

News on the Thames

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Harris and Ontario give up appeal to avoid civil lawsuit re: OPP killing Dudley George

By Dan Smoke-Asayenes

The Ontario government has abandoned its attempt to save Premier Mike Harris and other provincial defendants from the scrutiny of the long-delayed Dudley George family lawsuit.

Reversing its pattern of delaying tactics, the Ontario government dropped its appeal against the civil action naming the Province a defendant in the shooting death of Dudley George during an unarmed protest at Ipperwash Park on Sept. 6, 1995.

George was shot dead four years ago by OPP Acting Sergeant Kenneth Deane, who was convicted of criminal negligence causing death 1997 (he has appealed his conviction.)

The George family civil suit alleges in part that the Ontario government ordered police to use force instead of negotiation to settle the standoff with Natives occupying Ipperwash Park.

The government's challenge, filed four months ago just before the provincial election, was slated for argument in Ontario Court of Appeal on July 22, but instead was dropped completely. Dennis Brown, counsel for the Province

and the Premier, said the withdrawal "demonstrated that we are going to get on with the matter, which we have been criticized for not doing. We've chosen to now move on and proceed toward the trial of the action."

Speaking for the George fam-

ily, lawyer Joanna Birenbaum said the government's dropped appeal was "the last in a whole series of roadblocks. With no more roadblocks in place at the moment, it ought to mean we will receive affidavits from Premier Harris and all the other defendants, and they will show up for questioning in our pre-trial examinations for discovery. If that doesn't happen soon, it will mean more roadblocks have been put in place by the Province."

Birenbaum pointed out the affidavits were overdue more than

a year ago. As for the examinations for discovery, they had been set up to take place in a drawn-out schedule extending to January 2000. "With the present appeal being abandoned, we should be able to arrange these discoveries sooner, and the defendants

should show up without us having to go to court. If we're going to court, that means we're being thrown roadblocks again." Dennis Brown said the government was working "very hard at producing the Affidavits of Documents as quickly as we can. There are a lot of documents. We have three or four people working on this every day." He agreed "it makes more sense to schedule the examinations for discovery and do it all at one time. We've indicated to Mr. Klippenstein (another George

family lawyer) to mutually pick a block of time and we'll do it."

The position of the George family, as set out in a press release, is that the government abandoned its appeal "because it was profoundly groundless." In its bid to extricate itself from the civil lawsuit, the release said, the Province was planning to argue that the George family lawsuit had been filed after a statutory limitation period had expired, "despite the fact that over two and a half years ago, lawyers for the Province confirmed, in writing in three separate letters, that the

Crown had no limitation arguments and that the plaintiffs' rights in the lawsuit were protected."

"The Harris government has been trying to crush us with motions and appeals," said Sam George, family spokesman and Dudley's brother.

"Their tactics of obstruction and delay have caused our family great stress. They seem to think they're over and above the law. They tell everyone else they have to follow the law. What makes them so different. These are their laws."

Prison Justice Day Aug. 10 for those who died in the 'care' of Canada's justice system

August 10th is Prison Justice Day to commemorate those men and women who have died in Canada's prison system. On this day prisoners will refuse to eat or report to work for the day. Memorial services will be held in prison chapels and gymnasiums. It is also a day for support groups to bring to the attention of the general public the injustices and abuses that continue in the Canadian prison system.

First Nations people are seriously over-represented in the Canadian prison system (seven times the national average). Our disproportionate over-representation is equally high in Children's