

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

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



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.

SILENCE OF THE LAMBS

Publication Ban Ordered on Preliminary Inquiry for Sheepnapping Case

By Montana Jones | Apr 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.

Background on scrapie from shropshiresheep.org:

by Montana Jones | Mar 2013

WHO’S ON FIRST?

It is interesting to note that recent media coverage (May, 2012) on the Shropshire scrapie issue has just grazed the surface, and not even attempted to find out up-to-date facts on this topic by interviewing relevant individuals. The flock owner for instance...moi. The alleged positive test result is highlighted out of context, without reporting other hugely pertinent facts. Seems the media is only reiterating the same Canadian Food Inspection Agency (CFIA) statements from their own press releases. Canadian Food Inspection Agency’s (CFIA) Brian Evans has admitted the prevalence of scrapie in Canada is “fairly low.” Evans just issued a press release saying “Scrapie can only be

confirmed through tests conducted on brain tissue.”

Penny Greenwell is quoted as saying “Scrapie has a long incubation period and there is no known 100-per-cent-effective live test. Infected animals can spread the disease in flocks and herds without showing signs of illness.” However, what is not said is that most sheep scrapie cases present between 2 and 4 years...and the alleged positive was over 6 years old. Just one in a series of relevant facts surrounding this case.

Both Evans and Greenwell neglect to mention that if ONLY brain tissue is used and various other sites in the entire lymphatic system are not tested, THEY COULD MISS between 5% and 30% of infected animals, thereby rendering their kill-and-test program most unreliable.

Yet CFIA claims the 88% accuracy of the LIVE test is not enough? So they killed 9 of my pregnant sheep to verify they were healthy, found out they were indeed all negative for scrapie, and are out to kill 31 more if they find them. Some media report that “The 31 animals that disappeared just before they were to be destroyed April 2 were a group sorted from Jones’ flock as having a genetic susceptibility to the disease, said Penny Greenwood, national manager for disease control and animal welfare with the CFIA in Ottawa.” But in fact, the 9 that were seized and killed, AND the alleged positive, were of a genetic cohort that CFIA deemed NOT as susceptible as the ARQ/ARQ’s.

While it is commonly accepted that “horizontal” transmission of scrapie to another sheep is possible, especially for producers who allow their sheep to birth in groups as many do, the media release does NOT mention the actual facts in this particular case.

Wholearth ewes are penned in individual lambing pens before and after birthing for up to two weeks, and the area cleaned before another ewe is introduced. Therefore, the likelihood of another coming into contact with infected material in the birthing environment is extremely unlikely. CFIA has admitted the same to in information about potential contamination, management and clean up in flocks in general.

Greenwood goes on to say CFIA is unable to offer the DNA and tissues “with no chain of custody to certify the samples”, but in FACT they have been unwilling to even discuss the issue, and it is pure assumption there would be no “chain of custody.” OF COURSE there would be complete care and control to satisfy both parties...that statement is merely conjecture by Greenwood, not truth.

INADVERTENTLY BREEDING FOR ATYPICAL DISEASE?

What exactly are we letting happen here, at the hands of a tunnel visioned government?

There is a move to wipe out ARQ/ARQ sheep as they have been considered to be a “susceptible” genotype for scrapie. This does not mean necessarily that an ARQ/ARQ sheep WILL get scrapie, but some research suggests it is at higher risk of contracting the disease if scrapie already exists in a sheep’s environment.

While classical scrapie is not considered a human health risk, it is a threat to the lamb industry because commercial lamb producers see less revenue due to affected sheep creating reduced production.

The latest scientific findings have confirmed that genotype genocide and the elimination of our biological diversity is a very dangerous thing, in nature and agriculture. In fact, flocks such those that have been influenced by Agriculture Canada and Canadian Food Inspection Agency (CFIA) to alter their genetic pool by using ARR rams for a “scrapie-resistant flock” is misguided.

The science now indicates producers doing so are in fact, possibly breeding FOR scrapie. From the experts in prion research...The WORST of it is that while classical scrapie is not presently considered an issue for human health risk...atypical scrapie may well be. Research has found that primates are susceptible to a new variant popping up increasingly in the ARR genotyped sheep that our government and most national sheep organizations have been grooming to be our national flock.

When might the CFIA realize that safeguarding our ARQ/ARQ sheep may well be the answer to ensure that our nation’s future health is protected from scrapie related human illness? We need diversity for our health now and in the future—we need heritage breeds of sheep and all livestock.

WHAT TO BELIEVE?

My main goal in this ongoing Shropshire saga has been for Minister of Agriculture Gerry Ritz to implement a Heritage Breed Exemption to the current Scrapie Protocol, which would protect and conserve the genetic diversity of all rare heritage breeds in Canada, not just the Shropshires.

Still no evidence that the original positive found on an Alberta farm was a sheep that originated on my farm. CFIA’s DNA lab report (which I have not seen despite requests) has only proven that two offspring born on the Alberta farm were out of a sheep

there. But for the sake of (no) argument, let’s say it was indeed the same sheep that originated on my farm. Experts agree that that sheep 24S could have contracted the disease after it left my farm, which has a history of no scrapie nor symptoms for the entire 12 years since my flocks existence.

I believe in controlling scrapie, however I also believe in preserving rare heritage genetics. I’ve been open to co-operating with Canadian Food Inspection Agency (CFIA) to discover if scrapie does indeed lie somewhere within my flock, but with a considered approach in view of its rare breed status. I even proposed sacrificing more than half my beloved flock towards finding out. They refused. Perhaps had CFIA and I worked together, the sheep might not have been taken by Farmers’ Peace Corps.

CFIA now claims that a different sheep (WHE 15S) just tested positive on my farm. Numerous facts suggest that test result could be a ‘mistake’, for the following reasons:

1) There were no scrapie symptoms in the alleged positive the day before it died, when the CFIA veterinarian heading the case confirmed it was likely ill due to pregnancy toxemia.

2) The alleged positive was over 6 years old. Scrapie commonly affects sheep between 2 and 3 years old, rarely after 5 years old.

3) Scrapie is generally transmitted from an infected scrapie positive mother to its offspring via birthing fluids. Yet the 13-year old pregnant mother of the alleged positive was healthy (until CFIA killed her). She tested negative for scrapie.

4) The alleged positive was not one of CFIA’s specified high risk genetic cohorts, it was a VRQ/ARQ.

5) CFIA and Jones are engaged in judicial review currently before the courts. CFIA needed a positive to counter that review, and did not have one prior to their alleged positive.

6) A false government document certified that some of Jones’ sheep were “contaminated by scrapie”, 20 days BEFORE the samples were even shipped to the testing lab

7) CFIA refuses blind third-party testing. Why not have the DNA and obex brain tissue speak for themselves? Greenwood is quoted stating “CFIA has “no doubt” that the animal in question was scrapie-positive.” Montana Jones is not convinced. She has “no doubt” that this

case necessitates third party investigation, after experiencing a history of numerous CFIA errors.”

This issue is about shining a bright light on all questionable, intransigent government tactics and draconian protocol, especially those that are devastating Canada’s dwindling heritage breeds.

WILL THE REAL HUMAN NATURE PLEASE STAND UP

I didn’t bring this issue to light with an aim to hide pertinent facts, but to reveal them. I am not the first farmer this has happened to...MOST never say a word...it’s too much of a stigma to even utter the word scrapie, even for those producers whose large flocks have been destroyed and all tested negative.

I’m still holding fast to believing, perhaps naively, that the truth will out, that by staying the course, all will be revealed in the fullness of time. And if it does not? ...well, I will have learned some pivotal lessons about human nature...some sad, some disheartening, but most are incredibly inspiring. The one powerful lesson realized throughout is that so many of us want the same thing, whether it’s about sheep, lies, government...no matter. Those are details.

Friends and supporters refresh and encourage me every day with a reminder for all like-minded souls. Here’s to living freely and simply and honestly, doing no harm and to helping where we can.

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/

or at

www.indiegogo.com/projects/help-defend-farmers-charged-in-rare-sheep-case#/
