

# THE CANADIAN WAY OF LIFE



Demonstrators gather at Montreal city hall to protest a city bylaw passed Nov. 14 authorizing fines of up to \$100 for participants in any demonstration that civic officials decide may "endanger tranquility, security, peace or public order." Radical leader Stanley Grey is seen burning a copy of the bylaw. (Daily Ryersonian photo)

The Iroquois Indians, having been England's allies in the American Revolutionary War, had been forced to come to Canada in 1784 when England lost the war. They came, however, not as a subject people, but as a free and independent nation which had been granted lands in exchange for those which had been lost in England's cause.

With them they brought their own religion and form of government, a hereditary council, which they maintained into this century. The hereditary council, however, resisted Canadian attempts to reduce their status from that of a free and independent people to that of mere dependencies — just another band of Indians to be bullied and dominated by the Indian Affairs Department.

In 1923 the Indian Affairs Department decided to break the ancient treaties and enforce their domination. To do so, the officials persuaded the Parliament to pass legislation which would allow Indian bands to substitute an elected council for their traditional councils, if they so desired. This Act was passed, but the Brantford Six Nations people still decided to keep their old government and laws.

Not at all nonplussed by the fact that the new law allowed the Indians to decide if they wanted an elected council, the Indian Affairs Department now imposed a tame elected council on them. For almost thirty years the Six Nations people did their best to return to their own form of government, but to no avail.

In 1952, with hope of justice gone, the Indians decided that a symbolic act was necessary. Late one night the hereditary Chiefs and their supporters occupied the Council House in hopes that the ensuing publicity would bring them public support. Unfortunately they underestimated both the willingness of the RCMP to use violence to dispossess them, and the honesty of the press.

The next day the RCMP moved in with riot guns and tear gas and made mass arrests. The press, in its usual fashion talked, not of the frustrating years seeking justice, but of the "irresponsible Indian lawbreakers." Today the Mohawk Workers, as the traditionalists call themselves, still are a majority on the reservation and still dream of a day when justice and freedom will return to them.

## GAME 1: CONSPIRACY

Despite the power that control of the Parliament, the press and the police give the elite, still this is not enough. Their manipulations and control reach into even the so-called courts of justice. Trade unionists are very familiar with two situations in which the courts are abused: the political use of the conspiracy charge, and the *ex parte* injunction.

The charge of conspiracy is one which is seldom laid. First of all, it is difficult to prove. Secondly, it is more just to charge a criminal with his crime, than it is with his conspiracy to commit that offence. There is, however, one aspect of the

conspiracy charge which lends itself to abuse — as strange as it may seem, the penalty for conspiracy is often more severe than that for the offence.

Since any planning which results in so minor an offence as spitting on the sidewalk can be called a conspiracy — punishable with heavy jail sentences — unionists manning picket lines can find themselves charged, not merely with obstruction (a handy catch-all which generally results in a small fine), but with conspiracy to obstruct, and therefore, are liable to long years in jail. Since it is the Crown Attorney, a political appointee of the elite interests, who decides which charge to lay, it's not hard to understand why it is used politically against the elite's enemies.

As students have recently discovered, the conspiracy charge can be levelled against them, as well. Students at Sir George Williams University are now standing trial on such charges, and as students at the University of Waterloo recently discovered, authorities here are anxious to use such charges to remove those who are criticizing mismanagement.

Four weeks ago when radical students held a one-day study-in at the University library to draw attention to its inadequate budget and facilities, administration president Howard Petch, although he was informer otherwise, claimed publicly that the students were to take over the administration building and disrupt the University.

The most serious aspect of these charges was that president Petch claimed that the Radical Student Movement met secretly to make its decisions — a necessary precondition to the laying of conspiracy charges.

Equally significantly, professor W. K. Thomas in the March 31 K-W Record is reported to have charged that students at the University of Waterloo were part of an international communist conspiracy under the "guidance of chairman Mao and the spirit of Che Guevara."

Such McCarthyite red-baiting could be lightly dismissed were it not for the fact that it has been just such crude propaganda that has preceded the end of civil liberties in the past. Indeed, president Petch has already forecast just such an end to liberty with his demands for a "code of conduct" at the university.

## GAME 2: EX PARTE

The *ex parte* injunction is perhaps the best known of legal abuses in labor affairs. The essence of the *ex parte* injunction is that the judge is asked to make decisions and issue court orders after having heard only one side — invariably the owner's side — in labor disputes.

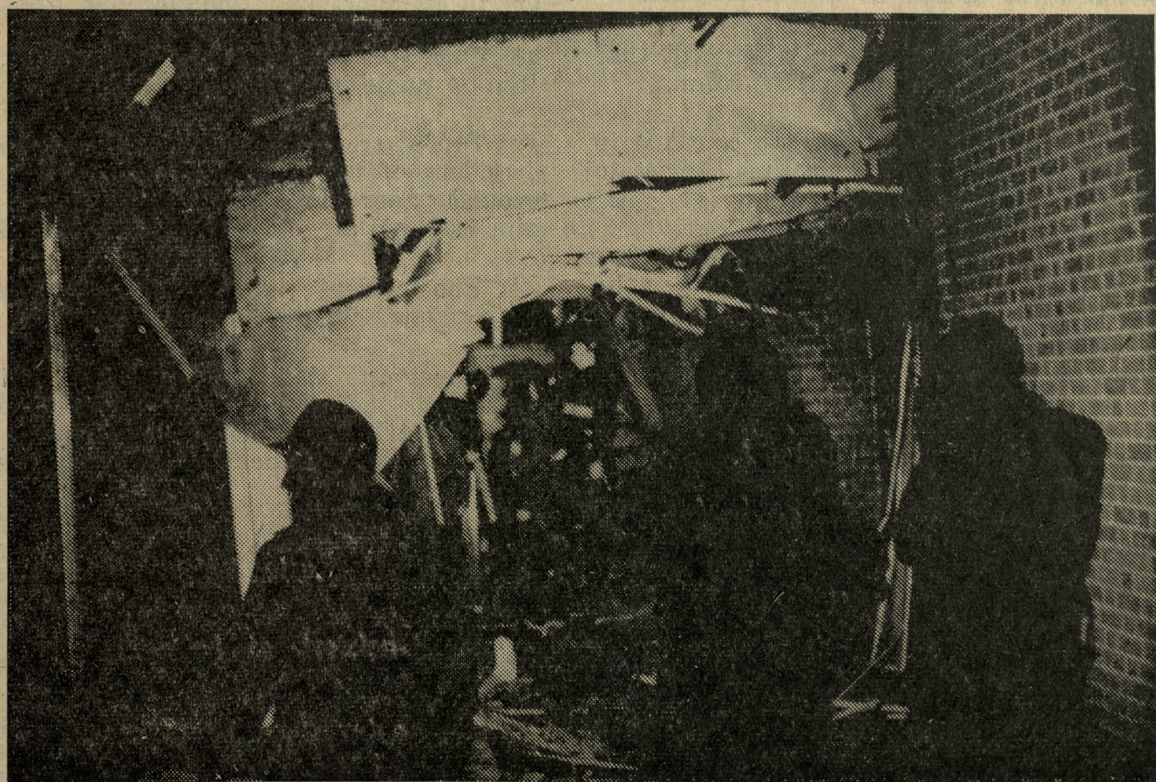
All the owner has to do is satisfy the judge that violence is likely to occur if strikers continue to picket his premises. The fact that the reason that violence occurs is that the owner is bringing in strikebreakers to take the workers' jobs, and that these scabs are assisted by the local police in breaking the picket line, has no bearing on the decision. The justice or injustice of such a decision is not the question that matters. Indeed, we do not have courts of justice, we have courts of law — law that is politically made, and, too often, politically administered.

These few examples of the way violence and oppression operate in our society could be extended almost without end—from Alan McNab's rampage through Norfolk County in 1837 to the expulsion of the Japanese from British Columbia in World War II.

But why then, if violence has been so common in Canada's past, do its leaders continue to propagate the image of Canadians as a non-violent people? What would you do if you were in their position?

If Canadian press, radio, and TV told the truth, if Canadians realized how law is used to oppress them, and violence used to uphold those unjust laws, Canadians would rise up and demand an accounting.

But so long as Canadians can be fooled, and so long as the lying press can convince them that it is "unCanadian" to throw off their yokes and demand such an accounting, Canadians — Canadian workers and Canadian students — will never be free.



Firemen survey the wreckage from a bomb blast at Loyola University in Montreal Nov. 20. (Loyola News photo)