

Montours face private charges

Activist Gary McHale wants to file more over Monday protests, since police haven't

Posted 4 hours ago **July 10/08**

Activist Gary McHale has successfully laid private charges against native protesters Floyd and Ruby Montour over incidents in Caledonia.

Now, he's looking at laying private charges over native protests at several building sites in Brantford on Monday.

Private charges are those filed by a citizen, as opposed to those laid by police or the Crown.

McHale went before a justice of the peace on June 17 in Cayuga to present evidence he gathered against the Montours about actions in Caledonia and press charges of extortion, mischief and intimidation.

Justice of the peace Dan MacDonald examined videotapes, witness statements and other evidence and declared McHale had proven all the essential elements of the offences. MacDonald ruled this week that the case can now move forward.

The Montours can still try to have the charges quashed or ask the Crown to intervene and withdraw them.

The Six Nations couple are required to appear in Cayuga court on Aug. 20, but it's expected the case will be remanded.

Ruby Montour responded to the charges by saying McHale is a troublemaker and "a silly man."

"McHale is not going to be able to prove anything," she said Wednesday. "But I don't have a lot of faith in the justice system for him to even get this far. It shows how we, as Haudenosaunee people, stand."

McHale's evidence focuses on May 12 and 13, when Montour stopped construction in Cayuga and, according to McHale, tried to force the property owners to comply with the terms of the Haudenosaunee Development Institute. The HDI says it represents native interests in the Haldimand Tract.

"This demand to comply with paying \$3,000 to HDI, which the Ontario government has repeatedly stated to builders they have no legal obligation to pay, amounts to extortion," wrote McHale in his statement.

The same complaints are made against Montour's husband, Floyd, but include information about a May 23, 2007, incident where McHale provides a video statement from the owner of the land as evidence that the Montours trespassed and committed mischief.

McHale said that he put about 25 hours of work into gathering the evidence against the Montours and presenting it to the justice of the peace.

"The OPP said they've been investigating Floyd and Ruby for possible extortion charges since April and I went out and in one day gathered enough evidence to have charges laid," he said.

"So why haven't the police laid charges? If a private citizen can lay charges, then why can't the police?"

McHale said he understands why the police don't move in and arrest people during emotionally-charged protests, but he said people shouldn't have to wait for months, or years, for action.

"If someone had been arrested a year ago maybe we wouldn't be here today. Why spend \$100,000 to get a court injunction instead of filing criminal charges and getting this stopped?"

McHale says he wants to file charges regarding the multi-site protests in Brantford on Monday.

"I've been looking at the photos from Monday and will file many charges," he said. "But we can't be surprised: people tested the waters and saw that a group of people got away with breaking the law for a full year, so now, how can the bylaw be enforced in Brantford?"

POLICE POST STATEMENT

The municipality recently passed two bylaws banning native protests at certain development sites. The city has since gone to court to get an injunction banning protests, and was granted a temporary one until its case can be heard.

A statement from Brantford police says the chief, senior staff and investigators are still reviewing Monday's events, mainly looking at the protests at the Hampton Inn and the Kingspan sites because those are the ones covered by a court injunction granted to the city.

"Unlawful acts will be investigated and the appropriate course of action will be taken," states a bulletin on the police website, "after giving consideration to all aspects of the situation, including the potential for escalation and the risk to public and the responsibility of the service to comply with orders of the court."

Meanwhile, the Montours were in Brantford on Wednesday, stopping the demolition of a house on Birkett Lane, off Erie Avenue.

"They're getting ready to build there," said Ruby Montour. "They're going to try and put up 219 houses and it's our land. The Eagle's Nest is not up for grabs."

Montour said whether another protest rally like Monday's is held again now that Brantford developers have resumed their building is not up to her.

"They now have to deal with our men and our chiefs, and I love it. Our men are going to take over and I'm proud of our people and the stand they're taking."

Copyright © 2008 Brantford Expositor