The High Cost of Information

When Governments Don't a Want That Information Public

Text like this is a link to online content.

These links are provided to give you easy access to the original news story or other relevant information.

Chad Dixon learned how to do something the government didn't like. The Indiana Little League coach now has a criminal record and will spend 8 months in prison for the crime of teaching that information to others.

What did he learn and then teach to others that the government felt so threatened by? Chad Dixon learned how to beat a polygraph test and taught others how to beat them too.

Prosecutors said he taught over 100 people how to beat the polygraph including, to quote the prosecution, "*child molesters, intelligence employees and law-enforcement applicants*". They described Dixon as a "*master of deceit*" and requested the judge send the strongest possible message. They requested a prison sentence of 2 years to deter other polygraph instructors.

U.S. District Judge Liam O'Grady acknowledged "*the gray areas*" between the constitutional right to discuss the techniques (Freedom of Speech) and the crime of teaching someone to lie while undergoing a government polygraph. "*There's nothing unlawful about maybe 95 percent of the business he conducted*," said O'Grady. However, O'Grady added that "*a sentence of incarceration is absolutely necessary to deter others*."

"*This crime matters because what he did endangers others*," said Anthony Phillips, a prosecutor with the Justice Department's division that pursues corrupt public officials.

Prosecutors say Dixon crossed the line between protected free speech and criminal conduct when he told some clients to conceal what he taught them while undergoing government polygraphs.

It's an interesting case, to be sure, and one that definitively reveals where the United States Government's line in the sand is on our Right to Freedom of Speech.

Yours in Liberty,

Christopher

In This Issue

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Privacy Violations

What an IP Address Can Reveal About You

A report prepared by the Technology Analysis Branch of the Office of the Privacy Commissioner of Canada

What can Basic Subscriber Information elements unlock?

The following examples illustrate the types of additional information about an individual that can be discovered starting from knowledge of some element of subscriber information. As shown, this information can reveal real world locations (in addition to civic addresses), elements of an individual's online activity and possibly lifestyle preferences.

1. Phone number and email address

A phone number (landline and/or mobile) can be used to obtain a variety of other information about an individual, such as:

- names and addresses associated with that phone number (using reverse lookup tools such as www.411.com);
- using open source searches, any public Internet activity or publicly accessible document that includes that phone number, including blog posts, discussion forums, financial or medical records3, etc.; and
- using domain registration records, any Internet domains associated with the phone number.

Similar to a phone number, an email address can lead to a variety of information about an individual, including:

- the real name, if used in the email address or otherwise associated with the address;
- registration for services using the e-mail address. For some services (e.g., LinkedIn), the e-mail address acts as the username;
- any domains that were registered using the e-mail address;
- Internet activities or documents, including e-mails, that contain the e-mail address and that are subsequently indexed by search engines;
- friends on social network services; and
- previous employers (e.g., if the e-mail address is included in a resume posted online).

What we found …

Indeed, as a demonstration, the mobile phone number of an Office of the Privacy Commissioner of Canada staff member was used, with consent, to conduct online searches.

The results revealed:

- the individual's full, real name;
- the individual's mobile telecommunications service provider;
- two personal web sites and their domain registrations;
- an affiliation with a university;
- contributions to online discussion forums concerning Internet broadcasting, security and professional conferences; and
- participation in a local interest group on technical issues.

As information technologies become more and more common in our lives, and the more they become an extension of our very selves, the more sensitive and revealing subscriber identification information becomes. Referring to such data as being on par with what one would find in the white pages of a phone book grossly misconstrues and underestimates what can ultimately be gleaned from such information.

As such, it is truly more than just "phone book" information. Read the full report here.

Property Rights

"Regulatory Takings" or the institutionalized theft of private property in Alberta

The Canadian Constitution Foundation, while not the most publicized rights group in Canada, is probably the most effective in pursuing our Rights and Freedoms through the court system. Their website is a treasure trove of information on past and current cases, and includes numerous papers on the various attacks on our rights.

One of these papers is titled **Regulation of Property Use and Regulatory Takings in Alberta** and it details the attacks on private property rights through a series of laws designed to strip Albertans of the very rights government supposedly is there to protect. Here is the introduction to that report.

Introduction

Governments regulate the use of property. Sometimes that regulation has a minor effect on the uses to which a property owner can put that property. Sometimes the regulation has a more severe effect. And, sometimes the regulation is so severe as to effectively strip all uses. In that last instance, it is said to effect a "regulatory taking" – also known as "constructive" takings, "de facto expropriation", or "de facto" takings – meaning that it effectively achieves an expropriation by way of regulation.

There is no liability in Canadian law for governments to compensate landowners in any of these instances, including instances of regulatory takings.

This study takes a snapshot of legislation in a single province – Alberta – and categorizes all such regulations upon property use. From easements, to expropriations, searches without warrants, taxes, limitations on causes of action, and seizures, among other restrictions on private property, the limitations on the rights of Albertans to possess property, use it for consumption or further production, exchange it for money or other property, dispose of it, or restrict the access of others to it, are extensive.

This study demonstrates how frequently the tenets of an efficient private property regime -- namely, exclusivity, transferability and enforceability – are frequently compromised, and often in a substantial manner. Thus, in Alberta, as we expect is the case in every other province in Canada (although our study was confined to Alberta), private property is never truly private.

Background

We write from a standpoint that presupposes that private property is essential for the preservation of individual freedom. It is integral to the ability of Canadians to exercise various freedoms, including freedom of expression, because the exercise of freedoms requires the use of property.

For example, freedom of the press is dependent upon private property because the press cannot be free if the state owns all the printing presses, paper, and distribution systems. A system of well-defined, secure private property rights not only protects freedom, it also promotes economic performance and progress.

Individual and economic freedom are both crucial to the social and economic well-being of Canadians. Such freedoms go hand in hand with desirable social and economic outcomes such as greater economic growth and rising incomes. In fact, individual freedom and economic freedom often advance each other. Economic freedom begets individual freedom, and vice versa, both leading to increased economic prosperity.

Over time, contract law evolved to protect ownership and free trade. Individuals and businesses could not flourish if it were uncertain whether contracts would be honoured. As such, one of the main roles of the state is to protect private property and enforce contractual performance. Beginning in the 20th century, however, the political process of the state was regularly substituted for these market processes. In the process, the state shifted from the role of protector of private property rights to that of regulator of private property rights. Far from enforcing such rights, it actively undermined such rights.

http://www.canadianconstitutionfoundation.ca/files/24/CCF%2520-%2520AB%2520Regulatory%2520Takings%2520Paper.pdf

Civil Asset Forfeiture

Canadian Constitution Foundation and Bruce and Donna Montague Need Your Help

The Canadian Constitution Foundation announced on April 17, 2013 that it would provide legal counsel to Bruce and Donna Montague of Dryden, Ontario in their ongoing legal battle against government efforts to seize virtually all of their assets. Their court hearing is now scheduled for November 15, 2013, at Queens's Park in Toronto.

Bruce Montague was a licensed gunsmith and firearms dealer who believed that Canada's gun licensure laws were unconstitutional. He deliberately allowed his firearms licences to expire in 2003 so that he would be charged with an offence and could challenge the constitutionality of the law in court.

However, the Ontario courts rejected his constitutional arguments, and the Supreme Court of Canada declined to hear his appeal.

As a result, Bruce was convicted of 25 paperwork crimes involving his firearms. He was sentenced to 18 months in jail plus probation, and is now permanently prohibited from possessing firearms. He therefore cannot resume his career as a gunsmith.

Donna Montague, Bruce's wife, likewise let her firearms licence expire and was convicted of a single offence.

The federal government has applied under the Criminal Code to force the Montagues to forfeit ownership of all the firearms they own, including Bruce's business inventory. The value of these assets exceeds $100,000.

The Ontario government has also brought a civil action claiming forfeiture of the same firearms plus the Montagues' home, which contained Bruce's shop. Ontario alleges the properties are either "proceeds of unlawful activity" or "instruments of unlawful activity" as defined by the Civil Remedies Act of 2001.

The Montagues were previously represented by lawyer Doug Christie, who died in March, 2013 of cancer.

Karen Selick, litigation director for the CCF, said: "I have been concerned about the Civil Remedies Act here in Ontario ever since it was introduced as a bill in December, 2000. I welcome the opportunity to defend this couple against financial ruin by a rapacious, opportunistic government."

Karen wrote about the Montague case in the Calgary Herald last summer in her article: "**Just like Russia, Canada Persecutes Its Protesters**."

Karen has also written several newspaper articles opposing the Civil Remedies Act, including these :

- ✔ "**Ontario Wants to Put a Grab on Property Rights**"
- ✔ "**Go Ahead—Make Our Day**"
- ✔ "**Civil Asset Forfeiture Laws Punish the Innocent and Corrupt the State**"

Karen also appeared as a witness before the Ontario legislature's Standing Committee on Justice and Social Policy in 2001, opposing the passage of the Civil Remedies Act. Here is a **transcript of her remarks**.

In September, 2012, Karen spoke about civil asset forfeiture at an Ottawa conference on property rights. Her talk, "**Property Forfeiture - the Trojan Horse of Law Enforcement**" can be seen on YouTube.

If you would like to help Bruce and Donna, **please make a donation to the CCF today**. The CCF is a registered charity in Canada and the United States and we issue tax receipts for donations of $25 or more.

If you prefer to **donate by check**, please **download the CCF Donation Form** and send it in with **your donation in support of the Bruce and Donna Montague civil asset forfeiture case**.

Donations to the Canadian Constitution Foundation of $25 or more are **fully tax deductible**, meaning **it will cost you a fraction of your actual donation** in support of this critical case, where our very Rights and Freedoms are under attack.

The Canadian Constitution Foundation is fighting for our Rights and Freedoms. Please donate generously!

Firearm Politics

Senator Romeo Dallaire Parades His Personal Hypocrisy in Shilling for United Nations Disarmament Plan

Canadian Senator Romeo Dallaire is a world-class hypocrite and coward. Sadly he parades his hypocrisy and his cowardice like Badges of Honour as he shills for the latest United Nations disarmament plan. This is the Canadian general who, when serving in Rwanda, sat on his hands (and his guns) and **watched the slaughter of hundreds of thousands** of innocent people. Their crime? Not being the *correct* tribe.

How he can look himself in the eye after such world-class cowardice and then shill for the very organization that ordered him to do nothing is beyond the comprehension of we "mere mortals".

Calling the Arms Trade Treaty "*a mass atrocity prevention measure*" Senator Dallaire makes the pitch that Canada must sign onto this atrocious piece of UN garbage.

Writing a response to Dallaire's UN shilling in the ***Toronto Star***, writer and activist **Dr. Mike Ackermann**'s scathing response is brilliant.

You've got to love this guy! He is the living embodiment of all the reasons why civilian populations need to be armed for personal defense, and yet he rails to have an international civilian disarmament program imposed world-wide.

Dallaire utterly failed to carry out his peace-keeping duty to protect hundreds of thousands of disarmed villagers from being slaughtered by a much smaller number of marauding lightly armed, machete-wielding gangs of government thugs. He stood aside, despite commanding fully equipped UN forces capable of effective intervention, while the ethnic cleansing slaughter of the Tsutsis was planned, equipped and executed right under his nose.

When he kept his well-provisioned ground troops from stopping this genocide in its infancy Dallaire was under the command of and following the orders from the UN and. interestingly, it was the Secretary-General of the United Nations, Boutros Boutros-Ghali, who played a leading role in supplying weapons to the Hutu regime which carried out a campaign of genocide against the Tutsis.

Did you get that? The UN was aware of the impending massacre while they helped supply weapons to the rampaging government hordes, and all the while ordering the UN's defensive force on the ground to stand down and let it happen. Does this let Dallaire off the hook? Hardly. "Just following orders", is the lame excuse of just about every war criminal throughout history except perhaps those at the very top, and yet without Dallaire's passive cooperation the **Rwandan Genocide** could not have happened. He was morally bound to protect civilian life and yet he "followed orders" and allowed the massacre to proceed unopposed.

What we should learn from this is no-one can ever depend on any government organization for their personal safety. These organizations fail, either accidentally or intentionally to carry out their duty. Relatively few can massacre their victims using primitive cutting weapons, but only after their intended targets are disarmed first, aided by a UN force that is capable of both active participation in and passively standing-by these massacres.

And now Dallaire wants Canada sign on to the UN ATT, a program whose major unstated impact will be the further disarmament of civilian populations on a global scale.

Is this how he deals with his guilt? By utterly refusing to acknowledge that his fateful decision to stand down while a genocide was planned and executed right in front of him was the act of a moral coward, and instead by promoting further pre-genocidal actions by the organization whose orders he so compliantly followed?

And make no mistake, that is exactly what the ATT is. Genocide is impossible to carry out against armed populations, therefore any pogrom of civilian disarmament removes the most effective barrier to genocide. I hope the Canadian government can see the UN's and Dallaire's acts for what they are, and not be swayed into signing away our rights and sovereignty to foreign interests who most assuredly will not be acting in Canada's best interests, nor in the interests of preventing genocide world-wide.

Court Decisions

BC Court of Appeals Overturns Assisted Suicide Ruling

The BC Court of Appeal made a startling decision in **Carter v. Canada (Attorney General), 2013 BCCA 435** after a lower court ruled that killing yourself with the help of another is legally, if not morally, acceptable. In the 1993 *Rodriguez* decision the Supreme Court of Canada ruled Section 241 did not infringe certain rights under the Canadian Charter of Rights and Freedoms.

Essentially overturning the *Rodriguez* decision, which upheld the constitutionality of Criminal Code Sections 14, 21(1)(b), 21(2), 22, 222(1)-222(5) and 241 against assisted suicide and euthanasia, Justice Smith made two declaratory orders.

To quote from the Appeals Court ruling:

> In the result, the trial judge granted two declaratory orders, one under s. 15 and one under s. 7. Each declaration was to the effect that the impugned provisions of the Criminal Code infringed the Charter and are of no force and effect to the extent that they prohibit physician-assisted suicide "*by a medical practitioner in the context of a physician-patient relationship, where the assistance is provided to a fully informed, non-ambivalent competent adult patient*" who is free from coercion and undue influence, not clinically depressed, and suffers from a "*serious illness, disease or disability (including disability arriving from traumatic injury), is in a state of advanced weakening capacities with no chance of improvement, has an illness that is without remedy as determined by reference to treatment options acceptable to the person, and has an illness causing enduring physical or psychological suffering that is intolerable to that person and cannot be alleviated by any medical treatment acceptable to that person*."
>
> The declarations were suspended for one year, but the plaintiff Ms. Taylor was granted a constitutional exemption to enable her to obtain physician-assisted death during the one-year period. Ms. Taylor died prior to the hearing of this appeal. The Attorney General of Canada ("AGC") appealed and various groups – some supporting the trial judgment and some opposing it – joined as intervenors.

The focus of the case in *Carter* was Section 241, however, and re-interpreting *Rodriguez* to suit a perceived change in societal views. It was judicial activism in action and it is commendable that the BC Court of Appeals dealt with the case according to legal precedent and the doctrine of *stare decisis* or binding precedent.

> [346] We have found we are bound by *stare decisis*. As serious as the issue of physician-assisted suicide is, we consider that the fact of a prior binding decision on the constitutionality of s. 241(b) takes this case out of the category in which costs should be awarded against the successful party. We recognize, on the other hand, that the issue presented is of broad public interest, and that the issue of the application of Rodriguez was not without uncertainty. Accordingly, although the case is not within all the factors borrowed from the Ontario Law Reform Commission as referred to by Hall J.A. in Guide Outfitters, it does in our view come within his over-arching description of one in which "the normal rule is unsuitable on the facts of this case." Adopting this relaxed description, we would order that no costs be awarded to any party in the Supreme Court of British Columbia.

The majority of the BC Court of Appeals overturned the lower court ruling for a number of reasons, including the doctrine of *stare decisis* or binding precedent, a proper interpretation of *Rodriguez* and a correct understanding of the scope and power of both the lower court and the BC Court of Appeals jurisdiction.

> [352] We return, then, to our comprehensive conclusion. In our respectful view, any review of the substantive Charter challenges, and the granting of comprehensive or limited relief from the effects of the law, are beyond the proper role of the court below and of this court. If the constitutional validity of s. 241 of the Criminal Code is to be reviewed notwithstanding Rodriguez, it is for the Supreme Court of Canada to do so.

If *Rodriguez* is to be overturned and assisted suicide made legal in Canada, the Supreme Court will have to revisit that decision. It will not be accomplished by a lower court exceeding its power and authority as it did in this case.

Human Rights

Report: Take back the streets - Repression and criminalization of protest around the world

CCLA has joined with nine other domestic civil liberties and human rights organizations from around the world to release a report, **"Take back the streets": Repression and criminalization of protest around the world**.

You can **download the full PDF report** from the CCLA website.

In June 2010, hundreds of thousands of Canadians took to the streets of Toronto to peacefully protest the G20 Summit, which was taking place behind a fortified fence that walled off much of the city's downtown core. On the Saturday evening during the Summit weekend, a senior Toronto Police Commander sent out an order – "take back the streets." Within a span of 36 hours, over 1000 people – peaceful protesters, journalists, human rights monitors and downtown residents – were arrested and placed in detention.

The title of this publication is taken from that initial police order. It is emblematic of a very concerning pattern of government conduct: the tendency to transform individuals exercising a fundamental democratic right – the right to protest – into a perceived threat that requires a forceful government response.

The nine case studies detailed in this report, each written by a different domestic civil liberties and human rights organization, provide contemporary examples of different governments' reactions to peaceful protests. They document instances of unnecessary legal restrictions, discriminatory responses, criminalization of leaders, and unjustifiable – at times deadly – force.

The ten organizations that contributed to this publication work to defend basic democratic rights and freedoms in nine countries spread over four continents. Across the regions where our organizations operate, States are engaged in concerted efforts to roll back advances in the protection and promotion of human rights – and often, regressive measures impacting the right to protest follows in lockstep. And across the globe, social movements are pushing for change and resisting the advancement of authoritarian policies; dozens, hundreds, thousands or hundreds of thousands of individuals are marching in the roads and occupying the public space.

In rural areas across the global south, there are a variety of demands, calling for access to land or resisting the exploitation of natural resources that threaten indigenous peoples' or peasants' territories. In urban settings, housing shortages or lack of basic services spark social protests and upheavals.

Even in developed economies, there are disturbing tensions provoked by the contraction of the economy, globalization policies and the social and political exclusion of migrants. Students' movements all over the globe are demanding the right to education.

History tells us that many of the fundamental rights we enjoy in our contemporary life were obtained after generations before us engaged in sustained protests in the streets. The prohibition against child labor, steps toward racial equality, women's suffrage – to name just a few – were each accomplished with the help of public expression of these demands.

If freedom of expression is the grievance system of democracies, the right to protest and peaceful assembly is democracy's megaphone. It is the tool of the poor and the marginalized – those who do not have ready access to the levers of power and influence, those who need to take to the streets to make their voices heard.

Unfortunately, these are also rights that are frequently violated. Our organizations have witnessed numerous instances of direct state repression during protests: mass arrests, unlawful detentions, illegal use of force and the deployment of toxic chemicals against protesters and bystanders alike.

At other times the state action is less visible: the increased criminalization of protest movements, the denial of march permits, imposition of administrative hurdles and the persecution and prosecution of social leaders and protesters.

This publication attempts to address some of the gaps in public debate about the state responsibility toward the protection of the right to protest and assembly. We relate nine case studies from the nine countries about how governments have responded to diverse kinds of protest and public assembly.

The cases, originating from Argentina, Canada, Egypt, Israel and the Occupied Territories, Kenya, Hungary, South Africa, the United Kingdom and the United States, each present a unique state reaction in a unique domestic context. They relate instances of **excessive use of force** resulting in injury and death, discriminatory treatment, criminalization of social leaders, and **suppression of democratic rights** through law, regulation and bureaucratic processes. And despite the fact that all the cases come from different countries, with different substantive debates and different social contexts, **a number of common threads** are identifiable.

A number of case studies document disproportionate and illegal use of force by police, resulting in hundreds of wounded and dead.

The American Civil Liberties Union details the case of police brutality against protesters in Puerto Rico, recounting violent beatings and low-flying helicopters spraying toxic chemicals over hundreds of peaceful demonstrators.

The Egyptian Initiative for Personal Rights details six days in November 2011, when the police shot thousands of tear gas canisters directly into the crowds, resulting in numerous deaths due to asphyxiation, in addition to deaths caused by live fire and shotgun pellets. In one case, the police shot tear gas into a building and then sealed all the doors and windows, suffocating the people inside.

In Kenya, police beatings and shootings around the 2013 election left several dead and dozens more injured.

And in Argentina, the Centro de Estudios Legales y Sociales tells of police indiscriminately firing live ammunition to disperse of some of the poorest families from Buenos Aires, who had descended from the overcrowded outskirts of the city to peacefully occupy an open piece of land.

These cases collectively illustrate the use of lethal and deadly force in response to largely peaceful gatherings seeking to express social and political viewpoints. The deaths and injuries are caused both by the use of firearms with live ammunition, and also through the use of so-called "nonlethal" weapons – a term that we intentionally reject.

The numbers of dead and injured due to the inhalation of tear gas and other less-lethal weapons clearly demonstrates the urgent need to clarify and expand the norms that regulate the use of these law enforcement tools.

It is also striking that these documented acts of violence and repression are frequently compounded by a lack of accountability. Justice systems in multiple countries appear unwilling or unable to undertake the serious investigations necessary to hold powerful state actors accountable for their actions.

Several other chapters document the persecution or criminalization of those social leaders and community members that organize demonstrations. The Association for Civil Rights in Israel, for example, relates the struggles of community activist and West Bank resident Bassem Tamimi, who has spent over 13 months in jail for peaceful, expressive activities.

In Canada, the Canadian Civil Liberties Association sets out how a student leader was put on trial for contempt of court – and found guilty – after telling the media he thought it was legitimate for students to picket universities. And in Argentina, the social leaders who were essential to establishing dialogue with authorities during a critical point of social crisis were afterwards prosecuted. Their participation in official negotiations was used as evidence that they were capable of controlling others involved in the event, and that they had instigated others to commit crimes.

These cases demonstrate how the justice system not only frequently fails to provide accountability for the illegal acts committed by law enforcement, but can also at times act as a repressive force toward demonstrators and social organizations.

Too often, those individuals who are courageous enough to lead peaceful opposition or voice dissent must also be brave enough to face subsequent prosecution and detention from government authorities. It is difficult to calculate the chilling impact such prosecutions have on current and future leaders of social movements.

The post-9/11 context has also made a mark on governments' reactions to societal dissent. Many countries have introduced broad anti-terrorist laws, and as time passes there is an increasing risk that these tools of interrogation, arrest, search and detention will be redirected toward peaceful political activity and domestic dissent. The case study from Liberty provides one example of how the United Kingdom's counterterrorism laws were applied to

peaceful anti-arms protesters. It was only during Liberty's case challenging the abuse of these search powers that the UK public discovered that the whole of Greater London had been subject to a multiyear, high-level terrorism designation giving police officers significantly enhanced powers of search and detention. The fact that this discretionary power was disproportionately and arbitrarily used against blacks, Asians, and individuals from other visible minority communities should not come as a surprise.

Finally, the case studies from the Hungarian Civil Liberties Union and South Africa's Legal Resources Centre demonstrate how the very existence of laws regulating the exercise of the right to protest can facilitate the denial of rights and discrimination.

In both countries, community groups had to go to the courts to force the government to facilitate their basic democratic rights. Laws that give authorities a measure of discretion can be applied or interpreted in a manner that restricts or limits the impact of the expression or actions of social groups – and in particular those groups that are vulnerable or likely to be subjected to discrimination. It is clear that, when faced with the potential disruption or inconvenience that is inevitably caused by protest, governments too often react by seeking to ban the demonstration, rather than accommodate it.

All the cases presented show the integral role played by civil society organizations in protecting these fundamental democratic rights. Each organization that has contributed to this publication recognizes that a democratic society must not only tolerate, but actively facilitate, social participation and protest. And each organization actively operates on the premise that, no matter the underlying cause or issue, individuals' and groups' right to protest must be protected. Dissenting voices must be heard. And they must be given the space – both legal and physical – to do so.

Report Recommendations

Recommendation 1: Increase regulation of less-lethal weapons

• Governments should establish and enhance domestic and international regulatory frameworks to control police use of less-lethal weapons, with particular attention to limits on deployment during protest

• Thorough, independent, scientific testing of less-lethal weapons should occur prior to deployment to establish lethality and health impacts

• Strict deployment guidelines and training must be implemented based on thorough, independent scientific studies, and reviewed regularly to ensure compliance and currency

Recommendation 2: Increase precision and clarity regarding the scope of human rights protection for protests

• States should explicitly affirm even protests that are strictly "unlawful" are equally protected by the right to freedom of peaceful assembly

• States should explicitly recognize that individuals who are exercising their peaceful assembly rights continue to receive protection, even when other individuals within a crowd commit acts of violence

• Government statements on the limits of peaceful assembly should be accompanied by an affirmation that other human rights norms, including limits on state use of force, remain relevant

Recommendation 3: Increase attention to, and vigilance of, legal and administrative limitations on the right to protest

• States should review domestic legislation to ensure that any administrative or legal regulations that could restrict protest are demonstrably necessary and proportionate

• All legislation that could restrict protest should explicitly state that the role of the state is to facilitate the right to protest

• Governments should carefully monitor the operation of these laws and policies to ensure they are not being implemented in a discriminatory or unnecessarily restrictive manner

You can **download the full PDF report** from the CCLA website.

Citizen Abuse of the Week

Student Faces Felony Weapons Charges for Fishing Tackle

It's a situation we see replayed across North America with alarming frequency. So-called "zero tolerance" policies against weapons in "gun-free zones" bring the full weight of the Almighty State down on the unsuspecting head of some "*mere citizen*" in ways that defy both common sense and rationality.

Such is the case of 17-year-old Cody Chitwod. Cody is, like so many Georgia boys his age, an avid fisherman, and it's this passion for the outdoors that landed him in very serious trouble.

Cody attends Lassiter High School in Cobb County, Georgia. The school is, in accordance with today's Nanny State Mentality, a gun-free zone and like all such zones, takes a zero-tolerance stance on "*weapons*" on school property.

Cody loaded his fishing gear into his car with the intention of going fishing after school. That seems innocent enough, right? A kid wants to go fishing. Where's the crime in that?

Timing.

Cody's planned after-school fishing trip was the same day police showed up at Lassiter High School with drug-sniffing dogs for a "random search" of school property and all vehicles located on it.

The dogs sniffed something in Cody's car, giving police all the probable cause they required to perform a complete search of his vehicle. Turns out the dogs freaked over the presence of trace amounts of black powder, residue left over from 4th of July fireworks. No harm there. It was Cody's fishing tackle box that caused the over-reaction and felony charges against the young man.

Why?

His fishing tackle box contained a knife for cleaning the fish he caught. The presence of this knife violated the school's zero tolerance policy. Cody was arrested and charged with a felony weapons offense. If convicted he could face anywhere from 2 to 10 years in prison and $10,000 fine.

The irony is this young man planned to join the Air Force so he could serve his nation. A felony conviction would be an end to that plan, not to mention a bar to most of the professions to which the young man aspires.

All this because the 17-year-old wanted to go fishing after school. All this because zero-tolerance policies are applied with absolutely zero common sense.

Thankfully some Georgia state legislators agree that zero-tolerance policies must go. Georgia State Representative Ed Setzler (R-Kennesaw) said:

> "The public expects the same good common sense they use every day of their lives to apply to the laws of our state, and we as legislators seek nothing less. We'll inspect the current state of the law, but our school leaders don't like it, our law enforcement doesn't like it, and we're finding out the citizens who understand the current state of the law certainly don't like it."

Writer **Dave Jolly makes a great point** when he writes:

> I wonder what they would find in the cars of teachers and other school faculty if they were searched? Have any of them ever put fishing tackle or a toolbox in their car and then took them to school? If so, would they face the same felony weapons charges as a student?
>
> I understand the need to protect students, but how many students are having their lives ruined by something as innocent as throwing their tackle box in the car without thinking about the knife in the bottom used to clean fish? Just like everything else in life, there has to be some common sense used in these situations, but so few educators today exercise any form of common sense that they look more like tyrants that educators.
>
> Hopefully, Chitwood's attorney will be able to get the felony charges dropped so he can continue on with his life and serve his country.

Action Alert

The Following Issue Requires Immediate Action

Wendy Cukier's Coalition for Gun Control is desperately attempting to salvage the Quebec long gun registry. She's asked the Supreme Court for permission to intervene on the Province of Quebec's behalf in support of keeping the grossly incorrect database, even though it is unknown if the Supreme Court will hear the case.

Horrified that her annual parade of the dead women from 1989's L'Ecole Polytechnique shooting rampage by **Gamil Gharbi** hasn't garnered her more support, she's also teamed up with a Quebec anti-gun group to pressure Steven Blaney, our new Minister of Public Safety.

Complaining that the loss of Quebec's gun registry will endanger the lives of Quebecers as it has already done in the rest of the country, she is demanding Minister Blaney support her request to transfer the database to Quebec to "*maintain security and safety of your fellow citizens*." The lack of shooting deaths since the database was destroyed for the rest of Canada simply proves Cukier is a fraud with an agenda; that the truth doesn't matter.

Despite Windy Wendy's protestations otherwise, the rest of the nation has not suffered a spike in shooting deaths with the loss of Canada's useless long gun registry, and it is critical that Public Safety Minister Blaney hear something other than the bleating cries and pathetic mewling of Wendy and her ilk.

Please take a few minutes to write a letter to Minister Blaney supporting the Harper government's decision to scrap the long gun registry and to encourage him to continue fighting Quebec's quest to keep that database.

We've already won this legal battle at the Quebec Superior Court level. The Quebec Government now wants to bring the issue before the Supreme Court of Canada.

Minister Blaney needs to hear from Canadians who support the scrapping of this database, as it has absolutely nothing to do with protecting Canadians from so-called "*gun violence*."

There is no such thing as "*gun violence*." It's one in a long line of misnomers used by those who despise guns to tug on the heartstrings of those who haven't educated themselves on this issue.

Do we call it "*car violence*" when drunk drivers kill people? Or "*knife violence*" when someone stabs another human being? No, of course not.

We hold the individual accountable for their criminal actions, not the piece of private property they used to commit their crime. That's precisely as it should be.

Tracking law-abiding citizens does not promote safety or prevent murderers from committing crimes.

Canada's law-abiding firearm owners are NOT the problem. Canada's law-abiding firearm owners didn't kill anyone yesterday. Canada's law-abiding firearm owners didn't kill anyone today. Canada's law-abiding firearm owners are not going to kill anyone tomorrow either. Not even when the law no longer requires us to register our rifles and shotguns.

Contact to Minister Blaney using the following information:

The Honourable Steven Blaney
Minister of Public Safety
House of Commons
Ottawa, ON K1A 0A6

You can also contact him by phone or fax at:

Phone: (613) 992-7434
Fax: (613) 995-6856

His email addresses are:

blanes1b@parl.gc.ca, **blanes@parl.gc.ca** and **ministerpublicsafety@ps-sp.gc.ca**

Political Action

The Political Action Wizard Free Senate Edition - Download and Use it Today

On June 23, 2013 I announced that the **political action software program** I had created for contacting every Senator in Canada was ready for you to **download and use**. While the reason I created the software is no longer relevant (The Senate repeal Section 13 of the Canadian Human Rights Act on June 28) the Canadian Senate still has a lot of power over the lives of ordinary Canadians.

While they did a great thing by finally passing Bill C-304 to repeal Section 13, the very same day they absolutely gutted Bill C-377, a bill that would have forced Canadian labour unions to become more transparent. They did this and got away with it because nobody was watching them and they knew it.

The Political Action Wizard Free Senate Edition is a tool for every Canadian to use to write to our Senators and express our views on the legislation before them. As their actions on Bill C-377 proved, we must let our Senators know we're watching otherwise all kinds of silliness takes place.

http://download.politicalactionsoftware.org/senate-free-edition/