



# The Sixties Scoop

A Literary Review prepared by the  
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#### **Origins of the Sixties Scoop**

The term “Sixties Scoop” was first coined by Patrick Johnston in 1983. It refers to an era in child welfare services where over 20,000 First Nations, Inuit and Métis children were removed from their homes and communities to be fostered or adopted into pre-dominantly white, middle-class families or institutions. These children would often be placed thousands of miles from their home community and in some instances sent to live in the United States or outside of North America (Canadian Encyclopedia 2016). In current literature, the Sixties Scoop embodies all references to indigenous child welfare services from the early 1960s to mid-1980s.

The Federal Government of Canada began phasing out residential schools in the early 1950s, given the widely accepted view that indigenous children would more greatly benefit from the education provided by the public-school system (Henson n.d.), administered by provincial authorities. Residential schools remained, however, “as a sort of boarding school for children whose families were deemed unsuitable to care for them” (Henson n.d.) The transition to provincial authority also led to the amendment of the Indian Act in 1951, which enabled provincial jurisdiction over indigenous child welfare services (Henson n.d.). Under this new mandate, indigenous child welfare services became an extension of the political agenda that formed the residential school system.

Child welfare agencies evolved from the 1951 amendment of the Indian Act to provide child welfare services to indigenous communities. Child apprehensions were approved at the discretion of the social worker who was not required to receive any formal, professional training and was often unfamiliar with the complex history of colonialism and its impacts on the socio-economic conditions present in indigenous communities (Henson n.d.). As a result, while some cases of apprehension were in the ‘best interest of the child’, often children were removed simply because of race or poverty (McKenzie and Hudson 1985). These apprehensions took place with or without the consent of the parents or community: prior to the 1980s, child welfare services were not required to notify the band when an infant or child was apprehended into care (Henson n.d.).

Once apprehended, these children were often separated from their siblings and denied access to their heritage. Numerous case studies have revealed that children did not have access to their birth records, were lied to about their heritage, and encouraged to demean the characteristics that made them indigenous, while imitating the characteristics that were deemed acceptable in white society. They often encountered physical, sexual and emotional abuse, racism, and prejudice based on indigenous stereotypes leading to a negative self-image: the consequence of which was a breakdown of families, intergenerational conflict, and psychological and substance abuse problems that often emerged in late adolescence to early adulthood.

Indigenous child welfare services operated under these conditions until the 1980s: when both indigenous and non-indigenous community members began criticizing the welfare system for the overrepresentation of indigenous children in provincial care (see Johnston P. 1983, Kimelman J.E. 1985 and National Indian Brotherhood 1972). Many of these community members argued that the Sixties Scoop was a form of cultural genocide (Kimelman, J.E. 1985) and called for immediate policy reform. Changes to welfare services did occur because of these inquiries; notably the establishment of indigenous governed child welfare agencies, and the incorporation of indigenous teachings, Elders and cultural traditions into existing services. Many challenges continue to exist; however, such as funding inequality which limit the ability to administer long-term prevention strategies and general improvements to indigenous well-being. To this day, there continues to be an overrepresentation of indigenous children in provincial care, prompting many to suggest that the Sixties Scoop has simply evolved into the Millennium Scoop.

The mid 2000s has reignited a discussion of the Sixties Scoop, with the 2009 claims lawsuit filed against the Government of Canada (Brown vs Canada) that sought redress for the loss of cultural heritage of over 16,000 displaced First Nations, Inuit and Métis children. This lawsuit has prompted nation-wide media coverage, and in 2015 the Premier of Manitoba apologized on behalf of the Province for the role it played during the Sixties Scoop. On February 14, 2017, Justice Belobaba ruled in favor of Brown concluding that the Canadian Government breached “common law duties by failing to take reasonable steps to prevent their loss of Indigenous culture and identity in the implementation of the 1965 [Welfare] Agreement” (Mandell Pinder LLP 2017). Survivors of the Sixties Scoop will be entitled to financial retribution, and part of the claim will be set aside for reconciliation initiatives such as a Healing Foundation.

## **Academic Review of the Sixties Scoop Literature**

There is little in terms of academic literature that focuses on an analysis of the impacts of the Sixties Scoop, given the limited data available on the apprehensions of indigenous, Inuit, urban, non-status and Métis children, and the overgeneralization of welfare practices and of the indigenous experience in the archival record. Despite the limited resources; however, Cardinal (2017) proposed that there are three critical phases in the literature that speaks to the Sixties Scoop. These phases are:

1. Concepts of Well-Beings (1950s to 1970s)
2. Emergence of Self-Governance (1970s to 1990s)
3. Adoptee Identity Issues (1990s to present)

This review will loosely follow these phases to highlight the commonalities, themes and gaps in the literature that have emerged over the last 70 years.

### ***Phase 1: Concepts of Well-Beings (1950s to 1970s)***

The earliest literature that deals with the concept of the Sixties Scoop relates to child welfare services policies, programs and documents that were in circulation during the 1950s to 1970s. This phase of literature encompasses historical and archival records such as the amendment to the Indian Act in 1951 (Minister of Justice 2007), the Indian Welfare Agreement of 1965, The Indian Adoption Project that ran between 1958-1967, Saskatchewan's Adopt Indian Metis Program (AIM) in 1967 and The Adoption Resource Exchange of North America (ARENA) founded in 1966. Both the amendment to the Indian Act and the Indian Welfare Agreement are in effect to this day.

One of the most impactful documents during this era was the amendment to the Indian Act in 1951, which provided the basis for provincial jurisdiction on reserves whereas the "federal government officially delegated responsibility for Aboriginal health, welfare and education services to provincial governments (Bennett et.al 2005). The amendment came as a direct response to the Federal Government's realization that the residential school systems were failing and that indigenous children should be integrated into public schools (Bennet et.al 2005). The negative effects of the residential school system on indigenous communities were so impactful; however, that this amendment simply intensified the vulnerability of indigenous communities to further government approved sanctions through provincial welfare systems (Bennet et.al 2005, Fournier and Crey 1997). By the 1960s "welfare agencies successfully

replaced residential schools as the preferred system of care” (Bennett et.al 2005, Armitage 1995).

Many adoption projects were also developed, given economic incentives to establish provincial welfare agencies. These projects promoted transracial adoption as viable alternatives (Cardinal 2017, Fanshel 1972) for the well-being of indigenous children and used advertisements aimed at convincing white families to adopt indigenous children in an attempt at “saving” them from their current fate (Cardinal 2017, Fournier and Crey 1997). These programs were not just limited to their province of origin as many supported inter-provincial adoptions within Canada, as well as international adoptions within the United States and outside of North America.

Many of the documents from this era places emphasis on ‘*in the best interest of the child*’ as justification for the apprehension of indigenous children under the guise of equality rhetoric: all children protected by child welfare services would be treated according to the laws, rules, regulations and standards administered in non-indigenous communities (Bennett et.al 2005). As the next phase of literature acknowledges; however, this rhetoric conflicted with key indigenous cultural differences such as, self-determination and alternative care.

### ***Phase 2: Emergence of Self-Governance (1970s to 1990s)***

The second phase of the literature emerged between the 1970s and 1990s, at a time where indigenous activists were gaining political momentum towards self-governance within welfare systems (see the National Indian Brotherhood’s 1972 report entitled *Indian Control over Indian Education*). Many of the literary works emerged primarily as either government studies, social work research or legal case studies (Timpson 2013) in the early to late 1980s as attempts to expose the high rates of indigenous children apprehended to child welfare services between the 1960s and 1980s, as well as to provide some context behind the rationale for those apprehensions. According to Fournier and Crey (1997) and as reported in Sinclair (2007), “by the 1970s, one in three Aboriginal children were separated from their families by adoption or fostering”; those numbers rapidly increased in the decade to come.

There are three common themes or arguments that present itself in a review of this body of literature (Chupik-Hall 2001) that set out to explain the rationale behind the Sixties Scoop during this era:

1. socio-economic conditions present in reserve communities and inaccurate cultural interpretations and understandings of indigenous knowledge systems that perpetrate racist ideologies
2. indigenous child apprehensions as the result of jurisdictional dispute and a lack of appropriate funding for prevention services
3. attempts by the Government of Canada to assimilate indigenous groups into Canadian society through the continued process of colonialism

The earliest works that acknowledge the disproportionate number of indigenous children in the child welfare system were that of Hepworth (1980) and Johnston (1983). Both studies exposed the high rates of apprehension through comprehensive statistical reviews of data obtained by the Department of Indian and Northern Affairs (Chupik-Hall 2001). Both scholars argued that these rates were the result of the poor socio-economic conditions of reserve communities and jurisdictional disputes that impacted the level of funding child welfare services received. This lack of funding led to the provinces inability to handle the socio-economic issues that were prevalent in those communities (McDonald 1985) in the form of prevention services and support, which only further facilitated the push towards fostering and adoption as preferred methods of alternative care.

At the same time as the Hepworth (1980) and Johnston (1983) studies, Hudson and Mckenzie (1981) study rejected the notion that the high rates of apprehension were simply a child welfare services issue but rather that they were further examples of colonial attempts at acculturation. They argued that child welfare services parallel the assimilation techniques used in the residential systems in that they “devalued Native culture by not recognizing and using traditional Aboriginal systems of child protection in judging standards of child care by the dominant Canadian norms, and by the persistent use of non-Native foster and adoption placements (Timpson 2013, Mawhiney 1989, Hudson and McKenzie 1981). Critique of welfare agencies and their role in perpetuating cultural misunderstandings were prevalent rationales throughout much of the Sixties Scoop literature between the 1970s to 1990s. Cultural misunderstandings led to labeling indigenous parents as “unfit”, given differences in dietary practices, housing standards, and the use of extended family members as caregivers. Other reasons such as high unemployment rates and substance abuse were also cited. Many authors and scholars acknowledge, however, that these misunderstandings were a direct result of biases and ignorance towards indigenous peoples and indigenous culture given systemic racist ideologies of the time.

Influenced from these earlier studies, other notable literature during the early 1980s were government inquiries into the overrepresentation of indigenous children in provincial care (the Royal Commission on Aboriginal Peoples Report 1996, the Manitoba Justice Inquiry 1991, the Kimelman Report 1985). Among the more popular of these inquiries, the Kimelman Report (1985) concluded that the era of the Sixties Scoop was undoubtedly a government attempt at assimilation and condemned indigenous child welfare practices as forms of cultural genocide.

By the late 1980s, legal scholars began adding to this body of work through examinations of legislative biases against indigenous child welfare using legal case studies. These studies aimed at exposing how the court system played an integral role in the apprehension of indigenous children. In her studies, Kline (1991) argued that the courts legitimized child welfare practices through racist ideologies that were inherent in the legal system. Kline's (1991) study, and those of Swift 1995, Durst 1990, Monture 1989, and Carasco 1986, further speak to the inequalities which stems from the failure of the legal system to consider the indigenous factor in child welfare discourses. By removing cultural ideologies in any discussion regarding the best interest of the indigenous child, the courts essentially ignored indigenous children's inherent rights (Chupik-Hall 2001).

This phase of literature is marked by critiques of child welfare services during a time of political change; where indigenous communities were seeking self-governance over their children within the welfare system. The narrative during this phase of literature is influenced by statistical reviews of the data to expose the high rates of apprehension, and to critique the rationale for this discrepancy to hold those responsible accountable. Notable gaps in the literature are lacks in:

- discourse on child welfare practices as an extension of the residential school system
- life-experience discourse that considers the perspective of the survivors and their communities, as opposed to simply analyzing the records and statistics
- analysis on the impacts of cultural genocide on communities, intergenerational relationships and individual self-esteem and identity
- analysis that exposes the differences in rates of consensual versus non-consensual apprehensions, and apprehensions that were for the immediate safety of the child versus those that were cause by cultural misunderstandings
- models that addresses needed changes to child welfare practices

### ***Phase 3: Adoptee Identity Issues (1990s to present)***

Most of the body of literature from the 1990s to present day acknowledges the sentiments of the 1970s and 1980s: that child welfare services were and continue to be rooted in colonial constructs, and that there is an overwhelming misrepresentation in the archival record of the conditions that were used to rationalize indigenous child apprehensions. The literature also continues to address the equality rhetoric narrative of the time: that child welfare services treated all welfare cases using the same policies and standards regardless of cultural differences.

A major shift during this era of literature; however, has been to address the allegations of cultural genocide and to use case studies to expose the impacts of the Sixties Scoop on fostered and adopted indigenous children (see Cardinal S.W. 2017, Inclusion Working Group 2015, Sinclair R. 2007, Bennett M. 2005, Carrière J. 2005, Blackstock C. 2004, Swidrovich C.M. 2004 and Avina C. 1993). The impacts reported include, but are not limited to the:

- mistreatment of indigenous children once in child welfare care and the systemic racism faced by indigenous children living in predominantly non-indigenous communities, leading to incidences of self-harm, suicide, depression, anxiety and substance abuse
- loss of individual identity and sense of belonging, which have been exacerbated by loss of contact with home communities due to forced adoptions, the falsification or incompleteness of adoption records and the inability of foster and adoptive parents to encourage and cultivate indigenous identity in the home
- breakdown of communities and indigenous traditional systems that perpetuate the inter-generational denigration of indigenous culture
- lack of support and funding for community development and prevention services which impacts one's ability to "break the cycle" of poverty and abuse

Sinclair (2007) alludes to the fact that these impacts were and continue to be inevitable given Canada's colonial history, and that history's influence on the current political climate. She writes that indigenous adoptions are justifiably problematic because

"not only are Aboriginal adoptee's ethnic and cultural identity wrapped up in cultural stigmatization, their identities are most likely associated with poverty, alcoholism, and other negative stereotypes. The conflict that results from the need to constantly adapt is likely a source of angst from which many adoptees engage in destructive and harmful behaviors to themselves, their adoptive family and their environment" (Sinclair, 2007).

A more recent trend in the literature has been to address these negative impacts through an analysis of indigenous transracial adoptions from the perspective of the foster child or adoptee: those whose voices have been absent from the literature. These analyses have primarily been undertaken within the context of dissertation and thesis studies (see Cardinal S.W. 2017, Sinclair R. 2007, Carrière J. 2005, Nuttgens S. 2004 and Swidrovich C. 2004) and address the outcomes of the transracial adoptee experience, either positive or negative, through a recount of lived experiences, indigenous storytelling and creative writing text such as *In Search of April Raintree* and *Come Walk With Me*. While the studies are used to further shed light on the complexities of the indigenous experience within the context of child welfare, they also speak to a greater discourse of resiliency, repatriation and reclaiming indigenous identities. These studies focus on the concept of healing traditions through reconnecting with one's indigeneity.

Another trend in the literature has been a call for social work, education and policy reforms (see Alston-O'Connor E. n.d., Carrière J. and J. Richardson n.d., McCracken K. 2017, McKenzie H. 2016, Irvine K. 2009, Lavalley L.F. and J.M. Poole 2009, Blackstock C. and Trocmé N 2005, Waterfall B. 2002, and Hudson P. and Taylor-Henley S 1995), given the growing consensus that colonial legacies are still being felt, and that inequalities in child welfare and education are still a problem (McCracken, 2017). Sinclair (2007) states that the Sixties Scoop is simply "one segment of a larger period in Aboriginal child welfare history" and "that given the current child welfare statistics, the "Sixties Scoop" has merely evolved into the "Millennium Scoop" and Aboriginal social workers, recruited into the ranks of social services and operating under the umbrella of Indian Child and Family services, are now the ones doing the "scooping".

In response to this issue, scholars have begun to propose culturally relevant policies (Carrière J. and J. Richardson n.d.) that aim to uphold indigenous rights to culturally safe and relevant child welfare services. Their studies reveal that culturally appropriate practices that focus on traditional and urban indigenous methods of healing and community/collective identity is a way to break through Eurocentric discourses through long-term strategies. Although Watershed (2002) wonders if culturally appropriate practices can be successful as "they are embedded within a neo-colonial bureaucracy where Euro-Western values and methods of practice predominate", others suggests that these practices can thrive through professional training and "collaborative approaches that focus on the transfer of knowledge, skills, power and authority" (Lavalley L.F. and J.M. Poole 2009) towards the goals of indigenous self-

determination in child welfare services, and adequately supporting community based intervention and development (McKenzie H. 2016).

Over the last thirty years there has been many additions to the literature. Scholars from various disciplines tasked themselves with analyzing the root causes and subsequent impacts of the Sixties Scoop on indigenous peoples and communities; however not much has been undertaken in terms of cross-disciplinary studies that focus on long-term community development strategies. Irvine (2009) writes that “contemporary realities and the past experiences impacting Aboriginal parents, children and youth suggest that we can and must do better – much better by ensuring the creation of truly meaningful, culturally responsive, effective, and equivalent programs, resources and services for Aboriginal parents”.

### **Grey Literature, The Media, and Legal Claims**

In 2009, the class action suit (Brown vs Canada) was filed against the Government of Canada on behalf of an estimated 16,600 Sixties Scoop survivors that sought redress for the loss of indigenous identity and culture. This class action, and the subsequent 2017 ruling in favor of Brown (Belobaba, Justice E. 2017), has sparked nation-wide coverage ranging from the media, to activists and documentarians. A simple google search provides one with links to numerous references related to the Sixties Scoop not cited in academic journals. Although considered grey literature, these articles provide historical context, survivor accounts from abuse to resilience, and calls for immediate, on-the-ground action (see Monkman, L. 2017, Newswire 2017, Tasker J.P. 2017, Gasoline Gypsy 2016, Indigenous Adoptees 2016, Bokma, A. 2015 and Dolha, L. 2009). Further to this, it brings to the forefront firsthand experiences and the power of indigenous resiliency; topics that are often softened or silenced within academic literature.

### **Ending Note**

This literature review is in no means a complete overview of the Sixties Scoop, given its broader relationship with residential schools and colonialism, its roots in provincial welfare services, its present-day impacts on indigenous peoples and communities and its on-going legal disputes with the Government of Canada. The aim of this review has been to simply provide a summary of the literature and how it has evolved over the last 70 years.

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