

Canadian government attacks civil liberties

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The Canadian government is invoking the events of September 11 and Canada's participation in the war against Afghanistan to justify the adoption of a gamut of new laws and measures that imperil civil liberties.

Already the Liberal government has signalled that police and the Canadian Security Intelligence Service (CSIS) will be given significant new powers and the rights of Canadians, especially refugees and landed immigrants, curtailed. On October 1, Prime Minister Jean Chretien announced the creation of a high-powered cabinet committee that is charged with reviewing all aspects of government policy and legislation from the standpoint of the "war on terrorism." Among the committee's principal responsibilities will be to coordinate and harmonize Canada's security and immigration regimes with those of the US and to work with Washington's new Office of Homeland Security.

Although Chretien has not joined US President Bush in declaring the eradication of terrorism his government's *raison d'etre*, he and his ministers are echoing Washington's line that "everything changed" on September 11. Consequently, all the old norms and verities concerning civil liberties and the balance between freedom and "security" must be revisited. According to Liberal Finance Committee Chairman Mauricio Bevilacqua, "For Canadians," the war against terrorism "may mean stepping outside their comfort zones, elevating the importance of national, continental and global security, [and] providing greater resources and latitude to our law enforcement partners to defeat the enemy, whose strategies and tactics have changed."

For their part, the Official Opposition Canadian Alliance and the right in general are denouncing the Liberal government for being "too soft" and "too slow" in bolstering police powers and military, police, and CSIS spending. It is no exaggeration to say that many on the right, beginning with the editorial board of the

National Post, were disappointed when initial reports that some of those involved in the September 11 terror attack had crossed into the US from Canada were proven to be false. The right saw a "Canadian connection" to the terrorist attacks as not only providing it a means to advance its law-and-order and militarist agenda, but more significantly, as giving it an instrument to revive the drive to replace the Chretien Liberals with a government dedicated to eliminating what remains of Canada's social safety net and all regulatory constraints on capital.

On Monday, the Liberals are to table a new anti-terrorism law. While details of the legislation have not been divulged, it is expected to increase the penalties for certain offences, criminalize the collection of funds for organizations designated by the Canadian state as "terrorist," give police new powers of detention, loosen restrictions on police surveillance of telephone and Internet communications, and broaden the category of state secrets under the Official Secrets Act. In many respects these proposals are patterned after those advanced by the Bush administration.

Justice Minister Anne McLellan has said that the legislation will also include a definition of terrorism. Earlier this year, the Liberals reportedly back off from including such a definition in another bill because it was so broad as to make it almost certain to be overturned by the courts.

Whatever the modalities of the proposed definition, it is patently obvious that the Canadian and US governments have defined and un-defined groups as terrorist in line with their foreign policy objectives. Bin Laden and the Afghan fundamentalists were yesteryears' freedom fighters, while the Palestine Liberation Organization and the African National Congress were condemned by Washington and Ottawa as terrorists.

The two-week-old cabinet security committee has

been dubbed the “War Committee” by sections of the press. On Wednesday, its head, Foreign Affairs Minister John Manley, announced an immediate \$250 million increase in government spending on domestic security equipment and personnel. The \$250 million includes money for a new photo identity card for all landed immigrants—a card that in the future will have the capacity to include biotechnological information such as fingerprints or retina scans. Said one senior Liberal, “This is not the full-blown response. It is the initial blush of the impact.”

Among many other things, the Cabinet Committee will consider boosting CSIS, military and Royal Canadian Mounted Police budgets and giving the CSIS or some new agency a greatly enhanced foreign intelligence mandate.

Chretien’s decision to name Manley as committee head is especially significant given Manley’s recent trenchant statements concerning Canada’s purported failure to provide enough manpower and money for “international security.” To much applause from the press, Manley has said that Canada has been trading on the reputation it earned in the two world wars in the first half of the last century and must radically change course if it is to remain a “global player.” “If you want to play a role in the world ...,” said Manley, “there’s a cost to doing that.”

The Liberal government has also seized on the tragic events of September 11 to try to press for swift adoption of two bills that have been vigorously criticized by civil libertarians, much of the legal profession and immigrant groups.

Bill C-16, the Charities Registration (Security Information) Act, empowers the government to strip a charity of its tax-free status if the government suspects the charity is supporting or serving as a front for a terrorist group. What makes this legislation especially reactionary is that it sets aside democratic judicial principles concerning the right to know the evidence against you and the inadmissibility of evidence collected through illegal means.

The law gives the Minister of Revenue the right to go before a Federal Judge in the absence of the legal representatives of the targeted charity and in making his case to use evidence that would otherwise be inadmissible in a court of law. The charity is then to appear before the judge to defend its bona fides, but

without knowledge of the case against it. Moreover, in delivering his verdict the judge can refuse to explain the basis of his decision if he deems national security could be compromised. There is no right of appeal.

Bill C-11 drastically reduces the rights of refugees and landed immigrants. Indeed, Immigration Minister has boasted that the law includes “very harsh measures.” Under the legislation, the determination of who is deemed to be a political refugee—that is someone fleeing the danger of persecution—is to be made in 72 hours, rather than as at present over a period of six months. Moreover, Immigration agents are to be given the power to immediately expel anyone they suspect of being a security risk to Canada without even the benefit of a hearing.

Bill C-11 also greatly increases the right of the state to deport landed immigrants—a power which in a period of political unrest could be used to target opponents of the government, as it was in the 1930s. Under the legislation, any landed immigrant convicted of an offence for which one can be sentenced to more than two years in prison is liable to deportation, irrespective of how many years that person has lived in Canada.



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