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Claire Palmiste

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FORCIBLE REMOVALS: THE CASE OF AUSTRALIAN ABORIGINAL AND NATIVE AMERICAN CHILDREN

Claire Palmiste[1]

1 Université des Antilles et de la Guyane, English Department, Martinique.

Abstract

This article analyses the way Australian and United States of America (USA) governments used the notion of the best interest of the child to remove Aboriginal and Native children respectively from their families and communities. Both governments relied on legal means to achieve the assimilation of children within the mainstream culture in order to annihilate Aboriginal and Native culture. On the one hand, the children were targeted because of their malleability and capacity for adaptation without influencing the mainstream culture. On the other hand, the chance of survival for their community was very thin without them. With regard to Australia, the process began as early as when the first settlements were established as Aboriginal women and children were kidnapped for economic and sexual exploitation. The protectorate system was thus established in the 1830s to assure their protection on reserved lands administered by a Chief Protector. In the case of the Native Americans, the assimilation policies were carried out with the boarding school system and the placements in white adoptive and foster homes. Both governments had shown the limit of their role as parens patriae when ethnic issues were at stake.

Introduction

This article compares a phenomenon involving children, which occurred in the late 19th century to the 20th century within two geographical areas (Australia and USA). The forcible separations of Aboriginal and Native children from their families and communities have common features that are analysed in this article. We shall examine the historical background to the progressive destruction of traditional cultures and the subsequent dependence of Aborigines and Native Americans on the government for food and clothes that made the removals possible. Following this examination we will present the different facets of forcible removal of children from their communities and then deal with the strategies of resistance adopted by both Aboriginal and Native American organisations to protect their children. In our effort to examine the situation in Australia, we are going to rely mainly on the *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families* carried out under the request of the Human Rights and Equal Opportunity Commission (AHREOC). The analysis of the USA case is based on our research.

Historical background

By setting a historical framework we will show how early biased policies affected Aboriginal and Native people's life and continued to have lasting and damaging effects on those populations. The Aboriginal people of Australia and Native American communities have in common the primary occupancy of the land before the arrival of the European settlers. The

ancestors of Native American communities, after crossing the Bering Straits from North-eastern Asia, spread themselves throughout the American continent. Even if they were described as sharing common ancestors, each community had its own distinct features.[2]

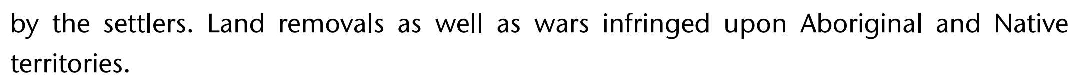
While the United States of America recognised the Native Americans' primary occupancy of the territory it relied on theory which legitimised the conquest of territories, initially elaborated by Aristotle and later developed by the Swiss philosopher, diplomat and legal expert, Emmerich de Vattel, in *The Law of Nations or the Principle of Natural Law* (1758). According to Vattel, the cultivation of the land is man's natural duty. Failure to cultivate the land results in loss of property. Vattel claims:

> Every nation is then obliged by the law of nature to cultivate the land that has fallen to its share ... Those nations (such as the ancient Germans, and some modern Tartars) who inhabit fertile countries, but disdain to cultivate their lands and choose rather to live by plunder, are wanting to themselves, are injurious to all their neighbors, and deserve to be extirpated as savage and pernicious beasts. There are others, who, to avoid labor choose to live only by hunting, and their flocks. Those who still pursue this idle mode of life usurp more extensive territories than, with a reasonable share of labor, they would have occasion for, and have, therefore, no reason to complain, if other nations, more industrious and too closely confined, come to take possession of a part of those lands ... The establishment of many colonies on the continent of North America might, on their confining themselves within just bonds, be extremely lawful (de Vattel, 1758: I, 7).

European thinkers thus equated possession of the land with its cultivation. Before the American Revolution the Continental Congress signed treaties with Native tribes in order to secure and preserve their friendship. Following the close of the Revolutionary War in the spring of 1784 it appointed commissioners to draw boundary lines and to conclude a peace with the Native tribes, with the understanding that Indian territory was forfeit as a result of military victory. Therefore, the US Constitution (ratified 17 September 1787) forms the basis of federal control over Indian affairs as it gives Congress the power to 'regulate commerce with foreign nations and among the several states and with the Indian tribes'.

The Australian Government relied on the notion of Terra Nullius (empty land). The policies adopted by New South Wales, Victoria, Queensland, Tasmania, Western Australia, South Australia and the Northern Territory legitimised the settlers' actions in seizing any lands they needed for cattle breeding and grazing. In this respect, both Aboriginal and Native American communities experienced the same situation: the seizing of arable lands coveted

2 The diversity is expressed in geographical and linguistic terms. For instance, the culture of the Nomadic hunters of the Plains (Sioux, Comanche, Blackfeet) is different from the agricultural communities and from the North-eastern communities (Navajo, Hopi, Pueblo).



by the settlers. Land removals as well as wars infringed upon Aboriginal and Native territories.

In the United States of America, The Indian Removal Act of 26 May 1830 formalised the cession of the Cherokee, Creek, Choctaw, Chickasaw and Seminole Nation's territories east of the Mississippi in exchange for lands to the West. The Act was intended to protect the Natives from the depredation of white settlers. The same argument was used to protect the Aboriginal people from the settlers' greed for land. During the 19th century, battles over rights to land and access to resources characterised race relations in Australia in all the territories. By 1820 in Tasmania the conflict between Indigenous people and European settlers had escalated to the Black War.[3]

In response to the kidnapping of Aboriginal women and children for economic and sexual exploitation, the British Government established a protectorate system in the 1830s. This protectorate system relied heavily on a Select Committee report inquiring into the condition of Indigenous people. The 1997 *Bringing Them Home* report explains the purpose of the protectorate system as:

> Based on the notion that indigenous people would willingly establish self-sufficient agricultural communities on reserved areas modelled on an English village and would not interfere with land claims of the colonists. (Australian Human Rights and Equal Opportunity Commission, 1997: 23)

The Government reserved land for the exclusive use of Indigenous people and assigned the responsibility for their welfare to a Chief Protector or to a Protection Board.[4] The Chief Protector's mission was to administer and regulate every aspect of Indigenous peoples' lives. The disappearance of their game and the deforestation resulted in the increasing dependence of Aboriginal people on Government rations.

The United States of America achieved the same situation of dependence because the United States Government eventually established itself as the guardians of Native communities after several conflicts that opposed Native communities to Euro-American army and settlers. It materialised through the creation in 1824 of the Bureau of Indian Affairs (BIA) by the Secretary of War, John C. Calhoun—without Congressional authorisation.[5]

3 European soldiers and settlers on Van Diemen's Land (Tasmania) harassed the Aborigines and seized valuable hunting lands belonging to them. When some whites attacked and killed some Aborigines on a hunting party in 1804 a 'bush war' broke out. Its outcome was a drastic reduction of the Aborigine population.

4 The Aborigines Protection board was established in Victoria with The Aborigines Protection Act 1869. In the Western Territories the British Parliament passed the Aborigines Protection Act 1886. By 1911 the Northern Territory and every state except Tasmania had protectionist legislation, giving the Chief Protector or Protection board extensive power to control Indigenous people's lives.

5 In 1849 the Office of Indian Affairs was officially created in the Department of Interior.

Indian agents became responsible for operating schools, distributing supplies, enforcing order, administering allotments and leasing contracts. After their dependence on the law and the assistance of the federal government had been established the United States Government initiated policies that attempted to 'civilise' the Natives.

In the 19th century assimilation policies prevailed in the federal government's actions towards Native communities. The management of 'Indian affairs' by the Unites States Government went through different stages in the 20th century.[6] The Civilization Fund Act of 1819 aimed at assisting missionaries to 'civilise' the Natives by way of religion and education. The General Allotment Act of 1887 also affected Native lives and traditions. It aimed to force Native people to become agriculturists and abandon the collective management of lands to the profit of individual farms. It thus allotted individual parcels to each tribe member. The unused land was then free for sale.

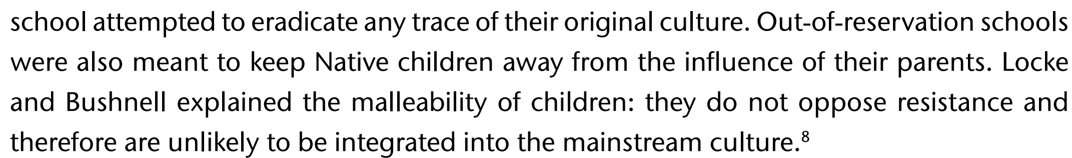
Policies of displacement

One of the most pernicious policies used to assimilate Native people into the mainstream of American culture was the 'placing out system'. This system, enacted by law, coerced parents into sending their children to Government education programs. The Appropriation Act of March 1893 contains a provision authorising the US Secretary of the Interior to 'prevent the issuing of rations or the furnishing of subsistence either in money or in kind to the head of any Indian family for or on account of any Indian child or children between the ages of eight and twenty-one years who shall not have attended school during the preceding year in accordance with such regulations' (Cohen, 1945: 79). As the provision created resentment between Native families and the public, Section 11 of the Appropriation Act of 15 August 1894 prohibited Native children from going to schools outside the state or territory of their residence without the consent of their parents or natural guardians. Rations were withheld from families as a technique for securing consent.

The boarding school system, which originated from Loring Brace's 'placing out philosophy',[7] separated Native children beginning at five years old from their families. One of the most famous boarding schools was the Carlisle Indian Industrial School in Pennsylvania, founded by Richard Pratt in 1879. It became well-known for its military discipline and overt assimilation mission. In the federal boarding schools children experienced abuse, neglect and maltreatment. By forbidding children to speak their native language the

6 The 1930s are regarded as the reversal of coercive assimilation policies under the administration of John Collier, Commissioner for Indian affairs in 1932. The 1950s are considered as the period of termination, when the federal government decided to sever the links with the Native communities. The 1970s are seen as the era of self-determination (Indian Self Determination Act, Indian Child Welfare Act of 1978).

7 Loring Brace was an American Calvinist minister who initiated a vast program called 'the orphan trains' which placed poor Catholic children of New York to Protestant families living in western rural areas in the 19th century.



school attempted to eradicate any trace of their original culture. Out-of-reservation schools were also meant to keep Native children away from the influence of their parents. Locke and Bushnell explained the malleability of children: they do not oppose resistance and therefore are unlikely to be integrated into the mainstream culture.[8]

Australia experienced the same invasion of family privacy. Under the strict surveillance of the Chief Protector in the stations,[9] Aboriginal 'half-caste' children were targeted by the Government, forcing them to join the workforce in order to reduce government expenses. The earlier Aboriginal children were apprenticed so the Government would not have to feed them. The Australian Government hoped these children would become self-supporting and meet the economy's need for cheap labour. With that in view Government officials (police, teachers) adopted two tactics: removing half-caste children from their family to work for non-Indigenous people; and segregating the pure Blacks. The Chief Protectors viewed the removal of the light-skinned children as a means to protect them from the malevolent influence of their families and to assimilate them into Australian mainstream society. This policy of separation failed to take into account discrimination the children would encounter due to a racist society. Some adults confessed that while their Aboriginality was denied or kept secret by their adoptive or foster families, other children were calling them names such as 'Abo'.

Officials relied on various methods of coercion to separate mixed descent children from their families. First of all they changed the definition of 'Aboriginality' to disqualify people of European descent from living on reserves and receiving rations. This tactic was used in Victoria and New South Wales. In Western Australia another strategy was adopted. The vote of the Native Administration Act of 1836 put nearly all Aborigines of full or part descent under the supervision of the Commissioner of Native Affairs. Secondly, the police officers in Victoria kept girls younger than 16 who gave birth under close scrutiny. These girls were forced to give up their babies for adoption in exchange for not prosecuting the father for carnal knowledge. The teachers were also the eyes and ears of the Government and signalled any children from mixed descent to the Chief Protector.

In New South Wales the Aborigines Protection Act of 1909 gave the Board power to 'assure full control and custody of the child of any Aborigine' if a court found the child to be neglected under the Neglected Children and Juvenile Offenders Act of 1905.[10] Destitution and poverty were legitimate reasons for the separation of Aboriginal children from their families. The Act allowed the Board to apprentice Aboriginal children aged between 14

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8 See John Locke's *Some Thoughts Concerning Education* (1690) and Horace Bushnell's *Christian Nurture* (1861). Locke claims in his essay that: 'infancy and childhood are the ages most pliant to good' (1690: 22).

9 Stations were managed reserves that were staffed by a teacher manager who provided education, rations and housing to the Indigenous people.

10 Later on, under The Aborigines Protection Amending Act 1915, the Board would be given total power to separate Aboriginal children from their families without having to establish in court that they were neglected.

and 18 years (AHREOC, 1997: 34). After spending some years in missions or government institutions the children were sent at the age of 12 to work in farms. Many of the girls experienced sexual abuse on these farms.

In Victoria the Aborigines Protection Act of 1886 stipulated that 13 year-old 'half caste boys were to be apprenticed or sent to work on farms and girls were to work as servants' (AHREOC, 1997: 51). Once the children left the station, they were not allowed to visit their families without official permission.

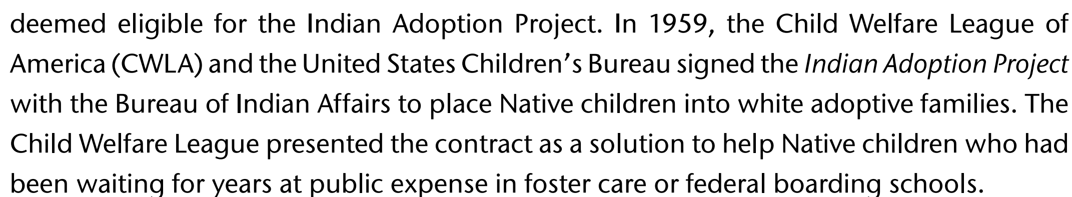
In Queensland, the same pattern of removal could be found. The Aboriginal Preservation and Protection Act of 1939 and the Torres Strait Islanders Act of 1939 allowed Government officials under the control of the Chief Protector to remove Indigenous people from and between reserves and to separate children from their families (AHREOC, 1997: 63).

In the 1830s, in order to prevent Aboriginal children from being kidnapped by settlers or stock keepers, the Tasmanian Government decided to remove them from the mainland to Flinders Island where it planned to supply food, clothing and shelter.

In South Australia, under the Aboriginal Orphans Ordinance of 1844, the Protector was appointed legal guardian of every half-caste and other unprotected Aboriginal child whose parents were dead or unknown. When the office of the Protector was abolished in 1856 the Indigenous people were left under the supervision of missionaries. Indigenous children became easy targets for pastoralists who kidnapped them in order to put them into service as servants or for the raising of livestock.

At the beginning of the 20th century in the Northern Territory, the increasing number of half-caste births raised fears that population would soon become the majority. This led to the idea that they should be isolated. The Northern Territory Aboriginals Act of 1910 established the Chief Protector as the legal guardian of all Aboriginal children up to 18 whether their parents were alive or not.

The same pattern of removal concerned all the Australian territories. Unlike the Government's provisions that the Aboriginal children would be self-sufficient, the *Bringing Them Home* report showed that the children were working on farms without being paid. When they were paid, the money was insufficient to make them become non-dependent of the system. The widespread adoption of Aboriginal and Native children in white homes in the 20th century seems to have marked the final will of Australian and USA governments to speed the process of assimilation. We can notice some differences in the selection of the children. Whereas in Australia the mixed descent children were targeted, in the United States of America children with at least one fourth or more degree of Indian blood were



deemed eligible for the Indian Adoption Project. In 1959, the Child Welfare League of America (CWLA) and the United States Children's Bureau signed the *Indian Adoption Project* with the Bureau of Indian Affairs to place Native children into white adoptive families. The Child Welfare League presented the contract as a solution to help Native children who had been waiting for years at public expense in foster care or federal boarding schools.

The contract set the conditions of eligibility of the children: they had to have one fourth or more degree of Indian blood, reside on an Indian reservation and as such be under the responsibility of the Bureau of Indian Affairs (CWLA, April 1960). Arnold Lyslo, the instigator of the project, planned to extend the practice if the field research proved satisfying.[11]

Between 1959 and 1967, 395 Native children from all over the United States of America were adopted by white families, mainly in the Eastern part of the country. We can add to this official figure 1281 Native children who were placed in care of white adoptive families by agencies that were not under contract with the League. Joseph H. Reid, director of the CWLA, underlined in a letter dated July 1962 that 585 children had been adopted in 1961. Then according to a study carried out by CWLA in 1965, 696 Native children had been adopted out of the scope of the contract by 584 white families (Lyslo, 1966).

The hearings carried out by the US Congress in 1974 to investigate the problems American Indian families faced in raising their children revealed that the high removal of children from their families resulted from social workers' disdain or ignorance of Native cultures and their refusal to use the extended family network (93rd US Congress, 2nd Session, 8—9 April 1974). Dr Westermeyer, who was a witness at the hearings, explained that these Native adoptees were at risk of developing problems of identity during adolescence because 'they try to assume a cultural identity and because of their racial characteristics the majority of society refuses to let them express that majority cultural identity and they're forced into an identity which they really don't know how to behave in' (Westermeyer, 1974: 49). He also mentioned the housing conditions of some Native households (described as exposed to infectious diseases, tuberculosis and streptococcosis), which made them more vulnerable to social worker's actions. The 1977 hearings then confirmed the vulnerability of Native families. The parents' ignorance of proceedings and the absence of representation of the child/parents by a counsel amplified removals. The biased appreciation of case of neglect by social workers, the court reliance on the social workers' expertise and the lack of consultation of responsible tribal authorities added to the break-up of Native families.[12]

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11 CWLA carried out a study to evaluate the trans-racial adoption of these Native children placed within the project. David Fanshel, the researcher who carried out the study, published its results in *Far From the Reservation*, 1972.

12 Hearing before the US Senate Select Committee on Indian affairs. 95th Congress, 1st Session, 4 August 1977.

A nation-wide Indian Child Welfare statistical review, carried out by the Association on American Indian Affairs under the request of the American Indian Policy Review Commission, showed that a great number of Native children were in non-Native adoptive and foster homes.[13]

The report indicated that in South Dakota Native children were placed in white foster homes at a per capita rate 22 times greater than non-Native children (Oregon: 22 times; North Dakota: 20 times; Minnesota: 17 times; Maine: 19 times; Utah: 15 times; Montana: 13 times; Wisconsin: 13 times).[14] Concerning the adoptive placements in California, Native children were adopted in 1975 at a per capita rate 8 times greater than for non-Native children (Montana: 5 times; Idaho: 11 times; Washington: 18 times; Wisconsin: 17 times; Alaska: 4.6 times). Finally, the US Bureau of Indian Affairs (BIA) indicated in 1971 that 34,538 children were living in BIA boarding schools and dormitories.[15]

With regards to Australia, the *Bringing Them Home* report showed that approximately one in three Aboriginal children were forcibly removed from their families in the period between 1910 and 1970 (AHREOC, 1997: 31). During the 1950s and 1960s, Indigenous children were removed from their families in distant places to be adopted. Whereas non-Indigenous children could be removed from their family only on a Children's Court finding of neglect, the removal of Indigenous children was subjected to the authorities' whim, leaving the family without any means to oppose the decision.

The second principle of the United Nations Declaration on the Rights of the Child (20 November 1959) stipulates 'the child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity'. Therefore, by separating children from their families, both the Australian and US governments violated the UN Declaration.

The Australian Government used the argument of removing Indigenous children for their best interest in order to give them education and a healthy environment. Paradoxically, the institutions, missions and children's houses were often too poor and resources insufficient to keep the children adequately fed and clothed. The little education the children received was based on learning how to perform domestic chores to prepare them as menial workers.

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13 Hearing before the US Senate Select Committee on Indian Affairs. 95th Congress, 1st Session on S.1214, 4 August 1977.
14 Hearing before the US Senate Select Committee on Indian Affairs. 95th Congress, 1st Session, 4 August 1977, p. 539.
15 Report of the House of Representatives. HR Report Number 1386. 97th Congress, 2nd session, 24 July 1978, p. 2.

Resistance

In order to protect their children, Aboriginal and Native American organisations put pressure on their respective government to set safeguards to stop the widespread removal of children.

In the early 1970s, Native organisations, such as the Association on American Indian Affairs and the National Congress of American Indians, incited the US Congress to pass legislation to protect the interest of the Native children and that of the tribes. In the preamble to the Indian Child Welfare Act (ICWA) of 1978, the United States Congress referred to its responsibility and legal obligations[16] compelling it to protect the best interest of the Native child and promote the stability and security of Native communities. In this respect the tribal court had jurisdiction over the placement of every Native child who resided on the reservation. Because some State courts could have jurisdiction over the placement of Native children residing off reservation,[17] they were obliged to notify the children's parents and tribes on the proceedings by registered mail with a return receipt requested. The State court also had discretion to appoint counsel for a child. If it did not have the means to do so, it notified the Secretary of the Interior who paid for the counsel. The ICWA favoured Native child's adoptive placement with his extended family, other members of his community or other Native communities before considering a non-Native placement.[18] The ICWA also stipulated that no voluntary consent of relinquishment of parental authority would be valid unless 'executed in writing and recorded before the judge of a court of competent jurisdiction and accompanied by the presiding judge's certificate that the terms and consequences of the consent were fully understood by the Native parents or custodians'.

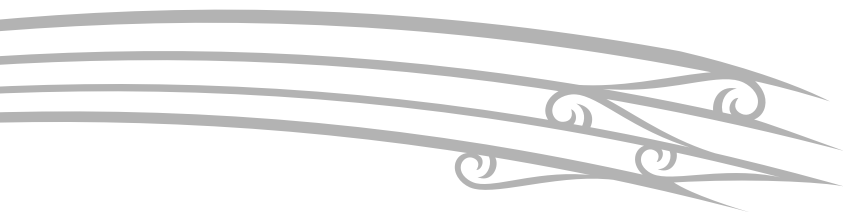
The ICWA has not stopped the adoption of Native children in non-Native homes but it has undoubtedly set limits to that practice. Some States, refusing to comply with ICWA, use the existing family doctrine in order to deny transfer of Native children to a tribal court. States use the pretext that ICWA is meant to protect a family, not a Native child without a family. Native children in urban areas are still more vulnerable when they are far from the reservation. The ICWA implies that State courts and Child protection services work hand in hand with Native community centres. When a child is referred to the court the latter may call the Native centre or the ICWA worker so as to determine if the child is Native. The training of Indian Child Welfare workers in both reservation and urban Indian Child Welfare centres is assured by the National Indian Child Welfare Association.[19]

16 Its responsibilities derived through treaties and statutes.

17 With Public Law 280, states can have jurisdiction over tribes. The 1953 Act mandated a transfer of federal law enforcement authority within certain Native tribes to State governments in six states (California, Minnesota, Nebraska, Oregon, Wisconsin and Alaska).

18 95th Congressional Record. HR, Vol. 124, Part 28, 1978, p. 38104. Title 1, Section 105 (a).

19 This private, non-profit organisation is based in Portland, Oregon.



In Australia, the activism of Indigenous organisations tended to slow down the removal in the 1970s. In Victoria, the first Aboriginal and Islander Child Care Agency started offering alternatives to the removal of Indigenous children. In 1980, the family tracing and reunion agency, Link-Up Aboriginal Corporation, was established with the purpose to assist all Aboriginal people who have been fostered, adopted or raised in institutions to return home. Link-Up services are present in each state and territory of Australia and provide Aboriginal people with counselling and support. In 1981 the Secretariat of National Aboriginal and Islander Child Care was created. In the early 1970s the Victorian Aboriginal Legal Service Cooperative Ltd represented Aboriginal children in the Children's Court.

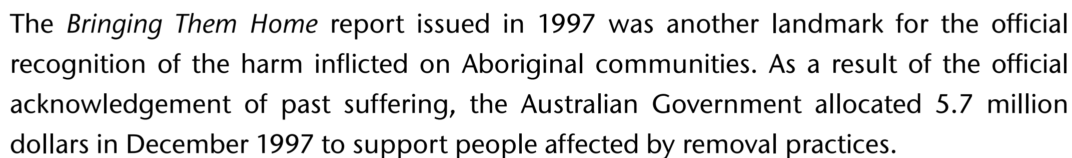
Their efforts were finally rewarded by the incorporation of the Aboriginal Child Placement Principle in some legislation and policies.[20] The Aboriginal Child Placement Principle outlines a preference for the placement of Aboriginal and Torres Strait Islander children within their own culture and community and recognises that Indigenous agencies should be consulted about placements. The Principle was inserted into the Community Welfare Act of 1983 and later into the Adoption of Children Act of 1994 in the Northern Territory. New South Wales and Australian Capital Territory included it into the Children (Care and Protection) Act of 1987. One year later the Principle became the official policy of the Welfare Department and was incorporated in the Adoption Act of 1988 and the Children Protection Act of 1993 in South Australia.

In Victoria, the Principle was added into the Children and Young Persons Act 1989. In the Western territory, it has become the policy of the Department of Community Services since 1985.

Even if one may judge these measures as a small step towards the protection of Aboriginal children, the Australian Government's official recognition of the participation of Australians in the tragedy was a decisive step. The Governor-General, Sir William Deane, stated in August 1996:

> It should be apparent to all well-meaning people that true reconciliation between the Australian nation and its Indigenous people is not achievable in the absence of acknowledgement by the nation of the wrongfulness of the past dispossession, oppression and degradation of the Aboriginal peoples. That is not to say that individual Australians who had no part in what was done in the past should feel or acknowledge personal guilt. It is simply to assert our identity as a nation and the basic fact that national shame, as well as national pride, can or should exist in relation to past acts and omissions. (AHREOC, 1997: 4)

20 Even if the Aboriginal Child Placement Principle marked a change in child practice, it is hard for Indigenous agencies to control its implementation.



The *Bringing Them Home* report issued in 1997 was another landmark for the official recognition of the harm inflicted on Aboriginal communities. As a result of the official acknowledgement of past suffering, the Australian Government allocated 5.7 million dollars in December 1997 to support people affected by removal practices.

On 13 February 2008, the Labour Prime Minister, Kevin Rudd, apologised to the Aborigines for the mistreatment inflicted on Aboriginal children and for the past policies that forcibly removed generations of Aboriginal children from their families.[21] The Australian Government has also agreed on a National Sorry Day held annually on 26 May to commemorate the tragedy.

Canada followed the lead and on 11 June 2008 the Canadian Prime Minister, Stephen Harper, apologised for the physical, sexual and psychological abuse that First Nations former residential school students endured in church-run schools funded by the Canadian Government from the 1870s until the 1970s. On 19 September 2007, the Government formalised a $1.9 billion compensation plan for the 80,000 former students under the *Federal Indian Residential Schools Settlement Agreement*.[22]

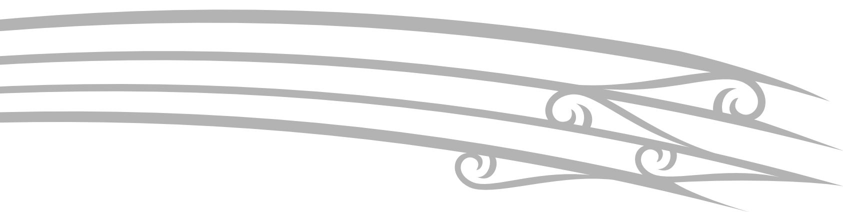
In the United States, there has been no official Government apology for the wrong made to Native children in the past. The only apology ever made was by the President of the Child Welfare League of America, Shay Bilchik, who, referring to the contribution of the Child Welfare League of America to the adoption of Native children in whites' homes, confessed during a conference with the National Indian Child Welfare Association in June 2001, 'No matter how well intentioned and how squarely in the mainstream this was at the time, it was wrong; it was hurtful; and it reflected a kind of bias that surfaces feelings of shame'.

According to a study entitled *Native American Kids 2003: Indian Children's Well Being Indicators Data Book for 14 States*, Native American children and youth continue to have comparatively worse well-being rates at the national level than other children and youth in the United States of America.[23] Today, Aboriginal children are still highly represented in the child-care system. The full implementation of the Principle implies that Government services consult Aboriginal agencies in the best interest of Aboriginal children.

21 The conservative Prime Minister John Howard had previously refused to apologise to the Lost Generations of Aborigines. He had instead expressed his 'deep and sincere regret' about the tragedy.

22 It is an out-of-court settlement that represents the consensus reached in the discussions between the Government of Canada, legal counsels for the former students of residential schools, the churches, the Assembly of First Nations and other First Nations organisations. A Royal Commission on Aboriginal People in 1913 had revealed the situation prevailing in the residential schools.

23 The study was carried out by Angela A. A. Willeto and Charlotte Goodluck in December 2003. Both researchers used the sources provided by the US Bureau of the Census, the Bureau of Labor statistics and the National Centre for Health Statistics. They set ten well-being indicators: low birth weight; teen births; infant mortality; child deaths; teen deaths by accident, homicide and suicide; teens who are high school dropouts; teens who are not attending school and not working; children in poverty and family structure.



Conclusion

Aboriginal children were separated from their families and forced to work in farms since the beginning of European settlement. These children later became the target of government policies to assimilate mixed descent children into mainstream culture. Church-run orphanages, missions and boarding schools participated in the scheme, denying Aboriginal families their rights as parents. In the United States, the ideology of assimilation was intended to be achieved progressively through the out of reservation schools, the boarding school system and later through the widespread adoptions into non-Native homes. Both Australia and the United States used children as the vehicle by which assimilation was to be achieved. These states used the notion of parens patriae at its extreme to reach their goal. The legacy of those forcible removals in both countries is generations of people fighting to find their identity. They are being helped by organisations such as First Nations Orphan Association and Link-Up Aboriginal Corporation to fine.

What happened to these children teaches us about tolerance, respect for cultural differences and above all the importance of family links for every human being. This article has sought to shed light on the past and present conditions of Aboriginal and Native children and to pay tribute to the courage of those who have survived and found the strength to talk about their suffering.

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