

Twenty years since the Air India bombings—Part 2

Why is the Canadian government resisting a public inquiry?

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This is the second and concluding part of a two-part article. The first part was posted July 29.

The 1985 Air India bombings took place during the Canadian Security Intelligence Service's (CSIS) first year of existence. Facing public outrage over systematic criminality on the part of the RCMP's intelligence-national security branch, the RCMP Security Service, the Canadian government had opted to replace the Security Service with a new, "civilian" intelligence agency, CSIS.

The creation of CSIS was the principal recommendation of the McDonald Commission—or as it was officially known, the Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police. "Certain activities" referred to a broad pattern of RCMP violations of the law including mail theft, break-and-enters, and arson. Much of this criminal activity was carried out by the RCMP's Security Service and targeted socialists, peace and student groups, trade unions, and Québec *indépendantistes*.

The catalyst for the commission was the case of RCMP Security Service member Robert Samson. In August 1974, Samson blew off a part of his hand in the course of carrying out a bombing on behalf of organized crime, likely with the aim of provoking government intervention against a militant strike of supermarket workers. Brought before the courts, Samson at first resorted to various improbable claims in an effort to hide his links to the mob. But then, suddenly, faced with the obvious skepticism of the court, he blurted out that he had done "much worse" for the RCMP.

Ultimately, Samson's sudden announcement would open the floodgates to an entire series of exposures of RCMP wrongdoing, beginning with Samson's own admitted involvement in an operation against the Agence de Presse Libre du Québec (APLQ). On the night of October 6, 1972, the RCMP broke into the offices of the APLQ, a small left-wing group, stealing documents and ransacking the place in an attempt to make the break-in appear to be the work of right-wing thugs.

Samson's admission about the APLQ operation triggered an investigation by the Québec Justice Department, and charges of "failing to obtain a search warrant" were laid against three police officers, one each from the RCMP, the Québec Provincial Police and the Montréal Urban Community Police. All three officers pled guilty, but were then granted unconditional discharges by the court.

This meant that not only could the officers in question return to work immediately without criminal records, but also that the RCMP had succeeded in avoiding damaging public exposure of the details of their crimes. Then Liberal Solicitor-General Francis Fox claimed that the APLQ break-in was an "isolated and exceptional" crime.

In fact, it was neither isolated nor exceptional. By this time, the solicitor-general's office was already beginning to investigate charges of RCMP improprieties brought forward by two disgruntled former Security Service

employees, ex-Staff Sergeant Donald McCleery and ex-Sergeant Gilles Brunet. McCleery had been personally involved in the theft of dynamite and the burning down of a barn that was supposedly to host a meeting between Black Panthers and the Front du Libération du Québec (FLQ). McCleery and Brunet also told the government about numerous cases of illegal mail opening, document theft, and even of the RCMP's "participation and assistance to the Central Intelligence Agency in offensive activities in Canada."

At this point, it was the RCMP itself that began to call for a public inquiry. The RCMP argued that a federal commission "would see the Security Service in a more favourable light than would the general public if cases arose one by one, sometimes in criminal proceedings." In other words, a public inquiry might offer a chance to restore public confidence in the Security Service, at a time when the unfolding of the Watergate affair and the events in Vietnam, Chile and elsewhere had drawn unwelcome attention to the dirty tricks of Western intelligence agencies.

From the standpoint of both the RCMP and the government, a public inquiry had a further, not insignificant advantage—it provided them with an excuse to obstruct the Québec government's Keable Commission. The Keable Commission had been established in 1977 by the pro-separatist Parti Québécois (PQ) provincial government to investigate RCMP crimes in Québec. Fearing that it would uncover the details of RCMP spying on the PQ in the early 1970s and other illegal RCMP activities, both the RCMP and the Canadian federal government did everything they could to stonewall the Keable Commission. Nonetheless, it succeeded in uncovering considerable evidence of police wrongdoing, including details of the RCMP's theft of the PQ's membership list (Operation Ham), and of the Montréal Police's infiltration and control of an FLQ cell.

The federal McDonald Commission was officially announced on July 6, 1977. All three commissioners (Alberta Supreme Court Justice D.C. McDonald, Montréal lawyer Guy Gilbert, and Toronto lawyer Donald Rickerd) had close ties to the Liberal party. They were assisted by two Department of National Defence investigators, a member of the National Harbours Board Police, and four Ontario Provincial Police officers.

Lest there be any doubt that this was a case of the fox being left to guard the chickens, the commission was to report to the Liberal government rather than Parliament as a whole, and it was told specifically that it must not offend foreign intelligence agencies (i.e., the CIA). Substantial parts of the commission's final report regarding the extent of the government's knowledge of RCMP crimes were kept from the public.

The McDonald Commission investigated a total of 292 specific allegations of RCMP wrongdoing, including illegal break-and-enters, mail opening, unauthorized access to confidential government records, unauthorized electronic or physical surveillance, and "countering," in other words, dirty tricks. It concluded that Canada's intelligence service

had routinely carried out practices “not authorized or provided for by law” and that there had been a general “breakdown of the rule of law in the Security Service.”

The commission’s number one recommendation was that the thoroughly discredited RCMP Security Service be abandoned and that a new “civilian” intelligence agency be created in its stead.

Any democratic pretense surrounding this recommendation was just that—pretense. The commission advocated that the new agency have the right to open mail and conduct break-ins, and that it be given access to all government data with the exception of census data. It urged amendments to federal and provincial laws so that undercover agents could legally obtain false identification documents. The RCMP’s criminal investigation branch was to receive a similar expansion of powers.

Behind the “democratic” cover, the real concern of the Canadian ruling class (as expressed through the commission) was that the RCMP Security Service lacked the necessary political savvy and “sensitivity.” The dominant elements within the essentially paramilitary RCMP more or less viewed anyone to the left of the Liberal Party as a dangerous subversive, if not an agent of the Soviet Union. By 1978, the RCMP had files on 800,000 people and had conducted surveillance on leaders of the reformist New Democratic Party (NDP), peace activists, and even Liberal Solicitor General Warren Almond. The McDonald Commission called for a more sophisticated agency, staffed with university political science graduates schooled in the finer nuances of political work, i.e., covert struggle against forces opposed in some way to the bourgeois Canadian state.

In June of 1984—after a period of parliamentary maneuvering in which the Liberals attempted to give the new agency as much power as possible to do legally what hitherto had been illegal—the Canadian Parliament passed bill C-9, creating the Canadian Security Intelligence Service. It was the last piece of legislation to be enacted by the Trudeau Liberal government.

Less than a year later, Canada was rocked by the most lethal terrorist attack in its history and, as we know now, the newly-created CSIS was in the very thick of the affair.

Although the new intelligence agency had the conspirators under surveillance, it had failed, according to its version of events, to appreciate that a major terrorist attack was in preparation. Subsequently, the RCMP concluded, or at least appears to have concluded, that not only did CSIS have the bombers under surveillance, one of the bombers’ key associates was a CSIS informant.

It is unclear when the Canadian government learned of CSIS’s role. The RCMP top brass deeply resented the creation of CSIS, the dissolution of the Security Service, and the loss of front-line responsibility for domestic intelligence. Although a substantial number of Security Service personnel had transferred to CSIS, many in the RCMP viewed CSIS as a contemptible rival and therefore would have been eager to bring to the attention of their political masters evidence of CSIS incompetence and/or wrongdoing.

Whatever the exact train of events, there is no question that from the beginning, government officials and the national-security top brass were determined that there be no public scrutiny of CSIS’s role. The Canadian government, RCMP, and national-security establishment had spent years seeking to restore public confidence in and render more effective Canada’s political police after it had been shaken by revelations of the RCMP Security Service’s illegal activities and spying on vast numbers of Canadians.

Twenty years on, the cover-up of the CSIS role in the Air India affair continues and for the same reason—to shield the national-security establishment from scrutiny of its actions and powers.

The Liberal government of Paul Martin is maneuvering on several fronts in order to either entirely obviate a public inquiry into the Air India debacle or, failing that, to restrict the terms of any eventual inquiry so as

to protect its secret services as much as possible.

* The government points to the official exoneration of CSIS by the Security Intelligence Review Committee (SIRC), the official “oversight” body for CSIS. A 1992 SIRC report concluded that CSIS had erased the surveillance tapes on Air India conspirator Talwinder Singh Parmar because of confusion and outdated policies and not because it was trying to cover up either incompetence or wrongdoing by its agents.

The same report concluded that this wholesale destruction of material on the man widely known as the principal figure behind the bombings miraculously caused no loss of evidence! This rather too kind interpretation of events has been directly contradicted by the RCMP. A 1996 memo by RCMP officer Gary Bass asserted not only that CSIS had destroyed a great deal of evidence in the case, but that they had done so without giving any notice to the RCMP, who as the agency responsible for the laying of any criminal charges obviously had a great deal at stake in the Air India investigation

* The government has also sought to preclude any deeper examination of the Air India affair with a variety of “public relations” initiatives. Martin’s well-publicized attendance at the anniversary ceremony was preceded by an equally widely trumpeted meeting between Minister of Public Safety and Emergency Preparedness Anne McLellan and the families of the victims of Air India flight 182.

McLellan argues that an inquiry 20 years after the disaster would turn up nothing new. For 20 years the government has avoided an inquiry with the excuse that a criminal investigation was under way; now that the investigation has failed, the government argues that it is too late for an inquiry.

* All the better to forestall the possibility of an inquiry, McLellan has appointed the former NDP premier of Ontario, Bob Rae, to “investigate the possibility” of an inquiry. Since leaving office in 1995, after having headed the right-wing NDP provincial government that paved the way for the notorious Harris Conservatives, Rae has repeatedly been called upon to play the role of advisor and yes-man to the highest echelons of the Canadian state, and was a member of the above-mentioned Security Intelligence Review Committee from 1998 until 2003.

Both within Canada and internationally, there is a long history of governments holding public inquiries precisely in order to bolster flagging public confidence in the institutions of the state. But under present circumstances the Canadian government is acutely sensitive to the danger that yet another inquiry into the conduct of its security and intelligence services will have quite the opposite effect, fanning growing concern over the increasing power given CSIS, the RCMP and other agencies involved in national security.

The Chrétien-Martin Liberal government, like other traditional bourgeois democratic states, seized on the events of September 11, 2001, to pass a raft of new measures increasing the powers of the state and its national-security establishment. Initially there was little public questioning of these measures. But as the Canadian state has begun to make use of these powers—for example, holding persons indefinitely without trial—and as people in Canada have seen how the Bush administration has exploited and manipulated the “war on terror” to justify sweeping attacks on democratic rights and the invasion and conquest of Iraq, public concern has grown.

The aftermath of the Air India trial has coincided with the unfolding of the Arar inquiry. Maher Arar was a Montréal telecommunications engineer who while traveling through New York was arrested by US authorities on spurious charges of being involved with terrorism, and then “rendered” to Syria where he was incarcerated for nine months and tortured. From the beginning, it was apparent that US authorities had acted on the basis of allegations forwarded by their Canadian counterparts, who also smeared him upon his return. A “confession” extracted from him by torture found its way to the press via elements within the diplomatic corps

and the security and intelligence apparatus.

The public inquiry into Arar's ordeal has been expressly set up so as to treat CSIS and the RCMP with kid gloves. Express allowance has been made for the government to declare that certain testimony or information is a matter of "national security interests" and thereby remove it not only from public scrutiny, but even from the scrutiny of Arar and his lawyer.

But despite these precautions—or perhaps because of the great extent to which the government has been resorting to them—the inquiry has served to underline the deep complicity of the Canadian state in the wrong done to Arar and its wholehearted cooperation in the Bush administration's "war on terror."

That the Air India bombings took place despite CSIS's close surveillance of the conspirators, that CSIS was quick to erase tapes of the main figure behind the plot, and that CSIS may have had an agent involved with the conspiracy—all of this pulls the rug out from under the claim that the new spy agency was a cleaner act whose sophisticated political sensitivities would be put to use protecting Canadians.

And for the past 20 years a key, if not the key, concern of both Liberal and Conservative federal governments in the Air India investigation has been to cover up CSIS's involvement so as to ensure the stability of the national-security establishment.

The Canadian government, like its counterparts around the world, has seized on the events of September 11, 2001 as a pretext for a new offensive against democratic rights. In reality, a fearful elite is mindful of the dangers posed by mounting social inequality, and is preparing instruments to contain and control the inevitable emergence of threats to their rule. In the final analysis, this is why the Canadian government is resisting an inquiry into the Air India bombings.

Concluded

A selection of documents from the Air India trial, including transcripts of Bagri's interrogation are available at:
http://www.cbc.ca/news/background/airindia/files_investigation.html



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