

Douglas trial put on hold

By Paul Baswick

BRANTFORD — A clearer image of the events surrounding last year's eviction attempt at the Douglas residence on Mohawk Road began developing in Brantford Provincial Court over the past week, but it won't be until next year that the court is presented a full picture of what actually happened.

The case against Albert Douglas, 26, and Darrel Marr, 44, who face numerous charges stemming from their intervention in an eviction attempt at the home of Arnold's father, Albert, has been put on hold until next April due to scheduling constraints.

The trial will be reconvened at Brantford Provincial Court on 44 Queen St. on April 17, two years to the day of the attempted eviction, and will continue until at least April 19.

Both men face charges of obstructing a peace officer, assaulting a police officer, and assault with a weapon following a violent confrontation with Six Nations Police on April 17, 2000, who were assisting with the eviction order at the Arnold Douglas home.

Arnold Douglas had been charged with assaulting a police officer,

obstructing a peace officer, and dangerous driving, but all charges were dropped at the beginning of four days of testimony which got underway Tuesday.

The attempted eviction at the Douglas residence marked the first, and so far the only move by Six Nations Band Council to force debtors with Six Nations Housing to vacate their homes and to forfeit them as property to the band. The eviction was never carried out, however, and the attempt quickly escalated into a heated scuffle which left Albert Douglas and a Six Nations Police officer with serious head injuries.

While Marr and Douglas are the only individuals facing criminal charges from the events of April 17, it appeared from last week's proceedings that they are not the only two on trial. A number of questions have been raised concerning not only the actions of Douglas and Marr, but those of the Six Nations Police, band council, and the Sheriff's Office of the County of Brant in the preparation and execution of the eviction order.

The prosecution has already conceded the order to vacate issued to Arnold

Douglas by Sheriff's Officer John Dobson on April 5, 2001 listed an incorrect lot number, and that the eviction attempt almost two weeks later was technically carried out on the wrong property. The property listed on the order was lot 30-7-2, which is adjacent to lot 30-7-1, the site of Douglas' house.

Under cross-examination Thursday, Dobson was

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Griffin, who is representing Arnold Douglas in the case, what measures he had taken to ensure the orders he issued to Arnold Douglas and two other Six Nations home owners on April 5 listed the correct lot numbers.

Dobson replied that he took none, stating it was the responsibility of band council to ensure he was given the correct information.

"I was led to believe by band council that that was the [right] lot," said Dobson.

"We only execute on the information given to us."

When asked if Arnold Douglas had mentioned to Dobson that the eviction writ contained the wrong lot number, Dobson said Douglas had, but that he assumed Douglas was "stalling."

This led to Griffin and Albert Douglas' legal counsel, Asgar Manek, questioning Dobson on what his role was in the April 17 eviction attempt, what role the Six Nations Police played, and what justified the local police force's involvement.

Dobson said he attended a meeting at on March 25 with members of Six Nations Band Council, Six Nations Housing and Six Nations Police to go over the "time frames, procedures, safety precautions" which would be involved in efforts to evict Douglas, and the two other property owners threatened with eviction on Six Nations, Sandra Miller and Marie McNaughton.

He was told, Dobson said, that Arnold Douglas was "very confrontational" and that Douglas would "resist any kind of interference from the court. Because of this, he said, Six Nations Police offered to provide security for the issuing of the final order to vacate on April 17.

His responsibility was to execute the eviction, and the role of Six Nations Police was to keep the peace, Dobson testified.

He said those responsibilities were again delineated at a 9 a.m. briefing with about 18 Six Nations Police officers immediately before the eviction attempt.

Six Nations Police Const. Terrence (Terry) Martin, one of the officers at the briefing, testified Friday that it was also his understanding that the role of the force was to keep the peace. He said at the briefing there was discussion that the Douglas family and others might have ties to the Mohawk Warriors at Kahnawake and/or Akwesasne. When asked by Manek under cross-examination who he thought the Mohawk Warriors were, Martin replied he thought they might be dangerous individuals.

"They're militant people, people who will take up arms," he said.

"Look at Oka. Those were the Mohawk warriors, so they say."

Const. Colin Martin, who also testified Friday, said he was aware of certain "anti-police views" held by the Douglas family, and that there was some concern among officers that there might be trouble in serving the eviction.

Dobson testified that he and Six Nations Police Sargeant Rocky Smith arrived at the

Douglas residence at about 9:15 on April 17, and that police had set up road blocks on Mohawk Road to the north and south of the property to as a safety precaution and to prevent possible intervention in the execution of the eviction.

He and Smith, Dobson testified, knocked on the front door, and could hear noises coming from the house, although no one answered the door. He said one of the

he was maced with pepper spray.

He also said he remembered seeing Albert on the ground being handcuffed by police.

Dobson says he couldn't take in all the events happening around him, because he was 30 or 40 feet away from both Marr and Albert Douglas, and that he was more concerned about "myself and what was happening right around me."



A photo taken on the morning of the eviction attempt shows local resident Larry Green informing officers with the Six Nations Police and the Ontario Provincial Police stationed at a road block north of the Douglas home they are being placed under arrest under authority of the Great Law of Peace. The trial surrounding the events of the April 17, 2000 eviction attempt is slated to resume April 17, 2002.

police officers on the scene used a blow horn to get the attention of anyone who might be inside the house.

Soon after, he said, Arnold and Albert Douglas and Darrell Marr circumvented the road blocks by driving a truck through a nearby field and pulled up within two feet of a police cruiser parked on-site.

The three men, he testified, jumped out of the vehicle. He said he saw Albert was carrying a crowbar about three or four feet in length, and was "banging it in his hand."

Dobson said Marr, who brandished a similar weapon, was "very abusive", and that Marr referred to him as "F'n' white scum."

Dobson said Marr soon dropped the bar on the ground, and that it was quickly confiscated by the police.

Arnold Douglas, Dobson said, was "agitated but willing to listen, and that Sargeant Smith "had it under control with Arnold."

"Everything was fine at one point," he said, "but then all hell broke loose."

Dobson said he saw Albert, who had also dropped his crowbar, pick it up off the ground and started running. He says he saw officers forcing him to the ground, where

He did say that was able to see Albert's crowbar "reflect off an officer's shoulder," but that he didn't see any officers striking Albert.

Const. Terrence Martin testified he was among a group of officers who wrestled Albert Douglas to the ground in the course of trying to arrest him, and that he himself had struck Albert twice with his baton.

He said he was unaware of when Albert was technically informed he was under arrest, and that one of the other officers must have advised him while he was being handcuffed.

Const. Colin Martin said he was hit on the head by Albert Douglas during the arrest, and in turn hit Albert "a couple of times with my fist," as the two were wrestling on the ground. He denied hitting Albert with his baton, although he was aware of other officers swinging their batons at Albert. He said he did not know how Albert received a fractured orbital bone injury during the fracas.

"I never struck him in the face," Martin testified.

Martin confirmed that Albert had been pepper sprayed, but that it had been ineffec-

tive because of the wind. He said he ended up on top of Albert and began striking him "because I still thought he had a crowbar in his hand."

The descriptions of the events of April 17 offered by Dobson Thursday and Const. Terrence and Colin Friday led defence lawyers Asgar Manek and Justin Griffin to question the roles and jurisdictions of the Sheriff's Officer and Six Nations Police officers on-site.

Griffin asked Dobson why, if he was in charge of the eviction order and the police were there strictly to keep the peace, Sargeant Smith was the first to knock on the Douglas' door. Dobson conceded that it did give the appearance that the police were also involved in the execution of the eviction.

He was also asked why it was Smith, and not him, who approached the Douglases and Marr when they arrived on the property before matters turned violent.

Dobson replied that at that point the men were trespassing, and from then on the situation became a police issue.

Const. Terry Martin was asked by Griffin under what authority Martin believes he exercises his duties as a police officer, and was asked if his authority extends beyond the borders of the reserve. Griffin asked if he ever assists the OPP in Cayuga, for example. Martin answered that he does, that in fact he imagines that holds true for the Province of Ontario as a whole.

Griffin then asked Martin if he is aware of the Police Services Act of Ontario, that there are provisions in the act that apply to him, and that he can be fired by the Attorney General through the act.

Martin answered that he believes he operates under the Six Nations Police Commission.

"That's what we've always been told, that we're not under the [PSA] act..The Chief told us that — Glenn Lickers."

Griffin asked Martin if he has received training in the use of force over the last three years. Martin replied that he hasn't had any. Martin added that he was are of four Six Nations Police officers who hadn't received their proper firearm certification for the year 2000, but that all have subsequently been re-certified as of June 26 of this year."

Manek told the Teka Tuesday that at least two more Six Nations police officers will be called to the stand when the trial reconvenes on April 17, 2002.

The defence will then have its chance to call its own witnesses. Among those who have been subpoenaed to testify are Band Chief Wellington Staats, former Housing Committee chair Dave Hill and Six Nations Police Chief Glenn Lickers, who Manek called "unwilling" witnesses for the defence.

The trial resumes two years to the day of the original eviction attempt at the Douglas residence. The proceedings are slated to get underway at 10 a.m. in Courtroom 2 of the Provincial Court Building on 44 Queen St. in Brantford