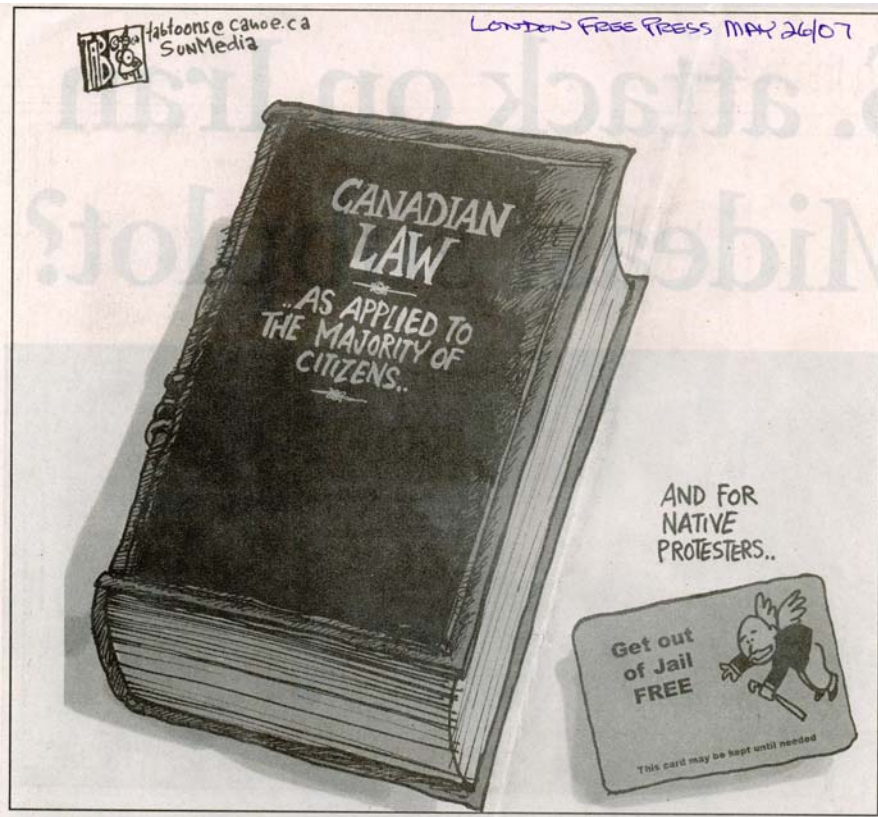


Canada at the Crossroads: The Ipperwash Legacy



LONDON FREE PRESS, date unknown



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Canada at the Crossroads: The Ipperwash Legacy

by Mark Vandermaas

1. Mary-Lou LaPratte stmt, Queen's Park news conference, March 14/07

2. The Ipperwash Papers vs. Ipperwash Inquiry

- Inquiry deliberately excluded residents of Ipperwash and evidence of native aggression
 1. 139 witnesses, not one full time resident
 2. Evidence re native crime against residents not published
 3. Residents given total of 90 minutes to address Commissioner on June 21/06
- Inquiry's conclusions were predetermined
 1. Minutes of June 21/06 meeting w/residents were 'sanitized'
 2. Important witness not called to testify (natives cleaning shooting scene)
- Inquiry would not be able to make recommendations for preventing violence against residents during current land claims.
- Paralysis of government: Inquiry's failures deprived us of opportunity to explore limits on police discretion and role of elected officials during "insurrections." In Ipperwash, the OPP refused to enforce the law, but elected officials were powerless to act.
- Inquiry's failures deprived us of opportunity to explore role of Two Tier Justice policies played in Dudley George's death.
 1. Town of Bosanquet letter Mar 13/96: DND failure to enforce the law and remove illegal occupiers was responsible for death of Dudley George and "terrorizing of a municipality"
 2. Sarnia Observer editorial, May 25/94: Police must enforce laws

3. Inquiry Report May 31/07 - even worse than we predicted

- Ignored native crime against residents before, during and after death of Dudley George
- Ignored issue of whether the failure to enforce law played role in death of George
- Held natives blameless for violent attack on Camp Ipperwash, July 29/95
 1. Frustration with delays in returning camp
 2. Military personnel were racist
 3. Natives were cold
- Held natives blameless for death of Dudley George during occupation of park
- Out of 78 recommendations, not one re violence against innocent parties
- Dangerous "Peacekeeping" approach to policing native protests (McGuinty used the term on May 02/07, one month prior to release of the Inquiry's report)

'Law Enforcement' is a role performed by police officers in a functioning, vibrant, healthy, First World democracy in order to preserve the Rule of Law and protect law-abiding citizens from criminals irrespective of their race, religion, national origin or grievance. It requires that citizens respect both the law and the willingness of police officers to enforce it justly.

'Peacekeeping' is a role performed mainly by soldiers trained to kill, and is used as a deterrent to prevent warring factions from killing one another and/or innocent civilians during civil war in failed states where the Rule of Law has broken down, or in the aftermath of international warfare to prevent further hostilities.

Vandermaas/Kinrade letter to Dalton McGuinty, May 08/07

4. The Ipperwash Legacy

- Non-natives victimized by native crime since 1990
- Non-natives victimized by OPP Two Tier Justice
 - OPP refuse to enforce court orders
 - OPP stand by while crimes are being committed
 - OPP refuse to arrest or identify native lawbreakers
 - OPP leaves children afraid in their homes due to failure to police 6th Line
 - OPP violates non-native constitutional rights despite 2 Supreme Court decisions
 - OPP holds innocent man overnight even though they know charges not to be laid
 - OPP lies to public re danger from occupiers (OPP/DCE radio recordings)
 - OPP lie in press releases
 - OPP assists Hagarville occupiers to build fence to keep owner out
 - OPP place hidden camera in home without owner's knowledge
 - OPP & OPPA defame those who speak out, conspire with Haldimand Council
 - OPP threatens elected officials re conspiracy to defame
 - Haldimand Council gives in to OPP threats
 - votes to refuse to allow us to clear names, explain complaint to OCCPS
 - meets w/Commissioner in private
 - OPP announces new agmt w/Council re discouraging outsiders "intent on provoking and creating conflict."
- Natives victimized by OPP/DND Two Tier Justice & native crime
 1. Children deliberately used to assault Camp Ipperwash on July 29/95
 2. Dudley George
 3. Clifford George, Rose Manning & Nellie Rogers

"Stony Point elders Clifford George, Rose Manning and Nellie Rogers said...they've been harassed and intimidated into leaving the former Camp Ipperwash by a small band of younger natives who think they're in charge of the place."

"They threatened us with guns and said I had to leave." She described the former camp as a "lawless land."

Sarnia Observer, April 14/98: Native elders ousted

4. Crime on Douglas Creek Estates, original occupiers afraid of youths 'in charge'
5. Caledonia victim of AK47 shooting that began on DCE
6. Intimidation of Turtle Island News reporter, Lynda Powless

- Complete failure of OPP racial policing policies in Caledonia

Recommendation #50: *"The provincial government should adopt a flexible policy regarding*

negotiations with protesters during an Aboriginal occupation or protest. The factors to be considered should include:

- a. a realistic assessment of the claim asserted by the protesters;*
- b. risks to public safety;*
- c. the willingness or capacity of protesters or the First Nation to negotiate;*
- d. the likelihood of a constructive, peaceful, timely agreement;*
- e. the social or economic disruption caused by the occupation; and,*
- f. any other relevant factors”*

Ipperwash Inquiry, Volume 2 (Preventing future violence) Recommendation #50:

Even by their own standards, the OPP and government’s handling of Caledonia is a complete and utter failure, yet...

- *“The OPP’s ‘Framework for Police Preparedness for Aboriginal Critical Incidents’ is one element of a comprehensive OPP strategy to improve the policing of Aboriginal occupations and protests. It is an operational policy, intended to guide incident commanders and officers before, during, and after such incidents. The OPP has been applying the Framework at Caledonia. I consider the Framework and related programs to be best practices.”*

Ipperwash Inquiry Policy Analysis, Volume 2 (Preventing future violence): Executive Summary, p87

Inquiry has endorsed the OPP’s dismal failures in Caledonia as “best practices.”(!)

- Inquiry has given a green light to more native violence & occupations.
- Government has given a green light to more native violence, occupations and crime.
- Native groups are using Ipperwash Inquiry as excuse for more illegal actions:

“He [Chief Terrance Nelson] says the Ipperwash inquiry report justifies extreme action...”

Canadian Press, June 02/07: Aboriginal leaders say Ipperwash report will encourage planned day of protest

- SUMMARY -

In 2000, the Supreme Court decided the case of Haida Nation v. British Columbia. This case says that the Crown has a duty to meaningfully consult on matters that could affect land subject to native claims. The Court specifically says, however, that ‘third parties are under no duty to consult or accommodate Aboriginal concerns...’

Moreover, it also says that provinces have a duty to settle land claims without infringing on the rights of third parties: “life, liberty and security of the person,” “not to be arbitrarily detained or imprisoned,” “equal protection and equal benefit of the law without discrimination...based on race or ethnic origin,” and...the right to benefit from the decisions of the Supreme Court, including the one that permits the placing of a Canadian flag on a public utility pole – Ramsden v. Peterborough, 1993.

Unfortunately, the legacy of Ipperwash is that the criminal faction within native communities have been given a green light to use whatever means they wish to victimize law-abiding citizens under the guise of land claims, and the OPP are authorized and – indeed – encouraged to use any means necessary to protect their right to do so even if it means violating the constitutional rights of non-natives.

I believe, however, that it is a critical mistake of both our government, the Inquiry and the OPP to assume that violent criminal factions speak for native people, and to ‘negotiate’ with them as if they do. It is an insult to every honourable, law-abiding, peace-loving native person in Canada.

OPP Two Tier Justice policies are based on the false premise that native people have no self-control, that they are incapable of obeying the law, that they and their children are willing to live in a lawless world ruled by criminals who take what they want, when they want. For more than 15 years the OPP has been sacrificing the well-being of law-abiding people – both native and non-native – for the benefit of sociopaths and demagogues.

What does it say to honourable aboriginal parents who try to raise their children to have respect for the rights and property of other citizens when the government and the OPP so eagerly reward thugs in native communities for their violence and criminality? How many native youth have been turned away from productive lives by well-meaning, but destructive racial policing policies?

We are at a very dangerous crossroads. One road goes to a peaceful, prosperous Canada where people are ruled by laws and the rights of all citizens are respected. The other road...

SUGGESTED READING

www.VoiceofCanada.ca

THE IPPERWASH PAPERS

CALEDONIA PHOTOS (includes link to Class Action Statement of Claim)

Federal civil rights law would protect us from OPP

OPP Two Tier Justice policies victimize native people

www.ipperwashpapers.ca

The Investigation, by Mark Vandermaas

A Resident's View, by Mary-Lou LaPratte

Summary of Evidence

Document A-1, Chronology with affidavit from Mary-Lou LaPratte

www.ipperwashinquiry.ca

Ipperwash Inquiry Report, May 31/07

Volume 4: Executive Summary

Decisions of the Supreme Court of Canada

Haida Nation v. British Columbia (Minister of Forests), [2004]

Section E. Do Third Parties Owe a Duty to Consult and Accommodate?

<http://scc.lexum.umontreal.ca/en/2004/2004scc73/2004scc73.pdf>