



## THE GLOBE AND MAIL

February 28, 2011

*Feb 28/11*

### For sheer abuse of state power nothing touches Caledonia

By CHRISTIE BLATCHFORD  
From Tuesday's Globe and Mail

*Civil liberties group screaming for G20 probe is still silent about incidents during native occupation of Ontario town*

How fitting that the report of the Canadian Civil Liberties Association on the policing of the G20 should be released on the fifth anniversary of the native occupation in Caledonia, Ont.

The same organization now screaming for a full-scale public inquiry into alleged abuses - particularly, the troubling breach-of-the-peace arrest authority used over that June weekend - was and continues to be absolutely silent about similar and worse abuses that occurred in the small town just south of Hamilton, just a few clicks from the Six Nations reserve.

The differences between the two events are, of course, notable.

The G20 saw the biggest mass arrests in Canadian history; Caledonia was by comparison small potatoes, although the same breach-of-the-peace authority was also misused there, with non-native activists like Gary McHale subjected to detention.

But for sheer abuse of raw state power, *nothing* touches Caledonia - and where the G20 lasted but three days, the situation on the former Douglas Creek Estates remains formally unresolved.

Consider that, at its height, the following happened in Caledonia under the noses of the Ontario Provincial Police:

â ¢ Dave Brown, the best-known Caledonia resident after his 2009 lawsuit against the Ontario government and the OPP, and some others among the 450 residents who live adjacent to the DCE site, were forced for a time to show native-issued "passports" merely to get to their own homes. Their vehicles were occasionally subjected to arbitrary searches by self-appointed native security officers, with goods sometimes being seized. None of this was denied by government lawyers at Mr. Brown's civil case, nor was a shred of evidence ever offered that it had not happened.

â ¢ These same residents were sometimes subjected to arbitrary native-imposed curfews, and either not allowed home or allowed to leave.

â ¢ At least two residents were asked to subject themselves to body searches before being allowed to return to their homes.

â ¢ The OPP Emergency Response Team, basically the force's riot squad, broke a cardinal rule of crowd control by always facing only the townspeople for the first five months of the occupation. This is in direct contravention of the principle that when trying to keep the peace between two quarrelling groups, officers are to face both sides to watch for possible threats. ERT members complained to their union to no avail.

â ¢ The OPP policed the occupation in two distinct manners. Non-native activists were painted as "outsiders" and meddlers (chiefly by then-Commissioner Julian Fantino) and subjected to public campaigns to discredit them. Mr. McHale was also singled out by Mr. Fantino for special attention and targeted for arrest. Native activists from New York and all over Canada were never similarly demonized. Neither were they subjected to contemporaneous arrests, if they were arrested at all. The OPP rank-and-file absorbed the lesson that they should not attempt to arrest native lawbreakers lest it provoke greater or more widespread lawlessness.

â ¢ More egregiously, as is clear from a transcript of Brian Skye, the native head of security on the DCE, in the Ontario Court of Justice at Cayuga on Dec. 19, 2010, the OPP was actually taking their marching orders from natives on the site. Mr. Skye, then testifying in his own defence on a charge of assaulting Mr. McHale (he was acquitted), described how he and other native security leaders were regularly texting members of the OPP's Aboriginal Liaison Team and Major Event Liaison Team, who would in turn tell the rest of the OPP what they could or couldn't do. As Mr. Skye inimitably testified, "So if there was a line that they would set up between the people protesting our actions and us, I would be able to tell them that they could come back further towards us or, or they could, we would, we could if we wanted to, you know, pull our people back further ... being able to tell the OPP that their men should move forward, or, or, or that they can move back as opposed to staying static." Mr. Skye testified that his "work" with the OPP, texting and face-to-face meetings, continued from April, 2006, after the OPP's failed raid on the site, through until 2009, when negotiations to settle the matter stalled.

I was in Caledonia on Sunday for Mr. McHale's latest rally. Two buses brought in supporters of the Six Nations - students mostly, one load from Toronto, one from Waterloo and Guelph. They disrupted Mr. McHale's rally, outshouted and outnumbered his small group. The OPP, as ever, was there - videotaping, for the most part, and blocking traffic as the pro-native group marched down Argyle Street to the DCE site.

The Dalton McGuinty government long ago threw this town under the bus. The Tim Hudak opposition Conservatives are more interested in buck-a-beer slogans. The people of Caledonia themselves don't even bother to show up for rallies anymore. As one of them said, "They used to come and it did no good and they gave up."

From start to finish, this story is but a stain on the Canadian landscape, the lesson that anything - criminal conduct, lawlessness, state abuses - is tolerated if it is done in the name of aboriginal self-expression.

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