

BLAKOUT.CA  
POWERFUL AS GOD, THE CHILDREN'S AID SOCIETIES OF ONTARIO

A website and film

by

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Esther Buckareff

## **Abstract**

BLAKOUT.CA

POWERFUL AS GOD, THE CHILDREN'S AID SOCIETIES OF ONTARIO

Master of Fine Arts, 2011

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Blakout.ca is an online documentary website that investigates how stories from an oppressed public can affect a democracy if voices that were silenced are facilitated and heard. It hosts film-based media, creates a rapport between the director and the public, and invites anyone who feels bullied and silenced by employees of public organizations to speak out by adding their story to the website. Blackout.ca's first film, *Powerful As God - Children's Aid Societies of Ontario*, explores the workings of the Children's Aid Societies (CAS). It demonstrates how and why people are silenced within the constructs of a democracy and the subsequent injury to person, community and society. By facilitating a voice for witnesses and experts who have dealt with the agency, the film traverses the cause, means and effects of silencing a population and investigates how truth can be revealed through collaborative participation between individuals, communities and the greater public.

## Introduction

Blakout.ca is an online documentary website that investigates how stories from an oppressed public can affect a democracy if voices that were silenced are facilitated and heard. It hosts film-based media, creates a rapport between the director and the public, and invites anyone who feels bullied and silenced by employees of public organizations to speak out by adding their story to the website.

Blackout.ca's first film, *Powerful As God - Children's Aid Societies of Ontario*, explores the workings of the Children's Aid Societies (CAS). It demonstrates how and why people are silenced within the constructs of a democracy and the subsequent injury to person, community and society. By facilitating a voice for witnesses and experts who have dealt with the agency, the film traverses the cause, means and effects of silencing a population and investigates how truth can be revealed through collaborative participation between individuals, communities and the greater public.

The film delves into the workings of the CAS, revealing the dangers to society when profit, secrets and laws are used to empower abusive, unethical and oppressive behaviour by bureaucracies, individuals and industry. Through documentary media, this work endeavours to convince the public that the electorate is ultimately responsible for implementing policies that irrevocably damages lives. It asserts that when victims are silenced or prevented from speaking out or claiming their rights, society functions like a dictatorship. The film explores how the public's political decisions impact the legislated accountability of government by its agencies. It argues that since the public elects the government, the public is ultimately responsible for the dysfunctional democracy that

emerges as a result, which then panders to a profiteering elite, tolerates abuse, and ultimately exploits the very public that empowered it. Subsequently, the use of “government” in this work, implies the greater public that elected it.

When a profit model dictates the governance of social services intended to help people, such as the CAS, these agencies are vulnerable to corruption because profit (in any manifestation) is the primary incentive for an individual to abuse his or her power. When governments initiate a profit-driven incentive for agencies commissioned to help people, it results in even greater damage and higher monetary costs to society than before that profit model was instituted. In essence, it is more cost efficient for the public to invest in social services without demanding a tangible return on investment to account for that money (such as a head count of children in care), then it is to implement a traditional business model intrinsically linked to profit. The CAS operates on a business model that rewards the agency financially for each child it apprehends. That reward is then tripled if the child is diagnosed with mental disorders and placed on drugs. Thus, more children in its care, and more children with mental health diagnosis', means more money for the agency. If the number of children decreases, the agency receives less money – unless it can compensate for this loss by diagnosing more children with mental health disorders, regardless of whether the child suffers from it or not. Parents (both natural and foster) are discouraged from advocating for the welfare of a child because active parenting demands a financial investment by the agency that adversely impacts its balance sheet (paying for therapy, music lessons and extracurricular activities, tutoring, nutrition, dental, health, and so on). Group homes, staffed by minimum-wage earning young

adults, is a cost efficient way for the agency to 'warehouse' children, many of whom are drugged into compliance as a way to control “normal” child-like behaviour and reduce overhead expenses associated with parenting and skilled supervision. By diminishing the significance of emotional nourishment in a child's life, the agency's innate business policy of exploiting children for money encourages the recruitment of abusive foster homes whose reasons for fostering reflect the agency's motive, encourages the dismissal of abuse claims by children in its care, discourages loving families from fostering, and disregards the needs of the child's natural family and community. Subsequently, the investment into bettering the lives of children, families and communities is overshadowed by the agency's financial model. The emphasis becomes not on helping the child or the family, but on apprehending children and spending as little as possible to maintain them. When a conservative business model is applied to social services intended to help people, the natural economic principle of supply and demand ensures that industry profits, political and bureaucratic seats are secured, and money intended to help people in crisis is withheld. As a result, investment into social spending dramatically increases because the damage to individual lives causes a chain reaction that lasts for generations, impacting all aspects of social services - from mental health and healthcare, to policing, crime and prisons.

The distinction between the CAS and other government agencies is its authority to apprehend children. To a loving parent or guardian, the loss of a child surpasses any dollar amount or other form of loss a person may feel. When CAS is involved, it often means that one or more children from that parent or guardian are seized by the agency

and not released until the issue is either resolved or the children age out of the system. The CAS not only arms itself with money, laws and secrecy legislation, but also with the lives of vulnerable children whom it often uses as leverage to coerce, manipulate, discredit and silence the parent or guardian. If a parent or guardian disagrees with the agency's request, decision or policy, the agency uses the child to threaten the parent. For example, Marlene Langfeld, a parent whose children were apprehended, describes a scenario when a social worker threatened access to her children if she didn't stop crying. She recalls the social worker saying, "If you ever cry in front of any one of your children again, you will have supervised access in this building exclusively. Is that crystal clear?"<sup>1</sup> By exploiting the emotional bond between a parent and her children, the worker leveraged Marlene's access to her children by demanding Marlene's emotional control. If the child sees that a parent is upset, they become 'higher maintenance' and thus, more expensive for the agency to manage. Keri Malcom, a mother whose son is a crown ward of the agency, described how her son would tell her he would misbehave as a strategy to be sent home. Nancy Robecheaud, a foster parent for forty-years, described similar circumstances.<sup>2</sup> Emotions are an expense that adversely impacts the agency's bottom line. Feelings like love, caring, desperation, attachment and so on, monopolize the workers' time, creates control issues in the group or foster home, and forces the agency to implement expensive programming. To control the expense that emotions incur, the agency will often tell the child that the parent doesn't want them anymore, and to the

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<sup>1</sup>Langfeld, Marlene. *Powerful As God - Children's Aid Societies of Ontario*. Directed by Esther Buckareff. Toronto, 2011.

<sup>2</sup>Both instances regarding Keri Malcom's story and Nancy Robecheaud's examples are from the transcripts.

parent, that the child doesn't want them anymore.<sup>3</sup> Dismissing emotions as an integral component to a child's health, then leveraging the emotional bond between parent (or foster parent) and child to benefit a business model, places the child's welfare, the parent and the community at risk. The time lapse between when the child is apprehended, and when the issue resolved, critically affects the child's life. In the film, Lawyer Michael Clarke comments on this process, "From the time a child is apprehended to the time of final disposition is made, takes months, sometimes years. And that's the tragedy because what happens to a child who's in the system is not very pleasant."<sup>4</sup> When a child is apprehended, the life of that child is subjected to a bureaucratic system that has proven to be as abusive to the child as it is to the parent. The social fabric of communities is destroyed by a bureaucracy that is overshadowed by a profit-driven model that has little regard for the consequences of its actions, or for the value of human life. Whether the abuse of children and families is done intentionally or not, this work demonstrates that abuse is the inevitable outcome. There are no other government agencies in Canada with the legislative authority to abuse and leverage children for profit, then use laws and secrecy to mask its behaviour. This distinction sets the agency apart as an important case study for Blakout.ca.

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<sup>3</sup>McQuaid, Robert. *Powerful As God - Children's Aid Societies of Ontario*. Directed by Esther Buckareff. Toronto, 2011.

<sup>4</sup>Clarke, Michael. *Powerful As God - Children's Aid Societies of Ontario*. Directed by Esther Buckareff. Toronto, 2011.



## **Beyond Secrecy: Finding Truth through Documentary Media**

Secrets that are held in isolation - from the individual or community affected by them - pose a significant threat to social justice because they can be used as a mechanism to silence and discredit the victim. As such, secrets give enormous power to the authority that governs them. The CAS has the legislated authority<sup>5</sup> to guard secrets, and thus keep to itself what is 'true' or not. The law is intended to protect families and children in crisis from media attention and unfair public criticism; it was never intended to protect the behaviour of the agency or the abuse of power by bureaucrats or agency employees.

When the CAS uses secrecy as a means to exclude the very individual(s) that the legislation is intended to protect, the families and children who feel victimized can claim their democratic right to speak out. But, if victims feel dis-empowered from claiming this right by the agency, politicians, the courts, bureaucrats, and any other profiting elites who invoke the secrecy legislation as a strategy to silence them, the law becomes twisted and misused to mask corruption and ultimately deflect public scrutiny. When secrecy legislation is used to silence victims of abuse, the process that ensues emulates the behaviour of child predators and sexual abusers who threaten children not to share their abuse with a discerning adult. Since secrecy is a definitive form of power, when secrets are held in isolation by one authoritative body, the incentive for the abuse of power increases dramatically. A functioning democracy enables victims, who do not feel protected by the agency commissioned to protect them, to absolve themselves of any feigned legal protection – such as secrecy legislation - by speaking out against the

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<sup>5</sup> “No person shall publish or make public information that has the effect of identifying a child who is a witness at or a participant in a hearing or the subject of a proceeding, or the child’s parent or foster parent or a member of the child’s family” (Child and Family Services Act R.S.O. 1990, c. C.11, s. 45 (8). [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90c11\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90c11_e.htm)).

injustice. In response to the media publishing stories regarding victims of CAS abuse and organized protests against the CAS, Barbara MacKinnon, Executive Director of the Ottawa CAS writes,

In recent weeks, the public has heard through various media reports of cases where the Children's Aid Society was mentioned.... When cases are presented to the public via the media, regrettably, most often the entire context of the situation is not available. We believe that families have a right to privacy when dealing with the difficult issues in their lives and, for this, we will never comment on any case in the press. When we are obligated to become involved in the life of a family, we are accountable to that family and to the courts.<sup>6</sup>

MacKinnon alludes that any stories presented by victims are not entirely true since ultimately, the agency knows the 'real truth' because it keeps the victims' secrets under its guardianship. Conversely, the families and children who feel victimized, are not interested in being protected by the very agency that abused them. When secrecy is used as a weapon to victimize individuals, the truth becomes convoluted and vague, particularly if the victims' assertions are discredited by those secrets.

Documentary plays a key role in discerning the perplexity of what is true or not when victims are discredited and silenced by an adversarial authority. *Powerful As God - Children's Aid Societies of Ontario* explores how secrecy can be respected or abused by juxtaposing a court-driven model produced in isolation, with a more inclusive solution geared toward strengthening communities and helping children and families overcome

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<sup>6</sup> Barbara MacKinnon, "CAS works to find safest solution for everyone", Ottawa Citizen, Accessed August 26, 2011 <http://www.ottawacitizen.com/news/works+find+safest+solution+everyone/5187304/story.html>

their crises. Celina Reitberger of the NAN Legal Clinic in Thunder Bay discusses “The Talking Together Circle”, an Alternative Dispute Resolution Model (ADR) based on Aboriginal tradition. Rules of The Talking-Together Circle demand “respect, openness and fairness” and incorporate members of the community to assist in resolving the crisis and keeping the child in his or her community. This model suggests that confidentiality can be respected and a solution to assist the child can be reached if “secrecy” is shared with a community that converges to help a child and family in crisis. As a manifestation of power, when secrecy is shared amongst equals, there is less probability for its abuse. Conversely, when there is incentive to exclude the community and use secrecy as a rationale to avoid accountability and transparency, an abuse of power emerges that inevitably damages lives. While the secrecy legislation exists to protect and respect the victims, when it is used in isolation to mask corruption, it protects the abusers. The former model emulates a democracy, whereas the latter mirrors a dictatorship that rules in isolation.

Stressing the importance of bringing people from all backgrounds and relevant professions together to resolve social issues that impact the health and unity of a family and a community, Reitberger describes the participants as, “probably... the first time that all of these people are in a room together.”<sup>7</sup> As a creative work, the film emulates the circle process through its structure and content, by bringing victims and experts together through editing “in conversation” - even though most of these individuals have never met, do not know of each other, and some live hundreds or even a thousand miles apart.

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<sup>7</sup>Reitberger, Celina. *Powerful As God - Children's Aid Societies of Ontario*. Directed by Esther Buckareff. Toronto, 2011

The documentary is able to weave these interviews together into a conversation because the content, “the truth”, of what the witnesses are saying about the workings of the CAS is similar. This approach also attempts to demonstrate systemic abuse that spans across municipal boundaries, including provincial and even national borders<sup>8</sup>. To address the issue of a convoluted truth, or 'solitary truth' held 'in confidence' by the CAS, the “truth” about the workings of the agency, and the impact of its actions on families and children, emerges through the collaboration of victims and experts, whose opinions and stories about the agency either support each other or add perspective to the issues. While the structure of the film metaphorically represents the Talking Together Circle, it also emphasizes a process that reflects the workings of a collaborative and participatory democracy - where fairness, truth and equality converge by talking together to resolve complex social justice issues that would otherwise negatively impact lives and silence the electorate.

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<sup>8</sup>Advocacy groups against abuse in child organizations exist in the US, UK and Australia. The author of this work also received numerous emails and phone calls from individuals, researchers and victims from the US and across Canada - from British Columbia to Newfoundland.

## The Secret Keeper

By facilitating the voices of people who have been injured with secrets, documentary media has the unique potential to perform a healing role for victims of abuse. Loretta Merritt, a personal injury lawyer who represents victims of sexual abuse says, “So many of the people, who are my clients, say to me, 'It's not about the money, it's about - I need to do this. I need to be heard.'”<sup>9</sup> The film highlights this desire during a brief segment when the filmmaker is still clipping the mic to a witness when he begins speaking about the trauma that led to his time in care. When victims are forced to keep secrets of abuse, the oppression becomes a crime against social justice. Says Merritt, “To silence an abuse survivor, is in effect, to re-victimize them.”<sup>10</sup> The use of secrets as a weapon is most aptly described by former foster child and victim of sexual abuse, George Gilbeau, when he recalls the words of his abuser, “Don't tell anybody or I'll kill you. Or I'll kill your sister.”<sup>11</sup> Secrets in government bureaucracies are beneficial to the greater good only when they protect the vulnerable, and when the vulnerable feel protected by them. When secrets are used by a public agency to discredit victims of abuse, threaten, silence, bully, and mask agency error, then protecting these secrets is no longer in a democracy's best interests.

George describes what happened when he told the CAS about the abuse he incurred as a child in their care, “when I was 14, I told them everything. They didn't care. Sure, they did an investigation, you know? But people denied it and they closed it.”<sup>12</sup>

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<sup>9</sup>Loretta Merritt, from the interview transcript

<sup>10</sup>Loretta Merritt, from the interview transcript

<sup>11</sup> Gilbeau, George. *Powerful As God - Children's Aid Societies of Ontario*. Directed by Esther Buckareff. Toronto, 2011.

<sup>12</sup>Gilbeau, George. *Powerful As God - Children's Aid Societies of Ontario*. Directed by Esther Buckareff. Toronto, 2011.

Callie Langfeld echoes George's experience in foster care when she, too, complained to her CAS worker about being abused, "What?! My worker's siding with her? I've got marks on my back, I have marks on my arms and my legs, but it's my fault?"<sup>13</sup> While claims of abuse by children in its care are often dismissed and discredited, the CAS employs similar tactics as the abuser when it chooses to discredit and silence its clients. Edward Hickey, an airline pilot who was on the CAS adoption list for fifteen years with his wife (who holds a Masters in Social Work) describes the circumstances of a foiled adoption when the agency placed a young girl in their care, introduced to them her as "Mommy and Daddy", and then failed to tell the couple for four months that the child's grandmother had changed her mind about the adoption, even though the agency knew about it just a month after her placement. The CAS used "confidentiality" as an excuse to circumvent its legal obligation to be open and honest with the adoptive family. The agency also failed to release the child's health records to the adoptive family because Edward and his wife had specified they preferred a child without mental health issues. The CAS chose to lie to the adoptive parents and not disclose the file because the mother's background posed extensive risk to the child's mental health. When Edward and his wife discovered the grandmother had changed her mind (by speaking to the grandmother on the phone), they returned the child to the CAS and filed a complaint. The CAS then discredited the adoptive couple by noting in their file that they were an "uncooperative home"<sup>14</sup> and that the agency, itself, had initiated the child's removal. Says Edward of the agency's state-sanctioned use of secrets, "In our experience with Children's

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<sup>13</sup> Langfeld, Callie. *Powerful As God - Children's Aid Societies of Ontario*. Directed by Esther Buckareff. Toronto, 2011.

<sup>14</sup> The extent of Edward's story is not described in the film but it is contained in the interview transcripts.

Aid, what we found was that confidential is code for secret. We'd like to keep it a secret. It's not so much it's confidential, it's 'we don't want you to know it, and we're going to keep it secret.'"<sup>15</sup>

Hypocrisy that reflects the agency's intent to protect itself, and its business model, emerges when children, parents and guardians are discredited, bullied and silenced to cover up the fact that often, children who are not abused are apprehended, and children who are abused are returned to their abusers.<sup>16</sup> In essence, the CAS uses secrecy legislation to protect abusers and silence the abused. This behaviour demonstrates the danger of keeping secrets in isolation from a community and from the individuals that the secrets are intended to protect.

Undemocratic bullying by the government, politicians and the elite, by using secrecy to silence and deflect from wrongdoing, is not isolated to the CAS. Examples of this behaviour are littered across the media in current affairs every day.

In November 2009 when Canada's deputy head of security and intelligence in Washington, Richard Colvin spoke out about "Canadian knowledge and cover-up of the abuse of Afghan prisoners transferred by Canadians"<sup>17</sup>, Defence Minister Peter Mackay's response was to discredit Colvin by implying that he was lying. A day later, as media outlets scrambled to substantiate Colvin's allegations by profiling his credibility as "a veteran of Canada's foreign service"<sup>18</sup>, an EU diplomat backed him up.

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<sup>15</sup> Hickey, Edward. *Powerful As God - Children's Aid Societies of Ontario*. Directed by Esther Buckareff. Toronto, 2011.

<sup>16</sup> From the transcripts: When Edward Hickey returned the child to CAS, the agency contravened a court order and gave the child to an abusive home instead of to the grandmother. There are other stories of similar actions by the CAS with different individuals that were not included in the film.

<sup>17</sup> Tonda Maccharles, "Whistleblower Under Attack," *Toronto Star*, November 20, 2009.

<sup>18</sup> Tonda Maccharles, "The Whistleblower," *Toronto Star*, November 21, 2009

By putting witnesses together in conversation, and giving them support through the experts, the film's structure acts in the same capacity as the EU diplomat, countering any probable implication by the CAS that the witnesses may be lying. In May 2010, “Conservative Senator Nancy Ruth told a group of international-development advocates who gathered...to sound the alarm about Canada’s hard-right stand against abortion in foreign aid... (to) Shut the \*\*\*\* up on this issue.”<sup>19</sup> Ruth's comment to the advocates blatantly implied, 'be silent or you won't get any money.' The CAS employs the same strategy as Ruth. They use money to force parents through an arduous court process where many parents either lose access to their children by being poorly represented because of financial constraints and/or a lack of knowledge of how to navigate the court system, or they are bullied into bankruptcy.

Family lawyer Salvatore Garcea describes a typical scenario where the CAS might investigate a low-income family home and seize the children on the basis of poverty, “Say someone makes a call, Children's Aid goes over, sees that there's not enough food in the house, sees that the house may be in disarray, and probably not necessarily up to the standards of our average person... there may be a risk of harm to the child, so that child is removed.”<sup>20</sup> The conversation that ensues suggests that money should be used to help poor families, rather than used to oppress and silence them by seizing their children.

Further to exploiting poverty, the CAS also uses children as leverage. The media-publicized case of 'Daniel' demonstrates a common strategy used with foster homes and

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<sup>19</sup> Susan Delacourt, “Abortion Funding – Tory Senator Tells Canadian Women ‘Shut the \*\*\*\* up’”, *Toronto Star*, May 4, 2010.

<sup>20</sup> Garcea, Salvatore. *Powerful As God - Children's Aid Societies of Ontario*. Directed by Esther Buckareff. Toronto, 2011.



natural family members. When the foster parents asked the agency to accommodate a special program that addressed Daniel's mental health issues, the agency removed Daniel from the foster home and placed him into a group home, forcing the foster parents into litigation to retrieve Daniel. While Daniel was already diagnosed with mental health issues, the agency's profit margin dictates that it is more cost efficient to place him in a group home, where there are no demands on special programming, than negotiate his welfare with a caring foster family. In this instance, the foster family was a working-class (middle-income<sup>21</sup>) home that turned to the agency for help. The foster parents had established an emotional bond with Daniel, who did not have natural parents to advocate for him, and regarded him as part of their family. Lyndsey Cara King, a former Respite Worker with the Jewish Family and Children's Services who worked with Daniel for four years in their home, describes a scenario where the agency used Daniel as leverage to bully the foster family, "They would hold Daniel's extracurricular activities hostage" if they wanted the foster parents to comply with them. King resigned from the agency after witnessing their behaviour. She comments, "So, essentially, they're punishing the child because they have an issue with the foster parents."<sup>22</sup>

The pattern of using children to spite the parents manifests itself in different ways throughout the film. Secrets that benefit 'the greater good' must be shared with a community of individuals that respects the cause for confidentiality and works together to achieve that benefit to society. The Talking Together Circle applies this principle when

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<sup>21</sup> Middle-class is defined by Statistics Canada median income for homes with two or more individuals, "Families had median market income of \$64,900 in 2008." The report defines a median income as, "The median is the point at which half of all families or individuals had higher income than the rest, and half had less." Accessed July 30, 2011. <http://www.statcan.gc.ca/daily-quotidien/100617/dq100617c-eng.htm>

<sup>22</sup> King, Lyndsey Cara. *Powerful As God - Children's Aid Societies of Ontario*. Directed by Esther Buckareff. Toronto, 2011.

dealing with child welfare cases by inviting community members to assist in resolving the issue. In democracies, where government agencies, bureaucrats and politicians keep secrets from the public, a 'circle' of individuals are trusted to behave ethically and ensure these secrets represent the public's best interests. When a diplomat, like Colvin, exits that 'circle' of confidants as a 'whistle-blower', because he realizes the community of secret keepers is acting unethically and contrary to the morals that govern the nation, he demonstrates respect for the public's trust by giving affected victims a voice they otherwise would not have. The same can be true of a documentary when it facilitates the stories of individuals who have been oppressed by secrets, such as those held by the CAS.

Instead of rewarding whistle-blowers, the government either discredits them, as MacKay did with Colvin and the CAS does with victims, or it punishes them for speaking out. For example, in October 2010, Alex Hundert, a protester who attended the G20 Summit, was arrested after participating in a panel discussion at Ryerson University, then muzzled by the court from speaking to media or attending any political events. Osgood Hall law professor Alan Young translated the court's bail conditions as, "It's basically putting a gag order on a citizen of Canada, when it's not clear that the gag order is at all necessary to protect public order... People have to be able to air grievances, and the media is a primary tool in which people can air grievances effectively."<sup>23</sup>

The CAS resorts to 'mafia style' intimidation and abuse by punishing the child as a strategy to manipulate, silence or punish the parent or advocate. This type of social

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<sup>23</sup> Dan Robson, "Accused G20 Ringleader Faces 'Astonishing' Breach of Rights", Toronto Star, October 15, 2010.

control is common in dictatorships such as Cuba or China and reflects the dysfunctional state of Canada's democracy. If a democratic government represents the greater public, then it is the electorate that is acting in the role of dictator by silencing truth and oppressing its own. As a “secret breaker” for the greater good, the creative nature of documentary lends itself to the potential to facilitate stories on behalf of victims and dis-empower an abusive bureaucratic authority, such as the CAS.

## The Audience: Bringing Publics Together

Michael Warner explores characteristics of target audiences, and how to engage them, by examining how society is comprised of various publics - communities that share something in common that is different from the rest of society. A public is formed through discourse, when people openly identify their differences and group together.<sup>24</sup> He defines a greater public as “those with capital or power to distribute their views”<sup>25</sup>, and *counterpublics* as the marginal voices of society that may include any number of issues including “their tension with a larger public.”<sup>26</sup> Generally, any group of people with ideas that deviate from “the norm” and who see themselves as subordinates of a greater public, become *counterpublics* within a greater collective. Language, sexuality and gender, money, politics, culture, and so on, affects how and why *counterpublics* form. In this work, people adversely affected by the CAS are considered a *counterpublic*. Warner argues that, “privacy is publicly constructed”<sup>27</sup>, which frowns upon the public display of private matters but engages in them through curiosity and gossip. While Warner cites homosexuality as an example of an issue that may be frowned upon by a greater public, his theory equally applies to social justice issues regarding the CAS. Dr. Robert Drake, a physician, coroner and counsellor who has counselled families involved with the CAS and has had professional dealings with them as a coroner, discusses the notion of 'a stigma' associated with the CAS, “If... the Children's Aid is involved in a member of your family, there's a huge stigma, because everybody believes...you're being extremely bad

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<sup>24</sup> “...publics are only realized through active uptake.” Michael Warner, *Publics and Counterpublics* (New York: Zone Books, 2002), 87.

<sup>25</sup> Warner, *Publics and Counterpublics*, 50

<sup>26</sup> Warner, *Publics and Counterpublics*, 56

<sup>27</sup> Warner, *Publics and Counterpublics*, 62

and abusing your child, which isn't always the case.”<sup>28</sup> When people are involved with the CAS, have their children taken away or encounter conflict with the agency, the issue becomes a private matter because the agency's involvement implies that the individual has behaved in a way that embarrasses or undermines the greater public. It becomes a 'secret matter', which further reinforces the adverse affects of the secrecy legislation that governs how the agency conducts itself. An anonymous witness discusses the affect of this stigma, “You...don't speak out...because of fear, the scrutiny and the judgements from people... it is a very isolating experience...From the time that you start going through something like this and by the time your ordeal is over with, who's still there? I could think of other ways I'd rather weed out the good ones from the bad ones!”<sup>29</sup>

Subsequently, the victim is not only oppressed by the actions of the agency – the trauma inflicted on their children and themselves - but also by an enforced secrecy implied by the public's perception of the issue. Warner argues that a counterpublic actually wants to air their grievances and that the greater public might listen out of curiosity, or if it perceives the topic as gossip. The number of advocacy groups on Facebook and YouTube that describe CAS oppression and advocate change, demonstrates his theory to be true.<sup>30</sup>

The same is also true of many forms of oppression and injustice, from poverty to the environment. This work sought to answer the question, “How does a social justice issue, such as reforming the CAS, attract the greater public in its endeavour to invoke change?”

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<sup>28</sup>Drake, Dr. Robert. From the transcripts.

<sup>29</sup> Anonymous. From the transcripts.

<sup>30</sup> Stop the Children's Aid Society from taking Children from Good Parents, Accessed August 27, 2011. <http://www.facebook.com/#!/groups/stopcasgroup/> . Reform the Children's Aid Societies NOW, Accessed August 27, 2011. <http://www.facebook.com/#!/groups/2433281357/> . There are many such groups that list thousands of members. A quick search on Youtube.com reveals likewise.

Warner explores attracting the greater public to a *counterpublic's* cause as, “The only entry condition demanded of a public” is that you get their attention.<sup>31</sup> And, an effective way to achieve the collaboration of publics, is through an issue it has previously engaged in through gossip.<sup>32</sup> He argues that a theme will attract gossip through a natural inclination for curiosity when the issue also includes members of the ruling class and politicians. When a private social matter, delegated to a subservient counterpublic, also affects members of the ruling class, the impulse for gossip and curiosity is increased. He warns of a high standard of 'truth' regarding private issues involving the ruling class, including the source of that claim (preferably by a member of the ruling class, itself) else the claim will be dismissed and the source discredited.<sup>33</sup> In essence, the ruling class can gossip about itself, but when members on the fringe gossip about the ruling class, the claim is dismissed. Warner suggests that involving members of the greater public, in a cause that affects a counterpublic, increases that issue's potential to be heard by the masses only if one or more members of the ruling class are included in the claim. This rationale accounts for many social justice issues left unresolved because they fail to attract the ruling public's attention. While issues such as homosexuality may find its way into the ruling public's gossip mill, issues like poverty are more challenging to attract the public because wealth separates the ruling class from a counterpublic affected by a lack of money. The CAS is a unique case study because its actions, while traditionally affecting the poverty class, have extended to the greater public, such as adoptive parents, foster parents, and middle-class families – many of whom become involved because of

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<sup>31</sup> Warner. “A public is constituted through mere attention,” 87.

<sup>32</sup> Warner. “Gossip might seem to be a perfect instance of public discourse. It circulates widely among a social network, beyond the control of private individuals.” 78

<sup>33</sup> Warner, 78

legislation that requires hospitals and schools to report possible abuse cases to the agency. For example, if a middle-class parent brings a young child that has fallen from the climbers and broken his arm to a hospital, the hospital may choose to include CAS if the hospital attendant subjectively feels the parent broke the child's arm<sup>34</sup>. Motivated by a per-capita business model that clouds objectivity, equipped with millions of tax dollars, and having the authority to apprehend, the CAS may choose to remove that child from his or her parents and force the parent into an arduous court process. Another example includes a working-class family with four children in Thunder Bay, Ontario, who rushed their youngest child to the hospital after the girl had fallen during play and exhibited signs of illness following an afternoon nap. Upon admitting the child, the hospital called CAS, which then responded by removing all four children from the home, criminally charging the mother, forcing the parents out of their home (the parents slept in a neighbour's trailer for months), then negotiated the release of three children in exchange for keeping the fourth. Had the parents not signed the arrangement, they would not have received any children back from the agency. The CAS then moved the youngest child out of Thunder Bay and continued to use her as leverage to silence the family from speaking out to the media. If the parents made any effort to have their grievances aired, or made any attempts to visit the child, the CAS used access to the child as leverage.<sup>35</sup> Warner suggests that when members of the ruling public – the working class and middle-income earners - become a part of a *counterpublic*, they are less likely to speak out, except through gossip. In cases involving the CAS, not only are these individuals

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<sup>34</sup>Anonymous in conversation with the author, June 2010, Toronto, Ontario.

<sup>35</sup>Anonymous in conversation with author, May 2010, Thunder Bay, Ontario.

subjected to the stigma, but they also face the risk of great financial loss and bankruptcy as they navigate the court system.

In *Death of a Liberal Class*, Chris Hedges further subjugates publics and *counterpublics* to an exclusive elite, which he defines as “corporate power elites and their apologists (who) justify the subjugation and manipulation of nations in the name of national self-interest and democratic values”<sup>36</sup>. He argues that the Liberal class, a traditionally ruling public (both in the US and Canada), has had its values and position on social justice issues corroded by corporate elites. Actions of 'the elite' can be illustrated through the CAS and its network of industry, which profits from the agency's actions (pharmaceutical, legal, and so on). The CAS demonstrates Hedge's point that the elite has conquered the greater public by the damage it inflicts on a massive segment of society, which includes both the poor and the middle-class. Michael Clarke describes this network of profiting industry as, “a machine... that needs to be fed.”<sup>37</sup> By incorporating a panel of witnesses and experts, the work endeavours to demonstrate that individuals who profit from the agency's actions are the “apologists”, who 'pander' to an elite that justifies its behaviour in the name of “democratic values” that feign the protection of children, when in fact, its actions are to protect itself and to profit the industry that dictates its behaviour. To attract the greater public to a *counterpublic's* cause, Warner argues that “The only entry condition demanded of a public” is that you get their attention.<sup>38</sup> While a cause that affects the ruling public will do that, he also discusses the inclusion of politicians, members of society who are not exclusive to any public or counterpublic due to the

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<sup>36</sup> Chris Hedges, *Death of the Liberal Class*, (Toronto: Alfred A. Knopf Canada, 2010), 8

<sup>37</sup> Clarke, Michael. From the transcripts.

<sup>38</sup> Warner. “A public is constituted through mere attention,” 87.



nature of their position. While politicians are not subject to the same rules of gossip as the ruling public, they have the potential to garner attention. Thus, to attract a broad audience, inspire curiosity with the greater public and 'get its attention', the film incorporates members from the ruling class that have been adversely affected by the agency, and politicians.

## A Responsible Public

The 1959 Cuban Revolution facilitated a time in Cuban history to restructure its society according to socialist values that represent the best interests of individuals as participants of a collective. Motivated by this initiative, Cuban filmmaker Tomás Gutiérrez Alea sought to unite all factions of the public into a society of equals by targeting the masses through fictional storytelling; a Cuban audience of both revolutionaries and dissenters perceived the work as true through the conflict and tension of its characters, and an entertaining fictional plot. Alea felt the most important function for cinema was to strengthen the social conscience of the community. In *The Viewer's Dialectic* he writes, “an authentically popular cinema can be fully developed only in a society where the people's interests coincide with the state's interests.”<sup>39</sup> To bring people to a place of truth, understanding and equality – whilst keeping the viewer engaged and entertained - his work explored the dichotomy of various subjects through the use of tension. For example, in politics, this tension is between the people and their government, which Alea perceived as one collective body, and promoted this theme through the use of metaphor in his films. He included non-fiction footage to emphasize how the film's fictional plot and characters were intrinsically linked with a social reality that had to be examined and corrected. The same tension was true of emotion versus reason or logic. If the film was purely based on reason, it dismissed the necessity of engaging the viewer on a deeper level, and thus, the viewer's engagement with the film. In *Hasta Cierta Punto*

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<sup>39</sup> Tomás Gutiérrez Alea, “The Viewer's Dialectic Part 1”, trans. Julia Lesage, *Jump Cut*, no. 29 (1984) 18-21

*(Up to a Point)*<sup>40</sup>, Alea delved into the friction between men and women as a way to communicate the relationship between people and state. Woven throughout his storyline, he included non-fiction footage where he took his camera to the street and asked people how they felt about equality between men and women, and the role of machismo. During the opening scene, a man who is asked this question responds, “Men and women are equal - up to a point.”<sup>41</sup> Alea challenges the behaviour associated with machismo by demonstrating its adverse affect on people's lives. The characters reveal how machismo – through its arrogance and inequality - causes pain and suffering to individuals, and results in a general disconnect in society as a whole. During an interview with Michael Chanan, Alea comments on the film's objective, “I wanted to discuss the paternalism of the State in this film and create a stimulus to provoke discussion of this problem.”<sup>42</sup> On the use of cinema as a stimulus to action, Alea writes,

But if we want to go further, if we want film to serve something higher (or do the same thing, but do it more profoundly), if we want it to fulfil its function more perfectly (aesthetic, social, ethical, and revolutionary), we ought to guarantee that it constitutes a factor in spectators' development. Film will be more fruitful to the degree that it pushes spectators toward a more profound understanding of reality and, consequently, to the degree that it helps viewers live more actively and incites them to stop being mere spectators in the face of reality. To do this, film ought to appeal not only to emotion and feeling but also to reason and intellect. In

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<sup>40</sup> *Hasta Cierta Punto*. VHS. Directed by Tomás Gutiérrez Alea. Cuba: Instituto Cubano del Arte e Industrias Cinematográficos, 1983.

<sup>41</sup> *ibid*

<sup>42</sup> Michael Chanan, “We Are Losing All Our Values: An Interview with Tomás Gutiérrez Alea”, *Boundary 2: An International Journal of Literature and Culture*, vol. 29, no. 3, pp. 47-53, Fall 2002.

this case, both instances ought to exist indissolubly united, in such a way that they come to provoke, as Pascal said, authentic "shudderings and tremblings of the mind."<sup>43</sup>

*Power of God* seeks to provoke its viewer by combining the rational, or logical components of reason through its experts (lawyers, doctors and social workers) with emotion, through the stories of witnesses who experienced an injustice by the agency. This work argues that in a democracy, which elects its government, such as Canada, the 'state's interests' should naturally coincide with that of the people. Subsequently, when people are silenced, oppressed and prohibited from claiming their inherent rights, the greater public is obligated to accept responsibility for the injustice and take action to correct it. Else, the society is not a democracy and functions as a dictatorship. By integrating politicians into the film and website, Blakout strives to demonstrate this relationship between government and the public that elects it. For example, a short vignette on Blakout.ca features NDP politician Rosario Marchese, who stresses the significance of the public voice by encouraging people to speak out against injustice, "It's not just freedom for yourself to be able to air it, but it forces politicians to take stock and it forces them to take action. The more silent we are the more abuse we face."<sup>44</sup>

The film endeavours to demonstrate a government 'by and for the people' in two ways. First, by incorporating politicians through a discussion on a law that governs the registration of social workers in Ontario<sup>45</sup>, and secondly, through debate and law making

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<sup>43</sup>Tomás Gutierrez Alea, "The Viewer's Dialectic Part 1", trans. Julia Lesage, *Jump Cut*, no. 29 (1984) 18-21

<sup>44</sup>Accessed August 29, 2011. <http://www.blakout.ca>

<sup>45</sup>Social Work and Social Service Work Act, 1998. Accessed August 29, 2011. [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_98s31\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_98s31_e.htm)

in the Legislature. The intent is to echo Alea's perception of 'oneness' between public and state interests by demonstrating the effect that elected politicians have on social justice issues. MPP Frank Klees of the PC party presents the Social Work and Social Services Act because he was the Parliamentary Assistant in the Ministry of Community and Social Services, under the Harris government in 1998, whose responsibility it was “to bring this piece of legislation through the legislator process.”<sup>46</sup> The law requires anyone who calls themselves a 'social worker' to be registered with the College. For a social worker to be registered, the law requires that individuals hold either a Bachelors or Masters degree in Social Work and abide by the College' code of ethics. What ensues through conversation between witnesses and experts suggests that the CAS does not require its social workers to be registered, nor does the College perform its legislated duty to enforce the law. The illegal practice of social work subsequently implies that the perceived abuse of power, incompetence and unprofessional behaviour by CAS social workers could be attributed to the agency's endorsement of employing unregistered (and therefore, unqualified) social workers, who are then not obligated to follow a code of ethics because the law absolves them from accountability (unless malicious intent can be proven in court). On the abuse of power, retired computer engineer and affected parent Robert McQuaid comments, “I had one woman who told me she had a meeting with a social worker and the social worker boasted, "We have as much power as God." And I'm afraid to say that it was not much of an exaggeration.”<sup>47</sup> While the film explores other reasons for systemic and bureaucratic abuse, bringing the social worker issue to the fore, through Klees, is

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<sup>46</sup>Klees, Frank. From the Transcripts.

<sup>47</sup>McQuaid, Robert.. *Powerful As God - Children's Aid Societies of Ontario*. Directed by Esther Buckareff. Toronto, 2011.

intrinsically linked to a niche audience that the film endeavours to attract, with the intent of transforming this viewer into a participant.

To reveal a social reality in society that harms or injures the greater collective, and compels people to act by adjusting their attitude or behaving differently, Alea aimed to transform his audience into participants instead of being mere spectators of the work. Alea was able to capture the conflicting realities of various publics in the audience by incorporating multiple characters with different ideologies and opinions into a storyline that reflected a systemic issue in society. In Alea's work, a viewer becomes a 'participant' when they feel drawn to a character or situation that reflects their own thoughts and ideas. Through a storyline that details the consequences of an action that injures other lives, and adversely affects both the participant and the collective as a whole, the viewer is prompted to reconsider the wisdom of his or her behaviour. The result is self-reflexivity, which becomes an incentive to change the way one thinks and acts. While Warner's observations theoretically investigate the dynamic between publics and capturing the greater public's attention, Alea applied this principle to his films as a strategy to encourage the evolution of a collective voice that shares similar social principles. The 'niche' audience the film seeks to engage includes key decision makers in society, such as politicians from the PC, NDP, and Liberal parties, and leaders in the social work community who were present or presented on December 15, 1998, during the Standing Committee on Social Development - the last eve of debate before the bill was passed.<sup>48</sup> Also included are politicians and industry players who participated in trying to

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<sup>48</sup>Committee Transcripts: Standing Committee on Social Development - December 15, 1998 - Bill 76, Social Work and Social Service Work Act, 1998. Accessed August 29, 2011. [http://www.ontla.on.ca/web/committee-proceedings/committee\\_transcripts\\_details.do?locale=en&Date=1998-12-](http://www.ontla.on.ca/web/committee-proceedings/committee_transcripts_details.do?locale=en&Date=1998-12-)

pass this legislation for the fifteen years it was in the making, which spanned the rule of all three political parties in Ontario. Many of these individuals are today at the apex of the social work community, seated as established politicians either federally or provincially, or active as high level decision makers in academics and other organizations. A reading of the committee transcripts reveals that the legislation had strong support by the social work community, who wanted to be legitimized as licensed, healthcare professionals. The bill also garnered support from both the Liberal and NDP parties, who tried and failed to pass the legislation when their governments were in power. The discussion between party members implies that the legislation was being used by the PC party as an election ploy to gain support from a healthcare community that was “decimated” by the party's budget cuts. The paradox of this legislation being widely accepted by all political parties, then successfully used as an election ploy by the PC government, which then mitigated the failure to enforce the law four years later by the Liberal government, encourages self-reflexive thought by bureaucrats and politicians who succumbed to partisanship and petty political posturing in lieu of acting in the collective's best interests.

The work also endeavours to attract law-makers and supporters of the PC party, who introduced the CAS business model, to reflect on the tragic consequences of their actions. To describe this model, former PC Minister of Community and Social Services John Baird (currently federal Minister of Foreign Affairs in the Harper government) declared on May 11, 2000 in the legislature, “For the first time, we have a funding

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15&ParlCommID=842&BillID=&Business=Bill+76%2C+Social+Work+and+Social+Service+Work+Act  
%2C+1998&DocumentID=19405

formula for children's aid societies that is now volume sensitive...In the long term, the hope is that we can reduce the number of children who are even needing these new protection services.”<sup>49</sup> This “volume sensitive” formula either failed to consider, or maliciously foresaw for personal gain, a profit model that would inevitably emerge if the “volume” of children in care was made “sensitive” to the dollars that the agency, and its profiting network of industry, received per child. If eleven years constitutes Baird's notion of “long term”, then the gross damage to children's lives and communities today, and the contradiction between Baird's delusional “hope” and the reality that emerged, should prompt self-reflexive thought with a public that supports a party's social policies based on profit. The work uses politicians to “get the attention” (as Warner puts it) of an elite, a greater public that panders to it, and the electorate. It endeavours to transform these viewers into participants by demonstrating the damage that social policies based on profit incur on society. Since these policies extend across multiple party platforms and politicians represent the opinions of voters, the onus is on the electorate to take responsibility for making meaningful social changes, instead of taping them on the backs of political brands. Through the bill-making process in the legislature and the angry voices that cry out when the bill falls, the work endeavours to demonstrate that a collective shift in consciousness is required to change the way society perceives and treats its most vulnerable. This shift will effect the public's expectations from its politicians, and thus transfer “the people's interests” to “coincide with the state's interests”. The importance of a participatory audience cannot be over stated because the

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<sup>49</sup>House Proceedings. Accessed August 29, 2011. [http://www.ontla.on.ca/web/house-proceedings/house\\_detail.do?locale=fr&Parl=37&Sess=1&Date=2000-05-11#P448\\_170543](http://www.ontla.on.ca/web/house-proceedings/house_detail.do?locale=fr&Parl=37&Sess=1&Date=2000-05-11#P448_170543)



goal of this work is to inspire social change; it can only achieve this if it incorporates all publics, whereas each viewer can perceive a reality that is meaningful to them.

## Trigger to Action

To achieve the transition between a viewer of this work being a mere spectator of it, and transforming him or her into a participant who is willing to take action and change the injustice, this work looks at Jill Bennett's writings on how empathy can compel a viewer of trauma art to act, if the work triggers an emotional response that reminds the viewer of their own experience. She describes empathy as, “the product of being touched by another and, in part, an effect of seeing oneself feeling, catching oneself in the act of acting.”<sup>50</sup> While the trauma described in the artist’s work belongs exclusively to the artist, the viewer empathizes and perceives the work as “true” because it triggers deep feelings of an event experienced by the viewer that has never been articulated or described any other way. This feeling evokes an “empathy that comes into play when...we inhabit the space – the difference – between ourselves and others.”<sup>51</sup> The viewer thus perceives the work as true because they can emotively collaborate with the artist. She distinguishes between the nuance between sympathy and empathy, whereas sympathy is akin to the 'passive spectator', who may, in their “humanitarian role”<sup>52</sup>, feel bad for the victim, but not be affectingly influenced by the art. Sympathy is easier to reproduce through an art form such as documentary than empathy, which challenges the artist to use creative techniques that engage the viewer beyond feelings of guilt, to a feeling of oneness with the trauma. An example of sympathy in the film comes from a comment by Kelly Mackin, on the subject of 'caring', “And then, the public, and out there in society - most people don't care! Until it happens to them, and it can happen to anyone,

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<sup>50</sup> Jill Bennett, *Empathic Vision*, (Stanford: Stanford University Press, 2005), 123

<sup>51</sup> Bennett, *Empathic Vision*, 123

<sup>52</sup> “It is always easy for art and for audiences of art to take the moral line – to feel sympathy and compassion, to use art to confirm us in our humanitarian role.” Bennett, *Empathic Vision*, 17.

right?”<sup>53</sup> This work assumes that the use of guilt in documentary is equally as superficial as sympathy, the use of guilt is beneficial only when it is used jointly with empathy. If guilt carries the work, then it is unlikely it will achieve a trigger to action with the viewer. The project explores various ways to transform the viewer into an active participant through Bennett's observations on the coalescent nature of empathy as the impetus for transformation.

Alea drew his audience into the space between the art form - the characters in the plot - and the passive viewer, through the use of fiction. By using fictional characters, Alea was able to imply wrongdoing, or a necessary shift in social consciousness to benefit the collective, without targeting anyone specifically. He was also able to incorporate characters that represented diverse ways of perceiving social ailments. This strategy gave his films mass appeal with a broad audience. To engage his audience and trigger self-reflexivity, he explored the tension between polar opposites – incorporating hypocrisies and contradictions in his characters, adding nonfiction into a work of fiction, creating humour out of conflict between the public and government, and making dialectic cinema entertaining. This work explores the tension between fiction and non-fiction by incorporating the agency's implication to society that stories from witnesses are not true because only the CAS knows the “real truth.” The use of fiction is represented by the viewer's doubt, which emerges as a consequence. Alea recognized that the “real truth” resides in the conscience of the viewer, regardless of whether the character or the plot is fiction or not.

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<sup>53</sup>Mackin, Kelly. *Powerful As God - Children's Aid Societies of Ontario*. Directed by Esther Buckareff. Toronto, 2011.

By stressing a collective voice as a fundamental component of democracy, my film incorporates multiple witnesses from different perspectives to trigger a response with the viewer that is true to them. While each witness' story is different, the underlying theme of injustice is prevalent throughout. The injustice toward victims of abuse is supported by experts in the field and through the film's structure, which implies that a “conversation” between strangers could not occur if common themes between them did not exist. Thus, the work does not endeavour to “prove” if any one witness' story is true, but to demonstrate a social justice issue with the Children's Aid Society that requires a systemic change in consciousness to correct.

As a trauma-based documentary work, the presence of humour is 'accidental', and explored through tension (conflict, contradiction) to engage a sceptic viewer. For example, Robert McQuaid's use of the phrase “baby snatching” is positioned through “conversation” to invoke self-reflexivity. Bridgette Gratl's comment preempts the first time the phrase is used, “You can't just say, these people lie and these people take their children away, and this is when they are called the "abductors" and all of that. It's really not...”<sup>54</sup> In this instance, the tension is between Gratl and McQuaid, and the work assumes that the viewer perceives “baby snatching” as a cynical depiction of an event that has a 'rational' explanation. It utilizes the phrase to foreshadow a witness experience that will lend truth to its use. If the viewer responds to the phrase with humour and/or doubt, the probability to invoke self-reflexivity increases when the phrase is used again to convey a truism. When McQuaid comments, “This baby snatching system became a

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<sup>54</sup>Gratl, Brigitte. *Powerful As God - Children's Aid Societies of Ontario*. Directed by Esther Buckareff. Toronto, 2011.

big business only in the last couple of decades<sup>55</sup>” he is challenged a second time by Tannis Smith, who validates the phrase but asserts that McQuaid's time-frame is incorrect. She responds, “Well, I think the disconnect is in the history.”<sup>56</sup> The intent for incorporating a time-frame to contextualize McQuaid's comment is twofold. The first is to authenticate the phrase “baby snatching” by an authority (Smith), who validates McQuaid's use of it but challenges his knowledge of history. Her response urges the viewer to reflect on their scepticism and limited perspective regarding the boundaries of publics within the collective. To reinforce the structure of the film as a “conversation”, the phrase is used through editing to bridge a conversation regarding the First Nations community and the significance of CAS actions against it today. The pursuant contradiction with a sceptic viewer, someone who did not believe baby snatching was true (and dismissed McQuaid's use of it), forces the viewer to reflect on the truism in relation to its historic context. Secondly, by incorporating a time-frame the work implies that the First Nations community does, in fact, have meaningful suggestions to contribute toward resolving the complexity of issues surrounding the CAS because the history of injustice regarding “baby snatching” from its community, spans much longer than what McQuaid suggested.

Empathy is further explored through the use of fictional dramatization for purposes of memory recollection, to mask the identities of the children or parent affected, and to explore Alea's use of nonfiction into his fiction films as a way to accent the realism in the message. For example, in the story about Daniel, a boy from the Jewish

<sup>55</sup> McQuaid, Robert. *Powerful As God - Children's Aid Societies of Ontario*. Directed by Esther Buckareff. Toronto, 2011.

<sup>56</sup> Smith, Tannis. *Powerful As God - Children's Aid Societies of Ontario*. Directed by Esther Buckareff. Toronto, 2011.

community, the film uses stock footage of a dark haired boy playing with Lego blocks. The intent is to invoke empathy with a niche audience (a parent or guardian of a child) by presenting the “notion of a child” and that child's relationship to “parenthood”. Whether or not the child is actually Daniel is irrelevant because the context of the story is about the actions of the CAS, which are then emphasized through documentary footage of a protest. A second example is the re-enactment used with “Elizabeth”, an anonymous witness who describes her experience in a foster home when she discovered her child was being abused. While the visual representation of the event is fictional and uses actors, the truth is conveyed through the witness' account. By incorporating a broad range of witness stories, expert opinions, and short fictional representations of an event, the work endeavours to invoke empathy from viewers with various perspectives who can bond with one or more witnesses through a relation of 'oneness'.

## **Challenges Constructing the Work**

There are four challenges the Blakout project was forced to address during research and production: 1) Isolation, exclusion, deception, barriers to gathering information, secrecy and an ultimate lack of cooperation by Ontario bureaucrats and the Children's Aid Society 2) The cost of technology to realize its vision for distributing social justice content to the masses through the interactive form 3) Excluding witnesses from the film and 4) Conveying the complexity of the issues (poverty, the courts, and so on) when each issue legitimately warrants the length of the entire film to explore.

One of the greatest hurdles for conducting diligent research was overcoming barriers to critical information by Executives Directors whose agencies had been named by witnesses (and occasionally by experts) as causing grave injury to either the advocate, the children in care, or both. One such example was a request made to the College of Social Workers and Social Service Workers to supply a statistic of registered social workers employed by the CAS. A common grievance from witnesses was the incompetence of a social worker that damaged the witness' or the child's life by abusing their power. Subsequently, it was commonly held by witnesses that social workers employed by the CAS have no professional training in social work, and thus lack the professionalism that a trained social worker might exhibit. Employment listings by the CAS on job boards also supported this claim. To explore the validity of this theory, in mid-February 2011, an informal phone conversation with the College's office manager was held. The manager, who also handles requests by the public to provide data from the register, helpfully explained that the register was kept in an off-line database managed by

one IT professional, and that he would require two weeks to retrieve the statistic. Though the request required a mere sorting of the database tables and a printout, there was already a queue of requests for information by the public and that she, herself, would be on holiday for two weeks and could not follow up sooner. On March 23, 2011, when a call was placed to Glenda McDonald, the Executive Director and Registrar at the College, to follow up on an unrelated matter regarding an interview request to discuss the value of social workers in the workforce and the mandate of the College, Ms. McDonald responded by saying, “Oh, I know *you*. You asked the college to compile the number of registered social workers employed by the Children’s Aid. Well, I have that information but I’m not going to give it to you without more information on your project.”<sup>57</sup> Ms. McDonald then expressed concern that the statistic would “be abused” and that she would have to think about whether or not to release it.<sup>58</sup> After having the project information resent to her a second time, she clarified her statement regarding the statistic in an email,

Please be assured that I am not unwilling to release the information to you. However, it is my responsibility to ensure that it is as accurate as possible, conforms with the purpose of your research project and is released in accordance with College policies. Please be advised that the information has not yet been compiled and in accordance with College policy, only the Registrar can release this information.<sup>59</sup>

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<sup>57</sup> Phone conversation with the author on March 23, 2011, 2pm.

<sup>58</sup> *ibid*

<sup>59</sup> Email to author March 29, 2011



The information was never provided and when a FIPPA request was made to the governing Ministry for the statistic, the request was returned as stating, “the ministry has determined access cannot be provided as the records do not exist.”<sup>60</sup> Given the conversations with the office manager, followed by a conversation and correspondence with Ms. McDonald the Registrar, and knowing that a register containing social workers and their corresponding employers actually exists<sup>61</sup>, by stating this data does not exist, both the Ministry and the College demonstrate either gross incompetence or they lied. In the film, lawyers who discuss the behaviour of CAS social workers express a similar opinion about their actions toward children and advocates, and their testimony in court. They are perceived as being liars, incompetent or both.

Given the degree of power these individuals exert over a subservient public, their actions contradict the democratic model of participation and collaboration when they hide behind a wall of secrecy and isolation. Subsequently, their actions often contradict the public’s best interests, and can be oppressive and damaging to human life. Not being elected members of government, the potential for the abuse of power without accountability is enormous; the time-frame for the abuse also transcends the short-term employment of their publicly elected bosses. Executive Directors of government agencies were contacted in the same way as the contributing experts, through an email with a description of the project and a request for an on-camera interview. Warner might classify the prompt responses of the bureaucrats as curiosity and gossip. Curious about the project and how their agency plays a role, both Lucy McSweeney, Executive Lawyer

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<sup>60</sup> Ministry of Community and Social Services. *Response to FIPPA Request CYS2011/0020*, April 20, 2011.

<sup>61</sup> Ontario College of Social Workers and Social Service Workers, Accessed July 28, 2011, [http://www.ocswssw.org/en/college\\_register.htm](http://www.ocswssw.org/en/college_register.htm)

for the Office of the Children's Lawyer (OCL) and Irwin Elman, Executive Director and Child Advocate for the Provincial Advocate for Children and Youth responded promptly and conducted lengthy phone conversations regarding their agency's mandate and the documentary.

The OCL represents children who are apprehended by the CAS. A grievance arising from both children and parents was that the lawyer from the OCL did not represent the child's wishes and that they more often sided with the CAS than provided honest and adequate representation to the child. Ms. McSweeney agreed to conduct an on-camera interview to address this concern, if questions and transcript notations were sent to her ahead in order to allow her to adequately prepare. Though the document mirrored the phone conversation, the interview was promptly cancelled after the document was sent. Conversely, concern with the Child's Advocacy Office involved the Advocate's lack of authority when dealing with the CAS. Once a child is in care (at a group-home or foster home), they are no longer represented by the OCL. If that child is in danger, who or what entity outside of CAS can advocate for them and remove them from this danger when the parent or guardian is denied access? Both Ms. McSweeney and Mr. Irwin agreed by phone that this was an issue. Further, as the only legal authority outside CAS permitted to access the child, how does a child in either foster care or a group-home even know the Child Advocate exists or how to resource them if they're in trouble? These questions were discussed in conversation with Mr. Elman who expressed the same concerns and heartedly agreed to an on-camera interview. The interview was rescheduled three times and on the third time his assistant stated that the consent form had not been

thoroughly investigated by their “team of lawyers” – a consent form that protects the witness, allows the witness to request the footage not be shown in public if it does not represent their intended position, a consent that is also approved by Ryerson’s Ethics Review Board, and one that Mr. Elman had received weeks earlier. During the phone conversation with Mr. Elman, he also mentioned that the Thunder Bay CAS had served him with a law-suit after speaking out on public radio, and that he was absolutely not concerned with any law suits that prohibited him from speaking out on behalf of children. The reason for cancelling the interview was clearly a contradiction to the facts. Isolation through secrecy proved to be a common strategy by agencies and their directors to absolve themselves from accountability and mask truth. This work aspires to demonstrate truth and reality through the collaboration and participation of its publics. Therefore, members of the greater public, who chose to isolate themselves, became of no consequence to this work because their lack of contribution is demonstrative of the lies and deception the public already suspects of them through the actions of their agency.

The second challenge this work encountered was money and the cost of technology to distribute the work freely to the masses. A mandate for social justice, which the Blakout project holds, is that communicating issues of social significance should be available for free to the public to ensure that everyone is able to access and contribute. *Counterpublics* who suffer from abject poverty may be unable to view the work if they can’t afford to pay a fee to see it, and the greater public may also not be willing to participate if they’re required to pay this fee. The initial goal to realize a documentary that utilized the interactive features of Flash Media Server had to be set

aside because the funding required for bandwidth to host the video was not available. A work-around solution uses Vimeo to host the films, but the innovative vision to incorporate interactivity into the actual films had to be shelved. While money has proven to be the source of oppression and disempowerment, it can also be used to empower the voices of the disenfranchised and further democracy. Unfortunately, individuals and organizations with money are normally the elite, who prefer silence and influence in lieu of collaboration.

Making decisions to exclude witnesses from the film was also one of the greatest challenges this work faced. To make these decisions, the work sought to protect its interview subjects as a first priority (both witnesses and experts). If the work could not protect a witness in good faith (represent him or her to the viewer the way that the witness intended) and/or if there was any risk that a witness could endanger other witnesses (undermine the moral premise of the work and/or of other victims' stories), and/or there was a perceived lack of integrity in the witness' story, then that witness was excluded.

The complexity of issues brought forward by witnesses and experts seemed a daunting task for the work to unravel. Every witness story was different and many times it contradicted the circumstances of another – a mother who gives her child up versus a child who is forcefully removed, an experience in foster care where the child is raped versus an excellent experience that benefited the child in adulthood, group-home workers that exploit and drug kids versus a foster parent who loves the kids and refuses to give them drugs, a mother who knows too much about her child's ADHD versus a mother who

doesn't know enough, a grandmother who adores her grandchildren and taps a child on the head for not paying attention in church is accused of abuse while a foster parent is vindicated after beating a child so hard they can't lift their arms. Time and finances were also a restraint. Witnesses poured in with their stories but the resources to lend everyone a voice was limited by a one-person crew. Then there was the silencing and intimidation of parents who were told by their CAS that if media caught wind of their story their child would be punished, they would never see their child again nor reach mediation. These families told their stories then backed away from the documentary in terror. The abuse of power by an omnipotent agency began to emerge, and was irrevocably demonstrated by a witness who showed court documents ordering the CAS to conduct itself a certain way, which the CAS then ignored<sup>62</sup>. A decision regarding a different witness by the Child and Family Services Review Board was also ignored.<sup>63</sup> Using secrecy laws as its weapon, the CAS had effectively dismissed any public authority that conflicts with its agenda. The damage to human life, to children, is clearly devastating, and the reasons for it were as many as stars in the universe.

Presenting the complexity of these issues was resolved during the work's final interviews in Thunder Bay, when the importance of unity and the preservation of culture within the communities began to emerge from interviews with First Nations. How is it that the Ministry has been privy to this traditional method of conflict resolution, but has failed to incorporate it, in its simplest manifestation of including the child's community, into child welfare? Treating everyone as equals and keeping communities together should

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<sup>62</sup> Due to its complexity, the extent of this story was not included in the film. Edward Hickey, an Air Canada pilot, described the court proceedings (and showed the documentation) where he dealt with the Windsor CAS regarding a botched adoption and CAS ignored the judge's order.

<sup>63</sup> Lina Desmoulin discusses the circumstances in the film.

be the mandate, the law, not the exception. Each one of the fourteen witnesses in the film had discussed how family and community were excluded from the CAS decision-making process, and how damaging that decision was to their lives. Bringing people together as equals would dispel or ultimately discourage lies, the abuse of power, secrecy, isolation and a lack of accountability, inappropriate or trivial accusations, judging by using criteria that conflicts with a community's culture, and so on. It would address the complexities of familial dysfunction (alcohol, drugs, incest) by ensuring the child's "best interests" were accommodated as it concerns members of that child's community who love them. While socio-economic and political issues such as poverty would still need to be addressed by a socially conscious collective, the pain and trauma suffered by children and their communities could be substantially reduced if the concerned parties were mandated by law to sit down as equals and talk, outside the adversarial process of a courtroom where no money was required of either the child's advocates and community or the welfare agency involved. Inspired by the "Talking Together Circle", the film resolved to present twenty-five witnesses and experts "in conversation" as a way to navigate through twenty complex issues affecting the workings of the society and its impact on victims. Relevant issues were also excluded and could have been addressed through the interactive medium if the finances had been available. These issues included such things as important suggestions for improvement of the agency put forward by the experts, injury to a parent through anonymous phone calls to the agency, a discussion on the millions of dollars spent on parent and capacity assessments and their often adverse affect on parents and families, a perspective from a former foster child who had a positive life experience in

foster care, the (disputed) workload of social workers as a reason for incompetence or error, and deeper engagement with the witness' stories. While it was important for the work to convey the damage that the CAS inflicts on children, families and communities, it was equally imperative to stress the significance of collaboration, fairness and equality, through the 'talking together' democratic model for problem resolution. By demonstrating the importance of this model through the structure of the film, the work hopes to inspire society to start talking publicly about the ailments that plague the CAS, and rescue the vulnerable children caught in its web.

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