

Queen's Park Media Studio - Dec 04, 2007

Illegal Smokeshops and Landclaim Lawlessness

Statement by Gary McHale, Civil Rights Activist

On Saturday Dec. 1, I arrived in Caledonia to support Doug Fleming who is a resident of Caledonia. Mr. Fleming had been trying to get the local Council, the OPP and the Ontario Government to do something about the illegal smoke shops that were being built near Caledonia.

Democracy demands that people who are passionate about a cause must step forward and have their voices heard. Elected officials and the OPP pay lip service to this idea of direct involvement in Democracy by average citizens. Whether it is Councilor Grice, Premier Dalton McGuinty or OPP Commissioner Julian Fantino, they believe that once the election is over people should go home and remain silent while they solve all of our problems.

What a wonderful world we would live in if such a thing was true. But elected officials like Councilor Grice and Premier Dalton McGuinty do nothing but pass the buck. There is no leadership, no direction, no vision for the future but simply a 'run and hide' approach to life's problems and a fantasy world view that somehow the problem will just go away.

Commissioner Fantino wishes that everyone in Ontario just goes to sleep for the next 10 years. He not only admits that the OPP is no longer a proud police force, but repeatedly fails to even be an effective 'peacekeepers' force.

One only needs to speak to Sam Gaultieri about the OPP's ability to be 'peacekeepers'.

What we saw and videotaped on Saturday was repeated use of violence by Native Protesters to force their political agenda upon the OPP, the residents of Caledonia and thus upon the Ontario Government. At no time did the OPP make any real effort to control the escalating use of violence by these Native Protesters.

The first violent act occurred when the Native Protesters assaulted Mark Vandermaas who was just standing there with a Canadian Flag. It was a simple assault with a little pushing, but it still is illegal and you could bet a million dollars that if any resident had done the same they would have been arrested and taken to jail within seconds.

The OPP do what the OPP always do which is embolden the Native Protesters by sending them a message that these simple assaults will never be dealt with. Once the

Native Protesters clearly receive this message they feel free to escalate the violence to a more serious level.

Did the OPP bring in additional officers to ensure they could function as 'peacekeepers'?
No.

The next event occurred when Native Protesters physically grabbed a few OPP officers and start pushing them around. Again the OPP took no steps to show that this was unacceptable and no additional OPP officers arrived to ensure the police line could keep the peace.

The next event demonstrated that the Native Protesters were once again escalating the violence when, as I walk away from the Police line a Native man jumped me from behind and started punching me in the back of the head. I took no steps to respond to this unprovoked attack and simply walked away while the OPP grabbed this Native man and pulled him off me.

Was this man arrested? No. Did the OPP ask him for his name? No. The OPP simply release him immediately.

This approach by the OPP does one thing – it informs the Native Protesters that the OPP does NOT consider the direct beating of Gary McHale to be unacceptable behaviour within Canada. It is open season on me because the OPP will not hold anyone accountable who beats on me.

After a full year of being the target of Fantino's rants and the willful encouragement of the public to focus their anger and hate upon me, I am assaulted and my attackers are allowed to walk away. Fantino must feel I am a good scapegoat for his failures as Commissioner. Fantino must see that his job description contains only one line that states, "Get Gary McHale" but the endless public attacks by the Commissioner, who should be above such things, only encourages the 'hotheads' to physically assault me.

Compounding Fantino's many public statements, is the direct demonstration by OPP officers that beating on Gary McHale is not behaviour that the OPP officers consider bad enough to do anything about.

This is the direct message OPP Brass sent out on Saturday. The physical attack upon Gary McHale is well within acceptable behaviour in a Democratic society. That the Charter of Rights that ensures the 'security of person' doesn't apply to Gary McHale.

Can Mr. Fantino please explain to anyone where he or any other OPP Brass has the authority to remove my Charter Rights? Can Mr. Fantino please tell me just exactly

where is the limit that he personally feels is too far when Native Protesters decide to further escalate their violence against me?

Once again on Saturday we saw the OPP simply release a person who clearly assaulted me purely because of his race. The OPP would never have released a non-Native person who beat on a Native person. This Race based policing by the OPP MUST STOP.

After this attack I attempted to ask the OPP why they were not arresting my attacker and the typical response was to say nothing. This response sends a powerful message to Clyde Powless and other Native protesters that Gary McHale is not off-limits for a direct attack. The OPP Brass, which again didn't send in any additional help, were sending a powerful message that any attack that targeted Gary McHale will be acceptable by the OPP – no one will be arrested by the OPP if such violence against Gary McHale is committed.

After several minutes of my trying to find out why the OPP would not lay any charges, Mr. Clyde Powless drives up and jumps out of his truck and starts screaming at me. He rushes up to me while he is screaming and I put my hands in my pockets and ignore him. Once again I start to just walk away from this escalating violence, when suddenly Clyde Powless and this thugs started attacking the OPP so they would be free to attack me.

The video evidence being released today shows the beginning of Mr. Powless' out-of-control rant towards me while I just walked away and the direct attack upon me by Mr. Clyde Powless and other Natives.

After a few punches and a few kicks to the ribs while I was down on the road, I was finally able to walk away.

It is my belief that OPP Brass made the willful decision that an attack upon me this past Saturday was their last chance to remove me from the scene or to turn the town against me so much that I would be unable to move to Caledonia.

The OPP Brass didn't follow any of their standard practices in Caledonia. No backup for the line officers, no OPP officers stand there videotaping the event, no firm police line that stopped Natives from walking back and forth. Everything that Mr. Fantino is so proud of as 'peacekeepers' was in fact denied me and residents on Saturday.

Do not get me wrong, the line officers that were there on Saturday did their best given the limited resources allowed them, but clearly OPP Brass outright refused to follow any of their procedures that they had done so many times before.

Under Fantino's leadership I have been repeatedly slandered, illegally placed in jail overnight, which the Crown refused to follow the OPP in this illegal act, sued by OPP officers, targeted by Fantino in private emails and now, under Mr. Fantino's leadership, ALLOWED to be assaulted without one arrest of my attackers.

While two victims lay in hospital Mr. Fantino, with his crystal ball investigation skills, was able to publicly lay blame for the violence on Saturday. Mr. Fantino doesn't need to wait for any investigation; he doesn't have to review any video, he doesn't have to read any witness statements because he knows who he wants to blame for anything that happens in Caledonia.

Jeff Parkinson could not be with us today. He was far more seriously hurt than I was and after yesterday's visit to his doctor it has been advised that he do nothing, not even watch TV etc., for the next week.

Mr. Parkinson's role on Saturday was to videotape everything that happened. He didn't take part in any protest other than to stand and videotape. The moment Mr. Clyde Powless started the attack upon me an OPP officer picked up Mr. Parkinson and threw him to the ground and he was unconscious for several minutes. Witnesses have already told the OPP this and the OPP claim that yes the officer used too much force.

I simply ask why use any force on someone who isn't involved in anything other than videotaping and why was the OPP not videotaping the event?

Reviewing the past year and the repeated examples of Mr. Fantino's direct involvement to target me demonstrates to me that no OPP officer is independent enough to investigate Saturday's event. I am, after all, in Fantino's crosshairs and since Mr. Fantino clearly believes he can threaten elected officials in a Democracy then I believe there is no limit to his abusive behaviour.

Therefore, we have decided that the OPP will not receive any videos, photos or witness statements from our group. The OPP already have 16 officers who can point out Mr. Clyde Powless as not only my attacker but also the inciter of Saturday's violence. The OPP already have videos from other sources that clearly show that at no time, even when being punched and kicked, did I attempt to defend myself.

The OPP's refusal to charge Mr. Clyde Powless and their public statements attacking the people here that you see proves that the OPP doesn't care about truth, about evidence, about the Canadian Charter of Rights or even about justice.

What the OPP has been able to do was to lay charges of obstructing a police officer against a resident who was just standing away about 40 feet back from the police line.

The OPP once again pick their token resident to arrest in their attempt to intimidate residents into hiding under their beds.

The physical assault of me, of OPP officers and of Mark Vandermaas by natives doesn't warrant one single arrest either at the scene or since, but the OPP are more than able to arrest a man who was doing nothing but watching what others were doing.

We demand that the RCMP be assigned to investigate all the crimes committed on Saturday because the OPP are under direct orders to target residents and myself.

If the OPP refuses and the Ontario Government continues to be pleased with this Race based targeted policing then we will use our videos, photos and eye-witness accounts to lay criminal charges against several Native people who assaulted us while we remained completely nonviolent.

It truly is a shame that McGuinty has not only allowed this, but picked Fantino, because of his bullying style, to head the OPP. Everyone but McGuinty has clearly seen repeated examples of Two Tier Justice in Caledonia. It has been proven time and again.

It is clear that in the Province of Ontario, under McGuinty's leadership, average citizens can no longer trust the OPP and must therefore file criminal charges themselves.

We will appear in court ASAP and start the process of laying our own charges against Mr. Clyde Powless and others. It would be far better if the RCMP would be allowed to investigate, but until such a time that a credible police force is allowed to investigate we will operate on the basis that average citizens must gather the evidence, must lay the charges and if needs be, act as the Crown in Court.

We request an immediate meeting with the new Minister for Aboriginal Affairs Michael Bryant who claimed last week he wanted to meet with us. We want to request that the RCMP take over this investigation. If such a meeting is not possible today then we will proceed with laying criminal charges.

Thanks for your time.

We are open for questions.