RG 10, Vol. 6820, Reel C8543, File 492/1-5 Pt. 1.

¹⁵¹ N.A.C. RG 10, Vol. 6820, Reel C8543, File 492/1-5 Pt. 1.

Port Arthur Children's Aid Society, in 1963, observed that in the 1920s "little was provided and funds were very limited" and that "during the Great Depression ... it is quite understandable that very little progress was made in developing a program whereby Indian people would be helped to find their economic and social place in the life of the country."¹⁵² Even at the height of the Depression, in 1936, when the Department first created a Training and Welfare Division, it did not wander far from McLean's emphasis on education in the Department's "care ... for Indian children"¹⁵³ It was to be "recognized," the Department announced in its Annual Report of 1937,

that a worthwhile welfare program must be basically educational in character; that education is not something injected into a child during his sojourn at school, but a process that should continue throughout his life. The activities of the Division, therefore, are independent and complementary directed toward clearly defined objectives. These objectives, for a generation or two at least, will be the training of pupils to make the most of their available resources, with talents consecrated to the bands to which they belong ...¹⁵⁴

Other than this long-term educational strategy, and the classic lack of funding alluded to by Bailey, there were further contributing factors to the fact that "little was provided," particularly in terms of child welfare. What information can be gleaned from Departmental files suggests that particularly with respect to the purported "endeavour to teach the women ... how to ... care for their children,"¹⁵⁵ senior staff provided no leadership or set programming simply passing the chore on to field staff. Thereafter, what was accomplished was dependent entirely on the initiative of the few agents who took the task

¹⁵² N.A.C. RG10, Vol. 8202, Reel C13753, File 492/29-16 Pt. 1.

¹⁵³ N.A.C. RG 10, Vol. 6820, Reel C8543, File 492/1-5 Pt. 1.

¹⁵⁴ Annual Report, 1937, 434.

¹⁵⁵ N.A.C. RG 10, Vol. 6820, Reel C8543, File 492/1-5 Pt. 1.

seriously.¹⁵⁶ Head office activity, undertaken with very little forethought or determination, rarely went past sending out information, such as the Child Welfare Division's, (Department of Health) Little Blue Book Series on diet and hygiene – and that in the English language - to mothers, many of who may not have been able to read. The Department's low level of energy for mothercraft education is best indicated, perhaps, by its rejection of a proposed "special edition" of that Division's Canadian Mother's Book, a pamphlet first issued in 1921 "filled with practical advice to young mothers." The special edition was to be designed "for the use of Indian mothers ... made more suitable for them."¹⁵⁷

The Mother's Book episode reveals an additional factor that determined Departmental behaviour generally, including the nature of its child welfare activity, throughout D.C. Scott's long term as Deputy Superintendent General. Scott was perpetually jealous of the Department's unilateral control of First Nations affairs and was determined to prevent, where possible, any unsolicited interference by other authorities, public or private.¹⁵⁸ As the historian J. L. Taylor has noted "While taking few initiatives ... Scott did not want anyone else to take the reins" and was "careful to retain control of policy and

¹⁵⁶ N.A.C. RG 10, Vol. 6820, Reel C8543, File 492/1-5 Pt. 1.

¹⁵⁷ The Canadian Mother's Book authored by Dr. Helen MacMurchy, Chief of the Division of Child Welfare, Dominion of Canada Department of Health, was of limited, if any, value for First Nations mothers. Its focus was on mothers who had easy access to doctors who were pictured as the principal experts on neonatal and childcare. That emphasis reflected the growing professionalization of care and as a part of that the determined marginalization of mid-wives. A Supplement to the Book was published aimed at rural women without ready access to doctors and perhaps the proposed "special edition" was to be a re-purposing of that text. Nothing has been found in Departmental files to explain why MacMurchy's offer was not taken up. Canada. Dept. of Pensions and National Health, and Helen MacMurchy. *The Canadian Mother's Book*. Department of Health, 1934.

¹⁵⁸ N.A.C. RG 10, Vol. 6820, Reel C8543, File 492/1-5 Pt. 1.

administration against any challenge from outside.” As a result, “Neither Ministers nor Parliament interfered to any extent in the Department’s policy.”¹⁵⁹

Scott was the authoritative gatekeeper. He worked to shape and control what external linkages were made. To that end, he steered clear of participation with much of the institutional formation and inter-agency cooperation of the growing child welfare community¹⁶⁰ In 1920, for example, the Chief of the Child Welfare Division and author of the *Mother’s Book*, Dr. Helen MacMurchy, invited the Department to the Division’s first conference on child welfare. The Department had no need to worry about arranging accommodation for not only was the conference held in Ottawa, but the invitation was declined.¹⁶¹

In the same year, 1920, the Social Science Service Council, a nationwide protestant interdenominational organization with the addition of special Christian groups: The Evangelical Association of Canada, the Women’s Christian Temperance, and the Canadian Council of Sunday School Organizations, for example, was also rebuffed. Scott refused Departmental cooperation with a proposed study of an exhaustive list of subjects, including the “Family life and the moral, social and economic welfare of the native Indians” to be undertaken by the Indian Committee of the Council. “To my mind” he wrote the Minister, “the suggestion ... is unreasonable.” How reasonable the proposal was,

¹⁵⁹ John Leonard Taylor, *Canadian Indian Policy during the Inter-War Years, 1918-1939*. Indian and Northern Affairs Canada, 1984.

¹⁶⁰ Much of this development, beginning at the end of the 19th century, focused on mothers and their children. Well baby clinics and milk depots were begun; mother focused education classes were conducted, and film and radio program developed to the same end.

¹⁶¹ N.A.C. RG 10, Vol. 6820, Reel C8543, File 492/1-5 Pt. 1.

one way or the other, may not have been the primary problem. More likely, Scott was exercised by the fact that the Indian Committee intended to delve into two Departmental sore points: the “Disturbance among the Six Nations Indians and The British Columbia Land Question.” When the Committee submitted a list of recommendations hoping for his “open-minded consideration” and “approval,” it received, a polite, diplomatic reply: “I have read them with pleasure and the Department will be mindful of them when considering policies and ways and means.”¹⁶² There was little hope of that; Scott was not likely to have given an “open-minded” reception to recommendations such as that which called for the intervention of an “impartial body” to adjudicate Six Nations’ claims and for court action in the case of the B.C. land rights issue.¹⁶³ Asked subsequently by the Rev. Peter Bryce, chair of the Council’s Child Welfare Committee, and Charlotte Whitton, the committee secretary, to attend a meeting to discuss holding a National Child Week, Scott replied through McLean that “this Department will be unable to send a representative as requested.”¹⁶⁴ No reason was offered.

The Canadian Council on Child and Family Welfare, the precursor of the Canadian Welfare Council, which was extensively involved in child welfare issues, fared only slightly better. As with the Blue Books, Council information¹⁶⁵, its “bulletins and reports for use in connection with our health work,”¹⁶⁶ were welcomed and distributed. But further than that the Department was not prepared to go. Even in 1931 when, in response to a

¹⁶² N.A.C. RG 10, Vol. 3202, Reel C14339, File 509/265, 1918.

¹⁶³ N.A.C. RG 10, Vol. 3202, Reel C14339, File 509/265, 1918, 385.

¹⁶⁴ N.A.C. RG 10, Vol. 3202, Reel C14339, File 509/265, 1918, 752.

¹⁶⁵ See “In Answer to Your Query” A Directory of Child Welfare Resources in the Dominion of Canada, The Canadian Council on Child Welfare, 1928.

¹⁶⁶ N.A.C. RG 10, Vol. 6820, Reel C8543, File 492/1-5 Pt. 1.

Council fund raising drive, it purchased “Five National Memberships”¹⁶⁷ it was only “as a means of showing our appreciation of the co-operation your organization has given” in supplying literature.¹⁶⁸ The voting privileges that came with membership and the conference opportunities were not taken up.¹⁶⁹

Almost immediately following Scott’s retirement, however, the Department’s stance did begin to change. In the midst of the Depression, the Council proposed a closed door “round table conference on the problems of Social Administration of Relief.”¹⁷⁰ Scott’s successor, Dr. Harold McGill, immediately promised Departmental representation.¹⁷¹ His avowed “interest in relief administration,” in cross-agency cooperation¹⁷², and, specifically, in a conference that would, in the words of the Council’s Executive Director, Charlotte Whitton, “devote its time to working out among its members ... the best practice and principles in the experience of the participants in the handling of relief and related problems” may well have been prompted by the new reality facing the Department – a reality adroitly framed by Whitton in her invitation.¹⁷³ “As you doubtless know the problems of welfare and relief in respect to Indians on and off the reserves are becoming increasingly complicated and many of our social agencies report new experience in this problem, especially in the scattered portions of the provinces, but even in many cases in

¹⁶⁷ N.A.C. RG 10, Vol. 6820, Reel C8543, File 492/1-5 Pt. 1.

¹⁶⁸ Indeed, the Department was responding to a Council campaign to shore up its financial resources by enlisting one thousand new members.

¹⁶⁹ N.A.C. RG 10, Vol. 6820, Reel C8543, File 492/1-5 Pt. 1, (See April 20, 1932, and May 17, 1932).

¹⁷⁰ N.A.C. RG 10, Vol. 6820, Reel C8543, File 492/1-5 Pt. 1, (See March 12, 1933).

¹⁷¹ A marginal note by McGill on the Whitton invitation indicates that his choice was Miss Kathleen Moodie. N.A.C. RG 10, Vol. 6820, Reel C8543, File 492/1-5 Pt. 1.

¹⁷² N.A.C. RG 10, Vol. 6820, Reel C8543, File 492/1-5 Pt. 1 (See March 24, 1933).

¹⁷³ N.A.C. RG 10, Vol. 6820, Reel C8543, File 492/1-5 Pt. 1.

some of the cities.”¹⁷⁴ These complications would, indeed, increase through the 1930s and thereafter, related to underlying sea-changes in Aboriginal economies flagged by factors like off-reserve welfare and urbanization. That economic riptide, and the rise of the welfare state ideology, would further motivate the Department, in the immediate post-war years, to seek the benefit of social workers’ professional “experience,” and their “best practice and principles” through partnerships with private and public welfare institutions. It would even bring that expertise into the Department with the hiring of a number of social workers in the 1950s. Moving towards the war years, Scott’s isolationism, in the social welfare field at least, was eroded and the Department’s 19th century ideology began to undergo renovation.

Finally, McLean’s outline, from the perspective of assessing the Department’s pre-war child welfare activity, is wanting in other major ways. It fails, curiously, to mention what were the other, notable child welfare aspects of Departmental activity. Certainly, as Bailey witnessed, there was no organized, official child welfare policy as there was in the education sector, nor was there the funding for, nor the machinery of implementation for one - despite what McLean said about teachers, matrons, and nurses. There were, however, both in the operation of the residential schools, as McLean had indicated, and in the more general activities of Departmental field staff under the aegis of the Indian Act, elements of a nascent child welfare system, particularly in the areas of guardianship, fostering and adoption. In two important ways with respect to that evolution – in the continuing relevance of First Nations’ traditions and in the Ottawa-Ontario partnership for the support

¹⁷⁴ N.A.C. RG 10, Vol. 6820, Reel C8543, File 492/1-5 Pt. 1 (See March 23, 1933).

of single mothers' (a partnership shaped to satisfy Scott's need for control and the parsimonious nature of his administration of Departmental affairs) - this activity actually broke new policy ground and foreshadowed post-war approaches to child welfare.

The Department's pre-war child welfare activity in adoption and fostering was undertaken, unlike its educational strategy which had as a fundamental principal the need to replace parental influence, largely as a supplement to on-going First Nations' child caring protocols. These were characterized by extended family care and customary adoptions all rooted in the concept "that the child is a member of the total community, not just a member of a single nuclear family."¹⁷⁵ Or as Darlene A. Ricker noted in her 1997 study of the Bear River reserve in Nova Scotia "Responsibility for child care was, and still is, part of community living."¹⁷⁶ Additionally, looking forward to the post war period, it is a notable, and an important corrective to the relevant historiography (and to some of the more mythic elements of the popular understanding of the scoop) that Departmental reliance on, and the continuing significance of, community caring activity for children in need, persisted in the 1940s and thereafter even when poverty reduced child caring capacity in communities and when the turn to integration and the evolution of a full-blown federal child welfare program brought about an aggressively interventionist approach to communities through the agency of provincial child welfare institutions. Especially in the pre-war period, no one seemed to notice the basic contradiction inherent in the

¹⁷⁵ M. Sinclair, N. Bala, H. Lilles and C. Blackstock "Aboriginal Child Welfare" in *Canadian child welfare law: Children, families and the state*, pp. 155-198, eds. Nicholas Bala, Michael Kim Zapf, R. J. Williams, Robin Vogl, and Joseph P. Hornick (Toronto: Thompson Educational Publishing Inc., 2004).

¹⁷⁶ Darlene A Ricker, *L'sitkuk: The Story of the Bear River Mi'kmaw Community*. (Lockeport, NS: Roseway, 1997), 113.

Department's educational rhetoric which on the one hand denied the adequacy of Aboriginal parenting in general and on the other hand its unhesitating use of First Nations adoptive and foster parents.

The Department was able to rely upon First Nation child caring capacity because First Nations across the country maintained, as Ricker noted with respect to Nova Scotia's Bear River community, a whole range of cultural practices, values and beliefs that for centuries before European presence had given meaning to the lives of individuals and communities. Many of those practises remained undisturbed even in the process of developing the economic, political, and social systems that bound the cultural middle ground encompassing the wider community of Indians, Metis, European traders, and settlers; and many even survived in the face of missionary activity. Some of those Aboriginal traditions, marriage "a la facon du pays" most famously, even became the cross-cultural norm.¹⁷⁷

There was similar persistence, and primacy too, in areas of childcare. In the Maritime provinces, for example, the anthropologists, Wilson and Ruth Wallis, in conducting field work on Micmac reserves in 1911-1912 and again in 1950-1953, traced a line of customary practise stretching back to the 17th century. Their earliest source, the writings of a French Recollect missionary, Chrestien Le Clerq, "noted a group responsibility for

¹⁷⁷ See N.A.C. RG 10, Vol. 8387, Reel C10992, File 901/29-4 Pt.1, H. Woodsworth, Superintendent, Hobbema to G.H. Gooderham, 19 December 1949. He reports on a band council resolution for "purchasing and sawing wood" providing for Chief Dan Minde whose health was failing so that he "is unable to supply any longer, the fuel for his household of indigent Indians whom he has gathered around him, as is a customary responsibility the Chief assumes."

orphans and for children of a broken home.¹⁷⁸ It was the chiefs' duty to place orphans in the wigwam of the best hunters, where they were to be brought up as if they were children born in the household."¹⁷⁹ While in 1911-1912 they collected "no direct information [on adoption] ...the existence of this old and frequent practise was evident" and was so even in an "extreme form." Thus, at Burnt Church, "as on all reserves," they reported, "white children had been adopted and were for all social purposes, Micmac." One of these, "a baby four months old in 1912, became our informant in 1950 and 1953." Philip Bock, who in 1966 reported on practises of "Micmacs of the Restigouche" noted, that "The child rearing period is prolonged for many older people by the practice of adoption of an unmarried daughter's illegitimate child...."¹⁸⁰

The historian Olive Dickason points to the existence of a similar practise in New France and throws light on at least one of its motivating elements. The practise "of giving illegitimate [French] children to Amerindians" was "particularly prevalent towards the end of the French regime." These "children, as well as those taken captive from the English colonies, were raised and lived as Indians." Childcare apparently ran in both directions for, as Dickason notes, "If mixed blood children were baptised, they were accepted into the French community."¹⁸¹

Traditional child raising, customary adoption and other practises by which community membership was determined, all integral parts of the wider First Nations pattern of social

¹⁷⁸ Wilson D. Wallis, *The Micmac Indians of Eastern Canada*. (Minneapolis: U of Minnesota Press, 1955).

¹⁷⁹ Wallis, *The Micmac Indians*, 951.

¹⁸⁰ Department of Social Services, N.B. Annual Report, 1972-1973, 467.

¹⁸¹ Olive Patricia Dickason and David McNab. *Canadas first nations*. (Oxford: Oxford University Press, 2009), 145.

relations, were certainly “evident” in other parts of the country. During field work in the west in the summers of 1934 and 1935, anthropologist David Mandelbaum was told by his Plains Cree informant, Fine Day, that children spent most of their time with their grandparents or older relatives rather than their biological parents, indeed, Fine Day, concluded, “the Cree love their grandchildren even more than their own children.”¹⁸² As in the Maritimes, child care responsibilities, tied to the culture’s status granting system, were carried by other than immediate family members. To demonstrate their liberality, Chiefs, and other wealthy Plains Cree, took into their household’s orphans or the sons of poor families. Mandelbaum stated that “they were treated as members of the family, provided with clothes and food and were able to use the chief’s horses. From the chief they received informal training in hunting and warfare.” Such young boys “were to be found in the tipis of most men of high rank.”¹⁸³

Dr. Thomas Robertson’s report for the Department in 1936 on southern Saskatchewan reserves indicated that Cree, Saulteaux and Sioux communities there continued to apply their own traditional membership criteria, including adoption, even if such traditions were contrary to the Indian Act and that, by and large, the Department complied with this practise:

Another condition which I am informed exists here [Standing Buffalo reserve] (as it does on other reserves) is the adoption by Indians of half-breed children, with the approval of the Department. By this action the Department not only makes itself liable for the education and care of these children but also for the continued support of these people, and their descendants.¹⁸⁴

¹⁸² David Goodman Mandelbaum, *The Plains Cree: An ethnographic, historical, and comparative study*. Vol. 37. (Regina: University of Regina Press, 1979), 144.

¹⁸³ Mandelbaum, *The Plains Cree*, 78.

¹⁸⁴ N.A.C. RG 10, Vol. 3220, Reel C11342, File 536, 764-2, 1935-36, 50.

Half a century later in his report, Kimelman, identified the survival and the continuing utility of traditional childcare practises, of, for example, the persistence of a “communal responsibility” in “the raising of children” amongst bands, Cree, and others, in Manitoba. And in the vast territory that became British Columbia again childcare traditions were part of the civic organization of communities. The Gitxsan adoption law of *ts'imil guut* is an example. As Delgamuukw, Earl Muldon explained, drawing a distinction from non-Indigenous practise,

To us, adoption is the white man's way off taking someone away from us. We have welfare people and church people pull our children away, but we take people in. And when we take someone in it is usually a family member. My mother and father took in nearly fifty children and they were all relatives. Gitluudaahlxw did the same thing in 1971. He took my wife Shirley ... and our children into his House because he needed House members. ... Ts'imil guut is our word for bringing people in like this.¹⁸⁵

Customary adoption even received formal, official recognition. It was, in fact, the second traditional practise, after customary marriage, which had been recognized by Canadian courts in 1803.¹⁸⁶ In 1850, the legislature of the United Canadas, "for the purpose of determining any [Indian] right of property" in Canada East, defined “Indian” as "All persons of Indian blood, reputed to belong to the particular Body or Tribe of Indians interested in such lands and the descendants of all such persons." The definition included, as well, “All persons adopted in infancy by any such Indians and residing in the Village or upon the lands of such Tribe or Body of Indians, and their descendants." In the 1960s, decisions in Northwest Territories and Quebec courts declared that for “such civil purposes as inheritance or pursuing monetary claims for fatal injuries ... the courts have accepted

¹⁸⁵ Neil J. Sterritt, *Mapping my way home: A Gitxsan history*. (Powell River: Creekstone Press Limited, 2016), 43.

¹⁸⁶ The first was marriage.

that the legal relationship of parent and child can be established by Aboriginal persons who were not so related biologically, if they have followed the customary practices of their tribe to establish the parent-child relationship.” A case in Ontario, in 1985, provided further, unequivocal recognition and established that in terms of childcare customary adoption was an entirely adequate alternative to standard Canadian practice. The judge in that case determined, in deciding to place children with relatives on a reserve against the wishes of the provincial childcare organization (because the children’s mother resided there), that such a placement “will be in accord with the tradition of ‘custom adoption’ by reason of blood relationship.” Furthermore, the judge could see “no evidence to indicate whether or not a subsequent legal adoption will offer any particular benefit to the children.”¹⁸⁷

However, as fortuitous as such decisions may have been for the Aboriginal families concerned, they did not settle the matter across the board. As Kimelman noted, there were irreconcilable differences between the childcare norms of each culture, red and white, differences that become important dynamics of the “scoop” and had fuelled the antagonism that spilled out in Kimelman’s inquiry room. But beyond cultural difference, the heart of the problem was the nature of the Canadian legal process, or rather, the fact that it became dominant - the norm in settled regions of the country after the First World War, bringing Canadians, Aboriginal and non-Aboriginal, within the same legal boundaries, boundaries within which First Nations families and parents felt their

¹⁸⁷ Sinclair, Bala, Lilles and Blackstock “Aboriginal Child Welfare,” 122.

powerlessness and which fuelled their determination to maintain their particular childcare practices.¹⁸⁸

Formal adoption by way of provincial legislation¹⁸⁹ was a relatively late development in Canada - a phenomenon of the great increase in illegitimacy during and after the First World War, which “gave rise to the need to find families to provide for the care of these children.” Given contemporary social attitudes, the shame and stigma attached to births out-of-wedlock, the process was “shrouded in secrecy.” Consequently, in Canadian adoptions not only was the parent-child connection permanently severed but the adoption was closed - adoptees were to be unable ever to discover who were their biological parents.¹⁹⁰ In contrast, customary adoptions were open to the extent that “if the biological parents [were] ... alive, the children will usually have contact with them.”¹⁹¹

Unfortunately, despite its survival, customary adoption was increasingly marginalized and with the extension of provincial services in the 1940s and thereafter, in line with integration, Canadian legal norms were brought to First Nations homes by provincial child caring legislation. As a result, First Nations’ children would often disappear, beyond the knowledge and reach of their parents and communities, into the isolation and anonymity of

¹⁸⁸ E.C. Kimelman, *No Quiet Place: Review Committee on Indian and Metis Adoption and Placements*, (Manitoba: Community Services, 1985),163. The anthropologist, D.G. Mandelbaum, in his work *The Plains Cree* observed that “It often happened that a person who had lost a close relative would adopt someone who resembled the deceased in appearance. Destitute old people were sometimes adopted into younger families... There was no adoption ceremony. Gifts were usually exchanged to mark the inception of a new relationship.” Mandelbaum, *The Plains Cree*, 127.

¹⁸⁹ Adoption legislation was first passed in New Brunswick in 1873. Most provinces, however, did not pass laws until after the First World War. See Sinclair, Bala, Lilles and Blackstock “Aboriginal Child Welfare,” 155.

¹⁹⁰ Theodore G. Giesbrecht, “Adoption”, in *Canadian child welfare law: Children, families and the state*, pp. 155-198, eds. Nicholas Bala, Michael Kim Zapf, R. J. Williams, Robin Vogl, and Joseph P. Hornick, (Toronto: Thompson Educational Publishing, 2004), 155-156.

¹⁹¹ Sinclair, Bala, Lilles and Blackstock “Aboriginal Child Welfare,” 213.

non-Aboriginal homes in Canada and even abroad. As will be noted below, even in this pre-war period, the Department's legal configuration of child adoption arrangements made along traditional lines amongst First Nations individuals took an important step toward the Canadian model.

The second notable Departmental childcare activity missing from McLean's outline was the Department's cooperation with one of the earliest welfare state initiatives – support for mothers in need and for their children. For two decades before the war, the Department, in Ontario, approached the plight of Indian mothers who were widows or the wives of the “permanently unemployable,”¹⁹² in concert with the Province and its Mother's Allowance benefit. The particulars of that cooperation pre-figured again post-war developments especially a revisiting of the question as to where constitutional jurisdiction for First Nations' people lay. The result would be a new conceptualization of Section 91(24), one of shared responsibility in the vein implied, at least, by the pre-war Ontario model. It was that model that the federal government would try to make the base of its nationwide child welfare, and indeed education systems, under the umbrella of integration.

In light of the shortcomings of McLean's outline there is evidently a need to set it aside and to reconstruct here the full nature of Departmental child welfare activity in this period. And for a number of reasons, it is critical, in such a reconstruction, to assess the role of the residential schools. They were not only, as McLean informed Miss Revell in 1929, the Department's primary response to childcare needs but their role as a social welfare

¹⁹² N.A.C. RG 10, Vol. 6820, File 492-8-3, Pt.1, February 1938.

institution would grow in the post-Second world war period to the point, perhaps, of even supplanting their educational function. Furthermore, establishing an understanding of their impact upon First Nation communities is a pre-requisite for understanding some important causal factors of the scoop, of the ways in which the schools contributed to the childcare crisis.

The root of Departmental child care activity, its move into guardianship, fostering and adoption and its cooperation with Ontario, lay not directly in a sense of humanitarian duty to children, though such sentiments existed, but in the fact that the Department, by section 91(24), and through the Indian Act, carried a direct responsibility for status children who were from birth property holders sharing in the common estate that was the reserve, were treaty participants with a right to annual treaty payments and were heirs to their father's "personal effects or other property (house, barn, livestock, for example) of which he is the recognized owner."¹⁹³ The Act, focussed as it was from its inception on the management of property and of those associated rights, directed that the interests of children whose father had died were, under Section 20.8, (1886) the responsibility of the Superintendent General who would "whenever there are minor children, appoint a fit and proper person to take charge of such children and their property, and may remove such person and appoint another from time to time as occasion requires."¹⁹⁴ The Superintendent General was by law the guardian of all such children and that responsibility would often be delegated to community members under the watch of local Departmental agents.

¹⁹³ Indian Act and Amendments, 1868-1950, Treaties and Historical Centre, Department of Indian and Northern Affairs, July 1981, 62.

¹⁹⁴ Indian Act and Amendments, 1868-1950, Treaties and Historical Centre, Department of Indian and Northern Affairs, July 1981, 62.

To that end, Departmental agents were to supervise, routinely, the “Decent of Property” provisions of Section 20. Where agents applied themselves to this responsibility, the routine included, for minors, the appointment of a guardian, with, as in the case of Floretta Elliott, an “infant and an orphan” of New Credit, “the authority to look after the girl’s interest.”¹⁹⁵ In that example, and in many other guardianship appointments, and removals triggered by a purported administrative or financial malfeasance on the guardian’s part,¹⁹⁶ the local agent often followed the advice of the Band Council. Councils, in turn, when nominating guardians, appeared to move minors along the lines of extended family relationships so that the operation of the Act overlaid, rather than replaced, traditional community childcare patterns.¹⁹⁷

The Department, however, took a step beyond simply overseeing the property rights of minor children; it stepped from guardianship into fostering - to a cognizance of, and action to protect, the child’s “interest” beyond property concerns. In this movement, the drafters of the Indian Act and the officials responsible for its administration, reflected the world around them particularly late 19th century changes in social attitudes – concerns for children and the emergence of maternal feminism.”¹⁹⁸ The former was sparked by serious social critiques by humanitarians highlighted by dramatic public scandals - child prostitution, child labour, baby farming – and launched both governmental and private

¹⁹⁵ N.A.C. RG 10, Vol. 3206, Reel C11340, File 516, 424.

¹⁹⁶ N.A.C. RG 10, Vol. 3195, Reel C11338, File 494, 674.

¹⁹⁷ See N.A.C. RG 10, Vol. 3205, Reel C11339, File 513/622 and N.A.C. RG 10 Vol. 3811, Reel C10193, File 55005.

¹⁹⁸ Neil Sutherland and Cynthia Comacchio. *Children in English Canadian society: Framing the twentieth-century consensus*. Vol. 2. (Waterloo: Wilfrid Laurier Univ. Press, 2000), 20.

activity to intervene when children were found “in an inappropriate environment,”¹⁹⁹ mines and factories, brothels and abusive families, and to ensure their proper nurturing.²⁰⁰ Maternal feminism, a growing appreciation of the central nurturing role of mothers in the family and by extension, in society too, was reflected in developments such as the willingness of courts to grant custody to women,²⁰¹ beginning the erosion of what had been the primacy of the common law right of fathers to the control of their children. When combined these were the basis of important legislative and judicial developments modernizing parental social relations and assigning the state a significant role in the family.

Not only did courts begin to consider a mother’s rights and to value the mother-child bond but those developments, with the rise of powerful child welfare interests, opened a space for the consideration of the best interest of the child against those of the natural parents in custody and adoption cases. This mirrored the relationship generally throughout Canada between parental rights and overriding state authority seen in the concept of “*parens patriae*,” the “inherent jurisdiction of a court to look after the best interests of the child,” that was being instituted in the late 19th century.²⁰²

¹⁹⁹ Sutherland and Comacchio, *Children in*, 20.

²⁰⁰ See for example the outline of developments in Nova Scotia in Rebecca Veinott, "9. Child Custody and Divorce: A Nova Scotia Study, 1866-1910." pp. 273-302 in *Essays in the History of Canadian Law*, (University of Toronto Press, 2016), 282-286.

²⁰¹ Constance B. Backhouse, "6. Shifting Patterns in Nineteenth-Century Canadian Custody Law." pp.212-248 in *Essays in the history of Canadian law*, (Toronto: University of Toronto Press, 2019), 212.

²⁰² N.C. Bala and K.L. Clarke, *Child and the Law*, (Scarborough: McGraw-Hill Ryerson), 1981, 6. The landmark case was *R.v. Gyngall* 1893 2 Q.B.232.

For the Department, it was again the Indian Act which facilitated this more activist approach to the welfare of children. Local Agents when appointing a guardian for minor children were not limited to considerations of financial competence alone nor to males only. Widows, too, could be appointed if “she is a woman of good moral character.”²⁰³ And with respect to wider considerations, “moral” and otherwise, Departmental correspondence reveals that Agents deployed the authority of section 20.8 to place children determined to be in need based on an estimate of the quality of nurturing the child would receive. Two of the earliest cases which illustrate this practise, in 1888 and 1889, even saw children moved across the reserve boundary into the homes of non-Aboriginals and that indicated, importantly, that in the Department’s view the authority given in Section 20.8 was not limited to the appointment of status Indians only as guardians/foster parents. Indeed, there never was any idea that Indian status was an element that needed to be considered in the placement of a needy child outside a First Nation’s community.

In the first case, that of Nancy George, an orphan turned out of the house of her official guardian, the Agent reported that he had consulted the Chief and Council “in order to find some trustworthy party to take charge of her” on the reserve. But, he concluded, “we failed in getting anybody who was willing to support her.” The child was, with the Department’s approval, taken in by the Agent’s wife. In the second example, two orphans, a 13-year-old girl²⁰⁴ and her 11-year-old brother, were “without a guardian and [their] relations are too poor to provide for them.” Both children were placed with the Methodist missionary, Rev.

²⁰³ Indian Act and Amendments, 1868-1950, Treaties and Historical Centre, Department of Indian and Northern Affairs, July 1981, 62.

²⁰⁴ It is possible that this girl was Nancy George, who was moved from the first placement to the home of the Minister along with her brother.

J.W. Butler, as the Agent was “satisfied that the children could not be better cared for by any other party here.” The Deputy Superintendent General agreed, and the placement was approved.²⁰⁵

In a final example, concern for the child’s well-being was such that the Department even overrode the strict application of the status/trespass sections of the Act. This case concerned a 10-year-old non-status girl whose mother was dead and whose father was a “a non-treaty halfbreed.” The child’s stepmother was reputed to be so cruel that the neighbours were “afraid that something serious may happen.”²⁰⁶ In view of the situation, Okee-moo-ka-kake, a member of the Okemasis band, wanted to adopt the child. The Agent, R.S. McKenzie, believing that the report of cruelty “above stated is true,” recommended “that if this can possibly be done ... this Indian’s request ... be granted.” McLean gave Departmental approval allowing the child to be taken onto the reserve but reminded the Agent that as the girl did not have status, she could not be brought into treaty nor paid an annuity.²⁰⁷ Clearly, here the Department acted on behalf of the child in circumstances in which the placement could not be characterized as a guardianship appointment as the child had no property - no share in the band’s reserve or treaty and no inheritance.

²⁰⁵ N.A.C. RG 10, Vol. 3831, Reel C10146, File 63550 and N.A.C. RG 10, Vol.3811, Reel C10193, File 55005.

²⁰⁶ N.A.C. RG 10, Vol.3992, Reel C10202. File 179928 and N.A.C. RG 10, Vol. 3990, Reel C10202, File 184,745.

²⁰⁷ It is interesting that the letter of approval was drafted by D.C. Scott.

The pattern evident from these few examples is noteworthy especially as it parallels developments in the non-Aboriginal childcare world. First, Departmental, federal, authority over the care of children was deployed in much the same way that provincial legislation empowered Children's Aid Societies and Provincial Welfare Department's to survey and intervene in families on a presumption of neglect and to protect the interests of children in ways including removal to a place where the child would "be better cared for"²⁰⁸ than in its own home whether the child's parents were alive or not. Thus, Kelso's law, the Children's Protection Act, Ontario 1893, provided that Children's Aid Societies, acting as "constables for the purpose of enforcing the provisions of this Act," could, with regard to Section 7, (glossed as the "Apprehension of neglected children in evil surroundings") "apprehend ... and bring before the Judge as neglected any child... who comes within any of the following descriptions..." Those "descriptions" included children found to be: "begging or receiving alms or thieving," "wandering about at late hours and not having any home or settled place of abode," "growing up without salutary parental control and education, or in circumstances exposing such child to an idle and dissolute life" or who has been "found destitute, being an orphan or deserted by its parents." If "in the opinion of the Judge," the child was "neglected" it could then be "committed to any industrial school or refuge for boys and girls" ... or "delivered to the children's aid society for the purpose of being placed in an approved foster home until such child arrives at the age of eighteen years." ²⁰⁹

²⁰⁸ N.A.C. RG 10, Vol. 3831, Reel C10146, File 63550 and N.A.C. RG 10, Vol.3811, Reel C10193, File 55005.

²⁰⁹ The Act for the Protection and Reformation of Neglected Children (Children's Protection Act) Ch.40, Sec. 2 (2), in Revised Statutes of Ontario, RSO 1888, 96-97.

Secondly, though Indian agents might follow the advice of the Council or other members of the community, thus re-enforcing community patterns, both the determination of the quality of care a child was receiving, and whether the child should be removed for reasons of neglect, were ultimately Departmental decisions. Inherent in this was the fact that while there appeared no reluctance in this period to place a child in an Aboriginal home,²¹⁰ the decisions as to what was proper care was ultimately in the hands of the immediate representative of non-Aboriginal authority – the local Indian agent and in the post war period, agents, and social workers, both federal and provincial, and judges of the relevant provincial courts. Those officials, according to their perceptions of communities, First Nations’ families and parents, and in line with their culture’s child raising norms, would be the critical decision-makers. In that regard, the spare and brusque comment by J. Littleproud, the agent at the Caradoc reserve in 1918, justifying the removal of children from their still living father, is rather emblematic of the pre-war structure in which the Department and its agents acted as both constables and judges: “they [the children] have been neglected by their father, who has failed to furnish proper support.”²¹¹

Finally, not only were Littleproud, other agents and the Department acting in Kelso’s shadow, but they were doing so from a position of authority, indeed, from the same legal basis - the “*parens patriae*” principle. Certainly, such an assumption seems to have been the basis for an opinion of the Department’s Law Clerk, Reginald Rimmer, in 1903, when consulted about a situation in the Northwest Territories. The facts, as presented to him, concerned Mrs. Owens, the wife of Rev. O. Owens, missionary, and teacher on the Key

²¹⁰ N.A.C. RG 10, Vol.3992, Reel C10202. File 179928.

²¹¹ N.A.C. RG 10, Vol. 3202, Reel C14339, File 509/265, 1918, 754.

Reserve, who had been “given charge of an illegitimate girl, then aged eight years, upon the death of the mother.” The mother had been the third wife of William Brass, “the girl’s step-father.” There had been “no written agreement” given to Mrs. Owens “when she had adopted the girl,” but there were “witnesses to the dying woman’s wishes.” The girl, when twelve, was suddenly removed by Brass “saying, he as her step-father, had the legal charge of her.” The local agent, H. A. Carruthers, was at a loss: “Has he a legal claim on the girl.” Or, as David Laird, the Indian Commissioner for Manitoba, and the Northwest Territories, put it when forwarding the details on to Ottawa, what was “the right of Mrs. Owens to [the] adopted Indian girl.” The Clerk, in rejecting Brass’s claim, spoke primarily not of rights but of authority. “I consider that as against any person to whom the Deputy Superintendent General shall direct that the custody of the girl be given [,] William Brass has no legal claim on the girl ...”²¹² Certainly such overriding Departmental authority in childcare decisions was the way in which successive Deputy Superintendent Generals understood section 20.8 of the Indian Act²¹³ when justifying foster and adoption placements. In this case, McLean directed Laird that “the child should be given to Mrs. Owens, provided you consider that Mrs Owens is a fit and proper person to have the custody of the girl.”²¹⁴

While Departmental authority under the Act was always imminent, it was not deployed in what was likely the vast number of cases in this period – the cases of children in need for whom in the normal course of community life there were extended family or band

²¹² N.A.C. RG 10, Vol. 4010, Reel C10203, File 251270, 1-3.

²¹³ Vankoughnet set the precedent. When approving the placement of the orphan sister and brother he referenced Section 20.8 of the 1886 Act as his authority.

²¹⁴ N.A.C. RG 10, Vol. 4010, Reel C10203, File 251270.

members “willing” and able to provide care according to their own continuing childcare norms. Those community traditions, amongst all bands, those still living their life on the land and those who were now domiciled on reserves, remained the default solution.

Ordinarily, Departmental child placement decisions in this period, unlike post Second World war ones, were directed to a narrow category of children only: to the disposition of “orphans” – understood not exclusively as parentless children but also as children for whom there was no one in the family network, or in the community generally, “who was willing to support her” or who could not do so because they were “too poor to provide” for the child.²¹⁵

In such circumstances, orphans then were routinely removed to the schools and those institutions would, after the war, play an increasingly important role as fostering institutions not only for orphans but for the vast number of reputedly neglected children and children in need for, in fact, foster homes for Aboriginal children, and for that matter for non-Aboriginal children, would always be hard to come by. The placements of orphans, and other children too,²¹⁶ in residential schools, were very much fostering placements as indicated by the rhetoric of care surrounding the schools and the regulatory structure of the school system - a structure again parallel to provincial arrangements. As noted earlier, the schools were to be the children’s temporary “homes” where church employees were the on-site parents. But neither Departmental authority over the schools nor its responsibility to the children ended at the front door of the institution. As with the

²¹⁵ N.A.C. RG 10, Vol. 3831, Reel C10146, File 63550 and N.A.C. RG 10, Vol.3811, Reel C10193, File 55005.

²¹⁶ N.A.C. RG 10, Vol. 6039, File 160-1, MR C 8152, J.D. McLean to Sir, 25 November 1910. A copy of the contract is attached.

relationship between a provincial Children’s Aid Society, or a provincial Child Welfare Department and a fostering parent, the Indian Department remained the supervising child welfare authority. Thus, in the one and only contract, in the pre-war period, that the government signed with the churches (in 1911) covering the operation of the schools, the Department was given the power to set general standards of childcare that churches were to meet, including regulations with respect to food, clothing and lodging. School buildings were to be maintained in good repair, to be kept in a sanitary condition and the children were to be “clean and free from vermin both in their clothes and person.”²¹⁷ The Department had the final word in hiring and firing staff. As with Section 20.8’s reference to morally sound widow guardians, the teachers employed were to be “competent and desirable persons,” who would, Hayter Reed asserted, “devote themselves ... in and out of school to the improvement of the minds, morals, personal deportment and habits of their pupils” and, in the fashion of parents, “shall endeavour to influence them by appealing to their reason and affections, rather than to their fears.”²¹⁸ No one should be hired, he advised, unless “certificates of moral character shall be furnished.”²¹⁹ And so that effective supervision could be carried out, the schools were to be open for inspection by any agent appointed by the Department.

A basic premise of the Department’s contractual arrangement with the churches was that the children in the schools were considered wards of the Superintendent General of Indian

²¹⁷ N.A.C. RG 10 Vol. 3836, File 68557, MR C 10146, Suggestions for the Government of Indian Schools, 27 January 1890.

²¹⁸ N.A.C. RG 10, Vol. 6039, File 160-1, MR C 8152, J.D. McLean to Sir, 25 November 1910. A copy of the contract is attached and N.A.C. RG 10 Vol. 3836, File 68557, MR C 10146, Suggestions for the Government of Indian Schools, 27 January 1890.

²¹⁹ N.A.C. RG 10, Vol. 6039, File 160-1, MR C 8152, J.D. McLean to Sir, 25 November 1910. A copy of the contract is attached.

Affairs who had a best interest responsibility to them as well as to status children outside the schools – another *parens parentis* assertion.²²⁰ The Department’s law clerk touched upon this when describing the non-status child as, unlike the status child, one the Department “has no obligation towards ... or authority over.” In 1922, McLean, when dealing with an orphan who owing to poor health could not attend a residential school, recognized such an obligation, ordering that “the Department must provide a home for the child.”²²¹ And subsequently, in the case of two other orphans, he directed the local agent that “arrangements will have to be made for them to be cared for by some good Indian family” who were to be paid “for the care of these helpless children.”²²² When D.C. Scott was Deputy Superintendent General he too clearly supported the existence of such a relationship with status children in need and identified another aspect of that “obligation” – “proper treatment.” In response to an incident, at the Crowfoot School in 1921, - the cruel punishment of a number of boys and girls, some of whom had been beaten badly and “chained to benches” - he declared, in a letter to the school’s principal: “Treatment that might be considered pitiless or jail-like in character will not be permitted. The Indian children are wards of this Department and we exercise our right to ensure proper treatment whether they are resident in our schools or not.”²²³ In line with that sentiment, consistent with that “right,” the Department issued a series of punishment regulations and,

²²⁰ N.A.C. RG 10, Vol. 2989, Reel C10202, File 214, 280, 18. See a note by the Dept’s law clerk in 1899 advises that the dept cannot sanction a particular adoption arrangement as the child is not an Indian and thus the dept “has no obligation towards him or authority over him.” This is useful as it states what Scott will do if in reverse.

²²¹ N.A.C. RG 10, Vol. 3224, Reel C11343, File 549 421-1.

²²² N.A.C. RG 10, Vol. 3226, Reel C11343, File 549421 1C.

²²³ N.A.C. RG 10 Vol. 3836, File 68557, MR C 10146, Suggestions for the Government of Indian Schools, 27 January 1890, 139.

particularly after the Second World War, it introduced further regulations for “proper treatment” emanating, for example, from professional nutrition and health surveys.

Additionally, in this period, the Department extended its childcare authority on the basis of its “best interest” responsibility into the field of adoption. This undertaking bore many of the marks of the fostering arrangements noted above: concern for the child’s interests beyond property, assessments of the suitability of prospective parents by non-Aboriginals deploying their child care norms, a continuation of First Nations traditions,²²⁴ including, on occasion the involvement of Band councils in arranging adoptions,²²⁵ the transfer of associated costs to band budgets²²⁶ and, of course, overall Departmental authority.²²⁷

There were, however, additional elements interjected by the Department. As these placements were to be permanent, they involved the imposition of the concepts of parental rights and their transferability. To that end, adoption was clothed in western legal formulations that redefined, “Canadianized,” in the mind of the Department at least, the nature of social relations in the Aboriginal family.

The case of a five-year old girl, the “illegitimate child of the wife of Joshua Madison” of the Caradoc Agency, while not the first case of adoption which appears in Departmental

²²⁴ See N.A.C. RG 10, Vol. 2013, Reel C11134, File 7902, 2, N.A.C. RG 10, Vol. 2027, Reel C11138, File 8780, 3, N.A.C. RG 10, Vol.2199, Reel C11178, File 39/809, 4, N.A.C. RG 10, Vol.2253, Reel C11188, File 50/022, 6, N.A.C. RG 10, Vol.3206, Reel C11340, File 516/424, 25, N.A.C. RG 10, Vol.3205, Reel C11339, File 513/622, 28, N.A.C. RG 10, Vol.2987, Reel C9665, File 214/280, 18.

²²⁵ N.A.C. RG 10, Vol. 3205, Reel C11339, File 513,622, 28.

²²⁶ In certain cases, see N.A.C. RG 10, Vol.2199, Reel C11178, File 39/809, the department approved the leasing of band property to raise funds or the support of widows, orphans and the infirm.

²²⁷ See N.A.C. RG 10, Vol.2778, Reel C9661, File 175/780, 16 and N.A.C. RG 10, Vol.3206, Reel C11340, File 516/424, 25, N.A.C. RG 10, Vol.3195, Reel C11338, File 494/972, 24, N.A.C. RG 10, Vol.3205, Reel C11339, File 51/ 622, 28, N.A.C. RG 10, Vol.3206, Reel C11339, File 514/882, 387, N.A.C. RG 10, Vol.3871, Reel C10193, File 89317, 11-12 for approved and disapproved adoptions.

files, illustrates most completely the various elements of the adoption process in this period. According to the local Agent, T. Maxwell, in the fall of 1918, the stepfather, J. Madison, would not accept the child and was abusive. On reference to McLean in Ottawa, a place was found for the child at the Shingwauk Residential school with the Principal, the Rev. Benjamin Fuller, assuring the Department that it, and the child's mother, would have the "satisfaction of knowing the child is comfortable and that she may grow up to be of use in life." Before the child was sent off, however, the mother approached Maxwell informing him that she had found an older couple in her community who wished to adopt the child, a Mr. and Mrs. John Turkey. Before allowing the arrangement to move forward, McLean contacted C.C. Parker, the Department's Inspector of Agencies for the region, asking him to assess the situation and determine if the Turkeys are "proper persons to have control of this child." Parker soon replied that he was "satisfied that he [John Turkey] is able to support the child and it would be a good home for her. John Turkey is an elderly man and has no children of his own. There would be no bad influence in the home." At that point, McLean approved the adoption but directed Maxwell to have an agreement formalized using the "Adoption of Child" form duly signed by the parties, witnessed by Maxwell with "certified copies ... sent to Mrs Madison."²²⁸

The form, also referred to as the "Indenture" in some cases,²²⁹ appears to have originated with D.C. Scott in reference to what may have been the first case of a Departmentally approved adoption - a case in the Pas Agency in 1892. This case, brought to the notice of

²²⁸ N.A.C. RG 10, Vol.6939, File 479/29-4, Pt. 3, 767-768 and N.A.C. RG 10, Vol.3206, Reel C11339, File 514/882, 387-388.

²²⁹ See for example, N.A.C. RG 10, Vol.3195, Reel C11338, File 494/972, 24.

E. McColl, the Inspector of Indian Agencies, by the local agent, concerned a boy, Joseph Tanner, of the Grand Rapids Band. McColl reported that the boy's stepmother, Harriet Turner,²³⁰ a widow, could not support all her children and had proposed that Joseph be adopted by his uncle Cornelius Tanner. McColl recommended that the placement should proceed but Scott, at headquarters, attached a cautionary note: "Under the circumstances, I think the adoption might be sanctioned. Should we not have a document from Cornelius Tanner certifying his willingness to accept the obligation?" Vankoughnet, then Scott's superior, on sanctioning the adoption, forwarded such a document drafted by Scott²³¹ Thereafter, completing adoption agreements became standard practise.²³²

Collectively in the pre-war period, these indentures translated what were local agreements between First Nations individuals that replicated community norms – placements in the community with relatives, (grandparents and uncles most often), or older adults who could take care of a child as in the case of the Turkeys – into Canadian legal nomenclature. But this translation was more than a case of language for the agreements configured the parent-child relationship in a way quite foreign to any Aboriginal custom. Thus, at Alderville, in 1894, a nearly blind grandmother, Susan Sky, guardian of her orphaned grandchildren, Lizzie and James Bigwind, but now "incapable of taking care of the children," signed an agreement with the children's uncle, David Wilkins, a married

²³⁰ N.A.C. RG 10, Vol.3871, Reel C10193, File 89317, 474.

²³¹ N.A.C. RG 10, Vol.3871, Reel C10193, File 89317, 321.

²³² Apparently, however, such agreements were not absolutely necessary. For example, in 1903, in the case of an illegitimate child adopted by the wife of a missionary, the Department denied the rights of the First Nations stepfather the woman had married after the birth of the child even though there was no adoption agreement only "witnesses to the dying woman's wishes." The Departmental law clerk's opinion was that as the child was illegitimate, the decision of the Deputy Superintendent General to place the child with the white couple overrode any parental rights that the stepfather might have. N.A.C. RG 10, Vol. 4010, Reel C10203, File 251270.

man who would provide good care according to the Agent. In the standard agreement, Wilkins agreed

to adopt, maintain and support the said children ... to take the children ... Educate and Support them and treat them in every respect as if they were his own lawful children and in consideration thereof the said David Wilkins is to be entitled in addition to the Absolute Control and Custody of the said children to all and every annuity and moneys whatever which the said Susan Sky would or might have been entitled to ... On her part, Sky would give up "possession of the said children ...and does abandon, relinquish and transfer all her right and title to the said children and to the control and custody of the same."²³³

According to this Departmental construction, parents had "right and title" to their "lawful" child as if the child, itself, was property as well as a property holder with "annuity and moneys." Such a legal formulation of family social relations, facilitating the transfer of "right and title" from one set of parents to another, provided these adoptions a legal legibility in much the same way that the status Indian was created through the Indian Act. A variation of the Sky/Wilkins adoption agreement maintained such a characterization and again employed the language of property. Peter Week being the "Father of said child hath the right to convey him to the said William Sturgeon making him his adopted father" and "relinquishes all claim to the said child as well as all benefit" thus "giving the said [new] Father parent control ... for all time to come."²³⁴

²³³ N.A.C. RG 10, Vol.2779, Reel C12793, File 156/257, 14. Note that some of this language e.g., "Control and Custody" may have been taken by the Department from the 1893 Child Protection legislation. For another version of an agreement, see N.A.C. RG 10, Vol.3193, Reel C11337, File 477/042, 2.

²³⁴ N.A.C. RG 10, Vol.3195, Reel C11337, File 492/131, 21.

Given the adoption agreements were often signed an “x” or their “mark”²³⁵ it is possible that the participants were not aware of the legal character the Department imposed upon their children, families, and these child caring arrangements. They simply followed customary adoption traditions. Nevertheless, despite the co-existence of different cultural forms, the status child was now, in an important way, a Canadian legal subject. He or she could be, and were, adopted in the same manner as any child. This was clearly so in the instance of cross-cultural adoption. In 1920, for example, the Department’s law clerk, A.S. Williams gave it as his certain opinion, in the case of a “child member of the Temiskaming Band who was adopted by a white family five years ago with the consent of the child’s mother who was a widow” and who [the child] had recently “left the family who adopted him and is now living with friends on the reserve”²³⁶ that “action could be taken in the [provincial] Courts for the recovery of this boy.”²³⁷ While not hazarding a guess as to the possible outcome, Williams noted that “the several things to be considered” included “for example whether the ordinary formalities of adoption were observed,” and “whether the adoption is in the best interests of the child.”²³⁸ He identified no special considerations that related to the child’s First Nation status. In the post-war integration future, provincial courts, which had the authority to dissolve the parental “claim to the said child,” would “convey” First Nations children “for all time to come,” to adoptive parents as courts could with respect to all children brought into provincial, national, and even international adoption markets – in that sense, child welfare justice would be blind to race,

²³⁵ See N.A.C. RG 10, Vol.3195, Reel C11338, File 494/972, 24, N.A.C. RG 10, Vol.3195, Reel C11337, File 492/131, 21 and N.A.C. RG 10, Vol.3871, Reel C10193, File 89317, 321.

²³⁶ N.A.C. RG 10, Vol.3224, Reel C11342, File 546/192, 1.

²³⁷ N.A.C. RG 10, Vol.3224, Reel C11342, File 546/192, 2.

²³⁸ N.A.C. RG 10, Vol.3224, Reel C11342, File 546/192, 2.

class and First Nation status. That would not be always the case, however, as issues of class would play a role.

There was, however, one marked difference in the adoption rules for Aboriginal and non-Aboriginal adoptive parents and it was tied to the status provisions of the Indian Act.

Where those adoption rules were actually applied, First Nations people, no matter how fit and proper they might be, were not to be allowed to adopt non-Aboriginal children and in the examples of exceptions to that rule, those children could not become fully theirs – that is, identical to their natural, status-bearing children for as non-Aboriginal adoptees they could never share in the communal property rights which were the foundation of status.

Thus the Department Secretary, in December 1915, reminded the local Agent at Delaware that “the policy of the Department is opposed to the admission of anyone to the membership of a band who is not an Indian and if this child, not being a member, is allowed to reside, on the reserve, as the child of its adopted parents, complications would undoubtedly arise at some future date with respect to its rights to property.”²³⁹

In this pre-war period, nearly all Departmental ventures into child welfare activity were conducted in isolation from similar activity by provincial child caring organizations, courts, and welfare programs. Occasionally, there was such contact and cooperation, normally instigated at the local level. In the case of the stepchild of Joshua Madison, for example, the child’s mother first approached the local Children’s Aid Society “to see what could be done.” The Society’s agent then went to the reserve intending “to see about

²³⁹ N.A.C. RG 10, Vol.3193, Reel C11337, File 477/042, 3.

getting a home for the girl” but, mindful of the jurisdictional division, he “came to me,” the Agent T. Maxwell reported to Ottawa, “as the child was an Indian the Aid Society thought better to leave it” to the Department.²⁴⁰ It is interesting that this child welfare agent saw the Department as an operating child welfare agency

The one major exception to the norm of separate activity was the Department’s participation in Ontario’s Mother’s Allowance program, a targeted monthly benefit, which brought Aboriginal and non-Aboriginal women and their children under the same benefits umbrella. Begun in 1921, the partnership continued through to 1940.²⁴¹ But even after its suspension, it left a considerable impression upon Departmental thinking becoming in the post-war years the blueprint for the integration of the delivery of social services across the country. There were, incidentally, two further, notable aspects in this period connected to the Mothers’ Allowance. The Department entered these decades of cooperation through a more precise re-statement of its constitutional responsibility under 91(24) of the B.N.A. Act – one which tied responsibility for Indians not to status as much as to location - residence. And secondly, looking back over those decades and the administration of the allowance for Aboriginal women and children, this experience pre-figured some of the hard realities for Aboriginal families, children and communities that would come with post-war integration, specifically with federal-provincial cooperation in child welfare services.

²⁴⁰ N.A.C. RG 10, Vol.3206, Reel C11339, File 514/882, 387.

²⁴¹ The first such program on a national scale in which the federal government contracted to provide 50% of the costs up to a negotiated ceiling was the old age pension scheme of 1927. Status Indians were excluded from this benefit.

The Ontario Mother's Allowance Act, 1920,²⁴² was the result of campaigning, largely by middle class women²⁴³, directed, in the words of the historian J. Struthers, to the concern "that the conservation of children" in the face of high infant mortality rates, the result of poverty, "was essential to the productivity and social efficiency of the nation" – a campaign then given special urgency by "the enormity of the slaughter" of the First World War.²⁴⁴ The Ontario legislation would provide a monthly allowance to war widows who were "British Subjects." Subsequent developments expanded pension eligibility beyond war widows with children to include poor widows and their children, women who had been deserted, and orphans being cared for by their "grandmother, sister, aunt or other suitable person acting as the foster mother of such children [who] has not adequate means to care properly for them without the assistance of an allowance under this Act."²⁴⁵ Indian Department involvement in the Allowance program began with an inquiry from the Allowance Commission in October 1920, as to whether Scott believed there were Indian women who would qualify under the terms of the legislation.²⁴⁶ Scott surveyed local

²⁴² See Statutes of Ontario, 10-11 Geo. V.1920. An Act to provide for payment of allowances in certain cases to the Mothers of Dependent Children Ch. 89. This was not the first mother's allowance program. Manitoba initiated its allowance in 1916, Saskatchewan, 1917, Alberta 1919, British Columbia and Ontario, 1920, Nova Scotia and New Brunswick 1930 [no funds were actually allocated to the N.B. program until 1944], and Quebec 1937. Mother's Allowance programs were not restricted to Canada. In 1920, similar programs existed in 39 U.S states and in New Zealand and parts of Australia. Megan Davies "Services Rendered" in *Not Just Pin Money: Selected Essays on the History of Women's Work in British Columbia*, eds. Barbara Latham and Roberta Jane Pazdro. (Victoria: Camosun College, 1984), 251.

²⁴³ A notable male campaigner was the Toronto cleric Rev. Peter Bryce who later became the first chairman of the Mother's Allowance Commission. Bryce is not to be confused with Dr. Peter H. Bryce who was employed for a time by Indian Affairs and wrote a most critical report on health conditions and high death rates in Indian residential schools.

²⁴⁴ James Struthers, *The Limits of Affluence: Welfare in Ontario, 1920-1970*. (Toronto: University of Toronto Press), 1994, 25-26.

²⁴⁵ N.A.C. RG 10, Vol. 3224, Reel C11343, File 549 421-1, 21-26. For details on the Allowance program including who administered it and according to what regulations, see Struthers, *The Limits*, 19-49.

²⁴⁶ N.A.C. RG 10, Vol. 3224, File 549/421-1, Code 32 to DC Scott from W.G Frisby, 19 Oct 1920, see N.A.C. RG 10, Vol.3224, Reel C11342, File 549/421-1 for copy of the letter. Following Frisby's initial inquiry, there were about 5 months of discussions and legal opinions leading to an agreement in March 1921.

Agents,²⁴⁷ but, even more critically, he turned to A.S. Williams, a Departmental legal advisor,²⁴⁸ as there were clear constitutional implications to the Commission's question.

William's interpretation of the status quo of constitutional jurisdiction as it related to First Nations was to some degree unexpected as it was not a categorical restatement of exclusive federal responsibility for First Nations people. In his opinion:

Indians residing outside of a reserve would, I feel sure come within its [the Act's] provisions because they are then in the same position as any other resident of the province, but it is very doubtful if Indians residing on a reserve would come within it and I am inclined to think that they would not.²⁴⁹

In that latter regard, Williams wrote "I do not think that this Act was intended to apply ... to those living in any territory situate within the province over which the laws of the province generally do not apply" – reserves, for instance. Furthermore, reserves and reserve residents were not, he assumed, meant to be included because the act stipulated that fifty percent of the allowance paid was "charged against the Municipality in which the person who receives such allowances resides, and as the Indian reserves and the Indians residing thereon are not subject to Municipal taxation" then on-reserve Indians could not be beneficiaries of the legislation.²⁵⁰

The Williams' opinion was important for a number of reasons both immediate and long term – in particular with regards to the post-war creation of the federal child welfare system. Important first, because it brought forward the idea of residence – that status

²⁴⁷ N.A.C. RG 10, Vol.3224, Reel C11342, File 549/421-2.

²⁴⁸ N.A.C. RG 10, Vol.3224, Reel C11342, File 549/421-3.

²⁴⁹ N.A.C. RG 10, Vol.3224, Reel C11342, File 549/421-4.

²⁵⁰ N.A.C. RG 10, Vol.3224, Reel C11342, File 549/421-4.

Indians who established an off-reserve residence were “in the same position as any other resident of the province,” and should, by right, qualify for the benefits of provincial and municipal programs for as residents they “were subject to municipal taxation.” Scott clearly agreed with Williams’ position on the rights and responsibilities of status Indians with an established off-reserve residency. In response to a question concerning whether Indian soldiers could be prosecuted as were whites if they deserted the army, he (Scott) replied,

While the Indians are wards of the [Federal] Government, they are as such wards, restricted and protected only to the extent provided by the Indian Act. In their dealings outside a reserve, they are subject to the same general laws which applies [sic] there. They may own land, enter into contracts, assume obligations, sue and be sued just as any resident of the province.²⁵¹

Aboriginal status, residence, rights to provincial programs, and citizenship equality would all, in the post-war period, be key issues in federal-provincial shared cost agreements and, very often, disagreements, concerning the provision of services to First Nations communities, families and children. The failure to find a single, national federal-provincial accord covering First Nations’ children, compounded by differing levels of provincial welfare funding capacities, would mean, province by province, different and unequal treatment and, in some cases, no child welfare services at all.²⁵²

²⁵¹ D.C. Scott to W.E. Ditchburn, Inspector of Indian Agencies, 16 November 1916, R225, source 111, date 1916. The Department’s position on off-reserve legal obligations was not as straight forward as Scott suggested. For example, during the war an Indian was convicted of murdering another Indian. The Department appealed the court’s decision.

²⁵² There were instances of course (in Ontario and other provinces) in which status Indian women marrying out and thus losing their status received the provincial allowance as white women. See N.A.C. RG 10, Vol. 3220, Reel C11342, File 536, 764-2, 1935-36, 50.

Furthermore, and with more immediate relevance, is Williams' hint that if the province so "intended," it could determine that its laws of general application, those applying "generally" throughout the province, as was the case with the Allowance, could apply, with federal approval, to all including reserve residents. It was, indeed, upon that possibility that Scott acted asking W.G. Frisby, the executive secretary of the Commission, if the province would be extending the allowance to reserves and if so whether provincial municipalities, mandated under the Act to bear half the allowance costs, would be responsible for Indian costs also.²⁵³ Frisby thought it did not seem "fair that municipalities which receive little revenue from a Reserve should be taxed for the allowances of beneficiaries within the Reserve."²⁵⁴ He was willing to proceed, to facilitate the movement of provincial funds into the reserves, however, if Scott would "consider assisting the Province in this matter and relieving the municipalities ... from the payment of an amount which represents half the amount of allowances granted to beneficiaries resident on Reserves..."²⁵⁵ Scott, no doubt recognizing a deal when he saw one, was willing to supply the amount from the Department's "Parliamentary appropriation." But he insisted on one additional and rather characteristic rider to the agreement he and Frisby worked out in this exchange of letters. The Department would have the final say on the granting of individual allowances. "I have to request that you will, before granting the allowance to any Indian mother, place the case before the Department, when proper authorization will be given for the moiety of the payment."²⁵⁶ Thereafter, all First Nations applications from reserve

²⁵³ N.A.C. RG 10, Vol.3224, Reel C11342, File 549/421, 10 and N.A.C. RG 10, Vol. 3224, File 549/421-1. To Frisby from Scott, 23 March, 1921.

²⁵⁴ N.A.C. RG 10, Vol.3224, Reel C11342, File 549/421, 11b.

²⁵⁵ N.A.C. RG 10, Vol.3224, Reel C11342, File 549/421, 11b.

²⁵⁶ N.A.C. RG 10, Vol.3224, Reel C11342, File 549/421, 12-14.

residents were dealt with “in accordance with the procedure”²⁵⁷ that Scott had insisted upon and thus as in all other attempts to approach Indians during his term, he maintained the Department’s authority and control.

What Williams did not deal with was another matter related to the applicability of the Act to First Nations people - a matter of considerable concern to the Commission itself. It led to another legal opinion this time by the province. The issue, as summarized by Ontario’s the Attorney General, W.E. Raney, for his deputy, Edward Bayly, was straight forward – given the Act’s stipulation that applicants had to be British subjects – “were Indians British Subjects before enfranchisement” and thus were Indian women “entitled to relief.” The Commission was not sure, despite Frisby’s approach to Scott, that it should accept applications from Indians. Elizabeth Shortt, the Vice Chair of the Commission, wondered how Indians, in general, could be considered as “according to the Indian Act ... an Indian only comes to equal status with white men as to rights, responsibilities and liabilities when he becomes enfranchised.” She had discussed the matter with Duncan Campbell Scott. He, she reported, had insisted “that all Indians are British subjects whether they are Treaty or non-Treaty Indians; the claims set up that they are only Treaty Allies are entirely valueless. He is emphatic on this point.” Her characterization of his position and, indeed, of his tone is no doubt accurate. The words “claims set up” refer, no doubt, to his on-going battle with traditional Six Nations leaders who always, and especially during the First World War, insisted they were Allies of the Crown and not subjects of either the Crown or Canada.

²⁵⁷ N.A.C. RG 10, Vol. 6820, File 492-8-3, Pt.1, February 1938.

Eventually this verbal dispute led to an actual violent assault on the community when Scott forcibly replaced the traditional government with an elected council under the Indian act.

As it turned out, the province's opinion was equally emphatic. Bayly informed Raney and Shortt that,

I had occasion to look into that question in a recent case and I think there is absolutely no doubt whatever that Indians may be British subjects before enfranchisement and in that respect are exactly the same as white men. Before the Reform Act of 1832 in Great Britain political power was exercised by a very few but those who did not exercise it were British subjects the same as those who did. The same applied to women until recently and to children underage yet. I do not think so called enfranchisement of an Indian affects his status or nationality in the slightest. An Indian is a person and comes under the provision of the Naturalization Act. Indian women therefore being British subjects come under the provisions of the [Mothers Allowance] Act the same as if they are white women."

Taken together, the Bayly and Williams opinions set out the legal context for the inclusion of First Nations women in the allowance program. There were, however, more than legalities to be considered; there were issues of ethnicity and morality, and these certainly made a considerable difference when it came to the application of the Act – to granting and refusing allowances

While Ontario's offer might be thought to signal a broadly tolerant, inclusive approach to women in need, that appears not to have been the case. Margaret Little, in her study of the first two decades of the Ontario Mother's Allowance program, notes a marked ethnic bias in its operation which through a number of regulations guaranteed the "financing of Anglo-Celtic children at the expense of other racial groups." Thus, for example, "ethnic minority women could be disqualified because they could not read or write English"

though this “was not the case for illiterate Anglo-Celtic mothers.”²⁵⁸ In general, too, program administrators had little tolerance for “customs many of these families adhered to” to the extent they differed from an Anglo-Celtic norms, seen often as moral standards – from “wine parties” to “not following work ethics and habits.”²⁵⁹ That said about Ontario, it can be pointed out that much the same – a bias for white Anglo women and middle-class morality (as discussed below) - marked other provincial allowance programs as well.²⁶⁰ No other province made any approach at all to D.C. Scott.

Certainly, such an ethnic/moral bias was there with respect to First Nations women in Ontario. A full understanding of the Mothers’ Allowance Commission’s position on Indian widows reveals an interest less in legal subjectivity as in the ways by which Indian women could be made subject to moral regulation. In her correspondence with Bayly, Shortt revealed why she was so interested in the question of enfranchisement.

Obviously there are objections to paying allowances to immoral mothers, and it is not a matter of doubt that many Indian women are in this class ... According to the Indian Act ... an Indian only comes to equal status with white men as to rights, responsibilities and liabilities when he becomes enfranchised. If such qualification and limitation could be asked for before granting an allowance, it would at least help since in order to be enfranchised ... they must have qualified under three years probation as to morals etc. Unfortunately there is nothing in the [Mothers’ Allowance] Act [that] at present differentiates between Indians and other.

²⁵⁸ Margaret Hillyard Little, "7 'A fit and proper person': the moral regulation of single mothers in Ontario, 1920-1940." Pp. 123-138 in *Gendered Pasts*, (Toronto: University of Toronto Press, 2017), 136.

²⁵⁹. Little concludes that ethic recipients “never consisted of more than 12 per cent of the entire case-load well into the 1940s.” Little, “A fit,” 136

²⁶⁰ See Margaret Hillyard Little, "Claiming a unique place: the introduction of mothers' pensions in BC." *BC Studies: The British Columbian Quarterly* 105/106 (1995): 80-102.

As interested as Bayly himself may have been in moral suasion, he was not to be moved; there was, indeed, no way to differentiate. But he reminded Shortt, what could not be accomplished by the law could be established through its application. “As to their moral character etc. the Commission has a very considerable discretion...” And such was the case over the next two decades. The Commission and the Department were of a single mind when it came to measuring applications by middle class moral standards. And the Department, especially on the on the issue of levels of support for Indian women, found it easy to differentiate.

For the Department, entering this benefit program proved to be a relatively light financial burden. Not only was the Department to receive half the allowance loaf from the Provincial treasury for on-reserve mothers, but it would charge the other half to band council funds under the provisions of the Indian Act. As Scott told Frisby, “Where the Indian bands have trust funds which are sufficient to bear the contribution it will be charged to such funds...”²⁶¹ Indeed, an accounting of expenditures between 1921 and 1937 shows trust fund appropriations to have been twice as large as charges against the Department’s parliamentary appropriation.²⁶²

Under the arrangement with Ontario, status Indians with off-reserve residence would be treated, in line with Williams’ opinion, “as any other resident of the province,” - the cost of

²⁶¹ N.A.C. RG 10, Vol.3224, Reel C11342, File 549/421-12. See N.A.C. RG 10, Vol. 6820, File 492-8-3, Pt.1, 12. “Mothers Allowance to Indians” a financial statement covering the period 1921-1937. Trust fund appropriations were twice as large as charges to the Department’s appropriation to pay the 50% shared cost.

²⁶² N.A.C. RG 10, Vol. 6820, File 492-8-3, Pt. 1, 254.

their allowances a matter for the province and relevant municipality. Williams' principle of residence was thereby accepted.²⁶³ Indeed, in 1934, it was re-enforced by the province itself when a number of "municipalities ... were refusing to give Indian residents the relief such as white residents were receiving." The matter was referred to the Minister of Public Welfare, David Croll, who assured the Department that the Province had not changed its position, that "Indians who are permanent residents are entitled to the same assistance as other residents of the municipality."²⁶⁴ In 1938, the Department estimated that "one quarter of the [Indian] mothers now in receipt of allowances do not reside on Indian reserves but in towns, villages and municipalities." In the Department's opinion this was as it should be for like their non-Aboriginal neighbours those Indian mothers were "paying taxes directly or indirectly in the payment of rents." In the service of deciding who would pay for any given applicant, local agents were given the task of determining the permanent residence of an applicant so that the Department and the Commission could "fix up our pay list and transfer from the Indian List all those who are not living on the Reserves."²⁶⁵

In October, 1921, Mrs. Carrie Elliott of the Cape Croker Band became the first status recipient.²⁶⁶ In 1937, the year Vera Reilly applied for an allowance, the Department

²⁶³ N.A.C. RG 10, Vol. 6820, File 492-8-3, Pt.1.Code 32 to DC Scott from W.G Frisby, 19 Oct 1920. Also see also N.A.C. RG 10, Vol. 6820, File 492-8-3, 21, 25, 20.

²⁶⁴ N.A.C. RG 10, Vol.3227, File 549/ 421-16, 51.

²⁶⁵ See N.A.C. RG 10, Vol. 6820, File 492-8-3, 21 (April 1939, May 1939, April 1940 According to Margaret Little in her article "A Fit and Proper Person" reviewing aspects of Ontario's program between 1920 and 1940 states that local allowance administrators officials lacked any understanding of "the mobility of Aboriginal families when they worked in town during the summer and returned to the reserve in the winter." Little. "A fit", 136 This may also have caused some difficulty in determining who (the Department or municipality) should pay the necessary 50%.

²⁶⁶ Mrs. Elliott died on 14 March 1922. Her mother-in-law, Mrs. Mary Elliott stepped forward to foster the children and in June 1922, the Commission recommended a mother's allowance for her. The Department, however, planned to send one child to residential school and placed the other temporarily with an uncle pending sending that child also to the school. The one remaining child was transferred to her grandmother, Mrs. Charles Pedoniquot, even though the Commission refused her an allowance on the basis

reported that some 100 women were “allowed the benefits of the Mother’s Allowance” and thus are “enabled ... to keep their children with them and provide for them in a way that ensures their proper upbringing physically, morally and intellectually” a rather ironic statement given the general critique of the character of Indian parenting which underpinned the rationale for residential schools.²⁶⁷

Perhaps an even greater irony was the fact that if it was finance, in some measure, which drew the Department into the arrangement with Ontario, it was mainly financial considerations that brought the cooperation to an end in 1940. Over the life of the arrangement some of its key elements changed and Departmental costs mounted. By an amendment in 1937, the province took on the whole cost of the allowance, freeing the municipalities from further costs.²⁶⁸ That provision, however, did not affect Departmental costs, although it had hoped to get similar treatment.²⁶⁹ Other amendments to the Allowance, reducing the requisite number of children for women to qualify from two to one and extending eligibility to women whose husbands were still alive but “incapacitated,”²⁷⁰ for example, had meant, in the Department’s own estimation, an increased number of recipients generally and “an increased number of Indian women [who] participated in its benefits.”²⁷¹ In that light, the proposal to the Commission by the federal Minister of Mines and Resources, T.A. Crerar, the Minister responsible for Indian

that “conditions in home not moral.” in N.A.C. RG 10, Vol.3224, Reel C11342, File 549/42129, 32, 33. See also N.A.C. RG 10, Vol. 6820, File 492-8-3, November 3, 1938, and N.A.C. RG 10, Vol.3224, Reel C11342, File 549/421, 17, 18 and 22.

²⁶⁷ Annual Report, 1937, 435.

²⁶⁸ N.A.C. RG 10, Vol. 6820, File 492-8-3, March 4, 1938.

²⁶⁹ N.A.C. RG 10, Vol. 6820, File 492-8-3, January 1, 1938, and March 11, 1938.

²⁷⁰ This was known as the “Incapacitation Clause of the Mother’s Allowances Act” in N.A.C. RG 10, Vol. 6820, File 492-8-3, October 3, 1939.

²⁷¹ N.A.C. RG 10, Vol. 6820, File 492-8-3, December 15, 1939.

Affairs, that from the 1st of April 1939²⁷², all allowance costs for on-reserve mothers were to be carried by the Department, which would forego any Provincial contribution,²⁷³ was rather unexpected²⁷⁴ And it was particularly so because the financial climate which had seen increased federal spending in the 1920s had changed dramatically with the Depression and brought budget reductions throughout Indian affairs.²⁷⁵ Reductions continued with escalating war costs at the end of the 1930s and during the war, as Bailey recalled, “welfare generally was limited severely to the issuing of absolutely essential relief.”²⁷⁶ There was, nevertheless, considerable thought behind Crerar’s decision for, most conveniently, it brought allowance costs totally within Departmental control and they then could be manipulated without reference to the province. And that was exactly what happened.

Immediately, in 1939, the Department moved to restrict the number of allowances by the simple technique of not approving applications from on-reserve women, announcing that “unless conditions are out of the ordinary, no new allowances should be granted.”²⁷⁷ And if an agent thought conditions were unusual, he was reminded that when recommending a rate for the mother that the Department was “unable to allow more than is absolutely required to meet their needs.”²⁷⁸ In ordinary circumstances, needy Indian mothers would be given relief which “would be charged to their Band Funds.”²⁷⁹ For the Department’s

²⁷² N.A.C. RG 10, Vol. 6820, File 492-8-3, April 29, 1939, and February 26, 1945.

²⁷³ N.A.C. RG 10, Vol. 6820, File 492-8-3, December 27 and 30 1938 and March 17, 1939.

²⁷⁴ N.A.C. RG 10, Vol. 6820, File 492-8-3, December 27 and 30, 1938.

²⁷⁵ Indian Act and Amendments, 1868-1950, Treaties and Historical Centre, Department of Indian and Northern Affairs, July 1981, 280.

²⁷⁶ N.A.C. RG10, Vol. 8202, Reel C13753, File 492/29-16 Pt. 1.

²⁷⁷ N.A.C. RG 10, Vol. 6820, File 492-8-3, May 30, 1939.

²⁷⁸ N.A.C. RG 10, Vol. 6820, File 492-8-3, April 29, 1939.

²⁷⁹ N.A.C. RG 10, Vol. 6820, File 492-8-3, May 30, 1939.

budget, its need for retrenchment, this directive was more meaningful than just moving the women from one Departmental balance sheet to another. Relief costs that could not be paid from band trust funds, and thus would have to be drawn from the Department's "Welfare Appropriation," would be a lesser amount than allowance charges given that relief was paid at a lower rate.²⁸⁰

By January of the following year, the Department had decided, apparently, to disengage from the provincial scheme entirely. The Superintendent of Welfare and Training, R. A. Hoey, signaled this move announcing, "that if an Indian needs assistance it should be provided directly by the Department and not through the services of the Province."²⁸¹

Subsequently, in early May, the Commission was informed that existing allowances should be discontinued.²⁸² Future requests for Mother's Allowances were met with the response from the Department: "I wish to inform you that Mothers' Allowances are not being provided for Indian mothers. All Indians who are our responsibility [that is on-reserve Indians] are being provided for in the usual way with relief when required under the supervision of the Agent."²⁸³

²⁸⁰ With respect to different perceptions as to appropriate levels of support, the case of a woman with 6 children is instructive. The Commission indicated that she was "entitled to an allowance at the rate of \$50.00 a month." N.A.C. RG 10, Vol. 6820, File 492-8-3, August 4, 1937. The Department's estimate was "that \$20.00 per month will provide for this woman and her children." (See N.A.C. RG 10, Vol. 6820, File 492-8-3, September 4, 1937) In another case where a widow was left with "a family of seven children practically destitute" the recommendation was again for \$20 to \$25 a month (See N.A.C. RG 10, Vol. 6820, File 492-8-3, August 10, 1937) and the Department recommended the lower figure. (See N.A.C. RG 10, Vol. 6820, File 492-8-3, August 15, 1937). In January 1940 the Department considered a monthly rate of 15\$ adequate as it was "as large as is allowed in relief monthly to Indians." N.A.C. RG 10, Vol. 6820, File 492-8-3, January 20, 1940. From the extant cases files which are open, and those are not the majority of cases, it would appear that on-reserve mothers were given smaller allowances than mothers for whom the province was responsible.

²⁸¹ N.A.C. RG 10, Vol. 6820, File 492-8-3, January 20, 1940, and March 20, 1940.

²⁸² N.A.C. RG 10, Vol. 6820, File 492-8-3, May 6, 1940, May 7, 1940, and December 28, 1942.

²⁸³ N.A.C. RG 10, Vol. 6820, File 492-8-3, December 25, 26 1942 and February 7, 11 1942.

June of 1940, saw the end of nearly two decades of cooperation and it would be nearly another two decades before the Department sought a renewal, and a considerable broadening, of its child welfare partnership with Ontario. When it did so it would be seeking partnerships as well with other provinces based largely on the Ontario model with “residence” and divided responsibility an important principle in each.

The importance of the Ontario arrangement is greater than just the anticipated co-operative model for the development of a national federal child welfare system. In the actual administration of the allowance after 1921, as a review of a number of cases demonstrate, in how decisions were made, and in their consequences, was revealed, in embryo form, some of the significant impacts that would fall on First Nations communities as a result of federal child welfare activities. These included lower levels of support for First Nations in comparison to non-Aboriginal recipients and increased levels of surveillance and regulation which at times penalized First Nations people for the persistence of traditional community norms. But beyond these, Departmental files revealed the special significance for child welfare of the operation of the residential schools, uncovering the connections forged in those institutions between the treatment of the children, (the neglect, regimentation and sexual abuse) ex-student, parental “deviance,” family instability, the need for state assistance, such as the Mothers Allowance and, most pertinently with an eye to the post-war period, the eventual intervention of provincial child and family services in First Nations communities.

The administration of the Act was not complex. Mothers who qualified for an allowance did so because they were widows, with a specified minimum number of children under the age of 16, or were mothers who had been deserted, or whose husband was “permanently unemployable by reason of a physical or mental disability.”²⁸⁴ [peltier] Similar to the guardianship provision of the Indian Act, the Mother’s Allowance legislation stipulated that the applicant must be a “fit and proper person to have the care and custody of her children.”²⁸⁵ It fell to provincial investigators and administrators, or in the case of reserves, the local agent to certify that an applicant “fit,” that she qualified both as to her situation and her character and to recommend the appropriate level of support. On the reserves, the Department directed agents to set up a local Indian Mothers Allowance board, comparable to those instituted in non-Aboriginal areas, composed of “a President, usually the Indian Agent, a Secretary, an Indian member of the band, and from three to five members made up of the local missionary, or missionaries, and two or more reputable Indians, at least one of whom was a woman.” In communities with adequate trust funds to which the federal cost would be charged, the Band council was to have a representative on the board.²⁸⁶

²⁸⁴ N.A.C. RG 10, Vol. 6820, File 492-8-3. In 1928 and 1930 the act was amended to allow payment to foster mothers and mothers whose husbands were alive but incapacitated. An amendment also allowed payments to mothers with only one child from the original stipulation of two. N.A.C. RG 10, Vol. 6820, File 492-8-3, to R.A. Hoey from Vice-Chairman October 5, 1939. The medical regulations could be quite complex and at times curious. For example, a woman whose husband was suffering from pulmonary tuberculosis could not qualify as the Allowance Commission was “prepared to consider such patients as totally disabled”. See also Struthers, *The Limits*, 19-49.

²⁸⁵ Statutes of Ontario 1920, 10-11. See also Margaret Kirkpatrick Strong. "Public Welfare Administration in Canada." *Public Welfare Administration in Canada*. Ten (1930), 1539-1540.

²⁸⁶ N.A.C. RG 10, Vol. 6820, File 492-8-3, February 26, 1945]. See also N.A.C. RG 10, Vol. 3224, Reel C11343, File 549 421-1, 19-20. By 1921, there were nine Indian Reserve local boards. In most cases “whites”, agents, and missionaries in the main made up about 50% of the membership. Amongst the Indian members there was in every case, but one, more women than men.

Routinely, the Department received from the Mother's Allowance Commission notice of
"an application for a Mother's Allowance on behalf of the above named:

Applicant [Vera A. Reilly] and her deceased husband were born on the Muncey Reserve and resided there until the death of her husband ... Owing to deafness the woman was not able to secure employment to maintain herself and her dependent child and is now residing with her mother-in-law, who is also a widow and not financially able to support applicant and her child.²⁸⁷

An application for Mother's Allowance was received in this office on behalf of the above named widow [Lucy Lagasse.] whose husband was killed by an automobile ... leaving her with six dependent children in her care, under sixteen years of age. [She] is unable to maintain her children without some assistance.²⁸⁸

In each case, the agent was to:

Kindly report if this woman is an Indian and to what band she belongs, also report on her circumstances giving the names and ages of her children. What monthly allowance would you recommend knowing what an Indian family requires.²⁸⁹

The agent would then conduct both a status examination and a means test. Women who had become non-status because they had married out were rejected at that point²⁹⁰ often with the comment that "the pension if allowed ... should be with the approval of the municipality where she resides as this Department cannot be responsible for the moiety of the pension."²⁹¹ Other women were referred to the relevant municipality on the basis of

²⁸⁷ N.A.C. RG 10, Vol. 6820, File 492-8-3, to TRL MacInnes from Sec Mothers Allowance Commission, 4 August 1937.

²⁸⁸ N.A.C. RG 10, Vol. 6820, File 492-8-3, to MacInnes from sec MAC, 4 August 1937.

²⁸⁹ N.A.C. RG 10, Vol. 6820, File 492-8-3, to C Rothara from C.C. Parker, August 10, 1937, and August 29, 1937.

²⁹⁰ N.A.C. RG 10, Vol. 3226, Reel 11343, File 549, 421, 10 and N.A.C. RG 10, Vol. 3224, Reel C11343, File 549 421-1, 16.

²⁹¹ N.A.C. RG 10, Vol. 3224, Reel C11343, File 549 421-1, 4 and N.A.C. RG 10, Vol. 3225, Reel 11343, File 549, 421 1B.

their residence – that, though still status Indians, they “for years ... have been making their home” in some town, village or city and “consequently must be considered citizens of that Town” and a burden upon that municipality’s budget.²⁹²

An investigation was also made to assess the financial situation of each applicant. Many of these revealed that women were struggling to support their children becoming involved in sites of marginal and often seasonal labour, the fate of many First Nations people, men, and women, especially after the Second World War. These were the deserving widows, those whose “only income is derived from her own efforts at casual labour during the berry season,”²⁹³ or from “making baskets and fruit picking”²⁹⁴ or whose “only means of support are her own efforts in washing and scrubbing,”²⁹⁵ But other women were rejected because of their apparent privilege or because they needed to work harder; they were clearly the undeserving. One Rama Reserve widow, for example, was disqualified by the Department as it was “found that in addition to having four (4) dependent children, this woman has a grown-up family who should contribute towards her support.” Additionally, she owned a house, was located on 46 acres, and received interest money from the Department.²⁹⁶

In many cases, the disposition of an application was straight forward. For Lucy Lagasse, the local agent recommended, and the Department approved, a \$20.00 a month payment. She was a widow with seven children, six were under the age of 16 and therefore

²⁹² N.A.C. RG 10, Vol.3226, Reel C11343, File 549, 421, 5.

²⁹³ N.A.C. RG 10, Vol.3226, Reel C11343, File 549, 421, 15.

²⁹⁴ N.A.C. RG 10, Vol.3226, Reel C11343, File 549, 421, 5.

²⁹⁵ N.A.C. RG 10, Vol. 3224, Reel C11343, File 549 421-1A, 1.

²⁹⁶ N.A.C. RG 10, Vol. 3224, Reel C11343, File 549 421-1A, 8.

dependent; her husband, deceased since 1936, was a veteran of the First World War. She made baskets and “Indian work” and in the “summertime she can make a living selling her goods to the tourists.” But for the rest of the year, she needed funds “to feed and clothe her family.”²⁹⁷

Delia Jourdain’s case was equally uncomplicated. Like Mrs Lagasse, she “fit” the parameters of the Act. She was newly widowed, only 18; her husband having been killed by lightning within the first month of their marriage. “Owing to her having this small child,” the agent recommended that she receive an allowance set at \$15.00 a month.²⁹⁸ The Jourdain and Lagasse applications were simple enough, but even for them, and others like them, there were additional considerations based on the fact that Departmental participation in the process was marked by a number of traits peculiar to it. There were financial issues, of course, - Departmental parsimony and retrenchment - and there were attitudes towards First Nations women and communities: a combination of distrust, suspicion, and paternalism, all a part of what the Department believed was its superior expertise when it came to First Nations communities.

First in terms of financial consequences was the fact that the Department rather than the Commission set the level of the benefit to be paid. Mrs. Lagasse, following the Department’s decision, received her \$20.00 allowance though the Commission indicated that “she would be entitled to an allowance at the rate of \$50.00 per month.”²⁹⁹ Other

²⁹⁷ N.A.C. RG 10, Vol. 6820, File 492-8-3, September 4, August 4 and 29, 1937.

²⁹⁸ N.A.C. RG 10, Vol. 6820, File 492-8-3, May 4, 1939.

²⁹⁹ N.A.C. RG 10, Vol. 6820, File 492-8-3, August 4, 1937.

Indian widows also received less than the going rate and that disparity persisted and grew.³⁰⁰ By the end of the program, the Department had reduced its standard recommendation to that suggested for Delia Jourdain, considering a monthly figure of \$15.00 adequate as it was “as large as is allowed in relief monthly to Indians.”³⁰¹ This was at least \$10.00 a month less than the provincial rate for a widow with one child.³⁰²

The Lagasse-Jourdain decisions were symptomatic of an existing trend. A survey of the extant, accessible files³⁰³ indicates that, especially at the end of this period, on-reserve mothers consistently received less support than non-Aboriginal widows. Such a pattern of differential benefits re-surfaced in the post war period so that despite the much greater size of federal, over provincial, revenues, support for First Nations’ children lagged behind provincial support for other Canadian children and that differential became, with the issues of residence and constitutional responsibility, a factor in building the child welfare system.

The differential was a product of more than financial considerations in Ottawa³⁰⁴, however. Also consequential were the assumptions of senior officials, based upon the Department’s “expertise,” about the nature of reserve life and the character of First Nations’ people. For example, it was assumed that Indian widows could subsist

³⁰⁰ N.A.C. RG 10, Vol. 6820, File 492-8-3, August 10 and 15, 1937.

³⁰¹ N.A.C. RG 10, Vol. 6820, File 492-8-3, January 20, 1940.

³⁰² N.A.C. RG 10, Vol. 6820, File 492-8-3, August 20, 1937.

³⁰³ The majority of files are restricted and unavailable.

³⁰⁴ Cases paid below the recommended provincial rate began before the Depression and cutbacks in the Department’s budget. For example, the Commission Secretary pointed out to McLean in 1924 two women who had been allocated allowances between \$10 and \$15 a month below normal level. (See N.A.C. RG 10, Vol. 3224, Reel C11343, File 549 421-1, 14). And even in the period of relatively high Departmental budgets, the 1920s, generally, Departmental parsimony was evident. In 1925, McLean told the province that an allowance would have to be reduced by \$5 a month “owing to the limited funds at this Department’s disposal.” N.A.C. RG 10, Vol. 3224, Reel C11343, File 549 421-1A, 4.

comfortably and provide properly for children on smaller allowances than non-Aboriginal women; indeed such lower amounts were deemed “quite sufficient.”³⁰⁵ Thus McLean told the Secretary of the Allowance Commission, when justifying the reduction of the Provinces’ recommended allowance for a woman by 50%, that “from my experience with Indians, I find that they live cheaper than white people.”³⁰⁶ On another occasion, he returned to that theme to justify again a smaller allowance: “As conditions in Indian homes differ from those in the homes of White people the Department is of the opinion that the allowance should be restricted.”³⁰⁷ A.F. MacKenzie, McLean’s successor, did not deviate from that line informing the Commission, in 1936, that the provincial rate was “very much in excess of what is required for a family”³⁰⁸ while his smaller suggested amount was “ample... considering the advantages they [Indian families] have of living on an Indian reserve”³⁰⁹

Senior officials were not only consistent, but they were also insistent as well; they would brook no contradiction of their view of things by amateurs working for the Commission. In January 1929, for example, McLean rejected a Commission recommendation for an allowance for a widow, Mrs Nancy King, at the Rama Reserve, on the grounds “that she has not looked after her children since her husband died in 1919.” The children had been with their grandmother where they are “contented and happy” and the grandmother “is anxious to have them remain with her.” Unlike their mother, “she can be relied upon to do

³⁰⁵ N.A.C. RG 10, Vol.3226, Reel C11343, File 549, 421, 3.

³⁰⁶ N.A.C. RG 10, Vol. 3224, Reel C11343, File 549 421-1A, 20.

³⁰⁷ N.A.C. RG 10, Vol. 3226, Reel C11343, File 549, 421-1C, 6.

³⁰⁸ N.A.C. RG 10, Vol.3226, Reel C11343, File 549, 421, 7.

³⁰⁹ N.A.C. RG 10, Vol.3226, Reel C11343, File 549, 421, 2.

what is right.” Therefore, “it would seem that no good purpose would be served in letting the children return to their mother, whose interest in them appears to result from a desire to improve her condition financially.”³¹⁰ The Chairman of the Commission, while acknowledging that its “decision will have to be cancelled if [the Department] continue your objection to it,” wanted McLean to understand that “in looking over information in our files I find this woman went into domestic service in Orillia after the death of her husband” and had now returned to the reserve “on account of the advanced age of the grandparents, I understand they are not capable of carrying on and taking proper care of the children.”³¹¹

McLean’s response was not so conciliatory. He referred to a “copy of a letter” from the local agent, Mr Anderson, who had interviewed all the parties. He was a “reliable agent and the Department places every confidence in his report.” After all, “he understands the Indians and personally looks after the welfare of the Rama Band to the satisfaction of the Department.” McLean also remained satisfied that the mother “is more interested in increasing her income than she is in the welfare of the children” and that “the present arrangement will be more satisfactory.” Having claimed superior knowledge on the basis of the agent’s understanding and commitment to the Indians, and by implication the Department’s superior knowledge of and commitment to Indians, McLean was confident, in closing, that the Commission “may be able to see this matter as it appears to the Department.” It was able to do so, and an allowance was not granted.³¹²

³¹⁰ N.A.C. RG 10, Vol. 3226, Reel C11343, File 549, 421-1C, 1.

³¹¹ N.A.C. RG 10, Vol. 3226, Reel C11343, File 549, 421-1C, 2.

³¹² N.A.C. RG 10, Vol. 3226, Reel C11343, File 549, 421-1C, 3.

Departmental insistence on its way, on determining a “matter as it appears to the Department,” and, consequently, the suppression of allowance levels to what for it reflected different and acceptably lower living standards on reserves was, in part, self-serving. As the provincial allowance was generally higher than the relief handed out by the Department, McLean and MacKenzie, worried that larger allowances to widows “would cause discontent on the reserve”³¹³ and were thus “inadvisable.”³¹⁴ Reduced allowances, on the other hand, would, they claimed, ensure community harmony (and, by extension, less difficulty for local administrators) as the “woman and children will be receiving an amount more in keeping with her neighbours.”³¹⁵ That would avoid “dissatisfaction”³¹⁶ and feelings of “discrimination,” which would be the result of the neighbours being “given a smaller amount than this woman is receiving.”³¹⁷ Serving the goal of harmony also extended to the case of a woman whose allowance had to be reduced because it was “much beyond what she would ever have had, had her husband lived.”³¹⁸

The higher, standard provincial allowances were also problematic given the nature of Indians as represented, at least, by the Department. Despite the fact that widows could “live cheaper” than non-Aboriginals, they were represented as not generally good with money and it was, therefore, unwise, to trust them. McLean asserted that “often more

³¹³ N.A.C. RG 10, Vol.3226, Reel C11343, File 549, 421, 6.

³¹⁴ It was always the case that a widow if she received an allowance had her band or departmental relief stopped. See for example N.A.C. RG 10, Vol. 3224, Reel C11343, File 549 421-1, 11.

³¹⁵ N.A.C. RG 10, Vol.3226, Reel C11343, File 549, 421, 8.

³¹⁶ N.A.C. RG 10, Vol. 3226, Reel C11343, File 549, 421-1C, 14.

³¹⁷ N.A.C. RG 10, Vol.3226, Reel C11343, File 549, 421, 9.

³¹⁸ N.A.C. RG 10, Vol. 3225, Reel 11343, File 549, 421-1B, 3.

money than they need makes them extravagant”³¹⁹ and MacKenzie warned, in the case of one widow, that granting a higher amount “may result in some of her relatives, who do not require it, being assisted.”³²⁰ Here, no doubt, he misread the traditional value of sharing and that particular widow, and probably others, were penalized for his ignorance. Again, cheaper Departmental relief was preferable because in another way it was supposedly more appropriate. It was issued, normally in “groceries and goods”³²¹ rather than in cash as the allowance was. As one agent commented about giving cash to a Six Nations widow “we are afraid she will squander it and that the children’s conditions will not be improved.”³²²

To guard against squandering and as a way of compensating for the reputed incompetence of some women, the Department was always prepared to pass over control of the allowance and its expenditure to a trustworthy, competent non-Aboriginal - often an agent, sometimes a cleric.³²³ In the case of a widow of the Saugeen Band with seven children, control was passed to “a lady in Southampton a Mrs. Ferguson, who is the widow of a Methodist Minister.” The woman was uniquely qualified, according to the agent, “as she takes a great interest in Missionary work, she will have plenty of time to devote to it as she is financially independent.”³²⁴

³¹⁹ N.A.C. RG 10, Vol. 3224, Reel C11343, File 549 421-1A, 20.

³²⁰ N.A.C. RG 10, Vol. 3225, Reel 11343, File 549, 421-1B, 3.

³²¹ N.A.C. RG 10, Vol. 6820, File 492-8-3, May 7, 1940.

³²² N.A.C. RG 10, Vol. 6820, File 492-8-3, May 12, 1945, and February 1936 and 1938.

³²³ N.A.C. RG 10, Vol. 3225, Reel 11343, File 549, 421-1B, 1-2, and N.A.C. RG 10, Vol. 3226, Reel C11343, File 549, 421-1C, 7.

³²⁴ N.A.C. RG 10, Vol. 3224, Reel C11343, File 549 421-1A, 5. Provincial officials followed the same policy in the case of some non-Aboriginal women

As the general comments about the applicants, and about the “Indianness” of some of them, indicate, the surveillance and judgment that women experienced as they moved into social service sites exposed their vulnerability and could prove disruptive for them and their children - even beyond the possible refusal of an allowance. Their need, declared formally in the allowance application, became an avenue of state intervention in their families with unexpected and often sorrowful consequences. In a number of cases, when the appropriateness of an allowance was questioned because the women were deemed “not very capable”³²⁵ or because “she is unaware of the value of money” and has “little control over these children”³²⁶, the Department, rather than arranging for a mentor like Mrs. Ferguson, decided “to aid [the widow] by making arrangements for the care of ... her children at the Indian Residential School.”³²⁷ McLean justified one such decision in a brief note to the Chief Investigator of the Commission by deploying the phrase that had by then become the hallmark of the child welfare movement, “... it is considered that the course pursued is in the best interests ... of her children.”³²⁸ Employing that phrase, asserting both Departmental wisdom, authority and obligation - “that it would be better to have them [the children] placed in a Residential School than allow the mother to keep them”³²⁹ Combined with the fact that the Department became an even more forceful final arbiter of parental control of children when Section 20 was bolstered by the adoption of compulsory education in 1921, showed that the Department was functioning as much as a child caring agency as were Children’s Aid Societies. It indicated again that the schools were, beyond

³²⁵ N.A.C. RG 10, Vol. 3224, Reel C11343, File 549 421-1A, 11.

³²⁶ N.A.C. RG 10, Vol. 3224, Reel C11343, File 549 421-1A, 16 and 17.

³²⁷ N.A.C. RG 10, Vol. 3224, Reel C11343, File 549 421-1A, 16. See also N.A.C. RG 10, Vol. 6820, File 492-8-3, December 1, 1937, June 26, 1939, June 20, 1939, and N.A.C. RG 10, Vol. 6039, File 160-1, MR C 8152, J.D. McLean to Sir, 25 November 1910. A copy of the contract is attached.

³²⁸ N.A.C. RG 10, Vol. 3224, Reel C11343, File 549 421-1A, 18.

³²⁹ N.A.C. RG 10, Vol. 3224, Reel C11343, File 549 421-1A, 17.

being educational institutions, group homes for children removed from a “not very capable” parent and it hinted at a troubling future. Integration, and the growth of post-war First Nations poverty, would mean that parents would be found in a multiplicity of service sites – hospitals, sanatoria, benefit programs like the mother’s and the family allowances and child welfare services and, as a result, the danger to them and their families, their vulnerability and their inability to maintain control of their children, would increase.

In addition to the questions of status and means, there was, finally, another critical issue which determined the fate of an Allowance application whether it came from Aboriginal or non-Aboriginal woman - moral considerations. Thus, amongst the other factors discussed above, Mrs. Lagasse and Mrs. Jourdain qualified for allowances on the basis of their character. Lagasse was clearly industrious, working hard to support her many children. And Jourdain, according to the agent, “seems to be a good woman, does not run around and stays at home with her parents.”³³⁰ Here, in this part of the process of determining eligibility and in its consequences, all women, Aboriginal and non-Aboriginal, experienced moral surveillance and judgment - normally by men, always by non-Aboriginals; and applications would fail on that basis.

Vera Reilly, though a widowed mother and apparently disabled, was one such case. Her local agent, on evidence he garnered from her mother-in-law at Sarnia, with whom she had resided until she removed to the Caradoc reserve where she lived with her own mother, reported that she “had been doing a lot of running around.” The Caradoc agent concurred

³³⁰ N.A.C. RG 10, Vol. 6820, File 492-8-3, May 4, 1939.

“that this woman would not be a satisfactory applicant ... on account of her conduct since the death of her husband.” She was, he observed, a graduate of the Mount Elgin residential school and as such “she is quite able to support herself and her 14 months old child without assistance from the Department.” She could leave her child with her mother who “suffers from diabetes and will always be at home,” thus leaving her “free to work.” And work, of course, would be beneficial not only because there would be an income but because she would not be any longer “hanging around the reserve.” Apparently, her deafness was not a problem at Caradoc; she was, the agent asserted now, only “a little deaf, it would not hinder her in procuring employment”³³¹ And apparently no consideration was given to the fact that work was difficult to get in the midst of the Depression even for skilled, morally upright workers. And Aboriginal workers in that period faced considerable discrimination as employers believed that they were to be supported by the Department and thus should be the last hired.

Departmental reports, such as those which set out Mrs. Reilly’s shortcomings, comprise catalogues of unacceptable behavior, the basis for rejections by both the Department and the Commission. Another woman, Mrs. John Henry, to whom it was suggested “that no money be sent,” transgressed in multiple ways. She took her child to hospital “in a neglected condition”³³² in fact, her “home conditions are not too good.” A visit to the family “found that [the mother] had left her children and was herself somewhere in Detroit, spending a lot of her time around Foxes Beer Garden, Michigan Avenue. At home,

³³¹N.A.C. RG 10, Vol. 6820, File 492-8-3, August 5, 10, 17 and 24, 1937.

³³² N.A.C. RG 10, Vol. 6820, File 492-8-3, 12.

“the children were ill with chicken pox.”³³³ Sarah Shilling of the Rama reserve, whose husband was incapacitated, was refused not because of her own personal failing, but because of his. “The Indian Agent, who knows this family well reports that the man ... although both hands have been amputated earns more than other Indians on the Reserve by selling pencils and baskets but the money ... is not used properly but is spent for intoxicating liquor instead of for the support of his family.”³³⁴ And another had her application turned back even though she qualified under the foster clause, because of the immoral character of two of the children’s birth. Mrs. Perry had five children in her home. Two were “the illegitimate children of her daughters.” Her husband was in the Fort William Sanatorium “with far advanced tuberculosis and Pott’s disease³³⁵” - so also were the mothers of the illegitimate children.³³⁶ There was certainly no moral black mark against Perry’s name; indeed she was acting not only charitably but well within Aboriginal child caring traditions which included an acceptance of children no matter the nature of their birth, illegitimate or not. For the Department, however, illegitimacy overrode those other considerations and thus tradition, to say nothing of the welfare of all five children, had to go to the wall.

The suspension of the allowances of other women indicated the permanence of surveillance. Mary Friday, a Temagami woman and a widow of the Matachewan Band had

³³³ N.A.C. RG 10, Vol. 6820, File 492-8-3, May 17, 1945.

³³⁴ N.A.C. RG 10, Vol.3227, File 549/ 421-16, 3.

³³⁵ Caries or osteitis of the vertebrae, usually of tuberculous origin (mycobacterium tuberculosis), characterized by softening and collapse of the vertebrae, often resulting in kyphosis, a hunchback deformity (Pott's curvature). Occasionally, the spinal nerves are affected, and a rigid paralysis (Pott's paraplegia) may result. Often infection spreads to paravertebral tissues giving rise to paravertebral abscesses. Occur in both sexes; onset (gradual) at all stages. Affected persons complain of pain on movement and tend to assume a protective, upright stiff position. The course of the disease is slow, lasting months or years.

³³⁶ N.A.C. RG 10, Vol.3227, File 549/ 421-16, 1 and 2.

her benefit cancelled. She had seven children and then gave birth to “a still born illegitimate child.... the man responsible in the case vacated the vicinity”³³⁷ The province’s Chief Investigator, responding to her appeal of the suspension, informed her that the Commission had “reviewed your case and decided that in view of your misconduct it could not be of further assistance to you.”³³⁸ From another perspective, however, that of the local Agent, she was both needy and deserving – she was one of the village’s “destitute Indians.” “The family are in very poor circumstances,” he informed T.R.L. MacInnes, the Department’s Acting Secretary, and are in want of clothing, footwear etc.” To the good, he also stressed the fact that “the children are attending the public school at Temagami.” With MacInnes’ approval, he provided her “emergency relief” and with a monthly Departmental allowance “of necessary provisions ... in order that the children may attend school.”³³⁹

Unlike the clear impropriety, in the Department’s view, evident in the Reilly, Perry and Shilling cases, others could not be so readily configured; there was no more than the suspicion of misbehaviour, the facts difficult to establish. Thus, an application for an increase in an existing allowance for a mother at the Rama reserve, “because a baby has been born,” almost failed. C.C. Parker, the Superintendent of Reserves and Trusts, who handled the Department’s side of the allowances, was immediately suspicious. Parker suggested that it was “rather strange,” that “a child should be born in the family.” For had not the allowance been granted in the first instance “because the father is incapacitated?” The provincial investigator would surely be able to discover “if the child is illegitimate or

³³⁷ N.A.C. RG 10, Vol. 3226, Reel C11343, File 549, 421-1C, 10.

³³⁸ N.A.C. RG 10, Vol. 3226, Reel C11343, File 549, 421-1C, 9.

³³⁹ N.A.C. RG 10, Vol. 3226, Reel C11343, File 549, 421-1C, 10 and 11.

not.” Even if the child were legitimate, Parker thought that “to increase the allowance looks like a premium for bringing children into the world who, no doubt, will be weak physically and probably a charge on society during its lifetime.” Grudgingly, he concluded that if legitimate, the current allowance of \$10.00 should be moved up to \$13.00 a month.³⁴⁰

The Department’s ready application of the province’s moral test was neither half-hearted, as Parker’s handling of the Rama case demonstrates, nor pro forma behaviour in order to access provincial funding. The Department’s role as moral policeman was not limited to vetting Mother’s Allowance applicants. Such an activity was, in fact, a subset of a broader policy of moral reformulation that glossed every sector of Departmental activity including, most pertinently child welfare. Moral regulation was an integral part of the Department’s civilizing mission. Coded in its general administrative mandate, written into the bones of the Indian Act, was a moral campaign to normalize Aboriginal social relations, especially sexual ones. For the Department, and other Canadians concerned with Indian affairs, customary marriage and divorce, illegitimacy, sexual irregularity, and “savagery” were linked as were, in their civilizing campaign, the goal of moral rectitude and the need for the moral regulation of Indians.³⁴¹ And, of course, in this campaign, as in most other Departmental approaches to the “Indian problem,” the residential schools were assigned a

³⁴⁰ N.A.C. RG 10, Vol. 6820, File 492-8-3, January 20, 1936.

³⁴¹ For a discussion of this issue – what he calls the Department’s “wider project of moral regulation”, See Vic Satzewich, "Patronage, moral regulation and the recruitment of Indian Affairs personnel, 1879–1900." *Canadian Review of Sociology/Revue canadienne de sociologie* 33, no. 2 (1996): 213-234.

central role – the production of civilized children who would in turn be civilizing parents – moral in every non-Aboriginal way.

How then did the Department conceive that it could usher Aboriginal people along the desirable, moral path, bringing women and men to conform to western norms? Certainly, recasting the moral foundations of the institutions of childcare – marriage and the family - was an issue of considerable concern for the Department’s Victorian administrators; it was, indeed, the root of the question posed by E. Dewdney, the Indian Commissioner of the Northwest Territories in 1886 - should there be legislation? In reply, Agents described what were in their view chaotic social conditions. They were, however, unable to form a consensus on any single policy. For J.A. MacKay at Battleford, “the present state of the Indians generally, the extreme laxity of their ideas and practices in the matter renders it difficult to draw the line between legitimate and illegitimate children.” In this Indian marriage was particularly problematic. Polygamy, MacKay reported, was yet common and while “prohibiting enactments ... might do some good ... until the Indians are raised by Christian Civilization above the low state of morals it appears to me that legislative restraints will fail to reach the heart of the matter.” Multiple marital unions were not only common in the west, but they had received de facto recognition by the Department at the time of the western treaties as men and all their wives were placed on enumeration lists qualifying them to receive treaty benefits. And those unions, even post-treaty ones, had not been sidelined by the Indian Act’s status definitions so that the practice, and its

recognition, no matter how undesirable, continued.³⁴² As the historian Sarah Carter has pointed out, no one was about to declare them invalid and thus the children illegitimate.³⁴³

For the Saddle Lake Agent, and others, the instability of these marriages by an “Indian ceremony” was their main defect. He railed against desertions as did E. McColl, in Manitoba, who provided a caustic description of Indian “divorce”: “on some flimsy pretext one of the contracting parties to these holy alliances abandons with impunity the other for a more congenial, or desirable companion and the law is impotent to inflict punishment upon these transgressors for their unfaithfulness.”³⁴⁴ Law was what was needed - legislation for the “abolition and prohibition” of the custom. There was, the Saddle Lake agent argued, no other way forward. Persuasion had failed; “the rising generation are falling back into the old habit, despite the efforts of the missionaries to the contrary.”³⁴⁵

In Ottawa, senior officials were certainly not out of step. L. Vankoughnet and his superior, the Superintendent General of Indian Affairs, Sir John A Macdonald, echoed the agents’ sentiments when similar issues were raised by the influential British humanitarian lobby group, the Aborigines Protection Society, in 1887. The Society was troubled by reports of

³⁴² In the case of *Regina vs. Nan-e-quis-a-ka* 1889 the judge held that the Indian Act references to marriages, wives, husbands, and widows amounted to a recognition of customary marriage as valid. Mary Friday was one such example. The Department, in 1931, admitted that while it had no “certificate of her marriage or certificates of the birth of her children ... she has been recognized ... as the widow of George Friday and the children born to them have been recognized also as Indians.” Giesbrecht, “Adoption”, 162.

³⁴³ Section 3.3.a of the Act of 1876 gave the bands the authority to exclude from “membership” any illegitimate child “unless having shared with the consent of the band in the distribution moneys of such a band for a period exceeding two years.” Any such exclusion would have to be “sanctioned by the Superintendent-General.” Giesbrecht, “Adoption”, 157.

³⁴⁴ S. Carter, L. Erikson, P. Roome, C. Smith, C., *Unsettled Pasts: Reconceiving the West through Women’s History*. (Calgary: University of Calgary Press, 2005).

³⁴⁵ N.A.C. RG 10, Vol. 3600, Reel C10104, File 1590, 29-30.

the purported sale of Aboriginal women to whitemen in British Columbia and the subsequent short-term relationships which resulted in children being frequently, it was believed, abandoned by their white fathers.³⁴⁶ In a reply, drafted by the Department of Justice, in consultation with Vankoughnet, sent over Macdonald's signature to Cabinet, they explained that "the evil complained of results from the habits and customs of the Indians themselves, with whom "marriage" requires only consent of the parties and of the father of the female without any rite and without the idea of continuing obligations." A marriage practice which condoned short-term unions and was contracted upon a gift given to the girl's parents might indeed look like a "sale," like prostitution, and was made to look even more so given "the tendency among the Whites to avail themselves of the lax notions of the latter [Indians] with regard to the relations between the sexes."³⁴⁷

In terms of dealing with these evils, neither Macdonald's Tory government, nor the Liberal one that bisected his career as Prime Minister, were averse to moral regulation through legislation.³⁴⁸ Admittedly, it was the case that they did hesitate pushing forward too quickly with respect to compulsory education. But that was because the issue of the control of children was seen to be an exceptional case. Vankoughnet, in 1892, when rejecting a call for "stringent" attendance legislation wrote: "As you are aware, Indians are particularly sensitive in respect to their children." In the Northwest, Hayter Reed described how difficult it was to move them "to sacrifice their feelings sufficiently in the interests of

³⁴⁶ Carter, Erickson, Roome, Smith, *Unsettled Pasts*, 159.

³⁴⁷ N.A.C. RG 10, Vol. 8463, Reel C13809, File 1/23-21, Pt. 1.

³⁴⁸ There were also the laws against the Sundance and Potlatch which were represented by some as being a context for sexual irregularity. See for example, Potlatch prohibition and then amended to cover the Sundance and dancing in general in 1895. Indian Act and Amendments, 1868-1950, Treaties and Historical Centre, Department of Indian and Northern Affairs, July 1981.

their children to consent to part with them.”³⁴⁹ For those reasons, Vankoughnet, and after him other Deputy Superintendents, including Scott, believed the carrot would be both safer and more effective, that gradually the Department could “induce Chiefs and Headmen to cooperate” by themselves passing band by-laws “rendering attendance of the children at the schools compulsory on the part of the Indian parents.”³⁵⁰

There was no hesitancy, however, in employing a legislative stick when it came to other potentially difficult areas. The Indian Act contained provisions for the control of “intoxicants,”³⁵¹ and prostitution³⁵² ; and Agents, justices of peace for their jurisdictions, were directed to apply the provisions first of the “Act Respecting Offences against Public Morals and Public Convenience,”³⁵³ and subsequently the relevant sections of the Criminal Code were added covering a wide range of irregularities: indecent assault, sodomy, incest, defiling women, seducing a girl under 16, unlawful connection with an imbecile,³⁵⁴ thus, hopefully, bringing Aboriginal people within the same moral boundaries as non-Aboriginals. And in the case of desertions, Vankoughnet noted for Dewdney, that agents could assist “the deserted woman and children” through the “provisions of the law [the

³⁴⁹ Indian Act and Amendments, 1868-1950, Treaties and Historical Centre, Department of Indian and Northern Affairs, July 1981, 100.

³⁵⁰ N.A.C. RG 10, Vol. 6039, File 160-1, MR C 8152, J.D. McLean to Sir, 25 November 1910. A copy of the contract is attached, 75.

³⁵¹ This federal intervention was made easy by the considerable support given by tribal leaders expressed by chiefs for example at the negotiations of the western treaties. During the negotiations of the western treaties. Indian Act and Amendments, 1868-1950, Treaties and Historical Centre, Department of Indian and Northern Affairs, July 1981.

³⁵² Indian Act and Amendments, 1868-1950, Treaties and Historical Centre, Department of Indian and Northern Affairs, July 1981, 76.

³⁵³ In 1894, the was amended with agents then directed to the Criminal Code, 1892, sections 98, 160 and Part XIII. Indian Act and Amendments, 1868-1950, Treaties and Historical Centre, Department of Indian and Northern Affairs, July 1981, 87 and 95.

³⁵⁴ See An Act Respecting Offences against Public Morals and Public Conveyance, RSC 1886 vol.2 Chap.157, 49 Vict. and Statutes of Canada, 1892 Criminal Code C.29.

Indian Act] with regard to the stoppage of Annuities” applying “the money ... toward [their] support.”³⁵⁵

Significantly, marriage practices did not appear on the list for when it came to Indian marriage, to its “abolition and prohibition,” legislation was not an option. Customary marriage might be an immoral fact, even the key moral challenge posed by savagery to Christian order, home and family; it was also, problematically, a legal reality; and that fact had prevented its prohibition through legislation. Macdonald reminded his Cabinet that “the validity of marriage according to the Indian custom was established in the somewhat celebrated case of Connolly vs. Woolwich” [Lower Canada, 1803] and by other court decisions as recently as 1867.

The Department’s impotency in the face of customary marriage was relieved, somewhat, by advice it received from the Department of Justice in 1888, - advice which opened the possibility of yet impressing on families and communities a moral matrix that would reshape male/female relationships, bring stability to customary unions and move them closer to the monogamous ideal of the Canadian marriage. The Minister of Justice directed that while marriages by “tribal custom” would have to be “treated ... as Prima facie valid and the issue of such marriage as legitimate,” it was not the case that a subsequent “cohabitation should ... be recognized as marriage, unless there has been an actual divorce from the first wife.” While the customary marriage practice was recognized in law, Indian divorce certainly was not. And unless a legal divorce had occurred, that is a divorce under

³⁵⁵ N.A.C. RG 10, Vol. 3600, Reel C10104, File 1590, 29 and 30.

Canadian law, the children of the second “marriage” would be illegitimate, would have “no right to share in the annuities of the band.”³⁵⁶ With support from the senior staff in Ottawa, field agents, beginning with their power over annuities³⁵⁷ and continuing on to the real or threatened use of elements of the criminal code, the most obviously applicable being the sections against bigamy,³⁵⁸ for example,³⁵⁹ could work to enforce the desired norms even if the marriage had been originally contracted in a traditional ceremony. In Sarah Carter’s view that was what ensued; agents, often with police and missionary cooperation, became “embroiled in the most personal affairs of the people they administered: dispensing advice on marriage, arranging marriages, denying permission to marry, intervening to prevent couples from separating, bringing back “runaway” wives and breaking up marriages they regarded as illegitimate.”³⁶⁰

Like McLean’s summary of Departmental child welfare activity, Carter’s assertion gives no sense of how persistent or widespread across the many agencies and reserves any local moral campaign was. One way or another, however, it appears certain that it achieved, in the opinion of then contemporary observers, only limited results. Realistically, in the face of the determined preference of First Nation people for their own customs, practices which formed the traditional network of social relations running through family and community, and the natural limitations on the Department as it tried to assert its power over individuals

³⁵⁶ Carter, Erikson, Roome and Smooth, *Unsettled Pasts*, 162.

³⁵⁷ For example, Agents could redirect the annuities of a man who deserted his family and widows could be prevented from inheriting their deceased spouse’s property if they were judged to be behaving in an immoral fashion.

³⁵⁸ For attempts to prosecute for bigamy and the mixed results see Carter, Erikson, Roome and Smooth, *Unsettled Pasts*, 167-173.

³⁵⁹ Carter, Erikson, Roome and Smooth, *Unsettled Pasts*, 165.

³⁶⁰ Carter, Erikson, Roome and Smooth, *Unsettled Pasts*, 156.

and communities,³⁶¹ effective reform, as the Macdonald submission to Cabinet of 1887 suggested, would have to be a long and slow process.

Not surprisingly then three decades later, by the early 1920s, the “old habit” was still a major concern and appeals continued for a determined response - judging, for example, from Social Service Council correspondence in Departmental files. In its Committee on Indian Affairs report, submitted to D.C. Scott in 1922, the Council went so far as to warn that Indian “trial marriages,” leading to “looseness and profligacy,” threatened not only the moral fabric but the very “Preservation of the Race” for “immorality produces disease, physical decay and race degeneracy.” The report, however, added no new technique for bringing about the desired result only calling on the Minister to require his field staff “to use their influence to persuade the people under their care to forsake their old practices in this regard and to adhere more closely to Canadian laws and Christian teaching concerning marriage, for the purpose of preserving and improving the race.” This section of the report ended with one further exhortation. The Minister was reminded that as “the home is the fundamental unit of national life” that Churches and government needed to continue their cooperation to achieve the “objective of [their] work” – the Indians’ “inclusion in Christian citizenship.”³⁶²

³⁶¹ See this opinion in Carter’s “Creating ‘Semi-Widows’ and ‘Supernumerary Wives:’” on pp. 131 and 155. She notes with respect to polygamy, for example, that on the Blood Reserve in 1893 there were 76 polygamous unions and in 1901, “after a flurry of activity” in the 1890s to end the practice, there were still 30 such unions. Sarah 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*, pp. 131-159, eds. M. Rutherford and K. Pickles, (Vancouver: University of British Columbia Press), 2005.

³⁶² N.A.C. RG 10, Vol.3201, Reel C11239, File 508, 890, 384 and 385 and N.A.C. RG 10, Vol. 3202, Reel C14339, File 509/265, 1918, 751 to 753.

Of course, the Department, despite the contrary views exposed in the internal debate set off by Dewdney, was not lacking a strategy of its own to bring Aboriginal people to moral order. That strategy did not rely, primarily, on the “influence” of local agents³⁶³ or their use of a big stick, the criminal code, nor on “the efforts of the missionaries” in mission stations, church run hospitals or day school classrooms, but rather, as in everything else that spoke about a new future for First Nations, it rested on residential school training. The phrases, “Christian citizenship” and “Christian teaching” and, indeed, Macdonald’s own words in the 1887 Cabinet document, “Gradual civilization” and the inculcation of “the views which prevail in civilized communities,” recalled that, in terms of achieving the “objective” of church-state “cooperation,” and “Christian citizenship” it was the education of children which bore the main burden of reforming every sector of First Nations life. That was and continued to be, from Davin forward, the fundamental logic of the civilizing policy. Gains outside the schools amongst adults, be they social, economic or moral changes, would always be limited; civilization was a future state to be achieved through the children.

To that end, residential schools were seen to have especially useful characteristics beyond any other assimilative activity by the churches or the department including, importantly, a marked moral efficiency in “their influence to persuade” the children of the rightness of Canadian practices. The residential school could be isolated and more extensively controlled spaces than reserve communities, and were, therefore, preferable to the day

³⁶³ Agents were expected, however, to provide a progressive example for their charges and thus Agents, and others who came in regular contact with Indians, as did Farming Instructors, were to be married and they and their spouses’ wives were to model appropriate roles and family life for Indian wives and mothers. Satzewich, “Patronage,” 228.

schools which were constantly faulted for maintaining the damaging link between parents and children. In that parent-child connection, the issue of sex was a considerable concern. The Indian Workers Association of the Presbyterian Church worried that day school students, “half-grown boys and girls even upon Christian reserves,” were “imbued with immoral ideals regarding sexual relations, which are a menace to their growing up to be pure minded men and women.”³⁶⁴ Vankoughnet was even more pointed. Indian children, he explained to Sir John A Macdonald, in 1887 “followed the terrible example set them by their parents” and thus they became “as depraved as themselves notwithstanding all the instructions given them at a day school.”³⁶⁵

Residential schools were to be sites of moral remediation and thus, as pictured in church and Departmental texts, they were spaces of moral struggle as the children, it was written, came from their homes and communities marked by the immorality of their parents. A report authored by C.A.F. Clark submitted to the Department’s Superintendent of Education, B. Neary, titled *Misconduct of Boys at Residential Schools*, drew a line running from reserve homes to residential schools which were “harbouring boys whose physical and psychological examination might reveal [characteristics] as unusual even among primitive people where housing conditions and behaviour are not conducive to the standards of sex morality which the Christian denominations seek to inculcate.”³⁶⁶ In the opinion of some, the cause was even more fundamental; as a people, Indians were simply

³⁶⁴ N.A.C. RG 10, Vol. 6039, File 160-1, MR C 8152, J.D. McLean to Sir, 25 November 1910. A copy of the contract is attached, 203.

³⁶⁵ N.A.C. RG 10 Vol. 3836, File 68557, MR C 10146, Suggestions for the Government of Indian Schools, 27 January 1890, 26.

³⁶⁶ N.A.C. RG 10, Vol. 6039, File 160-1, MR C 8152, J.D. McLean to Sir, 25 November 1910. A copy of the contract is attached, 385.

“unmoral” – “nature is very strong in them.”³⁶⁷ Stronger, apparently, than it was in non-Aboriginal children. “The problem of course is that these people [Indians] with regard to sex mature much earlier than the whites.”³⁶⁸

Indeed, the premature sexuality of Indian children brought within the school was seen to threaten the moral character of even the school staff. School Inspector Macrae in his first report on the school system warned that “Owing to the isolation of many schools, the lax moral principles of the Indians, and their poverty which makes them prone to temptation, it is absolutely essential that when males teachers are engaged they should be men of strict principle and satisfactory evidence of the fact that they are so should in all cases be given before they are engaged.”³⁶⁹

Of course, the civilizing strategy of the schools contained more than reactive responses to deviance, by way of isolation, surveillance, and punishment and, indeed, by the standards of the day at least, it had to. The strict division of the sexes did not replicate the situation of the real post-school world and worked against any appropriate training of the children in the norms of male/female relationships that were at the heart of appropriate marriage and parenting. There needed to be a middle ground in the school, even if it, too, was supervised. The Rev. C. Hives, the Anglican principal of Lytton school, believed that

³⁶⁷ N.A.C. RG 10, Vol. 6039, File 160-1, MR C 8152, J.D. McLean to Sir, 25 November 1910. A copy of the contract is attached, 555.

³⁶⁸ N.A.C. RG 10, Vol. 6039, File 160-1, MR C 8152, J.D. McLean to Sir, 25 November 1910. A copy of the contract is attached, 555.

³⁶⁹ N.A.C. RG 10 Vol. 3836, File 68557, MR C 10146, Suggestions for the Government of Indian Schools, 27 January, 1890.138.

persistent prevention along Strapp's³⁷⁰ line was self-defeating: "If we try to segregate the boys from the girls too much, we do much harm, and defeat our aims of high moral character building. It is extremely important that our girls and boys should be brought together under a good social leader...." It was the duty of the educator, in co-ed settings, "to guide ... their emotional make-up along sound and safe channels."³⁷¹ The Convention of Catholic Principals, held at Qu'Appelle in 1924, struck exactly the right note: "All true civilization must be based on moral law, which Christian religion alone can give. Pagan superstition could not ... suffice to make the Indians practise the virtues of our civilization..."³⁷² The Presbyterian church, referring to their schools, followed in close order: "We aim at building and developing character on the foundation of Christian morality, making Christian faith and love the spring and motive of conduct."³⁷³

In short, all agreed, Departmental and church leaders alike, that the successful transformation of the children lay in the Christian character of the schools - specifically in the influence of religion in the training of children for their future existence. Most critical in that regard was bringing children to conform to the desired gender roles – the proper wife and mother, the responsible man, provider and husband, the two fused together

³⁷⁰ Strapp had a reputation for being a stern disciplinarian. He was Principal of Mount Elgin school from 1935 to 1944, and Vice-Principal for some years before that and was likely at the school in one capacity or the other when Vera Reilly attended. A student, Lila Ireland, who was at the school between 1931 and 1939, remembered him with the words "I don't know if anybody liked Strapp – I didn't like him. His name was Strapp, and he used his name." Elizabeth Graham, *The mush hole: Life at two Indian residential schools*. (Waterloo: Heffle Pub., 1997), 440. Another student at the school, Melva George, recalled "The principal was ready to give us the strap – he really lived up to his name – it suited him!! I think Strapp carried the strap around with him – he always had it handy." Graham, *The Mush Hole*, 447.

³⁷¹ N.A.C. RG 10, Vol. 6039, File 160-1, MR C 8152, J.D. McLean to Sir, 25 November 1910, 555.

³⁷² N.A.C. RG 10 Vol. 3836, File 68557, MR C 10146, Suggestions for the Government of Indian Schools, 27 January 1890, 36.

³⁷³ N.A.C. RG 10 Vol. 3836, File 68557, MR C 10146, Suggestions for the Government of Indian Schools, 27 January 1890, 37.

through an acceptance of the “Christian teaching concerning marriage” forming the proper “home ... the fundamental unit of national life” and in turn “the fundamental unit” of westernized First Nations communities.³⁷⁴

The structure of the schools themselves and the rhythm of daily activities in and out of the classroom – that they would model family life - would, supposedly, inculcate in the children’s western social relations and values. School staff, teachers and supervisors, priests and nuns, and protestant principals and their wives - became surrogate parents in an institution that was to function as a home. Rev Wilson of Shingwauk school, contrasting the upbringing of the white and indigenous child, noted the critical role of the staff as parents. The residential school child,

Must be taught many things which come to the white child without the schoolmaster’s aid. From the days of its birth, the child of civilized parents is constantly in contact with the modes of civilized life, of action, thought speech and dress; and is surrounded by a thousand beneficent influences ... He [the indigenous child] must be led out from the conditions of ... birth in his early years, into the environment of civilized domestic life; and he must thus be led by his teacher.³⁷⁵

While much was made in the rhetoric of residential education of the industrial and agricultural training for boys, in the curriculum for post-school, Christian family life, the education of girls was even more critical. Victorian maternal feminism held that women at the domestic hearth were the center of the family and their children “were greatly influenced to an important degree by the precept of the mother and by the example set by

³⁷⁴ N.A.C. RG 10, Vol.3201, Reel C11239, File 508, 890, 384 to 385 and N.A.C. RG 10, Vol. 3202, Reel C14339, File 509/265, 1918, 751-753.

³⁷⁵ N.A.C. RG 10 Vol. 3836, File 68557, MR C 10146, Suggestions for the Government of Indian Schools, 27 January 1890, 34.

them at the home.”³⁷⁶ Thus, female pupils, beyond training in household skills, needed to be able to create an “environment of civilized domestic life;” they were to be civilizing mothers as well as civilizing wives saving their partners from a relapse into barbarism.

Vankoughnet wrapped together those two goals when warning that unless male graduates

obtain[ed] as wives women as intelligent and as advanced in civilization as themselves, they [would] of necessity have to select uneducated Indian women as partners and if they [did] not relapse into savagery as a consequence the progeny from these marriages following the example of the teachings of the mother [would] not improbably adopt the life and habits of the pure Indian.³⁷⁷

Furthermore, it was believed that the bond of marriage between civilized graduates, the rationale for co-ed education,³⁷⁸ would save the female graduate and her future family from the savage consequences of after school life in a yet uncivilized community. H. Reed, supplementing Vankoughnet’s comments, worried that if female graduates married “among the semi-civilized men of their tribe, [then] the all but universal law by which the woman assumes the status of her husband will surely take its course.”³⁷⁹ According to the Principal of the Anglican school at Pincher Creek, the danger came not from men but from their husband’s mother - from uneducated mothers-in-law who would “not allow them [female graduates] to practice what they had been taught in the schools ... and there is nothing left for them to do but go right back again to dirty Indian customs, then they seem to pine away and drop off to the great beyond.”³⁸⁰

³⁷⁶ N.A.C. RG 10 Vol. 3836, File 68557, MR C 10146, Suggestions for the Government of Indian Schools, 27 January 1890, 40.

³⁷⁷ N.A.C. RG 10 Vol. 3836, File 68557, MR C 10146, Suggestions for the Government of Indian Schools, 27 January 1890, 41.

³⁷⁸ N.A.C. RG 10, Vol. 6039, File 160-1, MR C 8152, J.D. McLean to Sir, 25 November 1910, 12.

³⁷⁹ N.A.C. RG 10 Vol. 3836, File 68557, MR C 10146, Suggestions for the Government of Indian Schools, 27 January 1890, 41.

³⁸⁰ N.A.C. RG 10, Vol. 6039, File 160-1, MR C 8152, J.D. McLean to Sir, 25 November 1910, 93.

The Department returned repeatedly to the theme of the superior role of the female in any program of social reformation based on children – residential education in the 19th century and integrated education, child welfare and community development in the mid-20th century. It was through the agency of female children in the classroom (to say nothing of their female teachers) and, thereafter, of wives and mothers in the home and as activists in their communities that improvement would appear – in the opinion of the Department, at least. As the Department’s own community-centered social activism increased after the war what might be called the feminization of the Department policies focused on women and delivered by women, Aboriginal and non-Aboriginal – became a prominent characteristic of Departmental thinking. Female social workers were hired in the 1950s to work through a network of First Nations women, Homemakers Clubs, for example, and in association with non-Aboriginal teachers, nurses and missionary women, to promote cleanliness, health, home economics and school attendance. Men, though, heads of families, tended to recede into the back of the Department’s mind and would not really appear at the forefront of analysis until the Department was won back to the importance of community economic development. By then it was at the later part of the period under study and families across the country were submerged in unemployment and endemic poverty and the child welfare crisis was already well underway.

What, however, beyond the vision, beyond the desires, plans and expectations of the Department and churches, were the actual results of the action of the schools on thousands of children who had attended them? By the time Vera Reilly left Mount Elgin school, just

before the Second World War, the schools had been in operation for six decades and children from at least three generations had passed through them. Throughout that period, the rationale for the schools, the official public transcript, persisted.³⁸¹ Scott's own attitudes were proof of its longevity and the reliance placed upon the institution to carry Indian children and their communities on to civilization. The schools occupied the centre of his, and in his mind, the nation's, duty to Aboriginal children. When, for example, plans were being laid in 1926 for the Shubenacadie school in Nova Scotia, the only school that would be built in the Maritimes, Scott informed the responsible Catholic authorities that with its completion "one of the desires of my official life will have been accomplished." In choosing its site, he asserted again the Department's obligations and responsibility to children. The school had to be, he insisted, "located within full view of the railway and highway, so that the passing people will see in it an indication that our country is not unmindful of the interest of these Indian children."³⁸² Steadfastly, he defended the system in the face of adverse comments by parents, teachers and Indian politicians and moved to protect their image even in the most minute fashion – to the extent, for example, of ordering exterior painting and landscaping at Gordon's school as this "country is overrun with tourists since the automobile has come into general use and it is not right that our institutions should come in for criticism that they do from time to time."³⁸³

³⁸¹ That of producing fully educated children, young men and women anchored to a "foundation of Christian morality," trained for the reserve farm or for off-reserve semi-skilled labour, and eager for enfranchisement, for "Christian citizenship." N.A.C. RG 10, Vol.3201, Reel C11239, File 508, 890, 384/385 N.A.C. RG 10, Vol. 3202, Reel C14339, File 509/265, 1918, 751-753.

³⁸² N.A.C. RG 10 Vol. 3836, File 68557, MR C 10146, Suggestions for the Government of Indian Schools, 27 January 1890, 149.

³⁸³ N.A.C. RG 10 Vol. 3836, File 68557, MR C 10146, Suggestions for the Government of Indian Schools, 27 January 1890, 149.

In the face of Scott's defence of the system, it is critical to understand exactly what was achieved by residential education, the extent to which criticism, in his time and thereafter, was valid. What was the system's record with respect to moral formation and to its mandate of preparing children for a place in the post-school world – for work, for leading productive, independent lives. And, how did that record relate to the issue of child welfare, had the schools, as Scott and others like McLean asserted, been mindful “of the interest of these Indian children?” Did the schools inculcate in the children the values, moral codes, skills and behaviours that were the foundation of Christian marriage, family life and parenting? In their adult lives, and in the period under review, from the Second World War through to 1980, would these children be found by Departmental agents, police, ministers and social workers to be existing within the boundaries of those codes or would they move on to after-school lives, which in the minds of those agents of assimilation, called for further regulation and discipline including having their own children removed from them, apprehended by the state, and sent off to foster homes or indeed to a residential school? Simply put, what was the connection between the school experience and the scoop?

Conclusion:

The roots of the Child Welfare system: Understanding the Source

The involvement of the child welfare system in the lives of Indigenous children was thought to have emerged at the end of the Indian Residential School system in the 1960s. As we have shown, this is not accurate. There was no ceding of one system to another. The foundation of the child welfare system finds its roots much earlier in the 1920s with the move from assimilation to one of integration. As mentioned previously, there was no study or report comparable to the Davin Report that instigated Residential Schools for the

Canadian child welfare system. The development of the child welfare system was much subtler in its inception. As mentioned in Part 2, historical research concerning the fate of Indigenous peoples and their children has long been stymied by the “Departmental officials who wrote them into history” and has presented a debilitating blindness to “any chance of seeing things as they may have been different from the representations of non-Aboriginal authorities”.

Why Education is Still Important.

Why are settler Canadians unable to create a nation that is inclusive of Indigenous peoples? And, importantly, what does inclusivity mean to Indigenous peoples? Canadian society has long touted “values of tolerance and multicultural diversity” as part of our “national ethic”.³⁸⁴ As Wayne Warry stated

Aboriginal affairs in Canada are in disarray. We need a way out of the morass, a set of signposts, a rationale, a guide—not a liberal or neo-conservative ‘road map,’ but an Aboriginal guide that is both pragmatic and visionary at the same time. We need new ideas and new dialogue that will take us not only to a workable union between Aboriginal and mainstream Canadians, but also to an understanding of Aboriginal rights that is both satisfying to Aboriginal peoples and unthreatening to the rest of us.³⁸⁵

To better understand the possible future of equity, inclusivity and reconciliation, there needs to be an understanding of the history of the relationship between Indigenous and settler peoples. In that regard, Roger Simon stated in his work ““Towards a hopeful practice of worrying: The problematics of listening and the educative responsibilities of

³⁸⁴ Wayne Warry, *Ending Denial: Understanding Aboriginal Issues*, (Toronto: University of Toronto Press, 2009), 13.

³⁸⁵ Warry, *Ending Denial*, 13.

Canada's Truth and Reconciliation Commission" that there was a need for focused research concerning the schools fearing

a public memory of residential schools that heavily relies on pathos to achieve its effect risks diverting attention away from the nexus of government and institutional policies and practices that enacted and subsequently implemented residential school legislation.³⁸⁶

As a consequence, he continues, this can create a "historical amnesia" or "colonial unknowing" that allows settler Canadians to express "sorrow and sympathy as a response...they confirm their 'own humanitarian character' and consequently end up feeling good about feeling bad".³⁸⁷ Ironically, this allows for a "'splitting off' of any responsibility for the injury or the injured" and this is what must not happen in Canada's collective history.³⁸⁸

But, realistically, what can reconciliation mean to Canadians (both Indigenous and settler)? Can reconciliation even be contemplated when such high percentages of Indigenous children still live in conditions far below the poverty line, are unable to draw a clean glass of water to drink, are not educated in appropriate languages with cultural sensitivity and are continuously torn from their families and communities by federal and provincial governments who are claiming to save them?

Linking Denial to Discrimination: Finding the Monstrous in the Benign

³⁸⁶ Roger Simon, "Towards a hopeful practice of worrying: The problematics of listening and the educative responsibilities of Canada's Truth and Reconciliation Commission." in *Reconciling Canada: Critical perspectives on the culture of redress* ed. Jennifer Henderson and Pauline Wakeham, 129-142, (Toronto: University of Toronto Press, 2013), 133.

³⁸⁷ Simon, "Towards," 133.

³⁸⁸ Simon, "Towards," 133.

Addressing historical and contemporary settler denial of past wrongs against Indigenous people is the first step towards reconciliation. Chris Cunneen's work "Colonialism and Historical Injustice: Reparations for Indigenous People" addresses the importance of "reparations" in the process of reconciliation.³⁸⁹ As Cunneen stated "there can be no effective reconciliation without addressing in a meaningful way the wrongs of the past".³⁹⁰ Denial of discrimination against Indigenous peoples has not faded from the on-going relationship between Indigenous and settler Canadians on many levels. One only has to type "denial of residential schools" into google to find a slew of articles declaiming any number of facts concerning the history of the IRS system in Canada. Interestingly, as we were preparing this report, we were approached by a group of IRS deniers who have most recently claimed that the number of Indigenous children who died at residential schools and the rising numbers of unmarked graves are elements of a conspiracy created to demonize institutions that have been described as "well-meaning institutions".³⁹¹ Even more significantly, is the continuance of discrimination of Indigenous children who have lived and continue to live under the discriminatory policies of the Canadian child welfare system.

The recollections of IRS staff and their role in the IRS system was chosen as a subject of study for this report as we thought it was a significant analysis of the mind set of a wide range of settler Canadians. Those staff members who not only worked in the IRS system

³⁸⁹ Chris Cunneen, "Colonialism and historical injustice: Reparations for Indigenous peoples." *Social Semiotics* 15, no. 1 (2005): 59-80.

³⁹⁰ Cunneen, "Colonialism," 60.

³⁹¹ Johnson, "I'm sorry," 336.

throughout the 20th century but who had firsthand knowledge of the copious (and documented) negative and damaging events that often resulted in the death of Indigenous children and the enduring damage to survivors of the system that continues to reverberate throughout Indigenous communities. It was interesting to note that such a high percentage of staff were able to separate themselves from the wrongs of the system and maintain that they only had “good intentions” underpinning their involvement in the schools. As Neu and Therian pointed out in their examination of biased Canadian policies regarding Indigenous peoples, “the main outcome of these bureaucratic technologies is to buffer the actions of individuals from their consequences”.³⁹² The comparison of staff reports from a school such as Shingle Point (that had very little to report concerning claims of corporal punishment, sexual abuse and high death rates) against one such as Shubenacadie is significant in the creation of a discourse surrounding the continuance of the denial of discrimination against Indigenous children in contemporary Canada.

As previously stated, if discrimination continues against Indigenous children, are the reasons obscured or in clear sight? What if the damaging actions are subtle and seemingly benign and are disguised with words like “welfare” and “care”? As Johnson aptly pointed out, her analysis of Shingle Point staff members and their relations with Indigenous children that showed “good intentions, affection, and awareness but also the reproduction of deadly hierarchies through which these interventions were carried out and obscured”.³⁹³ She states that school staff acting as “colonial agents” inflicted the “damage of

³⁹² Neu and Therrien, *Accounting for Genocide*, 14.

³⁹³ Johnson, “I’m sorry,” 370.

colonization” through “kindly and well-intentioned” methods.³⁹⁴ Johnson further states that “colonial state-sponsored ‘reconciliation’” through “a focus on the violent sexual abuse of children has dominated criticism of Canadian residential schools” and “shifts our gaze” away from contemporary struggles of Indigenous peoples.³⁹⁵ By creating “monstrous exceptions”, it is easy to state that the atrocities of the IRS system were the blame of a few deviant individuals and not of the actual system. As Neu and Therrien have pointed out,

we witness the brutal sophistication and irresistible force of racism, applied bureaucratically, and rationalized economically at arm’s length, working insidiously as psychological terrorism. The violence, having been turned inward, becomes a toxic and effective self-loathing, culturally and individually. Can there be a more elegant violence than this?³⁹⁶

Therefore, the “monstrous exceptions” are not the source, but a symptom of a flawed system. This creates a disconnect isolating historical colonizing policies from their contemporary counterparts. Reconciliation cannot be achieved if denial of the assimilating, colonizing and culturally genocidal legacy and tenets of the IRS and CWS systems continue to be supported by government agents and agencies.

³⁹⁴ Johnson, “I’m sorry,” 370.

³⁹⁵ Johnson, “I’m sorry,” 370.

³⁹⁶ Neu and Therrien, *Accounting for Genocide*, 14.

Bibliography

Primary Sources:

RG 10 Indian Affairs (held by the National Archives of Canada—N.A.C.)

Department of Indian Affairs—Annual Reports, 1864-1990

“In Answer to Your Query” A Directory of Child Welfare Resources in the Dominion of Canada,
The Canadian Council on Child Welfare, 1928.

Robinson, Eric. Public Hearing of the Royal Commission, 1992.

The Legislative Library of New Brunswick, Department of Social Services, N.B. Annual Report, 1888.

Queen’s Printer of Ontario. The Act for the Protection and Reformation of Neglected Children (Children’s Protection Act) Ch.40, Sec. 2 (2), in Revised Statutes of Ontario, RSO 1888. <https://digitalcommons.osgoode.yorku.ca/rso/about.html>

Secondary Sources:

Backhouse, Constance B. "6. Shifting Patterns in Nineteenth-Century Canadian Custody Law." pp.212-248 in *Essays in the history of Canadian law*, Toronto: University of Toronto Press, 2019.

Bala, N.C., and Clarke, K.L., *Child and the Law*, Scarborough: McGraw-Hill Ryerson, 1981.

Benjamin, Chris. *Indian school road: Legacies of the Shubenacadie residential school*. Halifax: Nimbus Publishing Ltd, 2014.

Blackstock, Cindy. “In response to the statement from the Hon. Marc Miller, Minister of Crown-Indigenous Relations, and the Hon. Patty Hajdu, Minister of Indigenous Services regarding ongoing negotiations on compensation and long-term reform of First Nations child and family services and Jordan’s Principle”, First Nations Child & Caring Society, accessed Dec. 13, 2021, <https://fncaringociety.com/publications/response-statement-dec-13-2021>.

Blackstock, Cindy. "Residential schools: Did they really close or just morph into child welfare." *Indigenous LJ* 6 (2007): 71-78.

- Blackstock, Cindy. "The occasional evil of angels: Learning from the experiences of Aboriginal peoples and social work." *First Peoples Child & Family Review: A Journal on Innovation and Best Practices in Aboriginal Child Welfare Administration, Research, Policy & Practice* 4, no. 1 (2009): 28-37.
- Canada. Dept. of Pensions and National Health, and Helen MacMurchy. *The Canadian Mother's Book*. Department of Health, 1934.
- Carter, S. Erikson, L. Roome, P. Smith, C. C., *Unsettled Pasts: Reconceiving the West through Women's History*. Calgary: University of Calgary Press, 2005.
- Carter, Sarah. "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*, pp. 131-159, eds. M. Rutherford and K. Pickles, Vancouver: University of British Columbia Press, 2005.
- Chambers, Natalie A. "'Seeking Validation' Staff Accounts of Indian Residential Schooling" M.A. Thesis, Simon Fraser University, 2003.
- Chrisjohn, Roland D., Sherri L. Young, and Michael Maraun. *The Circle Game: Shadows and Substance in the Indian Residential School Experience in Canada*. Custer: Orca Book Pubs., 1997.
- Cunneen, Chris. "Colonialism and historical injustice: Reparations for Indigenous peoples." *Social Semiotics* 15, no. 1 (2005): 59-80.
- Davies, Megan. "Services Rendered" in *Not Just Pin Money: Selected Essays on the History of Women's Work in British Columbia*, pp. 249, eds. Barbara Latham and Roberta Jane Pazdro. Victoria: Camosun College, 1984.
- Dickason, Olive Patricia and McNab, David. *Canadas first nations*. Oxford: Oxford University Press, 2009.
- Giesbrecht, Theodore G. "Adoption", in *Canadian child welfare law: Children, families and the state*, pp. 155-198, eds. Nicholas Bala, Michael Kim Zapf, R. J. Williams, Robin Vogl, and Joseph P. Hornick, Toronto: Thompson Educational Publishing, 2004.
- Graham, Elizabeth. *The mush hole: Life at two Indian residential schools*. Waterloo: Heffle Pub., 1997.
- Johnson, Val Marie. "I'm sorry now we were so very severe": 1930s Colonizing Care

- Relations between White Anglican Women Staff and Inuvialuit, Inuinait, and Inupiat People in an "Eskimo Residential School." *Feminist Studies* 45, 2-3 (2019): 335-371, 337.
- Kimelman, E.C. *No Quiet Place: Review Committee on Indian and Metis Adoption and Placements*, Manitoba: Community Services, 1985.
- Little, Margaret Hillyard "Claiming a unique place: the introduction of mothers' pensions in BC." *BC Studies: The British Columbian Quarterly* 105/106 (1995): 80-102.
- Little, Margaret Hillyard. "7 'A fit and proper person': the moral regulation of single mothers in Ontario, 1920-1940." Pp. 123-138 in *Gendered Pasts*, Toronto: University of Toronto Press, 2017.
- Mandelbaum, David Goodman. *The Plains Cree: An ethnographic, historical, and comparative study*. Vol. 37. Regina: University of Regina Press, 1979.
- Mas, Susana. "Truth and Reconciliation offers 94 'calls to action'" on CBC News, December 14, 2015, accessed November 17, 2021, <https://www.cbc.ca/news/politics/truth-and-reconciliation-94-calls-to-action-1.3362258>.
- Milloy, John S. "How do bad things happen when good people have good intentions?" Paper presented at the Reconciliation: Looking Back, Reaching Forward, Niagara Falls, Ontario, 2005.
- Milloy, John S. *A national crime: The Canadian government and the residential school system*. Vol. 11. Winnipeg: Univ. of Manitoba Press, 2017.
- Milloy, John S. *Interview with Trent University*, accessed November 15, 2021, http://www.trentu.ca/showcase/overview_milloy.php.
- Neu, Dean and Therrien, Richard. *Accounting for Genocide: Canada's Bureaucratic Assault on Aboriginal People*, Winnipeg: Fernwood Publishing, 2003.
- Ricker, Darlene A., *L'sitkuk: The Story of the Bear River Mi'kmaw Community*. Lockeport, NS: Roseway, 1997.
- Satzewich, Vic "Patronage, moral regulation and the recruitment of Indian Affairs personnel, 1879–1900." *Canadian Review of Sociology/Revue canadienne de sociologie* 33, no. 2 (1996): 213-234.
- Savage, Rowan. "The political uses of death-as-finality in genocide denial: The Stolen Generations and the Holocaust." *Borderlands* 12, 1 (2013): 1-22.

- Simon, Roger. "Towards a hopeful practice of worrying: The problematics of listening and the educative responsibilities of Canada's Truth and Reconciliation Commission." in *Reconciling Canada: Critical perspectives on the culture of redress* ed. Jennifer Henderson and Pauline Wakeham, 129-142, Toronto: University of Toronto Press, 2013.
- Sinclair, M. Bala, N., Lilles H. and Blackstock, C. "Aboriginal Child Welfare" in *Canadian child welfare law: Children, families and the state*, eds. Nicholas Bala, Michael Kim Zapf, R. J. Williams, Robin Vogl, and Joseph P. Hornick, Toronto: Thompson Educational Publishing Inc., 2004.
- Sterritt, Neil J. *Mapping my way home: A Gitksan history*. Powell River: Creekstone Press Limited, 2016.
- Strong, Margaret Kirkpatrick. "Public Welfare Administration in Canada." *Public Welfare Administration in Canada*. Ten, 1930.
- Struthers, James. *The Limits of Affluence: Welfare in Ontario, 1920-1970*. Toronto: University of Toronto Press, 1994.
- Sutherland, Neil and Comacchio, Cynthia. *Children in English Canadian society: Framing the twentieth-century consensus. Vol. 2*. Waterloo: Wilfrid Laurier Univ. Press, 2000.
- National Centre for Truth and Reconciliation, "Evaluation of Worker's Wonderings: a gathering of those who worked in the Indian Residential Schools", 2000, accessed November 18, 2021, <https://collections.irshdc.ubc.ca/index.php/Detail/objects/6206>.
- Taylor, John Leonard. *Canadian Indian Policy during the Inter-War Years, 1918-1939*. Indian and Northern Affairs Canada, 1984.
- Trevithick, Scott. "Native Residential Schooling in Canada: A review of the literature" *The Canadian Journal of Native Studies*, 18 (1998): 49-86.
- Truth and Reconciliation Commission of Canada. *Truth and reconciliation commission of Canada: Calls to action*. Truth and Reconciliation Commission of Canada, 2015.
- Truth, and Reconciliation Commission of Canada. *Canada's Residential Schools: The Final Report of the Truth and Reconciliation Commission of Canada. Vol. 1*. Montreal: McGill-Queen's Press-MQUP, 2015.
- Van Hoorn, L. *Indigenous and Northern Affairs Canada, Indian Acts and amendments, 1868-1950* / Treaties and Historical Research Centre, Research Branch, Corporate Policy, Dept. of Indian and Northern Affairs Canada. July 1981.

Veinott, Rebecca. "9. Child Custody and Divorce: A Nova Scotia Study, 1866-1910." pp. 273-302 in *Essays in the History of Canadian Law*, University of Toronto Press, 2016.

Wallis, Wilson D. *The Micmac Indians of Eastern Canada*. Minneapolis: U of Minnesota Press, 1955.

Warry, Wayne. *Ending Denial: Understanding Aboriginal Issues*, Toronto: University of Toronto Press, 2009.