

# Canada: Growing evidence Conservatives illegally suppressed vote in 2011 federal election

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Lawyers representing a group of voters and the liberal-nationalist Council of Canadians have announced that they will not appeal a May 23 Federal Court judgment that upheld the 2011 federal election results in six ridings (electoral districts), even while finding significant evidence of electoral fraud.

The plaintiffs had asked the court to nullify closely-contested Conservative Party victories in the six ridings after it was discovered that a nationwide voter suppression campaign had been initiated from the Conservative Party's central computer database. Judge Richard Mosley found that illegal electoral activity had clearly taken place, but said that it had not been conclusively proven that local Conservative Party candidates or agents were involved or that the voter suppression campaign functioned successfully enough to change the elections' outcomes.

Known as the "robo-call scandal", it was alleged—and ultimately proven—that thousands of calls had been placed to voters who had earlier professed support for candidates opposing the Conservatives. The calls, both recorded and in person-messages, were fraudulently represented as coming from an official body overseeing elections logistics. Voters were erroneously redirected to polling stations where they were not registered or to locations that had no polling stations at all. Mosley found that the source of the information used to place the calls was the Contact Information Management System (CIMS) database, which was controlled and maintained by the federal Conservative Party.

Evidence was produced at trial showing that voters in 247 of the 308 federal ridings received these fraudulent calls. In one electoral district alone—Guelph, Ontario—at least 7,600 misleading robo-calls were made. An Ekos-Reid poll conducted after the election concluded that their statistical results strongly suggested that "significant voter suppression activities took place that were directed at non-Conservative voters" and, contrary to Judge Mosley's findings, could have affected the final result in a number of ridings.

The person (or persons) who set up the robo-call account with Conservative Party designated call-centres did their best to conceal their identity. Pre-paid credit cards and cell-phones

were used and the account was registered under a false (and anti-Quebécois) moniker: "Pierre Poutine of Separatist Street, Joliette, Quebec."

The IP address that was activated to initiate the calls at one call-centre was used moments later by a Conservative Party official to initiate other, legal campaign communications, raising suspicion that the instigator was one and the same person. That IP address was traced to a computer in the campaign office of Guelph Conservative candidate Marty Burke. The computer had previously downloaded information from the CIMS database the very same day the fake Pierre Poutine account had been created.

Further, it was reported that a Conservative staffer in the Guelph office, Michael Sona, had told others of a planned and extensive campaign about to be launched to send anti-Conservative voters to erroneous polling stations. As the scandal grew, Burke's campaign manager, Ken Morgan, who had been sought for questioning by Elections Canada abruptly moved to Kuwait, refusing to speak with investigators.

Sona, Burke's 22-year-old campaign communications staffer during the 2011 election, is the only individual currently charged in the scandal. He is accused of preventing or trying to prevent an elector from voting in the election. Sona has maintained that he never had access to the Conservative's database and is being scapegoated by the party to deflect culpability away from more senior officials. His trial is expected to be scheduled for some time next year.

At the just concluded robo-call trial, Bob Penner, CEO of Strategic Communications and an expert witness brought by the Council of Canadians, told the court that the extensive voter suppression campaign could only have been orchestrated by "someone at the senior level in a central political campaign who could authorize the strategy and provide the funds to carry it out."

The polling-station misdirection campaign that formed the centerpiece of the case is not the only example of vote suppression and other illegal tactics initiated to favour Conservative candidates in the 2011 election. Voters filed complaints of rude and racist phone calls purporting to be (but

in fact not) from Liberal Party representatives. Jewish voters were called on the Jewish Sabbath and other voters received incessant early morning or late night calls supposedly from the Liberals.

In two Toronto ridings, hundreds of voters not resident in the constituencies cast ballots in hotly contested races. In the Eglinton-Lawrence riding, at least 2,700 applications for late registration did not provide addresses or gave false names or residential addresses. In Etobicoke-Centre, where the Conservatives won by only 26 votes, 51 registration certificates were missing during a subsequent court audit, 34 people voted while residing outside the constituency, and five people voted twice. A lower court judge eventually set aside 79 ballots and declared the election result invalid. However, in a 4-3 decision, the Supreme Court upheld the Conservative election victory, with the majority ruling that most of the votes should be restored because errors were made by election officials.

Both before and during the Federal Court hearing, Conservative Party spokesmen and Members of Parliament sought to stonewall every aspect of the investigation into the alleged violations of the country's electoral law. Even while dismissing the plaintiffs' case, Judge Mosley noted this in his judgment: "Despite obvious public interest in getting to the bottom of the allegations, the CPC [Conservative Party of Canada] made little effort to assist with the investigation at the outset despite early requests....While it was begrudgingly conceded during oral argument that what occurred was 'absolutely outrageous,' the record indicates that the stance taken by the respondent Members of Parliament from the outset was to block these proceedings by any means."

In the wake of the verdict, Conservative Party spokesman Fred Delorey revealed in Mosley's not-guilty verdict, despite the court's findings of a concerted and deliberate attempt at vote suppression that was aimed at benefitting the ruling Conservatives. "We are pleased that this baseless case by the activist Council of Canadians was dismissed by the court," tweeted Delorey.

For their part, spokespeople for the Council of Canadians, who bankrolled the plaintiffs' legal case, demanded that Stephen Harper and his Conservative government immediately bring in legislation to prevent similar tactics in future elections and convene a public inquiry to further investigate illegal activity surrounding the 2011 election. Should the government, as expected, refuse such an inquiry, the Council has threatened to renew action in the very courts that have just struck down their case.

Any potential tweaking of election law by the Canada's Conservative-dominated parliament will come under conditions where the Harper government has already slashed the budget for Elections Canada by 8 percent for the current fiscal year even as over 500 separate and serious irregularities were reported in the last election.

There is an ever shrinking constituency in Canadian ruling

circles for the defense of even the most basic of democratic rights. The rejection of the plaintiffs' case despite compelling evidence against the government's electoral machine and the lack of any outcry from the corporate media over the evidence of a concerted campaign to illegally suppress anti-Conservative votes in the last election are only the latest examples of this development.

Governments across the country have moved to criminalize workers' struggles and popular dissent. Since the May 2011 federal election, the Conservative government has used strikebreaking legislation to support employer demands for concessions at Air Canada, Canada Post, and CP Rail.

The Harper government alongside the McGuinty Ontario Liberal government oversaw a police-state blitz against the citizens of Toronto during the June 2010 G-20 summit that saw the largest mass arrests in the history of Canada—more than during the 1919 Winnipeg General Strike or the suspension of civil liberties in Quebec under the War Measures Act during the 1970 FLQ crisis.

Last year, Quebec's Liberal government resorted to police repression and a draconian anti-strike law (Bill 78) that placed sweeping restrictions on the right to demonstrate over any issue anywhere in the province in an attempt to break a militant province-wide student strike. In Ontario earlier this year, the NDP-supported minority Liberal government imposed concession-laden contracts on more than a hundred thousand teachers and illegalized any job action under its Bill 115.

Twice in the past five years, the federal Conservatives government has prorogued (shut-down) the national parliament to escape from political crises. In December 2008, it carried out a veritable constitutional coup, using the arbitrary powers of the unelected Governor-General to shut down parliament so as to prevent the opposition parties from exercising their constitutional right to bring down the government. A year later, it invoked prorogation again to avoid further exposure of its role in the torture of Afghan detainees.

As in the 1930s, the bourgeoisie's response to the global breakdown of capitalism is to turn toward authoritarian methods of rule, even as it invokes "democracy" and "human rights" to justify imperialist wars and interventions in Afghanistan, Libya, and Mali. The defence of basic democratic rights is inseparable from the fight for the independent political mobilization of the working class on a socialist program in opposition to austerity and imperialist war.



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