

# Does McGuinty care whether land claims are legal?

by Gary McHale - The Regional

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This past Sunday in the Toronto Sun columnist John Snobelen stated, "In transferring the Ipperwash Park and tolerating absolute terrorism in Caledonia, McGuinty is clearly signalling that in Ontario the right way to claim land is to occupy it with an armed force."

It was announced last year that the McGuinty Government was handing over the Ipperwash Provincial Park to the Native Band that has conducted an illegal occupation of that park since early 1993. Last week the Minister of Natural Resources, Linda Jeffrey, said "One of the 100 recommendations of the Ipperwash inquiry was that the province of Ontario transfer Ipperwash Provincial Park to the Chippewas of Kettle and Stony Point."

However, none of the 100 recommendations of the Ipperwash Inquiry made any statement about the Provincial Park. In fact, Chief Tom Bressette of Kettle and Stony Point First Nation had repeatedly rejected that there was a land claim regarding the Provincial Park and asked the OPP to help remove the Native protesters who occupied the park.

On page 220 of the Ipperwash Inquiry Report we read, "Chief Bressette confirmed there was no land claim by the Kettle and Stony Point Band on Ipperwash Park. Chief Bressette understood that the province had purchased the park land in the 1930s from individual owners after the Kettle and Stony Point First Nation had surrendered it... Chief Bressette cautioned [OPP] Inspector Carson, 'I think you are going to continue to have problems' with the occupiers 'until somebody enforces a law against them.' "

The McGuinty Government is handing over the Provincial Park, which the Chief states isn't part of a land claim, while misleading the public by stating the Ipperwash Report recommended it.

Now we have Haldimand Council attempting talks with Six Nations on how to use DCE before the Ontario Government even states whether DCE is part of a legal land claim.

According to the Federal Government DCE has never been part of a legal land claim. What the public may not be aware of is that Six Nations isn't making any legal claim to the title of land called DCE. In the Voortman ruling we read in para. 49-50 the following:

"The position of the Six Nations Council is set out in their letter to Voortman's counsel. Essentially, the Six Nations Council takes the position that the aboriginal interest in the land in the Hamilton-Port Dover Plank Road land claim was never lawfully surrendered

to the Crown. But, in the legal action there is no claim for an interest in the land. That is, the Six Nations Council do not make a legal claim for possession of or return of the land. Rather, the 1995 legal action claims an accounting for all revenues that the Six Nations people should have received from the land. "

"In summary, the Ontario Court of Appeal has found that there has been no conveyance of title to the Six Nations people, and the two recognized governing bodies of the aboriginal people, namely the Six Nations Council and the Six Nations Chiefs, have not made any claim for title to or possession of the property."

Why then do we continue to negotiate who owns DCE when that is already settled?

The answer is simply because a radical group within Six Nations, refusing to follow their own leaders, are willing to use violence against residents of Caledonia and therefore the OPP and McGuinty Government do everything they can to appease this radical group.

Whether it is this year, next year or 10 years from today, history has shown that DCE will be turned over to Six Nations.