

Worthington: Inquiry into Caledonia settlement not needed

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TORONTO - Former Tory Solicitor General (during the 1995 Ipperwash occupation) Bob Runciman feels the \$20 million lawsuit settlement against the Ontario government and the OPP over the illegal Six Nations occupation of a housing development in Caledonia in 2006, needs a public inquiry.

While there is no question that the McGuinty government was cowardly and derelict in its handling of Caledonia, it's uncertain that a public inquiry is necessary.

As Runciman says, we know what went wrong — recommendations from the 2007 Ipperwash Inquiry, conducted by Justice Sidney Linden "does natives no favours by concluding they are not responsible for their own actions."

This led to "two-tiered policing" — the OPP ignoring unlawful acts by natives and refusing to protect Caledonia residents from harassment and abuse.

To be effective, police have got to prevent unlawful acts as evenly and fairly as possible. It shouldn't need a public inquiry to implement that.

Mark Vandermaas, founder of the Caledonia Victims Project, credits lawyer John Findlay for winning the \$20 million settlement.

Looking back at the 2006 "occupation" of a Caledonia subdivision, the OPP were ordered to turn a blind eye to illegalities. They allowed natives to demand access passports for residents, impose curfews, conduct searches, seizures and intimidation.

Vandermaas, protesting the protestors, was arrested for the provocative act of raising the Canadian flag across the street from protestors.

Ontario Superior Court Justice David Crane ordered the \$20 million award to be divided among over 800 residents and businesses that were affected by the uprising.

Vandermaas says neither he nor others who agitated for justice (often to media disinterest) don't share in the award — and "rightly so," he says.

Taking a stand on the basis of principle nearly bankrupt him.

Were it not for journalist Christie Blatchford's book about political lawlessness during the Caledonia siege, little of the democratic abomination would have been publicized. The media was largely silent.

Christie's book, *Helpless...How the Law Failed All of Us*(it's) has become something of a classic, and an indictment of the government, the OPP and journalistic negligence that failed to adequately report the standoff.

Accused in the class-action suit for "malfeasance in a public office and for negligence," were OPP Commissioner Gwen Boniface and Inspector Brian Haggith — but not Premier Dalton McGuinty who advised OPP brass not to agitate the Indians, and to ignore harassment of local residents.

While Caledonia is now relatively quiet, the \$20 million award confirms the view of Vandermaas and others that the McGuinty government "made a decision to allow the Ontario Provincial Police to suspend — defacto — the Charter of Rights and Police Services Act protections of an entire class of citizen in order to appease a small, violent, racial constituency."

When he heard the results of his five year struggle, Vandermaas says he was "moved to tears...thanks to a gutsy lawyer (Findlay) who also took our case when we had no money to pay him."

Those tempted to blame Six Nations activists for the abuses miss the point. Caledonia started out small, and expanded when it became apparent that law and order was abandoning the victims of abuse.

The message resonates among aboriginals: Canadian law that applies to everyone else, doesn't apply to them. Argue that an illegal act is really a land claim issue, or a traditional burial ground or sacred place — and for native people Canadian law is suspended.

This shouldn't be the case, but too often it is.

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