

The Criminalisation of Dissent and Fortress North America

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It's a great pleasure to appear on the same panel as Jaggi Singh, who, for whatever reason the police have take it into their heads, has been singled out for particular injustices. I applaud his courage and determination not to be intimidated under such circumstances. Wesley Pue and I are warm up acts for Jaggi.

Many Canadians have been shocked by the recent police treatment of protesters in our country. First we saw the images of 'Sergeant Pepper' gleefully spraying student protestors at the University of British Columbia campus to protect the Indonesian dictator, Suharto from seeing dissenters at the anti-APEC demonstrations in 1997. Orders to clear protestors by more brutal means than many were used to in Canada, seemed to have come from the Prime Minister's office.

Then we saw police battling protestors in Quebec City at the FTAA, Free Trade of the Americas, summit in the spring of 2001. Police using excessive

force, firing thousands of rounds of tear gas, filled with experimental chemicals, rubber bullets and water cannon laced with chemicals. A slogan scribbled on the infamous Quebec City wall, expressed the views of many shocked Canadian activists: “Excuse me, but is this Canada”. And Jaggi Singh was arrested at both these protests. The myth of Canada as a 'peaceable kingdom' was shattered.

Bill C-36, the new security bill, is the Federal government's overreaction to September 11's tragic events. Or is it an excuse to do what they've already been doing and to go farther? The bill is in its second reading before the House of Commons, and brands the right to non-violent, illegal protest as terrorism. Non-violent, illegal protests were the means used by Gandhi, the U.S. civil rights movement and trade unionists, to extend democracy. It's also called civil disobedience. Less mentioned is Bill c-11, the new Immigration and Refugee Act, which also curtails civil liberties.

I want to add three dimensions to our conversation today about the criminalisation of dissent. First, to provide a historical perspective. In my view it's more the re-criminalization of dissent than criminalisation. It can also be seen as the spread of criminalisation from populations and types of protest where it has been extensively used already to areas where it has not

been used recently. Second, I discuss pressures for Canada to join 'Fortress North America' since the tragic events of September 11 and adopt U.S. security, refugee, immigration and other laws. These would affect the rights of political refugees to come to Canada and further erode the right to dissent. Third, I look at our repertoire of tactics to contest corporate globalism and find fault with fetishizing street demonstrations, summit hopping and revolutionary posing, as the only means to effect radical social change.

Historical perspective

The anti-APEC demonstrations at the University of British Columbia campus in 1997, signalled a dangerous turn in the way authorities treated protestors. The Canadian government claimed that by engaging undemocratic governments such as Suharto's Indonesia in trade talks, we would export our ideas of freedom and democracy to them. Instead, the influence went the other way and Canada imported Indonesian-style dealings with protestors.

The turn towards criminalizing dissent since APEC was especially shocking to middle class, whitestream protestors, who were taught at home and school that the police are your protectors and friends. But let's put some perspective on this. It's not un-Canadian. Criminalising dissent has been part of our

history since at least the Winnipeg General Strike in 1919 and much longer if you were Indian or Metis. Criminalizing dissent comes in waves, depending on how challenged the government and elites feel or whether they think the public will let them get away with it.

If you were Native in Canada, you would not be talking about the criminalization of dissent or even the recriminalisation. Just think of the way natives were treated at Oka, Ipperwash, Gustafsen Lake and being rammed by police boats while exercising native fishing rights off New Brunswick's north shore. If you were a trade unionist on a picket line, during a legal or illegal strike, you would not be shocked by the turn in police treatment since the APEC protest or Mike Harris' repressions in Ontario.

Let's recall some History [Thanks to Josh Brandon, a Master's student in Sociology for providing much of the research on this part of my talk]

1920's – RCMP kept tabs on thousands of “subversives”, including IWW and other union organisers, Communist and Labour party members, the Canadian Labour Defence league and the Ukrainian Labour Farmer Temple Association.

Register of subversive publications lists 616 entries. “The largest category of files was the 31 per cent concerning individual newspapers or magazines .. [*RCMP Security Bulletins The Early Years 1919-1929*, Kealey G. and R. Whitaker 1994, Canadian Committee on Labour History: St. John’s.]

1928-9 Vaara sedition trial.

Dec 4, 1928. Aaro Vaara wrote an editorial in the Sudbury Finnish Language newspaper *Vaupaus*

against the British monarchy. A week later he was arrested for sedition.

Since the Winnipeg General Strike, laws against sedition were made tougher and prosecution easier. Sentences were increased from 2 to 20 years, and a “saving clause” was removed that formerly stipulated that sedition not include cases where the criticism of the state was constructive and change by illegal means was not advocated. Vaara’s lawyer argued that there was no incitement to violence. Vaara was deported to Fascist Finland in 1932 and probably executed. [Betcherman, Lita-Rose *The Little Band*, Ottawa:

Deneau, 1982.

1930’s - Calls to harmonise immigration and deportation policy with the U.S.

Colonel Ralph Webb, Mayor of Winnipeg who wanted to dump all the reds in the Red River wrote Prime Minister Bennett in 1931 :

“I have been fighting [the Bolshevik communist] menace for several years throughout Canada, East and West, and Today it is ripe for action and the people are expecting something to be done, and I believe if our government would consider the recommendations of the United States Government Commission and whose government is now putting through a bill dealing with this menace, that Canada could well afford to act on their recommendations” *ibid*, p. 148.

The Fish Commission in the US recommended deporting troublesome foreign born or revoking their citizenship, outlawing the communist party, censorship, an internal security system and a ban on soviet imports. Some of these policies were eventually adopted in Canada.

Deportations. During RB Bennett’s tenure as Prime Minister, there were almost 26, 000 deportations. Some for being unemployed or indigent, others for left wing political activities, and union organizing. Deportees were denied habeas corpus, and other fundamental rights such as witnesses on their behalf. Some were executed upon return by fascist governments.

1931 – Tim Buck and eight others arrested and charged under sec. 98 of

criminal code

Section 98(3)

Any person who acts or professes to act as an officer of any such unlawful association, and who shall sell, speak, write or publish anything as the representative or professed representative of any such unlawful association, or become and continue to be a member thereof ... shall be guilty of an offence and liable to imprisonment for not more than 20 years.

Buck and the others were found guilty and spent two years in jail. Section 98 was repealed in 1936.

1937 – Quebec's Padlock law Respecting Communist Propaganda

Section: S. 3 "It shall be illegal for any person, who possesses or occupies a house within the Province, to use it or allow any person to make use of it to propagate communism or bolshevism by any means whatsoever."

Post World War II immigration and refugee policy and the Cold War.

Shifted emphasis from blatant policy of keeping out non-whites, to keeping out reds and left sympathizers. Screening of immigrants and displaced persons for political beliefs by RCMP. Security clearances.

1970 FLQ Crisis and War Measures Act

I haven't time to go into this. Many remember or know about the arrests and detention without charges, the RCMP's dirty tricks, stealing of the Parti Quebecois membership lists.

Fortress North America

Before September 11, we heard lots of talk by neo-liberals about the borderless world. Since Sept 11, borders are back and so is the renewed importance of activist governments. Now there's been much ballyhoo about constructing a North American security perimeter, and tearing down the United States' northern and southern borders. It's brought to us by the same 'Manifest Destiny' crowd who pushed so-called 'free trade' on Canada and Mexico. Globe columnist Jeffrey Simpson wrote that "Canada will be squeezed as never before to adopt U.S. models, copy U.S. laws and regulations, or adapt Canadian ways to accommodate the U.S. ... Canada will be pressed to conform on border security, refugee determination, foreign and defence policy, energy, business practices, trade – anything that touches Americans' sense of self-interest and vulnerability" [globe Oct. 24, 2001]

The Canadian Manufacturers Exporters [CME], headed by Perrin Beatty, former cabinet minister in Mulroney's govt., is leading the charge to Fortress

North America. He is one of the most hysterical of those trying to whip up war hysteria and good vs evil. He called Canada a bed and breakfast home for terrorists and for Canada to harmonize border security issues with the U.S.

The CME has teamed up with the U.S. National Association of Manufacturers to report on expediting the Canada-U.S. border by the end of December. The U.S. association's rep is from Ford. Guess who represents Canada's interests - someone from Kodak Canada.

Forget harmonization of policies with the U.S. – talk about Canada adopting their policies. What would be the implications for us?

The U.S. requires visas for people from most countries. Allows visitors from about 30 countries w/o visas. Canada allows visitors from about 60 countries without visas.

Cubans could not visit Canada and the 100s of thousands of Cdns who vacationed in Cuba, might well be seen as suspect.

Refugees

52% of refugee applicants enter Canada from the U.S., rather than by sea or plane. Canada has not been great, but it has been much more open to refugees fleeing Right wing dictatorships than has the U.S. The groups most hurt by Canada adopting U.S. refugee policy would be Latin Americans. The U.S. sets quotas by region so as to not look like it's by politics. Fewer than 5% of refugee approvals in the 1990s have come from Latin America. Fewer than 4,000 per year.

In contrast Canada has sizeable communities from Chile, central American and other Latin American countries, derived from refugees.

We must fight the dismantling of the Canadian border. Our home grown policies on immigration, refugees and security are horrific in many ways, but U.S. policies are significantly worse. And it would mean the end of Canada as an independent political community. You can't have democracy if you don't have the sovereign power to do anything with it.

Norman Spector, Brian Mulroney's former chief of staff, wrote:

“If the objective is to persuade the United States to leave the longest border in the world undefended, we would also have to allow them to oversee our security arrangements and agencies, which effectively would mean the end

of Canada as a sovereign, independent country”. [Ed Journal, Oct ?, 2001]

Fetishizing street demonstrations, summit hopping and guerrilla posing.

For the past two years, we in the anti-corporate globalisation movement, have been electrified and mesmerized by the Battle in Seattle type of protests. I joined the tens of thousands protesting the Quebec City Summit of the FTAA and found it incredibly exciting, frightening and renewing. But we must face the new situation since September 11. The ‘Battle in Seattle’, ‘Summit hopping’ era has come to an end. Certainly the nature of protest will change, at least for a time. The authorities and media now tend to lump together legitimate, non-violent protest with terrorism. We must search in our handbag of tricks, for other repertoires of contention. There are many and they are limited only by our imaginations.

In this atmosphere, the multifaceted campaign to defeat the Multilateral Agreement on Investment, the MAI, should be dusted off. The MAI’s successful tactics and issues are more appropriate for the post-September 11 world than those of the Battle in Seattle era. But a change in direction makes sense not only because the public will not be sympathetic towards the theatrics of revolutionary posing, but also because the state has re-emerged as the dominant actor in the world, and their corporate allies

pushed more into the background. War or war hysteria and recession bring back the importance of the state. This is not surprising. Most major crises of the 20th century before the 1980s: wars, revolutions, depression, social reform in the North and de-colonisation in the South, all contributed to partially de-globalising corporations and capital and to partially re-nationalising economies. And it can happen again.

What language and imagery were associated with the Battle in Seattle era, but were also present before that? Language and imagery present visions of the future, mould perceptions and implicitly point to certain kinds of futures as ideal and reject other futures. The language of the Battle in Seattle era alternative future, is a benign global world, that is a mirror image of corporate globalization. Mirroring the images of your opponents, is an understandable, but myopic reaction. If they say capital is going global, we'll say let's globalize dissent. When they propose globalization from above, we propose globalisation from below. When they talk about a borderless world for capital and trade, we'll talk about a borderless world for people.

There are 3 reasons such talk presents unrealistic and misleading visions for the future: 1) such language may accept the policies of corporate capitalism as long as the 'good' kind of globalisation is realised too 2) mass

participation is always national and local and is not likely to ever be global or transnational 3) such a strategy can undermine the strongest potential opponent of corporate rule – the sovereignty of existing states – if and when they have been transformed into citizens oriented states. That’s our task.

Then there is that overused phrase “think globally, act locally”. Not a good idea. Didn’t your mother tell you to never do one thing while thinking about another? Worse than this, the phrase leaves out the national level and fits perfectly into New Right’s assault on progressive nationalism, sovereignty and activist governments.

All this global talk is misleading. Ordinary people cannot be organised and coordinated at the level of 6 billion people, the way the elite can meet at Davos or Bilderberg. Nor would it be desirable. The kind of future world most of us want is one of great, cultural and national diversities, in which distinct peoples, on a scale much smaller than all humanity, have the sovereignty to decide their own futures, but who also commit to the radical redistribution of the world’s wealth and mutual understanding.

There was only one major street protest in Canada. Operation ‘SalAMI’ brought hundreds to barricade the Sheraton Hotel in Montreal in May 1998 and ninety-nine people were arrested. There were few mass protests in other

countries either, yet the defeat of the MAI involved mass mobilizations in Canada, France and Australia and was a world historical event.

Canadian actions showed much variety. At the IFG International Teach-In organised by the Council of Canadians in November 1997, two thousand, mainly young people ‘practically raised the roof’ off the University of Toronto’s Convocation Hall. Citizens’ inquiries were held in most major cities, inviting public submissions. Constituent groups in the coalition wrote their own members and mobilized internally. The Sierra Club of Canada met many MP’s in all the parties, organised letter writing campaigns and their youth wing held a MAI day of action across Canada. There was street theatre and a nearly full-page ad in the Globe and Mail. Toronto trade lawyer Barry Appleton’s legal opinion helped spur France to quit the MAI.. Canadian activists targeted provincial and municipal governments, many of which opposed the agreement.

Taken together, these multi-faceted campaigns shifted Canada’s position. Similar tactics shifted the position of other govts too and the MAI was defeated.

Movements of contention have found many ways to involve mass numbers

in protest. The street demo as revolutionary posing – is not the only way to change society. It's just as radical to talk to your neighbour, fellow worker, community organisation and try to get them involved. We do not need to have a monoculture of resistance and to fetishize one method of protest. Our adversaries are very flexible regarding tactics and fora and so should we be.

We must organise to defeat the criminalisation of dissent. And there are a myriad of non-violent ways to mass mobilize and continue the struggle against corporate globalisation.

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