

OCCUPATION OF THE ARMY BARRACKS, “THE BUILT-UP AREA”

7.1 Stoney Point People Decide it is Time to Reclaim Their Reserve

The occupation of the army barracks at Camp Ipperwash at the end of July 1995 was not impulsive. First Nations people discussed in advance the reasons they believed it was time to take over the “built-up area,” that is, the living quarters and administrative buildings used by the military. They also planned the way in which the occupation would be executed.

At gatherings, generally at the beach, Aboriginal women, men, and teenagers discussed why they should move into the army barracks. They were exasperated with the futility of their attempts at the return of the Stoney Point Reserve. Letter-writing campaigns and other attempts to negotiate with the federal government had not been successful. The Aboriginal people were frustrated with the federal government’s lack of interest, attention, and what they perceived to be the lack of goodwill in fulfilling the promise made in 1942 to return their land after World War II.

Warren George participated in these discussions. He had been involved in sending about half a dozen letters to federal politicians, including the Prime Minister. The response was always the same; they just said, “they were looking into it and that was it.” Nothing ever materialized. Mr. George explained that the purpose of the occupation was to “draw attention” to the issues, to “get the government to start to do something about the return of the land.” Jeremiah George echoed the same sentiments: people felt “nothing was getting done ... They felt that nothing would get done ... without action.”

The Stoney Point people were also exasperated at the taunting and constant altercations with military personnel since the occupation of the rifle range in 1993. Tension was clearly escalating between the soldiers and the Aboriginals. The teasing, harsh language, and pranks were wearing on many Aboriginal people. Rose Manning said the soldiers would routinely “march around and chant away ... saying that we forgot to pay our taxes”; “they used to march around the highway and taunt us all the time.” According to the Ontario Provincial Police (OPP), and in particular, Inspector John Carson, there was clearly antagonism on both sides.

About a month before the July 29 occupation, Marlin Simon's tires on his "four-wheeler" were slashed. He claimed that military personnel, in an inebriated state, had deliberately caused this damage. This increased the tension "[b]etween us and the military," and was a catalyst for the regular meetings on the beach outside the army camp, at which the First Nations people decided to enter the built-up area. Marlin Simon said:

... everybody figured it was about time. They were fed up with these army guys, military people ... causing trouble ... The military police ... couldn't [take] care of their own guys, so it was time for them to go before something bad really did happen.

A further reason for the decision to occupy the army barracks was to move into warmer shelters before the fall and winter as the weather became colder. The Aboriginal occupiers of the rifle range did not have adequate facilities to endure the winter months, and consequently, many moved back to their homes in Kettle Point and other locations. Roderick George described the harsh living conditions endured by people such as Dudley George who remained on the rifle range throughout the cold winter: "I remember in the winter time when it was pretty cold ... in Dudley's trailer ... [T]he wind would even blow right through it and I remember we'd say, 'We should be sleeping in those buildings, they're on our land.'" There was concern that the Elders, in particular, should have warmer accommodations as the temperatures dropped in the late months of 1995. As Marlin Simon said, we wanted "[t]o establish a place for where we could have Elders stay ... maybe get a building from the military ... we figured we might be able to have something for them by the time wintertime showed up." Clifford George, at the age of 73, was one of the Elders who had lived at the army range throughout the winters.

People such as Gina George were frustrated that the federal government was only interested in communicating with the Kettle and Stony Point Band. The government refused to initiate discussions with the occupiers, many of whom were descendants of former residents of the Stony Point Reserve, the reserve appropriated by the Department of National Defence:

... all the government wanted to do was talk, and all the government wanted to do was talk to the Kettle Point Band. They didn't want to talk to the Stony Point people that were originally removed from those lands ... [H]ow were we ever going to get the land back, when they're dealing with another faction that did not own these lands?

Earlier that summer, Gina George was informed by her son Nicholas Cottrelle that Stoney Point descendants were meeting on the beach to discuss the occupation of the army barracks. Initially, she was not very receptive. But after listening to the reasons expressed by her son, Gina George agreed it was time to physically take control of their reserve. In emotional testimony, Ms. George recounted what Nicholas told her:

And pretty soon grandpa's not going to be here. And grandpa wants to move home. And if we wait until the military decides to give this land back, grandpa may not be able to rebuild his home. Even though he's there, he wants to know that the land is actually coming back to his people ...

... I think that they felt like they'd waited long enough for the military to give back land. It was like almost fifty years ... or there was more than fifty years, and he said how much longer are we going to wait? Are we going to wait 'til your generation has gone too, before we wait for the military to give it back? Am I going to be old before they give it back? Him — speaking of his own age group. Are we going to be still trying to get back lands that they promised to give back a long time ago? We're tired of listening to them ... All they do is talk, talk, talk. We're tired of hearing talk, and we're just going to take some action, and that's all there is to it. And if they don't like that we're taking back our land, well, too bad for them, because the land belongs to us.

Nicholas' grandfather Abraham (Hamster) George had occupied the rifle range in May 1993 with his grandsons and felt strongly about the return of his land. Gina George was persuaded by her son's comments: "I just felt like if the land was going to come back to the people, I guess that was the only way they were going to get it back ... he was right."

Carolyn George expressed the views of many Aboriginal people who decided to move into the barracks at the end of July 1995. She, like other Stoney Point descendants, felt she "should have been able to grow up there," and had aspirations that Stoney Point would be "up and running as a full functioning reserve, as any other reserve in Canada."

As Kevin Simon said, people actively supported the occupation because they firmly believed the land belonged to the Aboriginal people from Stoney Point. It was time to take it back from the federal government.

7.2 Concrete Plans to Occupy the Army Barracks

On July 29, 1995, about twenty-five to thirty First Nations people gathered at “The Pass,” a spot on the beach where they traditionally congregated, to discuss their plans to occupy the army camp. Men, women, Elders, and teenagers were at this meeting, as well as people from other reserves. People such as Glenn George, Marcia Simon, Marlin Simon, Rose Manning, and Bert Manning were involved in the plans to take over the built-up area. Marlin Simon and others had previously spoken to First Nations people from Oneida, Walpole Island, and Sarnia, as well as Moraviantown, Muncey, and the Chippewas of the Thames, urging Aboriginals from other reserves to support the takeover of the barracks. Isaac Doxtator from Oneida was asked to bring men to Ipperwash in advance of the army camp occupation. As he said, they “showed up at the camp from everywhere,” including the United States.

First Nations people decided to enter the military camp from different locations. Harley George, a fifteen-year-old boy, was instructed to drive the yellow school bus into the barracks with children as passengers. The bus belonged to Warren George, Harley’s father. Marlin Simon explained that the bus was a “diversion”; according to the plan, while the bus with First Nations children entered an area patrolled by the military (the beach side, the northern part of the built-up area), Aboriginal men, women, and Elders would drive into the built-up area from other locations of the military camp.

Harley George was told to drive the bus on the dirt road inside the military camp that was parallel to Army Camp Road. Only “young guys” were to be passengers on the bus. As Tina George said, “I specifically remember that because I was trying to board that bus and catch a ride up there myself, but I was told I couldn’t because I wasn’t a young guy.”

Harley George, not old enough to have a driver’s license, was given the responsibility of driving about ten other children in the school bus. The fifteen-year-old had previously operated the bus about six times, but had never received driving lessons from an adult. As he said at the hearings, “I had taught myself.”

7.3 The July 29 Occupation

Without notice to the military or the police, the school bus driven by Harley George entered the north gate of Camp Ipperwash at approximately 1:30 p.m. on July 29, 1995. About ten boys were on the bus, including Nicholas Cottrelle, Leland White, and several of Rose Manning’s grandchildren. They ranged in age from eleven to sixteen years, with the exception of one person who was in his twenties. As instructed, Harley George drove along the road parallel to Army

Camp Road. Harley knew that when the bus entered the built-up area, other First Nations people were accessing Camp Ipperwash from other locations.

As the school bus approached the north side of the built-up area, a gate obstructed their way. Harley turned the bus around, "backed it through the gate," breaking the chain lock. The children heard glass from the rear window of the emergency exit door smash and fall to the floor of the bus. Harley promptly turned the bus around and proceeded to the Parade Square where he navigated the vehicle in a figure eight around several transport trailers stationed in the square. Military personnel in a jeep began to follow the bus as it approached the door of the Drill Hall. Harley George "pulled up to the door slowly and began to push it in with the bus." The military jeep parked behind the bus at a ninety-degree angle. Harley immediately reversed the gears and backed the bus into the jeep pushing it for about forty to forty-five feet. The bus hit the military vehicle with a fair amount of force. Harley pushed the jeep because he "didn't want to be contained by that vehicle" and "didn't want to talk" to the military officers.

A military police officer (MP) tried to board the bus. Harley George attempted to close the bus door, but the MP was able to push part of his body through the doorway. He stood on the first step of the bus, and an altercation ensued. The officer sprayed the fifteen-year-old in the face with pepper spray. Harley jumped out of his seat. As he passed the MP in the doorway, Harley tried to kick the officer:

... as I was walking away from him, he kicked my foot and I fell down on the pavement ... [A]fter that I went after him ... I tried to fight him ... [W]hen I was walking towards him, kind of fast, he was spraying pepper spray at me. I had my hand in front of my face to block the stream of the pepper spray ...

Nicholas Cottrelle and the other children exited the bus through the rear emergency door.

As Harley George struggled with the officer, Cleve Lincoln Jackson drove a forklift that belonged to the military through the doors of the Drill Hall. Military officers ran alongside the forklift, trying to pepper spray Mr. Jackson as he drove around the Parade Square. Rose Manning explained that the forklift was brought out to "scare the [military] guys away from the kids ... [I]nstead of going after the little kids, then they would have somebody else to chase around."¹ During

¹ Rose Manning died in August 2006 prior to the Final Submissions at the Inquiry. Cleve Lincoln Jackson was subsequently arrested for this act.

this confrontation with the military, vehicles with First Nations passengers entered the Parade Square.

Harley George's eyes and skin burned from the pepper spray. One of the occupiers washed out Harley's eyes with a bottle of water from his car. Harley later went to the beach and submerged himself into Lake Huron to seek relief from the burning. Two or three hours passed before the burning sensation subsided.

First Nations people accessed the camp from different locations. Marlin Simon, his brother Kevin, Wesley George, and Dale Plain (George) travelled on a road parallel to Highway 21 inside the army camp before entering the Parade Square. Tina George was a passenger in Rose Manning's car, as was Rose's son Bruce, Maynard T. George, and some older members of the community. They travelled on Matheson Drive and along Army Camp Road before entering the main gate of the built-up area. About thirty First Nations people accessed the built-up area in cars, including Glenn George, Clifford George, and people from other reserves such as Oneida and Walpole Island.

As Marcia Simon entered the built-up area and encountered military personnel, she instructed the officers to evacuate the barracks:

... I went over there and every one of them that I saw I told them that I – [want] you boys out of here. And to the female officers ... I told them, I want you girls out of here as well. This is our territory. Just said it calmly and told them what I wanted.

Other Aboriginal people who entered the built-up area also told the military they were taking over the barracks. Bruce Manning and Maynard T. George went to the guard shack to serve an eviction notice.

First Nations people, such as Marlin Simon, insisted they did not carry guns or firearms, nor did they see others carry weapons into the built-up area on July 29.

By the time the vehicles with First Nations people entered the Parade Square, the bus had already rammed the doors of the Drill Hall and had backed into the military jeep.

Captain Doug Smith had watched the school bus crash through the back gate off Army Camp Road as he stepped out his door at the base that Saturday afternoon to go jogging. The gate had been chained and blocked with large garbage bins. The decision of the Aboriginal people to plough through the gates and occupy the army barracks certainly caught him by surprise.

Captain Smith had no advance notice that First Nations people would try to assume control of Camp Ipperwash. In fact, he thought relations between the

military and the Stoney Point people were relatively good. The military were in the process of moving "assets" (office supplies, furniture, vehicles) out of Camp Ipperwash and consolidating plans for an environmental cleanup of the base in order to return the land to the Aboriginal people.

A meeting between Glenn George and Captain Smith had been arranged for August 1, 1995, by Robert (Bob) Antone. Another meeting had also been planned for August 26 to discuss the environmental cleanup of the military camp. It was to take place in a Native Circle on the Oneida Reserve (neutral territory) to be attended by Bruce Elijah and Bob Antone, members of Kettle and Stony Point Council, an OPP representative, the Kettle and Stony Point Police, and the military. Bob Antone, aware that Chief Tom Bressette did not want to participate in the meeting, planned to approach the Kettle and Stony Point Chief to encourage him to attend on August 26.

As Captain Smith made his way to police headquarters on the other side of the built-up area, he saw the front gate of the camp "being crashed ... by a number of Natives." First Nations people "swarmed" the military Commissionaires who tried to "control things" but "could not." Captain Smith then heard a call for assistance on the radio from MPs at the Parade Square that "sounded relatively serious." He "jumped on the back of an ATV" and instructed the military driver to take him to the Parade Square.

When Captain Smith arrived at the Square, he saw three military police officers "surrounded by a fairly hostile mob." The MPs had already deployed pepper spray "to keep the crowd back." One of the Aboriginal people who had been sprayed was "on the ground choking a fair bit." He seemed to be having a reaction to the chemical in the pepper spray.

Events were "escalating at a fairly rapid rate," and Captain Smith hoped he could defuse the situation. He instructed his officers to distance themselves from the First Nations people, and he positioned himself between the military police officers and the Aboriginal people. Captain Smith clearly wanted to avoid a physical confrontation between the Stoney Point people and his officers. Although his officers were armed, at no time did Captain Smith see firearms in the possession of the First Nations people. Captain Smith instructed the military officers to return to police headquarters.

The occupiers congregated in front of the Drill Hall. Captain Smith explained that he was the official in charge of the camp and proposed that the military and the occupiers have a meeting.

To de-escalate the confrontation, Captain Smith decided he would allow the "Natives" to occupy the church and other buildings in the immediate area. Captain Smith's objective was to "separate the forces and get control of[f] the situation." But

it soon became evident to Captain Smith that they “would not be able to hold this base”; things were “chaotic” and “mini confrontations” were occurring “all over” the base.

Bert Manning had a map that identified the barrack buildings. As First Nations people toured the built-up area, the occupiers noticed abandoned buildings that were not heated. Kevin Simon and others made it clear to Mr. Manning that these buildings were inadequate, particularly for the grandparents and Elders who intended to inhabit the army camp. Kevin Simon said:

... we basically told him, no, we're not going to settle for that ...
[W]e've got old people here, a grandmother, and a lot of the Elders
needed [somewhere] with heat and we're not going to settle for those
rundown barracks that they basically [had] already abandoned ...

A meeting between the military and the occupiers was held in the Roman Catholic Chapel. The main purpose of the meeting was to resolve whether the military and First Nations people could coexist peacefully at Camp Ipperwash. Captain Smith tried to persuade the occupiers to inhabit some of the unheated buildings. It was becoming apparent to the Captain “just the way things were going ... [T]o try to come up with a plan to co-exist within the built-up area was just not tenable.”

At no point were First Nations people asked by the military to leave the built-up area.

7.4 The Military Contacts the OPP

Shortly before the meeting with the occupiers on the afternoon of Saturday, July 29, the military paged OPP Inspector John Carson at his home to inform him of the occupation of the army barracks. Inspector Carson, accompanied by Acting Detective Staff Sergeant (A/D/S/Sgt.) Mark Wright, travelled to Camp Ipperwash to meet with Captain Doug Smith.

Captain Smith told the OPP that the First Nations people, represented by Bert Manning, had ordered the military to leave the army camp. He described how the bus had rammed into the Drill Hall and into a military jeep. A vehicle belonging to an Aboriginal person continued to block the entrance to the main gate of the camp. Captain Smith explained that he had given the occupiers access to the Chapel and the Officers Mess to avoid further confrontation and physical damage. He estimated that there were approximately forty occupiers in the built-up area.

Inspector Carson told Captain Smith that it was necessary to inform the First Nations people that they did not have peaceful possession of the built-up area and that they were trespassing. He also made it clear that the OPP would not take any action regarding the army camp without a court injunction. Captain Smith responded that the military was not prepared to seek an injunction and would leave the army base if necessary.

Inspector Carson contacted Chief Superintendent Coles to inform him of the military's position on the injunction.

In a 5:15 p.m. call, Inspector John Carson told Captain Smith that the OPP was investigating the incident with the bus and jeep and that the damage would be photographed. He asked Captain Smith to notify Bert Manning that the OPP would be entering the built-up area of the army camp. The bus incident, "an overt criminal act," was of concern to Inspector Carson.

Inspector Carson knew that Captain Smith had met with Bert Manning who had agreed that the First Nations people would remain in the two designated buildings and would not forcefully enter any of the barracks at this time. During the afternoon and into the evening, Captain Smith tried to negotiate a coexistence agreement with the occupiers.

In a meeting with occupier Maynard T. George at 5:30 p.m., Inspector Carson himself made it clear that First Nations people did not have peaceful possession of the property and were trespassing. The occupiers, he cautioned, could be arrested and charged. Shortly after this meeting, Captain Smith informed the OPP that the "Natives" did not want the police to conduct an investigation of the bus incident.

Constable Wayne Jacklin was asked on the afternoon of July 29 to assemble the Emergency Response Team (ERT). ERT members were instructed to report to the OPP Forest Detachment. They remained at the Forest Detachment but were not deployed.

7.5 The Military Contacts a First Nations Negotiator

Bob Antone received a call from Captain Smith on the afternoon of July 29. Mr. Antone was a First Nations negotiator, trained in conflict resolution and crisis management. He had been involved in the 1990 Oka crisis in Quebec. He and Bruce Elijah had also facilitated a cross-cultural awareness training session with the military on July 12 and 13, 1995 in an attempt to build a relationship between the Stoney Point people occupying the range and the military. Captain Smith told Mr. Antone that Stoney Point people were moving onto the army base. It was evident to Mr. Antone, from the "bit of panic in his voice," that Captain Smith was

“really concerned.” Mr. Antone himself was surprised that the Stoney Point people had occupied the built-up area.

Bob Antone, accompanied by Bruce Elijah, immediately set forth for Camp Ipperwash. Mr. Elijah, like Mr. Antone, was also a First Nations negotiator and peacekeeper from the Oneida First Nation. Bruce Elijah had been involved in numerous negotiations, including the Oka crisis, Wounded Knee, and Akwesasne in the 1970s.

When Mr. Antone and Mr. Elijah arrived at about 7:30 p.m., they met with Captain Smith. Tension between the military and First Nations occupiers was high. Soldiers stood on the north side of the Parade Square and the Aboriginal people were congregated on the south side. Captain Smith made it clear to Bob Antone and Bruce Elijah that he did not want a confrontation to develop between his soldiers and the Stoney Point people. He said valuables in the military buildings were in the process of being loaded onto trucks.

Mr. Antone and Mr. Elijah proceeded to make their way to the side of the Parade Square where First Nations people had assembled. The atmosphere was charged. The two men spoke with the Aboriginal group who were adamant that this was their land; they had no intention of leaving the army base:

... when we went over there they were all excited, they said they weren't going to leave and they said, “I don't care what you have to say ... we're not leaving and this is our land.”... [T]here was a lot of excited energy ...

The negotiators talked with the occupiers for about an hour. They cautioned them not to initiate an altercation with the military. Mr. Antone said:

... make sure your people don't start fighting with the soldiers ...
I [said], there's no reason to do that ... [Y]ou're in here right now.

Mr. Antone suggested they try to “work something out” with Captain Smith. He told the occupiers the military were in the process of removing their assets. But he did not know whether the military would leave Camp Ipperwash.

The negotiators relayed the sentiments of the Stoney Point people to Captain Smith. The occupiers were not likely to leave the camp; the only solution for the military is to “force them out.” Mr. Antone cautioned, “[Y]ou're going to have a fight if you try ... that's pretty obvious.”

Captain Smith again made it clear he did not want to be involved in a physical confrontation with First Nations people. Mr. Antone raised the promise made

by the federal government to return the land after the war when the Stoney Point Reserve had been appropriated in 1942. He urged the military to vacate the site. Mr. Antone said:

... they already said they were going to give it [this land] back. Well, why don't you just leave? [W]hy start a big fight here? ... [P]eople are just going to get hurt. [W]hat are you losing? ... [Y]ou got all your assets loaded up ...

The negotiators made it clear the Kettle and Stony Point Band had no control over the Stoney Point group. This had become evident to Captain Smith earlier that afternoon when he contacted Dick Bressette, an Elder at Kettle Point, to seek his assistance in de-escalating the situation at the army camp. The Stoney Point group refused to allow Mr. Bressette to enter the built-up area.

An issue of controversy is whether Bruce Elijah and Bob Antone told Captain Smith the Aboriginal people were armed. Although the Captain had not observed any weapons or firearms at the Parade Square or in other areas of the camp, he insisted Mr. Elijah and Mr. Antone told him the Aboriginal people had weapons. In fact, inscribed in Captain Smith's situation report is: "Bob Anton [*sic*] and Bruce Elijah conducted extensive negotiations and determined ... the SPG [Stoney Point Group] was armed ..." But Bruce Elijah insisted they never relayed this information to Captain Smith: "At no given time did we ... tell anybody ... that the occupiers were armed." "[T]here never was" any weapons; "I never s[aw] any." Mr. Antone also maintained that at no time did he convey to Captain Smith that the Stoney Point group had guns.

Mr. Antone offered to help the military evacuate the army camp and to ensure First Nations people did not interfere with the soldiers. Captain Smith decided to call his superiors in London/Ottawa for permission for the military to leave Camp Ipperwash. He believed that continued cohabitation could compromise the safety of both the occupiers and the military. Late that night, he received authorization to evacuate Camp Ipperwash.

The military informed the First Nations people that evening that they would be leaving the army base. Army officials said the buildings needed to be maintained, and caretakers of the camp were later introduced to the occupiers. In the following days, the occupiers received instructions on how to care for and operate the army camp equipment — to monitor the water tower, to ignite the pilot lights in the kitchen, and to operate the boilers.

The military's departure from the army camp occurred late that evening. Thirty to forty military personnel left from the main gate of the camp in

military and private vehicles. The base commander, Captain Smith, was the last to leave.

Bruce Elijah and Bob Antone remained with Captain Smith until all the military personnel passed through the army camp gates. By that time, more Aboriginal supporters had arrived and were congregating at the gate. The negotiators accompanied Captain Smith as he departed. The atmosphere was tense. In Mr. Antone's words, "Bruce and I both just stayed with the Captain ... we just stayed in between him and the Stoney Point people."

Vince George was one of the OPP officers asked to monitor the evacuation of the military personnel from Camp Ipperwash. Constable George, born and raised in Kettle Point First Nation, described the evacuation as an emotional experience: "[I]t seemed pretty emotional, exciting at that time; you know, yelling and hollering going on as the people [we]re filing out."

Constable Michael Dougan, another OPP officer on site when the Department of National Defence (DND) officials drove out of the camp past the crowd of First Nations people, described the experience as tense. Constable Dougan and other OPP officers remained outside the front gate of the army camp that night to ensure public safety and to keep the peace.

By 11:30 p.m., the military had vacated the army camp. The Department of National Defence made no attempts to re-enter the built-up area after the July 29 occupation.

Mr. Antone insisted that the Stoney Point people were not armed. They were simply angry. As the evening progressed, some of the occupiers began to consume alcohol and became less controllable. At no time did Mr. Antone see guns among the First Nations people.

Mr. Antone was aware of the schism between the Stoney Point group and the Kettle and Stony Point Band over the occupation of the military camp. Although the two groups shared the same purpose regarding the return of the reserve, they had different views on the tactics and strategies needed to achieve this objective. The Band wanted to continue to work with the military and the federal government to negotiate a return of the reserve land, while the Stoney Point group believed it was necessary, more than fifty years after the reserve had been appropriated by the federal government, to physically occupy the land.

Bob Antone and Bruce Elijah left Camp Ipperwash a few days after the occupation. They had no further involvement with the Stoney Point group until September 7, after Dudley George's death. As I discuss in the following chapters of the report, the OPP, unlike DND Captain Smith, did not solicit the assistance of these First Nation negotiators in early September when the Stoney Point

people occupied Ipperwash Provincial Park to help them initiate a dialogue with the occupiers, to determine issues of concern, or to ensure that tensions did not escalate between the police and First Nations people. On September 6, Cyndy Elder, a First Nations negotiator who specialized in mediation, contacted the OPP to offer her assistance in resolving the First Nations protest at Ipperwash Park.² Ms. Elder represented an organization called "Approaches Mediation." She had previously spoken to the OPP on August 15, after the army barracks occupation. Her offer on September 6 was not pursued by the OPP, who did not return her call. That evening there was a confrontation between the First Nations occupiers and the police. Dudley George died from gunfire discharged by the OPP.

It was just before midnight on July 29 when Inspector Carson learned that the military had left Camp Ipperwash. Inspector Carson also became aware that, over the course of the evening, some male occupiers had consumed alcohol and had become increasingly aggressive and confrontational. The OPP Incident Commander, Inspector Carson, was concerned that the aggressive acts perpetrated by First Nations people, namely the bus and jeep incident, prompted the military to leave the army camp to avoid further confrontations:

... it created some concern. Here we had the occupiers now taking over the built-up area. There had been a significant incident with the bus and the Jeep, [and it was] only by good fortune that someone wasn't seriously injured in that altercation. And as a result of that aggression, the military chose to withdraw from the military base to avoid further confrontations. There was discussion or comments made at that time that Ipperwash Park is next. And quite frankly it was causing me serious concern as to what kind of challenges it was going to create from a policing point of view. But I also knew, at that point in time, once that became public knowledge, what had taken place that day, and as the military vacated, that it was going to cause a tremendous anxiety in the broader community. And, I felt, also within the Kettle Point community, in regards to the potential return of the military base in the negotiation process with the Band Council proper.

Inspector Carson considered this "aggression towards the military," behaviour "significantly different than it had [been] up until that point in time." Comments were made that "Ipperwash Park is next." Inspector Carson thought that "this

² Ms. Elder was from the Manitoulin area.

was the first time that the altercation became such that, quite frankly, people's safety was in jeopardy.”

Inspector Carson was concerned about the impact of the army camp occupation on the larger community. He also thought about the impact of the occupation on the Kettle and Stony Point Band, and whether it would negatively affect the Band's negotiations with the federal government for the return of the land.

Inspector Carson's prediction that problems would arise in the forthcoming months proved to be accurate: “I could see that this was really going to escalate the challenges that we were going to face on a whole host of issues.”

The mood of the occupiers was joyous after the barracks takeover. They had heat, water, access to showers, and a kitchen. As Clayton George, one of the occupiers, said, they were “[h]appy that [they] had the built-up area and hydro and water. And a place to shower too.” First Nations people began to decide which barracks they would make their home. Marlin Simon moved into the Sergeant's Mess (Building 34), which since that day has been his home. Marcia Simon chose the Roman Catholic Chapel (Building 46) for herself and her mother, Melva George. Roderick George selected the Quarters Building (Building 37) for his family which they continue to live in to the present day. But Clifford George, who had served in the Canadian military for a number of years, was not interested in moving into the army barracks: “I said, no way I'm going to go move into them. I lived in them too long.”

Several First Nations people moved into the army camp after July 29, 1995. Warren George, who brought his belongings to the barracks the next day, was “glad not to be living in a tent over the wintertime again.” Fourteen-year-old J.T. Cousins moved into the barracks without his parents. A number of people from other reserves and areas also moved into the army camp in the first few days of August 1995.

Dudley George, who was not part of the initial group that occupied the built-up area on July 29, 1995, made his home in the ORS Quarters (Building 115). He lived there until his death on September 6, 1995, just over one month later.

Marlin Simon could not sleep the night of July 29 because of his excitement. He and others thought the military would be much more resistant to the First Nations occupation. Mr. Simon, like his fellow occupiers, was elated that they “finally got the land back.” He explained:

It was just the military was gone, and it just seemed like [we] finally got the land back from the military ... It just seemed like something that was way distant ... [it] just never really seemed like [we] were going to get the land back. And then finally it just seemed like we had the land back.

7.6 July 30, 1995

At 9:20 a.m. on July 30, OPP Inspector Carson updated Chief Superintendent Coles on the occupation. Questions were raised about the 1942 Order-in-Council and whether the land was to be returned to the occupiers or to the official Band at Kettle Point. The police did not know the leader or spokesperson of the occupiers. Bert Manning seemed to be the occupier most involved in communicating with the military and the OPP. It was decided that Ron Fox, Special Advisor on First Nations in the Deputy Solicitor General's office, should be provided with updates on the occupation.

That morning, Inspector Carson met Lieutenant Colonel Sweeny at the Forest Golf and Country Hotel. The military official made it clear that DND had not turned over the land to the Aboriginals and that the military had left Camp Ipperwash purely for safety reasons. The Ministry of Natural Resources (MNR) was to be contacted because the water supply to the base came from a reservoir in the park.

MNR officials were clearly worried on July 30 when they learned the Stoney Point people had occupied Camp Ipperwash and the military had evacuated the army base. Assistant Park Superintendent Don Matheson and Peter Sturdy of MNR (Zone Manager for Southwestern Ontario) discussed some of their concerns in a call shortly after 9:00 a.m.

There was anxiety about both the supply and quality of water to Ipperwash Park after the First Nations army camp occupation. MNR had an arrangement with the Department of National Defence whereby water was pumped from Lake Huron to the park, treated, and transported to a water tower at the army base. The water was then re-routed back to Ipperwash Park to provide potable water for campers and other park users. Peter Sturdy and MNR park officials were worried that 1) the water supply could be cut off by the Aboriginal people, or 2) "through some accident ... or operation of the water tower that there may be a contaminant or some impurity" in the water. Later that morning, Don Matheson discussed these concerns with Inspector Carson and Superintendent Parkin at the OPP Forest Detachment.

At the request of Chief Superintendent Coles, Superintendent Parkin visited the OPP Forest Detachment on July 30 and was briefed by Inspector Carson and A/D/S/Sgt. Wright. Staff Sergeant Bouwman relayed comments from Constable Parks to the effect that, as the military were leaving the previous night, occupiers said Ipperwash Park was next. Inspector Carson was developing a plan for uniformed two-person officer patrols of Ipperwash Park on a twenty-four-hour basis. Arrangements were being made for undercover officers disguised as campers to remain in the park to gather intelligence. Superintendent Parkin thinks Assistant

Park Superintendent Don Matheson, who joined the meeting, may have been privy to this information.

Detective Constable Martin arranged the logistics for the OPP officers to camp at the provincial park. He rented a trailer that he, Detective Constable Dew, Sergeant Eve, and Provincial Constable Karen Dunn would use during their stay at the park. These officers were told their purpose was twofold: to gather intelligence and to ensure the safety of the public.

At the request of the OPP, MNR officials made arrangements for accommodation of the Emergency Response Team at Pinery Provincial Park.³

An issue of great concern to MNR that day was the possibility that the park itself would be the target of an Aboriginal occupation. Military officials, in a meeting with Inspector Carson, Superintendent Parkin, Detective Constable Speck, and Assistant Park Superintendent Don Matheson, reported that as they evacuated Camp Ipperwash on the night of July 29, an Aboriginal man made a statement to the following effect: “[T]ell your buddies at the park that they are our next target.” This was the first direct threat of an occupation of Ipperwash Park received by MNR officials that summer. When Park Superintendent Les Kobayashi met Assistant Park Superintendent Don Matheson at the park maintenance building later that evening, Mr. Matheson’s “concerns for the safety of our staff” and for the campers in the park were very evident.

A/D/S/Sgt. Wright was also well aware on July 30 of the possibility of an occupation of Ipperwash Park by the Aboriginal people. He inscribed in his notes:

Information from informant that Natives had weapons and also planned to take the park. Decision was that there may be a likelihood of attempt to take Ipperwash Provincial Park ...

A/D/S/Sgt. Wright knew that the Aboriginal people were hunters and had rifles. But he was not concerned and did not “think it was anything ominous.”

Inspector Carson made preparations for twelve ERT officers to travel to the area. Discussions took place in the afternoon between Inspector Carson, Superintendent Parkin, and Chief Superintendent Coles regarding the twenty-four-hour patrols in the Camp Ipperwash area. Inspector Carson sent an e-mail to all officers in the areas of Kent, Essex, and Lambton to alert them to the situation in the event that their presence was required at CFB Ipperwash:

The military has not as yet given up claim to the land ... Our concern is now that of the adjacent properties, in particular Ipperwash Provincial

³ Pinery Provincial Park is about a 10-minute drive from Ipperwash Park.

Park. An integrated response has been put in place. I am the Incident Commander in this matter. Superintendent A. Parkin, who is the Superintendent in charge of operations for West Region, is in overall command of the incident. Chief Superintendent Coles of West Region is also aware of the situation, and has been involved in the implementation of a plan regarding our response to a deterioration in the situation in and around CFB Ipperwash and Ipperwash Provincial Park.

Inspector Carson instructed A/D/S/Sgt. Wright, Staff Sergeant Bouwman, and Detective Constable Speck to initiate communication with the occupiers of the army base. Several times that day, the OPP officers stood at the main gate of the camp and tried to engage the First Nations people in a dialogue. At about 7:00 p.m., Bruce Manning, one of the occupiers, exchanged a few words with Staff Sergeant Bouwman. He said a First Nations spokesperson had not yet been chosen to communicate with the OPP or the military.

That evening, Inspector Carson updated Mayor Fred Thomas on the occupation.

At 10:00 p.m., Staff Sergeant Bouwman related to Inspector Carson by telephone a conversation he had had with Carl George. He had been advised a meeting would be held at Kettle Point and of the Band's disapproval of the army camp occupation. Carl George indicated that Les Jewell was organizing a meeting at Glenn George's residence with "other radicals."

7.7 July 31, 1995

At 10:15 a.m., MNR employee Don Matheson, Assistant Superintendent of Ipperwash Park, requested a meeting with Inspector Carson as soon as possible. Shortly thereafter, Park Superintendent Les Kobayashi and Don Matheson arrived at the OPP Forest Detachment. They discussed the possibility of a park occupation and whether MNR would seek an injunction in such circumstances.

Inspector Carson had a meeting with MPP Marcel Beaubien that afternoon, who had earlier communicated to Staff Sergeant Wade Lacroix that he was "supportive of police action." Mr. Beaubien told Inspector Carson he was contacting the Attorney General and the Solicitor General regarding First Nations people in the West Ipperwash area.

As I discuss later in this chapter, Marcel Beaubien sent a letter on July 31 to Attorney General Harnick that discussed the tension in the West Ipperwash area and the concerns of his constituents: "Residents are stressed out and the situation is becoming unbearable." Mr. Beaubien also wrote: "Law enforcement is basically non-existent and the OPP does not seem too keen in getting involved."

This letter was copied to Solicitor General Robert Runciman and Mayor Fred Thomas of Bosanquet. Marcel Beaubien testified that there was “talk in the community that people would arm themselves and look after their own property,” which “created an awful lot of concern with me.”

Inspector Carson assigned four OPP officers (two male, two female) — Detective Constable Dew, Sergeant Eve, Detective Constable Martin, and Provincial Constable Dunn — to the park disguised as campers. They used campsites and a camper trailer. The officers were asked to collect information on the people and vehicles entering and leaving the area. This information was provided to administrative staff at the OPP Forest Detachment who entered it into a log.

Uniformed ERT officers were also deployed to Ipperwash Park and the area surrounding CFB Ipperwash. The ERT, stationed at Pinery Provincial Park, was to provide twenty-four-hour coverage. Inspector Carson said, “[O]ur objective was to the degree possible have a constant uniform presence within the park or very close by.” Some of the officers, Carson said, “literally camped in Ipperwash Park for the month of August” so there would be “eyes and ears in the park.”

Shortly after 10:00 p.m., A/D/S/Sgt. Wright relayed information to Inspector Carson from Detective Constable Dew. Campers, he said, had been harassed by First Nations people who claimed Ipperwash Park was “Native” land and would be in their possession in a short time. Detective Constable Dew reported the following conversation between Dudley George and an elderly couple:

DUDLEY: Get off our land.

CAMPER: This is a Provincial Park.

DUDLEY: This is Indian lan[d]. On[e] day, if not this year, next year, you’ll be paying us to camp here ‘cause we’re takin’ this over, then we’re takin’ the Pinery.

Inspector Carson arrived at the provincial park at 11:30 p.m. to meet with Detective Constable Dew and Sergeant Eve. Several vehicles operated by Aboriginal people travelled back and forth between Matheson Drive and the beach. They were driven in an erratic manner and First Nations people were yelling from the vehicles.

Late that evening, a fatal car accident occurred at the intersection of Matheson Drive and Army Camp Road. A car travelling at high speed on Matheson Drive drove through a stop sign and into a deep ditch. Constables Jacklin, Dougan, and Parks were on patrol at Ipperwash Park and the area surrounding the military base. The officers rushed to the site. Constable Parks waded through four feet of water to remove the occupants from the car. Two Aboriginal adults, a male and a female, were dead. Two passengers survived. An ambulance was called.

First Nations people began to congregate in the area. People were distraught over the loss of their relatives and friends. Bert Manning appeared from the army camp with a young girl, the daughter of the deceased woman. He wanted to show the nine-year-old girl her mother's body. Constable Jacklin thought the child was in "shock." He persuaded Mr. Manning and a woman, whom he believed was Mr. Manning's partner, that it was not advisable to show the child her deceased mother. Constable Jacklin drove the girl and the woman away from the accident to the main gate of the built-up area on Army Camp Road. A sweet grass ceremony was performed by First Nations people at the site of the accident.

Inspector Carson and A/D/S/Sgt. Wright drove to the accident scene at 2:00 a.m. They saw the car in the ditch, and the victims on the side of the road. From a distance, they watched the Aboriginal sweet grass ceremony.

The following day, OPP Officers Wright, Bouwman, and Speck met with Glenn George at the main gate of Camp Ipperwash to discuss the double fatality. Glenn George was co-operative and concerned about the accident on Matheson Drive. It was agreed that each night MNR would lock the gate on Matheson Road to prevent cars from driving on this dark roadway. They also agreed to issue a joint press release regarding R.I.D.E. checks to be instituted as a result of the accident. The press release in part said:

It is the position of the Aazhoodenaang Enjibaa jig (Stoney Point People) that all community members live together in peaceful, lawful harmony.

The Aazhoodenaang Enjibaa jig (Stoney Point People), in the interest of public safety, are in support of the Ontario Provincial Police conducting R.I.D.E. Programs around the Ipperwash area. The Aazhoodenaang Enjibaa jig (Stoney Point People) support safe driving practices and activities.

Glenn George also mentioned to Officers Wright, Bouwman, and Speck that people from outside the community were coming into the area. Staff Sergeant Bouwman thought Mr. George was somewhat uneasy that these "outsiders" could possibly stir up trouble in the Ipperwash area.

Glenn George asserted that Matheson Drive and Ipperwash Park belonged to the First Nation people, and an Aboriginal burial ground was on the park land. Inscribed in Detective Constable Speck's police notes: "Glen laying claim to Matheson Dr. + Ipperwash Prov. Park saying there is a gravesite in park."

This was the first time Detective Constable Speck learned that burial grounds in Ipperwash Park was a basis for the Aboriginal claim to this land. Nevertheless, the OPP officer does not "recall doing anything with the information."

7.8 “Outsiders”

There was clearly concern amongst members of the Kettle and Stony Point Band, as well as the OPP, that First Nations people from other reserves and areas were in the army camp. Aboriginal people from Oneida, Walpole Island, and Moraviantown came to offer support, as did people from Michigan and other areas in the United States. Some of the “outsiders” wore camouflage outfits.

Aboriginal men such as Gabriel Doxtator from the Oneida Reserve came to the built-up area for an occasional visit in August 1995. Other people, such as Isaac Doxtator and Russell Jewell, were more regular visitors. Isaac Doxtator often stayed with Glenn George. Robert Isaac and Les Jewell moved into the barracks with the Stoney Point group after the occupation of the barracks.

Band Councillor Gerald George went to the army camp in early August to try to determine the number of non-Band members occupying the army camp. He worried these “outsiders” were radical in their thinking and would likely influence the younger and more impressionable people from the Band. He also worried that they supported a separatist movement, namely, the separation of the Stoney Point group from the formal Band. Gerald George was particularly concerned about Les Jewell who came from the United States: “[H]e was giving the people the wrong message ... Just to keep pushing ahead, like, aggressively.”

As is discussed later in this chapter, OPP officers on patrol at Ipperwash Park and the perimeter of the army camp also noticed an increase of First Nations people from other areas including the United States driving into the barracks.

7.9 The Kettle and Stony Point First Nation Band Meeting — August 1, 1995

A Band meeting of the Kettle and Stony Point First Nation was held on August 1, 1995, to address the army camp occupation. The meeting began at 7:00 p.m. and lasted more than four hours.

Chief Tom Bressette led the meeting, which was attended by the following Councillors:

Bob Bressette	Al Bressette
Bernard George	Brian Monague
Norm Shawnoo	Gerald George
Yvonne (Bonnie) Bressette	Steve Wolfe
Bud George	Liz Thunder, Band Administrator

The Chief and most of the Councillors had connections to the Stoney Point Reserve. Bonnie Bressette’s parents lived at Stoney Point before the appropriation,

as did Chief Tom Bressette's grandmother. Elizabeth Stevens (Thunder) also had family from the reserve, and Bob Bressette had land there.⁴ Bernard George, Norm Shawnoo, Gerald George, and Al Bressette had relatives from Stoney Point. Chief Bressette said, "Pretty much everybody here has relatives at Stoney Point."

Community members of the Kettle and Stoney Point Band were also present and participated in the discussion. The purpose of the meeting was to search for a constructive way to resolve the differences between the Band and the Stoney Point occupiers. Band Administrator Elizabeth Stevens described the meeting as tense and emotional.

It is clear from the transcribed minutes of the meeting that both Chief Bressette and Carl Tolsma were concerned about the division of the Band and the Stoney Point occupiers. In his opening words, Chief Bressette said:

... I have had meetings with Carl; he has been in touch with people who have strong feelings about Stoney Point. We want to explore possibilities, to try to draw people back together. It is a difficult issue to disagree with your own people. I have not stood up and said that I support what is being done ...

This is an issue we all hold very deep, an issue our community has struggled with for over [fifty] years ... There has been a lot of hurt feelings, a lot of resentments, we should let go of those.

There was concern that if Band members and the Stoney Point occupiers remained divided, this would hinder future negotiations with the federal government for the return of the reserve. Carl Tolsma said, "[T]he government will not talk to anyone that's arguing ... [T]his is the whole scheme, in my opinion, that the government is looking for." Chief Bressette made similar remarks:

Our people cannot remain separated over this; it plays into the Government agenda.

Members of the Kettle and Stoney Point Band were concerned about the presence of non-Band members at the army camp. They said "outsiders" prevented them from accessing the military camp and sitting at the beach.

Gerald George was anxious that individuals from the Iroquois Nation were amongst the leaders of the army camp occupation: "We are Anishnabe ... and there is an Iroquois flag flying down there." Unlike Kettle and Stoney Point,

⁴ The Indian Department wanted all reserves subdivided into individual lots. Families were given a location ticket, which was a permit to use a particular piece of land.

members of the Iroquois Nation were not part of the Three Fires Confederacy. There was concern about the potential for violence because of the “outsiders” who were actively involved in the army camp occupation. Band members did not want people from other communities on these lands because they feared they might “fall into some kind of difficult problems such as what existed in Oka.”

Not every Band member shared this view. Bonnie Bressette, former Chief of the Kettle and Stony Point Band from 1988–1990 and a Councillor in 1995,⁵ discussed the support traditionally given to First Nations people by members of other reserves. Not only was she not concerned about the presence of these non-band members, Ms. Bressette was in fact grateful for their support. As she explained at the hearings:

... when there’s a time we can just set aside everything. If we have to go to Oneida and support Oneida Nation, that’s what it is because that’s the way our people [a]re and always will be. We don’t just say, well that’s them down there. If something is need[ing] supporting at Walpole Island, we will go to Walpole Island. And this is what the people from other First Nations heard and they wanted — they would come to visit at Stony Point, spend some time there and support our people that w[ere] there ...

But, I don’t look at them as — never, ever looked at them as strangers. They were people that came there to support. And I’m never, I can never say enough or express my thanks and my pride in the people that did take the time.

Chief Tom Bressette agreed that Aboriginal people often travel to another First Nation to provide support. Yet there were concerns that an “Oka” situation could develop and safety could be jeopardized as a result of the presence of these “outsiders.” People at Kettle Point, particularly the Elders, were upset that individuals from other First Nations were telling them they could not be on Stony Point land. As Chief Tom Bressette said, “if you’re from Kettle Point you weren’t welcome” but

... if you were from anywhere else, the door was wide open and the people who were wanting to go there were people that actually were the descendants of the people that had location tickets there.

⁵ Bonnie Bressette had been a Band Councillor since 1968, with the exception of the two years that she was Chief of the Band.

To address what many people perceived as the problem of "outsiders" at the base, Chief Bressette and the Band issued a press release and drafted a letter to the occupiers.

7.10 The Band's Press Release and Letter to the Occupiers

On August 2, 1995, a press release was issued by the Kettle and Stony Point Band. It tried to convey some of the views expressed at the Band meeting the previous night. It made clear that the return of the Stony Point lands was an immediate objective. This included full compensation by the Department of National Defence for the cost of "cleaning and restoring the lands and environment at Stony Point."

The press release also emphasized that the people who had been at the meeting wished to work in tandem with the occupiers to attain this objective: "to reunify a community torn apart by the illegal appropriation and continued use by the military" of their land.

And finally, it stated that "outsiders" or non-Band members were not welcome and should leave the army camp:

It was the general consensus of those present [at the August 1, 1995, meeting] that non-Band members in occupation at Camp Ipperwash should be thanked for their support but should be asked to leave Stony Point, as it is not now, and never was, their home. We believe that without the presence of disrupting, outside influences, the Kettle & Stony Point First Nation will be able to continue negotiations with the Department of National Defence for the expeditious clean-up and return of the Stony Point lands.

On August 3, 1995, Chief Bressette (on behalf of the Band), wrote a letter directly to the Kettle and Stony Point Band members who were occupying the military camp. Most participants at the August 1, 1995, Band meeting, he said, wanted people from other First Nations to leave Camp Ipperwash; they "feel the non-Band members occupying the Stony Point lands should be thanked for their support and respectfully asked to leave."

The Chief stressed that the federal government "will only deal with this Council" and, therefore, it was important that the occupiers work in conjunction with the formal Band. He said a "Statement of Principles for Negotiating the Return of the Stony Point Lands" had been developed and he invited comments on this document. The seven principles are listed:

1. We are committed to seek the return and restoration of the lands and environment at Stony Point.

2. We are committed to seeking compensation for the Stony Point locatees and will attempt to formulate a workable plan with respect to how such interests will be dealt with and how those members' distinct and separate interests will be reflected in decisions respecting Stony Point lands. It is also recognized that all Stony Point locatees and their descendants have unique family and historical interest in Stony Point therefore assuring those members as having a distinct interest which is to be reflected and addressed in the decision making process with respect to the return and development of the Stony Point lands.
3. We are committed to full, open and frank community discussions and consultation with respect to any negotiations which may take place with Canada concerning the lands at Stony Point. All members are free to participate in this joint community process and/or committee work for the benefit of all. In particular, all members will be asked to co-operate during environmental assessment and clean up operations.
4. We are committed to representing the interests of all members of the First Nation, with no special treatment or separate consideration to be given to any particular member or members, however, Band Members who advance their personal interests independently of our community interests are to be respected for their differences of opinion.
5. We are committed to making all reasonable efforts to heal the divisiveness caused to this First Nation by the wrongs inflicted by Canada in their taking of the Stony Point lands.
6. We are committed to negotiating a fair and reasonable compensation package that will include restitution for all that the members lost due to the wrongful taking of the Stony Point lands.
7. We are committed to working together and respecting one another through these principles as outlined above.

Chief Bressette and several Band Councillors, including Gerald George, delivered a large stack of copies of this letter to the gatehouse at the army camp. The Chief asked to speak to someone in charge of the occupiers, but was told there were no spokespersons, and that their presence was not welcome. The Chief and Councillors left the letters at the army camp gatehouse with a request that they be disseminated to the occupiers. But the Stony Point people refused to accept the documents and threw a pile of letters into the rear of Councillor Al Bressette's truck.

Chief Bressette went on vacation shortly after August 3. Prior to leaving, he received a call from the office of the Assembly of First Nations. Ovide Mercredi, the National Chief of the Assembly of First Nations, offered to mediate differences between the occupiers and the Band if Chief Bressette thought it would be of assistance. But Chief Bressette had been told the occupiers would not be receptive to this offer.

It was not until September 6, after the death of Dudley George, that National Chief Mercredi was again in contact with the Kettle and Stony Point First Nation.

7.11 Captain Smith Becomes the Military Liaison Officer

After the occupation, Captain Smith was assigned the role of military liaison officer. His responsibilities were to ensure that channels of communication remained open between the occupiers and the military. In addition, he was to instruct the Stony Point group on the operation of the equipment, materials, and "plant infrastructure" to ensure it did not get damaged and that First Nations people did not "hurt themselves."

The day after the occupation, Captain Smith met with Mr. Antone and Mr. Elijah. Among matters discussed was the appointment of a spokesperson for the Stony Point group to negotiate and discuss issues of concern with the military liaison officer.

Captain Smith made arrangements to enter the camp in the first few days of August to show the occupiers how to operate the hydro and water systems. Danger signs warning of unexploded ammunition were to be posted, and the Aboriginal people would be given a talk on measures to be taken if they encountered live ammunition.

Military patrols outside the army camp continued after the occupation on Matheson Drive, Outer Drive, Army Camp Road, and Highway 21. Captain Howse participated in the patrols with the military police. He also distributed pamphlets to the local population, notifying residents of the occupation of the base and the evacuation by the military from the army camp.

Captain Smith believes it was through his interactions with the Stony Point people in August 1995 that he established a relationship with the occupiers. This explains why the Captain offered his assistance to OPP Incident Commander Carson on September 6, 1995, after the Stony Point people occupied Ipperwash Provincial Park. As will be discussed, Inspector Carson was hesitant to accept the assistance of Captain Smith. Unfortunately and tragically, there was a confrontation between the OPP and the First Nations occupiers that night in which Dudley George was fatally shot.

7.12 Did the Occupiers have Firearms at the Army Camp?

In an OPP briefing, Inspector Dale Linton reported on a meeting between Captain Smith and Chief Bressette on August 3, 1995. According to the police report, “Chief Bressette said he believed there are high powered weapons on the base such as AK47s.” The report cautioned that this information had not been confirmed although gunshots had been heard.

Chief Bressette denied he told an OPP officer that he believed there were high-powered weapons such as AK47s on the base. He insisted he had simply reported that he had received calls from people living in his community who claimed they saw someone carrying military weapons. Chief Bressette insisted, “I never attributed it to being fact ... I just said, this is what was told to me.”

Aboriginal witnesses, such as Marcia Simon, Wesley George, Stewart George, David George, and Tina George, said they did not see any firearms in the built-up area. Clifford George also testified he did not see such weapons carried by the occupiers nor did he hear gunshots fired from the army camp.

Isaac Doxtator from Oneida also insisted that he did not bring guns into the army camp nor was he requested to do so by First Nations people. Like other witnesses, he confirmed he did not see Aboriginals carrying arms in the area.

But people such as Marlin Simon did occasionally hunt on Camp Ipperwash lands. Mr. Simon owned a semi-automatic gun and other hunting rifles in 1995 at the time he lived in the barracks, as did Warren George.

Inspector Carson knew First Nations people hunted, but did not think the occupiers in August 1995 would threaten his officers with a gun. They had not threatened the police with firearms in the past.

7.13 Ontario Native Affairs Secretariat (ONAS) Learns of the Occupation at Camp Ipperwash

It was as a result of telephone calls from Scott Patrick and Ron Fox from the Deputy Solicitor General’s office, that Julie Jai, (Acting) Legal Director of ONAS, decided to convene a meeting of the Interministerial Committee (IMC).

On July 31, 1995, two days after the takeover of the army camp, Scott Patrick informed Ms. Jai that a “Native group has stormed the gate at Camp Ipperwash.” His superior Ron Fox provided details of the occupation the following day.

Mr. Fox explained that a dissident group, not the Kettle and Stony Point Band, had assumed control of the army base at Camp Ipperwash. The Band did not support the occupation and was having a meeting that evening to discuss its response to the actions of the occupiers. The military had evacuated the army camp and First Nations occupiers had cut the phone lines, which had disrupted the

water system in the adjoining provincial park. Ron Fox had acquired this information from Superintendent Parkin and Inspector Carson.

First Nations occupiers, Mr. Fox explained, claimed that a sacred site existed in the provincial park. The previous night, campers had heard Aboriginal people say, "[P]retty soon you'll be paying us for the use of the park." This was not the first time the OPP had heard comments about the plans of First Nations people to assume control over the provincial park.

Ron Fox informed Ms. Jai that the OPP were closely monitoring the situation and likely had officers in the park disguised as campers.

Another recipient of OPP information was Barry Jones, Legal Director of the Ministry of Natural Resources. On August 1, he contacted Ms. Jai to inform her that the Minister of Natural Resources was concerned about the safety of campers in the provincial park and questioned whether the park should be closed. Mr. Jones reported that there were four undercover OPP officers in Ipperwash Park and a SWAT team nearby. Both Ms. Jai and Mr. Fox thought MNR officials were unduly concerned about the safety risk in the provincial park.

According to Julie Jai, Mr. Jones likely received this information from Peter Sturdy of MNR, who in turn had obtained operational information from the police. MNR staff and the OPP had met on July 30, the day after the Camp Ipperwash occupation, to review the incident. Mr. Sturdy learned the OPP had brought in an Emergency Response Team (ERT) that was stationed at Pinery Provincial Park, that there were undercover police in the park, that approximately six officers were scheduled for night duty, and that there would be twenty-four-hour coverage "for the foreseeable future." Minister Hodgson was also told in early August that undercover officers were in the park disguised as campers.

On August 1, Julie Jai alerted senior management at ONAS of the possible takeover of the provincial park, and of a meeting of the Interministerial Committee scheduled for the following day.

Ms. Jai, the Chair of the IMC, did not have a good understanding of the history of the army camp, nor did she know whether land claims existed for the provincial park. She decided to have research done on these issues prior to the IMC meeting. It soon became clear to Ms. Jai that the reason for the occupation was the long delay of the federal government in returning the army base to First Nations people.

7.14 The August 2 Interministerial Meeting

The August 2 Interministerial Committee meeting on Aboriginal Emergencies: "Ipperwash Park" was the first IMC meeting chaired by Julie Jai. It was at the

discretion of the Chair when to convene a meeting of the Committee and who to invite.

It was the practice at that time to have political staff and civil servants attend IMC meetings. Political staff typically gathered information to brief their respective Deputy Ministers or Ministers on the discussions and recommendations put forward at these meetings on Aboriginal issues. Among the people who attended the meeting held in the ONAS boardroom the afternoon of August 2 were:

Elizabeth Christie	(MAG Lawyer Civil)
David Moran	(EA to Attorney General Harnick)
Ron Fox	(Ministry of the Solicitor General)
Brett Laschinger	(Premier's Office)
Barry Jones	(MNR)
Peter Allen	(MNR)
Jeff Bangs	(EA to Minister of Natural Resources Hodgson)
Peter Sturdy	(MNR)
Ron Baldwin	(MNR)
Dave Carson	(ONAS)

Brett Laschinger attended the IMC meeting on behalf of Deb Hutton of the Premier's Office.

Peter Sturdy and Ron Baldwin from MNR participated by conference call. Lead ministry personnel on the ground often joined the meetings by telephone. As Ministry of the Attorney General (MAG) lawyer Elizabeth Christie explained, the goal was "to get the best information we could. And the best way to do that, everybody understood, was to have the ministerial people who were actually dealing with the issue who were in the location." Mr. Sturdy, who was attending an IMC meeting for the first time, did not have prior knowledge of the powers and responsibilities of the IMC.

Ron Fox had asked Superintendent Parkin earlier that day whether he or Inspector Carson would be interested in participating in the IMC meeting. Superintendent Parkin declined the offer and told Ron Fox he was too busy. The OPP Superintendent did not consider whether it was inappropriate for operational police to be involved in this government meeting.

The purpose of the August IMC meeting was to gather information and develop recommendations on the Camp Ipperwash takeover by the Stoney Point Group, as well as to discuss the possibility of this group occupying Ipperwash Provincial Park.

Background information prepared by ONAS was distributed to the participants. It included historical information on the park and the army camp, as well as maps demarcating the former Stoney Point Reserve, the provincial park, and West Ipperwash Beach. The Procedures for Dealing with Aboriginal Emergencies were also enclosed: it included the power to appoint a negotiator, to develop recommendations that included legal action, and the responsibility of the committee to ensure that there was adequate communication with affected communities.

Prior to the meeting, Mr. Fox and Ms. Jai exchanged further information on the occupation. The OPP had met with Glenn George, a spokesperson for the occupiers, who had confirmed the claim by First Nations people of a burial ground in the park. Ms. Jai and Mr. Fox also discussed the August 1 Kettle and Stony Point Band Resolution asking the occupiers to leave the camp. The offer by Ovide Mercredi to mediate the occupation of the military base, as well the involvement of Bob Antone from Oneida as an intermediary, were also topics of discussion between Mr. Fox and Ms. Jai.

At the beginning of the IMC meeting, the historical material on the park and the army camp were briefly reviewed. ONAS confirmed that there was no formal land claim on Ipperwash Park.

Ron Fox gave an update of events. He believed his role at the IMC meeting was to provide information from a policing perspective of events "on [the] ground." He did not function as an operational police officer on his secondment to the Solicitor General. His title at the Ministry was Special Advisor, First Nations. On the cover sheet of the minutes of the meeting faxed by Julie Jai to attendees, Ron Fox is designated as "OPP" and not staff in the Deputy Solicitor General's office.

Ron Fox described the July 29 occupation by the Stoney Point group, namely the bus incident with the army jeep and the use of pepper spray by military personnel. He explained that the military decided to leave the camp to avoid a confrontation with First Nations people. The loss of water pressure as a result of the cut telephone wires was also discussed. An alternate manual pumping system was being installed to rectify the situation.

Approximately fifty to seventy-five First Nations people, IMC members learned, were currently occupying the camp. No weapons had been observed by the OPP. Lack of support by the Kettle and Stony Point Band of the occupation as well as the Band Resolution were also mentioned.

Mr. Fox raised the threat of a takeover of Ipperwash Park. According to the minutes of the meeting:

Since the occupation of the base itself, some members of the Stoney Point group have implied that they may try to take over the Ipperwash

Provincial Park. Members have allegedly made comments to campers such as “next year you’ll be paying us to use the park,” and a similar comment was supposedly made to military personnel as they were vacating the camp.

The OPP and MNR were monitoring the park and the army base perimeter, IMC members learned. Mr. Fox conveyed OPP operational information when he told the government committee that two OPP Emergency Response Teams were stationed nearby as well as a Tactical and Rescue Unit (TRU). Such information, Mr. Fox acknowledged at the hearings, is tactical or operational and should not have been divulged to the IMC:

The numbers and types of police resource and personnel, in my opinion, are tactical in nature. They would speak to how an operation the police might undertake may be carried out and shouldn’t be there.

MNR officials offered their perspective on the situation. Peter Sturdy was concerned about a park occupation and in particular, comments made by Aboriginal people that “soon you’ll be paying us for the park,” and “you can tell your friends at the park that they are next.” This was indicative of a real threat to MNR property, he said. Peter Allen of MNR suggested that an assessment of the risk to public safety and the obligation of the government to campers in the park be undertaken, as well as possibly closing the park.

Ron Baldwin of MNR responded that Chief Bressette, who considered the occupation illegal, would be upset if the park was closed as it would validate the acts of the dissident Aboriginal group. Mr. Fox said that although it was a possibility, he thought it unlikely First Nations people would assume control of the park.

Committee members agreed that OPP and MNR staff on site were in the best position to evaluate the risk; “[c]losing the Provincial Park, at this point, would be extreme.” Public safety was the “foremost consideration,” and MNR and OPP staff would continue to develop contingency plans to prepare for a possible emergency.

At the close of the meeting, IMC members agreed to keep in close communication and apprise one another of further developments. Political and civil servant staff would brief their respective Deputy Ministers and Ministers. It was decided the IMC would only meet again “if an actual incident at Ipperwash occurs,” such as the occupation of the provincial park.

As MAG civil litigation lawyer Elizabeth Christie said, “[i]t was a watch and see outcome ... [T]here wasn’t any sense that there was enough of any kind of

threat to justify any specific action; that we would watch and see what happened.” Julie Jai agreed that the IMC decided to “not really do anything” for what was perceived to be a low-risk situation:

... we didn’t even know if the park was going to be occupied. We didn’t know what the alleged basis for the claim of the park was, and that the decision was just to not really do anything, just to monitor the situation until the park was actually occupied ... [T]his seemed like a fairly low-risk situation to us, even if the park was occupied, and there were several other emergencies brewing at the time that seemed potentially more serious.

Ms. Jai knew that in the past few years, First Nations people had been permitted to enter the park to perform ceremonies. There had been no major incidents, which explained in part the view that there was minimal risk to public safety. As Ms. Jai said:

... that had happened before without any major incident. So, this is something that Ron and I both knew, so I think our view was that there could well be an occupation of the park, but that we felt that the risk to the public was low because the park would be closed at that point.

Dave Moran, Executive Assistant (EA) to Attorney General Harnick, and Jeff Bangs, EA to Minister of Natural Resources Hodgson, learned at the August 2 meeting the history of the area and the frustration of “Native” communities for the past fifty years following the 1942 federal appropriation of the Stoney Point Reserve. They considered the meeting an information briefing. They, too, had no sense of urgency:

... I think everyone’s impression upon leaving the meeting was that the OPP had the situation under control, that due diligence was being conducted and it really wasn’t a big issue at that time.

They came away from the meeting feeling that the federal government’s inaction in returning the Stoney Point Reserve was responsible for many of the actions of First Nation people. As David Moran said, “to be very direct, it was our understanding that the dithering by the Federal Government was creating a problem with respect to the [camp] and that ... the Native community in the area was frustrated by the lack of action with regard to the transfer of the [camp] to the rightful owners.” He added: “[I]t was our understanding that

the Stoney Pointers had valid title to the Camp and that the only issue in dispute was timing. It's my understanding that the issue holding up the transfer was the Federal Government's unwillingness."

Participants at the meeting did not believe these were issues of concern to the provincial government.

It is important to note that the claim by First Nations people that a burial ground existed in the park was not discussed or raised at the IMC meeting. Nor did Ms. Jai, Chair of the IMC meeting, take any measures after August 2 to research the allegation that sacred sites existed in the provincial park: "[T]he decision was just to not really do anything, just to monitor the situation until the park was actually occupied." Ms. Jai believed that the presence of a burial ground would not change the province's legal title to the park, but conceded that perhaps it provided a rationale of why First Nations people would occupy the park.

Julie Jai was on vacation from August 21 until Labour Day, the date First Nations people occupied Ipperwash Park.

A question that arises is why the prospect of appointing a third-party intervener, facilitator, or negotiator was not explored at the IMC meeting. It was Ron Fox's experience in policing First Nations communities that developing a trust relationship with Aboriginal people is fundamental to defusing conflict. In hindsight, he thought someone in early August 1995 should have been appointed to approach the occupiers, establish a dialogue, and find out their concerns: "I think there was an opportunity that was missed in terms of being proactive."

In Mr. Fox's view, the IMC should have taken measures to recommend a third party who could initiate dialogue with the First Nations occupiers:

I think that all the signs were there that something may occur, although not definitive, that something in particular would actually occur. In hindsight, we probably should have been in a position, as a committee, to identify someone who could make the approach and determine exactly what it is those who were taken to occupy either the camp, or possibly the base, wanted.

I agree that appointing a third party — an intervener, facilitator, negotiator, or the Indian Commission of Ontario — to determine the concerns of First Nations people in the Ipperwash area might have defused the tension and perhaps would have averted some of the issues that were to emerge in the occupation of the Ipperwash Park.

It is also noteworthy that federal government representation was absent from the August 2 IMC meeting. The Guidelines for Responding to Aboriginal

Emergencies clearly stated that the IMC can be “augmented by representatives from ... federal departments” such as “Indian and Northern Affairs Canada.” In developing the first line of governmental response, it would have been helpful for the IMC and other government and political staff to discuss the federal government’s intentions with respect to Camp Ipperwash. As Ron Fox said:

Clearly the former CFB Ipperwash was at that point Federal property. The Department of Indian Affairs and Northern Development Canada would certainly have much [more] of a historical reference with respect to the surrender of certain lands that ultimately became the Ipperwash Provincial Park. They, I would assume, would be more in tune with timely developments relative to the environmental assessment and such things.

Clearly the participation of the Department of Indian and Northern Affairs would have provided insight to IMC members of the historical concerns of the Stoney Point people and would have assisted them in their deliberations and possible recommendations to the ministries involved.

Deb Hutton, Executive Assistant to the Premier, was sent a copy of the minutes of the August 2 IMC meeting. On the cover sheet of the minutes faxed to Ms. Hutton, Ron Fox is identified as “OPP.” She said she was likely briefed by Brett Laschinger, her representative at the IMC meeting, about a possible occupation of Ipperwash Park by First Nations people and other issues discussed at the meeting.

Ms. Hutton could not recall whether she brought these issues to the attention of Premier Harris in August 1995: “It’s not a matter of it not being a priority. It’s simply that it didn’t require immediate attention on my part at that point in time ...” At that time, the Premier’s EA was focused on larger and more pressing issues.

7.15 Premier Harris and Cabinet Ministers Apprised of Army Camp Occupation

Attorney General Charles Harnick received written and oral briefings of the army camp occupation in late July and early August.

Prior to the First Nations occupation of Camp Ipperwash, the Attorney General had been briefed by his staff on the powers of the Interministerial Committee (IMC) and the Procedures for Dealing with Aboriginal Emergencies. He understood ONAS was responsible for coordinating the response to occupations,

blockades, or other Aboriginal protests, and that line ministries would take the lead on matters within their jurisdiction. He also knew the IMC had the power to appoint a negotiator or facilitator, and to make recommendations on measures to resolve a First Nation protest.

On July 31, 1995, ONAS prepared an Information Note for the Attorney General on “Camp Ipperwash Land.” This fairly extensive note described the 1825 Provisional Agreement with the Chippewa Nation, the 1827 establishment of the Kettle Point Reserve and Stoney Point Reserve, and the unwillingness of the Canadian government to recognize them as two separate reserves but rather to consider them as one First Nation community. The history of the provincial government’s purchase of land that became Ipperwash Provincial Park was also canvassed. The 1942 appropriation of the Stoney Point Reserve by the federal government pursuant to the *War Measures Act* and the dislocation of the Aboriginal people were discussed, as well as the government’s failure to return the land after World War II. The note also described the May 1993 occupation of the rifle range at Camp Ipperwash by the Stoney Point people who “re-entered their ‘homeland’,” “established residence,” and had “no intentions of leaving” the site. The ONAS Information Note concluded with the following: “The First Nation has expressed on-going frustration with Canada with respect to the return of land comprising Camp Ipperwash, particularly concerning the environmental clean-up that is required before the land can be safely returned for civilian use, and matters relating to compensation for loss of use of this land.”

The Attorney General was briefed on the August 2 IMC meeting by his Executive Assistant Dave Moran who attended the Interministerial meeting. Mr. Moran raised the possibility of an occupation of Ipperwash Provincial Park located adjacent to the army camp, but he did not think this was likely. He did not consider the park occupation an urgent matter. Mr. Moran assured the Attorney General that the OPP were monitoring the situation and developing contingency plans; the “situation was well in hand.”

Attorney General Harnick received a further briefing on August 8, 1995. According to the notes of MAG lawyer Elizabeth Christie who attended the briefing, the history of Camp Ipperwash land was reviewed. The army camp occupation was characterized as being essentially a federal issue. It was explained that the core group of Aboriginal people who took control of the army camp on July 29 were descendants of families who had been removed when the federal government appropriated their land in 1942. The Attorney General was also told that the Chief and Council of the First Nation Band were not supportive of the occupation. The existence of an Aboriginal ceremonial site on the property of Ipperwash Provincial Park was also mentioned.

The Minister of Natural Resources was also briefed by his staff, Deputy Minister Ron Vrancart, as well as Jeff Bangs, the Minister's EA, and Peter Allan who had attended the August 2 IMC meeting. Neither the Minister nor his staff considered the Aboriginal occupation an MNR issue. In Minister Hodgson's view, the Ipperwash "situation had festered for many years" and the "Federal Government should have handed back the land in a clean state" to the First Nation people. He took the position that "ONAS was the lead" on this protest, and the OPP were monitoring the situation on site to ensure public safety. Although the Minister of Natural Resources was aware of the possibility of a First Nation takeover of the provincial park, he believed it "wasn't our issue." Consequently, he did not initiate or suggest any proactive measures in August to avert the escalation of the protest adjacent to the provincial property. Minister Hodgson was also familiar with the objectives and powers of the IMC — that it strived to prevent violent situations from occurring, and it had the discretion to appoint negotiators and facilitators to help resolve First Nation blockades, occupations, or protests.

Minister Hodgson's decision to leave the resolution of the Ipperwash protest and the possibility of a park occupation to ONAS, the IMC, and the OPP contrasts with his personal involvement at that time in the dispute at Cape Croker with the Chippewas of Nawash First Nation. Fishing rights and the conservation of particular species of fish were contentious issues in the Owen Sound area, and tension was growing between the First Nation people and the local fishermen. An incident occurred in early August at a marketplace when a large number of non-Aboriginal fishermen confronted an elderly First Nation woman selling fish with her nine-year-old granddaughter. Calls were made to Minister Hodgson to alert him to the situation. On his wife's prompting, the MNR Minister drove to Owen Sound to try to resolve the dispute and de-escalate the situation. He met with the Chief and Council of the Chippewas of Nawash as well as the local anglers. The situation was ultimately resolved by provincial government compensation to non-Aboriginal fishermen who relinquished their fishing licences.

The office of the Solicitor General was also apprised of the Ipperwash First Nation occupation. Deputy Minister Elaine Todres received information on the occupation from Ron Fox on August 2 before the IMC meeting. He assured her in an e-mail that he had been in continuous contact with Chief Superintendent Coles, Superintendent Parkin, and Inspector Carson regarding the Camp Ipperwash occupation, and that the situation was now "stable." Dissension between the Kettle Point Band and the "Stoney Pointers" was alluded to, as well as the occupiers' refusal to attend the August 1 Council meeting at Kettle Point. The possibility of an occupation of Ipperwash Provincial Park was also a topic of discussion.

Dr. Todres was later briefed on the IMC meeting, but the Deputy Solicitor General was not “particularly concerned” and simply considered it a “watching brief”; “we were aware of the circumstances” but “no alarm bells [were] ringing.” Solicitor General Robert Runciman had no recollection of the specific date in August 1995 on which the Camp Ipperwash occupation was brought to his attention.

As was the case with the Ministries of the Solicitor General and Natural Resources, the Premier and his staff did not devote much attention to the occupation of the army camp. Although Premier Harris was aware of the occupation, “it was not an issue that was of a high priority” for him or his government; “[i]t was viewed primarily as a federal issue.”

As previously discussed, Brett Laschinger⁶ from the Premier’s Office attended the August 2 IMC meeting. He briefed Deb Hutton, EA to the Premier. Ms. Hutton also received minutes of the IMC meeting. She clearly did not consider it a priority item on her agenda. Ms. Hutton and the Premier’s Office staff were confronted with thirty to forty issues each day: “given the number of issues we were dealing with, it would have been very reasonable for me to say, okay, that’s parked, and the Ministry of Natural Resources will be back when there’s another issue around this.”

The First Nations occupation was essentially “parked” because, as Ms. Hutton said, “the big issue on [her] plate” was “addressing an additional \$2 billion deficit problem” that “needed some fairly immediate attention.”

7.16 Activities of Police and MNR

On August 1, 1995, Peter Sturdy of MNR called Inspector Carson to inform him of the Ministry of Natural Resource’s position on Ipperwash Park. It was the MNR’s position, based on advice from its legal department, that the government had title to Ipperwash Park. Mr. Sturdy also advised Inspector Carson that the Blockade Committee (IMC) was meeting on August 2 and that he would update him after they met. Potential scenarios regarding the occupation of Ipperwash Park were discussed, including the prospect of MNR seeking an injunction.

Inspector Carson also received a telephone call from Ron Fox regarding information conveyed to him by Julie Jai, the (Acting) Legal Director of ONAS. There was information that the Stoney Point people had disrupted the water supply to the park. Inspector Carson explained that when the occupiers cut the

⁶ Mr. Laschinger was Ms. Hutton’s Assistant.

telephone wires to deactivate the military communication system, they also disrupted the water pump that operated through the same computer system.

As previously mentioned, MNR was concerned about the water supply to the park. A meeting of park officials and DND was held on August 1. Les Kobayashi, Don Matheson, and other MNR and DND representatives discussed the installation of an emergency independent water supply system for Ipperwash Provincial Park.

At about 6:00 p.m. that evening, A/D/S/Sgt. Wright briefed Inspector Carson on his meeting with Glenn George and his assertion that there was a burial ground in the park. They also discussed the disruptive behaviour of Aboriginal people on the beach. Glenn George agreed to speak to his people in an effort to stop this conduct. As mentioned earlier, he also agreed to a R.I.D.E. program in the area in an effort to curtail the motor vehicle fatalities that had recently occurred.

Late that night, Constable Luke George informed Inspector Carson about the Band meeting held at Kettle Point that evening. Councillors and Band members, John Carson learned, were very concerned about "outsiders" at the army camp and planned to tell these people to leave the occupied area. Inspector Carson subsequently had discussions with Chief Tom Bressette regarding his view of the occupation. It was evident the Chief did not agree with or support the takeover of the barracks. Chief Bressette was worried that the actions of the Stoney Point group would negatively affect land negotiations with the federal government for the return of the military base.

Inspector Carson had hoped that after the military left the army camp, tension in this area would subside. However, immediately after the takeover of the built-up area, Aboriginal people had made comments to the effect that the occupation of Ipperwash Park was next. This concerned Inspector Carson, who wanted to ensure that public safety was not at risk. He had discussed this issue with his superiors, Chief Superintendent Coles and Superintendent Parkin. This led to the decision to place undercover officers in the park and to deploy uniformed ERT officers to Army Camp Road, Outer Drive, and the Ipperwash Park area.

Inspector Carson believed a possible confrontation could develop between the Kettle and Stony Point Band and the occupiers of the army camp. In a report to OPP Commissioner O'Grady, Inspector Carson described the plans in place should such a situation arise:

Responsibilities:

- keep the peace
- respond to and investigate any criminal activity
- maintain ongoing liaison with all stakeholders

Action Taken:

- provide a constant two person patrol during daylight hours
- provide a patrol of six members during the hours of darkness
- provide one full ERT on standby at Pinery Park prepared for immediate response
- provide 24 hour NCO support
- provide a duty officer of Inspector rank available at all times
- provide intelligence information through undercover surveillance by officers posing as campers within Ipperwash Provincial Park
- Lambton County Crown Attorney, Mr. D. Vale is aware of ongoing First Nation issues relative to the military facility and land claims against surrounding lands
- the interministerial committee on First Nation issues (Blockade Committee) has been consulted and advised of the current status of Ipperwash

Inspector Carson wrote: “The situation is being monitored very closely and being evaluated on a day by day basis.”

Park Superintendent Les Kobayashi shared the MNR Draft Emergency Contingency Plan for Ipperwash Park in early August with Assistant Park Superintendent Don Matheson, Staff Sergeant Bouwman, and possibly Inspector Carson. It was clear from the MNR plan that members of the critical incident team, one of whom was Les Kobayashi, would occupy “a place at the O.P.P. Command Centre (Forest Detachment) to liase with O.P.P. and other involved agencies” in the event of a park occupation. A memo to Park Wardens distributed later in August states: “Park Wardens are to be the eyes and ears for the O.P.P. when a First Nations Person has contravened a law.”

Les Kobayashi informed Staff Sergeant Bouwman on August 2 that two years earlier, Maynard George had told MNR there was a burial site near the maintenance building at Ipperwash Park. Mr. Kobayashi could not recall if he conveyed this information to Inspector Carson.

Peter Sturdy of MNR, in a telephone conversation a few days later with ONAS (Acting) Legal Director Julie Jai, discussed the claim by First Nation people of burial grounds in the park. Inscribed in Ms. Jai’s notes: “rumours of a burial site in park but not confirmed,” and “there is a burial site on the military base for sure.”

On August 2, A/D/S/Sgt. Wright spoke with a military Captain who indicated he had met with the Elders, including Rose Manning, Melva George, Janet Cloud, Pearl George, as well as Glenn George. They agreed that on August 4,

the military and the "Stoney people" would post signs at the camp such as "Danger," "Unexploded Ordnance," "No Trespassing," and "Keep Out." Some of the signs would be placed at the fence line, and others at the north end of the property facing the lake. Water and hydro would remain operative for an indefinite period. Military officials would also teach the First Nations people to operate the water treatment plant in the park. The occupiers were also to receive a range safety course on unexploded ordnance on August 11.

A/D/S/Sgt. Wright briefed the ERT officers at Pinery Park on August 2 on patrol procedures in and around Ipperwash Park. During August, ERT patrolled Ipperwash Park and beach as well as the area surrounding the army camp. The officers were in uniform and in marked police cruisers; some were on foot patrol.

ERT officers routinely stopped vehicles, particularly those leaving the army camp. Many were "random" stops. As Constable Leblanc said, drivers were asked to produce their licence and car insurance, which they were obliged to do pursuant to the *Highway Traffic Act*. Passengers might also be asked for identification but were under no obligation to produce it.

At a briefing on August 3, at which both Inspector Carson and Inspector Linton were present, A/D/S/Sgt. Wright learned that National Chief Ovide Mercredi might be travelling to the area to mediate the situation at Camp Ipperwash.

On August 3 at 2:30 p.m., A/D/S/Sgt. Wright and Detective Constable Speck met with Glenn George and Les Jewell at the entrance to the army camp. The OPP had a warrant for the arrest of Cleve Lincoln Jackson for assault of a military officer, mischief over \$5,000, dangerous driving, and breach of probation. The OPP wanted to know if the occupiers would be willing to co-operate and have Mr. Jackson voluntarily give himself up to the police. Les Jewell and Glenn George replied that they needed to consult with their Elders and would have a response by about noon the following day. Before leaving, Glenn George told A/D/S/Sgt. Wright the First Nation people "rightfully owned Matheson Drive, Ipperwash Provincial Park, and the farmer's field" west of the army base. A/D/S/Sgt. Wright considered Glenn George a leader and thought he spoke for the occupiers on the military base. But in A/D/S/Sgt. Wright's view, the park was MNR property, the Township owned Matheson Drive, and the farmer's field was private property.

When A/D/S/Sgt. Wright returned the following day, Glenn George and Rose Manning told him they would not co-operate with the OPP regarding the arrest of Cleve Lincoln Jackson.

In early August, Detective Constable Speck had asked Constable Vince George to establish a relationship with a "person" living inside the army base for the purpose of eliciting information about the activities of the Aboriginal occupiers. Constable George was instructed to report the confidant's information to

Detective Constable Speck. Constable George routinely met with this person from the beginning of August until the end of September. On August 3, the informant told Constable George that Marlin Simon had a rifle, and Dave George had a sawed-off shotgun. Constable George also learned “Les Jewell” was “controlling Glenn George,” and there was “talk of taking over the Provincial Park.” The informant also discussed with Constable George the existence of a burial site in the park in August.

On August 4, Detective Constable Speck learned from the OPP Intelligence Unit in Orillia, responsible for the First Nations portfolio, that First Nations people would take over the park the Tuesday after Labour Day. He confirmed that Les Jewell seemed to be “calling the shots,” not Glenn George. Detective Constable Speck thinks he may have conveyed this information to Detective Sergeant Bell or A/D/S/Sgt. Wright.

Detective Sergeant Bell also communicated with Detective Sergeant Peter Lollar of OPP Intelligence in Orillia on August 23, 1995. Detective Sergeant Bell learned that there had been a shift from local leadership to “outside leadership” from the United States. As the OPP officer said at the hearings: “the dynamics were changing”:

We’d seen that over the course of the occupation when we had local leadership, I think that the relationship, although [strained] at times ... was ... open to discussion and negotiation. And I think the fear was that with outside influence ... the ability to communicate might be somewhat lessened and ... these individuals, I believe, had ties to violence, and that was a concern to us as well ...

So the potential for violence seemed to be heightening if you looked at the leadership, and that’s a concern.

Detective Sergeant Bell did not convey this information to Inspector Carson until September 1 as he believed the Incident Commander was already aware of this information.

7.17 The OPP Arrest Kevin Simon: A Case of Mistaken Identity

An unfortunate incident occurred about two weeks after the occupation of the army barracks. Kevin Simon, accompanied by Nicholas Cottrelle, decided to buy a drink at the park store after spending some time at the beach on a hot summer day in August. As they walked to the store, they noticed police officers following them.

A police cruiser pulled up to the picnic table where the two boys were sitting. An OPP officer told Kevin Simon that there was an outstanding warrant for his arrest. In fact, Mr. Simon had never been charged with a criminal offence. The officer asked Mr. Simon for his name, but he refused to respond. The officer then cautioned Kevin that it is an offence to mislead the police. Kevin Simon explained: "I didn't feel that I should have to be answering questions to anybody as to my sitting there drinking some lemonade, you know, I wasn't doing anything illegal." He told the officers "[T]his is our park," and said, "They didn't seem to like that too much."

Kevin Simon refused to go with the police. Two officers grabbed each of Kevin's arms, took him to the police cruiser, and roughed him up, according to Kevin Simon and Nicholas Cottrelle. Kevin extricated himself from their grip and ran toward the beach because "I didn't want to fight" and "didn't know what else to do."

On patrol at Ipperwash Park, Sergeant Slack was told by a person in the park that a male wrestling with police had escaped from the OPP officers. As Sergeant Slack drove in his cruiser, he saw a man in white shorts running: "I got out of my car" and "began running after the male ... shouting at [him] to stop."

According to Mr. Simon, he was surrounded within minutes by a large number of people, mostly (undercover) police dressed as campers and a few uniformed officers. As the circle closed in, Kevin Simon decided to surrender. Sergeant Slack testified that he "wrapped" his arms around Kevin Simon "kind of like in a bear hug to control him," and "when I was satisfied he wasn't going to run anymore, it was a one-arm control." Kevin Simon was turned over to two police officers. Sergeant Slack has no recollection that officers surrounded Kevin Simon.

Kevin Simon was handcuffed with his hands behind his back and placed in a locked police car near the gatehouse at Army Camp Road. When he identified himself as Kevin Simon, the officers accused him of lying. The officers ran his name on CPIC⁷ but did not get a "hit." Officer Slack instructed two officers to confirm his identity and left the area.

Mr. Simon was informed some time later that the police had located someone from the Kettle Point Band who could identify him. He was transported to Kettle Point where a First Nations officer confirmed his identification. Kevin Simon testified he was released in the dark without shoes or a shirt. The police refused

⁷ Canadian Police Information Centre.

to drive him back to the army camp. He began to walk to the built-up area but was soon picked up by Cecil Bernard George who had been listening to the police conversations on his scanner.

About ten First Nations people arrived at the Grand Bend Police Detachment to lodge a complaint about the OPP's treatment of Kevin Simon. Inspector Carson explained at the hearings that this appeared to be a case of mistaken identity. He was unaware that the police officers had refused to drive Mr. Simon back to Stoney Point.

7.18 Undercover Police in Ipperwash Park

Undercover officers remained in Ipperwash Park throughout the month of August. A/D/S/Sgt. Wright oversaw the operation and the officers reported to him.

A prime objective of the undercover operation was to gather as much intelligence as possible. It was also to maintain high police presence in the area and to ensure public safety. Detective Constable Mark Dew and three other undercover officers set up their trailer in the northeast part of the campground near the border of the army camp. They watched the beach area between the camp and the park and tried to ensure campers did not enter the base. The OPP officers were also instructed to record the licence plates of vehicles entering and leaving the army camp, and to monitor whether people in the army camp had weapons. Any significant incidents were to be reported to the command post or to A/D/S/Sgt. Wright.

The undercover officers recorded their observations in a logbook. At no time were they responsible for evaluating or verifying the information relayed to them that was inscribed in this log.

The Park Wardens were aware of the undercover police operation, as were some campers. One family brought coffee and muffins to the officers almost every morning.

During their stay at the park, undercover officers Martin and Dunn heard a number of gunshots fired on August 7. There were also incidents of jack lighting at night — the shining of high-powered light — generally from Matheson Drive, onto the campers at Ipperwash Park.

In the latter part of August, Detective Constable Dew and the other undercover officers noticed a number of vehicles with Michigan and other licence plates from outside Ontario entering the army camp. As Detective Constable Dew said, this lent credibility to what the OPP had been told at the end of July, namely, the First Nations people would occupy Ipperwash Park.

7.19 MPP Marcel Beaubien Voices his Concerns on West Ipperwash to Cabinet Ministers

On July 31, 1995, MPP Marcel Beaubien sent a letter to Charles Harnick, asking the Attorney General for his “help, advice and direction” on the “difficult and sensitive situation” in his riding of Lambton. This correspondence was copied to Solicitor General Runciman, the Mayor of the Town of Bosanquet, and the President of the West Ipperwash Property Owner’s Association.

In this letter, Marcel Beaubien writes that he met representatives of the West Ipperwash Property Owners’ Association, and “[t]ensions have again escalated over this past weekend.” He also mentions that residents have been exasperated by the civil action brought by the Kettle and Stony Point Band regarding West Ipperwash Beach — the expenditure of legal fees, and the inability of the owners to sell their property. The provincial MPP states:

There is a lot of intimidation going on at the moment and the residents feel threatened ... Residents are stressed out and the situation is becoming unbearable.

Mr. Beaubien testified: “[T]here was talk in the community that people would arm themselves and look after their own property and that created an awful lot of concern with me.”

In the July 31 letter, the MPP lists a series of complaints to the Attorney General, one of which is:

Law enforcement is basically non-existent and the OPP does not seem too keen in getting involved.

He states he had been briefed that morning by Staff Sergeant Lacroix of the Petrolia OPP.

At the conclusion of the letter, Marcel Beaubien urges the government to deal with the West Ipperwash issue as soon as possible; “I need advice on how the Province wants to proceed in this matter.”

Dave Moran, EA to Attorney General Harnick, sent Mr. Beaubien’s letter to officials in the Ontario Native Affairs Secretariat (ONAS) to assess whether these issues had relevance to the Ministry. Ms. Jai responded, “Ontario is NOT a party to this action,” namely, the lawsuit involving West Ipperwash Beach. Attorney General Harnick did not think he spoke directly to Mr. Beaubien about the issues raised in the July 31 correspondence.

Although Solicitor General Runciman was copied on this letter, neither he nor his Deputy Minister saw the Beaubien correspondence complaining about the police or the tension in the Ipperwash area. Dr. Todres explained that correspondence units in the provincial ministries were responsible for sending responses to letters, or routing correspondence to particular officials in the civil service for their reply. In the normal course, the Deputy Solicitor General would not receive such correspondence, nor was it the “custom of any Minister’s office to reply to a c.c. or to an FYI.” In fact, with regard to Mr. Beaubien’s letter, the Ministry of the Solicitor General Communications Branch Correspondence Unit wrote: “[N]o response necessary at this time as letter is not addressed to the Minister.”

7.20 The OPP Meet with Marcel Beaubien

On August 8, 1995, Inspector Carson learned Mr. Beaubien had sent a letter to Attorney General Harnick that described his concerns about policing in the West Ipperwash area. Inscribed in Inspector Carson’s notes is Mr. Beaubien’s remark that “law enforcement non-existent OPP not interested to get involved.”

As a result of Mr. Beaubien’s letter, the OPP met with the MPP in his constituency office in Petrolia on August 11. Representing the police were Superintendent Parkin, Inspector Carson, Inspector Linton, and Staff Sergeant Lacroix.⁸ Mr. Beaubien discussed his concerns about Ipperwash Park and the anxiety and frustration of cottage owners in the area. Inscribed in Superintendent Parkin’s notes is that Mr. Beaubien “will be pushing Runciman + Harnick + MNR for direction + a position.” The OPP tried to reassure Mr. Beaubien that the police were fully aware of the issues at Ipperwash and were sensitive to the concerns of the surrounding non-Native community.

Marcel Beaubien was clearly frustrated with the disinterest and lack of communication by Queen’s Park regarding the Ipperwash First Nations occupation. At the hearings, Mr. Beaubien explained why he thought it was important to meet with the OPP:

... We had a major situation ... in the riding. I don’t think that Queen’s Park appreciated the seriousness of the issue; that’s my personal feeling or personal opinion. I was not getting an awful lot of information from Queen’s Park or direction, contrary to popular beliefs. And the only source of information that I could relay was my interaction with the OPP. I didn’t expect them to tell me anything about their operational,

⁸ Staff Sergeant Lacroix was the Detachment Commander in Petrolia.

their intelligence ... and what they were doing. But I certainly expected them to tell me that we had the proper level of policing; ... people are taxpayers, they expect to be protected. They expect to be able to enjoy — the enjoyment of the property. So, I think it was important to have that interaction with the police, with the different police officers at that time ...

Now, we had a lowly backbencher in Lambton that’s screaming and hollering that we’ve got a serious situation in Lambton ... [T]his situation impacted on approximately or maybe at best, 10,000 people in the area. You know, we’re looking at an impact ... somewhat financially for the business sector in Forest. But basically we’re looking at the area in the Ipperwash area. So, when I say 10,000 people I’m probably stretching it but ... [that is] maybe 15 percent of my riding ... [M]y personal opinion was that I’m not getting anything. I don’t seem to be getting a sympathetic ear from anybody at Queen’s Park; not only the political side, but the bureaucratic side. (emphasis added)

Mr. Beaubien sent a letter to Attorney General Charles Harnick a few days later that purported to report on his meeting with the OPP in Petrolia. A copy of this letter was also forwarded to Solicitor General Runciman and to the Minister of Natural Resources, Chris Hodgson. Inspector Carson and Superintendent Parkin took issue with some of the statements in this August 14 letter. Mr. Beaubien wrote that he and the OPP representatives had “reached the following consensus”:

1. As the Ipperwash Campground is provincially owned, we should be in a position to legally uphold this property.
2. Enforcement is only a short term solution.
3. *Ministries involved have to give the OPP clear guidelines for law enforcement.*
4. The long term solution is a negotiated settlement.

However, we need to see a clear stand on what Provincial ownership of land means and that the laws of the Province will be upheld. This needs to be made very clear without delay. (emphasis added)

Inspector Carson took issue with the term “consensus” in Mr. Beaubien’s letter. Several issues were discussed at the meeting, but a “consensus” had not been reached between the OPP officials and the MPP. Superintendent Parkin agreed.

Superintendent Parkin, Inspector Carson, and Staff Sergeant Lacroix were also critical of Beaubien’s statement that provincial ministries needed to “give

the OPP clear guidelines for law enforcement.” As Inspector Carson said at the hearings: “I don’t believe that’s accurate ... The OPP doesn’t take guidelines from the ministries in order to do law enforcement.” Inspector Carson made it clear that the OPP had a sound understanding of its law enforcement responsibilities. If the park were occupied, a court injunction would provide legal direction on the issue of ownership. Staff Sergeant Lacroix confirmed that “we were trying to tell him [Marcel Beaubien] that it’s not going to be direction from the Solicitor General or the MNR or anybody else; it’s going to be direction from the courts.” But Mr. Beaubien testified that his “intent was not to try to get direction” from the politicians on “how ... the police should be doing their work.” The former MPP claimed he was saying that the government ministries should be making clear to the OPP its position regarding title to the land at Ipperwash Park.

Although OPP Commissioner O’Grady did not recall seeing Marcel Beaubien’s letter, he vociferously stated that the government ministries — the Ministry of the Attorney General and the Ministry of the Solicitor General — did not give the OPP guidelines or direction on how to enforce the law in August 1995. If someone had attempted to give him instructions on how to enforce the law, Commissioner O’Grady would have either “ignored” or “refused” to adhere to them.

Inspector Carson also said that the following statements in the letter to the Attorney General reflected Mr. Beaubien’s and not the OPP’s sentiments:

... the properly elected First Nation officials are supportive of upholding the laws of the land. *What we have is a small number of dissidents making a mockery of the system ...*

As detailed to Ministers Hodgson, Harnick and Runciman, we will take the following position until further instruction is received from the Ministries. We will be legally prepared to uphold Ipperwash Park. Enforcement is a short term solution and *we need the Ministries to give clear guidelines to the OPP for enforcement.* We would like a negotiated settlement. Failing that, a clear stand on what are provincial matters and that the law will be upheld. This is an opportune time as elected First Nation officials are supportive in upholding the law. (emphasis added)

Mr. Beaubien conceded he did not speak directly to the Attorney General, the Solicitor General, or the Minister of Natural Resources. He merely sent correspondence — letters, faxes — to these ministries. It is noteworthy that in a letter to one of his constituents on the same day, Marcel Beaubien again asserts

that he has met with the Attorney General, the Solicitor General, and the Minister of Natural Resources to discuss his constituents' concerns regarding the situation at Kettle and Stony Point. And again Mr. Beaubien acknowledged at the hearings, "I contacted their Ministries but not the Ministers directly."

Former Attorney General Harnick and Deputy Attorney General Taman do not think they received the August 14 letter from Mr. Beaubien. Nor did Minister Hodgson or Solicitor General Runciman, who were copied on the correspondence, see Mr. Beaubien's letter in August. Deputy Solicitor General Todres explained: "[W]hat would have happened in the Attorney General's office would have been exactly the same as happened in ours ... [T]he Attorney always had a very large correspondence unit [to which] that letter would have been referred. I would suspect it would have gone through the chain. They would have understood that the cc's were just FYI's."

Both the former Solicitor General and Deputy Solicitor General had serious concerns about Mr. Beaubien's letter. Dr. Todres was critical of Mr. Beaubien's statement that "Ministries involved have to give the OPP clear guidelines for law enforcement." She said, it is "[f]actually incorrect, statutorily incorrect, clumsy, and not within his purview to comment on." Solicitor General Runciman was of the same opinion. He thought a "red light" or an "alarm bell" should have been sounded regarding the conclusions Mr. Beaubien reached at this meeting. Mr. Runciman did not know whether Mr. Beaubien was cautioned in August 1995 regarding the separation of politicians from police operational details involved in Ipperwash. He agreed that his ministry, the Solicitor General's Office, was the appropriate government ministry to issue that caution.

Deputy Commissioner Boose called Superintendent Parkin on August 16 to discuss concerns raised about police in the Ipperwash area. According to the notes of Superintendent Parkin, the Deputy Commissioner asked: "[W]e say we will enforce [the] law, but are we doing that[?]" Superintendent Parkin advised him charges had been laid and a suspect was in custody for the July 29 occupation of the military base. He also discussed with Deputy Commissioner Boose the meeting with Marcel Beaubien and the MPP's concern with the frustration of cottage owners and local residents.

7.21 Letter Written by Councillor Gerald George to the *Forest Standard* Newspaper

Gerald George, Councillor of the Kettle and Stony Point Band, wrote a letter to the editor of the *Forest Standard* newspaper that was published on August 30, 1995. He did not confer with Chief Bressette before he sent the letter to the local

newspaper. Gerald George compared the occupation of the army camp to the “L.A. Riots” and said the occupiers were acting “like animals” and “jerks.” Mr. George was very agitated that some First Nations people had harassed a family on Camp Ipperwash Beach. “We all do not act like the army camp Indians,” he wrote. This published letter further exacerbated the tension between the Kettle and Stony Point Band and the camp occupiers.

One week later, hours before Dudley George’s death on September 6, Councillor Gerald George drove to Ipperwash Provincial Park. As will be discussed in greater detail, the Stoney Point people occupied the park at that time. An altercation ensued between him and an occupier, which Gerald George reported to the OPP. Hours later Dudley George was shot. The information conveyed by Councillor George and the miscommunications that resulted within the OPP escalated the seriousness of the occupation as perceived by the police. This had a significant impact on decisions made by the OPP on the night of September 6, 1995.