

Ont. premier should pay for massive legal bill: NDP native affairs critic

TORONTO (CP)- Ontario Premier Mike Harris should be on the hook for legal bills he has accumulated while fighting an unlawful death suit launched by the family of a slain aboriginal protester, says the NDP.

Citing a Freedom of Information request that puts the premier's legal costs at more than \$407,000, Gilles Bisson, the NDP's native affairs critic, said Harris or his party should be forced to pay.

"At the end of the day, (Harris) is using taxpayer dollars to defend himself and that's not right," Bisson told a news conference.

Dudley George, 39, was shot to death by Ontario provincial police Sgt. Kenneth Deane on Sept. 6, 1995, during a protest over native burial grounds at Ipperwash Provincial Park on Lake Huron near Sarnia, Ont.

In 1997, Deane was convicted of criminal negligence causing death and received a two-year conditional sentence along with community service. He now faces charges of breaching the Ontario Provincial Police code of conduct. The case will resume next month.

Meanwhile, the provincial force admitted Tuesday that it violated the Police Services Act by paying some of Deane's legal fees during an appeal following his

conviction. The act only allows a force to pay a police officer's legal fees if the member is found not guilty.

"Our solicitors have advised us that we are obliged to recover the monies as called for in the Police Services Act," deputy commissioner William Currie told the Toronto Star.

Currie said the force was still consulting its lawyers on how it should recover the money, and who it should be recovered from.

Toronto lawyer Mark Wainberg, a police critic, estimated Deane's trial could have cost "up to \$100,000 or more."

George's family named Harris and several members of his cabinet in a wrongful death suit currently working its way through the court. The suit alleges, in part, that the government pressed police to use force instead of negotiation to resolve the standoff.

Notes taken at meetings during the occupation suggest Harris wanted the natives removed from the park, even though provincial police policies advised avoiding confrontations in standoffs with native bands.

Harris has said his legal bills are small compared to the millions of dollars it would likely cost to hold a public inquiry into the incident, as he has been repeatedly

pressured to do. He has also said questions that would be raised at an inquiry will be examined in the lawsuit.

Harris spokesman Bob Reid argued Tuesday that because Harris is being sued in his capacity as premier, he should not have to foot the bill.

"It's no different from in the private sector when the president of a company is sued and the company pays for the (legal bills)," he said.

"The lawsuit has arisen because of the position that (the premier) holds. As such, he has the right to defend himself."

On Tuesday, Bisson likened the case to that of Alliance Leader Stockwell Day, who recently caused a public outcry after it was revealed his defamation lawsuit against a Red Deer, Alta., lawyer had cost the Alberta public nearly \$800,000.

Earlier this month, Day apologized to the people of Alberta and said he planned to take out a second mortgage on his house to help pay for the suit.

"Ontario's premier is competing with Stockwell Day to see who can bilk taxpayers the most," Bisson said. "All this money is being spent to avoid calling a proper inquiry and stymie the George family's efforts to make the premier accountable for the death of an unarmed protester."