

NEW TWIST IN [REDACTED] SHEEP CASE

FLOCK SLAUGHTERED

By ADRIAN HUMPHREYS

The bizarre case of a flock of rare sheep — purportedly stolen from an Ontario farm by agricultural activists to thwart a federal kill order during a disease scare — was adjourned after government documents suggested the infected sheep that sparked the high-profile standoff could have actually [REDACTED]

Internal documents from the Canadian Food Inspection

proceedings.

"I can't comment on it. I'd love to comment on it. I'd love to correct all the errors in that letter," he said. He added that once all of the information is known, the picture will be more clear.

Ms. Jones and a co-accused — unpasteurized milk crusader and agricultural activist Michael Schmidt — are charged with conspiracy to commit an indictable offence, obstructing a peace officer, obstructing justice and obstructing the Health of Animals Act after Ms. Jones's flock was secretly moved to thwart a government-ordered slaughter.



Sheep farmer Montana Jones says goodbye to one of her lambs as police and federal food inspection agents raid her farm in September 2012. Ms. Jones's flock of sheep were thought to have scrapie, a degenerative disease.

URUKLA FUGGER / SHROPSHIREKEEPERS

SILENCE OF THE LAMBS

Publication Ban Ordered on Preliminary Inquiry for Sheepnapping Case

by Montana Jones April 2015

I have a farm in Northumberland County where I raise heritage livestock...well, I used to raise them. Now I have only a few remaining. The last five years have been a tumultuous ride with a government agency that crashed uninvited into my quiet life in 2010. They killed my healthy rare heritage breed Shropshire sheep and I am now facing criminal charges, fines and prison. So is raw milk advocate Michael Schmidt and two others. That's just the short version. If you haven't heard about this case, that may be due to a publication ban temporarily in place, until Justice Lorne Chester delivers his final decision on April 27 about whether or not to allow one for the rest of the preliminary inquiry.

Typically in a court case the accused will opt for a publication ban during the preliminary enquiry to remain anonymous, or to prevent skewed facts from being released. In this instance, co-accused Michael Schmidt and I are requesting transparency and insist that the discovery process be open to the public and available for the media to report on. We don't want the facts to be censored. One might ask what the Crown prosecutor and his CFIA clients wish to hide?

This longer woolly tale began the day that The Canadian Food Inspection Agency (CFIA) ordered 41 of my sheep destroyed due to potential health concerns about a disease called scrapie, which is deadly to sheep but **not** transmittable to humans.

In 2007 I had sold several breeding ewes to an Alberta farm, and I was told in 2010 that one of them tested positive for scrapie. It seems that the producer had submitted many sample baggies of frozen tissue to CFIA, but the one in question didn't have its accompanying traceability ear tag number as proof of identification. I thought there must be a huge mistake, since my flock had never displayed any signs or symptoms of scrapie in a decade or so of raising them. So my entire flock had to undergo live rectal biopsy testing by CFIA. All tested negative.

The CFIA, however, insisted that the genetic profile of the 41 selected sheep made them susceptible to getting scrapie "if" it had ever existed on my farm. They claimed the live test is only 88% accurate, though the "dead" test is not much higher. Canadian Constitution Foundation (CCF) litigation director Karen Selick wrote to the CFIA on my behalf, pointing out the bizarre contradiction involved in killing sheep to protect them from scrapie. I proposed several risk-free alternatives that were possible without killing my old heritage genetics. The CFIA refused to even discuss any solutions, insisting they would kill my beautiful family of sheep on April 2, 2012, by euthanizing them on my farm, cutting off their beautiful woolly heads, and leaving me to bury their headless pregnant bodies. I was horrified. What an absurd tragedy—Canada's own government killing Canada's own rare heritage sheep for no good reason!?! When the CFIA arrived that morning in

April, the sheep were gone. A protest rally was already underway, with a note in the barn saying the sheep had been taken into “protective custody”. An extensive hunt was mounted by the CFIA and Ontario Provincial Police with barn-to-barn searches, supplemented by helicopter surveillance over an expanding range of farms far and wide.

The CFIA public relations department insisted that the entire country was in trouble. Their press releases declared high risk to the sheep nation and highlighted the "dangerous" nature of the missing sheep situation. In fact, less than a handful of sheep in Canada are reported with scrapie annually. The CFIA scribbles policies seeking eradication of the disease when CFIA's very own veterinarians admit it can never be eliminated, only controlled. The scrapie program is designed to heal livestock cross-border trade relations, not the actual stock. Sheep farmers even refer to it as a “political” disease.

The CFIA also claimed they “understood” what a severe impact their procedures had on "affected" producers, implying that my flock had scrapie when they didn't. They announced publicly that they properly compensate producers for their losses. None of that is true. They have never offered me anything as compensation. As if there is such a thing that might change all that has unravelled since CFIA's descent. The sheep's lives, and mine. Months later the sheep were found on the property of Mirko Malish near Chesley, Ontario in Grey Bruce county.

The CFIA pushed ahead quickly before news spread of their discovery, and killed them all within days. Pregnant ewes and unborn, rams, newborn lambs—every one. In their post-mortem tests, every single sheep still tested negative for scrapie, just as their live tests predicted.

Subsequently myself, Michael Schmidt and two other individuals have since been criminally charged with obstructing a CFIA inspector under the Health of Animals Act, transporting an animal under quarantine, and conspiring to do both of these. We also face the bizarre charge of defrauding a public agency, possibly added to vilify the CFIA in the minds of the public. I think it translates into being charged for “making” the government spend money on pursuing this case...which is even crazier. We have pleaded not guilty to all charges. In what some see as a harsh betrayal, apparently Malish agreed to be Crown Witness for the Prosecution in exchange for ducking any charges related to his alleged role in hiding the flock on his farm.

Censorship and freedom of choice has been an issue from the beginning of this case. The CFIA displayed an unreasonable, unyielding attitude throughout the course of the criminal proceedings. Eighteen months were wasted on their motion to remove lawyer our lawyer Shawn Buckley from the case due to the CFIA's perception that a conflict of interest might arise between Michael Schmidt and I. Mr. Buckley successfully defeated that motion in June, 2014. The preliminary inquiry in this matter started as scheduled on February 17, 2015. It was supposed to run on 10 consecutive court days, with an additional week at the end of April.

But during first few days of the prelim, lawyer Shawn Buckley was suddenly handed another 382 pages of late documents that had never been disclosed previously, despite the fact that a lengthy list of document requests was made **two years earlier**. The CFIA had failed to provide these important papers. The fresh disclosure cast new light on the confusion around the identity of the sheep that had tested positive for scrapie. The CFIA's entire involvement with my farm was premised upon the assumption that a diseased sheep had come from my flock. I've always disputed this assumption, and the new documents seem to indicate that the CFIA has not been fully forthcoming, or perhaps has been recklessly negligent about this important issue. When the National Post newspaper and agricultural blogs published references to internal CFIA documents that may suggest a possible government cover up, Crown Prosecutor Damien Frost rushed to put a publication ban in place.

The latest foul pitch was when Crown Prosecutor Frost waited until the end of the day of the publication ban hearing to announce he was seeking a complete publication ban on the ENTIRE proceedings, not just the witness testimony that his application sought. Even the judge looked askance. I can recount this whole five year story out in words, and cry it out in tears, but no amount of rearranging the grey courtroom dates might ever provide the right setting for a fair and just hearing. For that, we need to have no censorship on the truth and no covering up the facts of what really happened. Let the public and the media listen, feel, consider—and form their own opinions.

Since when was our government's goal intent on destroying beauty, controlling individuals and thinkers, no matter what dies or who lies?

Maybe the sheep and I—all of us—should be tried in our own real life court. The truth is in the farms, in the fields, in the republic of earth, under a bluer sky that doesn't ever judge, and certainly never censors.

For more background on the case see **ShropshireSheep.org**, and find updates on Facebook **fb.com/ShropshireSheep** and Twitter **@HeritageShrop #flocked #SaveOurShrops**

Please Help Support Our Legal Defence

This case has generated over 10,000 of disclosure documents, complicated and time-consuming, which translates as expensive to defend. Please donate and help support the rights of Canadian farmers Montana Jones and Michael Schmidt. You can support directly via the Canadian Constitution Foundation at **theccf.ca/donate/form/**