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**Gary McHale**

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Binbrook, ON L0R 1C0

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info@caledoniawakeupcall.com

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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

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

Re: Your comments about me on AM640 Toronto radio

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 during which you made the following statements about me in response to a question regarding a mediation session that you have been asked to attend with respect to a complaint to the Ontario Human Rights Commission by Mr. Mark Vandermaas against you and other OPP officers 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:

That I have advocated the use of violence, that I seek violence, and that I have committed 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, CaledoniaWakeUpCall.com, you knew or ought to have known the following:

1. That I have consistently used and encouraged only the use of non-violent means of protest, that I have never committed an act of violence in Caledonia, and I have never been charged by police with any offence related to the commission of a violent act, nor have I ever been accused of such with the sole exception set out in [c] below.

2. That on December 14, 2007 OPP Detective John Murray testified under oath to the following facts:

a. When asked if he was aware of any OPP reports that I have committed any offence, he replied, "I have not read one that specifically addresses you committing an offence."

b. When asked if anyone had been injured at events organized by me, he stated, "Not by my knowledge, sir."

c. That I was falsely accused of committing an assault on December 01, 2007 and that the person who made the false report would be charged.

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 I have a violent agenda or that I have committed or encouraged acts of violence.

e. Detective Murray testified that OPP officers attended a townhall meeting I held in Caledonia on January 14, 2007 - to which you were personally invited, but did not attend - and noted that I quoted from Dr. Martin Luther King. The quotes were, in fact, from Dr. King's 'Letter from Birmingham Jail,' April 16, 1963 in which Dr. King explained the importance of non-violent protests and the legitimacy of the role of 'outsiders.'

Mr. Vandermaas gave the introductory speech at this event in which he explained why he chose to become involved in the Caledonia issue. His speech - written independently from mine - also included quotes from Dr. King regarding non-violent protests. This speech was posted at VoiceofCanada on January 14, 2007 and again on November 10, 2007 and both posts have remained freely available for viewing since.

3. That on December 24, 2007 the following persons testified under oath, in the presence of OPP officers, that I was not a danger to the community, that I was not a violent person and that I 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 this sworn testimony to your solicitor upon request.

4. That shortly after my inaugural 'March for Freedom' protest of October 15, 2006, Inspector McLean, Commander of the Haldimand detachment of the OPP sent an email to me in which he thanked me for holding such a peaceful protest and for honouring our agreed-upon arrangements.

5. That my website, CaledoniaWakeUpCall.com has, since June of 2006, contained a web page entitled 'Who Are We?' The following statements are found on that page:

**This site affirms the Following:**

**Violence against anyone is illegal...**

**Any Person reading anything on this site and resorting to violence should be quickly condemned and charged to the fullest of the law.**

**We need to reject the violence but not the people.**

**We need to live together with mutual respect of the person and their beliefs.**

I and Mr. Vandermaas, whose name was also mentioned in your interview with Mr. Oakley and in the testimony of Detective Murray, have made repeated attempts to correct past misstatements by you and other OPP officers via methods that have included letters, post ings 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 and ongoing litigation. Despite these best efforts you have never made any effort whatsoever to address our respective concerns and have, in fact, persisted in making false allegations about our activities and motives to the media.

In light of the extensive information readily available to you, your refusal to address our respective concerns about your past statements, your most recent statement 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.

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 "Gary McHale", written in a cursive style.

Gary McHale