

MAY 2008: OPP WEAPONRY AND ESCALATION UPDATE ON THE STRUGGLE FOR THE CULBERTSON TRACT

While the quarry site, part of the disputed Culbertson Tract, has remained under Mohawk reclamation since March 2007, the Mohawks of Tyendinaga recently successfully halted another non-Native development effort on the Tract – this successful action led to a series of alarming and serious events.



arrest on Friday, April 25th stemmed from an incident that took place days before. Specifically, Shawn Brant has been charged for his role in preventing further attacks on two Mohawk woman and a young child by racist rednecks from the town of Deseronto (see below for more on Shawn's arrest).

In late April, a Kingston realtor, Emile Nibourg, made loud public plans to begin construction on the Culbertson Tract, culminating in a written commitment to bring a crew of "25 to 30 guys" to the site. The Mohawks of Tyendinaga responded by closing roads immediately adjacent to the proposed site, which they held for several days. While the OPP SWAT team was eventually brought in to remove the Mohawks from the roads, no confrontation ensued, and Nibourg backed away from his plans to build on stolen land.

Several days later, after the roads had been reopened, Mohawk spokesperson Shawn Brant was arrested during an interview he was conducting with APTN. Shawn's final words during his arrest on Friday were "This is it, justice for first nations communities: lock us up. Anybody who speaks out, lock-em up. KI6, Bob Lovelace: lock-em up...Don't fix the problems, lock-em up."

Despite the reporting in mainstream press, Shawn Brant's

Supporters rushed to the quarry after watching or hearing of Shawn's arrest. His arrest sparked off police actions that led to the jailing of four other Mohawks, the OPP pulling their weapons on community members at the reclaimed quarry site, and a weekend of tense stand-offs and road blockades. Psychological warfare on the part of the police resulted in a tense face-off between the OPP and community members that lasted for days.

The same weekend, Six Nations community members erected a blockade of the Highway 6 bypass, near Caledonia, in support of the Tyendinaga Mohawks. This blockade was not removed until Six Nations received confirmation that the OPP had withdrawn from the Mohawks of Tyendinaga.

Following Shawn's arrest, Matt Kunkel, Clint Brant, Dan Doreen, and Steve Chartrand were charged and jailed. Dan, spokesperson for the earlier Mohawk road closures on Highway 2, and Steve have since been released with strict condi-



Lower Slash Road in Tyendinaga blocked off in late April, 2008

tions. A couple from the community who were also arrested by the OPP were later released unconditionally. Matt and Clint, along with Shawn, remain in maximum-security pre-trial custody in Quinte Regional Detention Centre in Napanee.

Ontario has opted for the incarceration of First Nations people over the resolution of outstanding land issues as their status quo. As for the Ontario Provincial Police, it appears the adoption of Justice Linden's Ipperwash Inquiry recommendations is experiencing some delay. During the road closures in Deseronto, an OPP officer on the scene audibly commented to her colleagues, "We should just shoot them (Mohawks) all." Following the arrests of the 5 Mohawks, the OPP claimed to have seen 'one long gun' at the quarry site, prompting the officers on the scene to pull their weapons out. The Mohawks at the quarry were not armed. The memories of Dudley George have not faded. And while in custody at the Napanee OPP Detachment, several different officers repeatedly informed Shawn Brant that they were going to "slit his throat".

Once again, for his role as a spokesperson in the community, Shawn Brant is facing trumped-up charges. These new charges were laid less than two weeks after Shawn Brant was acquitted of charges alleging that he threatened Canadian Forces soldiers during a demonstration to prevent development of the Culbertson Tract in 2006.

As well as dealing with five of their community members now facing charges, the people of Tyendinaga are also facing

another serious challenge. The OPP has struck a deal with the Band Council to build a new police station on Tyendinaga territory, ostensibly for the Tyendinaga Reserve Police force (employed by the OPP). Community members have questioned why the four-man force needs a bullet-proof, 5,000-square-foot facility. An identical structure on Mohawk land the Akwesasne Reserve in Quebec is now home not only to the local Reserve cops, but also to the OPP and the RCMP. The deal between the Band Council and the OPP, in which the Band will spend \$1.2 million on the new station, with an additional \$1 million contributed by the Province of Ontario and Stockwell Day's Federal Ministry of Public Safety, was made without proper consultation with the community. The Men's and Youth Councils, who meet at the recently constructed community longhouse, have openly voiced their opposition to the station, saying the money is needed more urgently elsewhere on the reserve. Meanwhile, construction on the new station has, as of printing time, now begun.

The Province of Ontario refuses to take responsibility for the actions of its police force, the OPP, while also continuing to abdicate responsibility for their role in the licensing of the non-Native quarry operations. The quarry itself now sits partially flooded, while the Mohawks continue their reclamation of the site until government acts to return it to them. The federal government continues to languish at the negotiation table, while making noise in the mainstream press about crackdowns on the Native cigarette industry, and the land – long acknowledged as belonging to the Mohawks – remains unreturned.

FANTINO BROUGHT 401 BLOCKADE TO BRINK

A recent CBC radio documentary, *Long Hot Summer*, revealed how close OPP Commissioner Julian Fantino came to ordering heavily armed police to move in on Tyendinaga Mohawks during the National Aboriginal Day of Action on June 29th, 2007. The documentary brings to light the dramatic contrast between Fantino's public calls for peace and his private threats to make Shawn Brant "public enemy number one" and to "ruin" him.

The OPP Incident Commander, Carson Pardy, was in charge of policing the Day of Action protests by the Tyendinaga Mohawks. Pardy had determined that the police should not move in because, according to notes obtained by the CBC, he was "not about to put people at risk for a piece of pavement". However, the OPP had the riot squad, tactical rescue unit, swat team, emergency response team, helicopter, and airplane at the ready, and had put in a request for armoured personnel carriers just before 6 o'clock, on the morning of the blockades. While Fantino told Pardy that he (Pardy) had the final say, the Incident Commander's notes say he was getting 'pressure' from Fantino. The notes also say that the "Commissioner could not, would not tolerate [the] 401 being closed all day. He wants contingency ready on his go ahead. The mission... [was] to start the morning with the 401 open."

Fantino, it seems, was willing to risk lives for a piece of pavement. Fantino worked to escalate the situation by threatening, to "do everything in my power to ruin him [Shawn Brant]", and by pressuring the OPP cop in charge of the operation to move in on the Mohawk people.

To listen to the CBC documentary, Long Hot Summer, check out the link on the TSC website (www.ocap.ca/supporttmt)

SHAWN BRANT'S ARREST

STATEMENT BY SUE COLLIS, TYENDINAGA

(from May 4th, 2008) Eight days ago, on Friday, April 25th, 2008, my husband, Shawn Brant, was arrested and detained on assault and weapons charges. Since that time, Commissioner Julian Fantino and the Ontario Provincial Police have issued public statements that have, it seems, misstated the events leading to my husband's arrest.



I believe it is important to the public good for people to understand the circumstances that have led to Shawn's incarceration at this time. Those circumstances are as follows:

On Sunday, April 20th, 2008, the community of Tyendinaga responded to threats from a Kingston developer to bring "a crew of 25 to 30 guys", in order to begin development on a property which falls within in the Culbertson Tract land claim. Mohawks from Tyendinaga did peaceful road closures on Highway 2, adjacent to this proposed development site on Mohawk land.

My husband Shawn has been living and complied with very strict conditions imposed when he was charged in relation to community rail and highway blockades on the June 2007 Aboriginal Day of Action. One of his conditions is not to attend protests. During the evening of Monday, April 21st, 2008, my husband was some distance away from the road closures erected in response to the Kingston developer, talking to a Tyendinaga community member, while he also checked a nearby creek for fish.

During this conversation, Shawn became aware of some commotion down the road, and made his way towards the commotion, parking his car some 50 feet away from where a small group of people was gathered on one side of the road. The first thing Shawn saw a 10-year-old girl shaking and crying uncontrollably. He had no idea what was going on. As he approached the scene, someone yelled "Shawn help us!" The little girl screamed, "They hurt my Mommy! They're gonna hurt my Mommy." Someone else yelled, "He has a ball bat!" At this time, Shawn noticed two trucks were parked facing the people who were in obvious distress. Shawn returned to his car and retrieved his fishing spear. By the time Shawn returned to where the people were gathered, the occupants of the trucks were back inside their vehicles. Shawn shouted at the occupants of the trucks to leave. The windows were so tinted that he could not make out their faces. The drivers of the trucks sped away with such force that one of their truck tires was raised in the air, spraying much gravel and stone at the women and the child, some of which they later discovered was imbedded in their skin.

Shawn turned his head to avoid catching stones in the face, and held out his spear in an effort to create some distance between the group of Mohawks and the trucks, out of concern that those in the vehicles would strike those on the road with their vehicles. The trucks then sped away. That is the extent of Shawn's interaction with the individuals he is now charged with assaulting. To be clear, he is charged with assaulting the men in the trucks.

A 911 call was made during this incident on April 21st, 2008, in which the trucks' licence plates were recorded. Shortly thereafter, the women made statements to the police, identifying the men driving the trucks as known Deseronto inhabitants, subsequently identified as Jamie Lalonde and Mike Lalonde. The women also testified in police statements that one of the men swung a club at them, drove one of the trucks into them, and threatened further violence. The women also described being injured by flying stones, and described the trauma endured by the young girl. No one but Shawn has been charged.

The men from Deseronto sought out this group of people, deliberately caused them injury and issued threats of further violence. They were targeted for assault and abuse for no other reason than that they are Native. The actions taken by the men from Deseronto were driven by bigotry and racial hatred. By definition, these were hate crimes. Again, no one but Shawn has been charged.

The men are presumed to have filed a complaint against my husband, resulting in a police search of his car on Friday, April 25th, when his fishing spear was taken from his car, and charges of assault and possession of a weapon – the spear – were laid. My husband remains in prison, in maximum security, as a result.

It is our understanding that the prosecution is seeking yet another publication ban on all future court proceedings in this matter. A pattern has emerged with respect to my husband, Shawn Brant. The police and prosecution make sensational and vilifying statements about Shawn in the media, and then seek a publication ban during court proceedings, when the actual evidence is introduced. The starkly different narrative of events that emerges in court is withheld and the public forbidden from hearing it. The version of events I have just presented will all but disappear.

Less than a month ago, my husband was acquitted of charges

he carried for more than 18 months. When issuing the ruling in this acquittal, the judge described the investigative practice and evidence employed and presented by the cops and the Crown as “problematic” and “troubling,” as they related to Shawn. During this same period, CBC Radio aired a documentary in which several Mohawk people recounted conversations with OPP Commissioner Fantino that occurred during the 2007 Aboriginal Day of Action, in which they say he threatened to “ruin” Shawn. During Shawn’s detention at the Napanee OPP detachment last week, several different police officers threatened to “slit his throat” and “cut off his head.”

As I deal with the tears of young children who have been robbed of their father once again, Commissioner Fantino claims the OPP is an apolitical and professional organization, dedicated to upholding the rule of law. The events of the past week indicate it is anything but.

- Sue Collis
Tyendinaga Mohawk Territory

MORE CHARGES LAID: CLAMPDOWN INTENSIFIES

In the wake of recent road closures, OPP intimidation, and jailing of Mohawk community members, charges have now been laid by the OPP against at least 9 additional Tyendinaga Mohawks. These charges, according to police, stem from “events that occurred in and around Deseronto,” between April 21 and 26. According to the OPP, the investigations are ongoing and additional charges may be laid against other Mohawks. While none of the 9 people recently charged were forced to remain in police custody, and are free to go home to their families, all carry conditions of ‘no protests’ and ‘not to be present at the quarry site’.

The current situation in Tyendinaga is developing into a sweeping crack-down on community members, the stifling of resistance to increased policing and further development of the Culbertson Tract, while federal monies are being poured into the Territory for policing matters and an RCMP report is released, citing federal government intentions to dedicate police “to fighting contraband, which he [Stockwell Day] said is funding organized crime and possibly even terrorists” in three Mohawk communities, including Tyendinaga.

It is important to remember that the feds’ concern with Native-made smokes and sales go much deeper than their own pocket book. It is not simply the lost tax revenue that they suffer, but the fact that the lost dollars go to sustain Mohawk families and other services and allows for the Mohawk Nation to stand, as it always has, as a clear and organized force of resistance against the Canadian government’s practices of assimilation and control of First Nations peoples.

It is the efforts to strengthen Mohawk Nations’ economies and sovereignty that threatens the implementation of Canada’s colonial agenda. The policing agendas of the Canadian government aim to crack down on this assertion of self-sufficiency and strength, not, as they claim, “organized crime”.

Tyendinaga Support Committee

www.ocap.ca/supporttmt
support.tmt@gmail.com

*The reclaimed quarry in Tyendinaga,
flooded.*

Please send letters to the men in jail:

Shawn Brant (or)
Matt Kunkel

c/o

Quinte Detention Centre
89 Richmond Blvd
Napanee, ON K7R 3S1

