

**In the Matter of the Commission of Inquiry into the Circumstances and
Events Surrounding the Death of Anthony O'Brien (Dudley) George**

**Reply on behalf of the Aazhoodena and
George Family Group**

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Part I: Overview

1. In these submissions, we briefly reply to some aspects of some of the submissions of the other parties to this Inquiry. The factual conclusions that we advocated and the recommendations that we proposed in our initial submissions of July 28, 2006 are clearly in sharp contradiction to many of the submissions of other parties. In the following, we do not refer to most of those contradictions, as we are content to rely upon our original submissions. In these reply submissions we merely highlight a few responses to some of the submissions of other parties. We intend to highlight certain other aspects during our oral submissions.

2. This reply submission is divided into sections corresponding to the submissions of the parties that we are replying to. Some of our responses to a given party are, of course, also applicable to similar submissions that have been made by other parties.

Part II: Some Responses to the Chief Coroner for Ontario

3. The Chief Coroner's submissions recognize that the use of vehicles bearing the St. John's Ambulance insignia as part of the OPP Tactical Operations Centre caused the equipment to be damaged and also caused harm to the St. John's Ambulance's reputation among First Nations People.

Submissions on behalf of the Chief Coroner for Ontario, pp. 19-20 at paragraphs 68, 69 and 70.

4. In addition to the evidence of David George cited by the Chief Coroner to demonstrate the feeling that the St. John's vehicles had been used improperly, it should be noted that Kevin Simon testified to similar effect.

Testimony of Kevin Simon, December 6, 2004, pp. 117-118 and 120-121.

5. The Chief Coroner recommends that "The police should not make use of St. John Ambulance equipment and vehicles when responding to major incidents where confrontation and violence may occur."

Submissions on behalf of the Chief Coroner for Ontario, Recommendation No. 7, Pp. 25

and 29.

6. In our initial submissions, Aazhoodena and George Family Group proposed the following recommendation:

The Province of Ontario should enact a regulation pursuant to the *Police Services Act* making it an offence for an police officer to use a vehicle marked as an ambulance (or otherwise marked so as to indicate that it is a vehicle used for the provision of medical services) for any operational purpose other than the rendering of medical assistance.

Submissions on behalf of the Aazhoodena and George Family Group, Recommendation No. 45, P. 18.

7. It is respectfully submitted that the more comprehensive and definitive recommendation that we have proposed is preferable to the related recommendation proposed by the Chief Coroner. The Chief Coroner's restriction of concern to St. John's Ambulance equipment is inappropriate; the same negative consequences would clearly flow from police operational use of any vehicle marked as an "ambulance." Moreover, it cannot be predicted which incidents may lead to "confrontation and violence." Every time police are assigned to an incident it is, presumably, for the purpose of preventing violence or other contraventions of the law. Moreover, a simple recommendation that police not use certain equipment in certain circumstances will have no impact whatsoever unless it is incorporated into a regulation or statute that binds police officers. It is therefore submitted that a regulation such as we have proposed is the appropriate and effective way of meeting the concerns that arise from the OPP use of St. John's Ambulance vehicles at Ipperwash.

8. The Chief Coroner has proposed the following recommendation:

It is recommended that Police Services that have Emergency Response Team (ERT), Crowd Management Unit (CMU), and/or Tactical Rescue Unit (TRU) capabilities should incorporate a Tactical Emergency Medical Support (TEMS) component with qualified personnel trained as part of the operational response whenever these specialized policing units are deployed.

Submissions of the Chief Coroner for Ontario, Recommendation No. 1, Pp. 20 and 28.

9. The Chief Coroner has also proposed:

It is recommended that the TEMS component of a police service be a full-time feature to permit ongoing training with the emergency and tactical response units, coordination with civilian emergency medical services (EMS), hospitals and other health care providers whose services may be required in the event of injuries to officers or civilians.

Submissions of the Chief Coroner for Ontario, Recommendation No. 2, Pp. 21 and 28.

10. There was a paramedic attached to the TRU team at Ipperwash on Sept 6, 1995. That paramedic, Ted Slomer, was the person who performed the initial assessment and gave initial care to Cecil Bernard George. In our previous submissions, we detailed some of the evidence suggesting that Mr. Slomer's pro-police attitude led to his failure to assist the SIU investigation of the police beating of Cecil Bernard George and also led to his minimizing Mr. George's injuries at the criminal trial of Warren George. It is further submitted that, considering Mr. Slomer's testimony at the Inquiry as a whole, there is an obvious danger that someone with his attitudes would place his concern for protecting the police above concerns for the safety of a victim of police violence.

Submissions on behalf of the Aazhoodena and George Family Group, Pp. 128 – 130, Paragraphs 460-469: Testimony of Ted Slomer, May 26 and June 5, 2006.

11. It is therefore submitted that persons providing medical assistance in situations such as the one that occurred on Sept 6, 1995 at Ipperwash should be medical personnel who are independent of the police.

12. It is therefore submitted that the following recommendation from our initial submissions should be preferred to the corresponding proposals of the Chief Coroner referenced above:

The Province of Ontario should enact a regulation pursuant to the *Police Services Act* requiring that persons (other than police officers doing first aid) who provide medical assistance at the request of or by arrangement with police officers must be paramedics or other medical personnel who are independent of the police.

Submissions on behalf of the Aazhoodena and George Family Group, Recommendation No. 47, Pp. 18 and 129.

13. In our initial submissions, we proposed a recommendation that appropriate medical assistance be made available whenever a police force is planning a “public order” operation, and that counseling be made available to civilians who suffer psychological trauma as a consequence of such police operations.

Submissions on behalf of the Aazhoodena and George Family Group, Recommendation No. 46, P. 18.

14. The submissions of the Chief Coroner include a recommendation that counseling services be provided for those that experience debilitating emotional or psychological consequences from violent and traumatic events involving police actions.

Submissions of the Chief Coroner for Ontario, Recommendation No. 8, Pp. 26 and 29.

15. It is respectfully submitted that embodying the requirements of appropriate medical assistance and psychological counseling into a regulation is required in order to ensure compliance in the future. It is therefore respectfully submitted that Recommendations 46 and 47 of our initial brief are to be preferred to Recommendations 1, 2 and 8 of the submissions of the Chief Coroner for Ontario.

16. We agree with the Chief Coroner that the evidence at the Inquiry supports the need for greater availability of paramedics with advanced life support (ALS) capabilities, and we therefore support the proposed Recommendation No. 4 of the Chief Coroner for Ontario.

Submissions of the Chief Coroner for Ontario, Recommendation No. 4, Pp. 23 and 28.

17. The evidence at the Inquiry suggests that OPP officers had little concern with respect to ensuring that their victims had access to appropriate and timely emergency care. Moreover, it is clear from the arrests of Pierre and Carolyn George that the OPP had no concern with providing information about Dudley George to the medical personnel who were attempting to save his life. We therefore support Recommendations No. 5 and 6 in the submissions of the Chief Coroner for Ontario.

Submissions of the Chief Coroner for Ontario, Pp. 24-25 and 28.

18. It should be noted that the proposed Recommendation No. 51 of our initial submissions is directly related to the Chief Coroner's proposed Recommendation No. 6. It is respectfully submitted that it would be appropriate to combine those two recommendations into the following:

There is a need in training and educational programs for police, EMS personnel and hospital staff to improve communications between police involved in major incidents and hospital staff with respect to information known about the incident and the injured person. In particular, as part of their training and first aid, police officers should be taught that it is important that information from family members or others about the circumstances of the injuries and the medical history of the victim be made available to medical personnel treating the victim.

Part III: Some Responses to Marcel Beaubien

19. The attitude of Marcel Beaubien towards First Nations People is illustrated, in particular, by the following statement in his submissions:

The Federal Government's occupation of the Stoney Point lands and the creation of Canadian Forces Base Ipperwash was a legitimate action under the *War Measures Act* in the initial years of the Second World War, which is commonly described as taking place between 1939 and 1945.

Submissions on behalf of Marcel Beaubien, P. 3, Section B (1).

20. It is submitted that the evidence at the Inquiry makes it clear that the Federal Government could have seized lands from cottagers and homeowners that would have been very similar to the Stoney Point Reserve. The Stoney Point Reserve had been guaranteed by Treaty to the Stoney Point people in perpetuity. It is submitted that anyone looking at the evidence tendered at this Inquiry who concludes that the 1942 seizure of the Stoney Point Reserve by the Federal Government was "a legitimate action" is a person with complete disdain for the rights of First Nations people. It is submitted that Mr. Beaubien's actions with respect to the Ipperwash situation during August and September 1995 are replete with many other demonstrations of disdain for First Nations people.

21. Mr. Beaubien submits that “the starting point for any and all recommendations must be a condemnation of self help as a remedy for disputes of any kind.” It is submitted that, on the contrary, the “self help” by the Stoney Point people with respect to their reclamation of their land was entirely appropriate in the circumstances, and the Commissioner should so find.

Submissions of Marcel Beaubien, Pp. 49-50, Paragraph 153.

22. Mr. Beaubien also submits that:

In order for there to be any chance that the relations between the native and non-native communities in Lambton Shores will return to one of mutual respect and cooperation that existed prior to the summer of 1995, the occupation of the Provincial Park has to end and the possession of the property must be returned to the Ministry of Natural Resources.

Submissions of Marcel Beaubien, P. 50, Paragraph 154.

23. It is submitted that the above position expressed by Mr. Beaubien is true only in so far as it applies to the small number of people in Lambton Shores who share Mr. Beaubien’s disdain for First Nations people. The evidence from this Inquiry, and its reporting in the media, has undoubtedly already helped many of the residents of Lambton Shores to understand the position of the Stoney Pointers with respect to their land. It is submitted that the Commissioner’s Report could and should provide clarification of the history in a way that leads to further understanding of the position of the Stoney Pointers. On the other hand, to return the land that Dudley George died for and that the other Stoney Pointers have reclaimed for the past eleven years to the possession of the Ministry of Natural Resources would justifiably deeply increase the bitterness of the Stoney Pointers.

24. In his submissions, Beaubien claims that “it is clear from the testimony of Lacroix” that discussions Lacroix had with Beaubien “were appropriate and had no impact on his actions or decisions.”

Submissions of Marcel Beaubien, P. 25, Paragraph 75.

25. It is submitted that no weight whatsoever should be given to police officers' evidence at the Inquiry that their actions were not influenced by the political pressure that they became aware of. Given the widely reported concern about political influence, it is inconceivable that an officer would acknowledge that his or her actions were influenced by political pressure.

26. It is submitted that determining the extent of political influence must be based on the evidence of what was said and done at the time, rather than self-serving statements made a decade later. The evidence of the "political heat" is compelling, as is the evidence of the lack of legitimate reasons for the show of force by the OPP against the Stoney Pointers in the middle of the night on September 6, 1995. Thus political heat had to have played a significant role in the decisions and actions of the OPP that night.

27. Beaubien submits that he "was working cooperatively with the OPP rather than attempting to dictate or direct their actions."

Submissions of Marcel Beaubien, P. 40, Paragraph 103.

28. This is consistent with the evidence of the meeting on August 11, 1995 at which Mr. Beaubien and high-ranking O.P.P officers reached "consensus" about the approach to the Stoney Pointers. It is submitted that the totality of the evidence makes it clear that Incident Commander Carson and CMU leader Lacroix were indeed "working cooperatively" with Beaubien in applying force to the Stoney Pointers.

29. In his submissions, Beaubien acknowledges that he "may have added to the political pressure felt by Carson, but no more so than the actions of Mayor Thomas."

Submissions of Marcel Beaubien, P. 47, Paragraph 138.

30. It is submitted that the evidence at the Inquiry indicates that Beaubien contributed substantially more political pressure than Mayor Thomas did. However, there may have been additional pressure exerted by Mayor Thomas that has not been in evidence at the Inquiry. In any event, the relevant question is not who exerted the most political pressure

but rather the question of whether there was political pressure at all. As is clear from his submissions, Beaubien cannot deny that he contributed to political pressure felt by Carson.

31. Beaubien asserts “if there was any impropriety in having a meeting in the Command Centre, which this party is not suggesting, then that impropriety rests with the OPP Incident Commander.”

Submissions of Marcel Beaubien, P. 35, Paragraph 97.

32. It is submitted that it was clearly improper for Incident Commander Carson and MPP Beaubien to continue their “cooperative” discussions in the Command Centre on the eve of the killing of Dudley George. The impropriety rests with both Incident Commander Carson and MPP Beaubien.

Part IV: Some Responses to Charles Harnick

33. We agree with Mr. Harnick’s submission that he showed remarkable candor in testifying that then-Premier Mr. Harris stated “I want the fucking Indians out of the Park” at the beginning of the Dining Room meeting.

Submissions on behalf of Charles Harnick, P. 5, Paragraph 7.

34. However, Mr. Harnick goes on to submit that Mr. Harris’ words “are wholly irrelevant to the determination of the ultimate decision that was made – to seek an injunction as soon as possible.”

Submissions on behalf of Charles Harnick, P. 5, Paragraph 7.

35. Mr. Harris’ statement “I want the fucking Indians out of the Park” is of central relevance to the factual determinations that must be made concerning the circumstances of the killing of Dudley George. Those words graphically illustrate Mr. Harris’ racist attitude towards First Nations people, and the fact that no one present at the Dining Room meeting challenged Mr. Harris with respect to that statement suggests that his racist attitude was shared by others. Moreover, the statement underlines the fact that the crisis

atmosphere surrounding the Stoney Pointers' presence in Ipperwash Park was created by Mr. Harris' insistence on swift action.

36. Harnick seems to suggest that it may not be necessary for the Commissioner to determine whether or not Mr. Harris did in fact state "I want the fucking Indians out of the Park."

Submissions on behalf of Charles Harnick, P. 5, Paragraph 8.

37. This is consistent with Harnick's previous attempts to soften the impact of his friend Harris' statement. For example, Harnick testified that the Premier's demeanor changed right after he made that statement "and I think when his demeanor changed that was a signal, a very strong signal, that – that he understood that that was the wrong thing to have said, and – and it was an out of character statement."

Testimony of Charles Harnick, November 28, 2005, P. 16.

38. It is submitted that it is essential that the Commissioner make the finding that then-Premier Harris did indeed say "I want the fucking Indians out of the Park." The question of whether or not Mr. Harris made such a statement has been speculated upon in the media for a decade. Mr. Harnick's reluctance to give such evidence about his friend Mr. Harris underlines the truthfulness of Harnick's testimony that Harris said those words. Those words epitomize the Harris government's attitude towards the Stoney Point people in Ipperwash Park. One of the first questions that the media and members of the public will have on receiving the Commissioner's Report will be whether or not it includes the finding that Harris did indeed say those words.

Part V: Some Responses to the Honourable Michael D. Harris

39. Harris claims in his submissions that there was "an extraordinary rage of violence by some of the occupiers of the Park."

Submissions of the Honourable Michael D. Harris, P. 13; see also the section entitled "The rage in the Sandy Parking Lot" towards the end of Mr. Harris' submissions.

40. It is submitted that what is “extraordinary” is Harris’ audacity in making such a claim. On the one hand, Stoney Point people felt that they were defending their land from an attack by the OPP. The officers who marched against them had nightsticks, shields and firearms, all of which were employed against the people in the Park. The Stoney Pointers responded with sticks and stones. Harris describes the unconscionable beating of Cecil Bernard George merely as “the use by police of significant force.” Even after that beating and the killing of Dudley George, the Stoney Point People were surprisingly restrained. Thus no police officer received any significant injury on the evening of September 6, 1995 or in the tense days thereafter. On the other hand, even though he had no direct interest in the matter, Premier Harris insisted that he wanted the Stoney Pointers out of the Park as soon as possible. He was “hawkish” on the issue, as expressed in his angry outburst “I want the fucking Indians out of the Park.” The only apparent basis for Mr. Harris’ rage is his antipathy to First Nations people.

41. Harris uses the expression “taking by force” to describe the Stoney Pointers taking over the built up area of what had been the Army Camp and the subsequent taking over of Ipperwash Park.

Submissions of the Honourable Michael D. Harris, Sections 4 and 6.

42. It is submitted that the contrary is true: surprisingly little force was used by the Stoney Pointers throughout their reclamation of both the Army Camp and the Park.

43. Harris’ submissions end with a chapter entitled “Conclusion,” the first sentence of which reads “We begin by speaking to what we say has been the false issue in this matter.” Harris’ submissions end with the assertion that “The real question arising from Ipperwash is how government may restore and maintain the Rule of Law and Civil Order where it is disregarded by persons who have experienced historical injustice.”

Submissions of the Honourable Michael D. Harris, Chapter 17.

44. Harris’ conclusion quotes several excerpts from the testimony of Incident Commander Carson in which he denies that his decision to deploy the Crowd

Management Unit was influenced by political pressure. Harris seems to be arguing that such testimony answers all relevant questions concerning political influence on the circumstances that led to the killing of Dudley George.

45. It is true that we do not have evidence of former Premier Harris giving explicit instructions to the police with respect to details of the police operation. However, it is clear that Harris, primarily through Hutton, created a crisis atmosphere that set the stage for violence and also precluded process negotiations that could have prevented misunderstandings that led to violence. Harris indicated in his testimony that Hutton had appropriately represented his views at the IMC meetings.

46. Moreover, there is incontrovertible evidence that Harris' insistence that he wanted the people quickly removed from the Park and his "hawkish" attitude were conveyed to Incident Commander Carson and Crowd Management Unit Leader Lacroix. It is submitted that, despite the self-serving denials by Carson and Lacroix, the only reasonable inference from all of the evidence at the Inquiry is that "heat from the political side" substantially contributed to the police action that culminated in the killing of Dudley George.

47. It is therefore submitted that the "real" questions arising from former Premier Harris' participation in the circumstances surrounding the death of Dudley George include the following:

- a) Did Harris state "I want the fucking Indians out of the Park?"
- b) Was Harris "hawkish" with respect to the Stoney Point people's presence in Ipperwash Provincial Park?
- c) Should former Premier Harris' attitude towards First Nations People, as demonstrated by his actions and words in 1995, be characterized as "racist?"
- d) Did Harris and Hutton artificially create a "crisis atmosphere" because of their desire to "be seen as actioning?"
- e) Did the actions of Hutton at the IMC meetings contribute to precluding the appointment of a process negotiator?

- f) Did the artificial crisis atmosphere contribute to the killing of Dudley George?
- g) Was Harris' insistence on quick action and/or the "hawkish" attitude of his government conveyed to Carson and Lacroix by Ron Fox and Marcel Beaubien?
- h) Did "heat from the political side" exert any influence, conscious or unconscious, on the decisions to deploy the Crowd Management Unit and TRU teams and/or on the manner in which the Crowd Management Unit and the TRU teams confronted the Stoney Pointers?

48. The evidence at this Inquiry supports the conclusion that the answers to all the above questions are in the affirmative.

49. Harris' submissions contain a chapter concerning Inspector Ron Fox's telephone call to Incident Commander Carson and Chief Superintendent Coles in the early afternoon of September 6, 1995. The transcript of that telephone call is the only contemporaneous record of some of then-Premier Harris' statements at the Dining Room meeting. It is clear why Inspector Fox did not report Harris' statement "I want the fucking Indians out of the Park:" that statement was made towards the very beginning of the meeting, before Inspector Fox had arrived.

50. Harris did not explicitly deny having said most of what Inspector Fox attributed to him; Harris often merely testified to the effect "I don't recall those words at all."

51. In his submissions, Harris relies on the fact that many other participants at the Dining Room meeting did not recall some of the specific words that Fox attributed to Harris in his telephone call. However, it must be borne in mind that the meeting took place a decade before participants had the opportunity to testify at the Inquiry. The Dining Room meeting was only one of several meetings concerning Ipperwash that were held during the days before and after the killing of Dudley George. It is clear that most of the participants at that meeting would have forgotten most of what was said by the time they testified at the Inquiry. There were no notes made at the meeting. Ron Fox's telephone call to Carson is the only contemporaneous record of what occurred.

52. Moreover, all human beings tend to rationalize their own behaviour; this may be one reason that persons who felt uncomfortable about their failure to oppose Harris' pressure might tend to have forgotten some of that pressure. In addition, of course, witnesses who wish to protect Harris might well have consciously "forgotten" some of Harris' improper statements. For all of the above reasons, it is submitted that it should be found that former Premier Harris did make all the statements directly attributed to him in the transcript of Fox's phone call of September 6, 1995.

53. The evidence quoted by Harris in his own submissions does not really support his allegations that Inspector Fox was inaccurate in quoting him. For example, Harris' submissions have a section concerning Inspector Fox's report to Chief Superintendent Coles that:

The Premier was quite adamant that this was not an issue of native rights and in his words – I mean we've tried to pacify and pander to these people for too long. It's now time for swift affirmative action.

Submissions of the Honourable Michael D. Harris, Section 14.06.

54. Harris quotes from the testimony of Larry Taman to the effect that Mr. Taman did not recall that "pandering" was the spirit of any comment. However, in his submissions Harris does not comment on the part of Mr. Taman's evidence that reads "I would just put it more neutrally that it was clear he thought this should be dealt with swiftly", in spite of the fact that he quotes it in his submissions. On the page after that quote from Taman, Harris' submissions include a quotation from Harris' testimony to the effect that he did not recall saying words to the effect "It is now time for swift affirmative action."

Submissions of the Honourable Michael D. Harris, pp. 312-313.

55. With respect to Harris having asserted "we've tried to pacify and pander to these people for too long," Harris' submissions do not discuss Harris' refusal to go beyond merely "not recalling" the assertion to a denial that he had said it. Furthermore, his submissions do not deal with Harris' admission that he thought that there were some examples in which First Nations people had been yielded to too much by governments.

56. It is submitted that it should be found that Harris did say “We’ve tried to pacify and pander to these people for too long. It’s now time for swift affirmative action.”

57. It is submitted that Harris has not provided any substantial reasons to doubt the accuracy of Inspector Fox’s report that Harris said at the Dining Room meeting:

The OPP in my opinion made mistakes. They should have done something right at the time...that will, I’m sure, all come out in an inquiry sometime after the fact.

Submissions of the Honourable Michael D. Harris, Section 14.05.

58. It is therefore submitted that it should be found that then-Premier Harris did make the statements attributed to him by Inspector Fox in the above paragraph.

Part VI: Some Responses to Deb Hutton

59. In her final submissions, Hutton asserts that she “did not advocate any particular course of action” at either meeting of the Interministerial Committee.

Final Submissions of Deb Hutton, Paragraph 842.

60. Whether or not the above claim is true may depend upon the definition of “particular.” It is submitted that it is absolutely clear that Ms. Hutton advocated much action and certain attitudes at the IMC meetings, including the following:

- a) The Stoney Pointers should be removed from Ipperwash Park by charging them with trespass to property and/or violations of the *Criminal Code*;
- b) The Harris government wanted “to be seen as actioning”;
- c) The Premier did not want anyone involved in discussions other than the OPP and possibly MNR;
- d) Non-aboriginal and Aboriginal people must be treated the same;
- e) The government should request that the OPP remove the people from the Park.

See, for example, Submissions of Aazhoodena and George Family Group, Pp. 87-95.

61. Hutton asserts in her submissions that she “answered over 1,800 questions over three days of testimony.”

Final Submissions of Deb Hutton, Paragraph 855.

62. Hutton’s assertion does not reflect the fact that an extraordinarily large proportion of her answers to questions at the Inquiry were to the effect “I don’t recall.” For example, it was put to Hutton that she gave 134 answers to that effect in response to questions asked during her examination in chief alone.

Testimony of Deb Hutton, November 23, 2005, P. 221-222.

63. Some of Ms. Hutton’s refusals to answer questions cannot be explained by any honest lack of memory; sometimes she was obviously evasive. For example, after she had testified that she did not recall whether or not she had told the Interministerial Committee that the Premier was “hawkish on this issue,” she refused to answer the question of whether it would have been accurate to describe the Premier’s position with respect to Ipperwash as being “hawkish.”

Testimony of Deb Hutton, November 22, 2005, Pp. 299-301.

64. It is submitted that the manner in which Hutton’s refused to answer such questions and the manner and content of her unusually large number of “I don’t recall” answers lead to the conclusion that Ms. Hutton was not a credible witness, and that her testimony should be given virtually no weight.

65. It is submitted that Hutton’s testimony that she would not characterize as “redneck” the contents of the letter from Mr. Beaubien’s constituent marked as Exhibit P-952 provides evidence that Ms. Hutton harbours racist attitudes towards First Nations people.

Exhibit P-952; Testimony of Deb Hutton, November 22, 2005, Pp. 303-313.

Part VII: Some Responses to Christopher Hodgson

66. Hodgson submits that the statement attributed to him by Dr. Todres “Get the fucking Indians out of my Park” is “remarkably similar” to then-Premier Harris’ statement “I want the fucking Indians out of the Park.”

Submissions on behalf of Christopher Hodgson, P. 17.

67. It is submitted that it is extremely unlikely that Dr. Todres confused Hodgson’s statement with the statement made by Harris, or that Harnick was confused about who made the statement that he heard. The totality of the evidence at the Inquiry supports the conclusion that the attitude of many members of the Harris government was such that it would not be at all surprising for several of them to have used a racist expression such as “the fucking Indians.”

68. Hodgson’s submissions assert that “Dr. Todres was simply mistaken in attributing the alleged statement to Mr. Hodgson” and request that there be a finding that Mr. Hodgson did not make this statement.

Submissions on behalf of Christopher Hodgson, P. 18.

69. It is submitted that Dr. Todres’ evidence was compelling, and that it should be found that Mr. Hodgson did indeed make the statement that she attributed to him.

Part VIII: Some Responses to the Ontario Provincial Police (OPP)

70. The Aazhoodena and George Family Group agrees with several points in the OPP’s Part II submission.

71. The Ontario Provincial Police argued that “Aboriginal occupations, blockades, and other forms of protest, almost invariably make governments (federal, provincial, First Nations and municipal) interested parties.”

OPP submission (Part II), p. 8, para. 16.

72. The Aazhoodena and George Family Group is in complete accord with this sentiment. Disputes involving First Nations' Aboriginal and treaty rights are complex historical, legal and political issues that demand government involvement for resolution to occur. Obviously, the OPP and other police forces do not have the capacity to resolve such issues.

73. In many (if not most) cases, government intervention and a commitment to honestly and quickly address a grievance will be required to resolve disputes that involve Aboriginal and treaty rights. The reclamation of Ipperwash Provincial Park was one such situation.

74. Obviously, the public mood can make the peaceful resolution of disputes much more difficult; as the OPP has noted, opposition to its attempts to maintain the peace in occupation situations has "sometimes been deeply offensive, and at times hateful and racist." The OPP also notes that "intemperate, aggressive, hateful or racist expressions inflame any incident, make its peaceful resolution more difficult, and leave scars in the community not easily healed." Like the OPP, the Aazhoodena and George Family Group is concerned that situations are likely to become inflamed when the public has little understanding of the basis of Aboriginal land claims, or of the history that has led to the situation. It is therefore submitted that public education on Aboriginal issues is urgently required to encourage understanding and tolerance. Our initial submissions contain suggested recommendations in that direction.

OPP Submission (Part II), p. 21-22 at para. 52-55.

75. As in the situation in Caledonia, at Ipperwash segments of the public responded in deeply offensive and sometimes hateful and racist ways that have seriously damaged the relationship between the First Nation and settler communities in the area. However, in the Ipperwash case, the Harris government and the local MPP expressed opinions similar to those segments of the public. This greatly exacerbated the problem. We agree with the OPP that the peaceful resolution of an incident is (and in the Ipperwash case was) undermined by a crisis-oriented approach by governments, delayed involvement where

timely involvement may diffuse a potentially volatile situation, and non-involvement where such involvement is called for.

OPP submission (Part II), p. 8, para. 16.

76. A blanket refusal by government to deal with an occupation while it is ongoing severely hampers the options available to police to peacefully resolve a situation.

77. Despite unhelpful responses from Queen's Park, the OPP recognized in its submission that there are police strategies available that can reduce the risk of violence, include the following:

- Understand and respect the history, traditions, culture, and claims of Aboriginal protestors;
- Listen, communicate and negotiate honestly;
- Be patient and emphasize communications at every turn;
- Remain neutral as to the substance of the dispute;
- Build trusting relationships with protestors, First Nations communities and others involved in an occupation and protest;
- Commit to minimizing the use of force and to escalate only to prevent personal harm or serious property damage; and
- Maintain public order

OPP Submission (Part II), p. 15, para. 32.

78. Unfortunately, none of these strategies were employed in the response to the reclamation of Ipperwash Provincial Park. It is not surprising, then, that there was not a peaceful resolution of that dispute.

79. Several of our key disagreements with the OPP submission shall now be addressed.

1. John Carson

80. The Aazhoodena and George Family Group does not accept the characterization of John Carson as a commander who was "sensitive to, and aware of, Aboriginal issues and

had built respectful relationships with the Aboriginal community.” The OPP relies on John Carson’s substantial experience working with First Nation people and their communities, as well as his participation in a Native Awareness training course, to support this view.

OPP Submission (Part I), p. 16.

81. Experience policing First Nations’ communities should not be automatically equated with sensitivity to First Nations’ issues. The impact of policing First Nations’ communities will surely depend on the individual officer, the supports available and the attitudes towards First Nations people displayed by other OPP officers.

OPP Submission, p. 10, para. 3.1; p. 17, para. 7.

82. Similarly, the fact that Deputy Carson attended a week-long Native Awareness course at Curve Lake a few years before the Ipperwash incident is not evidence that he is sensitive to First Nations’ issues.

83. John Carson’s actions are the best measure of the extent of his sensitivity to and understanding of First Nations’ issues.

84. In this case, as detailed in our original submission, Deputy Carson did not take steps to stop the distribution of racist mugs, and he accepted a souvenir T-shirt without comment. In addition, he stated that he saw no problem with a joint MNR/OPP policy for special policing of First Nations people in Ipperwash and Pinery Provincial Parks.

85. The OPP argues that Deputy Carson genuinely believed that the deployment of the Crowd Management Unit would prevent, not generate violence. To support this argument, the OPP quotes from his testimony in which he cites the deployment of crowd management officers in regards to the President Bush visit to Ottawa in November 2004 as an example of how the CMU can prevent violence.

OPP submission, p. 151, para. 143.

86. However, the fact that Carson cited such an example is itself problematic. As Mr. Lacroix, the CMU leader on September 6, 1995, noted in his testimony, the use of crowd management techniques appeared to provoke a different reaction from the Aboriginal community than from soccer crowds and demonstrators. Mr. Lacroix stated:

I would say in answer to what you're saying here now is those people that I met that night, they firmly believed that they were on sacred ground. They were of one mind. They were committed; they were family and it reacted very explosively very quickly.

Testimony of Wade Lacroix, 9 May 2006 at p. 355.

87. Incident Commander Carson did not raise any of these unique features for consideration with Mr. Lacroix prior to the operation. He does not appear to have been alive to the considerable differences between dealing with an angry hockey crowd (which the CMU tactics were designed for) and a group of First Nations people defending their land.

Testimony of Wade Lacroix, 9 May 2006 at p. 357-358.

88. The failure to understand these differences demonstrates Deputy Carson's lack of sensitivity to Aboriginal issues, both in 1995 and at the time of his Inquiry testimony.

2. Mark Wright

89. As with John Carson, the OPP argues that Mark Wright was a skilled officer who had similarly built respectful relationships with the Aboriginal community through his experience policing in First Nations communities. Again, the fact that an officer has experience policing in First Nations communities is not indicative of sensitivity to or understanding of First Nations' issues. It is Inspector Wright's actions that demonstrate most clearly whether his experience policing in First Nations' communities has lead to appropriate sensitivity and understanding.

OPP submission, p. 10, para. 3.2; p. 21, para. 11; p. 19, para. 8.

90. Unfortunately, Inspector Wright's actions demonstrate quite the opposite. While the OPP submission repeats Inspector Wright's acknowledgment that he made inappropriate

comments, including war analogies in referring to the CMU operation, it is no excuse to state that Inspector Wright was in a stressful situation when these comments were made. Assuming, without accepting, that all of the inappropriate comments were made in moments of high stress, the presence of stress does not lessen their significance. Aggressively racist comments are most harmful when they are delivered in the course of potentially tense confrontations; Wright's comments undoubtedly contributed to the OPP action which resulted in the killing of Dudley George.

91. As summarized in our original submission, Wright's "inappropriate" comments reflect an officer who had already chosen a side in the dispute between the Stoney Point people and the government, and who desired to use aggressive action against the people in the park.

92. Despite the above, the OPP suggests that Inspector Wright was an appropriate person to attempt to initiate dialogue with the people in the park , because he had served as the "common thread" throughout prior discussions with the Stoney Point people over the previous summer months. However, the evidence does not support the conclusion that Wright was the "common thread." Although Inspector Wright spoke to Stoney Point people on a few occasions, both Staff Sergeant Bouwman and Detective Constable Speck had meetings with Stoney Point people in July and August 1995 at which Inspector Wright did not attend.

Testimony of George Speck, 22 March 2006 at p. 155, 161, 191.

93. As argued in our initial submission, Inspector Wright made it clear in his so-called "negotiation attempts" that the OPP viewed the Stoney Point people as trespassers and wanted them to leave the Park. Such a communication message would have confirmed for the Stoney Point people that the OPP intended to act in the interests of the MNR rather than to maintain a neutral position.

94. The OPP have attempted to distance Mark Wright from the exaggeration of the Gerald George incident. The OPP submission states that "at no time did D/Insp. Wright

communicate to Deputy Carson or the Command Post that: ... (3) the vehicle was struck with a bat or club; indeed D/Insp. Wright's transmissions refer to stones."

95. The Aazhoodena and George Family Group strongly disagrees with this submission. As detailed in our original submission, Mark Wright transmitted to the Command Post that "They've got some bats and stuff in their hand and apparently they damaged some – an individual's vehicle." Such a statement was clearly intended to and did communicate that the "bats and stuff" were used to damage an individual's vehicle. There is no mention of "stones" in this transmission. Mark Wright gave this same misimpression in his telephone call with Tim McCabe approximately half an hour later.

Exhibit P1115: Radio Transmission from Mark Wright to Command Post, September 6, 1995 at 19:54 hours.

Exhibit P464: Telephone conversation between Mark Wright and Tim McCabe, September 6, 1995 at 20:19 hours at p. 19 (Inquiry Document No. 2000604).

96. Mark Wright did make reference to "the guys who threw rocks" at the damaged vehicle in a telephone conversation with Incident Commander Carson at 19:58 hours on September 6, 1995. However, in that same conversation he advised Carson that there was a "bunch of natives" on the roadway with baseball bats and a vehicle that has been "pelted with mischief." Incident Commander Carson testified that the term "pelted with mischief" could have meant the throwing of a number of rocks or multiple strikes with a baseball bat, "that kind of thing." Carson testified at the Inquiry that throughout the evening he was of the view that the vehicle had been struck by bats. In any event, Mark Wright's reference to "the guys who threw rocks" was also an exaggeration as only one stone was thrown by one person in the course of a personal dispute between Stewart George and Gerald George.

Testimony of John Carson, 20 May 2005 at p. 127.

Testimony of John Carson, 31 May 2005 at pp. 199-202.

97. The OPP claims that D/Insp. Wright took steps to ensure that the first-hand report of what had happened to Gerald George made its way to the Command Post. While it is documented in the transmissions that Mark Wright asked an officer to collect Gerald George's statement and bring it back to the Command Post, the OPP cannot point to any

evidence that Mark Wright took any steps after that request to ensure that the report made its way to the Command Post in a timely manner so that it could be considered as part of the decision-making process, despite the fact that Inspector Linton expressed a desire to see the written statement before deciding how to respond. The handwritten statement does not appear to have arrived at the Command Post for some two hours. Thus Mark Wright's efforts to obtain the first hand account were half-hearted, at best.

Exhibit P426, Typed Scribe Notes, p. 79.

3. Political influence on the OPP

98. The OPP continue to maintain that all allegations that political pressure influenced operational decisions at Ipperwash are unfounded. However, the OPP does acknowledge that "things could have been done better to avoid any perception of political interference, influence or direction."

OPP Submission, p. 12, para. 3.9; p. 177 at para. 107.

99. The evidence is overwhelming that the Premier's personal views about the OPP operation and its failings, and his desire for "swift affirmative action," were communicated to Incident Commander Carson and other members of the command team.

100. Inspector Carson clearly saw the Premier's view as significant. As the OPP submissions indicate, there were many examples in the evidence of Deputy Carson acknowledging "outside attitudes." The OPP submission states that John Carson's handwritten notes reflect what he thought was of significance. It is significant, then, that he made a particular notation about Inspector Ron Fox's meeting at the legislative building with the Solicitor General and the Premier.

OPP submission, p. 89, para. 72; p. 95, para. 80.

Exhibit P410, John Carson's handwritten notes for 6 September 1995 at p. 55.

101. The telephone calls from Inspector Ron Fox were one of the primary sources for John Carson's information about the Premier's views. Incident Commander Carson

understood from Inspector Fox that the government “just want us to go kick ass.”
Significantly, Carson responded “we’re not prepared to do that *yet*” [emphasis added].

Exhibit P444A, Tab 37, Transcript of telephone call between John Carson and Ron Fox, 6 September 1995.

102. With respect to the local Member of Parliament, Marcel Beaubien, the OPP claims that “at no time did Mr. Beaubien advocate a position for the OPP to take in relation to the Park occupation.” However, the evidence of Les Kobayashi is that in the course of his meeting with John Carson just hours before the shooting, Mr. Beaubien did communicate to the Incident Commander that he wanted the OPP to “do something” about the people in the park. Mr. Beaubien may not have provided the details of what he felt “should be done”, but his desire to see the people immediately evicted from the park was evident, as were his threats that if the OPP could not handle it, the army may have to be called in.

Testimony of Les Kobayashi, 26 October 2005 at p. 155.

Exhibit P426, Typed Scribe Notes for 6 September 1995, p. 70 (Inquiry Document No. 1002419).

103. The second-in-command, Mark Wright, was kept abreast of the political “heat.”

Exhibit P427: Handwritten scribe notes at p. 37-38 (Inquiry Document No. 1000152).

Exhibit P426: Typed scribe notes at p. 53 (Inquiry Document No. 1002419)

104. Given this evidence, the OPP was forced to acknowledge that there could be a “perception of political interference, influence or direction.” The OPP acknowledged that, in retrospect, Inspector Fox should have sheltered Inspector Carson from some of the opinions expressed at the government meetings. The OPP acknowledges that there is the appearance of influence.

OPP Submission, p. 115 at para. 103.7.

105. Nonetheless, the OPP argues that allegations of subconscious influence or pressure are unsubstantiated, because “despite all that had been said about the occupation, the OPP intended to preserve the status quo up until the situation at the parking lot changed,” and John Carson had left for the evening without anticipating any significant police operation.

106. However, the question remains: what brought John Carson rushing back to the Command Post? It was purportedly the minor personal dispute between Gerald George and Stewart George.

107. As we have argued in our original submission, some members of the OPP (Mark Wright in particular) were looking for any excuse to take action against the people in the park. As a result, the understanding of what “changes” in the “situation at the parking lot” would call for a change to the status quo was very broad. The fact that the OPP leapt to the conclusion that the minor incident involving Gerald George justified a major show of force can only be explained by the existence of political pressure. In the absence of political pressure, the decision to deploy the CMU with the goal of forcing the people in the park to stand on the other side of a rickety fence would be completely irrational.

108. Contrary to the OPP assertion, the fact that no politicians or government officials knew of the decision to deploy the CMU or TRU before it occurred is not evidence that political pressure did not occur. The government’s desire had been communicated from the government to the police through several intermediaries. It is highly unlikely that a message to the government that the OPP was carrying out its wishes would be made, particularly if the political pressure was acting on a “subconscious” level.

109. It is useful in assessing the question of political interference and pressure to turn the question around: If John Carson had received an understanding that the Premier wished to move slowly and carefully because there were important historical questions involving Aboriginal and treaty rights and the Premier wanted to ensure the protection of potentially sacred territory, would Carson have deployed his officers as he did? The answer to this question is obviously “no.” The sense of urgency that far outweighed the reality on the ground, created by the hysteria at Queen’s Park, led to relatively insignificant incidents and behaviour being blown far out of proportion and used as

excuses to employ force against the Stoney Pointers in accordance with the Harris government's aggressive attitude.

4. The Decision to deploy the CMU

110. The OPP take the position that John Carson based his decision to deploy the CMU on a range of factors, including concerns about a gathering of cottagers in the sandy parking lot, the presence of armed individuals in the sandy parking lot, the Gerald George incident, the movement of the school bus and dump truck, fires, departure of women and children, and an alleged intention to move into the sandy parking lot and cottage area.

OPP submission, pp. 118-137.

111. It is submitted that Inspector Carson has retrospectively constructed a list of factors in an attempt to justify his clearly unjustifiable decision to employ force against the Stoney Pointers.

112. First, the decision to deploy the CMU was made very quickly after the Gerald George incident. By around 8:00 p.m. (less than 15 minutes after the incident), Mark Wright and ERT commander Sergeant Stan Korosec had already held back the ERT day shift, instructed the ERT day shift to suit up in CMU hard tactical equipment and initially deployed the CMU to the Tactical Operations Centre near Ipperwash Provincial Park.

Exhibit P1115, Radio Transmission from Mark Wright to Command Post.

Exhibit P426: Typed Scribe Notes

Testimony of Mark Wright, 20 March 2006 at p. 165.

Testimony of George Hebblethwaite, 15 May 2006 at p. 264.

Testimony of Kevin York, 18 May 2006 at p. 140-143.

113. John Carson merely rubber-stamped this decision when he returned to the Command Post around 8:30 p.m.

114. There was no opportunity to consider the myriad of factors outlined in the OPP submission, as many of them had not been reported by 8:00 p.m.

115. Second, as detailed in our original submission, John Carson's contemporaneous explanations for the decision to deploy the CMU in the dark on the evening of September 6, 1995 confirm that he was motivated by the Gerald George incident (albeit an exaggerated version thereof). The Gerald George incident was, throughout the evening of September 6, 1995, conflated in John Carson's mind with Mark Wright's report of a group of Natives in the sandy parking lot with sticks and bats.

116. Third, many of the factors identified as justifying the CMU deployment were present the evening before but had not resulted in any OPP action. On the evening of September 5, the OPP was aware that:

- The people in the park had thrown rocks and other projectiles at police officers who attended the sandy parking lot.
- There was a fire in the sandy parking lot.
- "Occupiers" were driving around and shining white light at police.
- There was an increase of "occupiers" in the area.
- OPP officers at the checkpoints were concerned about their safety.
- There was a report that Constable Parks had heard automatic gunfire.

Exhibit P1554 at p. 3

Testimony of Dennis LeBlanc, 23 May 2006 at p. 43-45.

Testimony of Bill Bittner, 17 May 2006 at p. 173-178.

Exhibit P1226

Exhibit P1227

Testimony of Larry Parks, 28 March 2006 at p. 260-261.

117. Nonetheless, the CMU was not deployed on September 5. No cottages were attacked and no one was injured. Instead, two ERT teams were deployed in daylight hours to remove picnic tables without incident.

118. The OPP responded very differently on the evening of September 6, 1995, after John Carson had been further apprised of the hawkish views of the Premier and MPP Beaubien had pressured him in the Command Post.

119. Fourth, the evidence is clear that the actions of the people in the park that were alleged to have been of concern were, in fact, defensive responses to a perceived police build up. Thus the OPP created and manufactured the conditions they now rely upon to justify the CMU deployment.

Testimony of Marlin Simon, 30 September 2004 at p. 25.

Testimony of David George, 20 October 2004 at p. 88.

Testimony of Stewart George, 2 November 2004 at p. 81.

Testimony of Elwood George, 3 November 2004 at p. 86, 89-90.

Testimony of Kevin Simon, 1 December 2004 at p. 210-211.

120. Fifth, the significance of the factors (leaving aside the Gerald George incident for the moment) identified by John Carson was blown far out of proportion. What was so threatening about someone putting down blinds in the kiosk? What was so threatening about vehicles moving between the Army Camp and the Park? What was so threatening about the people in the park standing in a public parking lot connected to the Park? Such factors might justify OPP officers conducting an investigation by, for example, having an officer drive by the sanding parking lot to observe what was happening. It is, with respect, unreasonable to argue that any of those factors provide any justification whatsoever for marching forty officers towards the people in the Park.

121. Moreover, the OPP did not have any information suggesting that the people in the park had any intention to imminently move against the cottages. If the OPP had any serious concern about the cottages they clearly would have planned to set up a checkpoint in the area if the CMU accomplished its purported mission of clearing out the sandy parking lot. Moreover, the CMU would not have left the area after the confrontation, when the concerns for the cottages would presumably be at the highest. The only reasonable conclusion is that concern over the cottages was not seriously considered as a factor for deploying the CMU.

122. It is submitted that the evidence clearly establishes that the decision to deploy the CMU was based on the Gerald George incident. Absent the Gerald George incident, the other factors would not have been sufficient to deploy the CMU. Even John Carson had

to admit that he could not say that the decision to deploy the CMU would have been the same had he been apprised of the true facts surrounding the Gerald George incident.

OPP submission, p. 12, para. 3.9.

123. In fact, on any version, the Gerald George incident was not sufficient to justify deploying the CMU, especially at night. The deployment of the CMU based on even the most exaggerated version would have been contrary to the OPP policy that stated that physical force was only to be used in situations where death or serious injury was immediately probable if force was not used. Obviously such a situation was not present, as the Gerald George incident occurred several hours prior to the deployment of the CMU.

Exhibit P427: Briefing Note for Interministerial Police Forum (Nov 26/91) (Inquiry Document No. 3000759).

5. The OPP did not communicate a message that they would not evict the people in the park.

124. The Aazhoodena and George Family Group strongly disagrees with the assertion that the OPP had conveyed the message that they would not enter the Park and evict the occupiers. As detailed in our original submission, the message the OPP conveyed over the days and hours previously was that the people in the park were illegal trespassers that would be required to leave the park.

OPP Submission, p. 12 at para. 3.10.

125. When the CMU arrived at the sandy parking lot, their intentions were far from obvious to the people in the park. Some believed that the CMU intended to move into the park, others had no idea what the CMU intended to do. None of the Stoney Pointers had any idea that the OPP wanted them to stay in the Park.

Testimony of David George, 20 October 2004 at p. 89.

Testimony of Elwood George, 3 November 2004 at p. 97.

Testimony of Mike Cloud, 8 November 2004 at p. 215.

Testimony of Glen Bressette, 9 November 2004 at p. 234; 10 November 2004 at p. 12-13.

Testimony of Kevin Simon, 1 December 2004 at p. 196.

6. The OPP was not in the process of withdrawing when the physical confrontation took place

126. The OPP submission states that the CMU was in the process of withdrawing when the physical confrontation took place. There is no evidence to support this contention. In fact, the evidence clearly supports the opposite conclusion, in spite of the fact that the OPP claimed on several occasions since Dudley George was killed that they had been in the process of withdrawing.

OPP Submission, p. 98 at para. 83.3; p. 99 at 83.3(b).

Exhibit P482: OPP Executive Summary (September 1995) (Inquiry Document No. 2000588) at p. 3.

127. The radio transmissions between the CMU and the Tactical Operations Centre are the best evidence of what the CMU was in the process of doing when the physical confrontation took place. According to this transmission, the last order from the Tactical Operations Centre before the shooting was to “take cover and maintain your position.” The CMU was not in the process of leaving; they were backing up and taking a defensive position.

P438: Transcript of Chatham Logger Tape 0146 Track 12 “TAC” Channel for 06 Sep 1995 10:27 p.m. – 11:10 p.m.

7. Racism

128. The OPP argues that all allegations of racism and misconduct were treated appropriately, and that the “rigid” exclusion of informal discipline for these kinds of cases is not the answer.

OPP Submission, p. 14 at para. 3.15; p. 234 at para. 241.

129. It appears to be generally agreed that racist behaviour or actions by OPP officers is extremely serious, and must be addressed. It is important to send a message to individual officers involved in a complaint that such behaviour will not be tolerated, and it is also very important to send that message to the force as a whole.

130. Where issues of racism are addressed in informal and secret ways, as they were with respect to the Ipperwash operation, that message is not communicated.

131. The OPP argue that there is no evidence that racism affected any of the operational decisions of the Incident Commander. Of course, one would not expect to find a recording in which the Commanding Officer stated “I am deploying the CMU against the people in the park because I hate natives.” Nor is such evidence necessary to draw the inference that racist attitudes towards First Nations peoples played a role in the manner in which individual officers responded to the incident. As outlined in our original submission, there is evidence of racist attitudes on the part of a number of officers who took part in the operation, both on the ground and in the Command Post.

OPP Submission, p. 188 at para. 190.

132. The evidence of widespread racism undermines the integrity of the whole OPP operation, and underlines the importance of sending a message to the entire organization by treating instances of racism as a matter for formal (and thereby public) discipline.

133. The OPP argue that imposing formal discipline would be dangerous, because it could build resentment amongst officers against members of the First Nations community. Such an argument is extremely troubling. Fighting racism does not cause racism; the racism was already there. It is surprising that the OPP does not recognize the deterrent value of punishment for racist acts, as police officers widely promote the concept that punishment is an important deterrent with respect to criminal acts. It is no comfort to First Nations people to be told that the OPP is trying to protect them from racism by allowing officers known to be racist to continue policing their communities. Rather, a genuine intention to address racism on the force requires that the seriousness of the racist attitudes and conduct is made known to individual officers and to the force as a whole. Moreover, the OPP has not provided evidence to support their contention that informal discipline does not cause resentment towards First Nations peoples whereas formal discipline does.

OPP Submission, p. 215 at para. 215.

8. Injunctions

134. The OPP experience since 1995 has lead to a more nuanced view of injunctions. The Aazhoodena and George Family Group agrees that an automatic reliance on the obtaining of an injunction should not be presumed.

OPP Submission (Part II), p. 24, para. 57-61.

135. Certainly, the experience at the Six Nations' reclamation in Caledonia has highlighted some of the dangers of seeking an injunction. As the OPP notes, applications for injunctive relief, the timing of such applications and the terms of an injunction may increase tensions and reduce the flexibility required to resolve a dispute.

OPP Submission (Part II), p. 24, para. 58.

136. As was noted in our original submission, the necessarily fast pace of an injunction application does not provide sufficient time for understanding and ruling on the complex historical and legal issues that arise in the context of Aboriginal and treaty rights. Quick reliance on the courts undermines the negotiation process, which is ultimately the method of resolution that is most appropriate to the relationship between the First Nations and the Canadian provincial or federal governments.

137. It is therefore requested that the Commissioner comment on the problems associated with reliance on injunctions as a method for resolving First Nation "occupations."

9. Police Services Boards

138. Although the OPP states that it is "not philosophically opposed" to the creation of a Police Services Board that could act as a buffer between the police and government, it queries whether such a costly reform is necessary. According to the OPP, there is no evidence that the government directed or influenced the OPP operations at Ipperwash.

OPP Submission (Part II), p. 89 at para. 185-186.

139. As is detailed in our original submission, there is strong evidence that the Provincial government led by Premier Harris attempted to influence the OPP operation at

Ipperwash, and that the decision to deploy the CMU was made as a result of that pressure.

140. Moreover, even the OPP has acknowledged that there is the “appearance” of political influence at Ipperwash and that “things could have been done better” to avoid this appearance.

OPP submission, p. 12 at para. 39; p. 177 at para. 107.

141. A police services board would serve to limit such dangers.

142. The OPP also argues that there is a wealth of internal and external accountability mechanisms that exist for OPP operational decisions, and an additional mechanism such as a police services board is not necessary. It is submitted that this “wealth” of accountability mechanisms was not sufficient to prevent political influence at Ipperwash, and that clearly more is required.

143. While it is acknowledged that the organization of OPP operations in Ontario is complex, it is submitted that these complexities can be understood and monitored by an oversight body. A civilian oversight body is required in order to prevent improper political influence.

10. Support for OPP Recommendations

144. Like the Aazhoodena and George Family Group, the OPP made recommendations regarding the process and resourcing of the land claims process as well as the need for public education. Obviously, we support the OPP’s proposed recommendations on these subjects. However we would respectfully request that the wordings suggested in our original submissions be adopted, as, in our view, our recommendations are more comprehensive and detailed.

145. In addition, the Aazhoodena and George Family Group supports the following OPP Recommendations:

- i) Where government shares information with the OPP in the context of an ongoing operational matter, the information exchange should, where practicable, be documented.
- ii) Significant “policies of operation” should generally be reduced to writing and, where possible, publicly available.

OPP Submission (Part II), p. 103-109, no. 4, 5, 16-19; p. 90 at para. 187.

146. The OPP submission also indicates that the organization is in the process of drafting a policy about the presence of politicians and non-police officers in Command Posts, though they do not suggest that the proposed policy be a recommendation of this Inquiry.

147. The Aazhoodena and George Family Group would support a recommendation that suggests placing limits on the presence of politicians and non-police personnel in operational Command Posts. It is our submission that the propriety of politicians being present in a Command Post depends upon the purpose of their presence: it would be very appropriate for politicians to attend a Command Post with the goal of resolving a dispute through negotiations. Unlike the OPP, we do not agree that some contact would be appropriate so long as it took place outside of the Command Post; the purpose, not the location, of contact between officers and politicians should determine whether or not the contact is proper. Pressure such as that exerted upon the OPP by MPP Beaubien on the evening of September 6, 1995 is inappropriate at any location.

OPP Submission (Part II), p. 93 at para. 192.

PART IX: Some Responses to the Ontario Provincial Police Association (OPPA)

1. Kevin Simon

148. The OPPA makes a number of allegations against Kevin Simon. The Aazhoodena and George Family Group strongly disputes the OPPA's description and characterization of the incidents involving Kevin Simon. What follows is a summary of the findings of fact that should be made with respect to Kevin Simon should the Commissioner decide to make any findings about his involvement.

149. Like many other Stoney Pointers, Kevin Simon participated in the reclamation of his family's traditional territories at Stoney Point in May 1993. As summarized in our original submission, the military was, at that time, still illegally occupying the territory. There can be no question that Kevin Simon, and the other Stoney Pointers involved, were acting in a completely appropriate manner. They and their ancestors had made numerous efforts over the course of decades to have their treaty lands returned, only to be ignored and turned away by the Federal Government.

Testimony of Kevin Simon, 1 December 2004 at p. 74.

150. Kevin Simon moved into a small, unused shed on the ranges with a number of possessions, including approximately six fridges and six stoves, which he was storing to give to those Stoney Pointers who needed them.

Testimony of Kevin Simon, 1 December 2004 at p. 83-85.

151. In the early morning of August 16, 1993, the military arrived without notice and physically evicted him from the building. The military took his possessions from the building.

Testimony of Kevin Simon, 1 December 2004 at p. 86-88.

P1160: Handwritten notes of George Speck for 16 August 1993 at p. 44 (Inquiry Document No. 2005479).

152. Kevin Simon left the scene and went to get some assistance from his brother, Marlin Simon. He honked his horn and went into this brother's trailer to tell him what was going on and then returned to his shed. He ran into the shed, and discovered that

almost all of his possessions had been taken. While he was inside, he heard a big crash outside. When he ran out, he saw an army jeep crashing into his truck.

Testimony of Kevin Simon, 1 December 2004 at p. 88-89.

153. Kevin Simon was understandably upset at the theft of his possessions and the damage to his truck. He testified that he grabbed the only thing left in the shack, an oil stove, and threw it through the door after them. After a few minutes, he followed the army vehicles back to the barracks, but he did not get his belongings back. Later that day, while Mr. Simon was at work, the shack burned to the ground. Mr. Simon does not know how that happened. The Inquiry has heard no evidence as to how the shack was set on fire, nor was the OPP investigation able to identify any perpetrators.

Testimony of Kevin Simon, 1 December 2004 at p. 89-91.

Testimony of George Speck, 27 March 2006 at p. 173-174.

154. Detective Constable Speck claimed in his testimony that the then-Chief of the Stoney Point people, Carl George, told him that the young people had set fire to the shack. He relies on his contemporaneous notes to support this contention. However, it is submitted that Detective Constable Speck's notes say otherwise:

There was a group of natives in the area with a tent affair established who started playing chants on a tape recorder. Same was turned up for our benefit. I spoke to the acting chief Carl George who said he told them not to do it but they wouldn't listen. He wouldn't say who "they" were.

P1160: Handwritten notes of George Speck for 16 August 1993 at p. 44 (Inquiry Document No. 2005479).

Testimony of George Speck, 27 March 2006 at p. 242-243.

155. Detective Constable Speck's reference to persons "not listening" is clearly in reference to the group of "Natives" playing chants on a tape recorder. It is not a reference to the burning of the shack.

156. Thus, should this Inquiry conclude that it must make a finding with respect to this incident (which is not suggested), it is submitted that there is no evidence whatsoever that

the Stoney Point people in general, or that Kevin Simon in particular, set the building on fire. Kevin Simon was not even at Stoney Point when the fire took place.

157. According to Detective Constable George Speck, the military originally told him that they were seizing the property in the shack as “found property:” that is, that they had found property and did not know the owner of the property. Such an assertion was clearly malicious, as the military must have been aware that Kevin Simon was the owner. In fact, it was the military that provided the name of the shack occupant, “Kevin”, to Detective Constable Speck.

Testimony of George Speck, 27 March 2006 at p. 170-171.

158. Military Captain Prentice later claimed that they were keeping the property as evidence concerning the arson. Detective Constable Speck testified that the evidence clearly had no value for the arson investigation, and he conveyed as much to Captain Prentice. Yet Captain Prentice refused to return Mr. Simon’s property.

Testimony of George Speck, 27 March 2006 at p. 171.

159. Contrary to the OPPA’s claim, the military never returned Kevin Simon’s belongings. In fact Mr. Simon found some of the chairs that were taken from the shack when the Stoney Point people reclaimed the built up area in July 1995. The way they treated Kevin’s property is an example of the unwarranted hostility and animosity displayed by the military towards the Stoney Point people.

OPPA Submission, p. 18 at para. 35.

Testimony of Kevin Simon, 1 December 2004 at p. 90.

160. Kevin Simon, Marlin Simon, Clifford George and Dudley George were among the few Stoney Pointers who remained living at Stoney Point during the harsh winter months of 1993/1994.

161. The OPPA allege that Kevin Simon was a member of a group of people that erected a sign at the Army Camp on February 24, 1995. It is alleged that, in the course of the sign being erected, Marlin Simon threatened to burn down the buildings of the Army

Camp if the Kettle and Stony Point Band ever took over the Army Camp. This incident was not put to Mr. Simon during his testimony, though he was asked by Commission Counsel whether he recalled an incident in February 1994 in which a group was trying to erect a Stoney Point sign on the built up area of the Army Camp. Kevin Simon testified that he did not recall any such incident. It is submitted that no findings can be made that Mr. Simon was involved with the incident as alleged.

OPPA Submission, p. 21 at para. 45.

162. Similarly, the OPPA now argues, though it failed to put such to Kevin Simon during their cross-examination of him, that projectiles such as fruit, vegetables, wood and rocks were thrown at military police from the camp he shared with his brother. It is submitted that there can be no finding that Kevin Simon threw such projectiles at military police officers.

OPPA Submission, p. 24 at para. 56.

163. Kevin Simon was among the Stoney Pointers who reclaimed the built-up area of the army base on July 29, 1995. It is submitted that Kevin Simon and the other Stoney Pointers were completely justified in reclaiming their treaty lands from the military who were illegally occupying the territory.

Testimony of Kevin Simon, 1 December 2004 at p. 131-134.

164. On August 10, 1995, Kevin Simon was falsely arrested in the Ipperwash Provincial Park.

165. It was a hot day, and Kevin Simon had gone to the park store for a drink. On the way to the park store, Mr. Simon noticed that there were quite a few OPP cruisers circling around the park. After buying his drink, Kevin Simon sat on one of the nearby picnic tables. A cruiser pulled up and an officer got out of the car. The officer pointed at Kevin Simon and said “you, we have a warrant for you.” He asked Kevin Simon for his name, but Mr. Simon refused to tell him. Kevin Simon told him that the park belonged to the Stoney Point people.

Testimony of Kevin Simon, 1 December 2004 at p. 141-142.

166. Kevin Simon had never been previously arrested and has no criminal record. There was no warrant for the arrest of Kevin Simon that day.

167. Two officers then grabbed Kevin Simon's arms and tried to place him in the cruiser; they slammed Mr. Simon's head on the trunk of the car while bending his arm behind his back. One of the officers seemed to fall, and he too hit his head on the cruiser. The officers loosened their grip on Mr. Simon and he started to run towards the military beach to escape the assault.

Testimony of Kevin Simon, 1 December 2004 at p. 143.

168. The police began to pursue him, and Mr. Simon was surrounded by a number of individuals, some in uniform. He was tackled to the ground. He was not sure how many officers were present (contrary to the OPPA's assertion that he claimed to have been pilebagged by possibly more than 15 officers)

Testimony of Kevin Simon, 1 December 2004 at p. 144-145.

OPPA submission, p. 37 at para. 93.

169. At this point, Mr. Simon provided his name. The police responded by calling him a liar because there was no arrest warrant for a Kevin Simon.

Testimony of Kevin Simon, 1 December 2004 at p. 145-147.

170. Mr. Simon was placed in a police cruiser and taken to the main gate of the Park. He was kept in the cruiser for several hours with the vehicle closed, locked and the windows rolled up. It was a hot summer day and the air was stifling in the car. He was eventually taken to Kettle Point, where he was again left in the cruiser. Eventually, one of the Kettle Point police officers came to see him in the vehicle, and confirmed that he was indeed Kevin Simon.

Testimony of Kevin Simon, 1 December 2004 at p. 147-148.

171. He was removed from the cruiser and left to find his own way home without any shoes.

Testimony of Kevin Simon, 1 December 2004 at p. 148.

172. The OPPA suggests that Kevin Simon's evidence should not be accepted because it is not plausible that so many police officers were involved in his arrest. However, it is clear from the testimony of Kevin Simon, and of Sergeant Slack, that Mr. Simon was pursued by police officers both in and out of uniform as well as by MNR staff. There were a number of people involved in the pursuit.

Testimony of John R. Slack, 5 June 2006 at p. 189.

173. Kevin Simon's recollection of the events should be preferred to that of Sergeant Slack, as his evidence was given in a very clear and compelling manner and was not at all shaken by cross-examination. Moreover, the incident was far more significant to Kevin Simon than it was to Sergeant Slack, and it would therefore be expected that Kevin Simon's memory of the events would be much stronger than Sergeant Slack's would be.

174. The OPPA calls into question Mr. Simon's evidence as it relates to the "picnic table" incident on the evening of September 5, 1995. We rely upon our original submissions concerning that incident, including Mr. Simon's involvement.

175. Kevin Simon did participate in resisting the CMU officers in the sandy parking lot on the evening of September 6, 1995. He testified that he threw two small pieces of firewood at police officers after he saw them hitting other Stoney Pointers; one of the pieces of firewood hit an officer on the helmet. Kevin Simon observed police officers beating Cecil Bernard George. He followed the bus when it entered the sandy parking lot, heading in the direction that the police had taken Cecil Bernard George. He understood that the purpose of the bus being driven towards the officers was to try to put an end to the beating of Cecil Bernard George and others. That was the extent of his active participation in the incident.

Testimony of Kevin Simon, 2 December 2004 at pp. 28, 30-31, 34.

176. It is submitted that, in addition to the above facts, this Commission should make the following findings with respect to Kevin Simon:

- i) Kevin Simon did not require permission from any authority for camping on the traditional Stoney Point treaty lands at CFB Ipperwash from May 1993 to July 29, 1995. His actions in so doing were completely appropriate and justified;
- ii) Kevin Simon did not require permission from any authority to occupy an unused and abandoned shack on the rifle ranges at Stoney Point for approximately one month in the summer of 1993. His actions in so doing were completely appropriate and justified. The military authorities illegally evicted him from that property and stole his possessions;
- iii) Kevin Simon did not require permission from any authority to participate in the reclamation of the barracks and built up areas of CFB Ipperwash between July 29, 1995 and the present. His actions in so doing were completely appropriate and justified;
- iv) Kevin Simon did not require permission from any authority to participate in the reclamation of the traditional Stoney Point treaty lands at Ipperwash Provincial Park from September 4, 1995 until the present. His actions in so doing were completely appropriate and justified.
- v) Kevin Simon did not fight with or throw rocks and wooden sticks at OPP officers on September 6, 1995. He did throw two small pieces of firewood at OPP officers. His actions were justified as attempts to defend his colleagues from the extreme force that he witnessed being used by OPP officers and to protect the Stoney Point territory from a perceived police incursion.

177. No findings of misconduct should be made against Kevin Simon. Before any finding of misconduct could be made, there must be evidence close to the criminal standard of proof beyond a reasonable doubt that establishes such misconduct. There is no such evidence. Moreover, should the Commission intend to make any such findings, detailed notice of the allegations should be made with an opportunity for Mr. Simon to fully respond and to be heard.

Canada (Attorney General) v. Canada (Commission of Inquiry on the Blood System – Krever Commission), [1997] 3 S.C.R. 440 at para. 55.

2. Lack of evidence of Firearms in the Park

178. The OPPA continues to maintain that the Stoney Point people had firearms and used firearms against OPP officers on the evening of September 6, 1995. Their submissions in this regard are completely without substance.

179. The OPPA spent considerable time in their submissions detailing every report, no matter how far removed, ill-sourced or preposterous, that Stoney Point people owned, used or handled firearms.

180. The Stoney Point people have never denied that they owned firearms. The Stoney Point people are hunters, and consider their right to hunt a sacred aboriginal right. It is neither surprising nor ominous that the Stoney Point people had firearms. The issue is whether or not they used firearms against police officers on the evening of September 6, 1995, and the evidence at the Inquiry clearly establishes that they did not.

181. As detailed in our original submissions and further elaborated below, there is absolutely no credible evidence that the Stoney Point people had firearms during the altercation in the sandy parking lot.

A. The still from the maintenance shed video.

182. The OPPA maintains that a blurry still from a video in the Maintenance Shed depicts a First Nations man carrying a firearm.

Exhibit P-42A: Camera 1, September 6, 1995 at 02:51:41, still photo of a male person with a ponytail in Maintenance Shed.

OPPA submission, p. 113 at para. 398.

183. In August 2003, OPP Constable Vince George was asked to identify the object in the person's hand. He could not. Nor could his partner at the time, an RCMP officer.

Testimony of Vince George, 5 April 2006 at pp. 74-75, 203.

184. No witness who testified at these proceedings identified the object as a firearm. The picture is blurry; however, it does show characteristics that are inconsistent with a

firearm. For example, it appears to be too short and wide to be a firearm. It also appears to have light emitting from its end, suggesting a flashlight. It is submitted that this Inquiry cannot determine the nature of the object in the man's hand beyond speculating that it may be a flashlight.

185. In any event, there is no relationship in time or place between the object in the photograph and the events in the sandy parking lot on the evening of September 6, 1995. The photograph was taken some twenty hours earlier.

B. Report of firearms from Gerald George

186. The OPPA relies upon a report made by Gerald George on the evening of September 6, 1995. It is alleged that he told OPP officers that the "occupiers" in the park had: 4 SKS semi-automatics with 30 round magazines, 2 Ruger mini-14s with 30 round magazines, several hunting rifles with scopes. It is alleged that Gerald George told OPP officers that the "occupiers" might be building gas bombs and planning to set fire to the buildings on the Army Base.

OPPA Submission, p. 124 at para. 434-437.

187. None of this information was subjected to the standard intelligence evaluation. Had it been, it is submitted that this information would have been labeled "unreliable" for the following reasons:

- Gerald George had not been used historically as an informant, and thus his reliability was unknown;
- Gerald George had recently published a letter in a local newspaper condemning the people in the park as "animals" and "jerks", and thus he was clearly a biased informant;
- Very shortly before he volunteered this information to police at a checkpoint, the car Gerald George was driving had been struck by a rock thrown by one of the Stoney Pointers, and he had been struck in the face by that same person; this would clearly increase his bias against the people in the Park;

- Further bias on the part of Gerald George is demonstrated by his opposition to the reclamation of both the Army Camp and Ipperwash Provincial Park;
- Gerald George had not been in the Park since the occupation began, and had not been in the Army Camp for a considerable period; thus he had no opportunity to make the observations that he claimed to have made.

188. Even if Gerald George's information had been accurate, which it was not, his report is not evidence that the people in the Park used firearms against police officers later that evening.

189. The communication of this information to officers involved in the CMU/TRU operation did have the following unfortunate result: a number of officers involved in the operation believed that there was a good probability that there were firearms in the park. The role that this information played in their perception of threats posed by and of the actions of the people in the Park cannot be underestimated. An officer expecting to face firearms is likely to believe that they see them and to act accordingly. In fact, such an erroneous identification of a firearm actually occurred while the CMU was marching down the road, when a stick was mistaken for a firearm.

P438: Transcript of Chatham Logger Tape 0146 Track 12 "TAC" Channel for 06 Sep 1995 10:27 p.m. – 11:10 p.m.

190. The OPPA appears to have repeated this error made on the roadway in writing their submissions: they included a heading "person or occupier on the roadway with a rifle" to describe the incident in which the TRU officers saw a person on the roadway with what was correctly identified as a stick.

OPPA Submission, p. 159.

191. Therefore, it is very likely that the communication of this unreliable and erroneous information from Gerald George contributed to Dudley George's death.

C. Evidence that firearms were not used by the people in the park.

192. The OPPA has sought the following factual findings with respect to the presence and use of firearms in the park on the evening of September 6, 1995:

- That the evidence on the question of whether some First Nations persons fired weapons at the OPP is inconsistent and inconclusive and it is not possible to make a reliable finding one way or the other;
- That Dudley George had a gun when he was shot, or alternatively, that Dudley George had a stick or pole in his hands when he was shot, which Acting Sergeant Deane mistook for a long gun;

OPPA Submission, p. 194-195 at paras. 688-689, p. 201 at para. 716.

193. The evidence that the OPPA marshals to “support” the above proposed findings of fact is truly astonishing for its lack of credibility or merit.

194. As fully described in our original submission, only one of the police witnesses who testified at these proceedings conclusively testified that they saw a First Nations person with a firearm. Moreover, the officers who reported hearing gunshots had to acknowledge that the sounds they heard could have been from police firearms.

195. The only police witness who claimed to have seen a firearm in the possession of any of the First nations people was Constable Chris Cossitt, a proven perjurer who testified he saw shooting from a car. As detailed in our initial submissions, Cossitt even admitted that he had lied under oath at a criminal trial. His evidence was both internally inconsistent and improbable, and was in contradiction to that of numerous OPP and First Nations witnesses. The OPPA also relies on previous testimony of Kenneth Deane. Had Kenneth Deane testified at the Inquiry, he would likely have maintained the position that he took at his criminal trial concerning a firearm in Dudley George’s hands. However, a court of law has found that Deane fabricated this evidence, and this evidence was contradicted by the evidence of Sergeant Hebblethwaite at both the Deane trial and at this Inquiry.

196. Thus it is clear that it should be found that no Stoney Pointer had a firearm in their possession in the Park or the sandy parking on September 6, 1995. Moreover, it is submitted that the Commission Report should explicitly indicate that the OPPA maintained its position that the First Nations people were armed in spite of overwhelming evidence to the contrary, based primarily on the evidence of two perjurers.

OPPA Submission, p. 187 at para. 661; p. 188 at para. 663; p. 189 at paras. 667-670; p. 193 at para. 685; p. 199 at paras. 708-711.

197. The OPPA has also relied upon the written statements and affidavit of OPP officers that were not called as witnesses in this proceeding. No weight should be given to this “evidence,” for several reasons. First, it has not been tested by cross-examination. Second, all of those officers who had made similar statements prior to testifying at the Inquiry were forced to acknowledge under cross-examination that they may have erred in concluding that they saw or heard weapons fire from First Nations people. We are confident that had any of these individuals on whom the OPPA relied testified at these proceedings, the same acknowledgement would have eventuated. Third, most of these references are to affidavits prepared in support of Kenneth Deane’s criminal appeal, and there is an obvious possibility of bias.

OPPA Submission, p. 188 at para. 664 (Constable Rusk), p. 191 at para. 675 (Constables Gayos, Aitchison and Madison)

198. The OPPA claims that the evidence of weapons fire from the sandy hill near the park is the strongest. The OPPA’s use of the term “strongest” is surely relative. One of the sources they rely upon is Kenneth Deane. Three other sources are statements from officers who did not testify at this proceeding.

OPPA Submission, p. 193 at para. 685.

199. The only remaining witnesses to this alleged weapons fire from the sandy hill near the park are Constable Sam Poole and Sergeant George Hebblethwaite. It is submitted that their evidence does not support the OPPA contention that there was weapons fire from the sandy hill.

200. Constable Sam Poole gave shifting and inconsistent testimony. He claims that he heard two gunshots from the bush area to the inland side of the dumpster after the bus had passed the CMU. This evidence should not be accepted for the following reasons:

- Constable Poole’s evidence on this point changed throughout his testimony. In the morning, he testified that the first shots he heard were those fired by Wade Lacroix at the bus, followed by other officers firing their weapons. However, he changed his evidence after lunch, stating that in fact the first weapons fire he heard was from the park fence area.

Testimony of Samuel Poole, 16 May 2006 at p. 185.

- Constable Poole was wearing a helmet that would have caused muffling of sound.

Testimony of Samuel Poole, 16 May 2006 at p. 176.

- Constable Poole claims that, after he heard the shots, all the officers around him ducked for cover. No other officers testified that they saw any such ducking.

Testimony of Samuel Poole, 16 May 2006 at p. 192-193.

- Constable Poole did not prepare his own notes of events.

- Constable Poole claimed that the responding gunfire he heard had a rhythmic sound, suggesting to him that the gunfire came from a trained police officer. However, in his original statement he said that he heard two to four responding shots to the original gunfire. He acknowledged that it would be impossible to determine that there had been a “rhythm” if in fact he only heard two shots. As a result, he changed his evidence to say that he must have heard between three and four responding gunshots.

Testimony of Samuel Poole, 16 May 2006 at p. 194-196.

- Constable Poole did not state that he heard “rhythmic” gunfire in any statements prior to his testimony at the Inquiry.

Testimony of Samuel Poole, 16 May 2006 at p. 208-209.

- Constable Poole's initial statements did not describe the original shots from the fence line as coming from a "shotgun." That detail was added later.

Testimony of Samuel Poole, 16 May 2006 at p. 211-212.

- Constable Poole testified that, just before he heard the gunshots from the fence line, there was a distinct "lull." His initial statement on September 7, 1995 made no reference to a lull.

Testimony of Samuel Poole, 16 May 2006 at pp. 189-191.

201. Thus, Constable Poole's testimony evolved significantly over time. On September 7, 1995, he said that he heard shots ring out as the CMU was re-forming, with no lull prior to the shots. His attention was drawn to the fence area where he believed the shots to have originated. He described the shots as not having the "loud ring of a high-powered rifle."

Testimony of Samuel Poole, 16 May 2006 at p. 214.

202. In a statement given on December 19, 1995, Constable Poole stated that he guessed what he heard was from a shotgun.

Testimony of Samuel Poole, 16 May 2006 at p. 214.

203. In his testimony at this Inquiry, Constable Poole was definitive that he heard shotgun blasts from an area where the First Nations people were.

204. Given this wildly changing testimony, it is submitted that Constable Poole's evidence with respect to hearing gunshots from the fence area should be rejected.

205. The OPPA also relies on Sergeant Hebblethwaite's description of seeing an "intense flash of light" and hearing gunshots just prior to firing his own weapon at the car.

Testimony of George Hebblethwaite, 11 May 2006 at pp. 221-223, 234-235.

206. However, it is clear from Sergeant Hebblethwaite's testimony at this proceeding, and from his description of the location of this "flash of light", that what he saw did not come from the park fence area. Rather, it came from the field on the "Highway 21 side" of East Parkway Drive. Therefore, the "flash of light" coincides with the timing and location of Constable Mark Beauchesne's shots at the car.

Testimony of Mark Beauchesne, 25 May 2006 at pp. 59-64.

Exhibit PP1485: Map of Intersection as marked by George Hebblethwaite (Inquiry Document No. 1004692).

207. Moreover, Sergeant Hebblethwaite reports seeing one flash of light – not "muzzle flashes." He did not describe the area that he heard gunshots being fired from during that same period. In fact, numerous officers were firing at the car at that time.

208. Thus, Sergeant Hebblethwaite's testimony does not support the OPPA's claim that a First Nations person fired gunshots from the area near the park fence, or from anywhere. It is extremely misleading to suggest that his testimony supported Kenneth Deane's description of a location at which he allegedly saw "muzzle flashes." The OPPA states that "A/Sgt. Deane, Sgt. Hebblethwaite, and Csts. Poole, Gayos, Madison, and Aitchison all heard gunfire or saw muzzle flashes from [the sandy hill/intersection area], when there were no police officers there." Such a statement can only be characterized as extremely misleading.

OPPA Submission, p. 193 at para. 685.

209. After all of the evidence that has been heard at this Inquiry, it is truly distressing that the OPPA would continue to maintain that the Stoney Point people were armed. As we suggested in our original submission, it is respectfully requested that this Commission respond in the strongest terms: this Commission must state unequivocally that the Stoney Point people were not armed, that both Constable Cossitt and Kenneth Deane lied about the presence of weapons, and that the OPP and its officers detained the Stoney Point people by falsely claiming that they had fired upon police officers.

3. The Arrest of Marcia Simon

210. The OPPA has provided submissions attempting to justify the pursuit and arrest of Marcia Simon.

211. Our original submissions provided extensive argument to the contrary, and we rely upon those submissions as a complete answer to the OPPA's allegations. In this reply submission we merely address a few discrete points.

212. The OPPA states that Marcia Simon's testimony was inconsistent in that she testified that she did not observe police officers pursuing her until she was about two kilometers down the highway, yet she also testified that her mother started screaming that the police were going to shoot them prior to turning onto Highway 21.

213. The OPPA has misstated the evidence.

214. Ms. Simon testified, and this Commission must accept, that she did not observe police officers pursuing her until she was about two kilometers down the road. By that point, the OPP officers had turned off their emergency lights.

215. Her reference to her mother screaming that the police were going to shoot them was not with respect to a cruiser pursuing them. Rather, Marcia Simon believed that her mother screamed in terror when she observed officers jump out of the ditch and point their long arms at their vehicle.

Statement of Marcia Simon to Coroner's Investigators, 20 February 2003 at p. 8 (Inquiry Document No. 5000168).

216. The OPPA has attempted to call into question whether or not Marcia Simon told officers that she was calling for an ambulance. It is absolutely clear from the transcript of the conversation between the Operator and the 911 Operator that Marcia Simon had sought an ambulance:

OPERATOR: I'm in Windsor, I just got a call from a payphone....The lady had called me and she said that she needed an ambulance cause there

were people that were shot, and it was the police that were shooting at them.

AMBULANCE: Okay.

Exhibit P-49, Tab 6: Transcript of telephone call between Operator and Ambulance Operator, 6 September 1995 (Inquiry Document No. 2000592).

217. Thus Marcia Simon requested an ambulance for victims of a police shooting, and she did so in the presence of the officers who subsequently arrested her. Moreover, as the OPPA had to acknowledge, Constable Lorch admitted that Ms. Simon did tell the officers that she was trying to get an ambulance.

OPPA Submission, p. 228 at para. 820.

218. Contrary to the OPPA's assertion, the OPP officers did not use the least amount of force necessary to restrain Marcia Simon. The least amount of force would have been to not touch or arrest Ms. Simon at all. Although the photographs of Ms. Simon's injuries show only a large discolouration and bruising on her upper arm, that was not the full extent of her injuries. Ms. Simon testified that she did not have all of her injuries photographed because some were in personal parts of her body. She also testified that the pictures, which are admittedly of poor quality, do not show all of the bruising on her arms and wrists. Ms. Simon testified that she suffered for some time from excruciating pain in the right groin and a possible pinched nerve in her back. It took an extended period of time for her to recover physically.

Testimony of Marcia Simon, 23 September 2004 at pp. 190-193.

Testimony of Marcia Simon, 28 September 2004 at pp. 10-13.

219. The officers used excessive force in the course of wrongfully arresting Marcia Simon, and the Commissioner should so find.

220. The OPPA claims that Marcia Simon's account of her mother's distress during the arrest was "clearly exaggerated." That is a completely false accusation. Ms. Simon's testimony was at all times measured, accurate and fair. The same cannot be said for the officers who arrested Ms. Simon. None of these officers would admit that they even

pointed their long guns at Melva George until they were confronted with their own contemporaneous notes that proved this fact.

Testimony of Steven Lorch, 12 June 2006 at pp. 186-187.

Testimony of Mark Gransden, 20 March 2006 at pp. 238-244.

Testimony of Mike Dougan, 3 April 2006 at pp. 176-178, 240-241.

221. Being held at gunpoint shortly after a relative had been shot by police officers was clearly an extremely frightening and traumatic episode for Ms. Simon. Without any doubt, it would also have been such for Melva George. Yet the OPPA asks this Commission to accept that Melva George responded to this terrifying incident with complete and utter calm. This is not plausible. The OPP officers provided false testimony regarding Melva George's distress during the incident.

222. The OPPA claims that Ms. Simon first raised the allegation that an officer at the Forest Detachment hit her during her testimony at this Inquiry. That is simply untrue. Ms. Simon reported this fact at the only other time that she provided evidence with respect to these matters, during her interview with the Chief Coroner's investigators on 20 February 2003:

I was transferred into that paddy wagon and taken into Forest and they had...it must have been some kind of a command post or whatever you would call it for processing with this operation going on and I was taken in there and I remember *one man as I was standing against the wall hitting me in the shoulder* and told me I could be charged for impersonating a military officer [emphasis added].

Statement of Marcia Simon to Coroner's Investigators, 20 February 2003 at p. 14 (Inquiry Document No. 5000168).

OPPA Submission, p. 234 at para. 852.

223. Marcia Simon's testimony that she was hit on the shoulder while at the Forest Detachment should be accepted.

224. Marcia Simon has not been provided with any notice of the possibility of a finding of misconduct on her part. Absent such a notice and the opportunity to respond, this Inquiry can make no findings of misconduct. In particular, no finding can be made

that she failed to stop at a stop sign or provided OPP officers with any justification for pursuing, arresting and assaulting her.

225. Unlike their submissions with respect to the arrests at Strathroy Hospital and the shooting of Dudley George, the OPPA does not express regret for the treatment that Marcia Simon and Melva George received when they made their heroic effort to try to obtain medical treatment for the relatives they believed had been shot by police officers. This is highly regrettable. No matter where one stands on the question of the appropriateness of the pursuit and arrest of Ms. Simon, it is surely obvious that it was extremely frightening and traumatic. The police actions may well have delayed the obtaining of timely medical assistance for injured persons. The police actions certainly reinforced Ms. Simon's view that the OPP will not provide assistance to her community in a time of need.

4. The Racist memorabilia

226. The OPPA argues that the Commissioner should refrain from making any findings or drawing any conclusions regarding individual conduct of members of the OPP regarding the creation and distribution of the "second" T-shirt, as such could interfere with the OPP's disciplinary process that has been commenced with respect to this T-shirt.

OPPA Submission, p. 10 at para. 16.

227. While it is true that this Commission cannot interfere with any other legal proceedings, that limitation does not preclude this Commission from making findings of fact with respect to the creation and distribution of the second T-shirt.

228. This Commission has already commented on the propriety of the second T-shirt, without objection from the OPPA. The Commissioner has stated:

In my view the creation of memorabilia, whether racist or not, arising from an incident when someone had died, is inappropriate, where the memorabilia is insulting and offensive to the community involved it is even more troubling.

Transcript of Inquiry Proceedings, 6 May 2006 at p. 173.

229. Moreover, the OPP Commissioner herself has already commented publicly with respect to the second T-shirt. OPP Commissioner Boniface's counsel stated on her behalf:

Accordingly, Commissioner Boniface has advised me to apologize at this time to the First Nations community and to the George family for what has come to light. Furthermore, she has directed that an investigation into this matter be commenced immediately by the Professional Standards Branch of the OPP. I have been further advised that steps are being taken to commence that investigation this morning. In addition, I have been asked to convey that the OPP is shocked and appalled by the existence of these items and that it is unfortunate that they were not captured in the original investigation.

Transcript of Inquiry Proceedings, 11 May 2006 at p. 16.

230. In our original submissions we outlined several findings that we ask this Commission to make with respect to the creation and distribution of the second T-shirt. These submissions shall not be repeated here. These findings would not interfere with the disciplinary process. Moreover, evidence at this Inquiry has already shown, in the case of Constable Cossitt, that a judicial finding that this officer committed perjury did not compromise the subsequent disciplinary process, as the investigating officer concluded otherwise.

231. It would appear to be very likely that the disciplinary process involving the second T-shirt will be concluded by the time this Commission's report is released. If that is indeed the case, then no finding by this Commission could interfere with the disciplinary process. The Commissioner could request that the OPP keep the Commission informed of the timing of this investigation.

Part X: Some Responses to the Province of Ontario

232. Our original submission provided extensive materials with respect to the historical ownership and possession of the Park lands and the existence of burial grounds in Ipperwash Provincial Park, as well as the land claims process and provisions to protect

sacred sites in Ontario. In our view, these original submissions are a complete answer to the arguments raised with respect to these points. In this reply submission, we merely address a few discrete points.

233. The Province of Ontario has made submissions with respect to historical ownership of Ipperwash Provincial Park. It is respectfully submitted that the terminology and details provided in our original submission are more precise and accurate.

Province of Ontario Submissions, p. 4-8.

234. The Province of Ontario asserts that, until the early 1990's, there was never any claim or statement, verbal or written, formal or informal, of which the Province was aware, that suggested any member of the Kettle and Stony Point Band disputed the Province's right and title to the land comprising the Park.

Province of Ontario Submissions, p.6 at para. 8.

235. This is not an accurate statement. Documents from the Province's own archives demonstrate that the Province was aware of such assertions. The Province was aware that the Chief of the Kettle and Stony Point First Nation had publicly stated in 1975 that the Band had documentation that the Ipperwash Park lands were illegally taken from them, and that the Band would probably lay claim to the park in the near future.

Exhibit P-677: Memorandum from John Van West to Julia Jai re: Ipperwash Provincial Park (11 September 1995) at p. 3 (Inquiry Document No. 1011868).

236. As a result of the receipt of this information, MNR was advised to "secure a legal and historical analysis of this situation as soon as possible." There is no evidence that MNR complied with this request.

Exhibit P-677: Memorandum from John Van West to Julia Jai re: Ipperwash Provincial Park (11 September 1995) at p. 4 (Inquiry Document No. 1011868).

237. Further, in 1989, the Band made comments on MNR's preliminary management plan for Ipperwash Provincial Park. The Band stated:

Ipperwash Provincial Park sits on land at Stony Point which was reserved to our people by treaty and we have a constitutional right to the possession

of those lands....We do not acknowledge any right of any arm of government to interfere with our traditional use of the beach, lakefront, lake bottom, streams or rivers in our traditional hunting grounds.

Exhibit P-677: Memorandum from John Van West to Julia Jai re: Ipperwash Provincial Park (11 September 1995) at p. 4 (Inquiry Document No. 1011868).

238. Moreover, similar statements were made in the early 1990's, prior to the reclamation in September 1995.

Exhibit P-677: Memorandum from John Van West to Julia Jai re: Ipperwash Provincial Park (11 September 1995) at p. 5-6 (Inquiry Document No. 1011868).

239. The Province of Ontario faults the Stoney Point people for not having raised a grievance or issue directly with the Province regarding a land claim or the existence of a burial ground within the park. There are two problems in placing such blame. First, it is not accurate. Maynard T. George did directly raise the existence of burial grounds in the park with MNR officials in 1993. Second, the Province would not have accepted a formal claim from the Stoney Point people as it did not recognize the existence of this separate First Nation. The Stoney Point people were aware of this obstacle to using provincial processes to assert their rights.

Province of Ontario Submission (Part I), p. 9, para. 19.

Exhibit P836: Fax from Les Kobayashi to Ron Baldwin on May 20, 1993, attaching a statement from the Stoney Point First Nation re: Ipperwash Provincial Park – Co-management agreement (Inquiry Document No. 1009459).

240. The Province of Ontario claims that, when reports of a burial site surfaced in the summer of 1995, there was little, if anything, that the Ontario government could have done to prevent the takeover. However, such a statement ignores the historical evidence that the existence of a burial ground had been repeatedly brought to the attention of Provincial authorities (as reviewed in our original submission). The Province had many opportunities to address this grievance, but did nothing.

Province of Ontario Submission (Part I), p. 9 at para. 20.

Part XI: Some Responses to the Estate of Dudley George and Members of Dudley George's Family

241. The recommendations of the Aazhoodena and George Family Group and the Estate contain many similarities. Where subject matter overlaps, we broadly support the Estate's recommendation. However, we prefer the wording suggested in our original submissions. This is the case for the Estate's recommendations: #1, #2 (the first phrase), #5, and #11.

Estate's Submissions, p. 137.

242. The Aazhoodena and George Family Group fully endorses the following recommendations made by the Estate:

- # 2 (in part): Canada should clean up, or pay the cost of fully cleaning up the lands of all contamination caused by its use of the lands since 1942.
- #3: The Municipality of Lambton Shores should waive and renounce its ownership of, or any claim to, Matheson Dr. and the sandy parking lot adjacent to Ipperwash Provincial Park.
- #7: Governments should understand that a blanket policy of treating aboriginals and non-aboriginals the same is not appropriate government policy, and it is racist and unconstitutional.
- #8: When First Nations occupations or blockades occur, governments should always emphasize an approach of peace, prudence and caution.
- #9: The use of force against First Nations occupations and blockades is never appropriate with respect to the underlying historical issues, and force should never be used to just "deal" with the dispute.
- #10: When First Nations occupations or blockades occur, there should be an onus on governments to ensure that the underlying issues are thoroughly researched. The results of such research should also be shared with the First Nations group. Preferably, such research would be undertaken by an independent researcher outside government, who is accountable to (and preferably jointly appointed by) both the government and the First Nations group, and who has full access to government and

other archives and records and a mandate to learn the oral history connected with the issue in dispute.

- #12: Amend the *Public Inquiries Act* to provide that commissions of inquiry may admit evidence that would otherwise be inadmissible due to parliamentary privilege by adding section 11.1 after section 11 to read as follows:

11. Nothing is admissible in evidence at an inquiry that would be inadmissible in a court by reason of any privilege under the law of evidence.

11.1 Notwithstanding s. 11, a commission may admit at an inquiry evidence that would be inadmissible in a court by reason of parliamentary privilege under the law of evidence.
- #13: The Province of Ontario should adopt legislation requiring all Members of Provincial Parliament to take an oath to tell the truth in the Legislature. Other jurisdictions in Canada should do likewise.
- #14: An effective process for resolving land claims and disputes over Aboriginal rights must begin with recognition of the historic relationships between First Nations and the Crown, including the treaty relationships whether written, oral, or documented by wampum belts or any other means.
- #15: An effective process for resolving land claims and disputes over Aboriginal rights must be based around fairness to First Nations, which includes recognizing historic injustices done to First Nations by legislation such as the *Indian Act*, the policy of assimilation of Indians and obliteration of “Indianness”, the dominant role of Indian Agents, and social and economic pressures.
- #16: The OPP should formally withdraw and publicly apologize for its September 7, 1995 press releases.
- #17: The Government of Canada should formally retract and publicly apologize for the false position it took before the United Nations, i.e. First Nations people fired upon the police at Ipperwash.

Part: XII Some Responses to the Aboriginal Legal Services of Toronto

243. The Aazhoodena and George Family Group fully endorses the following recommendations made by ALST:

- 1. The Government of Canada shall take immediate steps to resolve the land claim issues concerning the former Camp Ipperwash.
- 2. The Government of Ontario shall relinquish all claims it may have of the property known as Ipperwash Provincial Park and take immediate steps to resolve the outstanding land claim issues.
- 3. The Governments of Canada and Ontario shall establish a new process to resolve land claims and disputes relating to Aboriginal and treaty rights. This new process must be created in partnership with the Aboriginal community and be premised on the understanding that Aboriginal rights are inherent rights and that resolution of Aboriginal disputes must be approached on a nation-to-nation basis.
- 4. The Governments of Canada and Ontario, after consulting with the Aboriginal community, shall enact legislation to protect Aboriginal sacred, ceremonial, and burial sites.

The Common Sense Revolution and Aboriginal People

- 5. The Governments of Canada and Ontario shall establish a fund to enable Aboriginal peoples to assert and enforce their inherent rights.
- 6. The Government of Ontario shall revise, in partnership with the Aboriginal community, the curriculums for the primary and secondary education systems to include an accurate history of Ontario's Aboriginal peoples, lands, and treaty rights.

The Harris Government's Message/Overtures to Civil Servants and Police Officers

- 7. The Government of Ontario shall develop a "Political Interference Protocol" that establishes a mandatory procedure that shall be invoked when allegations of political interference with police are made.
- 8. The Government of Ontario shall create a new Ministry for Aboriginal Relations. The new Ministry shall be headed by a Minister that does not carry any other portfolio within government.
- 9. The Minister for Aboriginal Relations shall have a permanent seat on the Priorities and Planning Board of the Province of Ontario.

- 10. The Government of Ontario mandates that all matters which may impact Aboriginal peoples be reviewed and subject to approval by the Ministry for Aboriginal Relations.
- 11. The Government of Ontario amend the *Police Services Act*, R.S.O. 1990, c.P.15 to create a police services board for the Ontario Provincial Police. The Ontario Provincial Police Services Board shall contain dedicated seats for Aboriginal representation. The number of dedicated Aboriginal seats on the Police Services Board and the appointment process will be established by the Province in consultation with the Aboriginal community.
- 12. The Government of Ontario cease the practice of police officer secondment within government. In the alternative, the Government of Ontario shall create strict guidelines for the conduct of police officers seconded to other government agencies.

Misleading the People of Ontario About the Dining Room Meeting

- 13. The Government of Ontario create a disciplinary code prohibiting members of provincial parliament from lying in the legislature, and establish penalties for breaching such rules.

b. Racist Memorabilia

- 20. The Government of Ontario implement regulations under the Police Services Act R.S.O. 1990, c. P.15 restricting the creation and distribution of any memorabilia by any police officer or police service in Ontario of any policing operation.

c. The Sham Investigation

- 21. The Government of Ontario amend Bill 103-Independent Police Review Act, 2006 to legislate that the Independent Police Review Director have exclusive non-delegable jurisdiction to investigate all public complaints relating to allegations of racism.

e. The Deane defence Team

- 22. The Government of Ontario shall prohibit the employment of on-duty police officers and the use of official police resources for the legal assistance of police officers charged with criminal offences.

f. The internal investigation/staunch defence of Cossitt

- 23. The Government of Ontario amend the Police Services Act, R.S.O. 1990, c. P.15 to require that all internal complaints relating to racism be required to proceed by way of a discipline hearing.
- 24. The Government of Ontario amend the Police Services Act R.S.O. 1990, c. P.15 to allow members of the public to seek standing at discipline hearings related to internal complaints of racism.

g. The role of the media

- 25. The Governments of Canada and Ontario provide funding to bring together schools of journalism, journalists, editors, academics, and the Aboriginal community to establish Best Practices for reporting on Aboriginal peoples, and Aboriginal issues.

Part XIII: Some Responses to the Chippewas of Kettle and Stony Point

244. There have been different formulations from several of the Aboriginal parties to the Inquiry concerning the phrasing of a recommendation concerning the future of the lands presently known as Ipperwash Provincial Park. The Aazhoodena and George Family Group strongly endorses the wording of the following recommendation made by the Chippewas of Kettle and Stony Point:

That Ontario cede the administration and control of the lands known as Ipperwash Provincial Park to the Crown in right of Canada, to be set aside as, or as part of, Stony Point Indian Reserve No. 43.

Chippewas of Kettle and Stony Point Submission, p. 65.

245. It is submitted that adopting the wording above would help to heal divisions between the people who identify as Stony Pointers and the Kettle and Stony Point Band

Council, as that wording should be found to be acceptable to all.

246. The Chippewas of Kettle and Stony Point and the Aazhoodena and George Family Group have proposed similar recommendations with respect to education, government relations, discipline for racist police officers, access to natural resources, land claims and Aboriginal rights. However, where subject matter overlaps, we prefer the wording suggested in our recommendations. We also endorse the following recommendations of the Chippewas of Kettle and Stony Point:

- that section 3 of the *Assessment Act* be amended to its pre-Harris state, so that lands held in trust for First Nations are not taxable.

Chippewas of Kettle and Stony Point Submission, p. 56.

- The [separate Ministry for Relations with First Nations] shall have a separate and specially-constituted advisory committee consisting of senior bureaucrats, representatives of Aboriginal communities and others. The committee shall have its role and duties specified in legislation creating the Ministry, after consultation with [First Nations] organizations and communities.

Chippewas of Kettle and Stony Point Submission, p. 63.

- That the Province, in consultation with the First Nation, conduct an audit of counseling needs arising from the incident and develop a healing strategy for access to counseling, whether such counseling be oriented more towards conventional medical services or towards Aboriginal traditional healing.

Chippewas of Kettle and Stony Point Submission, p. 64.

247. The Chippewas of Kettle and Stony Point state that the historical record provides no evidence of a separate Stony Point First Nation, and suggests that this theory was developed for strategic purposes in the 1970's and 1980's.

Chippewas of Kettle and Stony Point Submission, p. 15.

248. The Aazhoodena and George Family Group strongly disagrees with that assertion. The historical record is reviewed in detail in both the Group's Part II paper (Aazhoodena:

The History of Stoney Point First Nation) and in our original submission. The historical and contemporary record both strongly support the existence of a separate Stoney Point First Nation. Moreover, Dudley George died in an effort to resurrect the Stoney Point First Nation. We ask that this Commission support that conclusion in its final report. Like the Chippewas of Kettle and Stony Point, we expect that any historical recitation will be faithful to the actual history of the First Nations and to the full documented record in the Inquiry's database.

Chippewas of Kettle and Stony Point Submission, p. 15.

Part XIV: Some Responses to Amnesty International

249. The Aazhoodena and George Family Group endorses the following recommendations made by Amnesty International:

- That all levels of government should enact policies consistent with international human rights standards, which require that unless the affected peoples give their consent, activities that could jeopardize the rights of Indigenous peoples will not be permitted on disputed land until title is fairly resolved.

Amnesty International Submission, p. 12.

- That government interaction with police must never directly or indirectly order, facilitate or encourage conduct that contravenes human rights standards. Government must actively require police to operate in full compliance with international human rights obligations.

Amnesty International Submission, p. 20.

- Measures should be taken to expand the civilian oversight of police in Ontario, including independent investigation of all allegations of police wrongdoing. Particular attention should be paid to ensuring that such oversight is well-known and accessible to Indigenous communities.

Amnesty International Submission, p. 20.

Part XV: Some Responses to the Chiefs of Ontario

250. The Aazhoodena and George Family Group fully endorses the following recommendations outlined in the Part II submissions of the Chiefs of Ontario: B.1 through B.5, C.3 through C.5, D.1 through D.3, E.1, E.2, F.1, F.2. G.2 and G.6.

Part XVI: Some Responses to the African Canadian Legal Clinic

251. The Aazhoodena and George Family Group fully endorses all of the recommendations made by the African Canadian Legal Clinic in their written submissions of July 28, 2006.

ALL OF WHICH IS REPECTFULLY SUBMITTED at Toronto, Ontario, this 16th day of August, 2006.

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