

# Canada's opposition parties acquiesce to government's draconian "anti-terror" bill

By Roger Jordan  
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Canada's opposition parties have signaled that they will mount no serious opposition to the Conservative government's latest "anti-terror" bill—legislation that would dramatically expand the powers of the national security apparatus and attack core democratic rights.

The Liberals, who polls indicate are the best positioned to unseat the Conservatives in the coming federal election, have announced they will vote in favour of Bill C-51 even if the government rejects the various amendments they intend to propose. The trade-union based NDP, the current official opposition, has thus far refused to say whether it supports or opposes the legislation. Like the Liberals, what criticisms it has made have been confined to the lack of "oversight mechanisms."

Under Bill C-51, the Canadian Security and Intelligence Service (CSIS), the country's premier spy agency, is to be empowered to use illegal means to "disrupt" purported threats to Canada's national security, a major shift from its current role as an intelligence-gathering agency. "Disruption" techniques could include breaking into homes, interfering with bank accounts and other personal data, and intercepting mail and other packages.

While the government is promoting Bill C-51 as an "anti-terror" law, the legislation stipulates that CSIS can use illegal means against a wide range of threats to Canada's national security, including threats to its economic stability or territorial integrity, foreign espionage and subversion. CSIS, it should be added, has long subjected a wide array of dissident groups to surveillance, including leftist, environmental and aboriginal groups.

The legislation's only restrictions on CSIS's right to "disrupt" are that a judge must approve the target through the issuing of a "disruption" warrant and the secret police's dirty tricks must not cause bodily harm.

Bill C-51 would also grant the Royal Canadian Mounted Police (RCMP) additional powers of preventive arrest. Persons whom the authorities contend "may" commit a terrorist act could be detained for up to seven days without charge. Police will also be able to arrest individuals for a

new offence of "promoting or advocating" terrorism, a vague formulation that could apply to political opponents of the government's aggressive war in the Middle East, or potentially even those who use strong language in denouncing the ruling elite's austerity measures.

The evidence thresholds for detention-without-charge and arrests are to be reduced for terrorist offences.

Neither of the opposition parties has questioned the implications of any of these measures for democratic rights.

Even prior to the bill's tabling on January 30th, the Liberals announced that they were ready to back it. Last Wednesday, party leader Justin Trudeau confirmed that the Liberals will vote in favour of the bill in parliament, even if their minor amendments to strengthen parliamentary controls over the spy agencies are not adopted. "This bill can be improved, but as a whole, it does include measures that will keep Canadians safe," declared Trudeau.

The NDP is reportedly now leaning in favor of opposing Bill C-51. But its long silence and refusal to challenge the bill's sweeping attack on democratic rights indicate that while it may ultimately vote against Bill C-51, its opposition will be muted and pro forma.

In a statement released the same day Prime Minister Stephen Harper outlined the legislation, NDP Foreign Affairs spokesman Paul Dewar attacked the government from the right. After citing the NDP's call for more third-party oversight of the national security apparatus, Dewar called for more funding for the security services, commenting, "We are also concerned about the cuts Conservatives have made to the police, intelligence and broader security agencies in recent years."

Fully accepting the reactionary framework of the government's anti-terrorism rhetoric, and siding with the Conservatives against anyone seeking to question their motives, he went on, "Everyone in Canada is united in our determination to keep this land strong and free. From time to time we will disagree on how to achieve this goal but no matter what differences we may have, we believe all parliamentarians must approach this complex issue with the

respect and dignity it deserves and we know that every Member of Parliament is committed to the safety and security of all Canadians.”

NDP leader Thomas Mulcair continued the party’s avoidance of any reference to the bill’s substantive measures during his parliamentary appearance last week. Referring to a Conservative comment that parliamentary oversight of the security agencies would amount to “red tape,” Mulcair rhetorically asked if the government thought “the safety of Canadians” was just “red tape.”

Harper’s government has responded to the opposition by stating that CSIS’s activities are already scrutinized by the Security and Intelligence Review Committee (SIRC). This government-appointed “watchdog” was formed with the explicit aim of removing scrutiny of the intelligence agency’s activities from the purview of parliament. It has a long history of apologizing for, or covering up, CSIS misdeeds, including CSIS’s complicity in the torture of Canadians whom it fingered to foreign intelligence agencies. In recent years, the SIRC has issued highly praiseworthy reviews of CSIS, even as one revelation after another has come to light exposing their involvement in mass spying against the Canadian population and lying to the courts.

While the Conservative government now lauds the work of the SIRC, it has in fact shown little regard for it, using it to make patronage appointments and leaving two of its five seats vacant for almost a year. Previous Conservative appointees include Arthur Porter, who is currently imprisoned in Panama fighting extradition to Canada to face charges of accepting millions in bribes, and Chuck Strahl, who was compelled to resign last year due to a lobbying scandal.

While the Conservatives reject any additional oversight of the national-security apparatus, thereby underscoring their contempt for democratic rights, the opposition parties are suggesting that Canadians’ rights would be secure if only the government followed the example of the US, Britain and Australia, where a handful of legislators, vetted and sworn to secrecy, review the activities of their countries’ respective spy agencies.

The fact that the assault on democratic rights has been just as severe in countries where parliamentarians enjoy a formal supervisory role—as underscored by the blanket spying operations of the US National Security Agency (NSA)—is passed over by the Liberals and NDP in silence.

Much of the coverage in the mainstream media has portrayed the unwillingness of the opposition to openly criticize Bill C-51 as a product of their unease at being labelled “soft on terror” by Harper and his Conservatives in the upcoming federal election campaign. There is no denying that Harper is preparing to conduct far and away the

most right-wing election campaign in modern Canadian history, whipping up a climate of fear over the purported threat posed by Islamist terrorism and championing Canada’s participation in the new Mideast war.

However, the more fundamental reason for the opposition’s lack of criticism is that the ruling elite as a whole is in broad agreement with the destruction of democratic rights and the construction of a police state. They see it as essential in dealing with the growing opposition among the working class to their strategy of aggressive war abroad and attacks on social rights at home.

Both the Liberals and NDP have proven themselves to be loyal defenders of the Canadian bourgeoisie and its state.

In the immediate aftermath of the 2001 terrorist attacks in New York and Washington, it was a Liberal government under Prime Minister Jean Chretien that brought forward Canada’s first major piece of anti-terror legislation, creating a new category of criminal offenses with special rules and harsher penalties. The 2001 Anti-Terrorism Law undermines basic legal and democratic principles, such as the right to remain silent. It also includes an all-embracing definition of terrorism which in the future could be invoked against striking workers or militant anti-government protest over issues such as the environment.

Neither the Liberals nor NDP have condemned the mass surveillance being conducted by Canada’s signals intelligence agency, the Communications Security Establishment (CSE), even after the government admitted that it is systematically spying on the metadata of Canadians’ electronic communications.

The NDP has lined up time and again on the side of the state in opposition to the population. In the wake of the police brutality at the G20 protests in Toronto in 2010, they defended the police operation as appropriate. Then, when the Quebec provincial government brought in its draconian Bill 78, banning demonstrations throughout the province and effectively illegalizing the 2012 Quebec student strike, the NDP refused to criticize the law on the spurious grounds that it was a “provincial” matter.

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