
Mark Vandermaas
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London, ON N5Y 1G4
519.457.0709
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SERVED TO:

Mr. Chris Diana – authorized agent for Commissioner Fantino
Ministry of the Attorney General
Ministry of Community Safety and Correctional Services
Served via email on April 24, 2008 as agreed

2052 hrs

Attn: Mr. Julian Fantino, Commissioner
Ontario Provincial Police
777 Memorial Avenue, 3rd Floor
Lincoln Alexander Bldg.
Orillia, ON L3V 7V3

READ: 0846hrs APRIL 25/08

Re: Your comments about me and my complaint to the Ontario Human Rights Commission

Dear Mr. Fantino:

This letter is your formal notice under the *Libel and Slander Act* that legal action against you is pending.

On April 23, 2008 you were interviewed by John Oakley on his radio show at AM640 Toronto and, during a portion of that interview, you made the following comments about me and my complaint to the Ontario Human Rights Commission regarding alleged human rights violations in Caledonia.

OAKLEY: Some people claim and we've had these people on the program...I know your consternation. Gary McHale is from Richmond Hill, Jim [sic] Vandermaas as well who, by the way, is taking you before the Human Rights Commission here in Ontario. Do you plan to show up for that hearing?

FANTINO: That's in the matters of lawyers and so forth but it is an absolute abominable waste of time and taxpayer resources and there's agendas at play here and we'll leave it at that.

OAKLEY: You don't want to speculate or specify what the agenda might be?

FANTINO: Well, look, there are those who are quite intent on escalating the situation where the conflict and confrontation will result in violence. It's happened before. They've been involved in it, and that's their agenda.

The clear innuendo from your remarks is the following:

1. That I acted frivolously and/or maliciously against the public interest by submitting a complaint to the Ontario Human Rights Commission.
2. That my motivations for organizing and participating in protests against the Ontario Provincial Police and the Ontario government are nefarious and/or self-serving.
3. That I have advocated the use of violence, that I seek violence, and that I have committed crimes and/or acts of violence during my participation in various protests associated with the Caledonia land claim dispute.

Given the knowledge available to you by virtue of your position as the Commissioner of the Ontario Provincial Police and the information available had you made reasonable inquiries of me and my website, VoiceofCanada.ca, you knew or ought to have known the following:

1. That, as a citizen of Ontario, I have the right to avail myself of the Human Rights complaint process without retaliation for making that complaint, and that I exercised my right to do so out of an honest belief that members of the OPP had treated me differently because of my race, and not out of malice or a secret 'agenda.'
2. That there is no evidence whatsoever that I have organized or participated in protests against the OPP or Ontario government for any other reason other than a deeply held belief that innocent citizens of Ontario are being victimized by lawlessness and civil rights violations in connection with aboriginal land claims.
3. That I have used and encouraged only the use of non-violent means of protest, and that, save and except for your public statements, I have never been charged or accused of committing an act of violence, nor have I been charged for committing any offence in Caledonia.
4. That on December 14, 2007 OPP Detective John Murray testified under oath with respect to a bail hearing for Mr. Gary McHale in which he provided the following facts:
 - a. That I was the most well-known associate of Mr. McHale. He clearly linked my activities with that of Mr. McHale during his testimony.
 - b. When asked if he was aware of any OPP reports that Mr. McHale had committed any offence, he replied, "I have not read one that specifically addresses you committing an offence."
 - c. When asked if anyone had been injured at events organized by Mr. McHale, he stated, "Not by my knowledge, sir."
 - d. During his lengthy overview of the Caledonia situation for the court, Detective Murray was unable to set out a single piece of tangible evidence to support the view that either Gary McHale or I have committed or encouraged acts of violence.

e. Detective Murray testified that OPP officers attended a townhall meeting held by Mr. McHale in Caledonia on January 14, 2007 - to which you were personally invited, but did not attend – and that Mr. McHale had quoted Dr. Martin Luther King during the presentation. The quotes were from Dr. King’s ‘Letter from Birmingham Jail,’ April 16, 1963 in which Dr. King explained the importance of non-violent protests.

I would be pleased to send a copy of the court transcripts of Detective Murray’s sworn testimony from December 14, 2007 to your solicitor upon request.

5. That I gave the introductory speech at Mr. McHale’s event on January 14th to explain why I chose to become involved in the Caledonia issue. My speech, too, included extensive quotes from Dr. King’s views on non-violent protests by ‘outsiders.’ This speech was posted at VoiceofCanada.ca on January 14, 2007 and again on November 10, 2007 and both posts have remained freely available for viewing since.

6. That on December 24, 2007 the following persons testified under oath, in the presence of OPP officers, that Mr. McHale was not a danger to the community, that he was not a violent person and that he was an advocate for the people of Caledonia:

- Haldimand Mayor Marie Trainer
- MPP Toby Barrett
- Hamilton Police Officer/Caledonia resident, David Hartless

I would be pleased to send a copy of the court transcripts of the sworn testimony from these witnesses to your solicitor upon request.

I and Mr. McHale, whose name was also mentioned in your interview with Mr. Oakley, have made repeated attempts to correct past misstatements about our activities by you and other OPP officers via methods that have included letters, postings on websites operated by us; public speeches; news conferences; invitations to you personally to attend public information meetings; complaints to the Minister of Community Safety and Correctional Services; an attempt to meet with you on January 20, 2007 and, ongoing litigation. Despite these best efforts you have made no effort whatsoever to address our respective concerns and have, in fact, persisted in making serious and false allegations about our activities and motivations to the media.

In light of the extensive information readily available to you, your refusal to address concerns about your past statements, your statement to AM640 Toronto listeners that I have a violent agenda and that I have been ‘involved’ in violence, with the clear implication that I have committed offences in furtherance of violence shows a reckless disregard for the truth in the extreme.

Given your position as the Commissioner of the Ontario Provincial Police, knowing that people would take your words with a great degree of authority and, given that your remarks were made in reaction to a direct question asked by the interviewer regarding my complaint to the Ontario Human Rights Commission, it appears that you have used your position to retaliate against me for filing my complaint and to discredit both me and my complaint in an effort to unduly influence the Commission’s human rights investigative process for the benefit of you and the other subject officers.

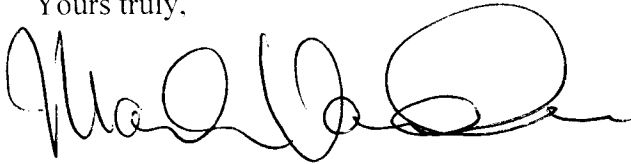
It is clear from any reasonable interpretation of the interview that your comments were designed to discredit me and to diminish my reputation in the community. I am gravely concerned that your comments will be used by critics of my endeavours to demean and damage my reputation, diminish my credibility and undermine my lawful initiatives. I consider your remarks to be false and defamatory against me and amount to a very serious libel against me. I have suffered and will continue to suffer serious damage as a result of the libel.

I am now requesting that you submit immediately to me in draft, a clear and unqualified apology and, once approved by me, that it be released in an OPP news advisory to the media generally, and to John Oakley of AM640 Toronto Radio in particular.

Further, having regard to your position as the Commissioner of the OPP, the gravity of the allegations, and the wide circulation of the remarks I am clearly entitled to substantial compensation as well as an apology. In addition to the draft apology I must ask you to submit your proposal as to a suggested amount.

If I do not hear from you by 5:00 pm Friday, May 02, 2008, confirming that these demands will be satisfied, I will be proceeding with legal action. I would hope that this will not be necessary.

Yours truly,

A handwritten signature in black ink, appearing to read 'Mark Vandermaas', with a large, stylized flourish at the end.

Mark Vandermaas

Mark Vandermaas, Editor - VoiceofCanada.ca

From: Diana, Chris (JUS) [Chris.Diana@ontario.ca]
Sent: Thursday, April 24, 2008 5:26 PM
To: info@CaledoniaWakeUpCall.com; info@voiceofcanada.ca
Subject: Re: Transcript of Bryant answer

I now have instructions to accept service of the libel notices as agent for Commissioner Fantino.

If you have any questions, please do not hesitate to contact me.

Chris

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Caledonia Wake Up Call <info@CaledoniaWakeUpCall.com>
To: Diana, Chris (JUS); info@voiceofcanada.ca <info@voiceofcanada.ca>
Sent: Thu Apr 24 12:45:09 2008
Subject: Transcript of Bryant answer

Here is a transcript of Bryant's answer to 'colour of right'. The OPP are telling every builder that the Natives have full rights to their development because of 'Colour of Right'. Interesting how Mr. Bryant, who was the Attorney General, now suddenly doesn't want to talk about the law. In fact, when you watch the video he clearly wants to push the law to the side and not deal with it. This is why the OPP continuously acts as if they do not have to follow the laws of this country... McGuinty's government is telling them to forget the laws.

This is why I have been arrested, why we are repeatedly slandered and why the OPP spend so much money targeting us.... because we expose the illegal actions and the endless B.S. of the Government and the OPP. As a lawyer you must find it difficult to work with people who have so little respect for the law.

Believe me, if Mr. Bryant thought he could use the law to prove the Natives have the right to occupy and stop construction, he would be screaming it loud and clear.

Here is the transcript about 'Colour of Right'.

Transcript of Bryant's current stance on Color of Right

<>I you know so much of a history of the relationship between uh governments and aboriginal peoples uh has become legalized uh and over the years because uh governments fail to come to an agreements uh finding ways to accommodate uh historic rights to certain activities uh commercial and sustenance, uh to uh in the case of British Columbia honor umm uh Aboriginal title. </>

All of the progress was made if you like all the changes were made in the courts. Historically throughout our entire history that's been the case, and as a result of that governments typically uh I'd like to make ours the exception have been paralyzed for fear that if they do this thing over here, uh and they hand back Ipperwash Provincial Park to umm uh a First Nation on the basis of a co management arrangement that eventually reverts to title for the First Nation, if they do that, uhh at Ipperwash, won't that set a precedent that uh will cost the province money or cause uh automatically that to happen down the line.

<>And my view is if we can resolve a confrontation and get an agreement where the community buys in, first nations buys in, I say we do it. Color of right is in that category of the legalized uh language uh instead of the relationship politicized language that should characterize our relationship I.. One of my very first meetings was a uh question and answer with all the chiefs and a chief asked me if I supported the use of rectory doctrine of Aboriginal title, and you know he wanted help getting uh a furnace in his school. I said I'm trying to get a heater in your school, uh it's got nothing to do with the use of rectory doctrines and then the next question was about fiduciary duties and the duty to consult. </>

I uh whenever things like color of right come up I, I like to say look we've got to find a way to negotiate an agreement out of this. That's the lesson of Ipperwash, where there's confrontation, gotta have lots of communication, uh you gotta try to find an agreement, and uh that's where we're at right now, and issues around color of right, uh fiduciary doctrine, umm customary Aboriginal title, and all the like. I think distracts us from the goal which is we have to get the communities working together again, and that's the goal, and it's a level of empowerment as us as you said (speaking to Councilor Sloat) uh the means to that end does involve resolving some claims, but it leaves uh communities feeling that they're neighbors again, and that the County's able to do their business without interruption, uh citizens and businesses can do their business without interruption, and Haudenosaunee Six Nations can do their business without interruption that's the goal.

Mark Vandermaas, Editor - VoiceofCanada.ca

From: Mark Vandermaas, Editor - VoiceofCanada.ca [info@voiceofcanada.ca]
ent: Thursday, April 24, 2008 8:52 PM
To: Chris Diana (JUS)
Cc: info@caledoniawakeupcall.com
Subject: Vandermaas, McHale notices re Fantino

Chris Diana
Ministry of the Attorney General

Re: Vandermaas, McHale notices

Dear Mr. Diana,

Thank you for agreeing to accept service of the attached notices on behalf of Mr. Fantino.

Respectfully,
Mark 519.457.0709

Mark Vandermaas
Director of Research
Canadian Advocates for Charter Equality www.caace.ca
Editor, VoiceofCanada www.voiceofcanada.ca
Co-author, "The Ipperwash Papers" www.ipperwashpapers.ca
Co-author, "The Human Costs of Illegal Occupations"

"The Strength of a Woman - 14 year old 'Dancer'
for OPP protection from a resident on the Sixth Line in Caledonia

"... hope is that one day people will come to Caledonia, not to study the destruction caused by those who would do evil to other human beings for their own selfish purposes, but to learn about your culture, about the damage that was done to it, and how Caledonians - native and non-native - came together as one in the dark days to peacefully proclaim Six Nations and the rest of Haldimand County as a sanctuary from that evil."

VoiceofCanada to native reader. Jan 12 07

_____ Information from ESET Smart Security, version of virus signature database 3053 (20080424) _____

The message was checked by ESET Smart Security.

<http://www.eset.com>

Mark Vandermaas, Editor - VoiceofCanada.ca

From: Diana, Chris (JUS) [Chris.Diana@ontario.ca]
To: Mark Vandermaas, Editor - VoiceofCanada.ca
Sent: Friday, April 25, 2008 8:46 AM
Subject: Read: Vandermaas, McHale notices re Fantino

Your message

To: Diana, Chris (JUS)
Cc: info@caledoniawakeupcall.com
Subject: Vandermaas, McHale notices re Fantino
Sent: Thu, 24 Apr 2008 20:52:23 -0400

was read on Fri, 25 Apr 2008 08:46:18 -0400

_____ Information from ESET Smart Security, version of virus signature database 3055 (20080425) _____

The message was checked by ESET Smart Security.

<http://www.eset.com>