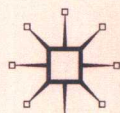


The background of the entire cover is a dense, chaotic pattern of red ink splatters and droplets of varying sizes, creating a stark, high-contrast visual.

CANADA/US AND OTHER UNFRIENDLY RELATIONS

BEFORE AND AFTER 9/11

PATRICIA MOLLOY



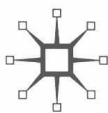
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CANADA/US AND OTHER
UNFRIENDLY RELATIONS

PREFACE

In December 1998, while I was still a graduate student at the University of Toronto's Ontario Institute for Studies in Education, I was heading to a conference in England and, with time to kill before my red-eye flight, stopped into an airport lounge for a beer and to watch the evening news. Up first, the story of Stanley Faulder—the Canadian citizen who had just been granted a stay of execution in the United States. I recall remarking to the person sitting next to me that he'd probably be dead by the time I got back from my trip. I was wrong and I kept following the case up until his eventual execution in June 1999. Then, in April 2000, Canadian citizen Nguyen Thi Hiep was executed in Vietnam, the country of her birth. I had spent my graduate student career researching and writing about practices of state-sanctioned killing and their narratives, but these particular cases resonated in a different way: these were *Canadians* being killed in other countries—including the one closest to me. A new project was thus born but didn't coalesce into an idea for a book on “messed up moments in Canada/US relations” until almost a decade later. From that moment in the Toronto airport bar up until now, January 2012, the United States has seen four federal elections and Canada has had five. We've lived side by side, and not always nicely, through 9/11 and our respective recessions, but have united in the Occupy Movement with an idea generated by Vancouver's *Adbuster* magazine, in a climate of the Arab Spring, realized in New York City, and which spread across the continent and around the world. It is to both the long-time activists and ordinary citizens suddenly rising up and demanding a better world that I dedicate this book.

ACKNOWLEDGMENTS

I scarcely know where to begin to acknowledge and thank the number of people to whom I am indebted from the beginnings and completion of a book that spans over a decade and whose constituent chapters were presented and represented at numerous conferences. Any omissions are accidental and with advance apologies. Chapter 1 was originally presented at the International Studies Association annual conference in Chicago in 2001 and subsequently published in *Sovereign Lives: Power in Global Politics* (Routledge, 2004). Many thanks to the volume's editors, Jenny Edkins, Michael Shapiro, and Veronique Pin-Fat for their postconference feedback and editorial encouragement, and to Taylor and Francis for permission to reprint. I owe thanks as well to Mario di Paolantonio for his comments on the earlier draft and to Dave Parkinson of the Canadian Coalition against the Death Penalty. An earlier version of chapter 2 was published as "Killing Canadians (II): The International Politics of the Accident," in *Topia: Canadian Journal of Cultural Studies* (Fall 2005). I express sincere thanks to the two anonymous reviewers for their wise comments on the initial draft and to *Topia* for reprint permission. Thanks as well to Louissa Oydseos and Penelope Ironstone for their invaluable comments as conference chairs when I presented the paper at the International Studies Association in Montreal in 2004 and the Canadian Association of Cultural Studies in Edmonton in 2005, and also to Hilary Davis and Mark Clamen for their insights on each and every draft.

I presented an earlier version of chapter 3 under the title "Built for Life in Canada: Designing the Cross-Border Spouse" at the International Studies Association conference in 2008 and I am indebted to Cynthia Weber for including me on the panel, her feedback on the paper, and her steadfast, if not fierce, support for my work over the years. Chapter 4 was initially presented in December 2006 as "Terror Time in Toronto: A Response to the Response of the Arrests of the Toronto 17," for the conference London in a Time of Terror at

Goldsmith's College in London, England. I gratefully acknowledge that financial support for the research was received from a grant partly funded by the Wilfrid Laurier University operating funds and partly by the Social Sciences and Humanities Research Council Institutional Grant awarded to Wilfrid Laurier University. Special thanks to the conference organizers Nick Vaughan-Williams and Angharad Closs Stephens for not only allowing a Canadian interloper at a conference on the London terror bombings, but also for their feedback on the paper and for including it in their subsequent edited volume *Terrorism and the Politics of Response* (Routledge, 2009). Thanks as well to Lisa Taylor, Eve Haque, and Jasmin Zine for their invaluable comments on the earlier draft and many contributions since.

I would also like to thank Jasmin Zine for suggesting that I present chapter 6, "Resisting Americans: The Precarious Politics of Asylum," for the Association of Muslim Social Scientists of North America's 2008 conference "Imperialist Wars and Liberal Peace," held at the Ontario Institute for Studies in Education at the University of Toronto—with a police cruiser parked outside for the duration. Research in this area is clearly not without its risks but neither is *actively* resisting the war on terror. For their remarkable work, guidance, strength, and friendship, I am deeply indebted to everyone connected with the War Resisters Support Campaign in Toronto, particularly Michelle Robidoux, Christine Beckermann, Carolyn Egan, Laura Kaminker, Janet Goodfellow, Beth Guthrie, Lee Zaslovsky, Tom Riley, Alex Lisman, Ken Marciniec, Jesse McLaren, Charlie Diamond, Dale Landry Salonen, Kim Rivera, Jeremy Hinzman, Josh Key, Corey Glass, Dean Walcott, Phil McDowell and Jamine Aponte, Chuck Wiley, Chris Vassey, Luke Stewart, and Alyssa Manning. And if Canada/US relations in a post 9/11 climate weren't complicated enough in the "real" world, they take on an added dimension in the world of televisual fiction. For their comments and enthusiastic engagement with an earlier version of chapter 7, on the Canadian television show *The Border*, that I presented at a symposium that I organized, "Popular Culture after 9/11: An Interdisciplinary Workshop," at the Ontario Institute for Studies in Education in February 2009, I extend thanks to Marie Thorsten, Lori Crowe, Chris Hendershot, and Ian Roderick. In addition to Ian, I'd like to thank other colleagues in the Communication Studies Department at Wilfrid Laurier—Martin Dowding, Penelope Ironstone, Andrew Herman, and Herbert Pimlott—for entertaining and encouraging my ideas on all things related to how Canada and the United States communicate with each other.

No book project is doable without a strong support network and so I heartily thank my family and, in addition to those listed above: Holly Baines, Catherine Burwell, James Clark, James Der Derian, Cynthia Grant, Sara Matthews, Ken Montgomery, MaryJo Nadeau, and Julian Reid; and my graduate school mentors Ruth Roach Pierson, Roger Simon, and Kari Dehli for keeping their faith in me. And finally, I would like to thank the anonymous reviewer for their constructive advice on how to make this a better book, Cheryl Barretto for her meticulous copyediting of the final manuscript, Chris Cecot for compiling the index, and Sarah Nathan, my editor at Palgrave Macmillan, for her guidance and patience throughout the process.

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INTRODUCTION

LOVE US OR HATE US: CANADA IN THE WORLD

In the 2009 British political satire, *In the Loop*, one line in particular stands out in a screenplay that was nominated for an Academy Award. When a British minister inadvertently ignites speculation of an imminent war with an undisclosed Middle Eastern country, his meeting with American officials at the British foreign office is hastily arranged. Speaking on the phone about who will likely be attending, the British “director of diplomacy” remarks they needn’t worry about the Canadians as “they’re just happy to be there. They always look surprised when they’re invited.”

What Canada thinks about itself, and what Canadians think people in other countries think about us, is more than the butt of the above joke. Indeed, in the lead-up to Canada’s hosting the G8 and G20 summits over June 25 and June 26, 2010, the Historica-Dominion Institute commissioned Ipsos Reid to conduct an online poll of 18,000 people in 24 countries to assess the global community’s perceptions of Canada and Canadians. Contrary to a popular mythology of a Canadian inferiority complex, for one blogger the results of the poll show that “Canadians now have joined the ranks of the Germans and Americans as self-centered, jingoistic boors with an inflated and skewed opinion of our planetary, nay, our universal significance.”¹ For example, 67 percent of Canadians polled think that Canada has an influence on the world stage, while only 55 percent of global respondents agree (with less than 50 percent of the Swedes, Japanese, German, and British agreeing). Sixty seven percent of the global population say that Canada is a “leader in working for peace and human rights around the world,” whereas 81 percent of Canadians think we are. And only 53 percent of the rest of the world thinks Canadians are sexy, compared to 64 percent of Canadian respondents. Nonetheless, whereas we might not be terribly sexy, 71 percent of the global population feel that Canadians are “cool” and 80 percent say they would invite one of us home for dinner.²

Interestingly, the poll finds that more Canadians (71 percent) than overall global respondents (60 percent), and 54 percent of Americans, think that Canada pretty much does whatever the United States says in terms of foreign affairs. And, despite being the bottom-ranked country at the Copenhagen Conference on climate change in 2009, Canada's reputation for caring about the environment is higher globally (84 percent) than amongst Canadians themselves (71 percent). Says Andrew Cohen, president of the Historica-Dominion Institute: "In a world of more than 200 countries, we can be proud that we are generally well regarded beyond our borders, although, as Canadians, we tend to be our own biggest fans, and sometimes, our own sharpest critics."³

The complexity of "Canadian identity," and our place in the world, is the broad focus of this book. The chapters contained within are an interdisciplinary examination of contentious events both within and beyond Canada, their relationship to and impact on (primarily) Canada/US relations, as well as Canadian political and cultural identity both before and after September 11, 2001. These include the execution of Canadian citizens in foreign countries in 1999 and 2000, the friendly fire incident in Afghanistan in 2002, the 2004 American election, the 2006 arrests of the "Toronto 17," the Maher Arar affair, and the deportations of American soldiers denied asylum in Canada for refusing to fight in the Iraq War. A key theme underlying each chapter is what I call "myths of Canadian benevolence;" notions of peace and good will, acceptance and tolerance, by which Canada both constructs an identity for itself and projects to the world, most often in comparison to the United States, but which do not always hold up under close scrutiny. In examining these myths as well as conceptual issues of war and warfare, sovereignty and violence, multiculturalism, citizenship and identity, human rights and international law, I draw on key theorists from a range of disciplines including sociology, anthropology, international relations, philosophy, cultural studies, and critical race theory.

As with any identity project, media narratives play an important pedagogical role in constructing and circulating particular ideas of "Canada" and "Canadian-ness." I, therefore, examine a range of Canadian and American media throughout the text, from mainstream news to popular television, film, and the Internet. What emerges is a story of a conflicted and stormy relationship between two neighboring countries that both rival and envy each other while failing to understand the other.

THE ORGANIZATION OF THE BOOK

Chapter 1 examines how in June 1999, Stanley Faulder became the first Canadian citizen to be executed in the United States since 1952 and in April 2000, Nguyen Thi Hiep was shot by a firing squad in Vietnam, becoming the first known Canadian to be executed anywhere in the world on a drug-related charge. For the Canadian public and press, these killings marked a violation of international human rights and a general failure of international diplomacy, prompting government officials and human rights groups to call for an international ban on capital punishment. Yet, at the same time, in an unprecedented move, Canada's Minister of Justice was pushing to extradite two Canadian citizens, Atif Rafay and Glen Sebastian Burns, to Washington State on murder charges without demanding assurances that the death penalty not be imposed. Drawing on the work of philosopher Giorgio Agamben, this chapter argues that efforts to internationalize capital punishment as a global "human rights," as opposed to a "political," issue undermines the complexity of capital punishment as an exercise in sovereign power, operating at the limits of sovereign jurisdiction. In addition to the "real life" cases of Hiep, Faulder, and Rafay and Burns, I examine the controversy in Canada surrounding a 1998 episode of the popular American television drama, *Law and Order* entitled "True North" in which the New York District Attorney's Office violates an extradition agreement with the Canadian government by sentencing a Canadian citizen to death. As with Hiep, Faulder, and Burns and Rafay, I argue that the bare life of Stephanie Harker is a life seen as not worthy of being lived, as expendable, trapped in a "zone of indistinction" between violence and the law, both inside and outside the jurisdictions of not just one, but two, sovereign powers. In all these cases, we see the exercise of sovereign power enacted upon the bare (politically unqualified) life of individuals situated on the biopolitical border of life and death.

In chapter 2, I turn to the political fallout and public opinion on both sides of the Canada/US border by critically examining media narratives and popular discourse in which four Canadian soldiers were written as war heroes rather than accident victims after they were killed by an American bomb while on a training exercise in Afghanistan in 2002. Equally central to the narrative is the vilification of the US soldiers responsible for the bombing who claimed that they were also victims—of the media, the US military, and the Canadian government alike. The focus of my analysis is how a politics of responsibility

becomes supplanted with a politics of blame, with cries of righteous indignation couched in a discourse of anti-Americanism. Central to this analysis is the distinction between “hero” and “victim” that is found to be arbitrary. Although the Canadian government considered the deaths of the four soldiers as the first combat deaths since the Korean War and their deaths thus heroic, the men did not actually die in combat but in a training accident. Nonetheless, the Canadian media, government, and public were eager to assign a hero status to the dead soldiers despite the circumstances of their deaths. Given the overtly nationalist sentiment surrounding the figure of the war hero, I argue that rather than think of the friendly fire incident as a “normal” but tragic accident of war (as per Scott Snook in his book on the friendly fire shoot down of the US Blackhawk in the Persian Gulf War), and inevitable given the increasing technologization of warfare, we must retheorize war itself as the accident. In so doing, I draw on the work of postmodern theorist Paul Virilio and conclude that if the accident produces victims and not heroes, with war as accident, the hero ceases to be possible, thus eliminating any claims of moral or sovereign righteousness over who gets to kill whom.

Chapters 1 and 2 examine Canada/US relations in the context of state-sanctioned practices of killing (capital punishment and war), whereas chapter 3 turns the focus away from Americans killing Canadians to a more humorous take on Canadians wanting to marry Americans, and vice versa. Two weeks before the 2004 US federal election, a spoof website, marryanamerican.ca, was launched urging Canadians to take pity on liberal Americans by taking a pledge to marry one. While the rules were simple, one only had to be a Canadian citizen to take the pledge to marry “a willing American citizen,” criteria for marriage to a Canadian ranged from not having a decidedly American accent to an appreciation for cold winters and living in igloos, stereotypes that potential American spouses recapitulated in their own pleas for rescue to our “socialist paradise of tolerance and understanding.” This chapter examines how marryanamerican.ca served to reproduce, for both Canadians and Americans, not only time-honored stereotypes but also a national imaginary constructed upon myths of benevolence that originate from the very design of the Canadian state through its official policies, laws, and legislations. While, as I discuss, they do not hold up under close scrutiny, these particular state practices and policies become the attributes, the values, by which “Canada” not only defines itself, but also distinguishes itself as superior in relation to the United States. In theorizing citizenship along principles of design, I draw on the work of international

relations theorist Cynthia Weber who considers design as a discourse of legitimation originating with Thomas Hobbes. Weber's focus is on citizenship as a design for safe living, whereas I shift the emphasis to citizenships' claims of providing health and happiness. In the context of marryanamerican.ca, the best way for a liberal American citizen to be "happy" is to exchange their citizenship of birth for a citizenship of choice by redesigning themselves as Canadian.

Chapters 4 and 5 further the analysis of citizenship and identity by examining how immigrants and children of immigrants, Muslim men and boys in particular, are framed differently than native-born and white Canadians and treated with a suspicion that legitimates the suspension of law and rights. Chapter 4 focuses on popular discourses surrounding, and the mainstream media's sensationalizing of, the June 2006 arrests of the Toronto 17 (later 18). Charged under Canada's Anti-Terrorism Act (ATA) that was hastily instituted following 9/11, the men and boys were branded as ungrateful "home-grown terrorists" even before their bail hearings. In addition to examining the ATA itself, in this chapter I draw on the critical race theory of Rinaldo Walcott and extend anthropologist Ghassan Hage's theorization of "phallic democracy" to what I'm calling a phallic multiculturalism by which Canada projects a moral superiority not only as a tolerant and benevolent nation but also as *the* most tolerant and benevolent nation in the world, but which is nonetheless contingent on what sort of "Canadian" we're talking about and who indeed gets to count as being Canadian. In concluding, I return to the work of philosopher Giorgio Agamben in discussing the case of non-Canadian citizens currently detained under Canada's Security Certificate system and reposition Canada as a "state of exception" rather than an exceptional state.

For many Canadians, the 2007 Hollywood film, *Rendition*, which introduces chapter 5, may have induced a state of *deja vu*. An earnest American man of Egyptian origin fails to arrive home after a business trip abroad as his wife, and the audience, discover that he's been mistakenly assumed a terrorist by the US government and, under a policy of "extraordinary rendition," been whisked off to a prison in the Middle East where he is brutally tortured. Although the film doesn't purport to be based on the Maher Arar affair, it nonetheless raises serious questions around the consequences of post-9/11 targeting of Muslim men, the denial of fundamental human rights of those accused of terrorism, and the practice of rendition for torture in particular. A common thread that runs through both the fictitious *Rendition* and real rendition of Maher Arar is the notion of mistaken

identity and innocence. But, if the rendition of and torture inflicted upon Arar was the result of faulty information sharing between Canadian and American intelligence agencies, thus a “mistake” that should not have happened as the Canadian government has indeed acknowledged, for whom is it allowed to happen? Building on the argument begun in the previous chapter about who gets to count as Canadian, in this chapter I argue via Sherene Razack’s theorization of “race thinking,” that in contrast with the “quiet diplomacy” with which the Canadian government tried (unsuccessfully) to secure the release of dual citizen Nguyen Thi Hiep as discussed in chapter 1, Maher Arar’s status as a Canadian citizen, and evidence of his innocence, was grounds for a much louder diplomacy on the part of the Canadian state, but only once it was determined that he was a “good immigrant.” What becomes apparent is that for immigrant and racialized Canadians, citizenship is a status that is bestowed rather than signifying a sense of belonging.

Chapter 5 examined who gets to count as a “good immigrant,” whereas chapter 6 discusses who gets to be a refugee in Canada, and this doesn’t include Americans. This chapter examines the controversy surrounding American soldiers who, in refusing to deploy or redeploy to the Iraq War, have applied for refugee status in Canada that they have all been denied, with two men being deported, court-martialed, and given lengthy prison sentences for speaking out against the war while in Canada. I argue via philosopher Judith Butler that insofar as US soldiers are denied the right to dissent, their lives, in effect, do not get to matter—in either the United States or Canada. Here the time-honored stereotypes of Canada as a “peaceable kingdom” and place of sanctuary for those fleeing oppressive regimes are put to the test and found to falter. In addition to examining the mythologies and limits of Canada’s peacekeeping tradition and refugee process, I examine how Iraq War resisters are precariously positioned between two conflicting modes of governance: the political and the juridical, with an inhospitable Conservative government determined to block their attempts for “due process” in the refugee system and a Federal Court that has granted several stays of removal and appeals.

The “realities” of life in a post-9/11 North America, and the increasing militarization of Canada/US relations, were given a fictitious spin in January 2008 when the Canadian Broadcasting Corporation (CBC) aired its first episode of its television drama, *The Border* (since canceled), centering around a fictitious Canadian border security agency that operates at arm’s length (in theory) from both the Canadian and American federal governments but in

cooperation (sometimes) with the latter's Department of Homeland Security. Each week sees both countries' relationship to and policies on war and warfare, safety and security versus human and civil rights, put to the test with episodes dealing with the transporting of nukes across the Canadian border; human sex trafficking; international arms smuggling; US rendition flights into Canada; a terrorist plot by "Afghan militants" poised to strike in Toronto; and racial profiling in Canadian airports (with shades of the "real life" Maher Arar affair) in the inaugural episode. In addition to examining the show itself, and what it has to say about the current state of Canada/US relations, both real and imagined, this chapter pays close attention to *The Border*'s official websites with, in the first season, an array of interactive features in which the real merges with the virtual. The site posts links to "real" news items related to immigration and security; visitors can vote in a weekly poll based on the particular theme of each episode; or "Play the Game," which is a series of games beginning with the player being interrogated by two ICS agents at Toronto's Pearson airport and subsequently recruited to be a counterterrorist agent and thwart a terrorist attack on Toronto. After all, the war on terror and Canada's role in it, as Agent Slade reminds us once we complete the mission, is "all just a game." In the second season, however, the game is replaced with a newly designed nonflash site featuring a discussion forum and links to Myspace and Facebook pages for viewers to engage the substantive issues of the show and Canada/US relations—for real.

CANADA IN THE WORLD REVISITED: THE G20 DEBACLE

The chapters in this book were not all written in sequential order. Some began as conference papers, with no book in mind, when I noticed a distinct theme emerging—not only in terms of messed up moments in Canada/US relations, but also in my own ambivalence in being "Canadian." As a member of the academic community, I am responsible for teaching young active, concerned, and informed Canadian citizens and noncitizens alike; indeed the next generation of decision and policy makers. I take that responsibility seriously and passionately and try to instill in my students a sense of civic responsibility and commitment to issues of peace and social justice, a respect for human life and the well-being of the environment: in short, what I always thought were "Canadian values." However, my faith in my own country's ability to uphold these values, as evidenced

in the case studies and narratives presented in this book, have been sadly shaken.

My ambivalence in being Canadian has more recently shifted to a state of misrecognition altogether. As I was writing the final chapter for this book in June 2010, ironically, the chapter on Maher Arar, my own rights were vulnerable to suspension for several weeks prior to, during, and following the disaster that was the G20 economic summit in Toronto where I live. Indeed, I was living in a police state where police were given special powers to question and search anyone, and arrest anyone who didn't provide identification, within five meters of the designated "security perimeter": almost ten kilometers of razor wire and concrete fencing that "secured" the Metro Convention Centre and surrounding hotels where the summit was being held, from the rest of the city.⁴ This law, however, was passed in secret (on June 2, 2010) by Dalton McGuinty's Liberal provincial government, thus the "know your legal rights" flyer that I had been carrying around the week of the summit was woefully obsolete. In an even more surreal twist, it came to light after the summit's conclusion that the law that no one knew about (until they were arrested) never even existed. Rather, there was an amendment to the Public Works Protection Act designating the summit site as a public work, but police could only search and arrest someone for failing to provide ID *inside* the fence.⁵ As a result of this secret yet fake law, hundreds of Torontonians were arbitrarily searched and arrested throughout the city for "breaches of the peace," ranging from being on one's way to work or fetching a bicycle from a bike rack, to blowing bubbles and drawing peace signs on the sidewalk.⁶

Freedom from unreasonable search and seizure is but one charter right (section 8) of Canadians that was violated in the week, and wake, of the G20. Section 2 of the Canadian Charter of Rights and Freedoms guarantees the freedom of peaceful assembly that was violated by the police in the late afternoon and evening of June 26 and throughout the day and evening of June 27. Briefly, following a large and peaceful demonstration of some 25,000 people on the afternoon of June 26, a small group of perhaps two hundred "black bloc" protesters broke away from the main march with a few dozen setting several police cruisers on fire and smashing windows of a few dozen stores along Queen St. West and Yonge St., while, as is by now all too familiar a story, the 19,000 police and riot cops failed to intervene and stop the vandalism as it was occurring. In the early evening, however, police officers, some on horseback, charged onto the grounds of Queen's Park, the designated "free speech zone" and