

**COMMISSIONER LINDEN'S OPENING REMARKS
IPPERWASH INQUIRY HEARINGS**

July 13, 2004

- Good Morning. As most of you know, my name is Sidney Linden and I am the Commissioner of the Ipperwash Inquiry.
- Welcome to what is being referred to as Part One or the 'evidentiary' part of this Inquiry – at which witnesses will be called and examined by Commission counsel, and if necessary, cross-examined by parties who have been granted standing at the Inquiry.
- This Inquiry was called to inquire into and report on events surrounding the death of Dudley George in Ipperwash Provincial Park in September 1995. The Commission has also been asked to make recommendations aimed at avoiding violence in similar circumstances.
- We began this Inquiry in April at the Hearings on Standing and Funding and, at that time, had a respected Elder, Lillian Pitawanakwat, conduct a traditional ceremony.
- There will be two parts to the Inquiry: Part 1 will deal with the events surrounding Mr. George's death and will be conducted in the typical way of public hearings.
- Part 2 will deal with policy issues which are designed to help us develop recommendations for preventing violence in similar circumstances, in the future.
- Both Parts will proceed concurrently.
- Part 2 has already started with a symposium on police and government relations, held in June, in partnership with Osgoode Hall Law School. The

Commission's draft research plan for Part 2 of the Inquiry is posted on our website. Parties are invited to comment and to submit project proposals.

- Seventeen parties have been granted standing for Part 1 of the Inquiry and twenty-eight for Part 2. This official status of "standing" entitles the parties to participate in the proceedings and to other entitlements as set out in the Rules of Procedure and Practice.
- The parties represent a variety of perspectives on the events that are the subject of this Inquiry as well as on subjects that the Commission views as necessary to consider in order to fulfill its mandate.

Commissioner's Goals for this Inquiry

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- The Inquiry's Part One mandate, as set out in the OIC, states that the Commission is to "inquire into and report on the events surrounding the death of Dudley George."
- We hope to explore both the specific circumstances of the shooting and the context in which the shooting occurred. Both perspectives are key to the Inquiry's "fact-finding" mandate.
- In doing so, my hope is that the Inquiry will contribute to the public's understanding of both the specific incident and of factors or conditions that contributed to it.
- Public education and understanding are key features of this and indeed of most public inquiries.
- Education and understanding are particularly important because they can contribute to healing and to moving forward for those whose lives were affected by the events of September 1995.

- In this respect, I am mindful of the fact that re-visiting the events that took place almost nine years ago, may re-open wounds and re-kindle feelings and tensions. The establishment of the Inquiry may also raise unrealistic expectations about what can be achieved through the inquiry process.
- It is challenging for any public inquiry to define its scope given the many issues an investigation of this kind can raise. This is particularly true for inquiries such as the Ipperwash Inquiry, that are mandated to go beyond mere fact-finding.
- A Commission must necessarily find a balance between being broad, on the one hand, and focused, on the other, in its investigation of facts and mitigating circumstances.
- Please be assured that my goal is to address these issues and challenges completely, thoughtfully, openly and fairly.

July & August Hearings and Beyond

- We will begin shortly, but first I want to comment on two matters regarding these hearings – the first having to do with substance, the second, with location.
- The hearing days in July and August will be dedicated, to the extent possible, to providing a common historical background and starting point for the parties and for all who will be following the Inquiry.
- In keeping with the Commission's goal of establishing the context and contributing to public education, we have engaged two experts to map out the long and complex sequence of historical facts and occurrences involving the Aboriginal peoples of this area.
- The breadth and scope of this overview is deliberate. We believe that an understanding by Ontarians of the Aboriginal history of the region and the

historical context of the incident is fundamental to the Inquiry and to our educational mandate. Our goal is to be comprehensive and fair.

- Having said that, we certainly understand that history is subject to interpretation and debate. And in that regard, the experts who we will be calling as witnesses are subject to cross-examination by counsel for the parties.
- The second matter is that of the location of these hearings. At the hearings on standing, I indicated that the Commission was considering a variety of factors in making its decision regarding the location for the hearings, and I encouraged any party with views on this question, to share them with the Commission. A few parties have expressed their preference.
- I have determined that Forest should be the primary location for these hearings, based on the principle that an inquiry of this kind, should be held in the location where a substantial part of the events in question occurred.
- In my view, physical proximity heightens one's awareness of, and appreciation for the events in question. It also better ensures that the Inquiry is readily accessible to a majority of those who were most affected by those events.
- Nonetheless, I intend to continue to evaluate the matter of location as we proceed. We are currently scheduled to be in this location until early March.
- Information about the Inquiry's schedule and events can be found at our website: www.ipperwashinquiry.ca
- Before calling upon Mr. Millar, I would like to formally introduce you to some members of the Commission team, some of whom I introduced at the Standing hearings in April.

- Mr. Millar is well known to most of you, he is the Commission's Lead Counsel, he comes to this Inquiry from Weir Foulds, where he is a senior litigation partner.
- Susan Vella is Commission Counsel and she is a partner in the law firm of Goodman and Carr. Don Worme has just recently joined the Inquiry Team; he's been engaged in private practise. Among other things, he was Lead Counsel for the family of Neil Stonechild in that Public Inquiry in Saskatchewan.
- Katherine Hensel is the Commission's Assistant Counsel; Katherine practises law with a litigation group, at the law firm of McCarthy Tetrault.
- Peter Rehak is the Media Relations Advisor, and Nye Thomas is the Director of Policy and Research, and he's responsible for managing Part II of the Inquiry.
- More detailed biographical information is available for everyone on our website.