

Canada: State vendetta against anti-poverty activist to continue

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21 June 2003

The Tory-led Ontario government is continuing its vendetta against Ontario Coalition Against Poverty (OCAP) leader John Clarke. Toronto's Chief Prosecutor Paul Culver announced Wednesday that Clarke must again stand trial on charges of "counselling to participate in a riot" and "counselling to assault police"—charges that could result in a five-year prison term.

In May, after four months of legal proceedings, a jury deadlocked on whether to convict Clarke and two other OCAP activists charged with various offences, including participating in a riot. This left Ontario Superior Court Justice Lee Ferrier no choice but to declare a mistrial.

Culver said that the Crown has decided to stay the charges against Gaetan Heroux and Stefan Pilipa, since their role in the alleged riot was "relatively minor." But he insisted that the prosecution of Clarke must continue. The OCAP leader had, Culver claimed, orchestrated an "attack" on "the Legislative Assembly of Ontario, the seat of democracy in this province." Moreover, "this attack caused significant injury and damage."

The charges against Clarke arise from a June 2000 demonstration outside the Ontario Legislature (Queen's Park) against five years of brutal welfare and public housing cuts by the Ontario Tory government.

At Clarke's first trial, the Crown and police sought to paint a lurid picture of a mob run amuck. Police Detective-Sergeant Richard Stubbings, then head of the Toronto police intelligence unit, claimed that in 23 years on the force he had never felt more frightened for public safety. Yet under cross examination Stubbings was forced to concede that riot police had deliberately retreated when some demonstrators had approached an outer line of police barricades, then after

a "lull" brutally attacked the crowd using horses, pepper spray and batons. [For a detailed examination of Stubbings' testimony see "Cracks appear in police evidence at Toronto 'riot' trial" <http://www.wsws.org/articles/2003/mar2003/ocap-m18.shtml>.]

In Canada, jurors are legally barred from commenting on jury deliberations. But it is clear that the jury was passionately divided. At least one and very probably many of the jurors were adamant that the charges against the OCAP leaders were unproven and that police bore much if not all of the responsibility for the June 15, 2000 melee. After four days of deliberations the jurors sent a letter to the judge in which they pleaded to be let go. According to the letter the jurors were "frustrated, exhausted, and extremely emotionally upset, resulting in the hospital visit of one juror, a panic attack of another, migraine headaches and emotional outbursts amongst the group."

Responding to Crown Prosecutor's Culver's announcement, Clarke said the decision to make him undergo a second trial was "politically motivated" and an attempt to silence "the strongest voice for the poor and homeless in this country."

However, he expressed confidence that a legal defence that exposed the conditions the poor have been forced to endure under the Tories—and the provocative role the police played at the June 15, 2000 demonstration—would evoke a response. Said Clarke: "The jury [at the first trial] was divided for the reason that Ontario is divided politically under the regime of the Conservative Party.... Those differences showed up in the jury room and unless they manage to cheat the law of probabilities they will show up in the next jury room."

Clarke's lawyer, Peter Rosenthal, deplored the decision to make Clarke undergo a second trial and the

threat of a five-year jail term: “The evidence makes it clear that a lot of what happened in Queen’s Park on June 15 was due to the police, who mishandled the thing, were very aggressive and created lots of disturbance.... It was a serious event that happened, but it wasn’t Mr. Clarke;s fault.... Mr. Clarke has already paid a serious price. He spent 27 days in pre-trial custody. To continue against Mr. Clarke is absurd.”

The Ontario government and its big business backers are intent on railroading Clarke into prison so as to label OCAP a violent organization and intimidate anyone who challenges the gutting of public and social services and the assault on civil and trade union rights. Toronto police have repeatedly cited OCAP’s activities in pressing for draconian new restrictions on the right to mount demonstrations and other public protests.

Although Clarke has not been convicted of any crime, he continues to endure—by virtue of the conditions of his bail—draconian limitations on his political rights. For almost three years he has been barred from communicating with fellow OCAP leaders Heroux and Pilipa and he continues to be legally barred from participating in demonstrations.



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