

## **Exhibit P-116**

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"She Is Hostile to Our Ways": First Nations Girls Sentenced to the Ontario Training School for Girls, 1933-1960

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# “She Is Hostile to Our Ways”: First Nations Girls Sentenced to the Ontario Training School for Girls, 1933–1960

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JOAN SANGSTER

When industrial schools were initially proposed in late nineteenth-century Canada, they were perceived to be a common solution for the neglected and delinquent working-class boy of the urban slums and for the Aboriginal boy in need of similar education, discipline, and moral and vocational training.<sup>1</sup> This undertaking briefly encapsulated the twinned aims of Canada's nation-building project: to civilize and acculturate both the poor and the colonized to middle-class, Western, white and Anglo norms. As John Comaroff and Jean Comaroff remark of nineteenth-century British imperialism, the taming of the “uncivilised and immoral” indigenous African and British slum dweller were overlapping projects, with the “primitive and the pauper” seen as “one in spirit. . . . the sacred task of the colonizing mission was to reconstruct the home lives of both” by inculcating in their daily lives the bourgeois values of “modern domesticity.”<sup>2</sup>

While granting the historical specificity of various reform and colonial projects, this designation aptly captures the spirit of twentieth-century Canadian efforts such as industrial and residential schools, domestic science and sexual purity training for working-class and Native girls, settle-

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1. John Milloy, *A National Crime: The Canadian Government and the Residential School System* (Winnipeg: University of Manitoba Press, 1999), 33.

2. John Comaroff and Jean Comaroff, *Ethnicity and the Historical Imagination* (Boulder: Westview Press, 1992), 289.

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ment house and missionary proselytizing of the immigrant and Aboriginal.<sup>3</sup> In the case of both the working-class and Native peoples, the state, voluntarist reformers, and the informal regulatory web of family, the church, and schools all played an important role in these attempts to “manage the marginal.”<sup>4</sup> Yet, these nation-building projects also diverged, their agendas, means and outcome shaped by different social relations and politics of class, race, and colonialism. While unequal power relations characterized both endeavors, the dispossession of Native peoples from their lands, their resulting social dislocation, and the political control expended by the federal Indian Act, as well as the denigrations of racism, also set the colonial project of assimilation apart.

This article explores the sentencing and incarceration of Aboriginal girls sent to the Ontario Training School for Girls (OTSG), a reform school created primarily to resocialize neglected and delinquent working-class girls perceived to be on the path to adult criminality. Native youth, on the other hand, were to be assimilated through residential schools, long associated with the colonial project of replacing the language, culture, and work skills of reserve children with “superior” Western and white values. Thus, the overall numbers of First Nations girls—both Aboriginal and Métis—in OTSG was small, but their increasing percentage of the school population after the late 1940s was very significant, mirroring the growing over-incarceration of Native peoples in post-World War II Canada, a trend that escalated even further in subsequent decades. It also exposed the state’s increasingly interventionist approach to child welfare in Native communities, which resulted in more and more removals of Native children from their families, creating further conflicts—such as the destructive “sixties scoops”—still with us today.<sup>5</sup>

3. The literature on these endeavors is extensive. For some examples, see Sarah Carter, “First Nations Women of Prairie Canada in the Early Reserve Years, the 1870s to the 1920s: A Preliminary Inquiry,” and Jo-Anne Fiske, “Gender and the Paradox of Residential Education in Carrier Society,” in *Women of the First Nations: Power, Wisdom, Strength*, ed. Christine Miller and Patricia Chuckryk (Winnipeg: University of Manitoba Press, 1996), 51–76, 167–82; Pamela White, “Restructuring the Domestic Sphere—Prairie Indian Women on Reserves: Image, Ideology and State Policy, 1880–1930” (Ph.D. diss., McGill, 1987); Mariana Valverde, *The Age of Light, Soap, and Water: Moral Reform in English Canada, 1885–1925* (Toronto: McClelland and Stewart, 1991); Carolyn Strange, *Toronto’s Girl Problem: The Perils and Pleasures of the City, 1880–1930* (Toronto: University of Toronto Press, 1996); J. R. Miller, *Shingwauk’s Vision: A History of Native Residential Schools* (Toronto: University of Toronto Press, 1966); Dorothy Chunn, “Regulating the Poor in Ontario: From Police Courts to Family Courts,” *Canadian Journal of Family Law* 6.1 (1987): 85–102.

4. Carolyn Strange and Tina Loo, *Making Good: Law and Moral Regulation in Canada, 1876–1939* (Toronto: University of Toronto Press), 149.

5. Patricia Monture, “A Vicious Circle: Child Welfare and the First Nations,” *Canadian Journal of Women and the Law* 3.1 (1989): 1–17; Emily Carasco, “Canadian Native Children:



The diagnosis and treatment of Native girls' conflicts with the law often directly overlapped with those accorded to non-Native girls, exhibiting similar disparagement of supposed cultural impoverishment and parallel fears of sexual promiscuity. However, they also revealed the increased insertion of "race" as a category into expert discussions of Canadian delinquency, particularly ethnocentric stereotypes of an unreachable Native cultural persona. Indeed, racialized constructions of, and explanations for, delinquency remain embedded in our criminal justice system. Native youth are often portrayed today in the mainstream media as "unreachable," perhaps unsalvageable victims of cultural impoverishment. "Race" also works ideologically as racism in this regard, for such reified, culturalist explanation for alienation, dispossession, and crime sidestep more basic questions of power relations—especially the inequalities created by colonialism.<sup>6</sup>

It is tempting, especially given the recent writing on racism and colonialism, to attribute the increased sentencing of Native girls to OTSG in the mid-twentieth century to a political hierarchy of oppression in which class was replaced by race as the focus of legal regulation.<sup>7</sup> But the records for OTSG offer a more complex story. Although I focus on First Nations

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Have Child Welfare Laws Broken the Circle?" *Canadian Journal of Family Law* 1 (1986): 111–21; Marlee Kline, "Complicating the Ideology of Motherhood: Child Welfare Law and First Nations Women," in *Mothers in Law: Feminist Theory and the Legal Regulation of Motherhood*, ed. Martha Albertson Fineman and Isabel Karpin (New York: Columbia University Press, 1995), 118–41. Custody battles persist to this day. See Kirk Makin, "Native Loses Custody Fight with White Couple," *Globe and Mail*, 4 May 1999.

6. For this issue, see Sherene H. Razack, *Looking White People in the Eye: Gender, Race and Culture in Courtrooms and Classrooms* (Toronto: University of Toronto Press, 1998), 8–10. For a discussion of race and feminist theory, see Adrien K. Wing, ed., *Critical Race Feminism: A Reader* (New York: New York University Press, 1997); Marlee Kline, "Race, Racism and Feminist Legal Theory," *Harvard Women's Law Journal* 12 (1989): 115–50. On ideology, see Kimberlé Williams Crenshaw, "Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law," *Harvard Law Review* 101.7 (May 1988): 1331–87.

7. In an examination of First Nations, Asian Canadian, and Caribbean Canadian women, Enakshi Dua argues that hostility to such women was more destructive and totalizing than the more benign regulation of white working-class women because women of color were considered a "triple threat to the nation." Enakshi Dua, "Beyond Diversity: Exploring the Ways in Which the Discourse of Race Has Shaped the Institution of the Nuclear Family," in *Scratching the Surface: Canadian Anti-Racist Feminist Thought*, ed. Enakshi Dua and Angela Robertson (Toronto: Women's Press, 1999), 237–60, especially 255. In slight contrast, Vic Satzewich and Li Zong argue that assimilation, not genocide, was always the intent of colonialism, though this could still produce a form of "cultural genocide." Vic Satzewich and Li Zong, "Social Control and the Historical Construction of 'Race,'" in *Social Control in Canada: A Reader on the Social Construction of Deviance*, ed. Bernard Schissel and Linda Mahood (Toronto: Oxford University Press, 1996), 263–87.

girls in this article, my general purpose is to understand the ways in which the legal regulation of Native and non-Native girls overlapped *and* differed, the interlocking “simultaneity” of race, class, and gender oppression.<sup>8</sup> Influenced by writings of feminist critical legal theorists who have argued for an “intersectional” approach to class, gender, and race,<sup>9</sup> this article tries to probe the way in which gender and class oppression, already well entrenched in the juvenile justice system, interacted with the social construction of race and patterns of colonialism to create distinct, and sometimes destructive, experiences for First Nations girls sentenced to OTSG.

### Defining Aboriginal Juvenile “Delinquency”

The Ontario Training School for Girls was established in 1933 as the first provincial (secular) state-run reform school for incorrigible and delinquent girls, who were sentenced primarily under the federal *Juvenile Delinquents Act* (JDA, 1908) and the provincial *Training School Act* (TSA, 1931, 1939). Like other juvenile justice regimes, the Ontario one defined the offense of delinquency with great latitude. The JDA forbade infractions of the federal criminal code and municipal by-laws but also defined a delinquent as one “liable by reason of any act, to be committed to an industrial school,” or, in an amendment targeted specifically at girls, one guilty of “sexual immorality or any similar form of vice.” Similarly, the TSA laid out vaguely defined status offenses such as “incorrigibility and unmanageability.”<sup>10</sup>

8. David Roediger quoting Tera Hunter in “Race and the Working-Class Past in the United States: Multiple Identities and the Future of Labor History,” *International Review of Social History* 38 (1993): 127–43. See also Razack, *Looking White People in the Eye*, 11–12.

9. See, for example, Patricia Hill Collins, “It’s All in the Family: Intersections of Gender, Race, and Nation,” *Hypatia* 13.3 (Summer 1998): 62–81; Kimberlé Crenshaw, “Mapping the Margins: Intersectionality, Identity, Politics and Violence Against Women of Color,” *Stanford Law Review* 43 (July 1991): 1241–99, and “Demarginalizing the Intersection of Race and Class,” *Chicago Legal Forum* (1989): 139–68.

10. Native girls could also be charged under the Indian Act, which prohibited things such as the consumption of alcohol and “profligacy.” However, the other statutes provided all the latitude that judges needed. *The Juvenile Delinquents Act*, chap. 40, 7–8 Edward VII, 1908; Statutes of Ontario, *The Training School Act*, chap. 51, 1939. On the Juvenile Delinquent Act, see Canadian Welfare Council, *The Juvenile Court in Law* (Ottawa: Canadian Welfare Council, 1941); Neil Sutherland, *Children in English-Canadian Society: Framing the Twentieth-Century Consensus* (Toronto: University of Toronto Press, 1978); Marge Reitsma-Street, “More Control than Care: A Critique of Historical and Contemporary Laws for Delinquency and the Neglect of Children in Ontario,” *Canadian Journal of Women and the Law* 3.1 (1989–90): 510–30; Jean Trépanier, “Origins of the Juvenile Delinquents Act of 1908,” in

Though it was premised on a rhetoric of treatment, not carceral punishment, the JDA nonetheless resulted in intense surveillance of many working-class and poor children and their families, though some parents welcomed the use of the law as a means of imposing family discipline upon sexually wayward daughters. Girls who fell through the cracks of probation and were incarcerated in OTSG were accused primarily of incorrigibility, theft, truancy and sexual promiscuity, with incorrigibility often connoting a package of offenses: truancy, running away, and again, sexual promiscuity/endangerment. Inmates, as young as eleven, but usually fourteen or fifteen on arrival, were offered a "cure" in the school of education and vocational training (for domestic and working-class labor), as well as the inculcation of sexual purity, for twelve to eighteen months in closed custody. This was followed by placements, as fostered or boarded-out students, or far more often, as early wage earners, until they finally escaped the scrutiny of the institution at eighteen.<sup>11</sup>

Admittedly, drawing on training school files, federal and provincial government records, and the reform, social science, and medical discourses concerning female delinquency and Indian welfare at this time is a precarious way of understanding Native girls in conflict with the law.<sup>12</sup> OTSG records, for instance, offer sentencing reports, court transcripts, educational, medical, and social work commentaries on the girls, as well as the girls' and families' recorded responses, but these are highly mediated sources, articulated through the eyes of the regulators and authority makers. Howev-

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*Dimensions of Childhood: Essays on the History of Children and Youth in Canada*, ed. Russell Smandych, Gordon Dodds, and Alvin Esau (Winnipeg: Legal Research Institute, 1991), 205–32. On the 1924 amendment adding sexual immorality, see Bruno Théorêt, "Régulation juridique pénale des mineures et discrimination à l'égard des filles: la clause de 1924 amendement la Loi sur les jeunes délinquents," *Canadian Journal of Women and the Law* 4 (1990–91): 539–55. The division of powers made the JDA in Canada somewhat different than U.S. counterparts, but for discussion of the latitude in American juvenile justice with regards to sexual immorality, see early comments by Paul Tappan, *Delinquent Girls in Court* (New York: Columbia University Press, 1947) and later analysis by Steven Schlossman and Stephanie Wallach, "The Crime of Precocious Sexuality: Female Juvenile Delinquency in the Progressive Era," *Harvard Educational Review* 48 (Feb. 1978): 65–95; Meda Chesney-Lind, "Judicial Enforcement of the Female Sex Role, the Family Court and Female Delinquency," *Issues in Criminology* 8 (1973): 51–70.

11. Although they were usually released by seventeen, girls could be under the supervision of OTSG until they were twenty-one. In 1949, this was changed to eighteen.

12. As well as the extensive administrative records for training schools, I examined forty-seven individual case files of First Nations girls who spent time in training school, almost all of them at OTSG. These were compared to my larger study of 350 OTSG case files, as well as files on girls' delinquency on reserves in the Department of Indian Affairs (DIA) papers.

er, I concur with historians who argue that such sources can be assessed, with a critical eye to their limitations, and read “against the grain,”<sup>13</sup> and also with historians who support the endeavor of at least *attempting* to write across the boundaries of our own identity and experience.<sup>14</sup> Thus, I assume the more optimistic view that we might utilize such sources to uncover girls’ responses to their criminalization, disclosing contention and resistance, as well as regulation and control, in the history of the criminal justice system.

Other works on the history of female delinquency in North America have made similar claims; these have often drawn implicitly on feminist and materialist frameworks to uncover the structures of class, race, and gender inequality underpinning the law, though they do not ignore the possibilities of human agency in using or contesting the law.<sup>15</sup> More recently, legal historians have sharpened our understanding of the way in which the race is constituted through the law, sanctioning discrimination, exclusion, and segregation through public policy, statute law, and judicial interpretation.<sup>16</sup> As a set of ideas and practices, argues Ian Haney Lopez, the law interacted historically with prevailing knowledges about race. Through penalties and rewards, ideological systems, and the actions and contests of legal actors, it constructed interpretations of race premised firmly on white superiority.<sup>17</sup> The hierarchy of race was also entwined with class, gender,

13. As Richard Evans points out, historians have long attempted to interrogate the limitations of their sources. See Evans, *In Defence of History* (London: Granta Books, 1997), 147.

14. For some discussion of this issue, see Ruth Roach Pierson, “Experience, Difference, Dominance and Voice in the Writing of Canadian Women’s History,” in *Writing Women’s History: International Perspectives*, ed. Karen Offen, Ruth Roach Pierson, and Jane Rendall (Bloomington: Indiana University Press, 1991), 79–106, and Rahda Jhappan, “Post-Modern Race and Gender Essentialism or a Post-Mortem of Scholarship,” *Studies in Political Economy* 51 (Fall 1996): 15–63.

15. For example, Mary Odem, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885–1920* (Chapel Hill: University of North Carolina Press, 1995); Ruth Alexander, *The Girl Problem: Female Sexual Delinquency in New York, 1880–1930* (Ithaca: Cornell University Press, 1995); Strange, *Toronto’s Girl Problem*.

16. The literature on this is vast, encompassing labor, immigration, and criminal justice history, to name some areas. See, for example, Walter Tarnopolsky, *Discrimination and The Law in Canada* (Toronto: Richard De Boo, 1982); James W. St. G. Walker, “Race” Rights and the Law in the Supreme Court of Canada, Osgoode Society for Canadian Legal History (Waterloo: Wilfred Laurier University Press, 1997), 12–50; Constance Backhouse, *Colour Coded: A Legal History of Racism in Canada, 1900–1950* (Toronto: University of Toronto Press, 1999).

17. Ian Haney Lopez, *White by Law: The Legal Construction of Race* (New York: New York University Press, 1996). See also Carol A. Aylward, *Canadian Critical Race Theory: Racism and the Law* (Halifax: Fernwood, 1999). Because I take the construction of both “race” and words like “immorality” for granted, I have not used quotation marks throughout the article.

and sexuality,<sup>18</sup> and it provided a crucial basis for colonial dispossession of Native peoples and the imposition of western legal codes upon the North American First Nations.<sup>19</sup> As anticolonialist writing has argued, however, the results were never complete cultural and legal subordination of Native peoples; rather, First Nations customary law evolved in tandem with colonialism, drawing on Native custom and culture, but also influenced by western law and the stresses of colonialism.<sup>20</sup> By the time these girls were sent to OTSG, the destructive impact of colonialism had eaten away significantly at the material and cultural equilibrium in many Ontario First Nations—though this was not an inexorable or irreversible process, as the current renaissance in recovering First Nations customary law indicates.<sup>21</sup>

18. Razack, *Looking White People in the Eye*; Floya Anthias, "Race and Class Revisited," *Sociological Review* 28.1 (1990): 19–42; Floya Anthias and Nira Yuval-Davis, eds., *Racialized Boundaries: Race, Nation, Gender, Colour, and Class and the Anti-Racist Struggle* (London: Routledge, 1992); Anne Stoler, "Making Empire Respectable: The Politics of Race and Sexual Morality in Twentieth-Century Colonial Cultures," *American Ethnologist* 16.4 (1989): 634–59; Constance Backhouse, "The White Women's Labor Laws: Anti-Chinese Racism in Early Twentieth-Century Canada," *Law and History Review* 14 (1996): 315–68. Sexuality and race also converged in eugenic discourse and legislation. See Angus McLaren, *Our Own Master Race: Eugenics in Canada, 1884–1945* (Toronto: McClelland and Stewart, 1990).

19. The literature here is extensive. For some discussion of the imposition of sexual and familial codes, including by means of the Indian Act, see Kathleen Jamieson, *Indian Women and the Law in Canada: Citizens Minus* (Ottawa: Ministry of Supply and Services, 1978); Janet Silman, *Enough Is Enough: Aboriginal Women Speak Out* (Toronto: Women's Press, 1987); Sylvia Van Kirk, *Many Tender Ties: Women in Fur Trade Society* (Winnipeg: Watson and Dwyer, 1979); Karen Anderson, *Chain Her by One Foot: The Subjugation of Women in Seventeenth-Century New France* (New York: Routledge, 1991); Carol Devens, *Countering Colonization: Native American Women and the Great Lakes Missions, 1630–1900* (Berkeley: University of California Press, 1992); Jean Barman, "Taming Aboriginal Sexuality: Gender, Power and Race in British Columbia," *B. C. Studies* 115/116 (1997–98): 237–67.

20. Scott Clark, "Aboriginal Customary Law Literature Review," unpublished paper for the Manitoba Public Inquiry into the Administration of Justice for Aboriginal Peoples, 1990; Bryan Keon-Cohen, "Native Justice in Australia, Canada and the U.S.A.: A Comparative Analysis," in *Native People and Justice in Canada* part 2, ed. Canadian Legal Aid Bulletin (1982): 187–258; Vic Satzewich, "Where's the Beef? Cattle Killing, Rations Policy and First Nations 'Criminality' in Southern Alberta, 1892–95," *Journal of Historical Sociology* 9.2 (1996): 188–212; R. C. Macleod and Heather Rollason, "Restrain the Lawless 'Savage': Native Defendants in Criminal Courts of the North West Territories," *Journal of Historical Sociology* 10.2 (1997): 157–83; Tina Loo, "Tonto's Due: Law, Culture and Colonization in British Columbia," in Hamar Forster and John McLaren, eds., *Essays in the History of Canadian Law: British Columbia and the Yukon* (Toronto: University of Toronto Press, 1995), 128–70.

21. Patricia Monture-Angus, *Thunder in My Soul: A Mohawk Woman Speaks* (Halifax: Fernwood Books, 1995); Rupert Ross, *Dancing with a Ghost: Exploring Indian Reality* (Markam: Octopus Books, 1992); Kjikeptin Alex Denny, "Beyond the Marshall Inquiry: An Alternative Mi'kmaq Worldview and Justice System," in *Elusive Justice: Beyond the Marshall Inquiry*, ed. Joy Mannette (Halifax: Fernwood Books, 1992), 103–8; E. J. Dickson-



As critical race theorists argue, the very concept of “race” is historically and socially constructed. Nowhere was this more transparent than in the state’s changing designations of the race of OTSG inmates, first coded as “race,” later “nationality.”<sup>22</sup> Even accounting for the state’s changing categories, the rapid increase in Native girls in the post–World War II period is clear. In the 1930s, just after the school opened, one or two (sometimes no) Native girls were admitted every year; this climbed to a high of fourteen girls in 1958, or 9 percent of the admissions, at a time when Native peoples were officially less than 1 percent of the province’s population.<sup>23</sup> A similar pattern existed at St Mary’s, the Catholic Training School for Girls located in Toronto.<sup>24</sup> Moreover, the government’s own figures may have underrepresented the numbers of First Nations girls. Revealing how race *was* constructed, a status Indian girl admitted to OTSG from a large city, whose family was solidly blue collar, was described in her file with little reference to her Native heritage. Yet girls from reserves, whether Métis or status Indians, were more likely to be analyzed in terms of their Native background, as the reserve (and particularly hunting and trapping subsistence) was equated with a racialized culture of backwardness.<sup>25</sup>

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Gilmore, “Finding the Ways of the Ancestors: Cultural Change and the Invention of Tradition in the Development of Separate Legal Systems,” *Canadian Journal of Criminology* (July–Oct. 1992): 479–502; Jo-Anne Fiske, “From Customary Law to Oral Traditions,” *B.C. Studies* 115/116 (1997–98): 267–88; Joan Ryan, *Doing Things the Right Way: Dene Traditional Justice in Lac La Martre, NWT* (Calgary: University of Calgary Press, 1995).

22. Indeed, locating Aboriginal girls in the records of OTSG is difficult for this reason. However, the government did try to record the number of “Indians” as opposed to “whites” in the school. Whites were separated from three other “races,” namely, “Hebrews, Negroes and Indians.” Statistics on the “race” (later “nationality”) of training school inmates were published in Ontario, *Annual Report of the Minister of Public Welfare* and, after 1938, *Annual Report of Industrial Schools and Training Schools* (whereas they were not for reformatories and prisons). However, the actual files of Native girls are not marked and are therefore difficult to locate in the (sometimes chaotic) microfilmed collection. Once the federal government agreed to pay the fee for Indians with official federal status, this was noted in the register, allowing me to locate some files. However, not all First Nations girls (even those from reserves) had official Indian status. Some girls were Métis, and some may have lived off reserves and been paid for by the municipality even if they did have status.

23. The average number of Native admissions yearly for the period 1950–59 was 7 percent. Census of Canada, 1941, vol. 1, table 11, lists Indians as 0.8 percent of the Ontario population; Census of Canada, 1951, vol. 2, table 32, lists Indians as 0.8 percent of the Ontario population.

24. The highest number of Native admissions to St. Mary’s was 9.3 percent of admissions in 1958; on average they were 5.8 percent of St. Mary admissions in the 1950s. Ontario, *Annual Report on Training Schools, 1950–59*.

25. Archives of Ontario (AO), RG 60, Ontario Training School for Girls, (OTSG) case file 2197, 1950s.

The increasing number of Native girls being sentenced by judges to training schools at this time was initially questioned by the Ontario government; largely for financial reasons, government officials declared it "impossible" to take any "Indian girls" as they were constitutionally designated "dominion [that is, federal] wards."<sup>26</sup> A governmental advisory board on training schools also repeatedly asserted that Indian children posed rehabilitation problems and belonged in federally financed residential schools for Indians. When training schools were overcrowded during World War II, the campaign for segregation was again heartily endorsed by the nationally prominent social welfare leader, Charlotte Whitton.<sup>27</sup> Playing the age-old game of squabbling over federal and provincial jurisdiction did not last long. An agreement was reached by the late 1940s, with the federal Department of Indian Affairs (DIA) paying the upkeep of status Indians in OTSG.<sup>28</sup> This did not stop some bureaucratic bickering over who *was* an Indian; in one case, the parsimonious province tried to argue that the daughter of a status mother who had moved off the reserve to live with another man had forfeited her Indian status.<sup>29</sup>

The increasing number of First Nation girls sent to training school also reflected governments' new interest in integrating Native peoples into the heart of the welfare state. Addressing the Senate and House of Commons Committee on Indian Affairs in 1947–48, the Canadian Welfare Council and the Canadian Association of Social Workers called for an end to "discriminatory practices" and the extension of provincial social services, such as education and health, to Indians, "thus effecting the full assimilation of Indians to Canadian life."<sup>30</sup> Child welfare services were emphasized, as they were in much social work discourse aiming to reform the marginal, as social workers pleaded for the right to help Native communities deal with problems such as delinquency. "Indian juvenile delinquents, apprehended off the reserve," they lamented, "were in most cases returned forthwith

26. AO, OTSG case file 840, 1940s.

27. Training schools were overcrowded because some were lent to the federal government for military use, and they were then relocated in smaller quarters. OTSG had to move from its home in Galt to smaller buildings in Cobourg, Ontario. The Board did repeat this recommendation in the 1950s, even after OTSG returned to its own quarters. Ontario, *Annual Report on Training Schools*, Report of Training School Advisory Board, 1940, 1943, 1944 (for Whitton's recommendation that both "defectives" and "Indians" be placed in different institutions) and 1955.

28. In fact, this had been happening on an informal basis before then.

29. AO, OTSG case file 1929, 1950s. This, of course, was linked to the Indian Act and its attempts to designate and regulate Native identity according to the colonizer's gender norms. Jamieson, *Indian Women and the Law*; Winona Stevenson, "Colonialism and First Nations Women in Canada," in *Scratching the Surface*, 49–82.

30. Maysie Rogers, "Indian Affairs," *Canadian Welfare*, 1 March 1951, 18.

without any attempt being made for their treatment and reform.”<sup>31</sup> Framed within a liberal rhetoric of rights and citizenship, these pleas for the equal “protection” of Indian children just like “white children” had results. In 1955, the Ontario government agreed to extend Children’s Aid Society (CAS) services to Native peoples across the province,<sup>32</sup> and social workers were also increasingly deployed by the federal department to service reserve communities. Even though a federal report of the late 1960s conceded the problems that had ensued, including Indian antagonism to “adopting out,” it deemed these problems not entirely “unique” to Indians, urging even further integration into the Canadian welfare state.<sup>33</sup>

The pressure put on governments by social workers after World War II reflected new interest in their research and practice with the First Nations. Social workers assumed that the “cultural backwardness” characteristic of reserve inhabitants resembled the backwardness of “lumpen” families and that both could be altered with education, material aid, and character reformation. Long concerned with aiding and resocializing the poor and working classes, social work practice now grafted existing priorities and methods onto their work with Native communities. Delinquent Indian girls, noted one 1949 study, were a “welfare as much as a juvenile delinquency” problem, with their “antisocial behaviour,” like that of white girls, often emanating from inadequate family life. Indeed, it was argued that there were “universal causes” of delinquency, regardless of race: “neglect, unhappiness, ignorance and poverty.”<sup>34</sup>

Social workers stressed the social and environmental causes of Native delinquency; one prominent Canadian social worker argued that poverty, disease, and even “supposed character traits such as indolence and shiftlessness” among Indians were likely caused by malnutrition. Another study pointed critically to the racial “prejudice” against Indians and their “low standard of living,” especially the poverty and disease plaguing reserves. Criticisms of residential schools and indictments of federal Indian policy as “disastrous,” with “few benefits” for Natives, were fairly bold for the time. However, some social work studies clearly had trouble shedding an underlying cultural condescension toward Native peoples.<sup>35</sup> The conflicts

31. Joint Committee of the Senate and House of Commons, 1946–48, quoted in H. B. Hawthorn, *A Survey of the Indians of Canada* (Ottawa: Indian Affairs Branch, 1967), pt. 1, 326.

32. Some CAS services did cover Native communities, but this was not uniform. Ibid, 327.

33. Hawthorn, *A Survey*, 329.

34. Mary Woodward, “Juvenile Delinquency among Indian Girls” (M.A. thesis, University of British Columbia, 1949), 3, 12.

35. Peggy Pascoe argues that nineteenth-century “biological” or “scientific” racism was challenged in social science and legal discourses after the 1920s by those who argued that



and wrongs occasioned by colonial contact, it was suggested, had created disintegrating Native cultures, with no moral compass. They are not "inferior," said one social worker, but their customs, somewhat "childish and savage," were destroyed by missionaries who offered little in return, save a religion "too abstract for them to grasp." Her conclusion that Indians were "backward, yes" but it was "more environment than native intelligence"<sup>36</sup> summed up this paternalistic posture, a perspective not unlike some of the contemporary anthropological studies of Aboriginal peoples that also stressed family disintegration and social dislocation.<sup>37</sup>

Illegitimate pregnancies were deemed a common sign of delinquency for both white and Native girls, and it was assumed that they produced similar, dysfunctional outcomes. While conceding that, in some Indian communities, a more "permissive and accepting" attitude resulted in the integration of these children into extended families, one American study claimed that illegitimacy was still seen with a measure of disapproval, that absent fathers resulted in the abrogation of "wholesome" family relations and the "normal psycho-social development" of the child.<sup>38</sup> Both educators and the federal government had for some time urged lessons in sexual purity for Native girls, to be integrated into their overall training for domesticity. Just as poor and working-class girls were equated with the concept of sex delinquency, Native girls were presumed to need moral protection and surveillance to curb their amoral inclinations.<sup>39</sup> These protectionist

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"culture," not race, was all important. However, these theories laid the basis for a new "modernist ideology" that reinscribed racism in new ways. Peggy Pascoe, "Miscegenation Law, Court Cases, and Ideologies of 'Race' in Twentieth-Century America," in *Sex, Love, Race: Crossing Boundaries in North American History*, ed. Martha Hodes (New York: New York University Press, 1999), 464–90.

36. Woodward, "Juvenile Delinquency," 12, 18.

37. Vestiges of "biological racism" did linger on. "Anne is dark skinned and shows her racial characteristics," wrote one penal worker; "she is childish, likes to play with dolls and be outside." AO, OTSG file 875, 1940s. (Dolls were undoubtedly related to her youth.) Some anthropological studies of this period reinforced similar assumptions; they noted that acculturation of Natives had led to distant parents and more "passive" children, that communities were in a state of disintegration, and that patterns of illegitimacy prevailed despite norms to the contrary. John Honigmann, "Social Disintegration in Five Northern Communities," *Canadian Review of Sociology and Anthropology* 2 (1965): 199–214; Philip Bock, "Patterns of Illegitimacy on a Canadian Indian Reserve: 1860–1960," *Journal of Marriage and the Family* 126 (May 1964): 143–48; Stephen Boggs, "Culture Change and the Personality of Ojibwa Children," *American Anthropologist* 60 (1958): 47–52.

38. Stella Hostbjoer, "Social Services to the Indian Unmarried Mother," *Child Welfare* (May 1961): 7–9.

39. On working-class girls and sex delinquency, see Indiana Matters, "Sinners or Sinned Against? Historical Aspects of Female Juvenile Delinquency in British Columbia," in *Not Just Pin Money: Selected Essays on the History of Women's Work in British Columbia*, ed.

concerns were taken up by the new cadre of CAS and reserve social workers. Their worries were sometimes grounded in the very real material and social vulnerability of Native girls. Social workers objected, for instance, when impoverished and underage Native girls were taken in and used by an older white man,<sup>40</sup> and in some cases, Native girls, aided by female relatives, complained to federal authorities about sexual abuse by Native men in their communities.<sup>41</sup> The problem, not unknown to historians of working-class women, was that a desire to protect could easily slide into condescending or coercive surveillance.

Often, the failure of Native parents to discipline their children forcefully was cited as evidence of familial and cultural inadequacies leading to delinquency. They are "fond of children," admitted one social worker, "but apathetic about their training and discipline."<sup>42</sup> Indian agents agreed that "parental laxity," including turning a blind eye to truancy, led to "no sense of responsibility and discipline" for Native girls.<sup>43</sup> In 1953, a social worker implored the federal Indian Affairs Department to fund a nursery school on her reserve as an antidote to delinquency, as children were left "to their own devices" after they were only a year old, with bad behavior unchecked. "The parents," she claimed, "are [later] asking the RCMP, the nurse and Agent for help, but the [bad] habits are already ingrained."<sup>44</sup> Native parents, however, may have seen this differently. As Dr. Clare Brant, a Mohawk psychiatrist later wrote, many Native cultures eschewed interventionist discipline, allowing a large measure of choice and independence for

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Barbara Latham and Roberta Pazdro (Victoria: Camosun College, 1984), 265–77; Alexander, *The Girl Problem*. Claims that promiscuous or amoral sexuality in Native cultures had to be abolished for the sake of "civilization" had been voiced since the nineteenth century: Barman, "Taming Aboriginal Sexuality"; Katherine M. B. Osburn, "To Build Up the Morals of the Tribe: Southern Ute Women's Sexual Behaviour and the Office of Indian Affairs, 1895–1932," *Journal of Women's History* 9.3 (1997): 11–26; Sarah Carter, "Categories and Terrains of Exclusion: Constructing the 'Indian' Woman in the Early Settlement Era in Western Canada," *Great Plains Quarterly* 13.3 (1993): 147–61. For a more international analysis of the anthropological gaze on indigenous women, see Sharon Tiffany and Kathleen Adams, *The Wild Woman: An Inquiry into the Anthropology of an Idea* (Cambridge, Mass.: Schenkman Publishing Company, 1985).

40. National Archives of Canada (NAC), RG 10 (Dept. of Indian Affairs, or DIA), vol. 8464, file 901/23–21, pt. 2, "Social Workers Report, Nov. 1954, B. C." My thanks to Jessa Chapuk-Hall for showing me this reference.

41. NAC, RG 10, vol. 100680, file 43 18–16. Indian Agent for Nipissing to DIA, c. 1948.

42. Mary Woodward, "Juvenile Delinquency."

43. NAC, RG 10, DIA, vol. 10721, file 484, 18–28. Letter from Chapleau Agency to Mercer Superintendent, 22 Aug. 1966.

44. NAC, RG 10, vol. 6938, file 471/29–24, pt. 3, Helen Martins, Report for Southern Ontario, Aug. 1953.

youth. Discipline was not imposed through parental coercion or external control as much as through "indirect" learning, exposure to community controls, or rituals.<sup>45</sup>

Social workers and Indian agents, however, often saw their own white, middle-class, and Euro-Canadian child-rearing norms as superior. (Ironically, these sanctioned physical punishment, though Native families generally did not.) Both social work organizations and reform groups like the Elizabeth Fry Society, which also lobbied for "social citizenship" for Native peoples, believed integration into the welfare state would counter racial discrimination and offer Native peoples equal opportunities. A few voices also suggested that assimilation should not erase a distinct Indian identity, foreshadowing later calls for a "cultural mosaic," but social work practice generally (and government policy certainly) presumed a long-term goal of assimilation, designed to make Indians equal to, but exactly the same as, other Canadians.<sup>46</sup> Similar trends were evident in the U.S.; a 1956 Senate report on juvenile delinquency claimed that poverty and living conditions bred high levels of Indian delinquency but saw these problems as the "birth pangs of assimilation" faced by every "Americanizing" group, which would be overcome with new opportunities and "integration" into society.<sup>47</sup> Despite their well-intentioned liberalism, these advocates did not question the professional self-interest and cultural superiority often underlying their definition of, and solution for, "the Indian problem."<sup>48</sup>

### Sentencing

The sentencing reports of First Nations girls bore strong similarities to those of other OTSG inmates: the girls were considered high risk teens because of sex, running away, truancy, disobedience, alcohol use, and, to a lesser extent, theft. Moreover, their families were often deemed morally or financially unable to care for them. Native families were sometimes excused for

45. Clare Brant, "Native Ethics and Rules of Behaviour," *Canadian Journal of Psychiatry* 35 (1990): 534–39.

46. Maysie Rogers suggested that assimilation could mean equality but not the disappearance of Indians' "special characteristics." See Rogers, "Indian Affairs," 21. Rogers also suggested that treaties needed to be respected and discriminatory attitudes of Canadians altered. Such views began to appear more in the 1960s.

47. U.S. Senate Committee on the Judiciary, "Report on Juvenile Delinquency Among the Indians" (Washington, 1956), 8.

48. Rogers, "Indian Affairs," 23. By the mid-1960s, social work writing is starting to stress community development and the need to involve Native peoples in the delivery of social services. See "Indian and Métis Conference," *Canadian Welfare* (March–April, 1963): 124.

producing delinquent daughters because they were unaware of the wider community's moral standards. One magistrate paternalistically informed two parents that "had they been white, there might have been a charge of contributing to juvenile delinquency laid against them." Presumably, they escaped because they knew so little about controlling their children.<sup>49</sup> Native girls, claimed an Ontario government official, were really "unmoral rather than immoral." They were childish, naive, and ignorant; therefore it was a "good thing to have them in protective custody up to the age of marriage or 18 whichever is earliest."<sup>50</sup> Poverty and a lack of privacy, it was also claimed, resulted in the visibility of adult sexual encounters, which produced sexual immorality in children. It was an all-too-familiar argument, used to scapegoat the urban poor and "pathological" families for problems of incest and violence.<sup>51</sup>

To police and court officials especially, Native parents appeared to be apathetic and irresponsible—the very same criticisms they often had of poor, white girls' parents. In court, Native parents might concede that they had problems with their daughters but then offered contradictory responses when asked if they could "manage" them.<sup>52</sup> These parents may have meant they *could* control them, but they chose not to. Their responses were certain to disappoint judges who were looking for declarations of more, not less, discipline. One father agreed that his daughter should "go to school" and, when asked about her drinking, simply responded "I don't give it to her." "Why don't you punish her?" demanded the judge. The father's response was a "hands off" one: "Well, I can't do anything else other than tell her to go to school. If she does not want to listen to me, what can I do?"<sup>53</sup>

Their responses also reveal the very real burdens of work, family care, and poverty—common in many inmates' files—that limited the ability of parents to control their daughters' conduct.<sup>54</sup> Parents with transient, inse-

49. NAC, RG 10, DIA, vol. 11437, file 494, 18–4. Letter of Indian Agent Swartman to Cannon Sanderson, Red Lake, Ontario, 1950s.

50. AO, RG 20, container 46, Director of Psychology and Neurology to the Minister, 11 Feb. 1958.

51. Dorothy Chunn, "Secrets and Lies: The Criminalization of Incest and the (Re)formation of the 'Private' in British Columbia, 1890–1940," paper presented at Canadian Law and Society Association, St. Johns, June 1997; Joan Sangster, "Masking and Unmasking the Sexual Abuse of Children: Violence against Children in the 'Badlands' of Ontario, 1916–30," *Journal of Family History* 25.4 (2000): 504–26.

52. AO, OTSG case file 2353, 1950s.

53. Ibid.

54. On the material and social context of criminalization, and similar examples to these of non-Native girls, see Joan Sangster, "Girls in Conflict with the Law: Exploring the Construction of Female 'Delinquency' in Ontario, 1940–60," *Canadian Journal of Women and the Law* 12.1 (2000): 24–25.

cure work lives were not able to oversee daughters' school attendance; when a young girl, whose Native parents worked in southern Ontario tobacco fields, broke her first probation rules, remaining truant, she was sent to OTSG despite her parents desire to keep her at home. Similarly, a mother confronted by a judge about her inadequate discipline seemed puzzled as to why she would physically restrain her daughter from wandering through the reserve, and added practically, "I can't go looking for her when I have many other children to look after."<sup>55</sup> In sentencing, families themselves were often used as evidence against girls; their relatives' arrests for alcohol use, criminal records, illegitimacy, or sexual "immorality" in the family all indicted the girl and were rationalizations for *her* incarceration. Indeed, sexual promiscuity especially was seen as contagious, passed on from other female relatives, with girls imitating their sisters and mothers.<sup>56</sup>

In keeping with patterns of juvenile justice across North America, girls' sexual promiscuity was a central concern of the courts and a major reason that judges resorted to closed custody sentences. Sexual misconduct might become *the* central issue, no matter what the original charge or concern of the Indian agent, CAS, police, or the family.<sup>57</sup> One Native orphan who had been placed in a residential school and who was engaged in petty theft from other schoolmates was sent to OTSG for "her own protection," not only to curb her stealing but also because she had "run away with a man and spent the night in his cabin."<sup>58</sup> Insinuation, gossip, and the suspicions of those like Indian agents intent on regulating reserve morality were enough evidence for a magistrate or judge to proscribe training school. One fifteen year old was accused by her mother of refusing "[to] obey . . . she leaves for late nights and sometimes does not come home at all." Her Indian agent

55. AO, OTSG case file 1666, 1950s.

56. This perception was very common for many OTSG girls; immoral mothers in particular (i.e., those who had affairs, sometimes even those who lived in common-law marriages) were seen as potentially infecting their daughters.

57. If the charge was "incorrigibility" under the Training School Act, the committal usually detailed one or more precise problems. Efforts at sexual containment were central to the use of delinquency laws, and the project of girls training schools in this era. Sangster, "Girls in Conflict with the Law"; Tamara Myers, "The Voluntary Delinquent," *Canadian Historical Review* 80.2 (1999): 242–68; Franca Iacovetta, "Parents, Daughters, and Family Court Intrusions into Working-Class Life," in *On the Case: Explorations in Social History*, ed. Franca Iacovetta and Wendy Mitchinson (Toronto: University of Toronto Press, 1998), 312–37. Theft was only a concern in a minority of cases. This stands in contrast to the study of a mixed-race girls reform school in South Africa where African girls were more likely to be policed for theft, white girls for sexual immorality. Linda Chisholm, "Gender and Deviance in South African Industrial Schools and Reformatories for Girls, 1911–34," in *Women and Gender in South Africa to 1945*, ed. Cheryl Walker (Cape Town: David Philip, 1990), 293–312.

58. AO, OTSG case file 1647, 1950s.

testified that she had “bad school attendance,” but perhaps his most damning statement was that she was “also found in a cabin with a man.”<sup>59</sup> Court personnel were concerned with how much sexual intercourse had taken place, when, and with whom; multiple or inappropriate partners (older married men, strangers) and a lack of sense of guilt were indications of the need for the girl’s retraining in sexual values.

Along with sexual immorality, the outright refusal of girls to accept rules set by parents, teachers, or Indian agents (who also sometimes acted as probation officers) influenced the judge’s decision to incarcerate. In distinction to white youth, however, Native girls more likely to encounter surveillance and punishment for underage drinking, in part because promiscuity was assumed to be the inevitable outcome of intoxication. Alcohol consumption was a concern of the police, Indian agents, and sometimes community members near reserves who wanted Native youth controlled, though occasionally Native parents also worried that their daughters were falling into bad drinking patterns. Reflecting a prevailing stereotype of Natives prone to alcoholism, one judge sentenced a girl, arrested only once, to training school, noting “she has to be protected from alcoholism, if she is drinking at fourteen.”<sup>60</sup> The Ontario government official, who privately noted that communities close to reserves wanted to “get rid of” Native youths who were drinking, provides one reason for increased incarceration of Native girls in this era.<sup>61</sup>

In Canada and the U.S., working-class and poor families sometimes participated in the criminalization of “delinquent daughters” who refused to contribute to the family economy, obey rules, or were deemed to be out of sexual control.<sup>62</sup> Some Native families also asked police, court, or federal Indian authorities to intervene when daughters misbehaved. “I cannot control her, she will not listen to direction,” testified one distraught grand-

59. AO, OTSG case file 2272, 1950s.

60. As current authors note, the stereotype of Native peoples as alcoholics still has an effect on court cases involving women. See Teresa Nahanee, “Sexual Assault of Inuit Females: A Comment on ‘Cultural Bias,’” in *Confronting Sexual Assault: A Decade of Legal and Social Change*, ed. Julian Roberts and Renate M. Mohr (Toronto: University of Toronto Press, 1994), 192–204.

61. AO, RG 20, container 47, Memo of Director of Psychology and Neurology for the Minister, 11 Feb. 1958. This memo also indicates that the province was well aware of over-incarceration: “we have long been aware that [OTSG] . . . contains a disproportionate number of Indian and part Indians, most committed to protect them against our civilization, but some . . . have a high nuisance value in communities bordering on Reserves and they are committed to our Department to get rid of them.”

62. Odem, *Delinquent Daughters*; Joan Sangster, “Incarcerating ‘Bad Girls’: The Regulation of Sexuality Through the Female Refuges Act in Ontario, 1920–45,” *Journal of the History of Sexuality* 7.2 (October 1996): 239–75.



mother in court after her granddaughter was arrested on alcohol charges.<sup>63</sup> Two other parents claimed they wanted their daughter, who had run away and been arrested with a prostitute, sent away to "Indian school," though their wishes were disregarded and the judge opted for training school instead.<sup>64</sup> Like many respectable working-class families, Native ones frowned on youthful sexual relations outside of marriage and generally endorsed marital monogamy, though extended kin networks, especially on reserves, would also adopt illegitimate children.<sup>65</sup>

Tensions and power struggles within these families were exacerbated not only by the precarious if not impoverished conditions of living but also by ill health, alcohol use, violence, and by the transience or desertion of some family members.<sup>66</sup> But girls who told the authorities of violence perpetrated against them by family members or strangers were viewed skeptically, especially if their own conflicts with the law involved any insinuations of promiscuity. When one girl claimed that her brother-in-law raped her, it was dismissed as consensual sex by the authorities. Another young teen from Northern Ontario went to the police after she was raped by a group of men but was disbelieved, simply because she later admitted that she knew the men and because she refused a medical exam.<sup>67</sup>

A few Native girls, unhappy with their families or their lives, self-sentenced, asking to be sent away, no matter where. One girl arrested because of "late nights, drinking and intercourse with boys," declared in court that there was a "man at her aunt's who she does not like" and told the judge "just send me to Training School and I'll go."<sup>68</sup> Another girl said she confronted "strapping" at residential school and did not want to return there,

63. AO, OTSG case file 525, 1940s.

64. AO, OTSG case file 840, 1940s.

65. Native peoples might also engage in customary marriages, rather than Christian ones, though these also tended to stress monogamous commitment. For some discussion of accommodation to Christian ideas concerning sexuality and marriage, see Barman, "Taming Aboriginal Sexuality"; Sally Weaver, "The Iroquois: The Consolidation of the Grand River Reserve in the Mid-Nineteenth Century," and "The Iroquois: The Grand River Reserve, 1875–1945," in *Aboriginal Ontario: Historical Perspectives on the First Nations*, ed. Edward Rogers and Donald Smith (Toronto: Dundurn Press, 1994), 213–57; Peter Schmaltz, *The Ojibwa of Southern Ontario* (Toronto: University of Toronto Press, 1996); Anastasia M. Shkilnyk, *A Poison Stronger than Love: The Destruction of an Ojibwa Community* (New Haven: Yale University Press, 1985); Regina Flannery, *Ellen Smallboy: Glimpses of a Cree Woman's Life* (Montreal: McGill-Queens University Press, 1995); Edward Rogers, *The Round Lake Ojibwa* (Toronto: Royal Ontario Museum, 1962).

66. In almost one quarter of the First Nations cases in OTSG, the girls made direct claims that they were sexually assaulted by nonfamily or family members. In another four cases, more indirect references were made to violence or abuse existing within the family.

67. AO, OTSG case file 2115, 1950s.

68. AO, OTSG case file 1595, 1950s.

but she also declared that she wanted to be sent “a million miles away” from her mother, who she claimed abused the younger children in the family.<sup>69</sup> More often, parents complained about their daughters. Even if Native child-rearing practices were traditionally less coercive, some parents, whether more acculturated or simply overwhelmed with worries, drew outside authorities into their attempts to regulate their daughters’ conduct. Indeed, this was part of a longer tradition of First Nations selectively using Euro-Canadian law and the Indian agent to deal with perceived problems within their communities.<sup>70</sup>

In a classic case involving familial power struggles, one teen fought for independence from the authority and discipline of her guardian grandmother. Almost sixteen, Patricia was taken in by grandparents after her widowed father left the home; the grandmother alleged that he had a drinking problem and had deserted his two remaining daughters. Patricia had already been enjoying considerable independence, as she had left school at thirteen to look after her father’s household, and he was frequently absent. After she moved to her grandmother’s, she went to work as a babysitter for a local teacher, but the teacher discharged her, claiming Patricia was sleeping on the job (which Patricia did not deny). But it was her grandmother who pushed the issue into the Family Court, complaining that she “had heard that [Patricia] drinks” and, more important, that she “stays out all hours [even] overnight” refusing to say who she was with. The fact that men in cars drove up to the house and honked to lure Patricia out seemed to symbolize to the grandmother the lack of sexual respectability and dangerous independence that her granddaughter had assumed.

Once the Family Court was involved, Patricia was on more precarious ground. The probation officer wrested out of her the damning facts that she once had intercourse with a seventeen year old and that she drank beer. Judge Kinnear offered a three-week reprieve, with a strict curfew. Given the antagonism between grandmother and granddaughter, the curfew was bound to fail. At her second court appearance, Patricia admitted to staying out all night at a friend’s (though she was with her older brother) and the grandmother testified eagerly about her missed curfews. Patricia was sent to OTSG despite her desperate pleas to the contrary and her brother’s of-

69. AO, OTSG case file 265, 1930s.

70. Loo, “Tonto’s Due.” See also Robin Brownlie, “A Fatherly Eye: Two Indian Agents on Georgian Bay, 1918–39” (Ph.D. diss., University of Toronto, 1996), and on political integration, Menno Boldt, *Surviving as Indians: The Challenge of Self-Government* (Toronto: University of Toronto Press, 1993). For a related view of American Tribal Courts, see Frederick Hoxie, “Towards a ‘New’ North American Indian Legal History,” *Symposium on Contemporary and Historical Issues in Legal Pluralism: Prairie and Northern Canada*, November 1992 (Faculty of Law, University of Manitoba, Winnipeg), 7.



fer to pay his army salary to Patricia so she could go back to their father's house and live by herself.

At every turn, Patricia resented her grandmother's control, which was hardly surprising, as she had already exercised considerable independence at a young age. Aided by her lawyer, she defended her own actions and explained that she and her grandmother could not see eye to eye on any issue, including religion, as she refused to go to her grandmother's evangelical church. Indeed, this one reference to the grandmother's religious affiliation may well explain the grandmother's actions. The Juvenile Court, however much it claimed to defend children's interests, usually placed more stock in adults' testimony. The judge's closing remarks could have been made at countless trials of girls in the 1950s: "You have brought this on yourself by not following orders. . . . do you not see what you are doing to your grandmother? . . . you only live for yourself. You don't have any notion of discipline. Intercourse with one boy might be the beginning of very improper conduct . . . leading you into real trouble and sorrow. You are redeemable . . . but we will send you to Training School."<sup>71</sup> Not all family members were so firmly committed to exerting control as was Patricia's grandmother, but families did initiate complaints or testify against daughters in about one third of the cases I examined. Far fewer wanted the girl removed to training school, but once in court, the process often moved very quickly beyond their control.<sup>72</sup>

A small number of Native girls in OTSG had already been removed from their families into foster care, or had attended a residential school, and the latter could provoke alienation and anger in young girls. One girl sent to OTSG in 1939 explained that in "Indian school" they had told her she could take a bath for ten minutes, but "after 5 minutes, they came and strapped her." She hit back and continued to do so when the principal came to strap

71. AO, OTSG case file 1694, 1950s. It is difficult to know how important the issue of religion was since there was only a passing reference to it: "the grandmother is with the Church of Jesus Christ . . . P is interested in another mission and also wanted to attend a Longhouse wake."

72. This dilemma connects to contemporary controversies concerning the criminal justice system and violence within Native families. Some Native women have advocated "healing [rather than] the adversarial process" of (Euro-Canadian) courts to deal with domestic violence. They recognize the need to place violence within a context of racism and colonialism but do not wish to "excuse" men's use of violence, which the courts sometimes do. See Ontario Native Women's Association, *Breaking Free: a proposal for change to aboriginal family violence* (Thunder Bay: Ontario Native Women's Association, 1989); Jennifer Koshan, "The Sounds of Silence: The Public/Private Dichotomy, Violence, and Aboriginal Women," in *Challenging the Public/Private Divide: Feminism, Law and Public Policy*, ed. Susan Boyd (Toronto: University of Toronto Press, 1997): 87–109; Nahanee, "Sexual Assault of Innuit Females," 192–204.

her. The violence she encountered at residential school resurfaced in her actions when she returned home. Her mother began to complain to the authorities that “she could not control her,” and the police became involved.<sup>73</sup> After government policies facilitated the admission of status Indian girls to training schools in the 1940s, some residential school principals tried to send girls considered discipline problems to them, claiming residential schools were never meant to be correctional institutions. Yet, the punishment at most residential schools was as harsh as, if not harsher than, at OTSG, and the only reason some girls preferred to be sent to “Indian school” was to be “with their friends,” thus escaping the more total linguistic and cultural isolation of OTSG.<sup>74</sup>

The sentencing of Native girls thus bore similarities to sentencing of other girls in OTSG, particularly the language of protection from bad influences used to justify the girl’s isolation from family and community. However, the decision to incarcerate Native girls also reflected anxieties about their “primitiveness” that exposed deep-seated denigrations based on race. Native girls were slightly younger than non-Native ones on admission, and the majority were originally reserve inhabitants.<sup>75</sup> Native families involved in hunting and trapping for subsistence were seen as especially problematic because the parents were more transient, sometimes leaving children alone to look after themselves, or because they lived “in the Indian fashion”<sup>76</sup> in a tent part of the year. Indeed, the whole reserve environment was seen as retrograde and problematic, encouraging cultural backwardness. Positive aspects of reserve life, such as the collective concern expressed for children or the community’s sharing of meagre resources,<sup>77</sup> were sometimes noted by the Indian agent or probation officer, but they were overshadowed by the view that children were neglected and undisciplined. An image of lawlessness and excessive drinking characterized many committal and probation reports of girls from Reserves. As one probation officer noted, “her behaviour is common for the Reserve . . . she is out late on weekends, and may not return home for a day or two.”<sup>78</sup> Girls might reasonably explain that they were simply traveling around the re-

73. AO, OTSG case file 265, 1930s.

74. AO, OTSG case file 2105, 1950s.

75. The average age of entry was fourteen for Native girls, fifteen for non-Native. At least 60 percent of the OTSG First Nations girls had reserve origins or connections.

76. AO, OTSG case file 1886, 1950s.

77. Often, what could be seen as a virtue is interpreted as a vice. For example, one probation report complained that a Native girl was not learning the value of saving her earnings, as “the family pools their money” and the wider sharing of resources meant that there was “always someone being helped.” AO, OTSG case file 2050, 1950s.

78. AO, OTSG case file 2076, 1950s.

serve, staying with various friends or relatives—understandable in such small, contained communities—but this was ignored. Police often testified that reserve youth were hard to control and that the mere sight of a cruiser led them to "hit the bush," a response one can perhaps appreciate.<sup>79</sup> The reserve environment, legal authorities believed, hindered the cultivation of a work ethic in children. "As with the custom of the Indian," noted a probation worker, "Mary works for a few days or weeks, then takes a holiday until she needs money again, or is ready to return to work."<sup>80</sup>

Once before a court, some Native girls were also given little chance to redeem themselves on probation. A fourteen-year-old Haudenosaunee girl, Anne, was arrested for drinking underage in a car. Her sole support father was urged by the police to lay a summons against her. Once in court, the RCMP testified that she was not adequately supervised in the home, a claim certain to influence a judge's decision to send her away—which he did. Such rapid incarceration was undoubtedly facilitated by the racist notion that Native girls, with laxer morals and less will power, required immediate protection. However, reserve girls also came up before rural, or smaller city courts that lacked the sophisticated probation system of large cities like Hamilton or Toronto. The result was "justice by geography," with girls offered fewer options or chances before incarceration. This was made painfully clear in the case of a Cree girl from the North who was at residential school but was deemed a problem because of truancy and staying out at night; her claims that she was raped when on the streets, however, had been viewed skeptically. Because her single parent father was working in the bush, and with few foster care options nearby, she was immediately sent to OTSG, despite a warning from the residential school principal that the father would probably prefer she was sent to him.<sup>81</sup> Although this period saw growing urbanization of Native peoples, as resource development altered the North and families moved into both northern and more southerly cities, the majority of Native peoples still lived on reserves.<sup>82</sup> Likewise, over half of the OTSG Native girls were from reserves; about one third of those were Ojibwa/Cree from the "far north" while many others came from south-western Ontario or close to Lake Huron, where both Six Nations and Ojib-

79. AO, OTSG case file 1666, 1950s.

80. AO, OTSG case file 1555, 1950s.

81. AO, OTSG case file 2115, 1950s. In this case Indian Affairs was not even given an adequate chance to find alternative care for her before she was committed.

82. James Frideres, *Native Peoples in Canada: Contemporary Conflicts* (Scarborough: Prentice Hall, 1993), 148–52. In 1966, 69 percent of Ontario Native peoples still lived on reserves, 30 percent of Indian bands were in "remote" areas, and 45 per cent in rural areas.

wa reserves had been established since the eighteenth and nineteenth centuries. Few came from cities like Toronto or Hamilton.<sup>83</sup>

Like their mothers, girls who did come from reserves were also subject to an extra layer of surveillance from the federal Indian agent who monitored their truancy, alcohol consumption, sexual “immorality,” and illegitimacy in their families. Indeed, there were similarities with adult Native women whose increasing incarceration during this period in Ontario’s Mercer Reformatory for Females reflected the intensified material and social dislocations occasioned by colonialism, particularly in previously isolated areas now open to development, as well as increased urbanization, the racist suppositions of court, penal, and police personnel, and the cultural dissonance between Native and non-Native cultures.<sup>84</sup>

### Culture Clashes

The most trying traumas for Native girls came not in the courtroom but within the walls of the training school, and it was here that the nation-building project of managing the marginal assumed distinct patterns for Native and non-Native girls. Ontario government bureaucrats had warned early on that “it might not be a good idea for us to take Indians,”<sup>85</sup> as reform schools could not deal with children from different cultures. They were correct. In the case of Anne, the girl sent to OTSG after one alcohol offense, the psychiatrist who examined her said he found “nothing really wrong with her except that she was homesick”; he even criticized the judge’s sentence (which doctors rarely did), saying “one would consider this [one offense] a questionable reason for sending a girl to reform school.”<sup>86</sup> Once incarcerated in the training school, however, the real trouble began, as Anne rebelled against the strict regime. The OTSG superintendent noted criti-

83. Because of the small sample used from OTSG (and the necessity of keeping all inmates’ identities confidential), I do not believe it is useful to detail the exact reserves girls came from. Also, a girl may be listed as a status member of a northern band but be arrested in a northern city, so that it is not clear when she left the reserve. The girls came from the major First Nations located in Ontario, but geographically, there were fewer from eastern Ontario and few from large cities like Toronto and Hamilton.

84. Joan Sangster, “Criminalizing the Colonized: Ontario Native Women Confront the Criminal Justice System, 1920–60,” *Canadian Historical Review* 80.1 (March 1999): 32–60. In three of the OTSG cases of First Nations girls, it is clear the Indian agent initiated the charge; in one case he supported it strongly. In other cases, he was sometimes called on to testify.

85. AO, OTSG case file 875, 1940s.

86. AO, OTSG case file 2085, 1950s.

cally of Anne that she was withdrawn and "seems to wish to stick to her own culture."<sup>87</sup> For many Native girls, however, sticking to their own culture was their *only* defense in an regime designed to alter, indeed assault, their very inner being.

Psychologists and doctors admitted that depression was sometimes the result of the "tension of living in OTSG" for Native girls, especially those from the more remote North.<sup>88</sup> The OTSG superintendents, particularly the one who took over in 1952, repeatedly objected to Native girls' admissions: "Indian girls are a problem in the school. Their cultural patterns are not understood and they appear unreachable."<sup>89</sup> Her reluctance to take these girls, however, came not from any respect for Native cultures but from a feeling of white supremacy and her certainty that Native cultural patterns were inferior and unalterable. Nor were other students immune to racist ideas, as Native girls whose first language was not English were sometimes mocked by their fellow students. A thirteen year old raised in the North by her Cree-speaking grandmother confided to the medical examiner that "she was unhappy in the school and says the other girls tease her about her accent."<sup>90</sup>

The culture clash recognized even by penal workers at the time has been reinterpreted in more recent medical writing by experts like Mohawk psychiatrist Dr. Clare Brant. Combining his mainstream and Freudian psychiatric training with the writings of anthropologists and his own experience as a Native medical practitioner,<sup>91</sup> Brant developed theories delineating how the process of "identity creation and [psychological] rapprochement"<sup>92</sup> took on distinctive contours in Native (primarily Ojibwa/Cree and Mohawk)

87. Ibid.

88. Given the high numbers of cases originating in the far north, the claim that girls were "lonesome for [their own] people" was common. See NAC, RG 10, vol. 11438, file 494/18-28, pt. 2, Letter from Probation Officer in Toronto to Superintendent of Sioux Lookout Agency, 1962.

89. AO, OTSG case file 1647, 1950s.

90. AO, OTSG case file 2170, 1950s.

91. Clare Brant's training was in mainstream psychiatry, and so, for instance, he accepts some prevailing definitions of delinquency, such as the equation of illegitimate pregnancies with girls' delinquency. But Brant also developed new theories, based on his own medical and political experiences. He was influenced by his wide reading of anthropological literature, including anthropologists such as Rosalie Wax and Robert Thomas, "American Indians and White People," *Phylon* 22.4 (1961): 305-17. His writing, and some of the articles he used, were deposited in the Trent University Archives after his death in 1995. The writing was collected in an unpublished manuscript: Trent University Archives (TUA), Clare Brant, *Collection of Chapters, Lectures, Workshops and Thoughts*. Brant also influenced the writing of Rupert Ross, *Dancing with a Ghost* and *Returning to the Teaching: Exploring Aboriginal Justice* (Toronto: Penguin, 1996).

92. TUA, Brant, *Collection*. Clare Brant and P. G. R. Patterson, "Native Child Rearing Practices, Their Role in Mental Health," unpublished paper, 108.

cultures.<sup>93</sup> Emotional restraint and noninterference, Brant argued, were key values conveyed in Native child rearing: "Gratitude and approval are rarely verbalized . . . joyfulness and enthusiasm [may be] repressed along with anger." When these values clash with other child-rearing practices, he continued, the result may be "paralysis and frustration" for the child.<sup>94</sup>

When medical experts examine Native children, Brant continues, they often find them "passive, difficult to assess and not forthcoming. . . . this behaviour is often misinterpreted by clinicians unfamiliar with [their] culture as evidence of psychopathology. [such passivity] . . . reflects patterns of conflict suppression, conflict projection and the humiliating superego . . . [which were] techniques of ensuring group unity and cohesion. Failure to recognize and understand such cultural influences can . . . turn what was intended as a helpful encounter into a destructive one."<sup>95</sup> The emphasis in many Native communities on teasing, shaming, and ridicule for community control, Brant also believed, could produce children with a "humiliating superego," that is, fearful of criticism, to the point of retreating, "avoiding trying anything new or apologizing for error."<sup>96</sup> Furthermore, the contradictory and dominating values of the colonizing "white culture" would only accentuate children's weak sense of self-esteem. Brant's fears in this regard were confirmed in studies done in the 1970s, influenced by research on Afro-American racial identification. They showed that Canadian Indian children, located in a culture of "prejudice," consistently chose "white" role models (in this case dolls) over Indian ones. "Indian children were less able to make racial self identification" than white children and, sadly, felt that "to look like an Indian is undesirable."<sup>97</sup>

Brant's characterization of the medical and social work misunderstandings of Native children does seem to capture the encounters between ex-

93. Brant's work was politically important as it posited an alternative understanding of Aboriginality, countering a pejorative identity for Native peoples. As Kay Anderson argues, however, we should also avoid "reifying" aspects of Aboriginal identity, which is not an unchanging "stable heritage from the past" but a cultural and political creation, framed by and within asymmetrical power relations. Kay Anderson, "Constructing Geographies: 'Race,' Place and the Making of Sydney's Aboriginal Redfern," in *Constructions of Race, Place and Nation*, ed. Peter Jackson and Jan Penrose (London: UCL Press, 1993), 96.

94. Brant and Patterson, "Native Child Rearing Practices," 112.

95. TUA, Brant, *Collection*. "Native Ethics and Rules of Behaviour."

96. *Ibid.*, 130.

97. Carl Grandstaff, Wilda Galloway, Joanne Nixon, "Racial and Cultural Identification among Canadian Indian Children," *Phylon* 34 (1973): 368-77. This study was modeled on one pioneered by Afro-American psychologists Kenneth Clark and Maime Clark, who were trained in traditional theory but also committed to progressive racial politics. See Gerald Markowitz and David Rosner, *Children, Race and Power: Kenneth and Mamie Clark's Northside Clinic* (Charlottesville: University of Virginia Press, 1996).



perts and Native girls in OTSG with tragic precision. Unfortunately, the emotional restraint that served the girls as a defense mechanism in an alienating and racist environment was interpreted by staff as a sign that the child was not absorbing the lessons of training school. "She makes little real progress. . . . an Indian child on whom the school will make little basic change. Goes along, creating no real trouble, but absorbs little from the environment. She contributes little and takes little," wrote the superintendent disapprovingly of one girl.<sup>98</sup> She also claimed that the girls did not really assimilate their school lessons. She scrapes through by "copying," she claimed dismissively; this supposedly denoted a lack of intelligence.<sup>99</sup> Yet as Brant and others have pointed out, in many Native cultures children learn by "modelling" not "shaping"; they are shown, not told what to do.<sup>100</sup>

Emotional restraint was further accentuated by "shyness, an endearing quality rewarded" in Native children, according to Brant, as well as the practice of "conservation withdrawal," a retreat of the self from unfamiliar or unpleasant circumstances.<sup>101</sup> However, failing to show any response, other than silence, Native girls at OTSG were described as mentally "slow" and "lackadaisical,"<sup>102</sup> exhibiting a moral and emotional emptiness at their core. "She is very unusually quiet, appearance is somewhat dull, her responses slow," said one typical assessment. Repeatedly, it was claimed that First Nations girls "[acquired] no real value system" in the school."<sup>103</sup> Placement (probation) reports often predicted failure for this reason: "in the community her prognosis may be poor. Under 24 hour supervision she is ok, but when left on her own, her judgement will be faulty and attitude lazy."<sup>104</sup>

Native girls' retreat behind a wall of restraint in the face of both disparagement and an unknown they could not control was also interpreted as "sneakiness," as school workers incorporated a common racist stereotype into their assessments. "She is quiet, deep and cunning," wrote the superintendent of one girl, "she goes along with training . . . but it is not penetrating. She has no conscience and is not progressing. . . . She appears cooperative, but is deceitful."<sup>105</sup> The white person's "obsession with eye

98. AO, OTSG case file 1666, 1950s.

99. AO, OTSG case file 1771, 1950s.

100. Brant and Patterson, "Native Child Rearing Practices," 102.

101. In Brant's view shyness was a cultural, social (possibly even biological) adaption of Native personality to their environment. The biological argument might be difficult for many researchers to accept. TUA, Brant, *Collection*. "Communication Patterns in Indians: Verbal and Non-Verbal," *Annals of Sex Research* 6.4 (1993): 259–69. See also his "Self-Esteem and Shyness," 148–53 (TUA, Brant, *Collection*).

102. AO, OTSG case file 1521, 1950s.

103. AO, OTSG case file 2084, 1950s.

104. AO, OTSG case file 2050, 1950s.

105. AO, OTSG case file 1519, 1950s.

contact” and direct engagement,<sup>106</sup> as Brant notes, was used in the courtroom and in OTSG to cast Indian girls as shifty and “secretive,” “smooth” and deceitful.<sup>107</sup>

Hiding their emotions behind a facade of either toughness or silence was a safety valve for many girls in the training school who had to cope with an alien and strict environment, as well as memories of poverty, violence, neglect, or unhappiness. For Native girls, though, this strategy was especially noticeable. The young woman described above who said she had been gang raped was supposedly sent to OTSG for her own “protection,” as the residential school would not take her, and no foster home could be found right away. Undoubtedly frightened, a mere fourteen, she “looks blankly at the floor” when the doctor tries to test her, and “only answers in one or two words. . . . she can’t relate to the other girls, can’t even remember how long she has been in here.”<sup>108</sup> Even the “time-regulated and goal oriented” interviewing techniques of medical and social work examiners may have been alien to many First Nations girls. The emphasis in their cultures on “reciprocal,” not one-way encounters, and especially a social aversion to “direct requests, instructions, or disagreeing openly” meant that girls were unlikely to communicate easily with social workers trained to use interviews as a means of instruction and forthright “problem solving.”<sup>109</sup>

Although Native girls were often constructed in a singular, and negative, cultural mold by their keepers, it is important to note that they did not uniformly adopt a strategy of restraint as a coping mechanism. Their reactions were more varied, with some adapting to the school’s expectations, and a few rebelling with a fierce determination. Those who did not fit the penal workers’ and doctors’ preconceived images of Indians were always described as *exceptions* to the rule. This is a “materially indulged Indian girl, who on occasion adopts a superior air,” noted the school about Grace, who did not approximate their image of the impoverished Indian (and presumably was arrogant for *not* being one). Her probation report continued

106. TUA, Brant, *Collection*. “Communication Patterns in Indians,” 31.

107. AO, OTSG case file 1694, 1950s.

108. AO, OTSG case file 2115, 1950s. Today, a more affluent white child with her experiences might be diagnosed with post-traumatic stress syndrome; this girl, however, was seen as unintelligent and vacuous.

109. “People who disagreed openly [in Native groups] were barely tolerated, avoided or dismissed.” Marlene Brant Castellano, “Native Social Work Education in Canada: Issues and Adaptions,” unpublished typescript, Trent University Library. Those dispensing “therapy” to many of the girls in OTSG did not see those “from a lower socio-economic background” as good subjects for “psychotherapy.” AO, RG 20–148, Dept. of Reform Institutions, container 11, Tadeusz Grygier, “Social Adjustment, Personality and Behaviour in Ontario Training Schools,” 1966.



in this vein: "this is one of the more intelligent better educated Indian families [on the Reserve]." <sup>110</sup> Another "exceptional" girl was described as having the "appearance of a rather refined Indian girl . . . with some value standards." <sup>111</sup> The "typical" Indian family, on the other hand, was seen to be poor, "living in a tar shack" surrounded by dirt, and drinking to excess. To staff, the model Native inmate (though seldom found) did not disrupt their image of slowness but conveyed the requisite appreciation for the School's care: "she is dull . . . [but] always happy, *grateful* for her clothes, obedient, and gets on well with children." <sup>112</sup> A grateful Indian child fit well into the colonial mindset, which believed Natives should be thankful for the paternal/maternal care offered by institutions like OTSG, a view that itself justified and replicated colonialism. <sup>113</sup>

Nowhere is this cultural dissonance more glaring than in decisions made about girls' intelligence, sometimes resulting in their transfer to institutions for the mentally retarded. The class and race bias of intelligence tests and forensic theories used by medical experts in North America have been well documented by historians, as has the increased role of such "scientific" advice on sentencing decisions in the later twentieth century. <sup>114</sup> As Jennifer Stephen has shown for an earlier period, forensic testing of young working-class women resulted in frequent diagnoses of "feeble-mindedness," predicated more on middle-class abhorrence of their morality than on purely scientific measurements. <sup>115</sup> Class bias persisted in the testing of

110. AO, OTSG case file 1820, 1950s.

111. AO, OTSG case file 2050, 1950s.

112. AO, OTSG case file 1428, 1950s.

113. For this argument in relation to health care, see Mary-Ellen Kelm, *Colonizing Bodies: Aboriginal Health and Healing in British Columbia, 1900–50* (Vancouver: UBC Press, 1998), 175.

114. James Trent, *Inventing the Feeble Minded: A History of Mental Retardation in the U.S.* (Berkeley: University of California Press, 1994); Steven Noll, "The Sterilization of Willie Mallory," in *"Bad Mothers": The Politics of Blame in Twentieth-Century America*, ed. Molly Ladd-Taylor and Lauri Umansky (New York: New York University Press, 1998), 41–57; Nicole Hann Rafter, "Introduction," in *White Trash: The Eugenic Family Studies, 1877–1919*, ed. Nicole Hann Rafter (Boston: Northeastern University Press, 1988); McLaren, *Our Own Master Race*. On the reproduction of class and patriarchal relations in forensic testing, see Dorothy Chunn and Robert Menzies, "Gender, Madness and Crime: The Reproduction of Patriarchal and Class Relations in a Psychiatric Court Clinic," *Journal of Human Justice* 1.2 (1990): 33–54.

115. Jennifer Stephen, "'Factory Girls' and the Toronto Psychiatric Clinic," in *Law, Society and the State: Essays in Modern Legal History*, ed. Susan Binnie and Louis Knafla (Toronto: University of Toronto Press, 1995), 405–37. Stephen deals with the period of eugenic popularity in the 1920s. For similar comments on psychiatry, class, and sexuality, see Elizabeth Lunbeck, *The Psychiatric Persuasion: Knowledge, Gender and Power in Modern America* (Princeton: Princeton University Press, 1994), chap. 7.

poor and working-class girls admitted to OTSG. However, the problem of language and cultural differences often compounded the problem for Native girls. In routine psychiatric and intelligence testing, Native girls' bodies became both the site of "cross cultural" medical misreadings but also the "very real products of colonialism" as white experts designated Native responses to be intellectually and culturally deficient, with some drastic consequences.<sup>116</sup> Doctors and psychologists who tested the girls when they were first admitted to OTSG used standardized IQ and personality tests, including the Binet-Simon, Roestch, and Bender-Gestalt, even though by the late 1950s, they sometimes admitted these were inadequate measures. "She can barely read or write, has no general knowledge, does not understand the consequences of her promiscuous action," and is therefore "retarded" noted the doctor in his appraisal of one girl.<sup>117</sup> Yet, a year later, the same doctor admitted that an IQ test was not a good measure for Native girls. He examined Ellen and initially concluded that her "retardation" and "IQ of 72" were due to her "cultural patterns." Yet, he noticed she was carrying an Ojibwa bible and asked her to read from it. "She reads quite well," he acknowledged, noting that the IQ test was probably inadequate.<sup>118</sup> This did not, however, lead him to abandon such testing.

In Ellen's case as well, a fundamental problem seemed lost on the experts: they were testing girls whose first language was not English and whose language—in this case Ojibwa—did not easily translate concepts, such as "guilt," that the assessors were looking for.<sup>119</sup> In one attempt to animate a girl whose "eyes were downcast, and responded briefly or not at all to questions," the doctor tried to ask more "culturally relevant" questions. Since her father fished, he asked her to name kinds of fish, but she "could only name two."<sup>120</sup> Her silences convinced him she was mentally handicapped and she was transferred to the Smith Falls Hospital for retarded children. The potentially drastic outcome of such testing was exemplified in the case of two Ojibwa/Cree girls from northern Ontario, ages thirteen and fifteen. They were supposedly sent to OTSG for a break and enter, but it is clear that concerns about sexual promiscuity affected their sentences. The girls were arrested after breaking into a house, with their younger brother in tow, and stealing some groceries. The "victim" of the theft then acted as a translator at their trial! Because they were destitute, seldom at

116. Kelm, *Colonizing Bodies*, 174.

117. AO, OTSG case file 1595, 1950s.

118. AO, OTSG case file 1647, 1950s.

119. My thanks to Ramona Sutherland for sharing her knowledge of Ojibwa with me on this issue.

120. AO, OTSG case file 2353, 1950s.

home (their parents were supposedly transient), and "in the bunkhouse" with local miners, they were sent to OTSG. The younger girl had a "minimal" English vocabulary and limited schooling, admitted the psychologist, so we must rely on "basic tests and views of school teachers here [at OTSG]." She could not do arithmetic and subtraction, and when asked to draw a person, she produced a "stick person," which was deemed "primitive." "Regardless of language and primitive background," concluded the doctor, "she appears to be a high grade mental defective."<sup>121</sup>

Her sister's artistic test and fate were similar. The superintendent claimed that Susan was more intelligent; the doctor disagreed. Her stick person was more sophisticated, "with details like fingers" indicating "border line intelligence" but, like her sister, she was still deemed "defective" and thus OTSG would be "wasted" on her as she could not be integrated into their educational program. Despite language difficulties and despite the doctor's admission that this girl was extremely tense when examined, the tests were taken as "scientific truth" and the sisters were transferred to Smith Falls. The doctor's musings on what to do with these sisters revealed the experts' racist equation of "primitive" reserve life with low intelligence: "we have two solutions. 1. return her to her primitive culture and accept that we can't modify her behaviour or secondly, consider her functioning as a high grade mental defective and certify her [for] one of Ontario's Hospital Training schools."<sup>122</sup> In his eyes, the two were synonymous.

How many Native girls were transferred, under such medical orders, thus making it difficult to release them? In one instance, a father from the North urged the federal Indian agent to use his "authority" both to "make his [deserting] wife return" and "release his daughter from Smith Falls." The daughter had been sent from a residential school to St. Mary's Training School, then transferred to Smith Falls. Replying with some condescension, a DIA social worker told him that "specialists" with far greater knowledge than he had recommended this institution and that he would have a difficult time "managing" his daughter anyway with her mother gone. When the father persisted with his demands for the daughter's release, he was chastised paternalistically for failing to value his own daughter: "a year in this institution—one of the best in Canada—will mean a great deal to E. . . . I realize you want her home, but we are often called on to make sacrifices for our children." Rejecting this paternalism, the father persisted but with no apparent effect.<sup>123</sup>

Some of the social work and medical experts assessing girls in training

121. AO, OTSG case file 1771, 1950s.

122. AO, OTSG case file 1172, 1950s.

123. NAC, RG 10 DIA, vol. 10721, file 484, 18–28, "Juvenile Delinquency," circa 1960.

school were aware of the inadequacies of testing, even discrimination against Native girls, but they were often trapped by the rigid structures of the juvenile justice system, as well as investment in their own professional training. One female psychologist tried to argue with the penal workers that they were not cognizant enough of the “cultural differences” that caused a Native girl to periodically “blow up” in rage. She believed the girl did badly on the IQ test because of her “social-economic background” and that her life on the reserve had been so completely different that she could not cope with OTSG. She, too, believed Native families were “undisciplined,” but she at least sensed there were cultural, environmental, and *spatial* differences that left girls profoundly estranged in OTSG:

[S]he has grown up on a reserve where there is a different way of dealing with things that you don't like. . . . [family] controls are at a minimum. . . . From twelve on, she was on her own to do as she pleased. Here, she has to conform to standards she has never known before. Also she has to live in close contact with others. At home, she simply took herself away physically if she didn't like someone, even her mother. Here, she doesn't like two staff members, and she keeps the problem inside until she blows up.

Her analysis was a sympathetic attempt to make penal staff—always focused primarily on order and control—understand the cultural alienation of this inmate and the discriminatory consequences of the school regime on her. The psychological assessment, however, carried with it no power to send the girl home, and she could only weakly recommend counseling to help the girl “handle difficult situations.” Perhaps there was no easy resolution. The girl initially rejected parole with her family as “there was too much drinking [there].”<sup>124</sup> Ultimately, though, she chose her father's house over a work placement outside the reserve, opting for a culture she understood over one she did not.

### **Coping: Accommodation and Resistance**

Girls' practice of “conservation withdrawal” was undoubtedly one form of resistance, as well as a coping mechanism. It was a strategy that some girls had already used in their court hearings. When a thirteen year old was queried in court about her runs from home, she answered “yes” when asked if she liked her home but refused to answer any questions about why she ran away for four or five days at a time and where she went.<sup>125</sup> Such silences did not aid the possibility of probation, but like many other girls

124. AO, OTSG case file 2353, 1950s.

125. AO, OTSG case file 1666, 1950s.

before the courts, their withdrawal into silence probably displayed an astute intuition that they could exercise minimal control over the court's decisions in any case. Those girls who did protest the evidence or their sentence found that pleas for another chance or protests at being sent away had little effect on the judge once his or her mind was made up. When Patricia, the girl whose grandmother had taken her to court, pleaded with the judge not to send her away, and worried about being placed with girls she did not know at OTSG, there was not even a hint of a second chance in the judge's firm response.

While silent withdrawal was more common among First Nations girls, other strategies they utilized to cope with their incarceration bore strong similarities to those of their fellow inmates in OTSG. Certainly, the best method to secure release from the school was to accommodate oneself to the regime and indicate, at least superficially, some acceptance of the school's lessons concerning sexual purity, femininity, and the work ethic. This was ultimately the strategy of most girls, both Native and non-Native, though they often engaged in considerable foot-dragging along the way, only reluctantly accepting the strictly supervised regime of the school, the lack of physical freedom, and the attempts to remake their morals and character into a new femininity. Once they were categorized as "amenable" and industrious, they could go out on a placement, though they were still under OTSG supervision. The distinct problem that Native girls faced was the stereotype of their unreachable nature; even if they were classified as "quiet" or "not very much trouble to the institution," matrons and the superintendent harbored resilient doubts that they had actually internalized the lessons of the school and could be released.<sup>126</sup>

Some girls did rebel, simply by offering psychiatrists and doctors different versions of their lives from those in the court documents. Others ran away, sometimes repeatedly. These "runs" or "awls" (absences without leave) were one of the most persistent discipline problems facing OTSG staff, even though they might be short-lived, with girls sometimes turning themselves in. Running away, even temporarily, to escape the confining routine and rules was part of the counterculture of the institution, cementing ties between the girls and establishing some as more daring leaders.<sup>127</sup>

126. AO, OTSG case files 1666, 1555, 1694, 1950s.

127. The terms "awls" and "runs" were those used by staff and government officials. On regulation and resistance in other reform schools, see Kerry Wilmhurst, "Control and Resistance: Reformatory Girls in Late Nineteenth-Century South Australia," *Journal of Social History* 18 (1984): 273–87; Susan Cahn, "Spirited Youth of Fiends Incarnate: The Samarcan and Arson Case and Female Adolescence in the American South," *Journal of Women's History* 9.4 (1998): 152–80; Tamara Myers and Joan Sangster, "Retorts, Runaways and Riots: Resistance in Reform Schools for Girls in Ontario and Quebec, 1920–60," *Journal of Social History* 2001 (Spring 2001): 669–97.

While Native girls were integrated into this culture, some of their examiners also claimed they were more likely to engage in awls, and this was particularly so for those who were very young when admitted, far away from their homes.<sup>128</sup>

Girls also responded to the school regime with direct verbal and physical hostility to OTSG staff. Some girls made it abundantly clear when they arrived that they were “hostile to some of our ways,” as the superintendent put it.<sup>129</sup> And despite complaints that they did not like “unreachable Indian” girls, penal workers were unhappy with Native girls considered too assertive, like the girl who announced “I have a mind of my own and I use it” to the examining doctor.<sup>130</sup> Cutting themselves and periodic outbursts of violence, focused on both property and other people, were also expressions of a some girls’ rage and unhappiness. None of these tactics were embraced by Native girls more than others, and both Native and non-Native girls found their run-away attempts and angry outbursts rewarded with time in detention, a strategy of behavior control that penal workers liked, but psychiatric and psychological counselors sometimes conceded was self-defeating. The girl emerged “contained” but unaltered, bitter, until the next outburst.

However, for Native girls who appeared withdrawn, such outbursts of anger must have seemed all the more incomprehensible to training school staff. As Clare Brant later wrote, if children raised with the “hands off” principle of noninterference find their existing community controls in abeyance and their identity under assault, they may understandably become “aggressive,” unable to appreciate “the needs and rights of others.”<sup>131</sup> Under some conditions, he warned, emotional restraint can also “explode into the open as repressed hostility or violence, projected onto those near to us.”<sup>132</sup> Moreover, as many antiracist writers have noted, those who are taught to hate their own “self and identity” may respond by becoming “traumatized and self destructive.”<sup>133</sup>

128. AO, OTSG case file 2170, 1950s. As one doctor wrote, “Like other Indian girls, if placed early in the institution the main problem is continued awls.” In this case, she was far from home in the North. Although statistics were kept on awls, these were not broken down by race, so it is difficult to test out his claim.

129. AO, OTSG case file 1353, 1950s.

130. AO, OTSG case file 2075, 1950s.

131. Brant and Patterson, “Native Child Rearing Practices,” 112.

132. Both Native and non-Native inmates were almost never sentenced to OTSG for violent behavior but became violent once in OTSG.

133. Himani Bannerji, *Thinking Through: Essays on Feminism, Marxism and Anti-Racism* (Toronto: Women’s Press, 1995), 37. While these observations relate to racism, is it possible that they also provide some insight into other, non-Native OTSG girls who too felt diminished, stigmatized, and denigrated?



School placement workers often tried to foster out rebellious First Nations girls with other Native families as soon as possible, even if this meant sending them to a different reserve. Indeed, one girl refused to go to a non-Indian home when she was placed out: "I hate the way you people live," she told the placement officer, "always washing and going on. We do not live like that." Concluding that "she would only fit into a home with her own race," the worker found a temporary foster family for her on another reserve, only to run into problems because the girl lacked status with that band, and her mother had lost status on her own reserve. Returned to the school for promiscuity, the girl soon went awl, breaking windows to escape, then fleeing, leading a group of other inmates as far as Detroit, in search of her father. Eventually, she was paroled to her own sister, leading a provincial official to reiterate the opinion that the school should simply not take Native girls.<sup>134</sup>

If OTSG placed a girl out in a Native home, and probation was unsuccessful, this only reinforced their preconceived notion that Indians were unreformable. Admitting that Ellen, who came from near Dryden, was very "unhappy," OTSG placed her near a reserve in southern Ontario to be schooled with other Native children. A pregnancy ensued, confirming the superintendent's view that she was a "typical Indian who does not understand our moral standards."<sup>135</sup> Sent back to the training school, as almost all pregnant girls were, Ellen was designated too "stubborn" to be helped, particularly because she was often in detention, once tearing a cast off her broken leg in rage. Yet, a later letter to the superintendent, after release, following further conflicts with the law and a suicide attempt, revealed not stubbornness, but despair:

"Miss B if you felt the way I do, you would want to kill yourself. I tried it. But I still woke up in the same house. Everyone around me making my life miserable. They know I want to get hold of sleeping pills again. I have never had anyone to talk to about why I do these things. I guess I never will. . . . If I was dead then I would not have any more worries. . . . I wish you would ask Mrs H to write to me. I want to go some place where I will get help, and where I can't see my mother [who] calls me a whore. . . . I was for awhile, but I had to get some money. . . . I want someone to help me out of this problem."<sup>136</sup>

When wardship was terminated at eighteen, Ellen had already also been in the local jail and mental hospital.

Although none of the Native girls in these files attempted suicide while

134. AO, OTSG case file 875, 1940s.

135. AO, OTSG case file 1353, 1950s.

136. Ibid.

in OTSG, we have limited information on them after their release<sup>137</sup> and Ellen's later suicide attempt offers a rare and foreboding glimpse into a life that became far more unhappy after her institutionalization. Her self-destructive actions cannot be understood apart from the broader context of the "collective traumas, unnamed powerlessness, poverty and anomie"<sup>138</sup> created by colonialism. In a more recent analysis of federally incarcerated Native women and suicide, it was suggested that the "success" of correctional institutions in inculcating a sense of guilt and shame in women who have no method of dealing with these immense blows to their sense of self sometimes results in suicide appearing "the only way out"<sup>139</sup>—as it may well have appeared to Ellen.

At least one OTSG doctor claimed that girls from "mixed race" backgrounds suffered especially difficult cultural adjustments and resisted the school's agenda. Perhaps an aversion to miscegenation, an underlying preference for the "apartheid" of reserves, led him to see mixed race girls as confused, with no cultural moorings, for there was little real evidence to support his claim, a further example of the reification of "race" in expert commentary on First Nations girls. In one case, his diagnosis of a girl's cultural alienation led to his (rare) recommendation of release as a solution for dealing with a violent inmate. When Jane, a young thirteen-year-old Métis girl was sent from the North for promiscuity and running away, and proved to be one of the most difficult girls in the school, resisting at every point, the doctor suggested sending her home to her Native mother, even though the CAS on the spot refused because the mother was supposedly "promiscuous," impoverished, and incompetent. "No counselling will work," disagreed the doctor emphatically and . . . I have pointed this out many times. . . . a mixed cultural background causes this."<sup>140</sup>

Jane was involved in repeated runaway attempts and violence, not only against others but also against herself, including slashing herself with broken glass. "When not awl, she spends most of her time in detention," commented the superintendent, who suggested that the solution was to give Jane massive doses of tranquilizers (a common solution she suggested for difficult and violent girls). A temporary transfer to the OTSG wing of the adult Mercer reformatory was also used after Jane's "runs and promiscu-

137. Along with Ellen, there is evidence that another inmate of Galt attempted suicide after her release, when on parole. See AO, RG 20 D-13, Mercer Reformatory for Females, case file 10395, 1950s.

138. TUA, Brant, *Collection*. "Suicide in the North American Indian: Causes and Prevention," 170–81.

139. TUA, Brant, *Collection*. "Inquiry—Suicides at the Prison for Women." 205.

140. AO, OTSG case file 1572, 1950s.



ous" behavior and an attack on a matron proved to the superintendent that she must be pacified. To the psychiatrist's credit, he resisted the pressure from the OTSG superintendent to certify Jane so that she could be transferred to a mental institution.<sup>141</sup> His assessment ultimately may point more to the loneliness, alienation, and difficulty coping with denigration and self-hatred that propelled Jane to slash herself and run away: "she feels frustrated in a desire to be with her mother and this periodically involves her in [runs]. She feels quite desperate when she thinks of her mother and the simple surroundings she is used to and becomes angry at staff and destroys property. . . . send her home."<sup>142</sup> By time Jane was sent home, however, her spiral downward left her more violent toward her own family, drinking heavily, and desperately unhappy. Her sentence in OTSG was a disaster, her self-punishing and violent outbursts were expressions of anger, or unanswered calls for help, or both. The potentially tragic effects of institutionalization could not have been more conclusively evident.

Families who remained in close touch with their daughters, however, might attempt to speed the process of release by protesting their long sentence or by claiming (as many other poor families did) that the girls' labor or domestic aid was needed in the home. A father who admitted there was a "problem" with his daughter, but protested her incarceration from the very beginning, argued that he needed her help in his job as school janitor on the reserve because he was arthritic and his wife disabled. "I could have brought half the reservation to testify [in her defence]" he noted at her trial, but "I did not have the money."<sup>143</sup> Once released from OTSG, families sometimes pushed for parole at home—despite meager income and small houses—rather than placement elsewhere. "Lorraine wants to stay with her family, to care for her mother's new baby and take over when her mother takes another child for traditional [Native] medical treatment," noted one placement officer, who conceded that the girl was better off with her own family.<sup>144</sup>

In a few cases, families and friends tried to protect released girls by hiding their behavior from the prying eyes of placement officers: "the parents are protective and won't tell you anything," grumbled one placement officer doing follow-up.<sup>145</sup> Occasionally, the girl was able to disappear from sight, a strategy accomplished fairly easily if the reserve community was sym-

141. On the disjuncture between medical and penal staff, see Stephen Watson, "Applying Foucault: Some Problems Encountered in the Application of Foucault's Methods to the History of Medicine in Prisons," in *Reassessing Foucault: Power, Medicine and the Body*, ed. Colin Jones and Roy Porter (London: Routledge, 1994), 132.

142. Ibid.

143. AO, OTSG case file 1555, 1950s.

144. AO, OTSG case file 1666, 1950s.

145. AO, OTSG case file 1555, 1950s.

pathetic to her or if she lived in a more remote area. "We can't trace this nomadic family, so terminate wardship," the OTSG superintendent finally conceded reluctantly of one northern family.<sup>146</sup> Another placement officer searched high and low through all the "local Indian cafes" near a southern reserve with an Ontario Provincial Police officer, then gave up, her resignation reflecting the racist view that Indians could not be told apart: "it appears she is good at hiding . . . and I cannot tell her apart from any other Indian squaw."<sup>147</sup>

When placement officers came calling, Native families might also successfully resist their advice and intervention. "The [families] want to settle it in their own way . . . in the long house tradition," wrote a placement officer when a young girl still under wardship became pregnant by a neighbor. The boy's parents did not rush the couple into marriage but waited until the baby was born. Even then, the paternal grandparents expressed a strong wish to adopt the child but worried that "L is not ready to settle down [and marry] yet." The father assured the OTSG worker that "they would do what is right" and despite the fact that girls were routinely reincarcerated for such pregnancies, the placement officer essentially agreed that it was far better to let these families settle things in their traditional manner rather than force the girl back to OTSG.<sup>148</sup> In some instances, then, social workers' sense of cultural distance from Native communities provided the space Native families needed to exercise their own methods of social and familial control.

The resolution of these families to solve their own problems was testament to the persistence of traditions of social adjudication and control in Native communities, despite the attempts of the Canadian state to impose new legal and welfare measures on Native peoples. The extent to which communities selectively used Euro-Canadian law, or their own traditions, or both, varied from one reserve to another, but a minority of parents and certainly the girls clearly voiced their resentment of the intrusion of the Canadian criminal justice system into their lives.<sup>149</sup> Other families did make use of family and juvenile courts to try to maintain control over their daughters. But their aim was rarely incarceration in training school, and their use of the criminal justice system must be understood within the broader relations of colonialism, particularly the immense material, social, and cultural stresses on Native families. When social workers urged the federal govern-

146. AO, OTSG case file 1929, 1950s.

147. AO, OTSG case file 525, 1940s.

148. AO, OTSG case file 1666, 1950s.

149. In this very small sample, it is clearest in two cases involving Haudenosaunee peoples.

ment to let them "help" Native juvenile delinquents in the late 1940s, the key constituency they failed to consult were the First Nations themselves.

### Conclusion

In post-World War II Canada, calls by governments and social workers for the extension of welfare and social services to Native peoples had contradictory effects. Though Native communities undoubtedly wanted to share in some benefits of the welfare state, Native families also found themselves the subject of increased surveillance and intervention, leading to loss of control over their children's lives. Despite a rhetoric of equal citizenship, and well-intentioned calls for an end to discrimination, the integration of Native peoples into the welfare state was governed by an assimilationist ideal, as well as ethnocentric and racist notions of Anglo and white cultural superiority. Social work discourses and government practices urged intervention, intervention slid into surveillance, and surveillance sometimes became the first step to incarceration. Ironically and tragically, by the 1950s, Native girls were increasingly offered the equal "right" to be confined in training school with white girls.

Native girls were deemed in need of protection and removal from their families and communities when their promiscuity, absences from home, truancy, drinking, and petty theft were seen to be uncontrollable. Like most girls facing the courts, there was a dominating concern with their sexuality, and they often came from families coping with internal conflicts, immense poverty, and sometimes violence or addiction. Indeed, the sexual regulation of these girls was never separate from this material and social dislocation. But rather than dealing with the structural problems facing the girls and their families, whether it was violence or poverty, rather than offer sexual education or birth control, the preferred solution of the courts was to remove girls from their families and attempt to inculcate in them new morals, as well as train them for domesticity or wage work. In one sense, the aim of reform school was to make over their charges into respectable working-class girls with middle-class sexual values who would perform working-class labor.

The triad of sexual purity, training in working-class labor, and feminine demeanor was thus the solution for managing the marginal, whether it was the "pauper or the primitive."<sup>150</sup> While it is important to acknowledge that the nation-building project of assimilating the "underclass" and the First Nations overlapped in design, in practice the two undertakings might also

150. Comaroff and Comaroff, *Ethnicity and the Historical Imagination*, 289.

diverge, as white girls were usually seen as more easily transformed into new, model citizens. Not only did colonialism in the later twentieth century increasingly create a context in which Native girls were vulnerable to state surveillance, but once incarcerated, they were assessed through a racist lens as more primitive, unreachable, and unreformable. Irreconcilable cultural differences were present in the contact between white experts and Native girls in OTSG, and this cultural discord was imbued with the unequal power relations of race and colonialism. The treatment of Aboriginal girls was never simply a question of cultural misunderstanding,<sup>151</sup> for subsuming the judgments made about them were the social relations of colonialism, interlocked with the gender and class biases already inherent in the juvenile justice system.

The results could be profoundly tragic. At its worst, institutionalization created alienated, angry, and sometimes violent or self-destructive girls.<sup>152</sup> In their attempts to deal with the derision they faced, Native girls drew on the cultural resources at hand, practicing “conservation withdrawal,” though a minority also spoke and acted out against a regime they found alien and unjust. When a young woman, whose own experience of domestic violence was barely acknowledged, was asked during her second court appearance, “why do you [continue to] drink?” her response was “because I’m going to be sent away.”<sup>153</sup> Although her reply was probably interpreted by the court as impassive fatalism, she actually had a very astute understanding that, once in conflict with the criminal justice system, she was unlikely to escape from its clutches. The best that many girls could hope for was that the penal authorities’ sense of superiority and their belief that reformation was futile would lead them to abandon their assimilative project and let girls return to their homes, families, or reserves. However problematic or unhappy these home environments were, they usually offered more hope of a second chance than incarceration in a training school.

151. Sherene Razack discusses the problems of “talking culture” in *Looking White People in the Eye*: “power should not be subsumed under culture,” 61.

152. It is important to note that “individual” tragedies can spawn collective consequences for the children (and therefore communities) of those who were institutionalized, akin to the “residential school syndrome” that Native communities are now trying to heal.

153. AO, OTSG case file 2340, 1950s.