

Bush Citizen's Arrest in Canada: Judge Manfred Delong Meets Splitting the Sky

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Today the trial of Splitting the Sky commenced. Splitting the Sky attempted a citizens' arrest on credibly accused war criminal George W. Bush on March 17, 2009, and was arrested and jailed for doing so by police. Try as its representatives might to disguise their motivations with the kind PR spin doctoring we witnessed in the court today, the Calgary Police, the RCMP and its contractors were under the Harper government's strict political orders to protect the Alberta home turf of the current minority government that came to power as the holder of the Bushite franchise in Canada. Some have termed this historic proceeding as "The Trial of Splitting the Sky versus George W. Bush" (<http://www.youtube.com/watch?v=IP6DSMCXKLg>). From what I witnessed firsthand on day one, the government attempt to manage this highly volatile convergence of law and politics was an exciting affair.

The morning's proceedings were mostly filled with the testaments of the policemen involved in protecting Bush and arresting STS. Amazingly, when one of the policeman was asked why he had arrested the Mohawk activist, the official contended that he "was protecting STS" from Bush's henchmen. He went on to say that Bush's protectors carry "lethal weapons" and that they would in all have used them to kill the accused man. Rather than seek further information on Bush's private-Blackwater-style militia, the lawyers on both sides of the case passed over this startling revelation.

The presiding magistrate, Judge Manfred Delong, initially appeared, in my view, to be siding with the Crown prosecutor against STS's lawyer, Charles Davison. Davison's initial submission asked the court to allow for a distinction between "Obstructing a Police Officer" and "Preventing a Police Officer from Performing his Duty." Davison's argument was disallowed by Judge Delong. From that point on, Mr. Davison appeared to be improvising in a defence on which the hopes of many in the anti-war activists are riding.

Certainly the turning point of the day came when STS took the stand to testify in his usual flamboyant, surprising and erudite manner. STS reminded the court that it was the same laws which the minority government eschewed vis-a-vis Bush which were invoked to keep British peace activist George Galloway MP out of Canada last March. STS opined: "All Galloway had been doing was bringing medical aide to Palestinians in Gaza, 2000 of whom Israel had massacred, but they barred Galloway from Canada using the same laws which they should have used to ban George W. Bush."

My perception was that until STS testified, Judge Delong was more inclined to the Crown's

side of the argument, namely that the police were “keeping the peace” in a law-abiding manner by arresting STS. Once STS had outlined his justifications for seeking the arrest of Bush, the judge perked up markedly. Charles Davison’s main contentions revolved around the characterization of STS’s understanding at the moment he attempted the citizen’s arrest. STS informed the court that three documents most influenced his decision to arrest Bush. The first was a statement disseminated prior to Bush’s lecture date by Lawyers Against the War. It was directed to a number of law enforcement officials right up to Prime Minister Stephen Harper. In a concise yet rich and detailed intervention, LAW detailed why George W. Bush was inadmissible to Canada under the Immigration and Refugee Protection Act and Canada’s Crimes Against Humanity and War Crimes Act (see: <http://www.globalresearch.ca/index.php?context=va&aid=12668>).

The second document submitted to the court was a letter of solidarity written by former US Attorney-General Ramsay Clark. Over three decades Clark and STS have developed a deep and fruitful collaboration going back to the days when the latter was charged with killing a jail guard in the Attica prison debacle of 1971. The third document to be placed before the Court is entitled “Bush League Justice: Should George W. Bush be Arrested in Calgary, AB, and Tried for International Crimes.” It was authored by STS’s friend and colleague, Anthony J. Hall (<http://www.voltairenet.org/article159233.html#article159233>). I noticed that Judge DeLong, who had been particularly statue-like and expressionless prior to reading Hall’s essay, suddenly metamorphosed into an engaged human being apparently interested in this highly significant case in Canada’s history.

Not long after the period when Judge DeLong had listened to STS’s impassioned oratory and viewed Professor Hall’s essay, the court was adjourned. The judge concluded by stating he was willing to stay until Thursday (i.e. for the full four days allotted for the trial) plus an extra day if necessary. The Judge’s looking ahead to a week-long trial can be deemed a victory for STS and his supporters as a five day event should allow for more evidence to be brought to light in a legal proceeding which is certainly one of the most significant trials ever to take place in Calgary. Judge DeLong has been presented with a chance to create a beacon of a hope in a world afflicted with the prospect of never ending military strife as set in motion by the Cheney-Bush regime’s fraudulent Global War on Terror.

Tomorrow is the second day of the trial and STS’s lawyer may be calling Professor Anthony J. Hall to the stand to testify. Cynthia McKinney will arrive in Calgary on Tuesday evening. It is hoped the the court will give this indefatigable freedom fighter the green light to testify on Wednesday.

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