

**Gary McHale, Executive Director
Canadian Advocates for Charter Equality**

Opening Statement

I would like to thank the media for taking the time to listen to what we believe is an issue of great importance to a majority of people in Ontario.

My name is Gary McHale, Executive Director of CANACE (Canadian Advocates for Charter Equality) which is an organization formed directly because of Dalton McGuinty's willingness to allow the Ontario Provincial Police to force upon the residents of Haldimand County Race Based Policing Policies.

This policy is called the FRAMEWORK (A Framework For Police Preparedness For Aboriginal Critical Incidents) which was created to ensure individual officers did not resort to making arrests when Aboriginals committed criminal actions against non-Aboriginal people.

On Dec. 3, 2011 the OPP illegally arrested 8 people, who are now known as the Caledonia 8, under the Trespass to Property Act. These arrests were the direct result of the OPP being instructed by the Ontario government. I'll say more about the illegal arrest of the Caledonia 8 in a moment but first we should not forget that Dalton McGuinty made his political career on the death of Dudley George, whereby he hammered Mike Harris for the OPP's use of force. Of course neither McGuinty nor the media today could name the other two people found dead at the occupation site in Ipperwash but then again since Ipperwash, the issue is always about violence against Aboriginals and never about simply ending the violence.

McGuinty created the Ipperwash Inquiry, not to look into ending the violence but to ensure no Aboriginal is ever harmed regardless of violent crimes Aboriginals commit during so-called land claim occupations. In McGuinty's Ipperwash Inquiry not one non-Aboriginal resident of Ipperwash was permitted to testify - in McGuinty's Ontario the views of non-Aboriginals have no bearing on government policies. This is why the result of the Ipperwash Inquiry has been used to twist OPP policies to ensure laws are not enforced, Charter Rights of non-Aboriginals are not upheld, that

public safety is defined only by ensuring no Aboriginal is harmed, and law enforcement has been replaced by an illegal peacekeeping mission.

But even Justice Linden in his Ipperwash Report had to concede that police discretion does not mean that police should not arrest Aboriginals who commit crimes. On page 190 of the Ipperwash report it states:

"Police discretion is fundamental to reducing the potential for violence at Aboriginal occupations and protests. Discretion may involve whether, when, or how enforcement action is taken to address alleged breaches of the law. This concept is easily misunderstood. It does not mean that anyone is above the law or that police services should have different standards for Aboriginal peoples. Nor does it mean that the rule of law and public order are somehow subservient to Aboriginal interests... [pg. 192] Police discretion must always be exercised within the law... In the context of an Aboriginal occupation or protest, I believe this means police must be certain to pursue protesters or others alleged to have committed serious offences."

While the OPP want to publicly brag about the number of arrests - notice how they don't tell you how many of these arrests were against innocent non-Natives (12 now arrested for simply walking down a road carrying a Canadian flag) - what the OPP doesn't tell the media is the number of criminal acts where they have refused to lay a single charge.

For example, no charges after six years for destroying the power station, kidnapping of two OPP officers, kidnapping of residents, burning down the bridge, pulling guns on the fire department, blocking the roads for six weeks, using vehicles to assault an OPP officer, numerous other assaults, hundreds of nights of flashing lights into people's homes and playing loud music for hours while people try to sleep and countless example of residents illegally stopped, searched, and forced to carry native issued passports to travel to/from their own homes.

You won't hear Commissioner Lewis talk about the hundreds, if not thousands, of criminal acts the OPP have just turned their backs on and left the victims to fend for themselves.

In early 2006 Dalton McGuinty, claimed he was going to handle Caledonia differently than how Mike Harris handled Ipperwash. It is often forgotten

that Ipperwash had been ongoing for over 3 years under Bob Rae's term as premier before Harris came into office. In 2006 McGuinty boasted about how he was going to settle the issues quickly without the use of force. He appointed ex-premier David Peterson to lead negotiations in Caledonia and Peterson publicly stated in Aug. 2006 that the situation was going to be resolved in a matter of weeks not months.

Prior to the winter of 2006 McGuinty stated in the legislature that he would not permit the Native occupiers to stay the winter on Douglas Creek Estates. This February 28th will mark the start of the 7th. year of failed McGuinty policies that have directly caused hundreds of families to be terrorized with one resident suffering permanent brain damage.

Imagine the uproar if it was an Aboriginal who had permanent brain damage.

McGuinty is correct to say he has done things differently from Harris and, in fact, differently than any other government. He has allowed lawlessness to reign in Ontario and replaced the Rule of Law with the Rule of Thugs. He has allowed and encouraged the OPP to arrest non-Native people in order to deny people their basic Charter and Human rights of free speech and equal protection under the law.

He has spent over \$120 million in Caledonia and untold millions paid to Six Nations in order to get them to obey the law. In June of 2006 Peterson turned over 297 acres of land to Six Nations in order to get them to stop violating the criminal code by barricading the main road in Caledonia. In Ontario crime does pay as long as you are the right race.

While McGuinty and the OPP like to publicly pat themselves on the back claiming how they have maintained the peace they refused to tell the public how OPP officers and residents have been kidnapped, a hydro station was attacked, numerous officers and residents were put in the hospital and many residents will be scarred for life.

McGuinty and the OPP have shown no concern for the lives of non-Native people. In fact, McGuinty has never visited Caledonia and current Commissioner Lewis has visited Six Nations but refuses to speak to residents in Caledonia.

Neither McGuinty nor the OPP care about the fact that in practice the so-called peacekeeping mission McGuinty has given the OPP in Caledonia has effectively suspended the Charter Rights of the entire town. It is as if Marshall Law has been declared but only against non-Native people. This is why trained OPP officers are incapable of using their own discretion in order to determine that people walking on a county road cannot be arrested for trespassing. Every officer understands that people cannot be trespassing on a public road and that no private owner of property can have someone arrested for being on the sidewalk or road.

However, OPP officers are so brainwashed into not thinking, into simply obeying orders without question that individual officers no longer can apply the simplest logic to any given situation. The illegal arrest of the Caledonia 8 is the example of the greater problem whereby the officer on the street simply enforces government orders without a thought about his duty to his oath of office, about his obligation to uphold the Charter Rights of everyone and about his duty to ensure his actions have the force of law.

Let's not forget that when Julian Fantino was the Commissioner of the OPP, now a handpicked cabinet member in the Harper government, he emailed his officers and ordered them to overlook 'legal nuances' and to use methods that even if the court disagreed with then it was still okay because they could publicly expose people as mischief makers. He also ordered his officers to disregard the 'feeble' and 'timid' crown.

The OPP in Haldimand county doesn't simply stand by and watch crimes take place, which would be bad enough. The OPP in Haldimand wilfully engage in criminal acts. So far we have had several justices order police officers to face criminal charges for their actions related to policing in Haldimand.

Two officers were charged after we videotaped them helping Native Protesters build a barricade to stop the legal owner from using his own property. Julian Fantino was charged for threatening the local Mayor and council. Current Commissioner Chris Lewis was charged with obstructing justice and Supt. Ron Gentle faced the same charge.

Of course, the Attorney General immediately stepped in and dropped all these charges without reviewing all the evidence.

The OPP are no longer a police force that respects the rights of every citizen. They have become the Ontario Political Police whereby the will of the government is forced upon citizens without any regard to people's individual rights.

This lawlessness within the OPP must stop and the media must ask the tough questions to McGuinty and to Commissioner Lewis about why so many crimes have resulted in no arrest. Don't be fooled by the propaganda line about the number of arrests since they will not tell you how many of those were innocent non-Natives.

Ask the direct questions about when will the OPP make arrests for the kidnapping of police and residents, for pulling guns on the fire department etc. Ask direct questions and watch as McGuinty and the OPP avoid admitting that the law has not been upheld in Caledonia.

In a moment I will speak about what can be done to ensure future governments cannot illegally setup a peacekeeping mission whereby the rights of a whole group of residents are suspended because of political correctness.

Now we will hear from our other speakers and then I will outline what we call the Caledonia Act