

April 09, 2007

BY EMAIL AND FAX

Member of Provincial Parliament - London North Centre

Deborah Matthews
tel: 519.432.7339 fax: 519.432.0613
dmatthews.mpp.co@liberal.ola.org

Premier of Ontario

The Honourable Dalton McGuinty
tel: 416.325.1941 fax: 416.325.3745
dmcguinty.mpp.co@liberal.ola.org

Minister of Aboriginal Affairs

The Honourable Michael Bryant
tel: 416.314.2536 fax: 416.314.2701
mbryant.mpp.co@liberal.ola.org

Re: Mr. Bryant's public comments regarding my complaint to the Ontario Human Rights Commission

Dear Ms. Matthews:

I am writing to seek your help in obtaining an apology from the Minister of Aboriginal Affairs for derogatory comments he made to a Canadian Press reporter with respect to my complaint to the Ontario Human Rights Commission against OPP Commissioner Fantino and other officers of the OPP. These comments were published in the Toronto Star on April 07/08:

“Aboriginal Affairs Minister Michael Bryant said the human rights complaint doesn't help resolve a complex situation dating back hundreds of years. Most people don't have much sympathy for Vandermaas or McHale after their tense rallies in the divided town, he said.

““Their activity, generally-speaking, is extremely harmful and, as far as I can tell, unwelcome by everybody,” Bryant said. “I know a lot of people in Caledonia feel that they're individuals who are just trying to get attention for themselves and are, in fact, stirring it up.””

I have written to the Ontario Human Rights Commission to express my concerns, but I have informed them that I would like to attempt to obtain an apology from the Minister prior to filing a formal complaint. Please see attached letter with attachments sent to the OHRC April 09/08.

I would like to meet with you at your earliest convenience to discuss any assistance you may be able to provide in obtaining an apology for the Minister's comments. Since we have been unsuccessful so far in convincing anyone in the OPP or Ontario government to listen to our concerns, I would also be willing – if you have time - to explain my motivations for getting involved in the Caledonia issue, and answer any questions you may have about my/our activities.

I am a former U.N. peacekeeper who has gone to Caledonia in good faith to help residents there expose and peacefully oppose violence and civil rights violations during the landclaim dispute that has hurt them and their town through no fault of their own. Unfortunately, Mr. Fantino and

now Mr. Bryant have made false, misleading and derogatory public statements about peaceful non-native protesters while steadfastly refusing to meet with us or listen to our concerns.

Simply ignoring the issue of race-based policing and defaming those who raise it is not sustainable. The people of Ontario will not stand by and allow cherished freedoms and rights to be trampled upon. Not only are media like the National Post taking a strong stand on this issue, but MPP Toby Barrett recently issued a draft 'Proclamation for Peace, Order and Good Government' that acknowledged the existence of racial policing practices. I have attached a copy for you. That a member of Ontario's Legislature felt compelled to write such a shocking document on behalf of his constituents in 2008 should serve as a clarion call that a new approach to land claim disputes – based on truth, honesty and respect for the rights of all citizens – is urgently needed. Only then can meaningful healing and reconciliation begin for both native and non-native citizens.

A reporter who interviewed me following our protest at Commissioner Fantino's home captured perfectly our belief that creating new injustices is not the solution to rectifying past ones when she wrote:

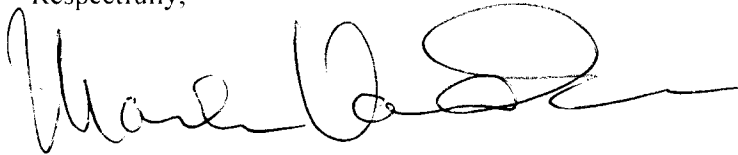
"If past injustice legitimizes future injustices, then injustice will eventually become legitimate. This was the rationale behind the actions of protesters who took their case to the home of OPP Commissioner Julian Fantino..."

Carie Walker, Grand River Sachem, Mar 07/08

Somehow, we must open the door to a discussion about the protection of non-native rights during land claims, and perhaps you might be willing to make that happen. Surely, the protection of Human and Charter rights should be beyond politics. An apology from Minister Bryant would be a good start.

Will you meet with me to discuss these matters? I can accommodate your schedule on short notice.

Respectfully,



Mark Vandermaas, Editor

VoiceofCanada.ca

Co-author, The Ipperwash Papers project - www.ipperwashpapers.ca

Co-founder, Canadian Advocates for Charter Equality – www.canace.ca

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info@voiceofcanada.ca

REFERENCES: Copies of my human rights complaint and supporting evidence can be found at this address: <http://www.caledoniawakeupcall.com/topics/humanrights.html>

Background information on Caledonia from the point of view of the innocent victims of the lawless can be found in a report I co-authored called, 'The Human Costs of Illegal Occupations' at this address: <http://www.caledoniawakeupcall.com/canace/HumanCost.pdf>

Mark Vandermaas, Editor - VoiceofCanada.ca

Subject: FW: Caledonia update

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

From: Barrett, Toby [mailto:toby.barrett@pc.ola.org]

Sent: Tuesday, February 12, 2008 10:01 AM

Cc:

Subject: FW: Caledonia update

Hi, Toby here,

Yesterday I was invited to sit with Haldimand Councillors during Committee of the Whole to discuss the impact of Aboriginal issues on the County.

As part of our deliberations I presented the attached proclamation for review and possible action by councillors

Your thoughts (additions, deletions or other changes) would be most welcome.

<<02.11.08 HALDIMAND PROCLAMATION.doc>>

HALDIMAND PROCLAMATION FOR PEACE, ORDER AND GOOD GOVERNMENT

o February 2008

WHEREAS, since February 28, 2006, people across Haldimand County and beyond have been subjected to arson, extortion, barricades, land seizures, occupations, militant protests, and related harassment, intimidation, mob violence and threats to public safety.

AND WHEREAS, the community safety, social and economic life, of Haldimand and neighbouring residents, has declined because of the climate of fear, chaos and uncertainty generated by various acts of lawlessness and related intimidation.

AND WHEREAS, there is a perception, and evidence, of two categories of law, of justice, of police protection, and government action based on one's race and geographical location within Haldimand County and beyond.

AND WHEREAS, the lawlessness, and the less than adequate prevention and response on the part of police and other government authorities regarding these illegal acts appears to be tolerated, and perhaps condoned, by provincial and federal government policy.

AND WHEREAS, both the provincial and federal governments have legislative, regulatory, enforcement, decision-making and policy-making capability beyond the mandate and scope of Haldimand County.

NOW THEREFORE, BE IT HEREBY RESOLVED, that Haldimand County, in support of all of its residents, proclaim and request, with utmost urgency, that the following actions be taken where mandated

2/12/2008

at the provincial and federal level:

1. Restore police patrol, response and enforcement as well as justice, order and the rule of law, including court injunctions, throughout Haldimand County regardless of one's race or geographical location.
2. Cease all land dispute negotiations and related actions until extortion, and illegal occupations and protests are terminated.
3. Budget and publicly set timelines and deadlines to continue to resolve legitimate land disputes expeditiously within a climate of openness, mutual respect, and justice for all affected.
4. Compensate individuals, businesses and the municipality for loss, insecurity, economic decline, and any other collateral damage stemming from provincial and federal decisions and policy, or lack thereof, that have eroded peace, order and good government in Haldimand County and beyond.

Draft #1

Respectfully submitted, Toby Barrett, MPP Haldimand-Norfolk -- February 11, 2008

April 09, 2008

BY REGULAR MAIL AND BY FAX TO: 416.326.9520

██████████, Intake Officer
Ontario Human Rights Commission
Inquiry and Intake Office
180 Dundas Street, West, 7th Floor
Toronto, Ontario M7A 2R9

Re: Complaint JART-74HHCD, Mark Vandermaas and Ontario Provincial Police, et al

Dear ██████████:

I am writing to advise you of my concern regarding derogatory remarks published in the media (see Toronto Star, '*Fantino asked to attend rights mediation*,' April 07/08, attached) attributed to the Minister of Aboriginal Affairs, Mr. Michael Bryant about me, my complaint, a co-complainant and the rights of non-natives affected by aboriginal land claims to submit complaints to the OHRC.

On April 07/08 the Toronto Star carried a Canadian Press article regarding my complaint against the OPP in which Mr. Bryant is said to have made the following statements:

“Aboriginal Affairs Minister Michael Bryant said the human rights complaint doesn't help resolve a complex situation dating back hundreds of years. Most people don't have much sympathy for Vandermaas or McHale after their tense rallies in the divided town, he said.

““Their activity, generally-speaking, is extremely harmful and, as far as I can tell, unwelcome by everybody," Bryant said. "I know a lot of people in Caledonia feel that they're individuals who are just trying to get attention for themselves and are, in fact, stirring it up.””

I am concerned about Minister Bryant's remarks for the following reasons:

- Mr. Bryant has attacked my character (and that of co-complainant, Mr. Gary McHale) for exercising my right to submit a human rights complaint.
- The validity of my original complaint has been irresponsibly prejudged and ridiculed by a senior member of the Ontario government who has used his position to impugn my right to request that the OHRC examine my evidence and my honestly-held belief that I was discriminated against by the OPP.
- The Minister's comments convey his view that non-natives are somehow acting maliciously when they submit a human rights complaint related to events that occur during an aboriginal land claim. This, in and of itself, is outrageous, and is even more so given that the Supreme Court of Canada ruled in *Haida Nation v. British Columbia, 2004* that third parties to land claims have no obligation to consult or accommodate aboriginal concerns.
- Mr. Bryant's (inaccurate) generalizations that, “Most people don't have much sympathy” for us and we are “unwelcome by everybody,” implies that only ‘popular’ citizens should

be allowed to submit complaints to the OHRC, that Mark Vandermaas and Gary McHale are not entitled to this protection.

It seems that the Minister is saying that not all Ontario citizens are entitled to exercise and/or enforce their Charter and human rights, especially if they happen to be non-natives protesting against the Minister's government and the OPP. One can imagine such words from a Southern politician in the 60's talking about black protesters, "Most people don't have much sympathy for them." One cannot accept them from an Ontario cabinet minister in 2008.

- The Minister described our peaceful protest activities as 'extremely harmful.' He has, to the best of my knowledge, never publicly criticized native protesters, individually or as a group, for the many acts of violence and other lawlessness committed in Ontario during recent land claim disputes.

In fact, Premier McGuinty recently confirmed that the government has petitioned the courts not to jail some native protesters convicted of crimes while Mr. Bryant stated that the government has offered \$200,000 to pay for their legal fees with even more to come should they appeal their convictions. (London Free Press article, '*Jailing of native protesters raising ire,*' dated March 27/08, attached).

Contrary to native protesters, I have committed no crime in Caledonia other than to exercise my right to peacefully expose the injustice of racially-based policing. I believe it is irresponsible and discriminatory, therefore, of Mr. Bryant to vilify me for submitting a human rights complaint given his government's unusual and generous interventions on behalf of native protesters.

- While I am most grateful to the Commission for helping to resolve my complaint against the OPP, Mr. Bryant's remarks have caused me to question whether the OHRC process has been influenced by him now or could be in the future.

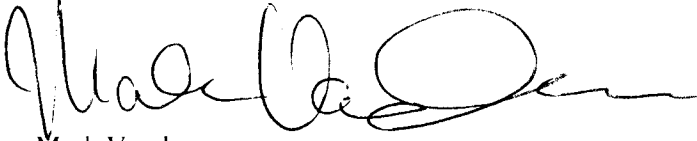
Summary

1. As the Minister of Aboriginal Affairs, Mr. Bryant holds a senior position within the government that employs Mr. Fantino. I believe, therefore, that his derogatory comments were made, in part, as retaliation for my OHRC complaint.

2. I believe the Minister's comments were made, in part, because of my race. A reasonable 'litmus test' for determining whether or not the Minister's comments were racially motivated is to ask whether or not he would have made similar remarks about a native protester who had submitted a human rights complaint. Given Mr. Bryant's comments to the media and his government's actions to date in treating non-native protesters markedly differently from natives, I believe there can be little doubt that Minister Bryant would not have belittled me or my complaint had I been of aboriginal heritage.

3. I am hoping that, in retrospect, Mr. Bryant realizes that his comments were highly inappropriate, and so I would like to seek an apology from him before filing a formal complaint with your office. I did, however, want to make you aware of my concerns immediately.

Respectfully,

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

Mark Vandermaas
371 Vesta Place, London, ON N5Y 1G4
519.457.0709
info@voiceofcanada.ca

Attached:

1. Toronto Star/Canadian Press, April 07/08: Fantino asked to attend rights mediation
2. London Free Press, March 27/08: Jailing of native protesters raising ire



What's new, what's
delicious, what's the rage?

toronto.com
be in the know

 thestar.com

Fantino asked to attend rights mediation

April 07, 2008

THE CANADIAN PRESS

Ontario's top-ranking police officer is being pressured to attend an Ontario Human Rights Commission mediation session over an arrest made near a Six Nations occupation that some say shows the police treat aboriginal and non-aboriginal protesters differently.

Protester Mark Vandermaas lodged a complaint against OPP Commissioner Julian Fantino, and several other police officers, after he was arrested in December 2006 while trying to hang a Canadian flag near the occupied site of a former housing development in the southwestern Ontario town of Caledonia.

Since police did not prevent aboriginal flags from flapping in the wind around the site – let alone put an end to the occupation altogether – Vandermaas said his case shows police are enforcing a double-standard.

The complaint is being reviewed by the human rights commission, which has set a mediation meeting for both Vandermaas and Fantino on Oct. 1, and Fantino has 30 days to tell the commission whether he will agree to mediation, documents show.

Neither party is obligated to attend the mediation meeting but will have to be at a "fact finding" meeting to give evidence as part of the commission's ongoing investigation.

After attempts to get the Caledonia occupation investigated by the provincial police, the community safety minister and the province's ombudsman, Vandermaas said the human rights commission investigation is the first time that allegations of two-tier policing are being examined.

Vandermaas said he wants a written apology from the OPP and a promise that aboriginals and non-aboriginal protesters will be treated the same.

"I would hope that the commissioner (Fantino) sees the writing on wall and realizes that race-based policing is not sustainable," he said. "It's not going to be allowed by the citizens of Ontario. I hope he'll come to this meeting in good faith."

Vandermaas, along with protester Gary McHale, have come under fire for holding numerous rallies against the police handling of the occupation in the beleaguered town – although neither of them live in Caledonia.

Fantino has made no attempt to hide his contempt, labelling them "mischievous" who have cost taxpayers "well over half-a-million dollars" in increased police resources. Fantino was away Monday and unavailable for comment.

An OPP spokesman said they are aware of the meeting and haven't decided who will attend.

Aboriginal Affairs Minister Michael Bryant said the human rights complaint doesn't help resolve a complex situation dating back hundreds of years. Most people don't have much sympathy for Vandermaas or McHale after their tense rallies in the divided town, he said.

"Their activity, generally-speaking, is extremely harmful and, as far as I can tell, unwelcome by everybody," Bryant said. "I know a lot of people in Caledonia feel that they're individuals who are just trying to get attention for themselves and are, in fact, stirring it up."

Jeff Poirier, with the Ontario Human Rights Commission, said privacy considerations prevent him from talking about any complaints lodged with the commission.

The commission is obligated to investigate complaints it receives from the public but parties are always encouraged to resolve their differences through mediation, he said.

"The first thing we always do is offer mediation," Poirier said. "We have a good success rate when people agree to attempt mediation . . . But if one of the parties say no, then away it goes to investigation."

Jailing of native protesters raising ire

Natives say an OPP plan to use force hurts a strained relationship.

By MICHAEL OLIVEIRA, CP

TORONTO -- An alleged plan by Ontario Provincial Police to break up a native protest with force and the recent incarceration of aboriginal leaders for protesting a mining site on their land are threatening the already fragile relationship between First Nations and governments, aboriginal leaders said yesterday.

Representatives from several northern Ontario First Nation communities gathered in Toronto to speak out against the cases of seven aboriginal protesters -- including a chief and deputy chief -- who last week were handed six-month jail sentences for violating court orders and continuing protests against mining on their traditional lands.

The children of the jailed protesters will be without a parent for half a year, and the communities feel spurned by the Ontario government despite promises of a new, healthier relationship in the years ahead, said Chief Scott Jacob of the Webequie First Nation. "The decision last week to incarcerate (aboriginal) leadership to me is not a respectful, meaningful relationship," he said.



The Liberal government didn't want the protesters from the Kitchenuhmaykoosib Inninuwug (KI) First nation to receive jail sentences and petitioned to the court on their behalf, but Premier Dalton McGuinty said he can't undo the court's decision. "There's an independent judicial process," McGuinty said.

Aboriginal Affairs Minister Michael Bryant said the government has already offered \$200,000 toward the protesters' legal fees and is willing to do more if they decide to appeal their convictions.

"There's no way that as long as they're incarcerated, we're going to be able to make much progress," Bryant said. "That's why we opposed in court their incarceration.."

But representatives from the KI and Ardoch Algonquin First Nations made it clear in a letter to McGuinty they don't feel the government is on their side.

"The indifference shown by your government towards the rights of First Nation communities, and the imposition of long jail terms and crippling fines in the name of the 'rule of law' has further eroded respect for both the legal system and the government of Ontario," the letter reads.

The communities were even more distressed after hearing a CBC report that alleged OPP Commissioner Julian Fantino told officers they should use force if necessary when facing protests during last June's aboriginal day of action.

"When people want to speak out for their rights and guns are pulled out . . . that is not right and that is not just and that is what's affecting our people today," said KI spokesperson John Cutfeet.

The CBC reported a series of notes handwritten by police officers outlined orders to carry out a morning raid of blockades that were set up on highways in eastern Ontario.

The raid did not take place, and protesters eventually removed the barricades, but some notes said the scene verged on "anarchy" at times, and suggested Fantino "would not/could not tolerate (Highway) 401 being closed all day."