

Welcome to the Wonderful World of  
Civil Disobedience, Nonviolent Resistance,  
Direct Action, Creative Nonviolence,  
(or Whatever You Want to Call It):

*A Booklet-in-progress with ideas, suggestions, discussions, and  
other stuff that you might want to check out before  
embarking on any of the above!*

Produced by Toronto Action for Social Change and Homes not Bombs, PO Box 73620,  
509 St. Clair Ave. West, Toronto, ON M6C 1C0 (416) 651-5800, tasc@web.ca

There is a really nice picture here of folks resisting war, but to make this document into a PDF and therefore easier to mail, we did not include it, but if you want it, let us know, and we'll send it separately!

*Homes not Bombs Transforms the War Dept. into the Housing Dept, Nov. 1999, closing the Mackenzie  
Bridge in Ottawa for 3 hours. 54 are arrested and criminally charged, all acquitted in court one year later.*

# INTRODUCTION

Civil disobedience (CD) is not just about getting arrested. Getting arrested can be a consequence of civil disobedience, but CD represents a lot more than the image of cops hauling off protesters that we often see (or not see!) in the media.

Civil disobedience (aka nonviolent direct action or civil resistance or a range of other, related terms) is about you, your friends, your colleagues, your community, taking direct action to transform an injustice.

When you resort to direct action, it means you are no longer willing to hand over power to others—local officials, MPPs, MPs, corporate heads—in the hope that they will fix the problem. No, this is about you taking back the power you surrender at so many different points in your life, whether in your family, at the school, in the workplace, with friends who have strong personalities. Direct action is about directly confronting those with power, and there are endless ways of engaging in such actions.

You are saying by your direct action that the situation is so severe that it can no longer wait until someone else gets around to considering the problem: it demands immediate attention, and I/we will stay in this place until the problem is resolved or we are removed.

## **The Strength of a Resounding “NO!”**

How they deal with our demands will depend on our strength, on their own concern about public image, and a host of other factors. But as we saw in Tiananmen Square when one lonely protester stood in front of the line of tanks in 1989, or Rosa Parks refusing to move to the back of the bus to protest segregated seating in the American South, Gandhi burning his South African pass book, or any of a million other known or unknown examples, all it takes is one person saying NO to seriously shake the system. They are concerned that one “no” will be added to other declarations of refusal, and soon they have a real problem on their hands.

Civil disobedience is what makes a democracy strong. Sure, it is controversial because it involves confrontation, a word we don’t like to consider in our liberal society. Most of us would rather avoid confrontation, because it conjures up images of anger and conflict.

However, both conflict and anger can be very much consistent with the principles of nonviolence. Demonstrators are often accused of creating conflict, but in a country like Canada, where over 5 million people are forced to survive in poverty and over 250,000 are homeless, the conflict already exists: it is a conflict of wealth accumulation in very few hands, of economic inequality. But since much of poverty is hidden away in small basement apartments and motel rooms of despair and hopelessness, and the myths of success are there for anyone willing to work hard enough for it, we need to somehow demonstrate in a public way how this conflict continues to exist. It is always there, just under the surface, but as long as it is under the surface, it is easy to ignore.

*It isn't nice to block the doorway  
It isn't nice to go to jail  
There are nicer ways to do it  
But the nice ways always fail  
It isn't nice, it isn't nice  
You told us once, you told us twice  
But if that's freedom's price  
We don't mind.*

*It isn't nice to block the doorway  
or to sleep in on the floor  
or to shout our cry of freedom  
in the hotel or the store  
It isn't nice, it isn't nice  
you told us once, you told us twice  
But if that's freedom's price  
We don't mind.*

*Now we tried negotiations  
and the token picket line  
Mr. Charlie didn't see us  
And he might as well be blind  
When you deal with men of ice  
you can't deal with ways so nice  
But if that's freedom's price  
We don't mind.*

*They murdered boys in Mississippi  
They shot Medger in the back  
Did you say "That wasn't proper!"  
Did you stand out on the track?  
You were quiet just like mice  
Now you say that we're not nice  
But if that's freedom's price  
We don't mind.*

– Malvina Reynolds, 1960s freedom song directed at liberals opposed to civil disobedience.

CD is part of a larger resistance strategy, a way of looking at how we live, how our lifestyle affects others. Thomas Merton, the Trappist monk and influential pacifist, wrote: *"The population of the affluent world is nourished on a steady diet of brutal mythology and hallucination, kept at a constant pitch of high tension by a life that is intrinsically violent in that it forces a large part of the population to submit to an existence which is humanly intolerable. Our social structure is outwardly ordered and respectable, and inwardly ridden by psychopathic obsessions and delusions."*

Of course, resistance is not limited to confrontations with cops. It takes place in a million different ways every day on this planet, from someone confronting another over a racist or sexist joke to standing up for your kid when they have received an unfair detention at school to volunteering your time to help others in a culture which encourages (and rewards) selfishness.

During the U.S. civil rights movement, there was much attention to the idea of creative tension: seeking out confrontations which would bring a long festering, but sometimes hidden, injustice to the surface.

As Martin Luther King pointed out, *"Non-violent direct action seeks to create such a crisis, and establish such creative tension that a community that has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. I just referred to the creation of tension as a part of the work of the nonviolent resister. This may sound rather shocking. But I must confess that I am not afraid of the word tension. I have earnestly worked and preached against violent tension, but there is a type of constructive nonviolent tension that is necessary for growth. Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and half-truths to the unfettered realm of creative analysis and objective appraisal, we must see the need of having nonviolent gadflies to create the kind of tension in society that will help (all people) to rise from the depths of prejudice and racism to the majestic heights of understanding and brother(sister)hood."*

CD is about pushing things, nonviolently, as far as they can go, and forcing a confrontation which will result in a number of possible outcomes: bringing a previously buried issue to the attention and conscience of the community; negotiation where there was none; discussion on resolving a conflict where before you had been ignored; or arrest, because the authorities are refusing any other option.

Even if the media and the cops fail to show up, your persistence and willingness to make a statement signal very strongly to the powers-that-be that there is resistance to their policies. And while they might not put out a press release to discuss their concerns about your resistance, have faith that they do pay attention to everything that goes on in opposition to them.

## Obedience/Disobedience

At the heart of understanding CD and nonviolent resistance is the capacity to grasp what it means to obey and to disobey.

From the very earliest age, especially in the wealthy coun-

tries of the world, we are drafted into becoming "consumers" who identify with brand names and labels, who buy the myth that you go through school and university to a business career with investments to secure your retirement, that you must buy stuff to keep the economy going, that the three-car garage is a true status symbol, that wealth and power are worthy goals, that anyone who doesn't have what you have doesn't work hard, that the truly needy will get your tax deductible donations to the local charity.

You get these goodies, of course, if you are obedient to the culture. You respect authority, you stand when someone says stand, you nod when someone says nod, and you don't question what may seem like injustices because people get what they deserve.

The punishment for disobedience can be varied: social and familial isolation, living in or near poverty, a criminal record. But the "rewards" can be incredibly fulfilling: developing the kinds of friendships that are deep and meaningful, not artificial and based on appearance; an understanding of the world and your role in it that goes way beyond the "consumer" lifestyle. Susan Sontag wrote in the 1960s, *"Someone who has enjoyed...a reprieve, however brief, from the inhibition on love and trust this society enforces is never the same again."* Indeed, To truly love and trust someone, not just in word but in practice, is a truly revolutionary concept, one which is completely antithetical to the capitalist system of greed and competition.

But we are trained to be afraid of stepping out of line, trained in schools, in our families, churches, social clubs, universities, and jobs. There is always some form of violence or punishment for those who stray.

Two key experiments show just how obedient we can be. In the first, known as the Milgram experiment, individuals were taken into a science lab with a white-coated authority figure, the scientist, who explained that the participants would be administering electric shocks to see how punishment affected the learning process. An actor was placed in a booth and hooked up to wires, visible to the experiment volunteers who had their hands on the control switches. Each time the actor gave the wrong answer on the test, the volunteers were asked to apply dosages of electricity. With increasing dosages, the actor would cry out in pain, yet the scientist advised that it was all right, continue on, there is no danger. Participants were told that, although the shocks may be painful, it was essential that they continue, and they did, even when the person on the other end claimed heart trouble and pleaded for help and to be set free.

Milgram concluded, *"With numbing regularity, good people were seen to knuckle under the demands of authority and perform actions that were callous and severe. Men who are in everyday life responsible and decent were seduced by the trappings of authority, by the control of their perceptions, and by the uncritical acceptance of the experimenter's definition of the situation, into performing harsh acts."*

In the second experiment, known as the Dr. Fox Lecture, an actor was hired to give a talk on Mathematical Game Theory as Applied to Physical Education. The talk was deliberately filled with double talk, non sequiturs, and contradictory statements, and was delivered to 3 separate audiences of

psychiatrists, social workers, psychologists, educators, and educational administrators, most of whom had advanced degrees. In follow-up questionnaires, not one person saw through the hoax, and most reported they were favorably impressed with the speaker's expertise.

When we see the dangers of obedience (the legacies of racism, sexism, homophobia, the ease with which genocide is carried out on a daily basis), we are challenged right down to our very souls to take a stand: to live and be truly alive by saying yes to life and no to death and destruction, or to simply live as one already dead inside, for we have shut ourselves off from the pain and suffering which is carried out in our name.

## Withdrawing Your Consent

All powerful institutions, individuals and groups rule with our consent. It is only when we refuse to give our consent that the powers that be must take notice of our demands. Indeed, the more we play by "established rules," the more we are ignored. Our consent to live under the established rules (not going on strike between negotiated contracts, not doing anything which might seem "impolite," not stepping out of the line of what is seen as normal, "acceptable" dissent) allows the current system of exploitation to function normally.

How many times have we been told, "If you don't like the government, vote them out in four years?" All things being equal, that's all well and good, but what happens when you live in a grossly unequal society, in which the main political parties all represent corporate interests, and you need to feed your children right now?

In a liberal society, the state and its forces have a great deal of violence at their command, and as we see constantly, they are not afraid to use it. Indeed, former Canadian War Chief of Staff John de Chastelain, in a 1990 interview following the deployment of more troops at Oka (to fight the Mohawks) than were sent to the Persian Gulf to fight Iraq, stated: "*We Canadians tend to think of ourselves as so law-abiding and peaceful that kind of stuff (social unrest) can't happen here. Well it can happen here and it will happen if individuals believe the law is to be looked at in their own terms...When that happens, the court of last resort is the armed forces. So I'm not comfortable with the fact that we have troops in the streets, simply because I don't like the ideas that in a country like ours, that should be necessary. [But] I'm not uncomfortable with it. If we have to, we will use whatever force is necessary. And we have a lot of force.*"

What they do not have, however, is morality. Morality is a term we often associate with fire and brimstone preachers of the right wing, yet we need to reclaim this term.

## Making A Strong Moral Point

If we make a strongly moral point with our bodies and our lives, we can change our communities and our futures. Indeed, the strategy of the powers that be is always divide and conquer, yet if you stand firm on your moral demands (for example, insisting on absolutely no pollution discharge into the air and water, as opposed to battling over percentages of toxic waste allowed into your drinking water), you

will have more power than you know.

That's easy to say, but is it really true? Yes! All you need to do is read some of the documents produced by corporations and governments which are, as you will see below, fairly honest in their conclusions: the biggest threat to their rule over us is our being well-educated and insisting on participating in the decisions which affect all of our lives.

Part of what makes our system function so smoothly for the rich and so horribly for the poor is because we do not create our own rules of protest—we accept theirs. Well, it's the rich who make the laws, not the poor. And when we play by their rules, it creates a very strange space for us to speak our minds. Indeed, when they set the parameters of the debate, we find ourselves begging for a 10% pay cut instead of a 20% pay cut, instead of our setting the agenda and asking the question, why a pay cut in the first place?

For example, say that they are building a toxic incinerator in your community and that it has been proven that cancer rates will skyrocket. We are told to "inform" our MPs of the situation by writing postcards, maybe call them or fax them. These are all good ideas, but demands not backed by some form of force are empty demands.

In essence, the system sends us a contradictory message. On the one hand, when we learn about something so inherently evil and dangerous that you'd think there would be immediate action, we are advised by the obedience system that any response should be to be "responsible," "measured," and "fair."

Yet if someone holds a gun to your head, do you ask the gunman not to shoot while you whip off a letter to your MP or to the manufacturer of the gun to protest this danger? No, you take direct action to disarm him.

Similarly, nuclear weapons, toxics in our air and water, and many similarly vital issues are metaphorical guns pointed at our heads, and just as we would hopefully take direct action to disarm the gunman, so we need to take action to disarm the perpetrators of the other crimes which threaten us as well. Our response to a serious issue needs to be as serious as the issue itself.

## Petitions: From Equals or From Slaves?

Gandhi addressed this issue when he wrote, "*A petition of an equal is a sign of courtesy; a petition from a slave is a symbol of his slavery. A petition backed by force is a petition from an equal and, when he transmits his demand in the form of a petition, it testifies to his nobility. Two kinds of force can back petitions.*"

*"We shall hurt you if you do not give us this," is one kind of force; it is the force of arms whose evil results we have already examined. The second kind of force can thus be stated:*

*"If you do not concede our demand, we shall no longer be your petitioners. You can govern us only so long as we remain the governed; we shall no longer have any dealings with you."*

So, if everyone in society is equal (from the billionaire Weston family to the poorest OntarioWorks participant), then a petition would be listened to with courtesy and dealt with ju-

diciously.

But we do not live in an equal society, which leads us to Gandhi's conclusion: we must withdraw our consent to obediently play by their rules.

How many times have you signed a petition as a humble petitioner to the government, and how many times have you either been ignored or "thanked for expressing your concerns" and then the issue is dropped? What would happen if each petition came with the implied use of interfering protests? Then the petition would have more strength: you are actually willing to do something more than be a passive voter if your demands are not met. This will get their attention!

The great American feminist and pacifist Barbara Deming notes that we often give away our power to others, instead of just doing things ourselves and making the "leaders" follow us.

*"If greater gains have not been won by non-violent action it is because most of those trying it have...expected too much from "the powerful"; and so, I would add, they have stopped short of really exercising their peculiar powers—those powers one discovers when one refuses any longer to do another's will. They have stopped far too short not only of widespread nonviolent disruption but of that form of noncooperation which is assertive, constructive—that confront those who are "running everything" with independent activity, particularly independent economic activity. There is leverage for change here that has scarcely begun to be applied."*

Hence, part of nonviolent resistance is not always about going to the legislature with our picket signs and protesting homelessness and hunger. As Deming suggests, it is *also* about constructive noncooperation: take the 500 people with their placards at Queen's Park, divide them into groups of 20, and spread out across the city to plant community gardens on public land so those who harvest from them need not go through the humiliation of lining up at a food bank. This is not asking "the powerful" to do something for us: this is us asserting our right to do what is right, moral, and legal. Indeed, one could argue that it is also responsible, measured and fair

## Threat to the Established "Order"

People who are engaged and active in their communities, believe it or not, are seen as a threat to the established order.

In the early 1970s, a group of industrialists, academics and elite figures worried about the rise of participatory democracy and social movements for people's rights in North America, Europe and Japan gathered under the umbrella of the Trilateral Commission (which includes people like new foreign affairs minister Bill Graham). The names of the original and more recent commissioners include, from the U.S. elite, Henry Kissinger, Zbigniew Brzezinski, George Bush, Sr., Jimmy Carter, John Glenn, Lane Kirkland (President of the AFL-CIO), Walter Mondale, David Rockefeller, John Rockefeller. Canada was included as well, with names like Doris Anderson (famed editor of *Chatelaine*), Michel Belanger (C.D. Howe Institute), Gordon Fairweather (Tory MP, Canadian Human Rights Commission), Jean-Luc Pepin, Mitchell Sharp, and Maurice Strong.

The Trilateral Commission concluded, in a discussion on "the dysfunctions of democracy," that the dangers to "democracy" come "not primarily from external threats, though such threats are real, nor from internal subversion from the left or the right, although both possibilities could exist, *but rather from the internal dynamics of democracy itself in a highly educated, mobilized and participant society...There are also potentially desirable limits to the indefinite extension of political democracy.*" (The Crisis of Democracy: Report on the Governability of Democracies to the Trilateral Commission, 1975).

In other words, governments and their corporate masters rely on a quiet, accepting population to enforce policies which benefit the rich few and exploit the many. Indeed, since the 1970s, there has been a great effort on the part of many institutions concerned about maintaining and expanding corporate rule to celebrate and reward selfishness and apathy. The Trilateral Commission concludes, "*The effective operation of a democratic political system usually requires some measure of apathy and non-involvement on the part of some individuals and groups.*" That is to say, effective for the wealthy elite, not for the rest of us!

Writing in 1980, Holly Sklar, who authored a book on Trilateralism, presciently pointed out what was to come: "*What must follow, as the trilateralists see it, is the reassertion of elite rule and decades of public apathy. Thus, domestic items on the trilateral agenda include: reducing the expectations of the poor and middle class, increasing presidential authority, strengthening business-government cooperation in economic planning, stricter press self-regulation and government oversight, and pacification of rank and file labour.*"

Indeed, how many times have you heard someone say, "You can't fight city hall," or "The Tories won't listen, so what's the point of demonstrating?" These signs of despair and disempowerment are a result of a deliberate strategy to, as Sklar points out, *reduce the expectations* of the poor and middle class to the point where they tend to blame themselves for not getting ahead. They have become so disconnected from any role in civil society, and so indoctrinated by institutions which benefit from the general public's apathy and non-involvement in political life (such as the major corporate media, mega-universities, complacent churches, political parties, etc.) that they do not connect the dots between their hardships and the governmental policies and corporate wheeling-and-dealing which puts them in a tight spot to begin with.

## The Threat of Too Much Democracy

The Trilateralists define the crisis of democracy as a situation in which "the spirit of protest, the spirit of equality, the impulse to expose inequities were abroad in the land." (And we are supposed to somehow shudder that these are bad things!)

"[President Harry] Truman had been able to govern the country with the cooperation of a relatively small number of Wall Street Bankers and lawyers," the Trilateralists lamented. But in the post Vietnam/Watergate atmosphere, the general public openly questioned "the legitimacy of hierarchy, coercion, discipline, secrecy, and deception—all of which are, in some measure inescapable attributes of the process of government." Tra-

ditional forms of public and private authority were undermined in the 60s and 70s as “people no longer felt the same compulsion to obey those whom they had previously considered superior to themselves in age, rank, status, expertise, character or talents.”

The problem is too many people participated in society: “Previously passive or unorganized groups in the population, blacks, Indians, Chicanos, white ethnic groups, students, and women now embarked on concerted efforts to establish their claims to opportunities, positions, rewards, and privileges, which they had not considered themselves entitled [to] before.”

So in this crisis, democracy is not seen as an answer to the concerns of the Trilateralists, who conclude “applying that cure at the present time could well be adding fuel to the flames...some of the problems of governance in the United States today stem from an excess of democracy...Needed, instead, is a greater degree of moderation in democracy.”

When you read these kinds of documents, you realize how little it actually takes to bend the powers that be out of shape. It is in this context that the use of civil disobedience becomes so effective. In such an atmosphere, where folks are getting it together in their communities, corporations and governments hire PR firms to play divide-and-conquer games to break apart social movements. As stated above, governments in “liberal” societies are loathe to bring out the tanks, but they will if need be.

### **Divide and Rule: Neutralizing Activists**

In the meantime, they play games like this one, described by Ronald Duchin, of the PR firm and corporate servant Mongoven Biscoe and Duchin, which advises corporations and governments on how to deal with activists (as you read this, try to position yourself in one of the four groups described, see how easy it is to be considered a radical, and get a sense of your own power!)

*“Activists fall into four categories: radicals, opportunists, idealists, and realists. Duchin follows a three-step strategy to neutralize them: 1) isolate the radicals; 2) “cultivate” the idealists and “educate” them into becoming realists; then 3) co-opt the realists into agreeing with industry. According to Duchin, radical activists “want to change the system; have underlying socio/political motives and [see] multinational corporations as inherently evil...These organizations do not trust the...federal, state and local governments to protect them and to safeguard the environment. They believe, rather, that individuals and local groups should have direct power over industry...I would categorize their principal aims right now as social justice and political empowerment.”*

*Idealists are also “hard to deal with.” They “want a perfect world and find it easy to brand any product or practice which can be shown to mar that perfection as evil. Because of their intrinsic altruism, however, and because they have nothing perceptible to be gained by holding their position, they are easily believed by both the media and the public, and sometimes even politicians.” However, idealists “have a vulnerable point. If they can be shown that their position in opposition to an industry or its products causes harm to others and cannot be ethically justified, they are forced to change their position....Thus, while a realist must be negotiated with, an idealist must be educated. Generally this education process requires great sensitivity and understanding on the*

*part of the educator.”*

*Opportunists and realists, says Duchin, are easier to manipulate. Opportunists engage in activism seeking “visibility, power, followers and, perhaps, even employment....The key to dealing with [them] is to provide them with at least the perception of a partial victory.” And realists are able to “live with trade-offs; willing to work within the system; not interested in radical change; pragmatic. [They] should always receive the highest priority in any strategy dealing with a public policy issue...If your industry can successfully bring about these relationships, the credibility of the radicals will be lost and opportunists can be counted upon to share in the final policy solution.”*

This evolving handbook has some things to think about as well as some practical tips on civil disobedience such as organizing a sit-in, what to wear to a civil disobedience action, de-escalating a crisis, affinity groups, legal rights, and more as it gets added. We welcome your feedback and comments.

## **SOME PRECEPTS OF NONVIOLENT ACTION**

We all have very different views of what, exactly, constitutes violence and nonviolence, since we all come from different places in our lives and experiences of violence. However, below are some suggestions about ways of looking at non-violent action based on historical precedents and current practice.

Nonviolent action seeks to view those who disagree with us as *opponents, not enemies*. They are often people divided from their own best selves, and because they are so divided, it is difficult for them to get in touch with that side of them which is just and compassionate. When we treat them as enemies, we assume they cannot change; when we see them as opponents who are nonetheless worthy of being treated in a dignified and humane fashion, no matter how heinous their behaviour, we give them the chance to change. King spoke of the beloved community, in which we all, hopefully, will one day live. This does not mean we love everyone or want to be with everyone, but it does mean we allow each and every one their space, as long as their occupation of that space does not do violence to others.

This is a difficult premise, because often, you just HATE your boss, HATE that cop, HATE that racist, HATE that warmaker, but using the same kind of hatred—which is an emotion that shuts you down and stiffens your back rather than opens you up and loosens you up—only matches their behavior. It does not help you overcome or transform the power relationship.

Of course, this does not always work the first time. In fact, your loving and open approach may never transform your opponent, but onlookers who watch the relationship in actions, in the media, in day to day life, might be transformed

themselves by your willingness to risk and the refusal of your opponent to change or stop using violence. In the U.S. south, civil rights activists knew their demos might not end the racism of their white opponents; rather, they relied on their actions awakening the sleeping conscience of the nation to broaden the base of potential allies who would work with the movement and thus help force an end to the enforcement of segregation and racism.

Similarly, Mike Harris can pretend that he doesn't care about your demonstrations at the legislature, but if you are inspiring thousands of people who watch or hear about your demos and the issues behind them, this poses a real threat to Harris's control of the province. A group of individuals from Toronto Action for Social Change planted vegetable gardens at the legislature to highlight issues of hunger and poverty in 1996, and were arrested and criminally charged. The actions garnered a good deal of interest and publicity, but did not change Harris's mind. However, it was later learned that a number of community gardens which were on the back burner awaiting municipal approval were speedily approved given fears that similar direct actions might embarrass the city. And a group of individuals who were inspired by hearing about the action began to investigate a new concept to them—the idea of a community garden—and eventually established one at the University of Toronto.

## Objectifying Your Opponents

As the feminist movement has shown us time and again, objectification—making an object out of someone who is a live human being—is the first step in justifying mass violence against that person or group of people. We objectify Serbs, Afghans and Iraqis before we bomb them (note how the Afghani prisoners are treated as if they are somehow superhuman devils) so we don't feel any sense of shame about obliterating them, because "they're evil" "they're all the same." All participants in warfare have demonized their enemies to whip up public support for mass murder; if you can hate someone with such a fervor, the logic goes, then you won't have qualms about killing him.

Pornography is linked to male violence in the same manner: by presenting women as sexual objects who love to serve men, women are thus set up as unfeeling creatures who really mean yes when they say no. Countless reports from women's shelters show that women were beaten when they did not behave or look the way men wanted them to (in the manner of porn movies or magazines). But because men are trained to see women as all the same (they all love it), most men tend to see women less as human beings than as sexual slaves.

How many times have you heard someone state, "I hate cops. Cops are all goofs." Here once again, we are objectifying police officers. True, they work for a violent institution which enforces a violent economic system, and some of them are particularly vicious, but they are still human beings underneath all that armor. It is one of our jobs to reach that human, to make them think twice about the violence they mete out.

One important lesson here comes from the anti-war movement in the U.S., in which veterans of the war openly resisted the war when they got back (and often even before

they got back). While there was some heckling of vets (baby killers!), most of the anti-war movement openly welcomed these vets, who played a key role in the peace movement. One could have easily dismissed them as fascist dogs for doing the work of war, but instead, they saw a space, a welcoming space, and they filled it.

We have seen this where there have been ongoing campaigns outside of weapons factories where, rather than demonize those who build the bombs, groups have gathered to state, "We will help you if you decide to leave your job. Join us."

Imagine if you were on "the other side" as a boss, a cop, a weaponsmaker. Imagine you had pangs of conscience every once in a while, but the only opposition at the factory gates was a hate-filled bunch who called for your lynching. You'd feel there was not much room to maneuver, and the unwelcoming group opposing you might further solidify you in your current position, and make you hate the very things that have been gnawing at your conscience because you associate those things with the mean people protesting your work.

For more on winning over or at least drawing away from the armed forces / police their power, see the quotation from Staughton Lynd on taking power away from cops in the appendices.

For a shorter explanation of how this might work, ponder this quotation from Barbara Deming:

*"The feminist vision abandons the concept of naming enemies and adopts a concept familiar to the non-violent tradition: naming behaviour that is oppressive, naming abuse of power that is held unfairly and must be destroyed, but naming no person whom we are willing to destroy. If we can destroy a man's power to tyrannize, there is no need, of course, to destroy the man himself. And if the same man who behaves in one sense a tyrant is in another sense our comrade, there is no need to feel that we have lost our political minds (or souls) when we treat him as a person divided from us (and from himself) in just this way."*

## Going Against Type

Understanding how objectification works, and knowing that in police training (as in corporate and government training), activists are pretty much defined narrowly by types, not as individual people with individual acts of conscience, we can catch our opponents off guard by "going against type." If you do not do standard demo things at your action, but instead just be as wildly imaginative as you could think (throw out the rule book Demos 101), you make it much harder for the authorities to "handle" you.

## Open Transformative Actions

- Generally, actions are open, honest, and accountable. Obviously, such things as sit-ins need to be fairly quiet in the planning, but in other instances, your willingness to announce your intentions signifies you have nothing to hide, for you have truth and justice on your side. It also places the onus on your opponent when you have stated clearly that you will be nonviolent and this is what you'll do. It makes it harder for them to justify repressive measures when you have publicly stated what you are going to do and then do

exactly that. Being honest about what you are doing also means fellow participants need not expect any surprises which might freak them out, making you all accountable to one another.

- Part of this spirit is summed up in a simple phrase: a willingness to risk injury, but not to inflict it.

- Transformation, not elimination. If you are trying to stop racism and racists, you have two choices in the violent / non-violent debate. On the one hand, you can pound a racist to a pulp to give them a taste of their own medicine, but what has that racist learned? That your violence has had more of an effect than his violence. It's not likely to make that person less racist; they'll just be angrier at you and at the targets of their racism. What would happen if we honestly took risks and tried to change the person/system we are opposing? When change is transformative, when people change because they have really seen and understood why what they've been doing is wrong, and that you are willing to help them and support them through this process, the lasting bitterness and hatred which exists when you lose a physical battle at the hands of a superior force is not as likely to take root. The change you have sought is likely to become more permanent.

This might sound all very naive and simple-minded, but in many instances it has worked throughout history. Imagine offering a handshake instead of a clenched fist to your opponent, imagine telling someone a joke or making light of a tense situation instead of snarling at them.

The problem with nonviolence is that it is still in its infancy, and will only start to grow up the more we practice with it. Gandhi called his campaigns and actions experiments with the truth. No one, he said, is capable of knowing the absolute truth, hence no one is capable of meting out punishment. But if you have been nonviolent in your experiments with truth and you have been wrong, there is at least no permanent damage done to others.

- You win someone over to your point of view, not simply win over them. The goal of nonviolence is not simply victory, but the kind of change in which we all win, not just some of us because we feel we're right and someone else is wrong. King noted that victories in the civil rights movement were not just victories for blacks, but for all people, for an injustice to one is an injustice to all, and if you have to stand in the ditch with your boot heel on someone's neck, you will never get out of that ditch as long as you want to keep that victim in the ditch.

- Violence represents the capitalist ethic of getting ahead by any means, no matter how deadly. Many of us have an inner capitalist, that part of us that wants justice and victory real fast. This is understandable, but if we do not believe that might makes right (the Pentagon's approach), then we need to find other ways of getting ahead.

- Means must be consistent with ends. If we seek a society based on equality and mutual respect and peace, we cannot get it by building mass caches of weapons and hating our opponents.

## The Role of Theatre in Demos

Much of Homes not Bombs evolves out of a use of theatre not as a prop but as something integral to actions: creating scenarios in which all participants, whether risking arrest or not, have a role to play. A key component of this type of demo is that it has an overriding theme which everyone understands and which can be communicated easily and effectively.

For example, in Nov. 1999, HNB went to Ottawa to transform the War Dept. into the Housing Dept. Affinity groups occupied the Mackenzie Bridge with symbols of civil society: we built an apartment with fridges, stoves, couches, bedding, a TV set, etc, a community garden, a free school and daycare. This served to create a liberated space in which the tone of the action was immediately set up by the resisters. As well, groups of individuals were trained as citizens inspectors to enter the building. They had documents with statements about international law. We focused training on ongoing dialogue with the riot police, not for five minutes prefacing a frontal assault, but for as long as it took.

Hence, we did not look like a traditional demonstration that could have been easily enough dismissed as "rowdies with arms locked together" in traditional blockade-style. The act of creating a civil society with all of its recognizable symbols was what people remarked on, so while it did not look like a traditional blockade, it had the same effect and more: in addition to shutting down an area in front of the War Dept., it was difficult for police to respond in a way which would have bystanders replying, "Thank goodness for the police!" Indeed, when police moved in to make arrests and haul away the symbols of civil society, it was clear that day what the message was: the War Dept. stood firm while the symbols of the society we want were torn apart by the riot police.

There were no headlines about clashes between two antagonistic groups. While media attention is not a primary focus, if we control the image, it is hard for them to distort the story. For example, another tactic was not to chant. If we behave as if we are in the society we already want—a cooperative, non-hierarchical scene, there are no speeches or chanting. There is singing, conversation, the tone is mellow and relaxed, as it remained for more than two hours.

There has also been an ongoing campaign to transform the Hamilton War Show, an annual fathers day weekend event.

At the June, 2000 war show protest, we had two options; blockade the thing and shut it down, or create an alternative which had the same effect of slowing things down and making it more difficult for police to justify a crackdown. When that crackdown did come, with criminal charges, it could not stand up in court, and TASC/HNB is proud to point out that in every instance in which our members have been charged criminally since Harris came to power, we have been acquitted using a framework which has been clearly laid out by judges themselves. We are no longer pointing to vague concepts about doing what is right: we have Ontario court judges saying these are parameters within which such dissent is not only permissible, but should be encouraged. As we look at those court decisions, we hope to continue expanding on the notion of how much we can get away with and still be acquitted of criminal charges. This is also impor-

tant because it expands the scope of permissible dissent for everyone.

Because we are always trying to expand our circles of resistance, activists have a wide range of experience, and do not always speak a common language. That being the case, we find that terms such as blockades and occupations may seem foreign to newcomers, yet when we talk about action in terms of theatre (“we could set this up...we could do that”) people loosen up and come alive, because theatre is something everyone can relate to. When the imagination takes over, we find actions build themselves. The more absurd the idea, the more it seems to make sense.

## SO, YA WANNA DO A DIRECT ACTION, EH?

Direct action is often explained as something you do when everything else has failed. This is simply not true. Direct action, as noted above, is what makes democracies strong, because we, the people, act as mechanisms of accountability. If governments or corporations do what they damn well please regardless of our pleas, someone needs to interfere with their smooth functioning. This is not just a moral imperative; it is a legal obligation under international law and under some Canadian laws, depending on the issue.

Direct action is often the *first* thing you might want to consider, because if you decide you want to give the authorities a year’s grace period because of an election or because you need to “study” the effects of welfare cutbacks, by the time a year has passed, people are burned out and depressed. Use direct action when people are angry and ready to move; not when they are already feeling defeated. Nonviolent direct action can channel anger creatively and constructively, and not lead them down the road of despair and destructive acts.

Direct action is a liberating thing, a first step in opening an amazing world of possibilities that is limited only by your imagination. It is fun, it is doing things your own way, not according to a set formula approved by a central committee.

This is not to say that there is no place for what might be called “standard” demos or traditional forms of lobbying such as MP visits, letters and faxes, holding vigils, etc. Indeed, all of these things together, working in concert, are what build strong campaigns.

But the great thing about direct action is it conveys, in as strong a message as possible, your absolute refusal to compromise with evil. You feel so strongly about this that you are willing to take a risk with your privilege, your liberty, your reputation. And if you conduct yourself in a manner which is consistent with what you seek (a common tenet of nonviolent actions), people will inevitably be moved by your willingness to risk.

Ok, so now that you’re all ready to go, don’t just go off and do it like you see it in the movies or in documentaries. The

process of direct action is not about a bunch of anarchist spirits getting together and making whoopee. No, it actually takes far more discipline and planning to do a direct action than it looks. The trick is practice, training, preparation, and building of communities of support. The more you know about what you face going into an action, the less you’ll be burned on the other end.

### Choosing Your Strategy

It’s really important, when you set out to take part in or start a campaign, to talk about the strategies and tactics you will employ. No campaign need be “exclusively” legal or CD-based. Rather, as discussed above, a combination of tactics usually creates a broad-based campaign in which all members participate at their comfort level and support those engaged in activities which not everyone is prepared to take part in.

In many respects, nonviolent action is about setting up a confrontation that brings to light the unequal power structures of our society. For example, if you are going to protest the construction of weapons at an MP’s office, why not inform the MP that you are coming, you plan to be nonviolent, but that you do expect your demands will be met. What will inevitably happen in this instance is the MP (unless the individual is very smooth) will call the cops, who will bar your entry to the office. You have just shown that we have a wee bitty problem with democracy. Why, you might ask at that moment, are the police not shutting down the weapons factory which threatens so many lives instead of preventing you access to your MP?

Such a seemingly small action raises many questions for participants, especially newcomers to political action, such as: do we really live in a democracy? If not, why not? What is the role of the police in our society? To protect and serve, it says on their cars, but who are they protecting and serving?

Keep in mind that there are thousands of ways to demonstrate (198 ways are listed in the appendices). But how do you choose between a sit-in and a march, a vigil and a banner hanging, a long-distance walk and a blood pouring, a prayer service and a fax blitz?

You don’t necessarily need to choose between one or the other, because you can do all of these things. But some things have a particular strength at certain times that others don’t. For example, holidays or culturally significant dates are good times for demos, because they are opportunities to remind people of what they are really about. For example, choosing an anti-consumer theme or homelessness theme for your demo at Xmas gets to the roots of the story of the birth of Christ, and can get people thinking about the true spirit of the season. St Valentine’s Day would be a great day to protest the treatment of prisoners, as St. Valentine was himself imprisoned for civil disobedience.

When you sit around with your group and think about the wonderful, fun, and crazy things you could do, don’t censor yourself. Don’t talk about what “can’t” be done, talk about what *can* be done. No matter how crazy your idea, if it resonates with folks whose mouths drop open and say, “Wow, that’d be great!” look at how you could pull it off,

even if you have no clue where to begin. It is through the process of discussion and bringing together of people with varied skills and insights that you can pull it off.

And remember, the more of a moral climate you develop around a particular injustice, the more difficult you make it for the authorities to come down on you. For example, when a group from Homes not Bombs attempted to enter Fort York Armoury in Toronto after it had been closed to the homeless so that soldiers could do target practice, the police refused to arrest us. Indeed, although we got into the big building, and were then hauled out, we were not arrested. Then, although we chalked all over the building as part of our attempt to renovate it into permanent affordable housing, the police, wary that it was -40 C and that in the middle of January homeless people who once used Fort York were out on the streets, it would have looked really bad to make the busts.

Once you have decided you want to engage in a confrontational action which maintains a nonviolent discipline (and again, this does not always mean arrests will be involved), you should consider nonviolence training.

## Nonviolence Training/Preparation

Because we have been raised in a terribly violent, patriarchal culture, we often bring with us to our demos many of the basic assumptions and lessons we have been taught by this system. Because we are taught from day one the value of having our voice heard above all others, that might makes right, that strength of numbers is all that counts, and a host of other things, the concepts of nonviolence might be very new to us, and we need the time to discuss them, to think about them, to practice them, before going out and doing them for real.

Nonviolence training is a key to this process, because while it is often about such basic things as body protection in an arrest situation and legal rights, it is also about preparing your mind to deal with the tools the system will use against you when you have disobeyed: the fear that the system will instill, the threats it will make, the treatment it will dish out just enough to make you have second thoughts about your decision to commit civil disobedience.

Before participants in the civil rights movement went out to face the brutal police of the U.S. south, they took part in training sessions that often lasted weeks or months. They recognized that nonviolence is a discipline, that it represents a way of waging battles in which its participants refuse to hurt, but are willing to risk being hurt (in much the same way an army uses training to prepare soldiers for conflicts using violence). Hence, it took (and continues to take) time to take part in roleplays, to do some serious reading, to reflect on the concepts of violence and nonviolence.

One thing which training sessions should not be (although they are often accused of being such by critics who pooh-pooh nonviolence) are undemocratic behaviour control sessions. Training is not about behaviour control: it is about opening ourselves up to the myriad range of creative forms of protest which we ourselves are all capable of coming up with. Because nonviolence is still in its infancy, we are all midwives to a newer form of dealing with conflict and confronting injustice, and as such training sessions are really

about using that part of our selves in attempting to find new ways of moving forward.

A typical session often involves a look at the history and philosophy of nonviolence (examples from history are often helpful in making plans for direct actions of today), definitions of violence and nonviolence, legal rights and responsibilities, the court system, jail, fears, affinity group structure, jail support roles for non-arrestees, and much more. It is also a good time for roleplaying, stepping inside your opponent's shoes, and staging conflicts to see how conditioned our responses to certain situations might be.

## Action Structure and Affinity Groups

*(Note: For a case study of building an action, and examples of successful media releases, see appendices.)*

How is the action going to be structured? Too often, we follow the person (usually a man) with the megaphone, who barks out where we're going next and we follow. Direct action involves creating structures in which we are all accountable to one another and we make decisions through a process known as consensus.

You cannot make a consensus unless you have a basis of unity which binds you as a group together. A basis of unity can be based on any number of things, but perhaps when your group gets together, a group which shares an affinity for one another (hence the term "affinity group"), you can hammer out some details.

For example, a basis of unity might want to ask some questions such as:

1. Why are we acting together?
2. Are we coming together as faith-based people, as political people, fellow workers, as street theatre performers, as what?
3. Are we committed to a similar definition of nonviolence (and if not, can we at least agree on the parameters of this particular action?)
4. How far are we willing to push things in this situation?
5. How would we handle an agent provocateur or undercover cop or even a friend of ours who unwittingly disrupts things
6. What will we do when we hit a really tense area? How will we calm things out?

If a conflict arises, and you cannot reach a consensus (a common understanding among everyone that this particular decision is okay with them, even if they do not agree with it completely), look to your basis of unity and see how the potential conflict in any way violates or is upheld by your basis of unity. (For example, someone at the War Dept. action wants to pour fake blood on the building. Although you generally do not support property "damage", you do note that if everyone in the group is comfortable with this, then it would be okay to do the blood pouring. However, if you have strict guidelines about marking up any buildings, the blood pouring would be far more difficult to consense to because it violates your basis of unity)

## Affinity Groups in Action

Mike has a fear of being in confined spaces. If he shares this with the group, folks who are in confined spaces (an occupation area, police wagon, jail cell) with Mike can watch out

for him knowing that this is probably not the best place for him. Mike will not want to reveal this part of himself in the middle of a crisis; if he can share it with the group in a safe space, everyone knows, and he can focus more on the tasks at hand.

Karen has a medical problem, and she freaks if she doesn't get her meds every four hours. Unfortunately, she often forgets to take her medication, Will someone be her buddy so that they keep an eye on Karen and the clock?

Everyone has agreed that throwing rocks is a crummy idea, yet at the last minute, Jim's cousin, a cool hippie guy from Michigan, shows up, and he is so groovy that he makes tofu sandwiches for everyone, sings folk songs with his guitar, and is the greatest guy. Until he starts packing rocks into his backpack. You can use this opportunity to confront Mr. Cool and ask why he is doing this, and explain that's not the business of this group. If he does agree to get rid of the rocks, folks might still want to keep an eye on him during the action, because if he does not respect your parameters, there's no telling what he's going to do. As a group, you hopefully have worked out some de-escalation strategies and scenarios to prepare yourself for this kind of situation.

Having an affinity group at an action is very helpful when it comes to making quick decisions about changes in plans. Because you already know each other and your basis of unity, you tend to act quicker on your feet than if you were a bunch of unaffiliated individuals.

You can discuss your fears and hopes for the action in a small group of people that you begin to know and trust (if you do not have this relationship already).

Within your affinity group you can set up a mini-structure that may mirror the structure of the larger action (if there are many affinity groups). You may wish to consider assigning different roles to folks such as:

1. Media spokesperson(s)
2. Medic (someone who carries basic supplies to deal with any medical situation that arises)
3. Photographer—vital to record events and any contact with police, so that any bogus charges of "assault police" are not evident in the film or video
4. Jail Support team: Folks (1-3) who will watch the action from a bit of a distance (non-arrestable) and keep track of those who are risking arrest. This is an incredibly important position: in many respects, you are responsible for watching over everyone going into police custody and tracking them through the system. One or two can go to the police station afterwards and wait till folks are released.
5. Jail support phone: You will receive calls from the jail, if they are allowed, and relay information to a lawyer, to the rest of the group, or to the folks on the inside (ie, we are getting great coverage, there is a support rally for those detained, Karen needs her meds but the cops aren't getting it to her, so get the lawyer on the case)
6. Someone to watch out for props, banners, etc, to pick up someone's backpack if that person is accidentally arrested

and hadn't been planning on it.

7. Vibes watcher(s)—This is really everyone's responsibility, but if someone is trying to be the eyes and ears of the action, looking for folks about to freak out, or agents provocateurs, it is great having an objective eye.

This sounds like a lot, but once you get into an action, things tend to go smoothly if you have planned and talked things out. After a few of these, a lot of this stuff becomes second nature, much as we would hope the whole concept of non-violence would be part of our daily lives, not just at actions. At smaller actions, some of these roles can be stacked together for one or two people.

## Suggested Action Guidelines

1. No drugs or alcohol either on your person or at the gathering spot before the action. Either is a great excuse for police to make pre-emptive arrests that will cloud your message.
2. No weapons or anything that could be perceived as a weapon (guns, knives, bottles, stakes). Good test: if you are in court and the cop holds up a teddy bear and tries to explain how this thing was a threat, you should be okay. Imagine your questionable object being placed as evidence against you before deciding whether to take it.
3. No pets. Since police often use horses and dogs, this could create inter-species problems. Also, if you arrested, it can be stressful on your pet and other members of the group who need to take care of it. Often pets do not do well in the stress of an action.
4. No abusive language (language which demeans or humiliates the cops, our opponents, our fellow demonstrators. The use of the word bitch, for example, while all too common, might be seen by some as "acceptable" if a female cop is being really mean, but ask yourself: how does the use of such language in any way help the situation, and does it fit with your basis of unity? We need to learn new ways of communicating, and think about the effect and power of the language we use.
5. No physical violence (ie, hitting back a cop, throwing something at someone)
6. No "vandalism" (unless agreed to beforehand). People need to define for themselves what this means, as chalk drawing on the sidewalk, while physically harmless, might still upset some folks. We are all coming to actions from different points in our lives, and we need to try and respect them as much as possible, especially if they do not disrupt or interfere with our overall plans.
7. No running. Running increases tension.
8. No rumours. Sometimes we don't know what's going on at another part of the action. Only share information which you know is real and confirmed, not what you think is happening. Rumours are very dangerous and can unnecessarily spread panic.

## Action Dos and Don'ts

### DO's

1. Wear durable, comfortable clothing in layers. This will help you self-regulate your body temperature in a variety of environments and make any bumping or dragging that occurs as a result of interaction with police less painful.
2. Watch what you eat before the action. If certain foods

(or lack thereof) cause you to be hyper or lethargic, you should be careful about what goes into you, as you need to be alert for the action. You should also be prepared for what could be a long stretch in the cells with either no food or food you won't like (mayonnaise sandwich on white with bits of ham or cheese, McDonald's Big Mac). There are no vegetarian food guidelines for prisoners.

3. Bring extra cigarettes if you smoke (although many penal institutions do not allow you to smoke—be prepared for nicotine withdrawal, caffeine withdrawal, etc.)
4. Secure glasses with a string, so they don't fall off if you are dragged or shoved.
5. Write jail support number on arm or leg, so you know who to call if you get a phone call (sometimes you do, sometimes you don't). Technically, you have what is known as the "right to retain and instruct counsel" but that does not mean they'll always give you a phone call. Often, the jail support number goes not to a lawyer but to a support person who relays information to the lawyer; this way the lawyer's office is not swamped with calls and information is consistent, not based on hearsay.
6. Be prepared to be alone in jail. You may be thrown into the drunk tank together or in a cell together or as individuals.
7. Bring extra medication to give to support person. If you are not allowed your medication, make a complaint about it, and let your fellow arrestees know about it too.
8. Fill out jail support sheet (see appendices)
9. Maintain your sense of humour and watch your stress level.
10. Withdraw from the action if you can't handle the situation, even if only temporarily. There is no dishonour in pulling back if you feel uncomfortable. Although actions can be joyful and liberating, they can also be difficult, depending on where you're coming from, past experiences with saying no to authority, etc.
11. Don't bring stuff to an action you wouldn't want to lose—just bring what you need (often things get "lost" once you are in custody)
12. Bring picture ID if you hope to be released.
13. All you need to give police is your name, date of birth, and current address. All other information is a fishing expedition you need not join (though they will make threats if you do not tell them your mother's maiden name, etc.)

### DON'TS

1. Don't wear jewelry, scarves, barrettes. These can be painfully yanked out of your hair and ears or from around your neck.
2. Don't wear your hair loose. Put it in a ponytail and tuck it underneath a shirt.
3. Don't wear clothes with tight necklines. You might get pulled by the neck and that can cut off your oxygen supply.
4. Don't wear sandals or high heels. Wear solid shoes that won't fall off or get ruined if you are dragged or stepped on.
5. Don't Panic!

### DE-ESCALATION

Anything works depending on the situation. Let yourself be very free with crazy things that make people laugh or calm a situation

Humor is very effective, especially if it is gentle, not mocking

If a fellow demonstrator gets very agitated, a gentle hug or hand on the shoulder can be calming.

Sitting down

Asking a question of an aggressor: "Why are you doing this?"

Going silent instead of chanting

Singing children's songs with new lyrics as opposed to chanting.

Lots more to come in this section (send suggestions you have seen work to [tasc@web.ca](mailto:tasc@web.ca))

### How to Say No to Cops/Authorities

Saying no, being disobedient, is very difficult for people. We are trained from an early age to respect authority, because we know we'll be punished if we don't. So when a uniformed man with a billy club and gun comes up to you and says move, your first reaction might be, "Ok, whatever you say!"

It is for this reason that it helps to focus on that moment and what you will say or do. Sometimes folks think of images of courage they have seen in the past to ground them at this moment. Perhaps a brief sentence or two would suffice (as opposed to reading to a cop who couldn't care less a whole treatise on privatization)

What can you say when the cop says to move?

1. I prefer not to.
2. Cop says, "You can't do that." You might say, "I have to do this. I'm here for my kids, for your kids."
3. I'm just trying to stop...to support...
4. I know you have your job to do, and I'm not here to make your life miserable. I'm hoping your life, all our lives, will be improved when we can stop pollution.
5. Why are you arresting me? I'm just sitting here.

Think of Barbara Deming's quote above about giving over our power when you are arrested. Don't give the police any more power than they are already trying to assert. There is something powerful about the silent witness of or quiet singing during an arrest. When people shout "This is a police state!" and "Whose streets, our streets!" it can be an affirmation that the forces of the "powerful" have arrived on the scene, and all the attention goes to the boys in blue. It also distracts from the issue at hand (unless the issue is simply a case of occupying a street for its own sake). Also, chanting such slogans lessens the chance for dialogue between yourself and the police. Of course, we do not agree with them arresting us, because it is wrong, but if we can work on their conscience, and make it harder for them to do their jobs, we have perhaps made an inroad. A cop would likely prefer arresting someone he hates (ie, someone he saw commit a murder or someone screaming at him "fascist pig!") than someone who makes him laugh or with whom he feels in private sympathy.

Police are generally working class guys (like members of the armed forces) who have limited choices in terms of their work, and many join for what they see as altruistic motives. If we understand where they're coming from, we can treat them in a manner which makes it more difficult for them to hate us.

Of course, this does not always work, but one should never underestimate the ambivalence of our opponents. Indeed,

as lifelong nonviolent resister David Dellinger points out, *“Sometimes the more ambivalent they are the worse they will treat us, because they are trying, beyond suppressing us, to suppress their own best instincts, with which they are wrestling.”*

# ARREST, DETENTION AND LEGAL RIGHTS

While this is a broad sketch of the types of things you may expect, every situation is different, as no police force or officer plays it this way each and every time. Police work can often be extremely sloppy, often because there’s an assumption you do not know what is going on. So please just use these as guidelines in a general sense, not as ironclad guarantees.

**STEP ONE:** You are arrested. Sometimes an officer will tell you immediately what you are being charged with, and inform you that you have the right to retain and instruct counsel. Depending on the situation, you may be asked for ID at that point and for some basic information (date of birth, where you live, are you a member of the group, etc.).

**IMPORTANT:** While police may ask a variety of questions, you only have to give them three pieces of information: your name, date of birth and an address. This is all they need to release you, because that is the info. required to track you down if you fail to show up in court. They will likely ask an array of questions about physical characteristics (scars, tattoos, mother’s maiden name, where you went to school, and especially questions about other people—you are under no obligation to answer these and, the more you talk with them, no matter how nice they are, the more you have to watch yourself that you are not incriminating either yourself or fellow protesters or anyone else they should ask about).

Sometimes you are simply told you are under arrest and hauled off, period. You may be placed in metal cuffs, plastic cuffs (which are like the twisty-ties for garbage bags only made of hard plastic which are wrapped around the soft part of your wrists—they can be very tight and painful), or you may be simply placed into a cruiser or police van. Sometimes before entering the van, you are padded down, searched for sharp objects, weapons, etc. Anything extraneous to your person (i.e., backpacks, briefcases, banners) will be taken from you at this point.

Women have a right to be padded down by female officers.

## COMMON CHARGES

Often at civil disobedience actions, you can be held on what is known as breach of the peace (not a charge, just an excuse to hold you until the police feel your release will not endanger the public peace). Once released, there is no trial, no charge.

Trespassing is like a traffic ticket, and is commonly used at sit-ins (“failure to leave when directed to”) or at places like shopping malls “enter premises when prohibited”). Trespassing is what is known as a provincial offence; it is minor and, if convicted, you do not get a criminal record, usually a fine.

Criminal charges include obstructing a police officer, mischief to property, and cause a disturbance. These are all fairly common, catch-all charges which, while defined in specific terms in the criminal code, will often leave you scratching your head wondering they picked one over the other. These charges are often easier to defend against than trespass, because their criminal nature gives you a broader scope in presenting your defence.

Other potential criminal charges include assault police, illegal assembly, participation in a riot, and a variety of weapons charges.

**STEP TWO:** You are transported to the police station or holding facility. In a mass arrest situation you will be packed into the vans like sardines, so be prepared to be in a closed, tight space for a period of time while being driven to the station. The drivers often go fast, so you may toss and turn as the sharp turns are executed on a dime. You may also, if cuffed, all have your hands behind your back, so this presents interesting situations when stuffed together. Women are usually separated from men.

**STEP THREE:** The Station. One by one, you are slowly taken out of the van, often read a statement on the wall which says that everything you do at the station is taped and recorded, and then brought before a booking desk, where a charge is often read before you. You are asked to empty your pockets, take off your shoes, produce some form of ID, and again, identify yourself (especially if you have not done so earlier). Glasses will be taken from you (so you cannot cut your wrists!), anything like a belt or string will be taken from you (so you cannot hang yourself—so your shoes are often placed across the hall from your cell, so close yet so far away!), your wallet will be taken from you (so you cannot spend any money when you’re in the cell!), and these will be placed in a plastic property bag. You should try and keep to a minimum the amount of stuff you are carrying in such a situation. You are unlikely to be allowed to bring a book in with you, for example, but your pockets should be stuffed with toilet paper, as there is often no paper in the cells. Sometimes they just let you keep the TP, especially if it isn’t obvious that you are overly stocked up with the stuff.

**STEP FOUR:** In Custody. Depending on the number of people arrested, a number of scenarios might ensue. You might be taken to a long line of cells and placed inside, where you sit around and wait. There may be no questioning, they may allow you a phone call, maybe not. It’s all very arbitrary. Go in with no or very low expectations, so you won’t be disappointed. You may get a really disgusting sandwich, maybe a Macdonald’s hamburger after 8 or 10 hours. Police stations do not have a variety of vegan and vegetarian options.

The cells are usually a steel bunk, an open toilet, and that’s it. (In mass arrests, you are sometimes all placed in a big holding tank, the drunk tank). There is a video camera for each cell, so everything you do and say is recorded. Be prepared for no privacy. Be prepared to count the little dots on the ceiling, the number of bars in your cell, etc. Be prepared to be cold, as you may not be allowed to keep all the layers of your clothing and there are no blankets. Be prepared to be lonely, to be by yourself, as others may be placed in another part of the jail. Be prepared to be lied to. You may ask an officer jangling his keys down the hall what time it is,

when you're likely to be out, and they'll say 10 minutes or two hours, but no one really knows.

As suggested, lock yourself in a toilet stall for a couple of hours sometime and see how you deal with the boredom, with not knowing the time, not having a smoke, etc. Of course, you know you can bail whenever you want to, so it's not as real as one would want, but perhaps with a friend you can try having someone lock you in a small (but safe) space and agree that you'll be let out after a certain amount of time, but not be too clear about that time. Think of strategies for dealing with your fears, your boredom, your anxiety, your cold, your hunger. (Remember song lyrics and sing them through your head or softly out loud; think of the reasons you are there, and the people who do this in other parts of the world who will not see the light of day for two years, not just two days, as well as those non "protester" prisoners who are in for being poor, for whom jail is a revolving door because our system fees that's the best way to deal with "surplus population.")

In some instances, you are taken to an investigation room, which is larger than a cell, and has a tiny bench which is not long enough to stretch out on. Sometimes an officer will come in and ask you questions. Remember, you can say "I've given you all the information I think you need," and they may threaten you ("Well, if you don't tell us, you'll have to spend the night in jail, and there's some pretty mean people in there who HATE protesters, etc.) Jail is about re-establishing the chain of command, or re-enforcing the obedience system that was broken when you decided to risk arrest and say NO when the officer told you to leave. You are doing time because of your "crime." It's all very immature, but all very violent. This is an institution designed to break your spirit.

Mental preparation going into an action can help you get through this relatively painlessly. Remember that in a direct action, you are likely to be held the better part of the day or overnight, usually released within a day or two at the most. You will, on the other hand, meet people who have been held for weeks on end waiting to be released.

**STEP FIVE: Interaction with fellow prisoners.** Oftentimes, we are on a high when we are sent to jail—it was a great action, everyone came through it all right, spirits are high. However, some of your fellow inmates who are hung over or facing serious charges may not appreciate you singing, playing silly and loud games, constant toilet flushing, etc. Try and maintain the same sense of dignity with which you conducted the action. Sometimes, some singing lifts the spirits of your fellow prisoners: try and play it by ear if you do want to sing or construct cell to cell games. If someone is annoyed by you, respect their space (or lack thereof!)

**STEP SIX: Fingerprinting:** You will be fingerprinted and photographed if you are charged with a criminal offence (mischief, obstruct police, assault police, cause a disturbance, unlawful assembly, etc.) That will either happen at the station, or you will have to come back in a few weeks to get your prints made. If you are to be released from the station, you will likely be brought before the desk sergeant who will give you your stuff back (hopefully nothing will be "lost"), and a piece of paper with the charge and a requirement that you show up in court will be presented to you for signing. In a best case scenario, you simply have to show up in court.

**STEP SEVEN: Conditions.** Sometimes, and this is becoming increasingly common with the criminalization of dissent, you are treated as guilty before proven innocent. As a result, restrictive conditions may be put on you, such as not being able to associate with people you were arrested with, not being able to demonstrate, not being able to belong to a certain organization, not being able to go within 500 metres of the spot you were arrested, etc.) While most of these things are unconstitutional, remember that most jails are constitution-free spaces, where regular rights we take for granted go out the door. You should, in your affinity groups, discuss what types of conditions you are willing to accept and those you would reject. If you all know that you are going to reject non-association, for example, and one by one the police realize this, they may drop that conditions, because they don't want the hassle of keeping you all in overnight.

You have two choices here: sign these conditions and try to challenge them with a bail review somewhere down the line—it usually takes two-four weeks to get one together. You need to be careful that you not obviously break the conditions, because you can be re-arrested for breach of recognition and sent back to the slammer with even harsher conditions or even a detention order keeping you in until trial.

You can also refuse to sign conditions you cannot live with and then face going to a bail hearing. Depending on the jurisdiction and the availability of justices of the peace, this can take place usually between 24 and 48 hours of your arrest.

Let's say you won't sign conditions. You will be sent back to your cell and either kept there overnight or transferred to a detention centre. In either case, you will be woken early the next morning, around 5 am, handcuffed together in groups of five or six, and in some areas have leg irons put on you as well for transport to the courts.

In some instances, conditions are placed on you and you stay in overnight regardless of your willingness to sign them. This happens if you are already out on an outstanding criminal charge or on probation, and then you are brought before a justice of the peace the next day. (Again, this is arbitrary, and really depends on the city you're arrested in—some are stricter than others).

**STEP EIGHT: Show Cause, or Bail, Hearing.** Your first appearance before a justice of the peace: the crown will likely say that these conditions are necessary, and the JP will usually agree without question. If you have been held without a chance to sign, this is your first chance to say whether you'll accept them or not. The JP may listen cordially and agree, but in most cases will ask whether you want to get out or spend another night in the slammer. Again, you can sign then and appeal later, or wait another 24 hours to appear before a Judge, who usually has a better concept of law. Either you or your lawyer can argue at the bail hearing why these conditions can be dropped. (in the appendices are some suggestions on some ways of facing a bail hearing, and constructing arguments which would prevent the imposition of unnecessary restrictions). If this is a show cause hearing, the crown needs to show reasons why you need to be held.

STEP NINE: The Bail Hearing (*for an overview of some bail arguments, see appendices*). Sometimes, if you have a lengthy criminal record or a number of outstanding criminal charges, you may need what's known as a surety bail, someone who can say they will be responsible for you upon release. This is usually someone you know who owns a car or a house and can prove it, and who is in regular contact with you. They do not actually post the \$1,000 or \$500 surety bail, but they could be held liable for that amount if you violate your conditions on release. They bring to court papers showing what they own and its value, and need to take the stand so they can be cross-examined by the crown.

STEP TEN: Release: If you are released from court, you are often sent back downstairs where you wait another 2 to 3 hours for the paperwork to be corrected. If it is not corrected by the time of sending prisoners back to detention centres, you may end up going for another long ride in cuffs and leg irons, and be released from the detention centre later that night. It's quite the bureaucracy, and with cutbacks all around, the process is even slower, increasing the tensions of all parties involved.

#### NEXT STEPS:

First appearance: At a first appearance, not a lot happens. You may receive a copy of the crown's case (called disclosure) or may have to wait for another 2-6 appearances before getting it. While you are technically supposed to appear here when facing criminal charges, if you have made every effort to be represented by an agent or a lawyer, it is unlikely the consequences will be too severe, especially if you are part of a larger group. Sometimes, the judge will issue a warrant with discretion for your arrest (meaning that if you do not eventually show up for another appearance or for trial, the warrant will be put into force—it's kind of like a warning of what could happen to you, and if you are planning to eventually show up, you can request that the warrant with discretion be removed).

## TRIAL PROCESS AND PREPARATION

### Post-action Let-Down and Flu

If you have come down with a cold or flu, it happens a lot after a stressful experience like an action and arrest. The period following an action is like the close of a theatre show: the community you've been around is no longer there, and you can feel a bit depressed coming down off the high. Don't worry, it happens all the time, whether you've been arrested twice or twenty (or more!) times.

This is usually the time when you start to think of the consequences, questioning whether or not this was worth it, etc. It is a difficult period because your community is often scattered and will not likely be together again for some time, so in our moments of being in smaller groups or alone as individuals, it can be a bit intimidating. This is why a tight affinity group is essential to your physical and psychological well being both during an action and throughout the trial process.

Keep talking with one another: it was a shared experience, a joyous one, and we can all learn from and give strength to one another. If you need to ask questions, ask them, as many times as you need to, and we'll try and deal with each other's fears, concerns and questions.

In a funny kind of way, the state, by charging us, keeps us together and hence stronger as a loose-knit community of like-minded souls. Had no charges been laid, we wouldn't be in constant contact with each around issues like fingerprinting and court dates and other immediate needs.

### Trial Strategies

Hopefully, you have discussed going into an action that kind of trial you might wish to see. The choices are many. Political trials, legal trials, combinations of the two, etc.

Use of lawyers can be a touchy issue, especially if you are unfamiliar with the system. There are some very good lawyers who will work with political folks and be very respectful; others can be control freaks who are concerned about their reputation and standing in front of the court. You need to hammer these things out very clearly with a lawyer beforehand to make you all are comfortable with the relationship. As we learn more about the law and the system of courts, however, we find that defending ourselves can be very empowering. Many lawyers in Ontario are willing to provide legal advice and suggestions (Law Union of Ontario lawyers can be especially supportive), and some will work alongside of people defending themselves in political situations. Try and identify what you want to come out of the trial: points to be raised, issues to be focused upon, whether you want to be acquitted on legal or technical grounds, etc., or on broader grounds which would set precedents for future cases.

Below is a proposal which came out of a large action in Ottawa in Nov. 1999. This could be a guidepost to some of the issues you need to think about in preparing for your trial. In this instance, a three-hour shutdown of a major bridge in Ottawa in front of the War Dept. took place in a nonviolent fashion.

### Example of Trial Strategy

The proposed trial strategy would be to focus largely on the political issues raised by our action, and as such the bulk of our testimony would relate to Canada's role in perpetuating war and homelessness. Within this broad context, we can call expert witnesses, call a number of arrestees to talk about their personal motivation, and discuss the care with which the action was put together. Some people may wish to represent themselves, others may wish to be represented by an attorney who would negotiate specific issues with the crown (see below), raise specific legal arguments (that contest the actual charges themselves) and help us with any charter issues or other legal matters which arise (the issuing of subpoenas to Paul Martin or Claudette Bradshaw, for example). Lawyers need not be in court with us: they can act as advisors so that we ourselves present our case, and we can learn to do some of these technical things ourselves. We need to know if this broad proposal fits with most people's desires. Essentially, in sum, there would be two parts to this: the political, and the legal.

If you do not wish this type of trial, that is fine. For example, if you joined the action at the last minute in the heat of the moment but have reconsidered and absolutely do not wish to be associated with such a trial, as you would rather plead guilty and apologize, that is your choice, but we need to know that in advance so that your trial (s) can be separated from the rest of the group. Our role is not to judge you if this is the case; it is understandable that folks can get “caught up” in the spirit of the action, and if this is your choice, that is fine. However, it is best to dissociate this plea from the rest of the group if possible.

### The Risks

As discussed at the trainings, everyone risks a criminal conviction if we are found guilty. However, this is not a certainty. Indeed, we have at least three important criminal precedents from political cases in the last five years which we will present in our defence. Indeed, each time members of Toronto Action for Social Change (and related friends in Guelph and Hamilton) have been up on criminal charges under the Harris regime, we have been acquitted. This is no small matter, and we feel the growing body of precedents behind us gives us some good momentum going into this trial. We also feel the turning tide of national opinion around the issue of homelessness adds to the justification for our actions, as does the completely nonviolent character of our work.

Even if we are found guilty, you may still not get a criminal conviction if the sentence is something like a conditional discharge (which would mean the conviction is erased if you are not arrested criminally for the period of six months to a year, for example). This all depends on the discretion of the Crown and the Judge trying the case.

Even if we are convicted and receive a nominal fine (likely for most first-time offenders), this is unlikely to affect your ability to travel, find employment, get married, plant zucchini gardens, whatever. The charge is political in nature, and if this were to become an issue, you need only explain the political nature of the offence. There are those of us with quite a list of these offences to our name, folks who have never paid their fines, folks who have worked for the Attorney General of Ontario as secretaries while their warrants were being signed upstairs, etc.

As an example, 99 people in Quebec arrested at Operation SalAMI in 1998 were charged four times over (mischief, obstruct, cause disturbance, resist arrest) and after a dramatic week-long trial, all were found guilty, but sentenced to 60 hours community service and a \$75 fine, completion of which will result in dropping of the convictions. How we choose to deal with such a sentence is cause for discussion, and we will certainly do a lot of that before going to trial.

Most of all, do not let the “criminal” nature of the charge freak you out. It is precisely the intention of the authorities to make us feel like we did something wrong and to play up everything we always were taught as youngsters (criminals are bad, we are good).

This is a trying time for folks that are being criticized by friends, family, and fellow politicians who feel “getting arrested” was a silly thing to do. Take heart, as this is exactly the kind of criticism levelled at all resisters throughout his-

tory. We urge anyone feeling droopy to read Dr. Martin Luther King’s Letter From a Birmingham Jail, where he answers critics who have levelled exactly such accusations at him. Having done that, reflect on what other political action you’ve taken part in that has resulted in questions to the Prime Minister while on an African tour or a federal government forced to go into rapid media-spinning because you were national news, live, from the War Dept. It is not too far beyond the pale to call our action historic, and one which sent shivers down the backs of those in power.

### MOCK TRIAL

Sometime in the spring, or before if folks prefer, it would be good to get together and stage a mock trial for our own purposes. This would give us a chance to explore what it is like to go through the trial process, with all of us taking different roles (judge, crown, defence attorney, some of us representing ourselves, fellow defendants and supporters, court clerk, etc.) Just as role-plays in the nonviolence training sessions prepared us for the action, this session would prepare us for courtroom strategies.

It is also a chance to discuss issues such as, what happens if you don’t stand for the judge? What happens if the judge refuses to allow us our expert witnesses? What can we do if we get a judge whose actions are reprehensible?

### FEARS AND WORRIES

As discussed in prior e-mails, this can be a difficult time, especially if you do not have a particularly tight affinity group that meets regularly to discuss these issues. If at any time you are experiencing doubts or fears, this is all right. Don’t be down on yourself. It’s totally understandable to go through this (and it’s a feeling that will be recognized by those who have been arrested forty times or for the first time—you wonder why you did it, perhaps, or what kind of crap will fall down on your head because of it

There are many experienced people within the Homes not Bombs community who can speak with you via e-mail or directly about their past trial experiences. Just send a question to the e-mail list and they will respond. Most important, the insights of first-timers are just as valid as those who’ve been through this before: it is good for us to share our feelings, thoughts, and insights, with one another. It’s the only way we truly learn and not get stuck in certain patterns.

As with the action, the trial is an opportunity to confront our fears of a “powerful” system and to see that the emperor has no clothes: that we can transform the violence of the judicial system as we tried to transform the political process by being in the streets. We need to continue to act with love in our hearts and faith in ourselves and our actions.

That being said, not all of us will agree on how we wish to proceed. People need to decide what kind of trial they want: a political/legal trial which approaches the issues, or a technical trial which only deals with the charge and tries to get you off without introducing the politics of the protest (this might be the choice of those, who, for whatever reason, joined at the last minute and are deeply regretting it).

There may be those who wish to do anything to avoid a conviction, at all costs. We need to separate those cases out so they can be dealt with on their own.

Here's some things to think about in the meantime.

Going to court is like going into a mausoleum; it is a rarefied place, where there is no fresh air and very few fresh ideas. It is a place of violence, where men in robes dispense punishment on a daily basis. As with any regimented institution, it is driven by custom and ritual (people entering or leaving the courtroom bowing their heads, the use of the term "Your Honour," standing for the judge when the clerk tells you to, etc.). If you have a chance, visit your local courthouse and witness the human freight pushed through there every day. Then think about how much better it will feel going to trial with all your friends and comrades from the action, and draw strength and comfort from that fact.

Before the trial in Ottawa (not likely to happen for at least half a year), there are numerous political trials coming up in various areas. In Hamilton in late December, 5 people who were arrested for holding a vigil at the War Show go to trial; in Toronto in January, seven folks arrested for sitting-in at the mayor's office over homelessness are on trial, and there will also be a court challenge to a Queen's Park ban against members of TASC; on March 8, four people busted trying to serve a citizens arrest warrant against Henry Kissinger go to trial. Anyone is welcome to attend these.

The trial date is an occasion for folks to gather the night before, hold a vigil, do some press work, etc., get reacquainted with sleeping on various floors!

#### THE CROWN'S CASE

The crown is likely to be very angry with us, because we caused a chaotic traffic situation cost the taxpayer thousands of dollars, are a bunch of dangerous anarchists, etc. Do not fear this bluster, if it does in fact materialize. The crown might also be very bored and disinterested, and just coast through.

In our defense, we have loads of evidence to show how reasonable and rational our actions were.

#### Identification

The long and drawn-out process of identifying each and every individual arrestee is a painful and slow court process; often in cases like this, we concede issues like identification, unless someone is adamant that they must be identified because this is part of their strategy. Normally, in a case like this, we do not contest identification because we were proud to have been there and to have taken some risks for social justice. Conceding that we were all there saves lots of our time.

#### The Facts

Another means of speeding up the court process is conceding what are known as the facts. A common information, or in this case two common sets of information, would likely be read into the court record. One of them would pertain to

folks on the bridge, the other to the folks who were citizen's inspectors and renovators. If we can work out an agreed upon statement of facts beforehand, this would require only a few (as opposed to a dozen or more) police witnesses.

It is nice if we can cut to as short as possible the crown's case so that we have plenty of time to make our points and don't have to spend half our lives in court!

In the cases of the facts, we can cross-examine police in terms of asking basic questions that establish the tone of the demo:

- was it nonviolent
  - was there any violence from the protesters
  - did the police notice that people were carrying placards, banners, signs? (helps establish Charter arguments to be argued later re freedom of expression)
- did you notice fridges and other items related to housing?

#### THE DEFENCE

The defence can be a lot of fun. One can have a number of expert witnesses, perhaps some hostile ones (subpoena Art Eggleton or Claudette Bradshaw or Paul Martin). The group should decide on a representative sampling of arrestees to talk about their personal motivations. Not everyone is prepared to get up and talk in court, because it can be an uncomfortable thing, but if we can get a good range of folks (from high school students to retirees) who were arrested onto the stand, all of whom can relate why they took this risk with their lives, this speaking of truth to power can be very powerful. You should be prepared to face cross-examination from the Crown (we will practice this at the Mock Trial).

#### Court Behaviour

We will discuss this, but we would ask that the same dignity and respectful mood which attended the demo be carried into court (i.e., no mocking of the cops, the court system or the judge). There are ways, however, which we can express our non cooperation with the system (for example, not standing when the judge walks into the room, using a creative plea when asked whether you plea guilty or not-guilty—you can say I plead for the poor, or I plead for an end to military spending).

#### Court Trial Movies

We have a number of movies available (Conspiracy, In the King of Prussia, Trial of the Cartonsville Nine,) which are excellent trial movies about political acts of resistance. If your group would like to screen them, let us know, and we'll send you the video!

#### Court precedents

Sometimes in planning a direct action which could result in criminal charges, it's helpful to study legal precedents in which charges have been dismissed for a variety of reasons. TASC/HASC/Homes not Bombs has five such decisions which are currently used, and if you'd like a copy of them to aid in your action and trial preparation, e-mail us at [tasc@web.ca](mailto:tasc@web.ca)

# APPENDICES

## Appendix 1

### BAIL ARGUMENTS

One can use the following instances in arguing against the imposition of bail conditions such as non-association, not going back to demonstrate again at the protest site, and other unreasonable restrictions that Crown might seek to place upon us. If you cannot keep this info on your person, make sure one of your court support people has it with them for the bail hearing. If unrepresented, ask the court if this document can be passed to you from the support person to aid in your case.

The Crown will try and show that restrictive conditions are necessary because you are a dangerous, malcontented, generally horrid person who likely needs a bath/shave/job, etc. The purpose of this sheet is to provide some tools to show that the Crown is usually over-reacting in such cases, and that we can show that because what we were doing when busted was not only reasonable but, according to four recent Ontario Court decisions, well within the limits of tolerance in a democratic society, it will be difficult for the Crown to show that we are a threat to public safety or that there is a compelling state interest to restrict us upon release.

#### THE PROPER PURPOSE FOR BAIL

1. In *R v. Pearson* (1992) 77 CCC (3d) 124 (S.C.C.), Chief Justice Lamer observes that s. 11(e) of the Charter of Rights and Freedoms creates “a basic entitlement to be granted reasonable bail unless there is just cause to do otherwise.” In *R. v. Morales* (1992) 77 CCC (3d) 91 (S.C.C.), at p. 106, he identified “two factors which...are vital to a determination that there is just cause under s. 11(e). First, the denial of bail must occur only in a narrow set of circumstances. Second, the denial of bail must be necessary to promote the proper functioning of the bail system and must not be undertaken for any purpose extraneous to the bail system.” (ie, suppression of freedom of expression, non-association, telling you you cannot demonstrate—these things are extraneous to the bail system).

2. It is well established that conditions cannot be attached to bail orders for purposes extraneous to the bail system. As Lamer J.A. (as he then was) explained in *Re Keenan and The Queen* (1979), 57 CCC (2d) 267 (Que., C.A.), the purposes of the Criminal Code’s scheme of judicial interim release are the same purposes underlying the primary and secondary grounds. In *Morales, supra*, at p. 107, the Chief Justice elaborated on the purpose underlying the secondary ground in the following terms:

“Bail is not denied for all individuals who pose a risk of committing an offence or interfering with the administration of justice while on bail. Bail is only denied for those who pose a ‘substantial likelihood’ of committing an offence or interfering with the administration of justice, and only where this ‘substantial likelihood’ endangers ‘the protection or safety of the public.’ Moreover, detention is only justified when it is ‘necessary for public safety.’ It is not justified where detention would merely be convenient or advantageous.” (Hence, the demonstration was nonviolent, there was no damage, there is no sign that the demonstration caused injury or significant danger to the public—it was a case of free expression—how can restrictive conditions be placed on you if it cannot be proven that what you did endangered the public??)

3. If an attempt is made to keep us from going back to the site where we were arrested, we can argue the following: As L’Heureux-Dubé J. observed in *Committee for the Commonwealth of Canada v. Canada* (1991), 4 C.R.R. (2d) 60 (S.C.C.), **the location where expressive activity takes place can have symbolic significance**. She noted (at p. 107) that “this is a contextual criterion, linking the property with the purpose or cause of the demonstration.” The location of speech can be as important as speech itself. To ban you from within 500 metres of Queen’s Park, for example, restricts your freedom of expression to oppose their policies. The symbolic significance of being at Queen’s Park is important and protected under the Charter of Rights and Freedoms guarantee of freedom of expression. The Charter guarantees us these rights “subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.”

#### CAN RESTRICTIVE BAIL CONDITIONS BE JUSTIFIED IN A FREE AND DEMOCRATIC SOCIETY?

4. Bail conditions must not unnecessarily interfere with constitutionally guaranteed rights to expression and

peaceful assembly. In *Collins v. The Queen* (1982), 31 C.R. (3d) 283 (Ont. Co. Ct.), at page 285, Hogg, D.C.J., stated that “for the court [on a bail hearing] to justify an interference with these rights, the prosecution must show that the restriction furthers an important or substantial state interest unrelated to the suppression of expression, and the limitation sought on this basic freedom is no greater than is necessary or essential for the protection of the public. It must, in the words of an American judge, ‘reach the magnitude of a compelling state interest.’ The restrictions sought by the prosecution must be tested by the court with stringent standards and subject to vigorous scrutiny.” Hogg continues “these rights cannot be restricted on a speculative concern of danger. Such is too easy to make.” (BY speculative concern of danger he means an assertion by the Crown that you might go back and commit another “offence” at the place where you were arrested). Hogg also states that the course of common law which Canada has inherited has a bail system with the following requirements:

in matters of bail, the interest of the state is to

1. assure the accused’s attendance at trial; and
2. protect the public.

Hence, the Crown must prove that you are not a good case to show up for trial and that you are dangerous. You can counter this by arguing that this was a nonviolent demo in which you chose to put yourself in a situation of risking arrest—why after making that choice would you not follow through responsibly? Also, it helps if you don’t have any charges of failing to appear if you have been arrested before. Again, the onus is on the Crown to show how the public is endangered by you sitting down on the sidewalk/driveway/whatever you were doing.

#### ADDITIONAL THINGS TO MAKE NOTE OF:

Restrictive bail conditions are a kind of criminal sanction applied to individuals who are supposed to be innocent until proven guilty, and tend to have the same effect as a criminal sanction or punishment. In arguing against such restrictions, it is worthwhile to note the following cases, all of which are acquittals on criminal matters. Note especially the case of *Regina vs. Barclay*, which essentially sets the guidelines one can follow to be within the limits of tolerance. If your demo where you were arrested fits these guidelines, it seems it would be terribly difficult for the Crown to argue that there is a compelling state interest or that public safety is threatened by your actions.

The case of *Regina v. Behrens*, Justice Bentley, Feb. 11, 1997, Toronto, Bentley concludes “one must start from the basic principle that in our society peaceful protest should not only be allowed, but encouraged. If this is a widely accepted principle, then the authorities should be loathe to invoke the blunt instrument of the Criminal Code to curtail democratic freedoms....Only in those situations where the actions cause more than minimal damage would it be appropriate to invoke criminal sanctions.” In this case, the individuals charged had dumped soil at Queen’s Park to plant a symbolic vegetable garden to protest hunger.

In *Regina v. Burch*, Justice Mary Hogan, April 24, 1997, Toronto, asks in a case wherein demonstrators occupied the intersection of King and Bay in downtown Toronto to protest corporate policies: “The fundamental question to be answered is really quite simple. It is, were the actions of the demonstrators within the limits of tolerance in a democratic society, or did they cross into the realm of criminal wrongdoing? This question comes directly from the case of *Regina v. Quickfall*, found at 78 Canadian Criminal Cases (3d) at page 563 and at page 567 of that decision, Mr. Justice Prue speaking for the majority states, “I do not believe that the purposes of the Criminal Code are well served by inordinately criminalizing actions such as those of the appellant which do not exceed the limits of tolerance and which, in reality, are only likely to cause very minimal damage. This is not a question of degree.” Hogan finds that the actions of those blocking the intersection for some 15 or more minutes did not cross that line.

In a similar case in Guelph, four individuals blocking the campaign bus of Mike Harris were charged with mischief, but acquitted based on the test of tolerance demonstrated above. This is the case of *Regina v. Smith*, Guelph, Nov. 16, 1999, Justice B.J. Frazer.

Finally, the case of *Regina v. Barclay*, Ottawa, Nov. 7, 2000, Justice J.A. Fontana, involving the three-hour occupation of the Mackenzie Bridge in Ottawa outside the War Dept, with charges of obstruct police and mischief. Using the three abovementioned cases, Fontana notes the demonstration was well-organized, the demonstrators had been thoroughly prepared in the techniques of nonviolence, generous advance notice had been provided, the demonstration itself was highly symbolic, involving among other things the reading of a Citizens Inspection Certificate, the day itself was nonviolent, and there was no damage or injury. Ultimately, Fontana concludes, based on the above decisions, with the conclusion that “this is the test that will be with us for some time,” quoting Hogan when she asks, “were the actions of the demonstrators within the limits of tolerance in a democratic society, or did they cross into the realm of criminal wrongdoing?”

# Appendix 2

## BUILDING AN ACTION: A CASE STUDY

BELOW is a document produced by Homes not Bombs for a successful Ottawa action. This can give you a sense of some of the discussions we found helpful and structural ideas as well.

Hi there,

Enclosed are proposed nonviolence guidelines for the November 12 action, along with a proposed workback schedule and definition of the Homes not Bombs working structure. Comments, suggestions, additional ideas, concerns can be raised over the next two months. Ultimately, we want to consense around the guidelines so we know what to expect of one another November 12.

### PROPOSED GUIDELINES

For an action which could be fairly large in terms of numbers and scope of activities, we must be able to accommodate a fairly elastic definition of what constitutes nonviolence. To create that "acceptable" level of nonviolence, we have submitted in advance of the action the following proposal, which can be studied and responded to over the fall. As long as we have a good sense of what people are expecting in terms of our own behaviour and responses to what awaits us November 12 at the War Dept. there will be few if any surprises.

Each affinity group will likely set the tone of their specific part of the action (entering the building to begin renovations, blocking the Mackenzie Bridge, holding a die-in to represent victims of war, dancing and singing as part of the alternative street festival.) Some parts of the action will be viewed as more confrontational than others (ie, those involving climbing over a barricade), but we ask that those who are uncomfortable with these parts of the action respect that everyone taking part in them has agreed to live up to the broad-based guidelines proposed herein.

We all come to nonviolent resistance from different places in our lives, places based on our own experience of violence, fear, power, and a myriad of emotions and experiences. Because of this broad background, we need to respect where we are all coming from, and share our plans openly and honestly with one another. If there are no surprises from our end, we are more prepared to deal with any surprises from the police.

The structure of the action may seem fairly hierarchical, but again, we believe that having a structure in place to deal with crises and questions allows us the freedom to experiment more than if we aren't sure "who we should ask" about a particular part of the action. The structure is meant to be a facilitative expression of people's desires and goals for the day, not a police force which directs people this way and that. Nevertheless, a major responsibility of the structure in place is to ensure that our agreed-to guidelines are not violated in a gross manner by out and out displays of machismo,

physical and verbal violence, etc.

### THE SCENARIO

In meetings throughout Ontario, the following thumbnail scenario has been developed. Early in the morning of November 12, demonstrators will head to the War Department, walking on the sidewalk onto the Mackenzie Bridge (War Dept. side, and, given our numbers, perhaps on the Rideau Centre side as well). Upon arrival, we will announce our intention for the day, and the affinity group responsible for going into the building to begin renovation plans will attempt to enter the War Dept. This will likely be the most confrontational part of the day, as police are likely going to be behind barricades attempting to prevent entry of any citizens inspectors. The inspectors may try to continually climb over the barricades with copies of UN covenants which are contravened by Canada's War Dept., or may simply try to block access to employees through a sit-down if they cannot enter.

Meanwhile, decoration of the surrounding area (banners, flyering, chalking) will take place, and when it is safest to do so, groups will move onto the bridge with their props to set up our civil society alternative street fair. So far, the following things have been proposed:

Building a model house, with garden and flowers (Ottawa taking the lead here)

A daycare centre, with lots of big stuffed animals (that one can get cheaply at second-hand shops)

A Soldier Solidarity booth. While the transformation of the War Dept. may not be complete with this action, we need to show solidarity with those in the Dept. who take the biggest risks (those who go overseas and are paid poverty-level, or below, wages while unable to obtain information about toxics and other dangers to which they have been exposed.). This booth could be like the GI-support centres which were set up to inform soldiers of their rights and responsibilities during Vietnam. This also allows us to point out the vast difference between the highly-paid and well-entrenched bureaucracy at the War Dept. and the working class folk for whom the army is the only viable economic career choice (at least until our economy is transformed)

Anti-Violence Initiatives area: A Place for discussion of non-violence, placards of Gandhi, King, Dorothy Day, quotations, etc.

Animal Rights: An area to discuss the military's cruel use of animals to test weaponry.

Graveyard: Tombstones with the names of victims of the war economy (homeless who died for lack of shelter, women who died for lack of space at a women's shelter, people who die from lung cancer because there are no funds for environmental clean-up, etc.)

These civil society structures will be put up on the four lanes of the bridge in the crosswalk areas. Each group should plan on bringing a banner or two which can be held up to "block off" a lane of traffic.

Members of each affinity group will have peacekeepers who

will watch traffic which will be stopped, and perhaps talk to the drivers so they know what's causing them a delay. Some may even hold placards further on down on each side of the bridge to warn drivers of an upcoming delay, urging traffic to turn around or take another route. Given that this action will be publicly announced a good two months in advance of the action, the police (as well as traffic reporters) will have this information)

As police move in (if police move in), people who are prepared to risk arrest may sit amongst the civil society structures, while those not wishing to risk arrest will move to sidewalks on both sides of the bridge or to the boulevard in the middle of the bridge to continue singing, flyering, monitoring the situation. (Photos of the action area will be shown at training sessions in each community come October).

As we get closer to the day, we ask that local affinity groups decide what they want to do and begin gathering props and materials for placards and banners.

If everyone wants to do housing or daycare, then there's nothing to prevent them from doing this. We just need to have a sense in terms of putting out press releases and prop checklists.

The exact time of the action will be determined after our scouts take a look at the area to determine the highest volume of people (likely between 7:30 and 8 am). Following the initial stage of the action, those not arrested will go back to the church, get warm, and participate in discussions or debriefing, maybe get some rest! At lunch hour, a group will go back to the War Dept with a banner and flyers to let people know what happened earlier in the day. This should be repeated for afternoon rush hour as well.

A support team will work on liaising with the legal team, do shifts at the police station, and perhaps shifts on a support phone. Buses will likely leave Ottawa early Friday evening for the trip home, unless there is a large group of people not yet released. If this is the case, we will hold one bus back for Saturday and return people home on a milk-run bus. The church is booked for Friday night as well just in case.

#### FOOD

All meals will be provided for while in Ottawa at the church. We encourage you to bring a bag lunch for the bus trip to Ottawa on November 11, and whatever extra food you feel you'd like to have along. We are approaching Food not Bombs as well as local Ottawa groups to provide breakfast, lunch, and two dinners for us (most of which will likely be vegetarian-based).

#### LEGAL

A number of lawyers in the Ottawa area have stepped forward to act with us on November 12 and in any court proceedings which may arise from the arrests. Those who are arrested can face a number of charges, from trespassing and disturbing the peace to mischief or obstruction. All these charges—and their potential consequences—will be discussed in the training sessions.

#### GUIDELINES

While for any two people the definition of nonviolence can

vary greatly, we have developed some guidelines which we feel are worthy of considering:

1. No violence, physical or verbal. By physical violence, we mean pushing and shoving police, disagreeable bystanders or War Dept. employees. While we may be pushed back by them in our attempt to enter the building, our hands will be down and at our sides in a non-provocative fashion. So if there is a scene which looks like pushing and shoving, it is likely coming from our opponents, and not from us. As King pointed out, sometimes our role as nonviolent activists is to bring to the surface the tension which is already there. If it brings out violence in our opponents (but not in us), we have provided a moral choice for onlookers between two types of behaviour. Our insistence on continuing an action even if it is met with a violent response simply means we are not allowing violence to "win."

There are those who feel that going "limp" in an arrest situation does violence to the police, forcing them to carry you. In fact, it makes it easier both on the police and on you because it is clear that you are refusing to put up a fight of any sort, and when your body is limp the risk of injury is reduced because you are more relaxed.

The choice between whether to walk with police upon arrest or go limp is a personal one; each is equally within the tradition of nonviolence.

Verbal violence is harder to monitor. When we see our friends being tossed about by the police, our first reaction is to yell out at the police, to cry shame, thugs, nazis, pigs, etc. But what if we were to take a page out of the civil rights movement and, as our friends are being arrested, speak to the police, talk them down, sit and sing songs of joy and resistance. Again, when it is clear that there are not two groups of mobs (police and demonstrators) but rather, an aggressor and a nonviolent resisters, this can calm down a tense situation. Chanting, while good to pump us up, can become very loud and disruptive for both sides. There is nothing wrong with a good silent stare or talking in normal tones. Our militance is not measured in the amount of noise we make so much as in the amount of disruption we cause. Indeed, civil disobedience actions which are carried out in silence or with soft singing or humming can be incredibly powerful (and disturbing to our opponents).

In the end, we hope to leave people with a sense of civil society, and if that does not involve chanting or yelling on a day to day basis, then perhaps it is something we can consider really toning down on this day. It will also be easier to handle whatever surprises police throw at us, such as use of horses or police dogs (both of which are easily agitated by loud noises).

Visual violence: It has been suggested that part of our civil society can be enlarged pictures of the horrifying damage (human and otherwise) caused by the bombing of the Balkans. These can be very graphic and upsetting reminders of the real work of the War Dept. Unsettling as these may be, it would not be against the tradition of nonviolence to silently hold them up as an example of what we are resisting.

2. No Property damage. The definition of damage is fairly

wide, but instead of listing what could be an endless compilation of what we would feel are not right (breaking windows, overturning vehicles, hurling stones, etc.), perhaps we can define a series of activities with which we do feel comfortable:

Chalking sidewalks and the building itself with peace slogans

Redecorating the area with festive materials, attaching banners and placards to the barricades both on the bridge and at the front doors.

Loading up the bridge with our props

3. No Weapons or anything which could be used or perceived as a weapon. We will have props for the renovation team, but it will be obvious that they are props (feather dusters, paint brushes, children's toy hammers or saws, plastic of course), so that no charges of carrying concealed weapons can be laid against us. General rule: if there's something about which the police, and not you, would be embarrassed to hold up in court and explain how this thing proved threatening ("This child's plastic saw could have been used as..."), then it is likely okay. No knives, guns, or other weapons (real or "toy" variety). Given that there will likely be many kinds of theatrical props, we will as a group have to decide what is appropriate in the end.

4. No pets. The Ottawa police have police dogs on standby at such demonstrations, and having pets of any kind will inflame what could at times be a tense situation. Please keep your pets at home

5. Children. There is an ongoing debate about how appropriate such an action is for children. While we are attempting to create a peaceful, safe area, there is no guarantee that the response to our efforts will be civil. If you are bringing your children, you should be responsible for determining how well they can handle the stress of what could be a tense, long morning. If the need is great, perhaps we can leave some folks behind at the church in the morning to watch over younger kids.

6. Nationalists. It is quite likely that Serbian nationalists may show up at the War Dept and that they may be waving flags or not acting within our guidelines. While their anger is certainly justified, we hope they will respect the parameters of our action. Peacekeepers of all affinity groups can be utilized to try and contain behaviour which does not fit in with the mood of the day.

Ultimately, the Conversion of the War Department is a transformative nonviolent action. As such, for us to mimic in any way the behaviour of counter demonstrators, police or War Dept. employees is to fail in our effort to provide an alternative.

Structure of the action:

Site coordinators: responsible for the overall facilitation of the day, these individuals, hopefully one from every major affinity group, have been trained and participated in non-violent direct actions before. If they are risking arrest, it is best that they hold back towards the end of the action.

Affinity group liaisons. These folks go between site coordinators and their affinity groups. If a sudden change is re-

quired in the action, they can poll their groups, and then return with a decision to the site coordinators. This way, smaller groups can make decisions based on the input of all those involved.

Media spokespeople

Gender and language parity are essential in our media spokespeople. We also want someone who knows how to deal with media side issues "Were the police too rough, what did you think of the police, etc? This detracts from our message, Of course we knew the police would be there, we were trained for that.) We can work together to come up with likely media questions (Are you saying Canada does not need a military? etc.)

Support people

Take pictures

Help redecorate the War Dept., hold banners

Hand out flyers

Be part of noon-hour vigil and 4:30 pm vigil at the War Dept., also leaflet of the Officers' Mess.

Have someone be in touch with the driver of your bus to see whether or not the return trip is Friday night or Saturday morning

Make follow-up press calls to inform them of status of arrestees

Have each affinity group designate an on-site jail support person to identify folks as they are released from the police station, so we can check their names off when they get out. It would be helpful if this is the same person making note of who is arrested at the time of the action.

Bilingual spokespeople

We will need media and liaison folks who are bilingual.

Vigil people (post civil disobedience)

The idea is to maintain a presence at different times during the day at the War Dept. If possible, it would be great to have two groups of people (one for each side of the bridge) with banners and flyers explaining the day's events to on-lookers. Especially at afternoon rush hour, when many people are going to the Rideau Centre, it is a good opportunity for outreach.

Ottawa Police Station

A small group of people (and at least one vehicle) should be on standby at the Ottawa police station. As individuals are released, it's nice to see friendly faces to welcome them. Perhaps a shuttle can be set up to get those released back to the church. A support coordinator should be there checking off the names of people released so we can track people who have been processed. This person will maintain contact with the jail support phone and the legal team.

Jail support phone

This phone needs to be staffed following the early morning action by someone (preferably bilingual) who can take any calls from prisoners and report the information to lawyers or the support coordinator (issues such as medication being withheld, poor treatment of a particular individual, placement of bizarre release conditions, etc.). This role can be done in shifts.

Support people at the church: This is a time for those not

arrested to engage in discussion, watch videos, do a "de-brief," and prepare meals for everyone to share when we are all out of the joint.

#### Lawyers

A team of lawyers will be on standby to ensure people are not being stonewalled.

Medical standby (Water bottles, with squirters or sprayers, with fresh water, in the event of pepper spray)

#### FRIDAY NIGHT OR SATURDAY MORNING

We need a time to decide whether it makes sense to have dinner and stay overnight or go home that evening. This will largely be the decision of each city. If we are all out, say, by 4 pm, it would be nice to have a quick dinner together as a group before heading home (almost an 8 hour trip for the Hamilton/Guelph/Kitchener folks)

#### Church clean-up and maintenance

We will need teams of folks to maintain cleanliness at the church (especially in the kitchen and in the bathrooms, which have limited space). If someone can bring a plunger, that would be great.

#### Trial preparation

Trial strategies will be discussed at training sessions. Each affinity group should have a sense of how they wish to proceed (group trial, smaller trials, legal trial, legal/moral trial, etc.)

At this time, lawyers have agreed to be part of a trial which would raise both legal and political issues, allowing for a broad range of topics to be discussed in the court.

#### PROPOSED SCHEDULE

Sept. 15: Press release goes out to all media in Ontario, and national media in Ottawa. The release can be adapted locally. Toronto has a fax modem so faxes can be sent in a batch without standing by the machine. If your city would like their local releases sent this way (with your local changes), we can accommodate this).

SEPT. 10: Distribution of Pledge of Resistance cards to all participating cities. These cards allow you to determine where you will fit in on November 12, and, upon their return to organizers, will help us make plans for the day.

Flyers need to be distributed to the usual places. Letters seeking financial and political support to local churches, peace

groups, labour unions and others should go out throughout September.

Speaking in university classes: In all cities, it would be great to approach professors to see if we can discuss the issues briefly in some of their classes (as a means of promoting nonviolence trainings).

Letter writing to Eggleton, Bradshaw, Martin, Chretien about the two main goals of the day should be ongoing. These goals are implementation of the 1% solution to homelessness and rejection of Star Wars.

#### TRAINING WEEKENDS

October

PB: October 15-16

Hamilton/Burlington Oct. 22-23

KW/Guelph?

Ottawa?

Thursday, November 11, Travel Day to Ottawa, aim to be in city by 5 or 6

(For those who are in Ottawa, perhaps a noon-hour leaflet explaining what will be happening on Friday to keep the War Dept. closed could be handed out on Wednesday as workers enter in the am or leave in the pm). Bring sleeping bag, floor pad if you have one, toothbrush, extra kleenex and toilet paper). If you drink a particular kind of tea, bring that too, as we will have hot water available. If you are on a special diet, please bring enough food basics to cover you for the two day period. We are aiming to travel, if possible, by coach, but if funding does not allow, we will book school buses. People who prefer to travel by vans or other modes of transportation are welcome to get to Ottawa whatever way they feel best.)

Dinner at 6:30 pm at the church

Scenario meeting (required for all participants in the following day's action). Here we go over the proposed action, look at fallback positions, find out how many people are risking arrest, go over last-minute details, etc. 8:15 pm-9:30 pm  
9:30-11 pm Last-minute nonviolence training for those who have decided to join the action but have not been trained.  
11:00 pm shut-eye

Friday, November 12

Rise and shine, 6:00 am

Breakfast until 7 am, clean-up

Scouts head out at to assess police plans and report back

Final scenario reminders

Group heads out (final time to be determined)

# Appendix 3

## GETTING THE ATTENTION OF THE MEDIA

Below is a sample press release TASC put out a few years ago which got a very good response. In press releases, try and capture the media's imagination by immediately setting up the confrontation and why it is occurring; don't belabour them with too many details, but give them enough so they have something to go on.

ATTENTION: NEWS EDITORS

Toronto Action for Social Change  
P.O. Box 73620, 509 St. Clair Ave. W  
Toronto, ON M6C 1C0  
(416) 651-5800; e-mail tasc@web.net

FOR IMMEDIATE RELEASE

April 10, 1998

**EASTER BUNNY TO RISK ARREST AT LOBLAWS FOR HANDING OUT ANTI-HUNGER FLYERS APRIL 11**  
**Famous rabbit to also demand that charges be dropped against Santa Claus, two Elves arrested at Xmas Protest**

**WHAT: Corporate Hypocrite Picket**

**WHERE: Loblaws, Christie & Dupont**

**WHEN: Saturday, April 11, 12 Noon**

**WHY: The Easter Bunny, Easter Parade participants and others believe Loblaws gets good PR for being part of the food drive, while at the same time, the company:**

- does not pay its fair share of taxes

- helped elect the Harris Tories

- pays their executives gross amounts in salary. At the same time, a University of Toronto study released last week shows that women using food banks in Toronto report are experiencing "serious food deprivation."

In what has become a semi-annual rite, members of Toronto Action for Social Change will pick up their placards and head to Loblaws for the Easter Corporate Hypocrite Picket Saturday, April 11 at 12 noon, Christie and Dupont.

If Loblaws really wants to end hunger, the demonstrators say, it would pay its deferred taxes and encourage other food drive sponsors to do the same (Together, food drive sponsors and "supporters" Loblaws, Heinz, Ault, George Weston and Scott Paper owe \$596,394,000.00 in deferred, unpaid taxes, according to Infoglobe).

TASC also believes these companies should urge governments to spend more on social programs to end hunger and homelessness. (Loblaws parent Weston Industries gave the maximum allowable contribution to the Tories. Tory government cutbacks have been directly linked to an increase in hunger and homelessness by, among others, the Daily Bread Food Bank).

At similar demonstrations, the leafletters have had their every move videotaped by plain-clothed cameramen, been threatened with slander by Loblaws officials, and last Xmas, Santa and two elves were arrested for handing out anti-hunger flyers during the food drive. They face trespassing charges in July.

On April 11, the Easter Bunny will hand out chocolate eggs with anti-greed messages. He has informed mem-

bers of TASC that "this is one rabbit who will not run from threats or intimidation: if I must face arrest for speaking out against hunger, the executives at Loblaws will have a lot of disappointed children to answer to Easter Sunday."

For more information call 651-5800.

### POST-ACTION RELEASES

Sometimes, for whatever reason, the media will not show up to your event. That doesn't mean that you cannot report on it yourself. Below is a release we sent out when our numbers were tiny, but the police response was not, so we thought we'd make light of it. Stories appeared later in the press commenting on Loblaws' ludicrous policies based on this release.

Toronto Action for Social Change  
P.O. Box 73620, 509 St. Clair Ave. West  
Toronto, ON M6C 1C0  
(416) 651-5800; e-mail: tasc@web.net

FOR IMMEDIATE RELEASE

September 25, 1998

Loblaws Helps TASC Spread Anti-Hunger Message; Threat of Arrest, Ongoing Intimidation Prolong Protest

What was supposed to have been a short 20-25 minute vigil and information leaflet by one person turned into a 90-minute educational event when Loblaws executives, private security, and Metro Police all descended on the Bathurst / St. Clair store to try to prevent customers from receiving flyers about the grocery chain's role in perpetuating hunger in Ontario.

After police threatened arrest and insisted that Toronto Action for Social Change (TASC) members are all banned from Loblaws property, leafletters Matthew Behrens and Laurel Smith decided to prolong their flyering on the sidewalk until darkness fell. A team of Metro police in a cruiser and police jeep, joined by two carloads of private security and Loblaws executives, re-inforced the strong message that Loblaws is not interested in opening a dialogue on ending the root causes of hunger in Ontario.

As they have throughout their month-long Fast to End Hunger and Homelessness, TASC members leafletted the Loblaws store to draw connections between the corporate grocery chain's practices and the growing incidence of hunger in Ontario. Those practices include glowing support for the Harris Tories, unpaid deferred taxes of over \$56 million, paying President Richard Currie in excess of \$8 million in 1997, and profiting off food drives by selling at retail prices goods which people donate to the food drive.

"We were both pretty tired, and figured if no one else showed up to take part in the vigil, we would leave after maybe 15 minutes," explained Behrens, who had barely stepped into the parking lot before he was accosted by two plainclothes security (videotaping his every move), a Loblaws executive, and Debbie Regina, Senior Manager of Loss Prevention at Loblaws, who immediately ordered him off the property.

Surprised to see such a well-prepared welcoming party for an event which was *not* publicly advertised, Behrens asked why yet again an anti-hunger message was being squashed by Loblaws, which itself purports to show an interest in ending hunger through food drive sponsorship. The Loblaws team refused to discuss the issue, and as soon as Behrens turned to walk away, he was stopped by a Metro police cruiser and two officers who had been waiting, concealed, to pounce.

They threatened to arrest Behrens unless he offered identification, despite Behrens' protests that he did not need to identify himself unless he was under arrest.

Behrens was joined on the sidewalk by Laurel Smith, doubling the size of the vigil. This threat did not go unnoticed by Loblaws, and within minutes the police jeep marked "Supervisor" for 13 division was on the scene to confer with fellow officers about the new, complex nature of this threat.

"We decided that since Loblaws contributes to so many thousands of people going without supper every day in this province, that we, along with the Loblaws executives, would all be a little late for supper," says Smith, who stayed,

under the watchful eye of Metro police and the Loblaws security/executive team, until 7:30 pm.

"The good thing is, we handed out a lot more leaflets than we expected to, a lot more people saw our message from the street, and we had some good conversations with customers who were disgusted to find police vehicles in the Loblaws parking lot defending corporate hypocrites from two people armed only with pieces of paper. Thanks to Loblaws, what could have been a disappointing and disheartening vigil turned into a really good educational event. Thank goodness they chose not to ignore us!"

Loblaws has arrested 10 members of TASC at prior anti-hunger events, often in the middle of food drives. Among those arrested have been the Easter Bunny and three bunny helpers, Santa Claus and two elves, Honest Shawn, Robin Hood and a schoolteacher who simply happened to read a leaflet after he finished shopping. All go to trial in November, December and January

TASC will continue its corporate hypocrite pickets at Loblaws, demanding a public dialogue on ending the grocery chain's role in the perpetuation of hunger in Ontario.

---

## Appendix 4

### SOME GENERAL DEMO TIPS:

As the gap of inequality widens in Canada and abroad, more and more people are taking to the streets in protest. Political dissent has a long history which continues to be written daily. Many of its lessons are passed on through books and oral history. But for the newcomer considering taking part for the first time, there are some helpful hints they way wish to consider.

While "legal" demonstrating (ie, with a permit and close police liaison) is relatively calm and safe in these troubled times, as our numbers and anger grow, that cosy relationship will not always be there. The tendency of police to descend on a crowd of polite picketers is rare; rather, having studied the best ways to contain and minimize the impact of demonstrations, police are more likely to attempt to diffuse a confrontation than provoke one.

There is no one single way to demonstrate: it depends on what you hope to gain by your action, the impression you hope to make.

Chanting: While firing up a crowd or keeping spirits together, chanting can also be very mundane ("hey hey ho ho Fill in the blank has got to go" becomes tiresome for long-time demonstrators). Thought should be given to clever chants that are not too difficult to fit into a sentence (Consider "Need not Greed" before "Assist all those exploited by the capitalist class, and assist them now!")

Singing: Song has been a vital part of demonstrations for years, from the women's movement to the civil rights movement. They are a way of relieving tension, of keeping spirits high. At a recent tense anti-poverty demonstration, things calmed down quite a bit when a small number of squatters began singing the theme from Sesame Street.

Silence: The idea of a large group of people staring disapprovingly, but in silence, is a powerful one. Think of the stare

you used to get—or perhaps still do—when parents have disapproved of something you've done. Stopping the chants for a few minutes can be a real relief, especially in a direct confrontation. Silence has a strong, dignified quality about it, which shows your determination. It is not to be confused with timidity. In a society so tied to noise, silence can be a beautiful thing.

Horses: It's a long way from Sunnybrook Farm to a downtown alleyway, and many horses are forced to attend loud and raucous demonstrations. They are used to break up a crowd, separate groups, and intimidate the hell out of you. Remember, horses are sensitive creatures, so when they come toward you, chanting and screaming only increases everyone's tension, the horses included. Sitting down before horses is a good idea—they do not like to step on you, and you can pet their legs to let them know where you are.

Police Dogs: The role of dogs—besides intimidation—is simple. They are there to hold someone until an officer can drag them away. Again, yelling and screaming at the dogs doesn't work much. If a dog grabs you, do not try and run away, for you could be seriously injured. Stop in your tracks, pet the dog's head, talk calmly to it. The dog's role is to hold you, not bite you.

Pepper Spray: Prime Minister Chretien likes pepper on a plate, but he—nor anyone else—wants it in their eyes. It's an incredibly hot, stinging substance used in preference to tear gas (which tends to drift back into the faces of the police) that temporarily destabilizes you. Plastic water bottles should be on hand to flush out eyes. Do not rub your eyes, tempting though that may be. Also, if someone has been sprayed, do not let them go on to their stomachs (they could suffer asphyxia.) Keep them upright.

Diffusion of Tensions: In any situation (such as a standoff on Queen's Park steps or the beginning of a building occupation), a key is keeping things focused and disciplined. Sit-

ting, stopping the chants, and letting people get their sense of space is always a good thing (and not a reflection that you've lost your militancy).

**Macho Men Alert:** One of the biggest single problems encountered by demonstrations is the macho factor of my gender which insists on a) being the centre of attention, b) yelling the loudest c) pushing around those with whom we disagree d) hogging the media spotlight, etc. All men must examine our behaviour in our daily life as well as on the picket line.

**Decision Making:** If you are going to a demonstration where civil disobedience is involved, make sure you have attended some kind of non-violence training. It is often good to go with a group of friends and, if you know there may be a confrontation, have a decision-making process in place for the scenarios you are likely to face. (If cops move in to arrest, we will...if we are met by counter demonstrators, we will...). Make sure everyone is part of the decision-making process.

**Don't Follow Leaders:** As a follow-up to the macho men guidelines, watch for people who get it into their heads that the demonstration should go somewhere that hasn't been discussed or agreed to. Always know what you're a part of; if you feel uncomfortable with the way things are turning, simply pull back.

**Sudden Mass Arrests:** Mass arrests are a real drag for the police: they are expensive, they can be a bureaucratic nightmare, and they are not likely unless your demonstration has

really thrown a spanner into the works. Often someone is appointed to liaise with police in a "legal" demo.

**Undercover cops:** Agents provocateurs have a long and ignoble history of disrupting demonstrations to make the demonstrators look bad: this usually involves chanting something violent, encouraging physical violence, or attempting to divert the demo to where it is less effective.

**Media:** Generally uninformed, the media want their little clip so they can move on. They can be annoying, but they're good to have around in a tense situation, acting as a buffer against possible police violence. Have a release for them with the 5 Ws.

**Counter demonstrators:** You may often run into people, individually or organized, who oppose your viewpoint verbally or physically. Be prepared to try and diffuse them through talking them down or simply ignoring them; don't let them completely divert you from your purpose.

**Non-Violence Training:** A day-long workshop on non-violence is good for people considering attending numerous demonstrations or committing civil disobedience: Such a workshop covers history and philosophy of non-violence, looks at decision making, how to organize specific kinds of non-violent actions (sit-ins, blockades, etc), body protection, discusses arrests, courts, jail, etc.

**If You Are Arrested:** Demonstrators should always be prepared for the possibility of arrest; again, it seems you really

have to step out of line to be in an arrest situation these days, because the press picks up on it immediately. Police often give you the option of moving from one place to another. The organizers should have someone prepared to follow any arrestee to the police station and track them through the system. If arrested, you need only identify yourself by providing your name, date of birth, and current address.

Every demonstration is different, but as you attend more, many of these things become second nature. Being prepared for any eventuality is not meant to scare people off; rather, it's nice to know the risks you may be taking. And again, as cannot be stated too clearly, the risks most Canadians take in demonstrating are small compared to those in countries like Indonesia, Burma, Guatemala, and some parts of Turtle Island (such as Ipperwash, where Dudley George was murdered).

## Appendix 5

### TAKING POWER AWAY FROM THE COPS

In a talk given by U.S. activist Staughton Lynd, the concepts of the Zapatista rebellion movement in Mexico were discussed. among the interesting parts of the talk was a discussion of the Zapatista approach to the armed forces.

"Seeking to win over the armed forces responds to the question, What do we do about the fact that the other side will always have more weapons?, and offers the simple answer, We seek to won over or neutralize the soldiers. This goes for police officers, including the Fraternal Order of Police in Philadelphia; for prison guards; for self-appointed deputies like members of the Ku Klux Klan in Mississippi; and for members of each nation's armed forces, We don't call them "pigs" or "fascists." We try to understand them as human beings.

This practice has three ideological variations. The first is pacifism, broadly defined. At the Pentagon demonstration in October 1967, a man who had named himself "Superjoel" relates:

I was between Abbie [Hoffman] and Dr. Spock. We're walking up on the grounds of the Pentagon. And on top of this pile of trash there's this bunch of flowers, daisies, right. I grabbed them. I saw these soldiers and they're all standing there, and they were my age. So I just took the flowers and one by one, boom, boom, boom, put 'em in the gun barrels. (Steal This Dream: Abbie Hoffman and the Countercultural Revolution in America, ed. Larry Sloman, p.99.)

The crowd began to call out to the troops, "Join us!" More than three years later, on May 3, 1970, a student at Kent State University named Allison Krause — one of the four students killed the next day — put a flower in the gun barrel of a National Guardsman, saying: "Flowers are better than bullets." These events signified a change in the attitude of the anti-war movement toward the GIs, whose refusal to fight would ultimately bring the war to an end.

A second strain of ideology that calls for fraternization with

the armed forces derives from Vatican II and liberation theology. Its most celebrated exemplar was Archbishop Oscar Romero. On March 23, 1980, Romero delivered a homily in which he addressed the Salvadoran armed forces and stated: "Brothers, you are from the same people; you kill your brother peasants....No soldier is obliged to obey an order that is contrary to the will of God. Now it is time for you to recover your consciences so that you first obey conscience rather than a sinful order....In the name of God, then, in the name of this suffering people, whose cries rise to the heavens, every day more tumultuously, I ask you, I beg, I order you in the name of God, stop the repression."

The next day Romero paid for these words with his life.

The third ideological tradition that calls for doing everything possible to win over the armed forces is Marxism. Leon Trotsky, after the triumph of the Red Army which he commanded, discussed this theme in his *History of the Russian Revolution* as it applied both to the revolution of February 1917, which overthrew the Tsar, and to the Bolshevik revolution the next fall.

Trotsky sketched the February events along lines that later scholarship has only confirmed. On February 23, International Women's Day, "the February revolution was begun from below, overcoming the resistance of its own revolutionary organizations, the initiative being undertaken on their own accord by the most oppressed and downtrodden part of the proletariat — the women textile workers, among them no doubt many soldiers' wives." (*History*, v.1, p. 102.) Detachments of soldiers were called in to assist the police, but there were no encounters.

The next day, February 24, the number of demonstrators doubled. As the crowd moved toward the center of Petrograd, injured soldiers in some of the war hospitals waved whatever was at hand in support. At length the crowd stood face to face with mounted troops, the Cossacks. The Cossacks charged repeatedly. The crowd parted to let them through. "The Cossacks promise not to shoot," passed from mouth to mouth.

It was very much in the streets of Petrograd as it would be eighty-two years later in the road at Amador.

When women and soldiers faced each other on the turbulent streets, old women at the head of the demonstration stepped toward the mounted soldiers, pleading: "We have our husbands, fathers, and brothers at the front. But here we have hunger, hard times, injustice, shame. The government mocks us instead of helping us. You also have your mothers, wives, sisters, and children. All we want is bread and to end the war." According to Trotsky, the women went "up to the cordons more boldly than men, [took] hold of the rifles, beseech[ed], almost command[ed]: 'Put down your bayonets—join us'." Again and again the Cossacks refused to ride down the demonstrating women, in the most famous incident disregarding four direct orders. (*History*, v. 1, p. 109; Tsuyoshi Takegawa, *The February Revolution: Petrograd, 1917*, chaps, 12-13.)

And what about Serbia? There one saw last fall what can fairly be called a nonviolent revolution. A political movement won an election. When the incumbent regime initially refused to recognize the election results, an outraged populace poured into the streets. On the evening of Friday September 29 the coal miners of the Kolubara region, who produce the coal required for half of Serbia's output of electricity, declared an indefinite general strike. The general in charge of the armed forces, and police from the Interior Ministry, showed up on Tuesday October 3 and Wednesday October 4. The miners adopted a dual strategy. On the one hand, they removed vital parts from the mine machinery and challenged the soldiers to mine coal with bayonets. On the other hand, they summoned 20,000 supporters from nearby communities.

The police held their ground but made no arrests. The next day, Thursday October 5, hundreds of thousands of people in Belgrade—forty miles away—seized the parliament and the state TV station, and the police in Kolubara melted away. The Kolubara strike was coordinated not by a "trade union," but by a "workers' committee." All over Serbia following Kostunica's accession to power, local committees of workers displaced hated factory managers. I realize that a cynic might say that this was a transition from socialism to capitalism, not the other way around. But surely, Serbia also shows us that fundamental social transition, revolution, remain possible in the 21st century, and that neutralizing the armed forces by mass nonviolent direct action can be a critical component of the process.

# Appendix 6

## SIT IN CHECKLIST

Before engaging in an action like a sit-in, you might want to ask yourself a whole bunch of questions, and see how well you answer them. The more secure you are in your answers, the smoother your action will be.

- What are the goals of the protest?
- Why are you occupying the office? (This is the first question the media will ask).
- How is the occupation of the office tied to your demands or goals?
- At what point are you willing to leave the office in a way that is not disempowering to the group? Are you prepared to be hauled out and, if so, why?
- What are the means you will use to occupy the office space (i.e., how will you enter the area, what will you do when you get there, how will you keep the office staff from freaking out?)
- What is your behaviour in the office? Is it loud singing and chanting, is it quiet contemplation, is it a combination?
- How can you make those whose office you are occupying sympathetic to what you are doing?
- What are some potential obstacles: Someone stands in your way, do you go around them do you try to grab them in a friendly hug to keep them from preventing others from entering the office?
- Do you have an independent means of outside communication (you can signal to a support person through a window, you have a cell phone properly charged beforehand?)
- Who will alert the media once you are inside?
- Do you have someone securely on the outside helping coordinate support?
- What happens if you are cut off from your support people (your cell phone does not work, there is no visual contact between you and someone outside of a locked office).

### SCOPING THE SITE

- Hours of operation: Make sure you know someone will be there at the time you go to occupy. There is nothing worse than discovering the office is always closed between 12 and 2 on Tuesdays and Thursdays.
- Are there security doors that can only be opened from inside? (A common way of getting around this is to have a pleasant individual pretend to be a flower delivery person (if you can get the name of someone who works in the office, all the better). Once the door has been buzzed and you have your hand on the handle, the rest of the group can scoot in with you.
- How many entrances/exits are there? This is especially important if, once you get inside, the police or security are right there and not letting anyone out. Folks might want an exit strategy if they do not want to face arrest (although invariably, police will give folks a chance to leave, as that means one less arrestee to go through the bureaucracy)
- Can people who do not wish to risk arrest leave once cops have arrived?
- Prepare for bathroom contingencies (bring in lots of plastic bags which can be fitted over waste containers to handle human waste. You may want to bring in a bucket in the event there are no such containers in the office.
- Bring food if there is the chance you might be there all day or into the night.  
Are you prepared for an extended stay if they simply close the doors, lock you in, and say good luck?

### Street action

Many of the same questions asked above would apply equally to a street action, although things are not as stable when you are exposed to a larger environment, what with passersby, traffic, more external noise, etc.

Every action is different: the best actions are those which try and work out as many scenarios as possible, from the ridiculous to the expected. The Pentagon works on war games 24 hours a day, figuring out just about every potential military contingency. Surely as social justice aspirants we can do the same thing for our actions: work through the scenarios, our exit strategies, our regrouping strategies, etc.