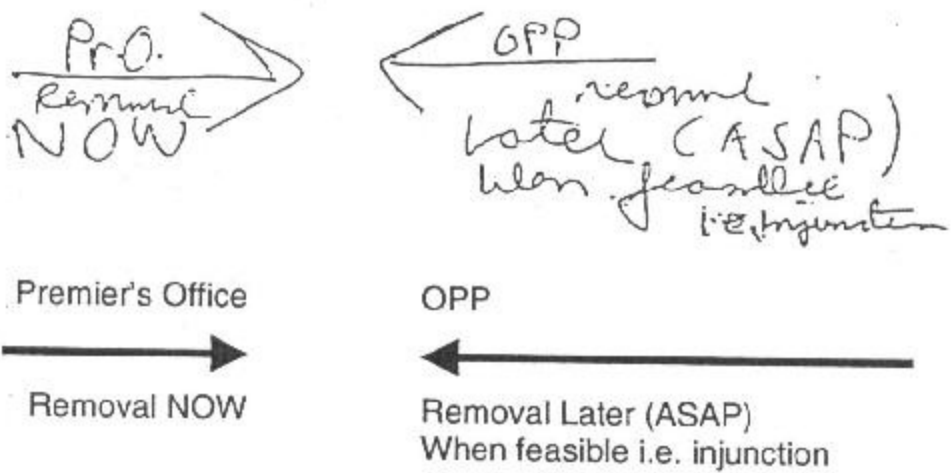


Background

OPP - reluctant, since it -
appears to be a land dispute
(colour of right)
- wants injunction for operational
action

- issue / political direction of opp - yes /
(police discretion issue)

- OPP
- reluctant, since it appears to be a land dispute (colour of right)
 - wants injunction for operational action
 - issue/political direction of OPP
 - yes (police discretion issue)

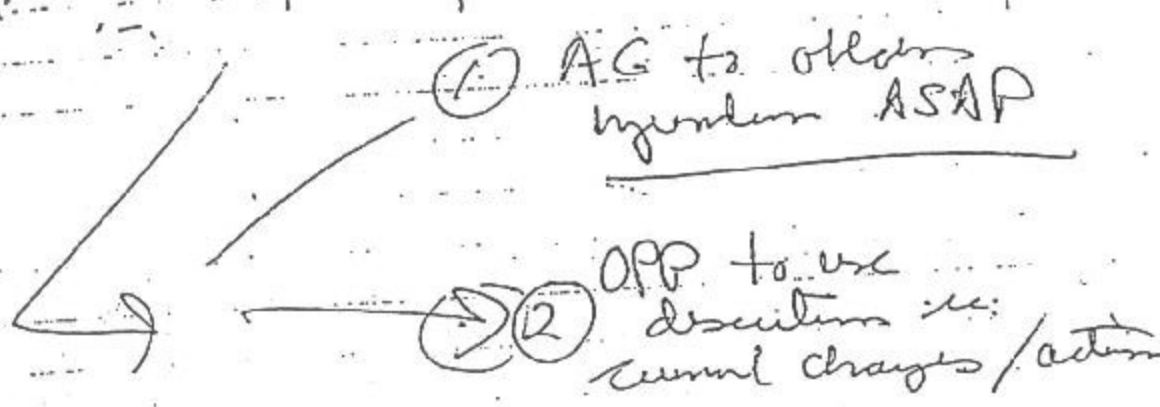


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exhibit 29 - 1 page

5: Front

~~Thurs~~

- Minutes of last meeting
- updates
- next steps



OPP - reluctant since it
appears to be a legal dispute
(counsel brought)
- wants injunction for protected
action

- time / political duration of opp - yes/
(policy discussion issue)

S.N.

Pro.
Removal
NOW

OPP
recomm
later (ASAP)
when feasible
i.e. injunction

BJ6-29

**New Evidence Shows Premier and OPP
In Conflict About Key Decision at Ipperwash**

Queen's Park – Liberal Native Affairs critic Gerry Phillips today released a key note taken at a September 6, 1995 meeting of the interministerial committee showing the Premier's Office, apparently under direction from the Premier, urging "removal now" of the First Nation while the OPP wanted "removal later".

The OPP were also reluctant to move quickly because they felt the occupiers might have a "colour of right" defense for the occupation because of a burial ground.

"This is further strong evidence of the need for a public inquiry," says Mr. Phillips. "This note shows the inappropriate interference by the Premier in a policing matter."

It also shows that police were concerned that the occupiers might have a legitimate "colour of right" reason for being in the park (43 charges against the occupiers were later dropped because of the very same "colour of right" defense).

"I have today sent Mr. Eves a letter formally requesting a public inquiry," said Mr. Phillips.

-30-

Contact: Gerry Phillips, M.P.P.
(416) 325-3628

May 13, 2002

Premier Ernie Eves
Room 281

Legislative Building
Queen's Park
Toronto, Ontario
M7A 1A4

Dear Premier Eves:

I am sending you this letter to formally request that you establish a public inquiry into the events surrounding the shooting death of a First Nations person at Ipperwash Provincial Park in September 1995.

There are two fundamental issues which must be examined and a public inquiry is the proper forum.

Issue #1 – The Separation of Police and Politics

There is strong evidence (outlined in part in the attached) of inappropriate political involvement in police operations. This is a crucial issue that must be addressed. In a memo we've released today, it clearly shows a conflict between the Premier wanting "removal now", and the OPP wanting "removal later". Why did the Premier meet with OPP officers and apparently say, "remove within 24 hours"?

Did all of the political involvement contribute to the tragedy? How do we avoid similar issues in the future?

Issue #2 – Why Did the Government Abandon The Traditional Way Of Dealing With These Issues Before It Had A New Policy In Place?

The Government had no policy in place at the time of the shooting. It made a conscious decision to ignore the pleas to protect the burial grounds and decided to take a 'hard line'. Why did they and how can we avoid this in the future?

It Is Wrong and A Terrible Mistake To Say, "Wait Until the Civil Case Is Over"

Some have said that the government should wait until the civil case is over before considering a public inquiry. This is wrong, and in my opinion, it is an excuse to prevent the truth from emerging at a public inquiry.

/..2

- 2 -

The civil case will not give the answers to the key questions outlined in the attached document.

Could you imagine how the victims of Walkerton would have felt if the government had told them to launch a civil case if they wanted to find out what happened?

Consider the opinion of University of Toronto law professor Patrick Macklem, who says:

“Civil proceedings are not designed, and are ill-equipped, to identify deeper or structural reasons behind a dispute, assess broader matters of public policy, or propose measures that might minimize the possibility that similar disputes might arise in the future. Dudley George's death clearly merits a public inquiry for all these reasons.”

This issue needs the closure which can only come from a public inquiry. The Park is still closed. OPP officers are petitioning for a public inquiry. The local council, county council, and dozens of other groups are calling for an inquiry.

Not only is the civil case not going to give us the answers, it is a gross resource mismatch. The George family only launched the civil case because the government refused to call a public inquiry. They would drop their civil case immediately if the government would call a public inquiry.

Gross Misuse of Taxpayers' Money

It disturbs me to see that former Premier Mike Harris has already spent \$1 million of taxpayers' money on his outside lawyers fighting the George family's civil case, and ironically he used the fact that a civil case is ongoing for not calling a public inquiry.

Mr. Harris is also spending substantial amount of taxpayers' money in fighting the Globe and Mail. The Globe and Mail merely repeated information widely available in the public domain. This sets an interesting precedent where any politician can launch a suit against the media and have all costs covered by the taxpayer, and if they happen to win, pocket the settlement.

This issue is now your issue to decide. I believe strongly that you would serve Ontario well to call a public inquiry. Let's bring closure to this issue and allow everyone to move on.

Sincerely,

Gerry Phillips, M.P.P.
Scarborough-Agincourt

IPPERWASH – QUESTIONS WHICH MUST BE ANSWERED

- A. WHY WAS THERE THIS LEVEL OF WHAT APPEARS TO BE TOTALLY INAPPROPRIATE POLITICAL INVOLVEMENT IN THE POLICE OPERATION AT IPPERWASH AND HOW DO WE AVOID THIS IN THE FUTURE?**

AMONG THE EVIDENCE OF POSSIBLE INAPPROPRIATE INVOLVEMENT:

1. A newly released memo from the interministerial meeting the day of the shooting shows the OPP and the Premier in disagreement about how to handle the situation. The Premier wanted “removal now” and the OPP wanted “removal later”. OPP correctly said that the First Nation might have a “colour of right” defense for their occupation.
2. Premier has confirmed he held a meeting with 14 people the afternoon of shooting death. 14 people included two senior O.P.P. officers, the Attorney General (Harnick), Solicitor General (Runciman), Minister of Natural Resources (Hodgson).
3. Notes from the meeting say “Attorney General instructed by the Premier that he desires removal within 24 hours”.
4. Police commander on hearing direction says “we want a little bit more time”.
5. Local Government M.P.P. was at the police command at least four times before the shooting. Four hours before the shooting, Mr. Beaubien, M.P.P. told police “if police services can’t do it, get somebody who can. I don’t mind taking the controversy”.
6. Somehow six references to political involvement in Ipperwash which appeared in the handwritten police notes were excluded from the typed version of the police notes.

Political involvement in policing matters is an extremely serious matter. Ontario must know if there was inappropriate political involvement at Ipperwash and must determine how to avoid it in the future.

B. WHAT WENT WRONG IN THE RELATIONSHIP BETWEEN THE ONTARIO GOVERNMENT AND OUR FIRST NATIONS AND HOW DO WE AVOID IT IN THE FUTURE?

AMONG THE EVIDENCE OF SERIOUS PROBLEMS BETWEEN THE NEW HARRIS GOVERNMENT AND FIRST NATIONS THAT CONTRIBUTED TO THE TRAGEDY:

1. Why was there no policy in place at the time? The Government abandoned the old policy, failed to develop a new policy, and instructed their staff to quickly develop a policy after the shooting and to keep confidential the fact that no policy existed. Government notes say:

“Actions to be taken:

1. Continue to position OPP as lead in managing current crisis
 2. Create interim messages until the government’s position on Aboriginal issues is determined.
 3. Brief P&P on Aboriginal issues on Monday, September 11.
 4. Establish an Aboriginal Policy Framework by October 2, 1995. NB – The fact the Government is working on an APF will not be part of any messaging)”
2. Why did the Government decide to take a hard line with the First Nations on this issue when the history of experience on similar issues was to negotiate? The available notes indicate Premier Harris wanted to take a hard line. His assistant, Deb Hutton, is quoted as saying “Premier is hawkish on this issue.

Will set tone – how we deal with these issues over the next 4 years. Feels we’re being tested on this issue. Premier’s office doesn’t want to be seen working with Indians at all”.

The police on the other hand felt “it’s imprudent to rush in”.

3. Why was claim of burial ground ignored? The occupiers said the reason they took over the park was to protect their burial ground. The Government ignored this claim. It was later found that the Ontario Government had in its own files evidence of a burial ground and because of this was forced to drop virtually all charges against the First Nations.