

"Sixties' Scoop" kids file class action lawsuit against feds

BY SUZANNE FOURNIER, THE PROVINCE MAY 31, 2011

A class action lawsuit that could cost Ottawa millions of dollars has been filed on behalf of aboriginal children affected by the "Sixties' Scoop."

The "Scoop" refers to the thousands of native kids who were apprehended between 1962 and 1996 after the federal government signed over its responsibility for Indian child welfare to the provincial government.

This is the first Sixties' Scoop class action suit filed in B.C. and only the second in Canada. An Ontario case was given court approval in 2010.

Sharon Russell, 54, says social workers "wiped out my family" by snatching her and her four siblings away from their parents and splitting them up into different foster homes. The children grieved deeply for their parents.

"My youngest brother Billy Rodgers died in foster care lost and alone without knowing he was a Gitksan hereditary chief," says Russell, a Fireweed Clan member of the Gitksan Nation whose hereditary title is Skogamhallait.

"I held him once when he was a baby, with my siblings there and a foster mom willing to take us all, but Billy was taken away and we never saw him again."

In a separate case, the Gitksan fought the Delgamu'ukw case all the way to the Supreme Court of Canada and won recognition of aboriginal title.

Russell and her four siblings had strong, loving grandchildren who could have stepped in as caregivers when her parents had difficulty with alcohol.

Instead, she was taken away at the age of seven to a non-native Richmond home "where there was no love ... I had my face slapped for crying for my mother and was told she was just a drunk."

"My grandparents pounded the streets of Vancouver looking for us," she says.

Russell notes that her extended family included lawyers, teachers, and nurses but no social worker ever asked them to help look after relatives.

The B.C. government got money for each status Indian child taken into care.

Russell's next foster family, also non-native, was kind and she loved them but when she was sent at age 15 to visit her Gitksan family near Hazelton in northern B.C., she refused to leave home ever again.

Both her parents had already died.

Russell became an angry, rebellious young woman, alienated from Gitksan cultural values, language, parenting skills, spiritual beliefs and food.

Today she is the mother of four adults, the grandmother of nine and has successfully fostered 23 kids, all of them from her own Gitksan Nation.

Lawyer Jason Murray of the Vancouver class-action specialist firm Klein, Lyons, said the Sixties' Scoop victims could win "millions of dollars in federal compensation," such as that given to residential school survivors.

"But the purpose of this lawsuit is for the survivors to seek justice for the wrongs that were done to them," said Murray. "Just as the residential schools closed, aboriginal children were again taken away, into foster care.

"The federal government needs to accept responsibility for the damage done to generations of children alienated from their culture and spirituality."

More than half of the 9,500 children in provincial care today are native, although First Nations form less than four per cent of B.C.'s population.

In 1996, First Nations were given more jurisdiction, although not as much funding, over their own child and family welfare placements.

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