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

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 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.

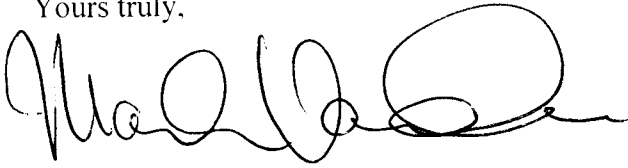
It is clear from any reasonable interpretation of the interview that your comments were designed to discredit me and to diminish my reputation in the community. I am gravely concerned that your comments will be used by critics of my endeavours to demean and damage my reputation, diminish my credibility 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 loop at the end.

Mark Vandermaas