

Ontario apologizes for Ipperwash

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Globe and Mail Update

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FOREST, Ont. — The Ontario government has apologized for the events that led to Dudley George's death and pledged to move forward in honour of his memory.

David Ramsay, Minister of Natural Resources and Aboriginal Affairs, announced the formation of an Ipperwash response team to implement the recommendations of Commissioner Sidney Linden in his inquiry report released Thursday.

Mr. Ramsay said this was a “turning point” for the province, which will benefit all Ontarians.

“The message is clear. Only by working together can we achieve the common goal of prosperity and equal opportunity for Aboriginal people across this province,” Mr. Ramsay said.

David Ramsay, Minister Responsible for Aboriginal Affairs, left, apologizes on behalf of the Ontario Government to Sam George, brother of Dudley who was killed at the Ipperwash occupation in 1995 on Thursday.

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Inquiry concludes a series of governmental and police factors contributed to the shooting death of unarmed aboriginal protester David Ramsay

Aboriginal Affairs Minister David Ramsay speaks

Ontario's aboriginal affairs minister talks with reporters following release of Ipperwash report
Ipperwash

Sam George comments on findings

Dudley George's brother speaks with reporters following the release of Thursday's report
Ipperwash

Inquiry Commissioner Sidney Linden speaks

Inquiry Commissioner speaks with reporters from Forest, Ont.
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The Globe and Mail

In the legislature today, Premier Dalton McGuinty said he spoke earlier today to Sam George, Dudley's older brother. "I want to now say publicly what I said to him privately: On behalf of the people of Ontario, we apologize for the events that led to the loss of life. We deeply regret the death of Dudley George," he said.

In the 1433-page report, Judge Linden offered a scathing review of Ontario Provincial Police operations on the night 38-year-old Dudley George was shot at Ipperwash Provincial Park.

He apportions blame to federal and provincial governments as well as the OPP for the stand-off, and makes 98 recommendations that he hopes will help all peoples reach a path of healing.

Minutes before the provincial apology, Sam George said he was hoping for an apology from Mike Harris, who was Premier at the time.

Failing that, he said it was fitting for the province to apologize for him.

“What Mr. Harris did was act too fast, and closed off many options including negotiations, communications,” Mr. George said.

“We hold him partially responsible for what happened, because of that acting too fast.

“We wonder if it might be appropriate at this time for Mr. Harris to apologize to my family, or maybe, if Mr. Harris chooses not to, for the government of Ontario to do so. Maybe that is not too much to ask.”

But Peter Downard, lawyer for Mr. Harris, immediately rejected calls for an apology.

“This commissioner has made it clear that no apology is required,” Mr. Downard said in a testy exchange with reporters.

“As far as Mr. Harris is concerned, this commission has found specifically in the report that there's no evidence to suggest that either Premier Harris or any member of his government is responsible for the death of Dudley George.”

Prime among the report recommendations is a call to establish a stand-alone Aboriginal Affairs Ministry within the provincial cabinet, with adequate resources, and for the federal government to publicly apologize to the people of Kettle and Stony Point First Nation for failing to honour its promise to return its land.

He also urged the creation of a treaty commission of Ontario to settle land and treaty claims, an Aboriginal Reconciliation Fund, more federal involvement with land claim disputes, and new regulations under the Police Services Act to ensure all government directions are in writing and made public to the Commissioner.

Judge Linden calls for the OPP to make a public apology to Cecil Bergard George for the beating he sustained in the parking lot where

Mr. George was fatally shot by police officer Ken Deane. The OPP would not say Thursday whether Commissioner Julian Fantino would issue such an apology.

In his report, Judge Linden also says the matter goes well beyond Mr. Deane and the inspector who sent him in at 11 p.m. along with a riot squad and other specialist officers.

The OPP as an institution also needs to be accountable and share responsibility for the tragedy, as does the federal government, he says.

“Unfortunately, the issues that were at the heart of the Ipperwash occupation remain unresolved by the federal government to this day. This inexcusable delay and long neglect, by successive federal governments, are at the heart of the Ipperwash story.”

Politically, the hotbed that was Queens Park after the 1995 election played a substantial role in proceedings by Lake Huron that night.

Judge Linden found that Premier Mike Harris or someone in his office did convene a meeting on the evening of Sept. 6, 1995, commonly referred to as “the dining room meeting”.

While he found that Mr. Harris did make the controversial comment that he “wanted the fucking Indians out of the park”, he questions exactly when that comment was made.

It was Natural Resources Minister Chris Hodgson who said the same phrase the “dining room meeting”, Judge Linden said.

The report also finds that Mr. Harris knew at least one person at the meeting was a seconded OPP officer, and that by the end of the meeting “Premier Harris had made it clear he wanted the occupiers out of the park as quickly as possible.”

The premier's comments in the dining room, and the speed at which he wanted a resolution, “unduly narrowed the scope of the government's response” and “closed off many options endorsed by civil servants,” Judge Linden said.

And the premier's push to have an immediate injunction and to remove the Indians from the park within 24 hours was inappropriate. “It is for the police to decide whether and when arrests will be made.”

All of that “created the risk of placing political pressure on the police” when, in contrast, “the Premier could have urged patience, rather than speed”.

But he concluded that the sum of those factors did not equate to political interference.

“In my view, although Premier Harris was critical of the police, I do not find that he interfered with or gave inappropriate directions to the police at Ipperwash,” he wrote.

“The premier did not inappropriately direct the OPP on its operations at Ipperwash or enter the law enforcement domain of the police.”

Judge Linden confirms that the natives were unarmed, and that Mr. Harris and then-attorney-general Charles Harnick misled the legislature about the “dining room meeting”.

Julian Falconer, the lawyer representing Aboriginal Legal Services at the inquiry, said the report was “historical” in that Judge Linden rejected some of Mr. Harris' testimony.

“It is absolutely unprecedented for a commissioner to make a finding that expressly finds that both the premier and the attorney general misled the house about the key dining room meeting,” he said.

“That is a startling revelation and it is unprecedented that I know of for a commissioner to reject evidence under oath by a then premier.”

The actions of the Ontario Provincial Police were viewed scathingly by Judge Linden, whose references to “critical failures” on the night of Dudley George's shooting are wearily regular.

Negotiators should have been called in first, the report said, and the crowd management unit should not have been deployed at night.

And, most importantly, the protesters should have been told that they were safe inside the fence, according to the findings. The police had no intention of entering the park.

“The CMU were busy yelling commands to each other when the officers should have been yelling these crucial messages to the Aboriginal people,” Judge Linden wrote.

Ontario Provincial Police lawyer Mark Sandler said the Ipperwash standoff was a catalyst for significant change within the force and that the OPP is one of the most progressive police services in the world in terms of aboriginal issues and policies.

“The OPP came to this inquiry a very different police force than it was 12 years ago,” Mr. Sandler said.

Judge Linden's criticisms hit upon many of the people mentioned during the Inquiry hearings, including the Premier's executive assistant Deb Hutton.

“Neither Deb Hutton nor Michael Harris fully appreciated at that time the power of the Premier and the Premier's office,” he wrote.

“Regrettably, Ms. Hutton had little experience in aboriginal issues, nor did she have a sound understanding of Aboriginal culture, section 35 of the Constitution, or concepts such as colour of right.”

In response to the report, Ms. Hutton said the findings “conclusively set to rest the unfounded allegations” made since Dudley George's death.

“Commissioner Linden has made clear in his report that there was no political direction of the OPP,” she said in a statement issued by her lawyer.

As for the land itself, the Commissioner said allowing the status quo to continue is not in anyone's interest.

Among the possibilities they could consider, he says, is the reopening of Ipperwash Park under the management of the Kettle Point and Stony Point communities, “for the benefit of all Ontarians and visitors alike.”

On the question of reopening the park, Mr. Ramsay told reporters Thursday: “That is not something I've been contemplating, so let's just leave it at that,” Mr. Ramsay said.

At Queen's Park, Progressive Conservative Leader John Tory said he supports Mr. Ramsay's apology.

“I hope that both that apology and the release of this report will bring a measure of closure to Dudley George's family,” he said in a statement.

New Democrat leader Howard Hampton said it is incumbent on all levels of government to immediately act on the report's recommendations.

“The inquiry's final report reveals the profound failings of both the provincial and federal government as well as the Ontario Provincial Police,” he said in a statement.

Mr. Hampton accused the McGuinty government of ignoring the crisis in First Nations communities across Ontario.

“As a province we cannot afford to continue this pattern of neglect,” he said.