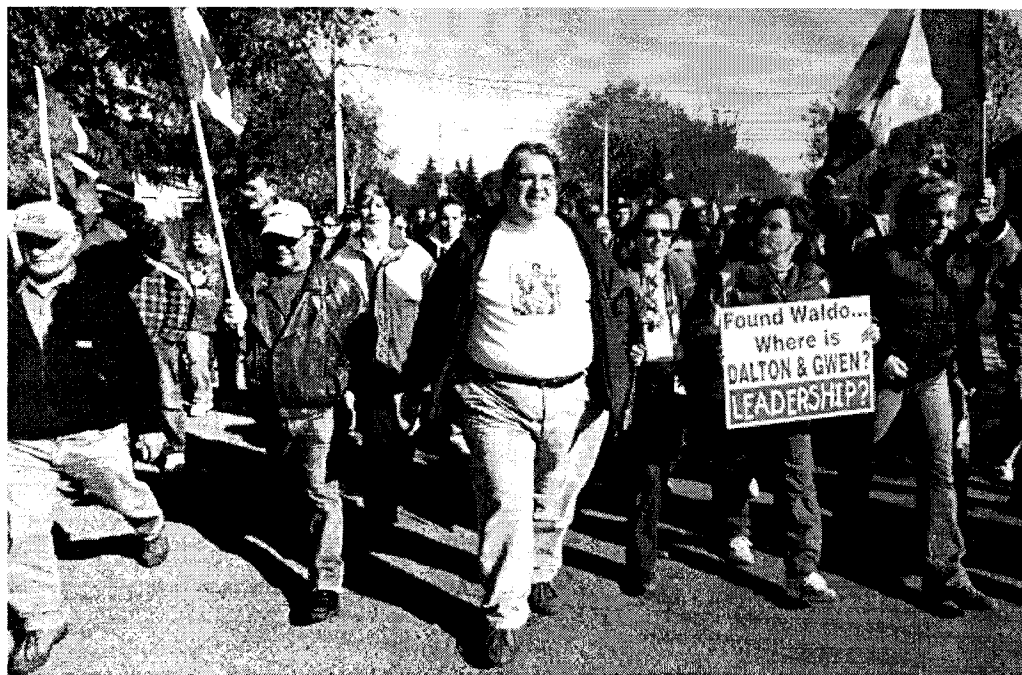


Christie Blatchford: Arrested for making the police look bad

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note: Photo taken Oct 15/06 during inaugural March for Freedom in Caledonia.

McHale is wearing t-shirt given to him Oct 05/06 at Brantford information meeting by Mark Vandermaas.

The following is the second of four excerpts the National Post is running from Christie Blatchford's new book on the Caledonia crisis, *Helpless*.

The government and the Ontario Provincial Police (OPP) had one thing in common: an enemy, Gary McHale, who was coming to town with his "March for Freedom" rally.

He had a standard message: "We're having a rally. There's no swearing, no racial slurs, no violence allowed, no criminal behaviour." Yet, in short order, McHale had managed to offend just about everyone — every level of government, natives and their supporters, the OPP and the Ontario Provincial Police Association (OPPA).

McHale and his wife Christine had just come off Highway 403 and turned onto Highway 6 south, heading for Caledonia, when they were approached by an OPP cruiser with lights flashing. It was about ten thirty in the morning.

One of the officers got out of the cruiser, walked up to McHale's open window, and said the purpose of the stop was to advise him that if he attempted to raise a Canadian flag at the rally, he would be arrested.

The officer, Detective Sergeant Bernie Cowan, and his partner, Detective Sergeant Doug Cousens, had attended a "special briefing" about the planned McHale stop earlier that morning, where they were directed by Detective Sergeant Greg Walton to tell McHale that "raising flags in a certain location would be considered a breach of the peace because of the situation."

In any case, Cowan introduced himself and said, "We've been sitting there pretty much most of the morning looking for ya, just because we wanted to have a couple words with ya." He added that police had "some concerns today for you and the safety of the community," and "it's our belief that if you or anybody else attempts to erect flags or ribbons directly across from Douglas Creek Estates, that it may cause a confrontation, and we can't let that happen, and we won't let that happen.

"We will allow you to raise flags and ribbons, just not across from the Douglas Creek Estates. Okay, and anybody that — anybody that attempts to do that, to raise those flags and ribbons in that restricted area, will be arrested for breach of the peace."

McHale, of course, asked, "So have the natives been arrested for putting up their flags?"

"They have not," Cowan replied.

“Why?” McHale asked. “You said ‘anyone.’ Your words were ‘Anyone who tries to put up flags will be arrested for breach of the peace.’”

“That’s today I’m talking about,” Cowan replied.

Around and around they went, with McHale pressing his point and Cowan’s only answer for it that, when natives put up their flags, it was “a long time ago.”

“And I’m not here to comment on that,” Cowan said. “I’m just telling you what our plan is today, and that’s what my purpose is.”

“Well,” McHale said, “you know what my plan is.”

“What is your plan?” Cowan asked.

“My plan is to make you guys look like a bunch of assholes,” McHale said, “and you’ve done a great job [of helping achieve that]. The media will be here, and it will be quite clear to all Canadians across this country, because they will see the native flag. The cameras will show the native flag. And you’ll be there, and your officers will be there, saying, ‘If you put up a Canadian flag, we will arrest you.’”

He continued: “You guys are looking more ridiculous as time goes by. You did nothing when the power station was destroyed, you did nothing when the bridge was burned down, and now we’re talking about a simple flag, and the natives have their flags up and there was no violence.”

“Well,” Cowan said, “we just believe that today, if you guys attempt to do that in that area, there’s a confrontation. We just don’t want a confrontation today, and that’s what I’m talking about.”

The conversation lasted a little over four minutes, and as McHale continued on his way to town for the rally, the OPP prepared a transcript of the chat, sent it up the chain of command for approval and worked on a press release.

As promised, McHale was arrested that day and charged with breach of the peace, though in fact, at the time of his arrest, he was standing on Argyle Street, a flag in his hand, waiting to hear from the OPP if, as he had requested, someone senior would come and speak to him. “You show me him coming here,” McHale had told them, “and I will speak to him and will tell everyone to leave.” Instead, he was handcuffed, put in a paddy wagon and taken to Cayuga.

Fully expecting he might be arrested, McHale had given Christine his keys and wallet, so he had no identification on him. Officers kept coming in, he says, and asking, “Are you Gary McHale?” To which he replied, “I was the guy holding the Canadian flag.” Every ten minutes, someone would come and ask the same question, and he’d reply the same way.

“So I had made a decision,” McHale says, “and I said to the officers, ‘This is all mind games. You’re trying to intimidate me, so here’s going to be my response.’”

“And I had purposely worn boxer shorts,” he says, “so they throw me in jail, first thing I did, within seconds, was strip down to my boxer shorts. This is December 16. It is cold. It’s a steel bed — you probably haven’t been in jail — there’s no blankets, there’s no pillow. So you’re on a steel bed, cement walls: it was cold, cold, cold, cold.”

They brought in dinner; he wouldn’t touch it. He refused to sleep. They began asking if he wanted a blanket, or his clothes back. Now, worried he’d get sick, the police began cranking up the heat in the cells; they were now responding to McHale. “Within about an hour and a half,” he says, “I’m really toasty.”

One of his friends, fellow protester Mark Vandermaas, had also been arrested and was in the next cell. He hadn’t stripped down, so he was cooking. Vandermaas is a former Canadian peacekeeper and real estate agent who co-founded CANACE, Canadian Advocates for Charter Equality, with McHale. He was released after several hours, but McHale was held overnight.

December 17, 2006, was a Sunday, and there was no court in Cayuga, so McHale was taken to Hamilton, where assistant Crown attorney Andrew Goodman stood up and said he had no information on McHale, no paperwork.

Only later, in one of his various court actions, did McHale receive a statement from Goodman, in which he confirmed that he had been under some pressure to impose a peace bond with conditions upon McHale before releasing him. Goodman refused, pointing out that under Section 31 of the Criminal Code, once the purported “danger” has passed, “there is an obligation to release” an accused charged with breach of the peace.

Goodman said that, before court, he had spoken to Detective Sergeant Walton and perhaps one other person, and that there was more than one conversation. “There were some strong views provided to me suggesting that the Crown take a certain course of action

which I did feel was appropriate,” he said. “I cannot, at this juncture, quantify the degree of any pressure or influence placed upon me by the OPP, other than to state it was present.”

The OPP issued a press release after the rally, and this time, OPP commissioner Julian Fantino was quoted. The release, first of all, said the rally “was organized under the pretext it was in ‘Support of Our Troops,’” but that was the one earlier in the month organized by other people, not McHale. Then, without naming McHale, who was identified only as “a male party from outside of Caledonia,” the release said the rally leader “said to police that his intent was ‘just to make you guys look like a bunch of assholes like you already do.’”

McHale still giggles about it: “They just thought the community would be [aghast]. They’ve had some native women say every swear word in the book to their faces, and they think, ‘Oh, Gary called us assholes.’”

In fact, McHale rarely swears; I have seen him cringe at my language. It’s a measure of how angry he must have been to be stopped that morning that he did.

“They never brought it up again,” he says. “The OPP, after six months of investigation, the best they got on me is that I’m making them look like assholes.”

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