

At home with Gary and Christine McHale

Richmond Hill activist now lives in Binbrook

Neil Dring, Things I See

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He's been called an agitator, an interloper and infamous but Gary McHale considers himself a civil rights activist. The former Richmond Hill resident and his wife, Christine, now call Binbrook their new home. "It's great," says Christine, "those drives from Richmond Hill were killing us. Now we're only 15 minutes away." Fifteen minutes away from Caledonia where Gary has made a name for himself as the town's self-appointed OPP and government critic in the wake of the Douglas Creek Estate occupation and 15 minutes from Cayuga where Gary now spends a great deal of his time at the courthouse.

Until native protesters occupied the Douglas Creek subdivision in February 2006, Gary McHale had only heard of Caledonia as part of his family folklore. His father used to work at the gypsum plant in Caledonia and two of his brothers were born here. Gary is the youngest of six brothers and grew up in Violet, Ontario. His mother died in a car accident when he was 10. McHale never attended university, although he was accepted, because he was poor. He met his wife in math class at Laura Secord High School in St. Catharines.

The McHales were forced to move from their Richmond Hill home a month ago on Gary's 46th birthday, March 8, the same day as the big snow storm. "It's no secret that we lost the house," says McHale, referring to the local sheriff having served them with foreclosure papers. The self-employed accountant had little income for the past year and half since he took up the Caledonia cause. Now, he and his wife live in a brand new Binbrook semi thanks to a benefactor that has paid their rent for the first year. "We might like to buy this house and stay here," says Christine hopefully. The McHales have been married for 27 years and their new home reflects the comforts of modest suburban living; a mahogany dining room suite, a large-screen TV, a silver tea set (no doubt a family heirloom) and comfortable sofas... all neat and tidy. When it's obvious that this interview is lasting a little longer than planned, Christine earnestly offers a cold drink or a cup of tea.

The McHales, who have both been self-employed since high school, seem to be enjoying the new chapter in their lives in a matter-of-fact kind of way. Their days are filled with discoveries and challenges. Gary spends most of his time working from his home computer researching, reading blogs, organizing rallies, filing lawsuits and preparing private prosecutions. He has successfully convinced the Crown Attorney three times to lay charges against individuals that police were unable or unwilling to charge. Although the charges don't always hold up in court, it provides him with an opportunity to sue the police for failing to perform their duties. He is filing a human rights code violation this week and has three current lawsuits in Small Claims Court with plans to launch three more shortly.

A recent defamation case against a local newspaper was settled amicably and a similar case against the Hamilton Spectator was withdrawn because of an error. When Gary makes a mistake in the legal system, he readily admits it, chalks it up to a learning experience and moves on.

Christine keeps Gary's schedule for him, making him available for court appearances.

One of Gary's biggest current battles is trying to have his bail conditions lifted. During a rally on December 1, 2007 at a smoke shop near the Caledonia bypass, Gary was arrested for counselling mischief. Bail conditions prohibit Gary from entering Caledonia, a move that Gary

finds reprehensible. Instead of facing the mischief charge in court as soon as possible, Gary has delayed entering a plea deliberately. In the meantime, he hopes to have the bail condition prohibiting him from entering Caledonia lifted. In order to do that, McHale has subpoenaed OPP officers that he claims have vital information which should have been heard at his original bail hearing, but was denied. The OPP have subsequently successfully had the subpoenas overturned. Now Gary is arguing that the judge at his original bail hearing erred and he wants that decision thrown out so he can get a new bail hearing. It's an arduous task, but one that Gary McHale clearly enjoys. With all of his nit-picking and legal wrangling, one might think that McHale has become a thorn at the Cayuga courthouse. Not so, according to McHale. McHale represents himself in most cases and points out that prosecuting attorneys and judges have a duty to inform him of his options, something they do quite well in Cayuga.

"The court system in Canada is very accessible and fair if you are committed," says McHale. He claims lawyers that have had to argue against him in court bend over backwards to be fair and that the OPP officers at the courthouse have been "extremely helpful."

"That's the way (legal system) should be," says McHale. McHale appears to have a lot of respect for the legal system, especially the machinery in Cayuga, but only wishes it would extend up river to Caledonia. His big complaint has never been with the natives; always against the OPP for its perceived "two-tier" justice system and with the provincial and federal governments.

Tucked away in his new suburban headquarters, Gary McHale works confidently now on his newest project. Content to take a back-seat to other Caledonia residents who have become his friends and supporters, McHale now concentrates on his new project, an organization he founded called Canadian Advocates for Charter Equality (CANACE). So far there are 85 members and a website. He supports himself through donations. It's an organization that has sprung from the Caledonia crisis, but is now national in scope. He works diligently almost in exile, waiting for his bail conditions to be lifted so he can once more visit Caledonia and its residents, many of whom have become his new friends.

There was a benefit dance recently and a barbeque hosted by "residents," as he refers to them, that McHale missed because of those bail conditions. Bail conditions he doesn't like, but still respects.