

NATIONAL POST

Wednesday, January 30, 2008

'Sacrificial lambs at the altar of Ipperwash'

A blow-by-blow account of how the Ontario government has left Caledonia residents to fend for themselves against native criminals and 'warriors'

John Findlay, National Post

Published: Wednesday, January 30, 2008



"I'm from the government --I'm here to help you."

It's one of the great lies -- so goes the old joke. But it is no joke to the business and property owners of Caledonia, Ont.

Their ordeal began on Feb. 28, 2006, when a small group of protesters occupied the Douglas Creek Estates housing project. On that day, the lives of Caledonia residents fundamentally changed for the worse, largely as a result of the action -- and inaction -- of all levels of government: federal, provincial and municipal.

Two local businessmen who grew up in the community had developed the Douglas Creek Estates at the south end of the town. They did everything they were supposed to do under applicable planning laws. They obtained approvals from Haldimand County and the Ontario Ministry of Municipal Affairs. Given the existence of native land claims in the area, they even provided notice to the Six Nations band council, which did not raise any objections to the project.

The businessmen then put in the servicing for the first phase of the development. Several similar phases were to follow, with a view to building hundreds of new homes. The development was an integral part of the residential development component of the Official Plan for Haldimand County.

On that day in February, 2006, I spoke to one of the builders who had purchased several lots from the developers. He told me that he was not working that day because protesters had occupied the site. He had sent his men home. His entire work year was tied to these lots. We both thought, and had no reason to believe otherwise, that the protest would end quickly and he would be back on the job.

Two years later, this has yet to happen.

On March 3, 2006, the developers obtained an injunction from the Ontario Superior Court to have the protesters removed. On March 6, the injunction was made permanent. As soon as the injunctions were obtained, the local Sheriff's officer did his duty. Unarmed, he marched up to the protesters and served the court orders. The papers were burned in front of his face in full view of television cameras.

Under Ontario law, the Sheriff can call upon the Ontario Provincial Police (OPP) to assist him in enforcing injunctions. However, it became apparent that then-OPP Commissioner Gwen Boniface had her own agenda. An OPP media release issued at the time indicated that the injunction would be enforced only as "a last resort."

Little did we realize then that "last resort" meant "when hell freezes over."

In the meantime, a flood of aboriginal protesters arrived to occupy the development site, most of whom were not from the local Six Nations reserve. Many of these protesters were blatantly militant, threatening people both off and on the reserve. Some had associations with cigarette, weapon and drug smuggling and other criminal activities. They flew Mohawk Warrior flags and espoused the Warrior Society philosophy that included the right to use whatever force was necessary "to defend" native territory -- their justification for violence.

On April 20, over six weeks after the original injunction was obtained, the OPP finally moved on the site in a half-hearted and understaffed attempt to remove the protesters. In retaliation, the occupiers barricaded Argyle Street and Highway 6; set aflame piled tires on Argyle Street; burned an historic wooden bridge on Sterling Street to the ground, thus blocking the rail line below; started a brush fire on the southern shore of the Grand River; prevented the fire officers from the Haldimand County Fire Department from attending to the fires; threw a mini-van over the Highway 6 bridge onto Highway 54; and broke into, looted and trashed the model home owned by the developer. All of this was done in plain sight of OPP officers, who took no action to stop these activities or apprehend the offenders.

None of the town residents had any warning that the OPP were going to move in on the protesters. After the retaliation and chaos started throughout Caledonia, and fearing for the safety of their students, the local grade schools sent all the students home. Many parents found themselves scrambling to locate their children, uncertain as to their safety and security. The schools stayed closed the following day. Highway 6 and the south end of Argyle Street

remained blockaded by the protesters for over five weeks, choking the town's commerce.

Behind the protesters' highway blockade on Argyle Street South is the Hydro One transformer station. On May 22, 2006, someone set it on fire, causing over \$1-million in damage. The residents and businesses of Caledonia found themselves in the dark for two days.

A parade of government functionaries began to flow through Caledonia -- Toronto-based government officials from the Ministry of Municipal Affairs, the Ministry of Aboriginal Affairs, the Office of the Attorney General and the Premier's Office. The spin began. Virtually all meetings, whether with local council, the police or community groups (often hand-picked by the government), were held behind closed doors. Negotiations began with the Six Nations "Haudenosaunee Confederacy Council." David Peterson was appointed to negotiate and mediate. At one point during these negotiations, he publicly called the understandably upset local residents a "bunch of wackos."

When Mr. Peterson retreated to Toronto, Jane Stewart was appointed by the province of Ontario. Barbara McDougall was appointed by the federal government. The aboriginal land-claim settlement "industry" -- lawyers, communication consultants and ex-bureaucrats, all on healthy per diems -- began to descend upon Caledonia. No one was appointed to specifically represent the residents or business owners of Caledonia, who were the most seriously affected. Everyone was told to be patient and let the negotiations run their course.

The negotiations, of course, have gone nowhere. They were doomed to fail from the start, which should have been apparent to any reasonable person. The Haudenosaunee do not acknowledge that they are subject to the Canadian legal system. They have no reliable process for arriving at a consensus among themselves to determine if an offer is acceptable. Also, there is no mechanism in place by which any settlement could be enforced. The Mohawk warriors at the site don't listen to anybody -- including the Six Nations clan mothers. It is a mystery why anyone would expect success without resolving these preliminary issues. John Tory has argued, quite correctly, that negotiations should not have started until the protesters abandoned the site.

On July 4, 2006, Dalton McGuinty's government purchased the Douglas Creek Estates from the developers for over \$12-million. They decided to let the protesters continue to occupy the site, with very little control exerted over them.

The adjacent residents have been subjected to the most outrageous behaviour. They have been disturbed by loud noise at all hours of the night, including gunfire, shouting, the noise of heavy machinery, music, fireworks and drum beating. Unmuffled ATVs are driven along the perimeters of their properties day and night. Houses are pelted with rocks. Smoke blow into their property from open fires that have been allowed in violation of municipal bylaws. House fires have taken place on site, and the protesters have blocked the municipal fire department, the OPP and the Ontario Fire Marshall from investigating their source. The occupiers verbally assault the nearby residents with derogatory and racist comments, threatening them with physical harm. They appear in camouflage attire, with bandanas covering their faces and carry bats or large nail-studded clubs.

At times, the OPP has set up checkpoints on residential streets, stopping and questioning residents driving to their homes. The adjacent grade school has been under constant police surveillance, and the children put through evacuation drills.

One mother, whose husband is a vocal critic of occupation, had the lug nuts on the wheels of her minivan loosened one night. While out driving with her three children, a wheel sheared off, sending the van into a highway ditch. Checking one's vehicle for vandalism every morning has become routine.

Last September, a local builder constructing a home for his daughter on the nearby Sterling Woods subdivision was attacked and nearly beaten to death by protesters who decided to take over his house. He is slowly recovering and may be permanently disabled.

The situation is not getting better. In fact, in some respects it is regressing. An illegal smoke shack has now appeared in the town at the end of Argyle Street. It is on land owned by Haldimand County. No one does anything about it.

Last fall, a fight between the operators of two illegal smoke shops along Highway 6 resulted in one of them getting shot with an assault rifle. Developers are now faced with submitting to the demands of the "Haudenosaunee Development Institute" or having occupiers arrive on their property. They know that the OPP won't clear them off.

The residents and businesses of Caledonia realize that they are being offered as sacrificial lambs at the altar of Ipperwash. The McGuinty government and the OPP are operating under an agenda that assigns little importance to the views of the local non-native population.

Shortly after the Liberals took power, they established the Ipperwash Inquiry -- whose mandate was to investigate the death of Dudley George, who was shot in 1995 during a native protest at Ipperwash Provincial Park. It was evident to everyone that the inquiry was established to take political aim at former Ontario premier Mike Harris. In that regard, the government widely missed the mark. Instead, the inquiry damaged the OPP and its officers.

The product of the inquiry was a gun shy constabulary. It turned the OPP force into a "peace-at-any-cost" force. It has also resulted in the implementation and approval of a two-tier racially-based approach to policing. Caledonia residents have called 911 about someone intruding on their property and have been asked: "Is he native?"

OPP officers would not go on the Douglas Creek Estate or the 6th Line, (a county road under OPP jurisdiction) without first seeking assistance from the Six Nations Police. The OPP's Aboriginal Relations Team and Major Event Liason Team, which are sent in to respond to incidents involving aboriginals, have become apologists for criminal behaviour. OPP Commissioner Julian Fantino loses credibility every time he declares there is no two-tier justice system operating in Caledonia, because it is blatantly obvious to every resident of Caledonia that a two-tier system exists.

The Ipperwash situation was unique. The disputed land at Ipperwash was located on rural land that had been used by the

government. At Caledonia, by contrast, the occupation has taken place in a heavily populated area on land that has been in private hands for over 150 years. Caledonians have lived in peaceful co-existence with the Six Nations for well over a century and a half. No town in Ontario has more respect for native culture, or sympathy for native land claims. Most residents actually support the Six Nations claim for compensation. Six Nations people in Caledonia, in my experience, have always been treated in the town with courtesy and respect. This stands in contrast to my experience in Toronto, where I often saw off-reserve natives treated shabbily.

Mr. Fantino has blamed white activist "interlopers" for the problems in Caledonia. But the real "interlopers" that have caused the harm are the self-proclaimed native "warriors" from Montreal and Cornwall -- not to mention Toronto bureaucrats and politicians; and the out-of-town police, including Ms. Boniface and Mr. Fantino himself. None of them have been able to distinguish between the criminals and the responsible members of the native community.

These "interlopers" are the ones who have harmed Caledonia, by letting their own agendas interfere with the proper enforcement of the law. If I can paraphrase Tecumseh: Caledonia was once a peaceful town -- now made miserable by the likes of these.

findlay@findlaymccarthy.com - John Findlay, a lawyer, has brought a class action suit against former OPP Commissioner Gwen Boniface, the former Haldimand provincial police detachment commander and the Ontario Government on behalf of several businesses and property owners in Caledonia.

Copyright © 2007 CanWest Interactive, a division of CanWest MediaWorks Publications, Inc.. All rights reserved.