

Canada's police-state bill passes final parliamentary hurdle

By Roger Jordan and Keith Jones
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With yesterday's ratification of Bill C-51 by the Senate, the Conservative government's police-state legislation requires only royal assent in the form of the Governor-General's signature to become law.

Framed by Stephen Harper and his Conservative government as an anti-terrorist measure, Bill C-51 dramatically expands the powers of the national security apparatus to spy on and suppress opposition to the ruling elite's agenda of austerity and imperialist aggression.

Bill C-51 will empower Canada's Security and Intelligence Service (CSIS) to break the law and violate the Canadian constitution's Charter of Rights and Freedoms in "disrupting" what it deems to be threats to Canada's economic and national security, territorial integrity or constitutional order.

Under this "disruption power," CSIS could break into properties, seize documents and other materials, tamper with bank accounts, press employers to fire "national security" suspects, forcibly detain them, or subject them to psychological torture. The only "dirty tricks" CSIS is expressly banned from mounting are those that would cause someone bodily harm, kill them, or impugn their "sexual integrity."

In response to a public outcry, the government passed a minor amendment to this part of the law during parliamentary hearings, stipulating that all protests, not just "lawful" protests, would be exempt from CSIS disruption. This is no more than a fig leaf. CSIS can and will justify its use of "dirty tricks" against strikes in defiance of anti-worker laws and other mass social protests by claiming they are threatening economic or national security. Already, CSIS and the RCMP carry out blanket surveillance of protest movements on the grounds that some of their participants might engage in vandalism or otherwise break the law.

The requirement that CSIS obtain the permission of a judge, in a secret court hearing, before breaking the law represents no significant impediment to its targeting government opponents en masse. Those targeted will have no knowledge of the proceedings, let alone the opportunity to challenge CSIS's designation of them as threats to Canada's security. Moreover, the proceedings will remain secret, giving rise to a secret jurisprudence, where the security agencies working in concert with a handful of carefully vetted judges will decide which

groups and individuals Canada's premier spy agency can use criminal means to "disrupt."

Bill C-51 also guts Canadians' privacy rights. It eliminates virtually any restrictions on the sharing of information between government agencies and departments in "national security" investigations.

The legislation also creates a "speech crime" of promoting terrorism "in general," not tied to the incitement of any specific terrorist act. Persons will be liable to a five-year prison term for anything they say or write, in public or private, that the state deems promotes terrorism. Combined with new powers permitting the courts to remove websites and ban other publications judged to contain terrorist "propaganda," this will be used to target critics of government policy, such as Canada's staunch support for Israel.

Under Bill C-51, the state is arrogating new powers to restrict the movements and activities of alleged terrorist suspects—persons who have not been charged, let alone convicted of any crime.

It is also significantly expanding its powers of preventive detention. Instead of the upper limit of 72 hours, police will now be able detain terrorism suspects for seven days and on a lower evidentiary basis.

In keeping with the bill's antidemocratic character, the Conservative government steamrolled it through parliament. Debate was kept to a minimum at all stages, with many prominent critics of the bill denied the right to appear before the House of Commons committee tasked with studying it. Even the Conservative government-appointed Privacy Commissioner was excluded.

At the same time, the government stepped up its campaign of lies and disinformation, portraying Canada as under terrorist siege. Harper seized on the twin attacks by disoriented individuals last October to portray Canada as a country under threat from Islamic extremists so as to justify both the strengthening of the national security apparatus and the expansion of Canada's role in the new US-led war in the Middle East. It was thus no coincidence that as Bill C-51 was being rushed through the House of Commons, the government pushed through a parliamentary motion extending the Canadian military intervention till April 2016 and expanded it to include

Syria.

If the Conservatives have proceeded so ruthlessly, it is because the assault on democratic rights has the support of ruling circles around the globe and domestically.

In recent months, Britain and France have passed or announced new legislation that in the name of combating terrorism and extremism gives vast new powers to their national security apparatuses. US President Barack Obama, who presides over far and away the world's largest spy network and who has baldly asserted the right to order the summary execution of US citizens considered terrorists, explicitly called for Washington's allies to strengthen their coercive powers at an "anti-terrorism" conference in February.

This is only the latest stage in a systematic drive, initiated over a decade ago under George W. Bush, to gut basic democratic rights and erect the scaffolding of a police state under conditions of deepening social inequality and growing popular alienation in every major capitalist country.

Canada's ruling elite is also fully on board with the project of expanding the already existing authoritarian state structures. The opposition Liberals joined with the government in voting Bill C-51 into law. While they claimed to oppose certain aspects of the bill, Justin Trudeau and his Liberals said its passage was necessary to protect Canadians from terrorism.

The *Globe and Mail*, Canada's "newspaper of record," emerged as a prominent opponent of the bill. But its criticisms said nothing about the comprehensive spying network already in place in Canada, nor the fact that the *Globe* has stood firmly behind Harper over the past nine years, including backing his antidemocratic constitutional coup in 2008 and his campaign for a parliamentary majority in 2011. The Harper government has used this majority not only to attack democratic rights and expand Canada's participation in imperialist wars, but also to effectively outlaw strikes in the federal-regulated sector, slash unemployment insurance, raise the retirement age, and cut tens of billions in social spending.

The *Globe* was subsequently joined in its opposition to Bill C-51 by four former Prime Ministers and various retired Supreme Court Justices and Solicitors-General. This opposition, as exemplified by the focus on the Conservatives' refusal to provide for greater "oversight" of the national-security apparatus—was motivated by the fear that under conditions of mounting class tensions and social anger, such an outright break with traditional bourgeois-democratic norms would discredit parliament and the other key institutions of bourgeois rule.

The official opposition New Democratic Party (NDP) delayed taking a clear stance on Bill C-51 for almost a month. When it became clear that a section of the ruling elite felt that Harper was going too far, the NDP belatedly declared that it would oppose the bill in parliament. However, its opposition was purely on tactical grounds, as shown by the fact that it focused the majority of its attacks on the lack of "oversight,"

whether by a vetted parliamentary committee or some third-party body of trusted ruling-class representatives, like the existing Security and Intelligence Review Committee.

The NDP proposed a series of amendments to the bill in parliament. But it made no appeal to the growing popular opposition, which has found limited expression in a series of demonstrations nationwide. Nor did the NDP use the debate over Bill C-51 to draw attention to the systematic spying on Canadians' electronic communications being carried out by the Communications Security Establishment (CSE).

With public hostility to the Harper government's sweeping attack on democratic rights mounting and the Liberals increasingly under fire for their support for Bill C-51, the NDP has cynically shifted its position in the expectation it will bring electoral dividends. Initially, NDP leader Thomas Mulcair said an NDP government would not repeal Bill C-51, only amend it. But last month he changed his tune and vowed the NDP would scrap Bill C-51.

Such rhetoric is being employed even as the NDP persists in making overtures to the Liberals to form a coalition government after October's federal election. Not only did the Liberals vote for Bill C-51, they implemented Canada's first post-9/11 anti-terrorist legislation and subsequently authorized the CSE to collect and sift through the metadata of Canadians' electronic communications.

The lesson to be drawn from the passage of Bill C-51 is that the defence of basic democratic rights falls to the working class. It is the only social force which has no interest in the maintenance of the vast national security apparatus built up to spy on the entire population, or the use of authoritarian state powers to suppress opposition to militarism and war. Only through the emergence of a mass working-class political party committed to a socialist and internationalist program can the unending destruction of social and democratic rights by the ruling elite be halted.

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