

Canada's Conservatives launch sweeping assault on democratic rights with new anti-terror bill

By Roger Jordan
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The anti-terrorism bill Canadian Prime Minister Stephen Harper unveiled last Friday contains measures signifying a vast intensification of the drive to abrogate democratic rights and establish the scaffolding for a police state.

Making the announcement in front of Conservative Party supporters rather than in parliament, Harper presented plans that will see Canada's premier spy agency, the Canadian Security Intelligence Service (CSIS), freed from virtually any legal restraint in its day-to-day work.

Bill C-51 provides for CSIS to act in violation of domestic and foreign laws in its intelligence gathering practices and surveillance of suspects.

This is combined with a vast strengthening of the authority of CSIS to take action against terrorist suspects, including measures to disrupt alleged terrorist activity. According to information released by the government, it is no longer acceptable that "CSIS does not have a legal mandate to take action concerning threats. Instead, CSIS is limited to collecting and analyzing information and intelligence, and advising the Government of Canada."

Under the new bill, CSIS operatives will be empowered to break the law and violate the Canadian constitution's Charter of Rights, if they have "reasonable grounds" for believing that a threat is posed to Canada's national security and have obtained court authorization. This is a lower level of legal evidence than would be expected in an investigation by law enforcement officials with the power of arrest.

If a court gives its assent, CSIS agents will be able to perform numerous illegal acts, including breaking into suspects' homes, seizing and copying documents, and installing or removing "anything." The only limitations are that CSIS cannot kill or physically harm someone or "violate" their "sexual integrity."

The government is presenting these powers as a response to the threat of terrorist attacks.

But the legislation is worded in such a way that it empowers CSIS agents to disrupt not only terrorist activity

and plots but rather all "threats to the security of Canada." These include "espionage, sabotage, foreign influenced activities, terrorism and domestic subversion (activities against the constitutionally established system of government in Canada)."

The court oversight proposed by the Harper government would be limited to a judge signing off on these activities in advance. Thus, in effect, the courts would be providing CSIS with a blank cheque to act as it saw fit, with no further review after the fact.

With Bill C-51, the government has abandoned even the limited separation of intelligence work from law enforcement operations adopted by the Canadian ruling elite in the 1980s following damaging revelations about the activities of its security agencies. CSIS was founded in 1984, after a public inquiry uncovered systematic law-breaking and intimidation on the part of the Royal Canadian Mounted Police's (RCMP) Security Service, CSIS's predecessor. The Security Service employed violence, break-ins and arson, among other illegal techniques, against political parties and leftists, especially socialists and trade unionists.

The reformed framework did nothing to prevent CSIS from obtaining vast surveillance powers, such as spying on the population's telephone and online communications, and systematically violating legal restrictions, illustrated most notably by the revelation that CSIS deliberately lied to the courts over several years about its spying practices.

The bill also broadens the definition of terrorist offences by criminalizing the act of "advocating" or "promoting" terrorism in general. Currently, the promotion of a specific act is required for an offence to be committed.

The new provision is patently aimed at targeting political opponents of the government's embrace of militarism in Canadian foreign policy. Just last week, Harper implied that the leader of the opposition New Democrats, Thomas Mulcair, was a supporter of Islamic State in a parliamentary

exchange in which Mulcair raised questions about the government's deployment of special forces in Iraq. Harper told parliament, "I know that the opposition thinks it is a terrible thing that we are standing up to the jihadists. I know they think it is a terrible thing that some of these jihadists got killed when they fired on the Canadian military."

If this is the response to those, like the NDP, who merely differ with the government over the tactics to be pursued in upholding Canadian imperialism's interests, it is not hard to imagine what the reaction would be to the emergence of a genuine anti-war movement in the working class.

Provisions are also to be strengthened for facilitating the seizure and removal of material from the Internet considered to be encouraging terrorism. A court will be able to order the removal of articles, pictures or videos from websites that it deems to be "terrorist propaganda." Information published on Harper's website confirmed that this law was directly inspired by Britain's example, where authorities are able to block "extremist" material online.

Bill C-51 will, in addition, expand the power of the RCMP to detain individuals without charge. It would allow suspects to be detained for up to seven days and expands the "peace bond" scheme, whereby suspects who have neither been convicted nor charged with an offence are compelled to give up their passports and banned from travelling abroad. The maximum period is currently two years. Bill C-51 would lengthen it to five years.

Judges would also have the authority to impose other conditions on suspects, such as reporting regularly to police officers or electronic tagging. Indicating the vague character of suspicion that would be necessary before adopting such measures, the government declared that they would be aimed at those "who may in some way be connected to carrying out a terrorist activity."

The level of suspicion necessary to make an arrest will also be reduced from the current requirement that a "terror act will be carried out" to the much more vague belief that a terrorist attack "may be" in preparation. In the course of their investigations, government agencies will be permitted to share data on any individual.

Harper justified these draconian measures as necessary in the face of the grave threat posed by Islamist terrorism. In keeping with his repeated portrayal of Canada as a nation under siege from terrorists, he declared last Friday, "Our government understands that extreme Jihadists have declared war on us, on all free people, and on Canada specifically. Our government will continue to protect the rights and safety of all Canadians."

In reality, the government is pursuing a very different agenda with this latest legislative package. Firstly, it is seeking to exploit the climate of fear whipped up by the

claim that Canada is under attack to win support for Ottawa's growing involvement in the predatory war in the Middle East led by US imperialism.

Domestically, the terrorist legislation is aimed at suppressing all opposition among workers to the government's unpopular policies of war abroad and attacks on social and democratic rights at home. Bill C-51 is only the latest in a raft of repressive measures instituted by successive governments led by the Conservatives and opposition Liberals since the 9/11 terrorist attacks. These include an all-embracing definition of terrorism, which could cover protests and strikes by workers, mass surveillance of the population by CSIS and the RCMP, and powers to compel witnesses to testify in terrorism trials. In December, parliament adopted Bill C-44, granting blanket legal anonymity in court to CSIS informants, and sanctioning CSIS's spying on Canadians outside the country.

This reactionary drive also feeds in to the Conservatives' strategy for the upcoming federal election, which it intends to fight on an overtly right-wing basis by casting the opposition as soft on terrorism and incapable of carrying out the ruling elite's demands for deeper attacks on the working class.

The opposition Liberals and New Democrats will offer no principled opposition to this programme. Liberal public safety spokesman Wayne Easter remarked, prior to the presentation of the new law, that the Liberals were "very open to what the government will propose." Noting that his party's only real complaint was a lack of parliamentary oversight, he left no doubt of his fundamental agreement with expanded state powers, asking, "One key question is: why have current laws not been utilized to the full extent we think they should be?"

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