

Notes for John Richardson Interview

S14 SAT Rally and Opening.
S15 SUN
S16 MON Injunction Order.
S17 TUE Ward Files Application for Leave to Appeal.
S18 WED
S19 THU Rally.
S20 FRI

How did you come to know of the squat?
What was it like on the inside?
What was your impression of the squatters?
What was your role during the occupation?
What were the general conditions like? The mood?
(Which days did you meet with squatters?)

S21 SAT 6am arrests, court appearance 11-2pm

The sheriffs at the courthouse did not permit the 54 arrestees to meet with legal council prior to appearing in court; they were brought before the court in small groups of 3, 4 and 5.

What was your impression of these people as they arrived in batches?
Were you surprised by the way the Vancouver Police or the officers of the court proceeded?

S22 SUN Picnic & rally, evening meeting with police raid at 11pm.
Assault of residents.
12 illegal arrests.
Property destruction.

On the subsequent evening, after an afternoon picnic and rally, and during a squat meeting, the Vancouver Police arrived to clear out squat residents who had set up on the sidewalks outside of Woodwards. During the process of arrest, I believe, two people telephoned you, and you attended to the scene to speak with your clients. Eleven people were arrested. Then you yourself were arrested around 11:45pm for "obstruction of justice" and placed in solitary confinement for nine hours in a 4"x7" concrete cell after refusing consent to an illegal strip-search and finally released in the morning after Crown Counsel declined to approve the charges. What the hell happened that night?

Who was responsible for the assaults?
Who was responsible for the property destruction?
Why didn't they issue tickets for the bylaw infraction? Why were they unable or unwilling to explain the legal authority by which they were carrying out this raid?
What was the relation between the City government and VPD in coordination?

S23 MON Re-establishment of the Tent City
O03 THU Legal Meeting for W54 @ 42 Blood Alley
O28 MON Notice from Dave Rudberg appears
O29 TUE Pivot Report on Policing issued
030 WED Writ of Summons Registered

The Tent City was re-established on 23 September but It took the City another month to apply for an injunction: Dave Rudberg's infamous Notice appeared on 28 October and the Writ of Summons was registered in BC Supreme Court on 30 October. Between these two days the Pivot Report on Policing in the DTES, To Serve and Protect, was issued as well. (This must have been a busy period for you!)

What was your impression of the squat at this time, from late September through the first three weeks of October?

What kinds of legal preparation were in the works for the 07 November court appearance of the Woodward's 54?

What happened in court on November 7th?

In the November 7th Pivot Press Release you state that "I believe today's decision has renewed the faith of many poor people in the judicial process. And it is a lesson to government bodies that use of injunctions to silence and punish people who raise legitimate political issues." Do you really believe that the decision renewed people's faith?

I understand you presented a list of 29 missing items from inside the Woodward's building. Were these ever recovered?

**N07 THU W54 Appearance in Supreme Court
29 Appearance Forms Registered for N19/20**
**N10 SUN LDT Meeting #1 @ 42 Blood Alley
23 Affidavits Against the Injunction Sworn**
N12 TUE LDT Meeting #2 @ CLAS
N14 THU LDT Meeting #3 @ CLAS

On the same day of the Woodward's 54 hearing you filed 29 appearance forms for the city injunction application hearing on N19/20. On November 10th, 12th, and 14th there were three meetings to develop litigation strategy and a marathon session of affidavit swearing which resulted in 23 affidavits that spoke strongly against the injunction. Can you talk about the process of developing the litigation strategy during these meetings?

What was the overall structure of the legal defense going into the two days of proceedings?

N19 TUE

City Injunction Hearing Day 1

I'd like to walk through the arguments at court, if possible, chronologically. At the beginning of the injunction hearing on N19th, Leo McGrady, from the BCCLA was granted intervenor status. What is intervenor status?

Cameron Ward then presented arguments in favour of adjournment. Why didn't the judge grant an adjournment at that time?

The Plaintiff's argument in favour of the injunction seemed to be based upon four claims:

- 1) The squatters are causing irreparable harm to the public.
- 2) The situation of the squatters is not so exceptional that they are justified in violating the traffic by-law.
- 3) The actions of the police on 21-22 September are not relevant to the case.
- 4) Constitutional arguments are not relevant to the case and proper notice was not given anyway.

Do I have that correct? What was your impression of their argument that morning?

After lunch on the first day Tom Zworski spent just over an hour making an argument against the invocation of Charter values in this case. The judge was clearly annoyed and asked "What does this have to do with British Columbia?" What did this argument have to do with?

Next, David Mossop, lawyer for Michael Platts, gave a ten-minute overview of the arguments that would be presented by the legal defense team: first, that there are exceptional circumstances in this case; second, that because of these circumstances the injunction should not be approved; third, that if the injunction is approved, the scope and timing of it should be taken into consideration. Mossop then briefly elaborated upon the third of these: the encampment should be allowed to continue until the building is developed in a limited or "frozen" capacity, with a reasonable access corridor, while the City develops a comprehensive housing plan within the next 60 days.

Patrick Dickie, lawyer for Craig Ballantyne, proceeded to elaborate upon what the exceptional circumstances of the Defendants are: a) their homelessness; b) the recent massive increase in homelessness in Vancouver; c) the recent inability of the shelter system to accommodate this massive increase. Dickie presented an overview of the history of the building since 1993 and explained the reasons why the homeless have assembled together there: for food, shelter, and safety in numbers. He also noted that there is a political aspect to the assembly: the signs and banners protest the state of homelessness and ask for solutions to the problem.

Dickie then proceeded to draw upon two of the City's own internal reports from 1998 and 2001 which admit to and describe the deterioration of the whole social housing situation in the downtown eastside and even declare it a "national disaster." He then cited material in the affidavit of the City's Housing Director where the Director admits that many people are forced out onto the street because they are "victimized" in SROs (Gray, p.51). Dickie went on to cite passages and statistics from the affidavits of church and shelter workers in the downtown eastside which attest to the inadequacy of the current infrastructure.

In response to Dickie, Judge Lowry said some disturbing things. First he exclaimed that these are "exceptional social circumstances, yes, but they are not exceptional legal circumstances." He asked Dickie rhetorically if he thought it was alright to break the law and then said "It's really a social question or a quasi-political question: what can the court do? The law is being broken." Dickie replied, "This is not just a court of law but a court of equity. This is all about the equity of the situation." Lowry ignored this remark and asked Dickie "What effort has your client made to comply with the law? What's he say about breaking the law? What is he going to do about the situation?" Dickie then presented a summary of his client's background and stated, "They're going to be on the streets. It's a question of whether or not they'll be in this block." Judge Lowry then said, "It's a fact of life."

What was your response to Patrick Dickie's argument?

What was your overall impression of the way things stood at the end of Day 1?

N20 WED City Injunction Hearing Day 2

I must admit on Day 2 I was busy coordinating transportation for defendants to appear so I had difficulty following the defense arguments. Perhaps you could summarize your argument and explain Judge Lowry's response to it?

Lowry seemed especially unimpressed with your arguments about the "expansive approach" to international law you were encouraging. Why was that?

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Noah Quastel (30 minutes)
Cameron Ward (30 minutes)
Leo McGrady (30 minutes)
David Mossop (45 minutes)
Squatters (60 minutes).

It seemed at one point that some of the other members of the Legal Team were arguing at cross purposes Surprises in cour

On day 2 why only 4 allowed to speak?

N22 FRI Injunction Order Approved

N24 SUN Pivot Letter to
N25 MON Deadline Passes with Support Rally
Submission of Leave to Appeal the Injunction
Enforcement Order Application Registered
N26 TUE Enforcement Order Disclosure packages appear
N29 FRI Enforcement Order Issued
D02 MON COPE council sworn in

D03 TUE
D04 WED
D05 THU
D06 FRI
D07 SAT
D08 SUN
D09 MON

D10 TUE
D11 WED BC Housing Leave to Appeal granted
D12 THU
D13 FRI Pivot Fundraiser & Photography Exhibit
D14 SAT Squat Ends

J08 WED Court of Appeal Hearing for Leave to Appeal

Role in December?