

Protester charged in Ipperwash confrontation cleared

SARNIA, Ont. - One of two aboriginal men on trial for battling police during a 1995 confrontation at Ipperwash Provincial Park was freed Tuesday.

Judge Greg Pockele ruled that Crown prosecutors had failed to prove it was David George, 26, who struck a police officer with a stick on Sept. 6, 1995.

He said searchlight glare and dust made it difficult to identify the

assailant in the dark. "The standard of proof is beyond a reasonable doubt," the judge said. "This evidence falls somewhat short." David George and Warren George, 24, are the last in a series of native protesters to stand trial for their role in a clash with police outside the park.

Protester Dudley George was shot and killed by police during the confrontation. Provincial police Sgt. Kenneth Deane was later convicted of criminal negligence causing death.

The judge said he will rule on charges against Warren George on

Feb. 12. He is charged with dangerous driving, criminal negligence causing bodily harm and assault with a weapon, namely a car. Warren George's lawyer conceded Tuesday his client drove the car into a line of officers after a clash outside the park.

But Jeffry House said his intent was to rescue a band councillor from a police beating. "No one is required to stand by while police beat a citizen, much less a band councillor," House said.

House also argued the orders to clear the public parking lot went far

beyond the police officers' legal authority. "There is a blindness here that anything they do is fine, anything the demonstrators do in response is a crime."

Crown attorney Henry Van Drune argued the officers were ordered into the area to clear away stone-throwing troublemakers. Driving a car at them was a reckless act and not justifiable, he said.

The natives had occupied the provincial park when it closed for Labor Day, claiming it contained a native burial ground. That claim was later confirmed.