

'SIXTIES SCOOP' SCANDAL

These little girls were taken from their Ontario reserve and adopted by white parents. So were 16,000 other children.

Why is Ottawa quietly blocking their long, lonely quest for justice?



Exclusive

LINDA DIEBEL
NATIONAL AFFAIRS WRITER

The federal government is fighting a class-action lawsuit by aboriginal children who argue the loss of their culture in foster and adoptive care was a wrongful act — a case that could make western legal history.

Although Ontario Children's Aid agencies took 16,000 children from their families during the so-called Sixties Scoop and placed them in non-aboriginal care, the multi-million-dollar lawsuit names only the Attorney General of Canada. Ottawa is constitutionally responsible for native peoples.

Ottawa quietly appealed the lawsuit in a Toronto courtroom last week — a year after it was certified by the Ontario Superior Court of Justice.

As a result, the case hasn't gone to court almost three years after it was filed.

Taken as children, the plaintiffs are now middle-aged and, in many cases, desperate to find their roots. They tell stories of abuse, prejudice, loneliness and isolation. They convey a sense of having been treated like commodities rather than human beings. Accounts suggest



MATHEW HODGINS FOR THE TORONTO STAR

Marcia Brown, seen at top right as a child with her sister, Doris Lynn, was taken from her family's home near Kirkland Lake when she was 4 and adopted. She is part of a class-action suit against Ottawa.

many were bounced around — even from country to country — with nobody keeping track.

Marcia Brown, 48, is a lead plaintiff on the case. Ontario Children's Aid officials took her from the Beaverhouse First Nation in northeastern Ontario when she was 4.

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Greeks jeer as PM wins crucial vote

Papandreou's government ekes out knife-edge victory to preserve bailout, but citizens left to face bleak future

ROSIE DIMANNO
STAR COLUMNIST

What's good for Europe is bad for Greece. What's bad for Greece is of scant concern to Europe.

Hence the Trojan Horse of debt bailout that was in essence approved late Friday night by the flailing, hanging-by-its-fingernails ruling PASOK party, shored up by just enough grudging opposition members, while disgusted citizens jeered and protested by their multi-thousands outside parliament.

The great unwashed will not have a say via referendum: Now you see it, now you don't. And Prime Minister George Papandreou survives to infuriate another day.

DIMANNO continued on A33

NO CASH: G20 leaders refuse to fund ailing euro economies, A25

"This bailout is a tremendous opportunity, perhaps the last one, to rebuild our country on stronger foundations. Otherwise, we will be beggars."

GEORGE PAPANDEROU,
GREEK PRESIDENT

When the worst pain comes years after blast

Brain trauma the signature injury of Afghanistan war

MARY ORMSBY
FEATURE WRITER

In Afghanistan, a buried IED, crude and lethal, awaits pressure from a human foot — or maybe an armoured vehicle — to trigger its violent eruption among Canadian military troops.

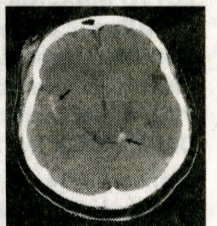
In Toronto, a lab rat's white matter spills proteins — and reveals secrets of bomb blasts — under the eyepiece of a Toronto microscope.

The link: soldiers' brains, physically altered by supersonic shock waves driven through their skulls. Survivors often have no hint of inner trauma. But it's there.

As Remembrance Day approaches, the state of our troops' battered heads is an emerging issue on two fronts. It is a source of worry for the wounded and a trove of medical clues for scientists.

"I've had a headache since 2007," says Michael Blois, a retired master corporal from Exeter, Ont.

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CT scans show brains with mild, moderate and severe traumatic injuries.

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WORLD

Lost childhoods, lost culture

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Brown, who's Ojibwa, went from foster homes to an adoptive home at 9, where she says her non-aboriginal mother tried to wash off her "dirty brown" colour and burned her stuffed tiger full of "Indian bugs."

After the case was filed in early 2009, she told the *Star*: "I knew God himself didn't want me."

Jeffery Wilson, who represents the aboriginal plaintiffs, criticizes Ottawa for tangling up the suit with legal wrangling paid by taxpayers.

"The attitude of the Crown suggests to my clients that their culture is worth less than nothing," said Wilson, an expert in children and the law. Co-counsel Morris Cooper specializes in class action suits.

Says Cooper: "You're dealing with a defendant (Ottawa) with bottomless resources and certainly no interest in seeing any resolution to this litigation."

From her Kirkland Lake home, Brown says she's disappointed by the appeal. She believes it contradicts public rhetoric about justice for First Nations and Prime Minister Stephen Harper's apology to the aboriginal survivors of residential church schools. The "kill the Indian in the child" mentality of the past is supposed to be defunct.

"It's the same thing," says Brown, of the Sixties Scoop. "I look at this appeal as a lack of respect for our rights and culture. It's just wrong."

When she was 17 and living in Texas with her adoptive mother, the woman took her to the Houston airport, handed her a ticket to Canada and sent her packing with nothing but a suitcase filled with her little girl clothes.

"I didn't get to speak in my own tongue to my grandmother before she passed away," she says. "I didn't fit in anywhere. I saw no difference between myself and a puppy or kitten up for adoption."

"I will never give up.... We live in a beautiful country but a great mark



ANDREW FRANCIS WALLACE/TORONTO STAR

Rob Lackie, 41, an Inuk from Happy Valley in Labrador, was also part of the so-called Sixties Sweep. A couple from Georgian Bay picked him up in Newfoundland, then flew back to Ontario, where his adoption was finalized.

— the unpleasant history with the aboriginal people — stains Canada. The Canadian public doesn't know the truth about what happened to the children."

In a 2010 update, Wilson wrote to aboriginal leaders: "For the first time in western law jurisprudence, a case will proceed on the basis that loss of culture can be litigated as a wrongful act."

Asked why Ottawa is fighting the claims of aboriginal children, an Aboriginal Affairs spokesperson referred the *Star* to the justice ministry. A fax from justice said it would

be "inappropriate" to comment.

"On the matter of costs (of the federal legal team), I will refer you to the department's access to information and privacy office... contact information below," the fax says.

Rob Lackie, 41, an Inuk from Happy Valley in Labrador, was also part of the Sixties Sweep (which actually ran from 1965 to 1985 with Ontario officials).

Much of his past remains a mystery to him.

It's not clear how Ontario Children's Aid officials were able to offer

him for adoption in 1974 to a couple from Georgian Bay. They flew to Newfoundland, picked him up in Bay Bulls and, then back in Ontario, finalized the adoption in Simcoe County.

He was 4 and had already been through three foster homes. With two fair, blue-eyed siblings, he realized he was different but didn't know about his Inuit birthright until he was 11.

He didn't meet his biological mother until 2006.

He says the biggest loss was growing up without the rich language

"I knew God himself didn't want me."

MARCIA BROWN

and culture of his birth. For that reason, he believes authorities should have focused on finding aboriginal families for the children. Lackie, who lives in Toronto, says: "I always felt as if a big part of my life was missing."

His adoptive parents were kind, but unable to preserve his heritage. He has spent the last few years learning about the Inuit culture and taking classes in the Inuktitut language.

For the first time, too, he met his sister who lives in the U.S. They were separated and he says she doesn't qualify for the class action suit because she's an American citizen.

During the certification hearing in 2010, Wilson cites an exchange with Superior Court Justice Paul Perell. He says Perell inquired what would happen if 16,000 Jews in Canada similarly lost their cultural identity.

Wilson paraphrases his response: "Well, your honour, there would be a huge uproar if 16,000 Jews lost their culture... (as there would be) with 16,000 Muslims or 16,000 Hindus."

This prompted a clarification that only with First Nations people is there a clear constitutional obligation by the federal government.

A decision on the appeal — before a three-member tribunal that includes Associate Chief Justice J. Douglas Cunningham — is expected this fall.

Since the Toronto case began, similar claims have been launched in B.C. and Saskatchewan.

The practice of ignoring cultural identity is supposed to be over.

But in her 2008 annual report, then-federal auditor Sheila Fraser criticized Indian Affairs for failing to oversee the "cultural appropriateness" of child-care services for aboriginal children.