

CALEDONIA: NO MORE NIGHTMARES

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Illegal Smokeshops and Landclaim Lawlessness (7:00)

Doug Fleming, Caledonia Resident

I would like to share with you the presentation I gave at our news conference in the Queen's Park Media studio on Dec 04, 2007 after Six Nations people attacked us during a protest I had organized against illegal smokeshops in Caledonia. This attack sent two people to hospital, one of whom suffered a brain injury that persists to this day.

It is called, 'Illegal Smokeshops and Landclaim Lawlessness.'

As a life-long resident of Caledonia I feel a sense of loyalty to my town. As a law-abiding citizen I believe that the law applies to everyone and that it is the duty of the OPP to enforce it.

I'm here to protest illegal smoke shops. I refer to them as illegal because they operate on deeded land that is part of Haldimand County. The first one opened about six months ago, the second about four months ago, the third about one month ago. All three are operated by the residents of Six Nations. After the second shack opened, I was driving out of town and noticed a kid riding a bicycle towards town. He had a plastic bag full of cigarettes on his handlebars. He looked to be fourteen or so. That same day, I told an OPP officer what I had seen and asked what he could do about it. He didn't seem terribly interested.

Shortly thereafter I visited the land registry office to search the land titles. The two farms in question were purchased by the Six Nations Band Council several years ago. They are not Reserve land, they are deeded land, legally subject to Haldimand by-laws.

Armed with this information I went to Haldimand County office to see what permits had been issued. None had been. When I indicated that I wished to file a complaint, I was informed that the properties were "IN LIMBO" and that Haldimand County had no jurisdiction there.

I got on the phone with David Crombie, the Federal Representative, who told me “There is no such thing as ‘IN LIMBO.’ Haldimand County absolutely has jurisdiction there.” They had lied to me.

I prepared a complaint to Haldimand County Council which was presented at the next meeting. It was talked about a little, but not with any sense of urgency.

Growing impatient with the indecisiveness of people in positions of authority I attempted to light a fire under them. I went into the business of selling smokes!

‘Doug’s Smokes’ opened October 13th. I was careful not to break any laws that weren’t being broken by the natives. That way, if the OPP arrested me, they would have to arrest them, too. I acquired permission to use a vacant lot in town, and sold cigarettes out of the back of my truck. I had signs on the side of the road advertising ‘smokes.’ Of course, I had no permits of any sort. As an ‘opening day special’ one bag of smokes got you a coffee, two bags got you a coffee and a Toronto Sun, three bags got you a coffee, a Toronto Sun and a pumpkin. Since I was selling the smokes at cost, it was not a profitable day.

My aim, however, was not to make money. It was to get the attention of the OPP, which I did. To my amazement they didn’t threaten to arrest me or even point out that I was doing anything wrong. I even asked an officer if he’d like to buy some smokes from me. He declined.

Over the next two Saturdays I sold cigarettes out of the back of my truck. First, in the parking lot in front of the police station, then on the sidewalk in front of the CIBC. Each time there were OPP officers present watching me do business, but not interfering. I pointed out to them that I was breaking the law and maybe they should arrest me, but it was no use. I had turned to a life of crime in an attempt to have the law enforced, but it wasn’t working.

In spite of my best efforts a third smoke shack opened, this one even closer to town. There are eyewitness accounts of minors seen walking back into town carrying bags of cigarettes.

The OPP claims that the matter is under investigation. Council says they’re working on it.

It was obvious to me that the OPP and Council will not lift a finger to stop the smoke shacks. Sensing that a new plan was needed I turned away from my life of crime. I wasn't making any money and I wasn't getting any results. I contacted the RCMP and gave them a statement about the situation. The thought of smoke shacks popping up all over town makes me sick, so I then ran a notice in the local papers for last Saturday's rally aimed at stopping their expansion.

The rally started off peacefully enough but some people were in a hostile mood. Eyewitness accounts and video evidence show that the violence came from the native smoke shack supporters. Mr. Fantino's press release, however, blamed the protestors (that's us) and Gary McHale and company for the trouble. No mention of the illegal businesses that have been selling contraband cigarettes to children for the past six months. No mention that the OPP is 'non-existent' when it comes to policing these businesses.

A recent study in which 11,000 cigarette butts were analyzed to determine their origin has shown that 25% of high school students who smoke are smoking illegal cigarettes. [Canadian Convenience Stores Association, Kingston Whig Standard, Nov 01/07]

According to the RCMP , the federal Ministry of Finance has analyzed illegal cigarettes of the type being sold to the children of Caledonia and found they contained everything "from mouse feces to pieces of rodent tails." They have also said that, typically, it is organized crime involved in distributing contraband cigarettes. [The Sault Star, Nov 2007: <http://www.saultstar.com/PrintArticle.aspx?e=777437>]

The Ontario Tobacco Research Unit of Ontario's Health Ministry says that more than one in three smokers have avoided paying taxes by buying cigarettes on reserves, and that 145 million dollars in revenues were lost to taxpayers like me. [The Sault Star, Nov 2007 : <http://www.saultstar.com/PrintArticle.aspx?e=777437>]

If Premier McGuinty wants to create a smoke-free Ontario, it seems to me that he's not doing a very good job. The government and Mr. Fantino do their best to draw attention away from the real issues in Caledonia. They work overtime to mislead the public by blaming McHale or the residents for everything.

There are many people who are committed to stopping the lawlessness that has been forced upon us. Mr. Fantino is using us to hide the truth about Caledonia.

Mr. Fantino, please, think about the decent, law-abiding people who live here. We didn't ask for this. We want peace, but real, lasting peace requires law enforcement.

You, sir, swore an oath and I personally expect you to uphold it.

That was the end of my presentation in December 2007 and nothing has changed since then. More than three years later the smokeshack is still there – still selling illegal tobacco, and the police still do not enforce the law.

Thank you.

I am very pleased to have the honour of introducing the former mayor of Haldimand County, a good woman who did her best to help us get through the worst of our nightmare as she was forced, every day, to confront all the forces working together to destroy the rule of law in our county. Ladies and gentlemen – Marie Trainer.