

# WOODWARD'S

## Oral History Collection



*Interview with:*

John Richardson (JR),  
Founder of PIVOT Legal Society

Conducted by Josh Gabert-Doyon (JGD)

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*“...At these [Pivot Legal/VANDU] pizza parties, the lawyers found that it was obvious these people had no idea what their rights were, and to be ignorant of that was completely shocking. Violence was assumed by residents: getting punched for talking back to a police officer, it was just like “obvious that you were going to get punched if you talked back to a police officer.” When lawyers heard that it was like, there was certainly a big gap of [pause] belief, between the lawyers and the residents. But clearly they knew what was happening to them. Making them [the residents] aware that it was wrong was the first stepping stone to doing something about it.”*

– John “Jim” Richardson

**JGD: Let’s start with the history of Pivot.**

JR: It began as a partnership with VANDU<sup>1</sup> - do you know what VANDU is?

**JGD: Yup.**

JR: I’d bring pizza, I’d bring lawyers, these were monthly, and we had basic meetings where people would talk about issues they were facing and lawyers would be there for people to ask questions, and to explain about the law. A lot of those issues around abuse of power, addiction services is another one, criminalization of prostitution is another one, homelessness and housing was one as well. Those were how we’d build campaigns. The first one was really the addiction services stuff. There was a needle exchange table at the corner of Main and Hastings that the police shut down and we got involved with that. The first big things were needle exchange related. We did a lot of work preparing for a report, taking affidavits of police misconduct. But as we were rolling out these plans the Woodsquat happened. So that was a little bit less planned than the other stuff, where we were brought into a situation that emerged. The Woodsquat needed legal representation, or at least legal advice, and we were the only shop in town [laughs] that people trusted, so we got pulled in.

<sup>1</sup> Vancouver Area Network of Drug Users

**JGD: So you were already rolling out a campaign around police brutality and Woodward's fit into that?**

JR: Well Woodward's wasn't really about police brutality. It was about converting that building into social housing. They had a protest to convert it into social housing. Obviously the police overstepped their bounds and it became, in some respects, a police brutality case, but there were other issues besides police misconduct.

**JGD: The thing that I've heard from some people was that the kind of tools that Pivot was providing to activists, in terms of Copwatch, was a pretty big part of what was happening on the ground. I'm interested in how that was centering activists, and how it was a pedagogical thing, how you were giving people these tools. Can you explain how that was a philosophy of Pivot and how that factored in?**

JR: What does pedagogy mean?

**JGD: Just in terms of learning and teaching, educational.**

JR: Oh yah. Yah well certainly at these pizza parties, the lawyers found that it was obvious these people had no idea what their rights were, and to be ignorant of that was completely shocking. Violence was assumed by residents: getting punched for talking back to a police officer, it was just like obvious that you were going to get punched if you talked back to a police officer. When lawyers heard that it was like, there was certainly a big gap of [pause] belief, between the lawyers and the residents. But clearly they knew what was happening to them. Making them [the residents] aware that it was wrong was the first stepping stone to doing something about it. We had rights cards that we gave out, that became a multi-year project actually. Rights cards was part of it, the affidavit campaign where we sat on the corner of Main and Hastings documenting people's experienc-

es with the police. Copwatch obviously, trying to catch them in the act, make them [the police] aware that they were being monitored and watched. And the cops got their noses in a bunch of places, the needle exchange which they took upon themselves to shut down and seize. So we got involved with that, and demanded that they return the stuff, and they backed down. They were just swaggering goons, throwing their weight around, and being combatant, because that was under the [inaudible] of social planning. They had a very big view of their role, that extended to the realms of housing and health and public order. So we were trying to make people aware that, here's what you can do, here's what they cannot do, and here's what you can do when they do what they're not supposed to do.

**JGD: I know you were also on the ground at the beginning, with some of the injunction stuff that happened with Woodsquat, and I heard that you had your own experience with police shoving and pushing during those early moments of the squat. Can you recount that for me?**

JR: Yah I mean it was a bit more than shoving and pushing, they arrested me.

**JGD: [laughs] Right.**

JR: Basically what happened was that people were inside the building, and the police came... [pause] What happened here? There was an injunction and they got everyone outside the building, they were advising people of their rights, and that process. There were concessions, so they [the protesters] decide that if they can't squat inside the building then they'll squat outside the building, which is public property. So they had tents, people moved in, it was a big thing, they surrounded the building. The police heard this, but they didn't actually have a legal ground to do anything, there was no injunction on place - because this was city property now. They decided to

do something anyway. I got a call, I was at home, I think it was the evening, I got a call, and someone called me saying: "They're here, they're beating us with sticks, they're taking our stuff, you have to get down here" and the line cut. So I got down there, I could see what was happening, they [the police] had these garbage bags, they had a big police line that prevented anyone from going in, they were throwing people's stuff in garbage compactors. It was just a melee. Lots of police, a big police line. So I said: "I'm going to cross this line, I have to go talk to my clients" and they said "No you're not" and I said, "Well yes I am", and they said "No you're not" and I said, "Well, watch me". And so I did, because they were my clients. And he [the police officer] arrested me and got caught on camera by the news station, didn't realize that till later. They took me to the police station and kept me over night, tried to strip search me and all these things, which we had lots of arguments about in the station. Luckily there was someone named Gail, Gail Johnson? Who was from Lawyers Rights Watch, it's a non-profit organization that defends lawyers in Canada and abroad, and she got wind of this, and she was on the phone with them right away, just straight into the jail saying "Let him go." And they just didn't know what to do. So they took a very light approach with me, because they were nervous, and I was telling them the whole time: "This is an illegal arrest guys, you shouldn't try anything." And they were nervous about that. I got released in the morning, without charges, and we sued them for that, in the end.

**JGD: You did?**

JR: Yah. We lost the court appeal. The appeal decision was that even though the police officers action was illegal, he didn't know he didn't have the authority to do that, so there was no lawsuit. It was a very bad decision.

**JGD: Another kind of interesting legal thing I wanted to ask you about was the sidewalk issue, where the justification that was eventually used, if I understand it, that was to get an injunction on city property. Or was there some kind of issue with the sidewalk as public property? Can you explain that to me?**

JR: Well, very interesting. They didn't have an injunction when they went and took people's stuff away, so they were caught with their pants down, because they didn't actually have anything. And the next day [inaudible] this whole raid by the police was caught on camera, my arrest as well. It was very embarrassing for them in the end, actually. People got quite angry that people had done this without an injunction. Because there was a lot of pundits that were saying - they didn't have any grounds to do that, particularly destroying people's property. Destroying identification, medication, putting them in compactors, which was outrageous. So the union got involved, they stepped in, and showed up with trucks of mattresses. And everyone got one. The next night, the camp was fully supplied by donations of mattresses. Still on the sidewalk, but now the police were afraid. They didn't try that game again. They had zero impact, except they destroyed people's property and embarrassed themselves. The city at that time was at the governance of the NPA, and they proceeded to get their injunction, and we fought it as much as we could, we had court appearances. In the end the elections happened, and the new government was not Vision - it was COPE. Larry got in, a talker, he got in, he decided they weren't going to follow through with what the NPA had done, instead they had a hotel and decided to move everyone into the hotel in due time if they holed up. There was a negotiating settlement and they made all sorts of promises about social housing and what would happen in the Woodward's building and in the meantime they were going to be living in this hotel that was run by the Portland Hotel Society. You can say it... it wasn't as great as everyone hoped, but there are social housing units at Woodward's, so anyway a

deal was struck, there was a negotiation, and there was no more police activity.

**JGD: Just for context, were you part of that negotiation that was going on?**

JR: No not really... well I mean I was advising people, I knew what was going on, I definitely kind of knew, but I was not in there with the negotiation team. It was Portland people. Portland had the hotel, that was a big deal, and it was the leaders of the Woodsquat, but I was not involved.

**JGD: When it comes to the sidewalk issue - was that during NPA or was that after with COPE, that was eventually the kind of justification?**

JR: The sidewalk thing all happened during NPA. It was only when the cops failed in their raid, and the NPA government went to the government to get the injunction, that went on for a few weeks, the Woodsquat was happening during that time. There was a stay, a 10 days, or 2 weeks. The government went to court they said they weren't going to proceed with the injunction right away. It was a matter of time for there to be no enforcement action, they knew there was going to be a new government, so there was no attempt to enforce the injunction, instead they decided to negotiate, and that was the new government's position.

**JGD: In the aftermath of Woodward's you mentioned there was a suit that you had pertaining to your arrest. Were there other legal actions that persisted after the squat had been dismantled?**

JR: I don't remember. Certainly there was a claim with lost possessions, but I wasn't involved with it. I don't remember if there was or there wasn't.

**JGD: Taking a longer, broader perspective, what plot point does Woodward's represent in this city and the way that the Downtown Eastside is changed.**

JR: It's very interesting, I think it was actually very important. It was the election issue, and every party had a position to do with the Woodsquat. They had been promising to transform that building for like, a decade. It was empty for a decade. The NPA looked pretty bad for having sat on their hands for all that time. COPE was good at capitalising on that, and had a pro-health view of addiction. And so there were other issues boiling, issues around safe injection sites that was very much alive. The safe injection site, a rebel injection site that was happening, police were clearly out of line, very embarrassing. So it was the main election issue. The Woodsquat was just, the manifestation of all of the stuff. I think it was the determinate election issue. So we get the government changing, and a very different approach to the Downtown Eastside is happening.

**JGD: What about in terms of PIVOT and in terms of the work you were doing with PIVOT, how did that factor into a longer project?**

JR: I don't know, it was one of many things that was happening. It wasn't our biggest thing. It was more - I wouldn't say opportunistic - but we didn't plan that one. We just reacted and we were there to help people who already had stuff going on. In a different way it helped give them the backbone to take [up] their issues. To camp on the sidewalk because they knew we had their back. So they knew it was valuable in that way. We weren't leaders, but it certainly raised the profile of what we were doing and what was going on in the Downtown Eastside. But I wouldn't call it our biggest campaign, it was a big one though.

**JGD: What kind of lessons do you think we can take when it comes to**



**Woodsquat, when it comes to future campaigns like it?**

JR: [Laughing] Well I mean we still have housing protests going on. People's right to have shelter is still contested. There are still municipalities that are trying to shut down housing without providing alternatives. Unfortunately this battle has not been won, people don't have a right to housing. But I think it's certainly a very important issue, I mean another municipal election was about housing.<sup>2</sup> Not so much about homelessness this time, but about housing affordability. But still the number of homeless are climbing, all these broken promises from Vision. I don't know if the legal frame has evolved that much, it's moved forward a little bit, but we certainly don't have [the] legal right to housing.

**JGD: What do you mean by that the legal framework hasn't moved forward – that the arguments were the same? Explain that for me.**

JR: Well people don't have a right to housing. People that don't have houses, have to sleep outside. So even when they're sleeping outside they can get harrassed and be told they have to move. So the city is refusing to acknowledge - there's not an international consistency in how we approach this. There are some high constitutional principles, but they haven't manifested in policy or spending. So when the city spends 25 million dollars on a new art museum, and we have homeless people all over, it hasn't impacted spending priorities. Municipalities are not seeing themselves as that obligated.

**JGD: That's an interesting point. What were the other legal issues that interested you about Woodsquat looking back. You described it as an exciting campaign, were there other things that stick with you about that?**

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2 In reference to the 2018 Municipal Election in Vancouver, BC.

JR: Well there was the police aspect to it all. They certainly had to back up. They reached the limit of their power and they got bounced. That was interesting. The use of injunctions, fighting injunctions. That lasted! A constant battle of injunctions. In the surrounding municipalities as well, in Nanaimo...but that battle has not been clearly won, so that's irritating. There's intersections of housing and police around that.

**JGD: Maybe this is a very basic point but what is an injunction, and why is it significant in this way?**

JR: Injunctions are usually used in environmental contexts to prevent protesters from going into a specific area to delay or stop logging activity. Originally injunctions were used to move people from public space and force them to go along. It's a pretty heavy handed legal tool, it gives the state inherent jurisdiction to obey the law. They can be very forceful to require people to obey injunctions. It's a very old aspect of law. What else can I say about injunctions? I knew a bit about it because I had been involved with the environmental movement before I started PIVOT. And I had written a handbook on civil disobedience and injunctions, so I knew the law. The court orders you to leave. The court orders you to obey the law, now it's not just the law you break when you're going against it, you're going against the courts direct order, and that's where things get very touchy. Because there are policies in place to hold people in account if they break the law. For example, the penalty for sleeping on the sidewalk is a ticket, that's all they could do was give people a ticket. And people took the tickets and laughed at them and threw them in the garbage. Because they didn't give a rats ass about the tickets. So the city was like holy, we don't know what to do here, and that's when they got the injunction, and the injunction was asking the court to order people to obey the law. And now we're in a different game because we're not talking about tickets anymore, were talking about

an order of the court. The court has warned you about being present, that's where the word injunction comes from, and if you break that, you're basically making fun of the court. And that's a sphere where legal defiance is taken to court, undermining the authority of the court, that's where the hand gets very heavy. They'll have no compunction about sending in a busload of police to get people to obey an injunction. That's just what they'll do. So you don't really want to mess around with injunctions once they're issued, there's not much you can do. It's pretty heavy.

**JGD: One thing I wanted to ask you just because I've been asking everyone as part of this project, is - where you're at now, particularly in your case, with moving on from PIVOT, I was wondering if you could give me a sense of why you left the legal profession?**

JR: [Laughs] Well I was always there as an activist, I was interested in that. I'm still an activist, I'm just using a different methodology. I started PIVOT, I got it going, at a certain point my marginal benefit, my marginal utility was not as high as it was at the beginning. I had done this thing and it needed to keep going, and it didn't need me as much. I had another idea, which was Ethelo, and what I'm doing now. I went off and started it as a nonprofit, online participatory democracy, and it became a technology company that sells stakeholder engagement and public consultation, and other services. It's also an attempt to create systemic social change, but this time looking at the structure of government and how decisions are made in democracies. I left because I saw an opportunity for even more impact. PIVOT was doing OK, and I could do other things, that's why I left.

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