

A MATTER OF CONSCIENCE

Sometimes in life one must look back in history for inspiration. This is especially true when current events overwhelm us and threaten to make us lose perspective. History has many lessons to teach us about political dissent and social change. The lessons are not easy for us to contemplate for they challenge our natural desires for order, predictability, faith in our institutions and simple comfort.

Yet at times like these it is our responsibility, as individuals and community members, to scrutinize our own views about how our governments operate and in whose interests. Failure to do so from time to time will only lead to an erosion of our fundamental rights as human beings.

In the absence of justice, what is sovereignty but organized robbery?
- *Aurelius Augustinus (Saint Augustine), 354 – 430 AD*

Peaceful protests have much historical precedence: Mahatma Ghandi in India, Nelson Mandela in South Africa and Rosa Parks in Alabama, USA are but three high profile examples that come to mind. They have shown that non-violent defiance of unjust laws can and must lead to positive change.

In Kingston, Ontario, February 15, 2008, Judge Cunningham of the Frontenac County Court passed sentence on a respected and admired Queen's University Lecturer and Fleming College Counsellor, and father of seven, Robert Lovelace, for his political views. An Assistant Professor from Trent University, Paula Sherman, accompanied him in sentencing, along with three other community members in good standing.

Their "crime" was peaceful, open and good faith opposition to granting of mineral rights by the Ontario Government that contravened the rulings of the Supreme Court of Canada. Those rulings have confirmed

There are times when you have to obey a call which is the highest of all, i.e., the voice of conscience even though such obedience may cost many a bitter tear, and even more, separation from friends, from family, from the state to which you may belong, from all that you have held as dear as life itself. For this obedience is the law of our being.

- *Mahatma Ghandi, 1869 - 1948*

the Province has a duty to consult and accommodate if the Crown has knowledge of the potential existence of an Aboriginal or treaty right, whether or not that right has been legally established, and where the Crown contemplates conduct that may adversely affect it. Furthermore, the Ontario Government has well developed guidelines on how mining proponents should consult with Aboriginal people at every stage of the mineral development process (including exploration).

In other words the defendants (Robert Lovelace and all) were politically objecting to the probably illegal and certainly unjust actions of the Ontario Government (and

mining proponent) and calling for a fair political hearing to resolve the dispute (beyond the Ministry of Northern Development and Mines' belated and insincere attempt at mediation). The specific "crime" was to hold a non-violent sit-in in the face of an unfounded court injunction.

As punishment, Robert Lovelace was incarcerated for six months and fined \$25,000, plus \$2,000 per day for every day that he defies the court order not to obstruct Frontenac Ventures from accessing the site. Paula Sherman, a single mother, was fined \$15,000 but not incarcerated after she pleaded for leniency

facing the loss of custody of her three young children. Their Ardoch Community was also fined \$10,000 for its support.

Another three Aboriginal people, including a 78 year old Ardoch Elder, Harold Parry, who has a heart condition, were charged with contempt and/or sentenced, some with fines. Chief Doreen Davis and Earl Badour of the Shabot Obaadjiwan First Nation have agreed to abide by the injunction but must return to court in March 2008 for sentencing. In exchange for freedom these protestors must remain in silence – facing harsh punishment if they fail to end their political protest.

Robert Lovelace’s legal defence, that the law he is protesting is unconstitutional under provisions of the 1982 Canadian *Constitution Act*, was dismissed by Judge Cunningham until such time as the contempt is “purged” by the defendant. This means Robert Lovelace no longer has a legal voice unless he submits to an unjust ruling. He is now by definition a political prisoner (someone held in prison for their political views) and at time of writing is incarcerated in Lindsay, Ontario at a provincial detention centre.

Both the university where Robert Lovelace teaches and the college where he counsels have upheld his position. Paula Sherman’s university is also supporting her position and sees her as no threat to the university or student body. Their own immediate community has embraced their struggle as have other communities and non-government organizations – near and far.

Robert Lovelace has remained strong and graceful in the full face of adversity of the Ontario Government.

The universal brotherhood of man is our most precious possession.

- Mark Twain, 1835-1910

Three “settlers” (non-native community members) are also facing contempt of court charges with hearing dates set for March 18, 2008. Several other community members live in fear they too will face charges and jail sentences for their peaceful roles in the protest. One settler, Frank Morrison, is the person who first discovered mining claim stakes and tree cutting on his private property. No notice of the exploration work was provided by the exploration company as required by the Province of Ontario. His “crime” was to dare to go to the protest site. The other two settlers, David Milne and John Hudson, are Christian Peacemaker Teams members, who’s “crime” was to visit the protest site to counsel non-violence.

Will they too go to jail and/or be heavily fined for their peaceful acts of conscience?

At the core of the issue is an utterly outdated provincial *Mining Act* and a mining company’s desire to explore for and develop a low grade, open-pit uranium mine (or mines) in North Frontenac County. While

Change your thoughts and you change your world.

*- Norman Vincent Peale, US
Clergyman, 1898 - 1993*

the proponent’s actions are normally legal under antiquated mining laws (they were framed during a time that pre-dates environmental science and the discovery of uranium), the clear motivation for its actions is simply profit at the expense of the environment, public health and human rights.

There is no compelling societal reason to develop another uranium mine – Canada exports over 80% of its production to places like the United States, France and Japan and has enough domestic capacity at current consumption rates to last about 285 years. Simply put we do not need any more uranium to meet our needs. Sadly for many communities across Canada today, corporate greed is apparently the only justification necessary in our current regime.

The land where the proponent has staked uranium claims includes Crown land owned by the Province (which in turn is ostensibly the embodiment of the people) and private property. The private property owners for the most part do not own mineral rights under the surface of their land, and have no say in mineral exploration and development according to the Ontario *Mining Act*. The land also is in proximity to

or includes rural municipalities and townships that would like to develop long-term plans without the whims and secrecy of mining interests controlling their futures.

Treat the earth well: We do not inherit the Earth from our Ancestors; we borrow it from our Children.

- Ancient Native Proverb

The same land claimed by mining interests is also subject to a comprehensive native land claim by the Algonquin First Nations in the region who have not ceded this territory to the Crown. The Supreme Court of Canada has made it clear that whenever land development permits are being requested it is the duty of the Crown to consult with First Nation peoples if there is any question about the circumstance of title to the land, no matter how tenuous. The Ontario Government not only failed in its duty, it issued mineral exploration permits to the proponents without any

notice to anyone (as there is no requirement for notification under the current mining law).

Last but not least the land is up-river and upstream from over one million citizens who rely on that very watershed and surrounding land for drinking water and locally-grown food supplies (many of which are organic). To date the Municipal Councils of Ottawa, Kingston, Perth, Carleton Place and eight rural governments have all voted to petition the Province of Ontario for a moratorium on uranium exploration and development in the Ottawa River watershed, for a re-vamping of the Ontario *Mining Act* and to have Aboriginal land claims resolved.

This struggle raises some disturbing questions. Perhaps the most important is: Whose interests is the *Ontario Mining Act* serving? Is it possible our government, that we elect and finance, has been captured by the interests of a few in the mining industry at the expense of the many?

The citizens who are protesting this injustice are not criminals nor are they revolutionaries. They are not rich or powerful. They are not motivated by greed or domination. They are simply the fellows of good conscience from a good community speaking out peacefully against a reckless and dangerous government. They are just like you and me and our neighbours.

This issue is not only about freedom of dissent when a government has overstepped its authority, but about the freedom and responsibility of human beings to help shape their destiny and to oppose threats to their health, environment and welfare.

After reading these accounts please ask yourself: How do you feel? Are you comfortable that justice is being served in a democratic manner? Is this how the Canada that you know and love should treat its citizens? Is there anything you should be doing to help these people? Is your conscience clear?

In the End, we will remember not the words of our enemies, but the silence of our friends.

- Martin Luther King Jr., 1929-1968

It is only through the “court” of public opinion that this injustice can be redressed. Community concerns and public outcry have changed laws before and they will again, with your help.

Please support our efforts to rectify this grievous wrong. Please support Robert Lovelace, Paula Sherman, Frank Morrison and other concerned citizens awaiting trial or sentencing and join the historic community of First Nations and settlers who have united to fight this battle together. Please support every one of us who is acting in good conscience.

Most of all please help yourself. If you don't, one day, if this injustice passes us by unchecked, you too could find yourself acting out of conscience and facing the wrath of Ontario justice.

Please Help! One Simple Act Will Support Our Efforts

Contact Ontario Premier Dalton McGuinty and ask him as our elected leader to:

- free Robert Lovelace from prison
- pardon all the protestors and cancel their fines
- grant a moratorium against uranium exploration and mining in eastern Ontario
- publicly review the Ontario *Mining Act*
- protect private property
- resolve unsettled Aboriginal land claims

You may do so in the following ways:

Online: <http://www.premier.gov.on.ca/feedback/default.asp>

E-mail: dmcguinty.mpp.co@liberal.ola.org

Write-in: Dalton McGuinty, Premier
Legislative Building
Queen's Park
Toronto ON M7A 1A1

Phone: 1-416-325-1941 or 1-613-736-9573 **Fax:** 1-416-325-3745 or 1-613-736-7374

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