Long Sentences for Direct Action Group

First Trials Finish

Fifth Estate Collective

1984

VANCOUVER BC—Twenty years. That was the sentence handed down by Judge S.M. Toy May 18 to Julie Belmas, of the Vancouver Five. Toy explained that the harsh sentence was to "deter others from acts of anarchy and terrorism."

Ten years were allotted for the Litton Industries cruise missile factory bombing in Toronto in October 1982; another ten were given for conspiracy to rob a Brink's truck and other sentences to run concurrent with the 20 years for weapons, arson and theft charges.

Belmas and co-defendant Gerry Hannah, who received ten years for the Brink's conspiracy and attempted arson of a porn store, pled guilty to the charges in mid-March part way through the first trial. The severity of the sentencing shocked virtually everyone—that we are continually shocked by the conscious viciousness of the state is perhaps due to our eternal optimism.

Judge Toy, who has a long history of anti-labor and anti-radical legal activity, said he was not impressed by Belmas recanting her actions. Belmas had said at the time of sentencing that she had no intention of injuring anyone during the Litton bombing, but was acting against the war machine. Toy said that their guilty pleas, Belmas' youth, and Hannah's reluctance in committing the crimes were not given weight in his sentencing decisions.

As for the other three, near the end of the trial, Toy ordered the jury to find Doug Stewart not guilty of the Brink's conspiracy for lack of evidence. Stewart was later convicted and sentenced to one day in jail—in consideration of the 16 months already spent in jail—for possession of weapons. Ann Hansen and Brent Taylor were convicted on all charges which included the Brink's, possession of weapons, auto theft and for Taylor, breaking and entering.

The second trial has begun for charges which include the bombing of the B.C. Hydro substation, possession of explosives and conspiracy to commit acts of sabotage.

Grit Their Teeth

The original decision by all of the Vancouver 5 was to proceed with the trials, grit their teeth, plead not guilty and take their chances that they could minimize the legal attack upon them by finding some loopholes through which to win acquittals. There was no illusion on their part that the trial would be "fair" or a presentation of "truth." (See "Vancouver 5: Is A 'Fair Trial' Possible?" FE #315, Winter, 1984.)

However, the strongest incentive for the guilty pleas was to put an end to the dead time—awaiting the trials and then sitting boxed in in court, day after day. Belmas and Hannah wanted to get sentenced and begin serving their time since dead time (which would have totaled about three and a half years) is rarely considered at sentencing. And since there is little opportunity for any politics or truth to cut through the courtroom bullshit, it seemed useless to go through the trials knowing it was unlikely they would bring light sentences.

Under Canadian law, any deals are merely discussions between defense lawyers and the prosecution with the judge under no requirement to honor any verbal agreements around a deal. Although the 5's defense lawyers were assured that the charges would be greatly reduced from the original list, there was no guarantee on the sentences. For all their efforts and hopes for leniency, the judge returned near maximum sentences.

The shock following the sentencing was at the realization that the plea bargaining and expressions of remorse truly made no impact on what was unfolding. It was a reminder of what people had known all along, that this case was to serve as an example with the selection of evidence controlled by the police and the out-come pre-determined. The Toronto Crown (prosecutor) stated that: "Civil disobedience in Canada involving acts of violence and terrorism must be crushed in its infancy."

This entire case has been about guerrilla politics, even when the five on trial have not had the freedom to raise their voices about it. It should have been abundantly clear to everyone that never have any of the charges been denied by any of the accused, even though they have pleaded not guilty in court. In the '80s, it is an illusion to expect to have free range of political expression in the courtroom.

The defendant has little power over anything in the court, or in the media, and any effort to bring in politics is thwarted by lawyers, prosecutors, and judges. The politics, therefore, are most strongly understood through the actions that have brought the people to jail and to the court, and it is people on the outside that must use their voices to continue the political development involved.

No matter what legalistic compromises have had to be made to attempt to avoid the martyrdom of long sentences, and no matter what silence has been necessary to avoid implicating themselves, the Vancouver 5 have never renounced their conviction that action must be taken, directly, to stop the war machine and its patriarchal, imperialist and conquistadorial attitudes.

The Trial Proceedings

The trial proper, with jury and witnesses, began January 3, making it almost one full year the Five had spent behind bars awaiting trial. Most of the 98 witnesses called in the following four months of trial were specialized "watchers" reviewing the three months of surveillance prior to the arrests.

The technology of surveillance included remote controlled closed-circuit TV cameras, planted room bugs, payphone taps, and two police observation posts in neighbors' homes. This testimony provided the most detailed picture of the techniques and structure of police investigation tactics of radical and guerrilla activists, using procedures long practiced in all major criminal investigations but combined with political intelligence gathering.

During the trial police surveillance information and wiretap evidence were ruled admissible although defense arguments showed clearly that the surveillance information released was selective, with a major cover-up around what really happened the night of the firebombing of the three Red Hot Video outlets.

The Canadian Security Service brought in from Ottawa, lawyers, the federal head of the Service and the Assistant Commissioner of the Royal Canadian Mounted Police, to ensure that the National Security Act was used to protect their officers from revealing their identities, their involvement in the surveillance during the fire-bombings, and their investigation of the wider political community in Vancouver and Toronto.

The defense's contention was that the surveillance teams did, in fact, have several people under watch the night of the arsons, and did witness the actions without making arrests which would have forced the police to cut short their investigations into the Hydro and Litton bombings.

If the judge had accepted this as fact, he would have been forced by law to throw out the wiretap evidence on the grounds that the warrant to wiretap was obtained through a fraudulent affidavit, which stated the investigation was simply for Wimmin's Fire Brigade suspects. Yet we know there was no need to investigate an action that their teams sat and watched! The Crown's case in all the trials largely hinges on the wiretap evidence and it was predictable that the judge would never rule inadmissible the prosecution's main weapon.

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