

Canadian government proposing draconian criminal sanctions for masked protesters

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Canada's House of Commons has approved a proposed law that would make it a crime subject to a lengthy prison term to wear a mask or to otherwise disguise one's identity while participating in "a riot or an unlawful assembly".

Under C-309, anyone caught wearing a mask in an "unlawful assembly" would be liable to five years in prison and those deemed to have done so during a riot could be jailed for up to 10 years.

The private member's bill was introduced by Blake Richards, a Conservative Member of Parliament and former police chief, and adopted with the full support of the ruling Conservative government. It is rare for private members' bills to become law. But given the support the draconian "anti-mask" bill has received from Prime Minister Stephen Harper and his Conservatives and the Conservative control of the Senate, the upper house of Canada's parliament, Bill C-309 is all but certain to become law.

As C-309 itself acknowledges, it is already illegal to conceal one's identity while committing an indictable offence. The real intent of the proposed law change is to facilitate *preventive* arrests and threaten protesters with severe criminal penalties. Police forces would be able to arrest and seek to incarcerate for years persons who had committed no crime other than to wear a mask at a gathering proclaimed by the police to be an unlawful assembly or riot.

In arguing for this major increase in the arbitrary powers of the police, MP Richards declared, "We know that one key tool is missing from [the police's] toolkit; a tool that would help police prevent, de-escalate and control riots".

In fact, as many thousands of Canadian young people and workers have already discovered, the designation of this or that assembly as peaceful and lawful is

entirely up to police and city officials, groups that are thoroughly contemptuous of the democratic rights and aspirations of the working class.

Under Canada's Criminal Code an assembly of merely three persons can be considered unlawful if authorities deem them to be causing "fear". Moreover, and this was certainly the case during this year's militant half-year-long student strike in Quebec, police frequently provoke violent confrontations with demonstrators by harassing and abusing them or through the use of *agents provocateurs*, then use the ensuing melee to justify their declaring the gathering "illegal."

Bill C-309 would give the police even greater latitude in rounding up individuals attending protests deemed unacceptable by the authorities.

While the bill allows exceptions from the blanket ban on masks for religious or medical reasons, its supporters did not suggest there would be any exceptions for those covering their faces to avoid the harmful effects of pepper spray and tear gas, a major reason that protestors don masks.

The opposition Liberal and New Democratic Parties (NDP) voted against the new law, citing fairly benign concerns about C-309's redundancy or its likelihood to tie up the courts with cases that would be difficult politically and possibly constitutionally to win.

Since the trade union-backed NDP is currently mounting an all-out effort to demonstrate to the ruling class that it can be trusted to form a pro-big business austerity government, all of its MPs' complaints were marked by a tone of obsequious supplication before the police.

NDP justice critic Françoise Boivin complained, "There's people who would be let go who would probably sue the cities and the policeman for wrongful

arrest. It's just going to create more cases in front of the courts.”

Revealing his own abiding support for the repressive powers of the state, NDP leader Thomas Mulcair called the bill unnecessary for the reason that “The police already have all the tools that they need.” In a pointed reference to the student strike, he then added, “We saw that in Quebec.” The NDP, it should be noted, failed to condemn the police violence meted out against students and their supporters during the strike. Nor did it condemn the Charest Liberal government’s Bill 78 (Law 12), legislation that effectively criminalized the strike and placed sweeping restrictions on the right to demonstrate in Quebec over any issue.

Bill C-309 has been promoted by various business organizations as well as the chiefs of police in cities such as Toronto, Vancouver and Montreal. All of those cities have in recent years witnessed violent police brutality towards citizens engaged in peaceful protest, most notably during the 2010 G20 protests in Toronto and the Quebec student strike. Many cities have also seen an increase in street demonstrations, such as during the nationwide Occupy protests in fall 2011, which erupted in opposition to the growth of social inequality and poverty.

These same forces of reaction anticipate even greater mass opposition, especially from the working class. Already provincial and federal governments have increased their use of legislation to illegalize strikes, squelch collective bargaining rights, and impose wage and pension cuts through government fiat. And over the past decade there has been a vast increase in the size and powers of the repressive apparatus of the state, justified, as in the US, in the name of “the war on terror”

In online blogs, workers and youth opposed to Bill C-309 noted that while the government is restricting the ability of protesters to conceal their identity, the police routinely hide their badge numbers and mask their own faces with riot gear. It took more than two years and a sustained public outcry for the hundreds of officers who covered their badge numbers and removed nametags during the G20 protests to be disciplined. Most received no more than the loss of a single day’s pay for this flagrant violation of the police’s own rules of conduct.



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