Ontario Premier forced to testify about Ipperwash killing

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Six years after native protester Dudley George was murdered by an Ontario Provincial Police officer, Ontario Premier Mike Harris has had to submit to a legal interrogation by lawyers acting on behalf of George's family.

For several days this week and last, Harris underwent a "discovery" interrogation arising from the civil suit that the George family has brought against Harris, the Ontario government, and the Ontario Provincial Police (OPP). The premise of the suit is that the premier and the Ontario Tory government should be held to account for George's "wrongful death" since they directed the OPP to drive George and other Indian protesters from Ipperwash Provincial Park.

Harris has always categorically denied any personal or government role in the police decision to attack the native protesters. But in recent months evidence has emerged that refutes the Premier's earlier claims that he did not meet with the head of the OPP on the day of the murderous police assault on the Ipperwash protest and that corroborates the charge that the OPP was directed by the government to force a quick end to the native protest. A note drafted by the then deputy attorney-general baldly states: "AG [Attorney-General] instructed by Premier that he desires removal of [the protestors] within 24 hours."

Harris' growing legal difficulties surrounding Ipperwash—he is believed to be the first sitting Ontario premier to be compelled to give evidence in a civil suit—unquestionably contributed to his October 16 announcement that he will be stepping down as premier and provincial Tory leader next spring.

Harris and the Tories have gone to great lengths to derail the George family's efforts to uncover the truth behind the September 6, 1995 police assault at Ipperwash. Believing that the government and police have not been forthcoming as to what actually happened in the days and hours before the murderous police action, Ontario's deputy privacy commissioner recently ordered some forty government and police officials, including Harris, to submit affidavits detailing all they know about the police-government meetings that preceded the September 6 assault.

Despite the conviction of an OPP officer for criminal negligence in the shooting and despite glaring anomalies in the police version of events, Harris has consistently spurned calls for a public inquiry into what happened at Ipperwash. The Tory Premier has offered the spurious pretext that any such investigation should await the outcome of the George family's civil suit. Yet the Tories defeated a private member's bill which proposed that an inquiry be called once the courts have dealt with all legal actions arising from Ipperwash, effectively admitting their opposition to a provincial inquiry under any circumstances. Moreover, the George family has repeatedly said that they will drop their civil suit if the government calls a public inquiry into the police murder.

To date, the Ontario government has spent in excess of $700,000 just on Harris' own defence in the civil suit. And while the premier claims he welcomes the lawsuit as a means to set the record straight, he has taken full advantage of his legal rights under the "discovery" procedure to ensure that what happened at his interrogation remains secret.

The months leading up to the September 1995 confrontation between native protesters and the OPP saw the newly-elected government of Mike Harris inaugurate its right-wing agenda with a brutal attack on welfare recipients, cutting benefits by almost 23 per cent. Faced with growing public opposition, the Conservatives clearly hoped to use the suppression of the Ipperwash protest to send a message that they would deal harshly with any who stood in the way of their drive to dismantle public and social services and roll back trade union and democratic rights.

The brutality of the state action at Ipperwash is all the more remarkable considering the relatively small size of the protest and its pacific character.

In early September 1995, some 30 to 40 Amerindians from nearby Kettle Point Reserve, many of them women and children, occupied the Ipperwash Provincial Park which is situated about 100 miles west of Toronto on the shores of Lake Huron. The occupation was timed to begin on Labor Day, after most tourists would have left, so as to minimize the risk of a confrontation.

Local Indian bands have been objecting to government violations of the treaties that their Chippewa forefathers signed with British colonial officials almost since the day they were signed in 1827. Among the first promises to be broken, was a Crown pledge to make cash payments in perpetuity in exchange for the Chippewa agreeing to settle on reserves.

The Ipperwash occupation was part of an ongoing struggle by natives in the area to regain two parcels of land that were removed from native control a half-century ago.

During the Second World War, the federal Liberal government of the day invoked the dictatorial powers of the War Measures Act to seize what was then called the Stoney Point Reserve for the purpose of building a temporary military base. Against their wishes, the Indians living at Stoney Point were forced to merge with a band at nearby Kettle Point.

The government promised Stoney Point would revert to Indian control once the war was over. But the lands were not returned and a permanent military base, Canadian Forces Base Ipperwash, was established instead.

Frustrated by innumerable delays in the return of their land, a group of natives whose families had once lived at Stoney Point broke down the gate of the military base in 1993 and began an occupation. At the time, they were labelled terrorists by the press, but a few months later the federal government conceded that the land had been unjustly expropriated and said it would return Camp Ipperwash to the natives. Native protesters remained on the land to ensure that this time Ottawa lived up to its word.

Then in 1995, a group of Indians from Kettle Point decided to launch an occupation of Ipperwash Provincial Park to press their demand for return of a section of the park that is an historic native burial ground.

In 1937, when workers were building the newly-created Ipperwash Provincial Park, they discovered a native burial ground which local band councils asked be fenced-off in respect for their ancestors. The

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government of the day promised this would be done and subsequent archaeological findings corroborated the burial grounds' authenticity, but no fence was ever built and the land was not restored to native control.

When Dudley George and other Kettle Point band members occupied the park in 1995, the police and Ontario Tory government claimed that their action was based on a bogus claim. The day after the killing, Premier Harris was adamant that "there is no claim. There is no burial ground." It has it has since been revealed that Ministry of Natural Resources officials were in possession of documents substantiating the claim of a burial ground in Ipperwash Park no later than September 7. In an implicit rebuke of Harris, federal Indian Affairs Minister Bob Irwin suggested a few days after George's killing that the Ontario government should review its own 1937 document stating Ipperwash Provincial Park is located on the site of a native burial ground.

The police had known about the plan to occupy Ipperwash Provincial Park and their initial stated objective was "to contain and negotiate a peaceful solution". But that is not what happened. In the days and hours leading up to the occupation there was a marked build-up of police personnel and equipment in the vicinity. Eventually an army of over 200 OPP officers, including a riot squad and the OPP's elite assault force, the Tactics and Rescue Unit (TRU), was amassed—this despite the fact that police intelligence had determined that the protest was to be peaceful. They had sent "badgers", police spies, into the park prior to the occupation. Furthermore, the OPP and the Canadian Security Intelligence Service (CSIS) had a mole planted in the native community for months, if not years, who reported that he had never seen the natives armed with guns.

The professed objective to contain the demonstration within the park was somehow transformed into "... no negotiations with the Stoney Pointers regarding their claim to ownership of the land" and "the goal of any discussions would be removal of the occupiers from the park"—this according to notes of a meeting of government officials and police on the day of the shooting.

No real explanation of this change has ever been provided. But we do know—the Tories' denials notwithstanding—that Harris was pressing, if not outright ordering, the police to bring the park occupation to a speedy conclusion.

On the evening of September 6—again for reasons that have never been explained—police were instructed to drive the protestors from a parking lot into the park proper.

With no warning, the Crowd Management Unit (CMU) or riot squad, marched into the area where the Indian protesters had assembled and violence ensued. When one native council member, Cecil Bernard "Slippery" George, approached them to appeal for a peaceful solution, he was set upon by at least 10 riot police wielding shields and metal batons. He was beaten unconscious and when other natives made a rescue attempt, driving a car and school bus at the police, they were fired upon and one of them was wounded.

Dudley George, also unarmed but for a stick, emerged from some bushes at that point and was fatally wounded by fire from one of the TRU marksmen posted in a lookout above the scene. That officer, Acting Sergeant Ken "Tex" Deane, was later found guilty of criminal negligence causing death. He received a sentence of community service and has continued to draw his full pay as an OPP officer throughout the past six years.

In the course of Deane's trial, the testimony of the police was thoroughly discredited, in particular regarding the near-death beating of Slippery George and the claim that Deane and other OPP had reason to believe some of the Indians were armed.

Slippery George (who is no relation to Dudley) was eventually cleared of charges of assaulting the police. In finding him not guilty, Judge Douglas Walker said, "The evidence was consistent with the intention to avoid being struck and run over, not to commit an assault." Despite his extensive injuries and numerous native witnesses, only one police officer has ever admitted that the beating in fact took place. None of the participants was ever identified, the Ontario Provincial Police Association having blocked the identification of officers present at the Ipperwash operation.

In the days following the attack, when it became clear that the legality of the police action to remove the protesters was in question, the Crown laid the rarely used criminal charge of "forcibly entering and detaining" the park against 24 people. Those charges were all eventually dropped and only one native was ever convicted and that was for dangerous driving.

Much of the material in this article is based on information provided in a recently released book titled *One Dead Indian* (Stoddart, 2001) by Peter Edwards. In the book, Edwards, who is a reporter for the *Toronto Star*, gives a detailed account, based on extensive interviews and several years' research, of the events surrounding the September 6 OPP assault and the ensuing battle of the George family and others to establish the truth. Although the book suffers from the limitations of the author's political sympathies with the Liberal Party, the facts Edwards brings forward serve to indict the police and government while raising a number of important questions regarding the killing of Dudley George.

A major weakness of Edwards' book is its failure to make any connection between the police action at Ipperwash and the Tory assault on working people in Ontario as a whole. In Edwards' account, the actions of the Harris government take on a merely episodic character, disconnected from the big business offensive against the working class. It is implied that under a different, perhaps Liberal, government, such transgressions as Ipperwash would not occur. But the federal Liberal Party, notwithstanding the author's generous treatment, was complicit in preparing this incident through decades of indifference and dishonest dealings with natives in this region. Indeed, not until 1998, that is three years after Dudley George's killing and five years after promising to do so, did the federal Liberal government relinquish control of the Stoney Point military base. And now the Chretien Liberal government has seized on the events of September 11 to press for a battery of new laws that run roughshod over long-established democratic rights.

The Ipperwash tragedy has been used by a range of interests to further their own ends. Both the Liberals and New Democrats have sought to leverage the dishonesty and brutality of the Harris government in this matter to their advantage. Yet, given the outrageous conduct of both government and police in the Ipperwash affair, the opposition parties have been remarkably passive.

Besides the role Harris and his government played in ordering the police to clear the Ipperwash protesters a number of major questions remain unanswered. The vast majority of what should be on record of those events—police audiotape and videotape recordings as well as computer files—have for one reason or another, not materialized. None were made available at the trial of Deane and it was claimed that they did not exist. Some have mysteriously gone missing and, according to police testimony, many were never made due to technical problems.

Why were over two hundred police summoned to deal with no more than 40 protesters, many of whom were women and children? Why, despite intelligence to the contrary, was the claim that the protesters were armed with automatic weapons, accepted by police without verification? Why have police not been compelled to release the identities of the officers involved in the brutal beating of an unarmed man? Why has the government been so determined to avoid a public inquiry, leaving it instead to the dead man's family to seek answers at their own considerable expense? And why, Edwards' book aside, has the mainstream media not been more aggressive in exposing the role of the police and the Harris Tory government?

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