

**IN THE MATTER OF THE
IPPERWASH INQUIRY**

**SUBMISSIONS MADE ON BEHALF OF
ROBERT RUNCIMAN**

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1. OVERVIEW

1. The following respectful submissions are made to the Honourable Sidney Linden (the "Commissioner") of the Ipperwash Inquiry (the "Inquiry") on behalf of Robert Runciman ("Mr. Runciman").

1.1 THE MANDATE OF THE INQUIRY

2. The Inquiry's two-part mandate requires it to "inquire into and report on events surrounding the death of Dudley George" and to "make recommendations directed to the avoidance of violence in similar circumstances."

Order in Council, November 12, 2003

3. With respect to the second part of this mandate, Mr. Runciman repeats and relies on the recommendations that he made at the end of his evidence in-chief: (1) that the Commission consider the re-introduction of a police commission or police services board to supervise the work of the Ontario Provincial Police (the "OPP") while providing a buffer between the government and the police; and (2) that the Commission consider whether First Nations emergencies might best be responded to by highly trained First Nations police units.

Evidence of R. Runciman, *Transcript*, January 10, 2006, pages 32-33

4. More extensive written submissions are made here respecting the first part of the Inquiry's mandate. This first task requires the Commissioner to engage in assessments of credibility and to make findings of fact. In this respect, the focus of these submissions on behalf of Mr. Runciman will primarily be on the evidence of Mr. Runciman and on the findings of fact, based on all the evidence, that ought to be made in relation to his actions at the relevant times. In particular, it is respectfully submitted that Mr. Runciman was an impressive witness. He gave his evidence in a frank, forthright and thoughtful manner, giving the Commissioner the benefit of his considerable experience and his reflections on the incidents which give rise to the Inquiry. Moreover, the evidence reveals that Mr. Runciman, who was the Solicitor General at the relevant times, governed himself professionally, cautiously, dispassionately and in complete good faith throughout.

1.2 THE ALLEGATION OF POLITICAL INTERFERENCE

5. Much has been said about the possibility that political interference played a part in the tragic and untimely death of Dudley George ("Mr. George"). It is respectfully submitted that the evidence reveals that nothing said or done by or on behalf of Mr. Runciman amounted to such political interference. On the contrary, the uncontradicted evidence of all witnesses who testified on this point was that Mr. Runciman was extremely careful to ensure that he did not involve himself in the operational affairs of the OPP. This was true both as a general matter and specifically with respect to the events at Ipperwash Park (the "Park").

6. It is also submitted, considering the evidence more broadly, that the evidence reveals that political interference was not the cause of, or a contributing factor to, the death of Mr. George. Decisions about how the occupation of the Park was to be handled were made by senior officers of the OPP, including the Incident Commander, Inspector John Carson ("Inspector Carson"), exercising their own professional judgment, uninfluenced by political direction and unimpeded by political interference. Beyond this observation, Mr. Runciman makes no submissions about the operational plans, decisions or actions of the OPP and its members. Similarly, Mr. Runciman makes no submissions about the plans, decisions or actions of the occupiers of the Park.

1.3 IMPORTANT CONTEXTUAL FACTORS

7. It will be important for the Commissioner to assess and consider the context in which suggestions of political interference have been made in this matter. It is submitted on behalf of Mr. Runciman that the following factors ought to be weighed carefully in the balance when findings of fact are made.

- a. The Progressive Conservative government of the Honourable Michael Harris ("Mr. Harris") was elected in June, 1995 and Mr. Runciman and his cabinet colleagues were sworn in on June 26, 1995. Accordingly, on September 4, 1995, the age of the government led by Mr. Harris was still being measured in weeks. That government was still fresh, was still being briefed on many issues, had imposed very little new policy, and was, in short, still settling into the task of governing.
- b. In fact, most of the policies that were applied in reaction to the occupation of the Park were policies developed by or under other governments, led by different parties.

- c. The Ministry of the Solicitor General and Correctional Services ("MSGCS") was among the largest ministries in the Ontario government, both in terms of budget and number of employees. Not surprisingly, there were many issues in play at MSGCS when Mr. Runciman took his position in cabinet. The situation at Ipperwash was but one, and it was not a priority file at MSGCS.
- d. In fact, the evidence establishes beyond doubt that the Ipperwash file was, until the time of the shooting of Mr. George, a "watching brief" only for Mr. Runciman and his staff, as it fell more squarely within the purview of other ministries.
- e. The events of September 1995 are now over 10 years old. Many witnesses, including Mr. Runciman, struggled with their recollections of those days. Caution must be exercised in the fact-finding process in such circumstances.
- f. On the other hand, while memories deteriorate, contemporaneously created documents, photographs and audiotapes remain intact. While this fact is undoubtedly an important asset to the work of the Inquiry, great care should be taken not to give greater weight or emphasis to a statement of fact or opinion than it truly deserves simply because it has been better preserved.

8. With these factors in mind, we turn now to consider the facts surrounding Mr. Runciman's narrow involvement in this matter.

2. MR. RUNCIMAN'S BACKGROUND

9. After holding several different private sector positions and prior to entering provincial politics, Mr. Runciman served for over 8 years as a municipal councillor in Brockville, Ontario. He was first elected as a Member of Provincial Parliament for what was then the riding of Leeds, now Leeds-Grenville, in 1981. He has been re-elected in every election since then, and has now served as an MPP for over twenty-five years. In

this capacity, he has held a number of cabinet posts while in government and a number of critic's positions while in opposition. Among other critic's roles, Mr. Runciman held the position of critic for the Solicitor General from November, 1989 to July, 1990 and again from March, 1992 to April, 1995.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 16-19
C.V. of R. Runciman, Exhibit P-986

3. THE ELECTION AND MR. RUNCIMAN'S APPOINTMENT AS SOLICITOR GENERAL

10. The people of Ontario voted in a provincial election in June 1995. A Progressive Conservative majority was returned to Queen's Park. Leading up to that election, the Progressive Conservative Party produced various campaign documents, including "The Common Sense Revolution". Mr. Runciman had little or no role in producing these campaign documents. They were produced by Mr. Harris and his campaign team.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 22-26
The Common Sense Revolution, Exhibit P-922
Bringing Common Sense to Community Development, Exhibit P-924
Mike Harris Northern Focus Tour, Exhibit P-925

11. On June 26, 1995, when Mr. Harris's cabinet was sworn in, Mr. Runciman became the Solicitor General and Minister of Correctional Services. Although Mr. Runciman held this position until June, 1999, at the beginning of September, 1995 when the Park was first occupied, Mr. Runciman and his cabinet colleagues had been on the job for just over 2 months.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 19-20; 26

12. During those initial two months, Mr. Runciman spent an enormous amount of time (approximately 6 weeks) being briefed on issues relating to his Ministry. Mr. Runciman also started the process of meeting the various relevant stakeholders all over the Province.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 32, 58-59; 66-67
Evidence of K. Hunt, *Transcript*, November 2, 2005, pages 17-18, 22, 101-102

13. It is respectfully submitted that there is no evidence that any policy implemented by the Harris government between June and September, 1995 led to the occupation of the Park or contributed to the death of Mr. George since, in fact, almost no new policy (apart from the elimination of photo radar) had been implemented by the new government during this period of its infancy.

Evidence of R. Runciman, *Transcript*, January 9, 2006, page 36
Evidence of K. Hunt, *Transcript*, November 2, 2005, pages 14, 102

4. THE MINISTRY OF THE SOLICITOR GENERAL AND CORRECTIONAL SERVICES

4.1 KEY STAFF

14. Kathryn Hunt ("Ms. Hunt") became Mr. Runciman's Executive Assistant, a member of his political Staff. Dr. Elaine Todres ("Dr. Todres") was the Deputy Minister. Barbara Taylor ("Inspector Taylor") was the OPP/MSGCS liaison.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 53, 55-56
Evidence of K. Hunt, *Transcript*, November 2, 2005, pages 12, 101

15. Inspector Ron Fox ("Inspector Fox") was seconded to the MSGCS from the OPP, and was a Special Advisor working on First Nations policing. Both Mr. Runciman and

Ms. Hunt understood that Inspector Fox's role was to work on tripartite policing agreements with various First Nations with a view to extending First Nations policing. Inspector Fox played a key role in that process. At the time of the occupation of the Park, Mr. Runciman was not aware that Inspector Fox had any other responsibilities.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 56-57;
Transcript, January 10, 2006, page 200
Evidence of K. Hunt, *Transcript*, November 2, 2005, pages 21-22

16. Some time later, in 1996, Inspector Fox was replaced in this position by Sergeant Scott Patrick ("Sergeant Patrick"). Mr. Runciman does not recall meeting Sergeant Patrick in the summer of 1995 before the occupation of the Park.

Evidence of R. Runciman, *Transcript*, January 9, 2006, page 59

4.2 MSGCS: SIZE AND PRIORITIES

17. MSGCS was the largest ministry in the Ontario government in terms of personnel and institutions. The Ministry employed some 60,000 people and had a budget of \$1.2 billion.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 63-64
Evidence of K. Hunt, *Transcript*, November 2, 2005, page 30
Evidence of E. Todres, *Transcript*, November 29, 2005, page 219

18. Mr. Runciman's priorities for MSGCS following the election included reviewing and "revamping" the operations of the Parole Board; the renewal of the infrastructure for the correctional system in Ontario; reviewing the Ministry's budget; and undertaking

a review of the *Police Services Act*. It was these initiatives which occupied his time in the first few months of his tenure.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 30-31, 65-66
Evidence of K. Hunt, *Transcript*, November 2, 2005, pages 102-103

19. By contrast, while the Ipperwash issue might well have been brought to his attention in the summer of 1995 after he was elected, it was not a priority for Mr. Runciman as it was an issue that was primarily the responsibility of the Ministry of Natural Resources ("MNR"), the Attorney General ("MAG") and the Ontario Native Affairs Secretariat ("ONAS").

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 82, 95-96
Evidence of K. Hunt, *Transcript*, November 2, 2005, page 103

5. THE POLICY AGAINST INTERFERING IN POLICE OPERATIONS

20. When Mr. Runciman took over as the Solicitor General, he was well aware of the policy against political interference by the Solicitor General in the operational affairs of the police and, in particular, the OPP. While in opposition, he had been particularly critical of a former Solicitor General for violating this policy. Accordingly, Mr. Runciman was extremely careful about this issue and insisted that his staff also be careful about it. Both he and Dr. Todres received briefings on the topic during the summer of 1995. Dr. Todres testified that Mr. Runciman was clearly aware of this issue and was "extremely sensitive" to it. Ms. Hunt testified that Mr. Runciman probably did not require the briefing he was given on the issue since he was already so familiar with the

topic. In following this policy, Mr. Runciman adopted the same position as had been adopted by previous Solicitors General of all political stripes in Ontario.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 27-53, 152
Evidence of K. Hunt, *Transcript*, November 2, 2005, pages 17-19, 24, 26-27, 67, 103-104, 138-139
Evidence of E. Todres, *Transcript*, November 29, 2005, pages 245-247, 265
Evidence of T. O'Grady, *Transcript*, August 18, 2005, pages 190, 198, 200

21. At Mr. Runciman's direction, at all times throughout the occupation of the Park (as will be seen throughout these submissions), he and his staff repeatedly emphasized and reinforced the idea that there should be no political interference with the operational affairs of the OPP.

6. THE PERIOD PRECEDING THE OCCUPATION OF THE PARK

22. Mr. Runciman had little to no knowledge of Ipperwash or its history, prior to the occupation of the Park. The Ipperwash issue might well have been brought to his attention in the summer of 1995 after he was elected, but it would not have been a priority for him as it was seen as primarily the responsibility of MNR, MAG and ONAS. He has no recollection of seeing any of the MSGCS Issue Notes that were produced on the topic over the summer of 1995.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 82-84, 95-96

6.1 MEETINGS WITH COMMISSIONER O'GRADY

23. One of the stakeholders that Mr. Runciman met with while he acclimatized himself to the position of Solicitor General during the summer of 1995 was

Commissioner Thomas O'Grady ("Commissioner O'Grady") of the OPP. Commissioner O'Grady's evidence was that he met with Mr. Runciman on three occasions in the summer of 1995. The first meeting occurred on July 4, 1995 and was a brief introductory meeting. The second meeting occurred on July 19, 1995 and was a briefing session with a number of other officials. The third meeting occurred on August 28, 1995.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 67-68
Evidence of T. O'Grady, *Transcript*, August 22, 2005, pages 46-49;
Transcript, August 23, 2005, pages 121-125

24. Commissioner O'Grady testified that at the August 28, 1995 meeting he apprised Mr. Runciman as to the general approach the OPP planned to take should there be an occupation of the Park: keep the peace; negotiate; and receive appropriate direction from the Court with respect to any occupied land. While Mr. Runciman testified that he did not recall this meeting, he did not dispute that it had happened. Nor did he dispute Commissioner O'Grady's recollection that he had been briefed on the OPP's approach to a possible occupation of the Park. He offered no criticism of the approach described by Commissioner O'Grady.

Evidence of R. Runciman, *Transcript*, January 9, 2006, page 70;
Transcript, January 10, 2006, pages 99, 103
Evidence of T. O'Grady, *Transcript*, August 22, 2005, pages 48-49

25. The evidence before the Inquiry makes it plain that the OPP policy surrounding occupations, as described by Commissioner O'Grady, was put in place several years

before the election of the Harris government. Mr. Runciman had no input into this policy.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 70-72
Briefing Note for the Interministerial Policy Forum (Nov 26/91), Exhibit P-472

26. Other than the communications outlined in this part, Commissioner O'Grady had no communications with Runciman between the date of his appointment as Solicitor General and September 6, 1995, inclusive.

Evidence of T. O'Grady, *Transcript*, August 23, 2005, pages 124-126

6.2 COMMUNICATIONS WITH OTHER OPP OFFICERS PRIOR TO SEPTEMBER 4, 1995

27. Apart from Commissioner O'Grady, the evidence establishes that Mr. Runciman had no communication, direct or indirect, with any other member of the OPP respecting Ipperwash prior to the occupation of the Park. Neither did Mr. Runciman provide any direction, suggestions, advice or criticism of any plans that the police had in the event that there was an occupation of the Park. Instead, Mr. Runciman was content to rely on the professionalism of the police, whom he held in high regard, as they prepared for a potential operational problem.

Evidence of R. Runciman, *Transcript*, January 9, 2006, page 96
Evidence of K. Hunt, *Transcript*, November 2, 2005, page 108
Evidence of J. Carson, *Transcript*, June 2, 2005, page 74
Evidence of R. Fox, *Transcript*, July 13, 2005, pages 116-121
Evidence of C. Coles, *Transcript*, August 16, 2005, pages 260-262

28. In particular, Inspector Carson testified that Project Maple, the operating plan for dealing with any occupation of the park, was developed by the OPP prior to the start of

the occupation and that neither Mr. Runciman nor anyone on his staff had any input into the development of Project Maple. Mr. Runciman testified that he had never even seen a copy of Project Maple. The evidence established that the approach adopted in Project Maple, which included having the landowner, MNR, seek an injunction, was formulated several years earlier during the mandate of a different government.

Evidence of R. Runciman, *Transcript*, January 9, 2006, page 96

Evidence of J. Carson, *Transcript*, June 2, 2005, pages 76-78

7. SEPTEMBER 4, 1995

29. Mr. Runciman learned of the occupation of the Park when he was called by Ms. Hunt. He was at home in his riding and not in Toronto at the time. He does not recall specifically what Ms. Hunt told him about the occupation. For her part, Ms. Hunt believes she called Mr. Runciman to advise him of the occupation early in the day on Tuesday, September 5, 1995. Ms. Hunt was not sure who advised her of the occupation.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 96-99

Evidence of K. Hunt, *Transcript*, November 2, 2005, page 43

8. "A WATCHING BRIEF"

30. Throughout the occupation of the park on September 4, 5 and 6, until the death of Mr. George, it is clear that the Ipperwash issue was a watching brief only for Mr. Runciman and MSGCS. The OPP had established a command centre and had a plan in place to deal with the occupation. The protocol against interference in the operational affairs of the OPP, a policy that Mr. Runciman was scrupulously careful to follow,

prevented him from having any role other than that of an observer. Moreover, other ministries and agencies had primary responsibility on this file: MNR was the land owner and, on the OPP plan, would be the applicant for any injunction; the Attorney General, as the chief law officer of the province, would provide advice on whether and how to apply for an injunction and, if the decision was made to seek an injunction, MAG would supply the lawyers who would make the application; and ONAS was best positioned to provide advice and expertise on broader policy issues. In all of these circumstances, it was appropriate for Mr. Runciman to take a "back seat."

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 111, 115, 154;

Transcript, January 11, 2006, pages 288, 292-293

Evidence of K. Hunt, *Transcript*, November 2, 2005, pages 106-108, 178

Evidence of E. Todres, *Transcript*, November 30, 2005, page 70

9. NO DIRECTION TO OR COMMUNICATION WITH THE OPP

31. At no time from September 4, 1995 (the start of the occupation of the Park) to the time of the death of Mr. George on September 6, 1995 did Mr. Runciman have any meeting, discussion or communication of any kind whatsoever, direct or indirect, with any member of the OPP respecting Ipperwash. More particularly, the witnesses at this Inquiry repeatedly made it clear that Mr. Runciman never, by any means whatsoever, at any time either before or over the course of these three days, offered any direction, instruction, order, criticism, suggestion, or observation about operations at Ipperwash to the OPP or to anyone else, for that matter. At no time did Mr. Runciman offer any strong opinions about how the occupation ought to be handled other than to indicate that caution should be exercised.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 154-155;
Transcript, January 10, 2006, pages 103-104;
Transcript, January 11, 2006, pages 286-287
Evidence of K. Hunt, *Transcript*, November 2, 2005, pages 66-67, 108-109
Evidence of J. Carson, *Transcript*, June 2, 2005, pages 74-77
Evidence of R. Fox, *Transcript*, July 13, 2005, pages 116-121
Evidence of C. Coles, *Transcript*, August 16, 2005, pages 260-262
Evidence of T. O'Grady, *Transcript*, August 23, 2005, pages 124-126

10. SEPTEMBER 5, 1995

10.1 MEETING OF IMC

32. The Interministerial Committee for Aboriginal Emergencies ("IMC") was a committee established prior to the election of the government led by Mr. Harris. Prior to the meeting of that committee on September 5, 1995, Mr. Runciman believes that Ms. Hunt provided him with a briefing to the effect that the meeting was taking place, and that she would be attending. They discussed the issue of police direction and Ms. Hunt indicated to Mr. Runciman that she had contacted all of the involved executive assistants, chiefs of staff and the Premier's Office to ensure that they understood that the political arm was not to be involved in providing direction to the police with respect to operational activities. Hunt indicated that she would simply reiterate this policy at the meeting, and that was the sole role that she would have at the meeting, unless there were other specific questions that she might be able to address.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 100-101
Evidence of K. Hunt, *Transcript*, November 2, 2005, pages 46-49

33. Mr. Runciman does not recall being specifically briefed on the purpose and role of IMC. After the IMC meeting on September 5, it is likely that Ms. Hunt gave Mr.

Runciman a brief summary of what happened at the meeting, though Mr. Runciman does not have a specific recollection of such a briefing.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 79, 103

34. None of the "Next Steps" identified at the end of the September 5, 1995 IMC meeting required MSGCS or Mr. Runciman and his staff to do anything. Indeed, dealing with the occupiers was a matter to be left to the "discretion" of the OPP.

Evidence of K. Hunt, *Transcript*, November 2, 2005, page 107
IMC Minutes, September 5, 1995, p. 3, Exhibit P-509

10.2 MR. RUNCIMAN ON SEPTEMBER 5, 1995

35. On September 5, apart from speaking to Ms. Hunt before and after the IMC meeting and meeting with the Attorney General, Charles Harnick ("Mr. Harnick") and the two Deputy Ministers (see below), Runciman took no action with respect to Ipperwash. In particular, he had no other communications with any other politicians or political staff who were involved in the issue, nor did he have any communication, direct or indirect, with any police officers involved in the Ipperwash operation. Moreover, at no time on this day or the following day did Mr. Runciman tell anyone that he "wanted to deal with" the situation at the Park (notwithstanding what is recorded in the scribe notes).

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 99, 107-111, 125;
Transcript, January 11, 2006, page 107

See also the references under para 31, above
Scribe notes, September 5, 8:17 a.m., page 53, Exhibit P-426

10.3 MEETING WITH THE ATTORNEY GENERAL AND THE DEPUTY MINISTERS

36. Mr. Runciman recalls meeting with the Deputy Attorney General Larry Taman ("Mr. Taman"), Dr. Todres, Ms. Hunt and Mr. Harnick. Mr. Runciman testified that it was likely on September 5, 1995 that they met (there is other evidence suggesting it may have been on September 6, 1995). In either case, the meeting involved discussions of a number of issues that overlapped MSGCS and MAG. Ipperwash was one of the issues that was discussed, but only briefly. The general approach agreed upon at this meeting was that a slow and steady approach should be taken. Dr. Todres testified that no options other than negotiation were being considered at that time and that "none of us in that room had unusual concerns about Ipperwash. So, I left the office on the 5th as I would any other day with the Solicitor General."

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 116, 121-122

Evidence of L. Taman, *Transcript*, November 14, 2005, pages 89-91;

Transcript, November 15, 2005, pages 37-38

Evidence of E. Todres, *Transcript*, November 30, 2005, pages 26-29, 37-38

Evidence of C. Harnick, *Transcript*, November 24, 2006, pages 70-72

37. Dr. Todres testified that Mr. Runciman agreed with taking a slow and steady approach, and that he did not indicate any criticism of the way in which the OPP had handled the matter to that point. He did not express any views about the use of force. He did not take any kind of strong views on how the matter should be handled. For her part, Dr. Todres testified that at this point she was very comfortable with the direction taken by the OPP, which was "slow as she goes, steady negotiations."

Evidence of E. Todres, *Transcript*, November 30, 2005, pages 31, 128

38. Julie Jai ("Ms. Jai") of ONAS testified that Mr. Taman had briefed her on the meeting he attended with Mr. Runciman, Dr. Todres and Mr. Harnick. The message was that they wanted to proceed slowly. An excerpt from Ms. Jai's notes states "SG and dep SG - LT met with them – they want to go slow".

Evidence of J. Jai, *Transcript*, August 31, 2005, pages 62-64
Handwritten notes of J. Jai re briefing for Min. Harnick, Sept. 6, 1995, Exhibit P-651

11. SEPTEMBER 6, 1995

11.1 IMC MEETING

39. IMC met again on the morning of September 6, 1995. Mr. Runciman was aware that Ms. Hunt would be attending that meeting. He does not recall giving Ms. Hunt any instructions with respect to this meeting since their position would be the same as it had been for the meeting on September 5, 1995.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 123-125

40. At the IMC meeting, it is apparent that Ms. Hunt made it plain to those assembled that there should be no political interference with the operational work of the OPP. The minutes of that meeting state, under the heading – "Minister's Directions – SGC": "As a matter of protocol, the SGC does not involve itself in the day to day operations of the OPP. The OPP will exercise its discretion regarding how to proceed in removing the Stoney Pointers from the Park and the laying of appropriate charges".

Mr. Runciman testified that this passage accurately summarizes the position he took on September 6, 1995.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 157-158
Evidence of K. Hunt, *Transcript*, November 2, 2005, pages 48-49, 55, 64-65, 105
Minutes of the IMC meeting September 6, 1995, Exhibit P-509

11.2 CABINET MEETING AND DINING ROOM MEETING

11.2.1 THE CABINET MEETING

41. Cabinet meetings traditionally started at 10:00am, and usually lasted 3 - 3 ½ hours. Normally there was a break at the end where the staff would leave and a discussion amongst the politicians only would ensue. Mr. Runciman testified that Ipperwash may have been discussed briefly at the Cabinet meeting and that afterward, Mr. Harris had indicated that there would be a meeting in the dining room to discuss Ipperwash.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 125-127

11.2.2 THE DINING ROOM MEETING

42. Mr. Runciman did not know who would be attending the meeting until he got there. He did not invite anyone to attend the meeting. The meeting was brief, only 20 to 30 minutes long. Mr. Harris arrived at the meeting after most of the attendees were already seated. At its conclusion, Mr. Harris left first. Mr. Runciman left very shortly after Mr. Harris did.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 128, 141-142;
Transcript, January 10, 2006, page 126

43. The evidence of all those who were present suggests that Mr. Runciman said either very little or nothing at the dining room meeting. Mr. Runciman was at the meeting as an observer and did not otherwise participate, but if a policing issue had arisen, and he had felt it was appropriate, he would have contributed to the discussion.

Evidence of R. Runciman, *Transcript*, January 9, 2006, page 146;
Transcript, January 10, 2006, pages 124-125
Evidence of K. Hunt, *Transcript*, November 2, 2005, pages 72-73, 106

44. At the conclusion of the meeting, Mr. Runciman left and returned to his office. His Ministry was not required to take any steps as a result of the discussions at the meeting. He testified that he did not believe he had any more involvement in the Ipperwash issue on that day (September 6, 1995). As of September 6, based on the information he had received from the IMC meetings via Ms. Hunt and from the dining room meeting, Mr. Runciman was satisfied that the police were handling the matter in a satisfactory fashion and had no criticisms of the actions taken by the OPP.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 150, 154, 163

11.2.3 A BRIEFING ON THE SITUATION AT IPPERWASH PROVINCIAL PARK

45. Mr. Runciman recalls that Ron Vrancart ("Mr. Vrancart") of MNR gave a summary of the situation on the ground. His information was based on reports from MNR staff in the field. That information included reports of an AK-47 being shot off and "warriors" coming to Ipperwash from other parts of North America. Mr. Runciman described the information as "so-called intelligence" and said that it was "alarming to everyone."

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 135-136, 140

46. At some point the meeting was also advised of a claim that there was a burial ground in the Park. Through the Attorney General, however, the meeting was advised that there was no merit to this claim.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 148-149

11.2.4 TWO VARIETIES OF INJUNCTIONS

47. The briefing from Mr. Vrancart was followed by a discussion about obtaining an injunction, about the two types of injunction that were available, and the pros and cons of these options. This discussion was led by Mr. Harnick and Mr. Taman. At the conclusion of the meeting, it was Mr. Runciman's understanding that the "speedier" type of injunction, an *ex parte* injunction, would be sought. This was the direction given to the Attorney General.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 136, 140
Evidence of K. Hunt, *Transcript*, November 2, 2005, pages 70, 72

11.2.5 A BRIEFING ON THE INDEPENDENCE OF THE OPP

48. Dr. Todres' recollection of the dining room meeting is in many respects the same as Runciman's. However, she also recalls that at the start of the meeting, she provided an overview of the role of the Solicitor General and the demarcation line between the politicians and involvement in police operations. She felt the need to do this because it was a new government and she felt this was her role at the meeting.

Evidence of E. Todres, *Transcript*, November 30, 2005, pages 52-53

49. Mr. Runciman does not recall this briefing being given by Dr. Todres. However, he testified that he believed that everyone present understood the importance of allowing the police to do their work without political interference because Ms. Hunt had briefed all of the various Ministers' executive assistants on this very point and had ensured that they had in turn so briefed their Ministers.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 142, 147-148

11.2.6 THE CONDUCT OF MR. HODGSON AT THE DINING ROOM MEETING

50. Mr. Runciman testified that he did not hear any discussion between Mr. Hodgson and Inspector Fox at the dining room meeting.

Evidence of R. Runciman, *Transcript*, January 9, 2006, page 149;
Transcript, page 129

51. Like most of the witnesses who were present at the dining room meeting, Mr. Runciman did not hear Mr. Hodgson make the statement "Get the fucking Indians out of my Park."

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 144-145

52. Mr. Runciman has no recollection of Mr. Hodgson referring to the park as "his park." Nor did he recall Mr. Hodgson being "extremely agitated" or "very concerned."

Evidence of R. Runciman, *Transcript*, January 10, 2006, pages 128-129

11.2.7 THE CONDUCT OF MR. HARRIS AT THE DINING ROOM MEETING

53. Mr. Runciman testified that Mr. Harris was “clearly concerned,” as was everyone else after hearing Mr. Vrancart’s briefing about what appeared to be “a very dangerous situation evolving.” Mr. Harris seemed to be “anxious” about the situation, and “wanted it brought to a resolution in a timely way.” He was “encouraging the Attorney General to get on with the job ... through the legal processes that were available.” Mr. Runciman recalls that Mr. Harris stated that he did not want the situation at Ipperwash to deteriorate or to “drag on”. On the other hand, Mr. Harris provided no timeline to the Attorney General as to when the injunction should be sought. He gave no direction to the OPP.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 139-144;
Transcript, January 10, 2006, pages 126-128

54. Mr. Runciman does not recall Mr. Harris making any reference to the Holocaust at the dining room meeting.

Evidence of R. Runciman, *Transcript*, January 9, 2006, page 143
Evidence of K. Hunt, *Transcript*, November 2, 2005, page 72

55. Like most of the witnesses who were present at the dining room meeting, Mr. Runciman did not hear Mr. Harris make the statement “I want the fucking Indians out of the Park.”

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 144-145
Evidence of K. Hunt, *Transcript*, November 2, 2005, page 72

11.2.8 DIRECTION GIVEN AT THE DINING ROOM MEETING

56. The only direction given at the dining room meeting was given to the Attorney General, Mr. Harnick. His job was to see to it that an injunction was sought on a timely basis. The police, on the other hand, received no direction about their operational affairs. Indeed, the OPP's plan all along called for the seeking of an injunction. Mr. Runciman testified that he did not hear anything at the dining room meeting that was inappropriate or amounted to direction to the OPP. Dr. Todres and Ms. Hunt shared this view. In particular, there was absolutely no discussion at the dining room meeting as to how or when the OPP was to enforce the injunction should it be granted.

Evidence of R. Runciman, *Transcript*, January 10, 2006, pages 132-133;
Transcript, January 11, 2006, pages 293-295
Evidence of K. Hunt, *Transcript*, November 2, 2005, page 116
Evidence of E. Todres, *Transcript*, November 30, 2005, pages 65-66

11.2.9 THE ROLE OF INSPECTOR FOX AT THE DINING ROOM MEETING

57. Inspector Fox testified that either Mr. Runciman or Dr. Todres introduced him at the meeting and that one of them asked him to brief the gathering. However, neither of them even recalls Inspector Fox being at the meeting and, accordingly, neither recalls either introducing him at the meeting or asking him for a briefing.

Evidence of R. Runciman, *Transcript*, January 9, 2006, page 133;
Transcript, January 10, 2006, page 229
Evidence of R. Fox, *Transcript*, July 12, 2005, pages 65-66
Evidence of E. Todres, *Transcript*, November 30, 2005, pages 53-54, 68

58. As noted earlier, at the time of the dining room meeting, Mr. Runciman did not view Inspector Fox as acting in a liaison role between MSGCS and the OPP. In any

case, Mr. Runciman did not know that Inspector Fox was to be reporting on the dining room meeting to Inspector Carson. Mr. Runciman was of the view that it was not within the ambit of Inspector Fox's role to do so. Ms. Hunt and Dr. Todres were similarly unaware that Inspector Fox was making direct contact with Inspector Carson. Both Dr. Todres and Mr. Runciman described Inspector Fox's decision to report on the dining room meeting to Inspector Carson as "a lapse in judgment."

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 56-57;
Transcript, January 10, 2006, page 200
Transcript, January 11, 2006, pages 297-298
Evidence of K. Hunt, *Transcript*, November 2, 2005, pages 21-22, 107-108
Evidence of E. Todres, *Transcript*, November 30, 2005, pages 39-40

11.2.10 THE DINING ROOM MEETING'S EFFECT ON THE OPP

59. It is respectfully submitted that the 20 to 30 minute discussion in the Premier's dining room on September 6, 1995 had no effect on the operational decisions of the OPP on the ground at Ipperwash. This is the unshaken evidence of Inspector Carson, the recipient of the information and the person responsible for making decisions on the ground. He said that he did absolutely nothing as a result of this call and considered it unimportant. He testified that the decision to use the CMU had nothing to do with any call or calls from Inspector Fox. No part of his plan changed as a result of the call. In fact, Inspector Carson testified that he would never have remembered the call in which the information was imparted if a record of it had not been kept. Inspector Carson testified that Inspector Fox at no time conveyed any orders, directions, instructions or anything of a similar nature on the subject of how the OPP or Inspector Carson should

govern themselves in respect of the Ipperwash occupation. Moreover, nothing in the telephone call that followed the dining room meeting could be construed in that way. Instead, as Inspector Carson noted in his evidence, it is plain that for the most part Inspector Fox was seeking information from the scene rather than imparting information to Inspector Carson.

Evidence of J. Carson, *Transcript*, May 18, 2005, pages 219-227;
Transcript, June 2, pages 79-80

12. THE DEATH OF MR. GEORGE

60. Mr. Runciman learned of the shooting and death of Mr. George from Ms. Hunt, who contacted him by telephone either very late in the evening on September 6, or early in the morning on September 7.

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 163-165
Evidence of K. Hunt, *Transcript*, November 2, 2005, pages 77-78

13. EVENTS FOLLOWING SEPTEMBER 6, 1995

13.1 OPP REQUEST FOR ASSISTANCE FROM THE FEDERAL GOVERNMENT

61. At some point during the occupation the OPP made a request for Armoured Personnel Carriers from the federal government. The request was made as a precaution in the event that the vehicles were needed at some point. Dr. Todres brought the request to Mr. Runciman's attention after September 6, 1995. She indicated that she had been contacted by Commissioner O'Grady and that the protocol in place was that any request for assistance, support or equipment from the Federal

Government had to flow through the Solicitor General. Mr. Runciman signed the letter of request to the federal Solicitor General.

Evidence of R. Runciman, *Transcript*, January 9, 2006, page 171;
Transcript, January 10, 2006, pages 106-108
Evidence of K. Hunt, *Transcript*, November 2, 2005, pages 95-98
Evidence of E. Todres, *Transcript*, November 30, 2005, pages 95-98
Evidence of J. Carson, *Transcript*, May 19, 2005, page 42;
Transcript, June 2, 2005, page 77
Evidence of T. O'Grady, *Transcript*, August 22, 2005, page 123

13.2 CONFERENCE CALL WITH LEADERS OF THE FIRST NATIONS COMMUNITY

62. On September 8, 1995, Mr. Runciman participated in a conference call with leaders of certain First Nations communities, including Chief Tom Bressette of Kettle and Stony Point First Nation and Chief Ovide Mercredi, the National Chief of the Assembly of First Nations. Mr. Runciman participated in the telephone call at the request of the Premier's office. He understood that a request had been made to meet with the Premier and a decision had been made that the request would initially be dealt with by way of conference call on which Mr. Runciman would represent the government. Ms. Hunt arranged the call. At the direction of the Premier's Office, Mr. Runciman indicated on the call that the government was prepared to meet with the leaders of the First Nations community if the park was no longer occupied. In so doing, he articulated a policy similar to that of previous governments.

Evidence of R. Runciman, *Transcript*, January 9, 2006, page 177-178, 180;
Transcript, January 10, 2006, pages 9-10
Evidence of K. Hunt, *Transcript*, November 2, 2005, page 85
Transcript: Conference Call between First Nation Leaders and R. Runciman, Exhibit P-992

13.3 SEPTEMBER 12, 1995 TRIP TO THE IPPERWASH AREA

63. On September 12, Mr. Runciman travelled to the Ipperwash area. The purpose of the trip was to meet with local residents and to address their concerns. Mr. Runciman indicated on behalf of the government that he was aware of their concerns, and that the government was doing what it could to "calm the waters."

Evidence of R. Runciman, *Transcript*, January 9, 2006, pages 183-184

13.4 OPP DISCIPLINE

64. Mr. Runciman took no direct role in the discipline of OPP officers during his tenure as Solicitor General. As a matter of course, he was not made aware of discipline matters within the OPP. He did not view it as appropriate to involve himself in the internal discipline of individual members of the OPP.

Evidence of R. Runciman, *Transcript*, January 10, 2006, pages 12-13, 30

65. Mr. Runciman was made aware of the issue of discipline arising from the memorabilia, or the "mugs and T-shirts" issue, though he does not specifically recall how he became aware of it. He took no action other than asking for a briefing. Mr. Runciman was concerned about the issue and understood that it was a sensitive one, especially in light of the death of Mr. George. Mr. Runciman was advised that the Professional Standards Bureau investigated the issue and that corrective action was taken against four OPP members. In addition, Mr. Runciman was advised that the Professional Standards Bureau of the OPP was enhancing training and cultural

sensitivity, and that related policies were under review. Expert consultants had been hired to assist the OPP in this endeavour. The OPP developed and delivered a four day presentation for members in relation to First Nations culture and spirituality. Mr. Runciman felt that these actions were sufficient in light of all the circumstances. Further, Mr. Runciman was content to rely on the OPP to take these steps. He was of the view that in his role as Solicitor General it was appropriate for him to rely on the professionalism of the OPP in these matters.

Evidence of R. Runciman, *Transcript*, January 10, 2006, pages 14-15, 112;
Transcript, January 11, 2006, pages 289-292

14. CONCLUSION

66. It is respectfully submitted that the Commissioner's findings of fact in relation to the conduct of Mr. Runciman should be made in a manner consistent with the summary of facts set out in these submissions.

ALL OF WHICH, is respectfully submitted on behalf of Robert Runciman by

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