

# Canada: Opposition and media abet cover-up of state spying

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The Communications Security Establishment Canada or CSEC, the Canadian equivalent of the U.S. National Security Agency (NSA), is spying on Canadians. Since at least 2005, it has mined the metadata of their electronic communications—including telephone and cell phone calls, e-mails, and text-messages.

This flagrant violation of Canadians' civil liberties was revealed in a *Globe and Mail* report published more than two months ago. Yet few Canadians are aware that they are targets of CSEC spying, let alone of the intimate, decades-long partnership that exists between Canada's national security apparatus and the NSA.

This is because Canada's Conservative government and the country's shadowy national security apparatus have mounted a concerted disinformation campaign. And because the opposition parties, beginning with the Official Opposition NDP, and the corporate media have abetted the cover-up, by refusing to challenge the official lies, half-truths, and obfuscation.

Immediately after the publication of the *Globe* report, the NDP, through the mouths of several of its junior MPs, issued a tepid call for greater parliamentary oversight over CSEC. But within a couple of days, Canada's social-democrats dropped all discussion of CSEC and its activities, so as to focus on whipping up public anger over a run-of-the mill political scandal arising from fraudulent expense and house-allowance claims filed by a trio of Conservative Senators. Indeed, prior to last week when the NDP posted a terse six-sentence press release, its official website was entirely silent on the possibility that CSEC might be violating Canadians' rights.

The opposition parties and the corporate media have failed to rebut even the most flagrant official lies. Government spokesmen, including the Defence Ministers responsible for overseeing CSEC's operations, have dismissed any suggestion that CSEC could be spying on Canadians, by repeatedly asserting that the agency is concerned only with "foreign threats." Yet the 2002 Anti-Terrorism Act that enlarged CSEC's powers and paved the way for vast increases in its budgets and capabilities stipulates that one of CSEC's three core functions is "to provide technical and operational assistance to federal law enforcement agencies and security

agencies."

So close is the working relationship between CSEC and Canada's principal domestic spy agency—the Canadian Security Intelligence Service (CSIS)—the government is building, CSEC's new headquarters, at a cost of almost \$1 billion, next to that of CSIS. A bridge will connect the two building so that CSEC and CSIS personnel can more easily collaborate in their day-to-day work.

Equally egregious is the failure of the opposition and corporate media to alert Canadians to the significance of the revelation that CSEC is mining the metadata of their communications and to expose the spurious legal argument the government and the national security apparatus have constructed to circumvent prohibitions on their spying on Canadians' electronic communications.

CSEC, CSIS and the government all claim that metadata do not constitute "communications", but only the "envelope" that accompanies a communication and therefore are not subject to the constitutional prohibition on warrantless state surveillance of communications.

By so doing they have illegally arrogated the right to systematically troll through the metadata produced by every telephone call, e-mail, internet purchase or website visit.

Through such metadata mining it is possible for the state to rapidly develop a detailed portrait of an individual—including his place of work, political views, associates, and whereabouts—and of the members and supporters of any group deemed by the state to be a potential threat to national security.

Through their conspicuous silence, the media and opposition have also effectively seconded the government's claim that CSEC doesn't have access to intelligence obtained by the NSA through Prism and other programs that give it backdoor access to the operations of the US's largest computer and telecommunications companies, thereby allowing it to spy on much of the world's communications. Yet CSEC and NSA have a working partnership dating back more than six decades—a relationship that has involved their and the signal communications agencies of Britain, Australia, and New Zealand dividing up responsibility for spying on the world's telecommunications.

Whatever the specific modalities of the collaboration between

Canada's national security apparatus and NSA, it is incontrovertible that the US agency shares information on Canadians' communications with Canada's national security apparatus. According to Wayne Easter, who in 2002-3 was Canada's Solicitor-General, the cabinet minister responsible for CSIS and the Royal Canadian Mounted Police (RCMP), it was "common" for the NSA "to pass on information about Canadians."

The media and opposition have also refused to alert Canadians to the significance of the *Manchester Guardian* report, based on documents supplied by the whistleblower Edward Snowden, that CSEC assisted the NSA and Britain's signals intelligence agency, the GCHQ, in spying on the 2009 London G-20 summit. This revelation is highly significant for two reasons. It underscores just how intimate is the relationship between CSEC and the NSA, since the G-20 operation involved spying on countries like France and West Germany that are ostensibly among the closest partners of the US and Canada. Secondly, it puts the lie to the line that the government and media have sought to feed the Canadian people—that, in the post-Cold War era, CSEC's *raison d'être* is fighting terrorism.

Another crucial contribution the opposition and corporate media have made to the cover-up of CSEC's spying is their response to Snowden's exposure of the NSA's efforts to illegally spy on Americans and people around the world. The opposition has maintained a studious silence on Snowden's revelations. The corporate press, unable to avoid mention of them, has rushed to inform their readers that, while perhaps the NSA has gone too far in its domestic surveillance, in Canada there is no comparable state surveillance. Invariably these tepid and dishonest criticisms have been coupled with support for the Obama administration's plans to prosecute Snowden for the crime of alerting the people to the US government's erection of the scaffolding of a police state.

Last week the media and opposition were briefly compelled to break their silence on CSEC's activities after the government tabled the annual report of the CSEC Commissioner, Robert Décary.

The Commissioner—whose ostensible brief is to ensure that CSEC doesn't overstep its authority and violate Canadians' rights—has played an important role in the cover-up of CSEC spying. In lockstep with government and CSEC, he and his office sought to dismiss the significance of the concerns raised by his predecessor that through CSEC's metadata mining program, Canada's national security apparatus was circumventing the legal prohibitions on their spying on Canadians.

Décary's report for the 2012-13 fiscal year is a further exercise in disinformation. He heaps praise on CSEC's commitment to upholding Canadians' rights, adding that the CSEC Chiefs he has worked with "have spared no effort to instill within CSEC a culture of respect for the law and for Canadians' privacy."

While repeatedly lauding CSEC, Décary's report does say that, "a small number of records [that he reviewed] suggested that possibly some activities may have been directed at Canadians, contrary to the law." Décary claims to have then initiated an "in-depth and lengthy review," but that he ultimately was "unable to reach a definitive conclusion" about whether CSEC had violated the law because of poor bookkeeping by the agency.

Décary provided no details whatsoever about this possible violation of rights, but CSEC rushed to inform the public that it referred to actions taken in 2002, while emphasizing that the Commissioner did not find the agency had violated Canadians' rights.

Décary's claim has all the earmarks of a diversionary or pre-emptive disclosure. A limited admission of possible wrongdoing so as to try to shore up public confidence in the national security apparatus and lend credence to the claim he makes at the end of his report, "I can say with pride and confidence that CSEC is being truly watched."

In response to Décary's report, opposition politicians repeated their calls for greater transparency in CSEC's operations, while raising none of the essential questions concerning CSEC's partnership with the NSA and its metadata mining. Within a day they again dropped the issue.

As Canada's government from 1994 and 2006, the Liberals oversaw a vast expansion of the repressive powers of the state, including the issuing by Defence Minister Bill Graham of a ministerial directive in 2005 authorizing the metadata mining of Canadians' electronic communications.

The NDP's role in the cover-up of CSEC's activities is most immediately bound up with its efforts to convince the Canadian ruling class that it can be trusted to replace the Liberals as their ostensible left party of government. The NDP also recognizes any serious questioning of CSEC's role would cut across its efforts to woo the Obama administration.

More fundamentally, the NDP's complicity speaks to the collapse within the ruling class and its political establishment of any significant constituency for democratic rights.

Under conditions where society is ever more socially polarized and the ruling elite is seeking to extricate itself from the deepest crisis of capitalism since the Great Depression by destroying public and social services and worker rights, the bourgeoisie is indifferent and increasingly opposed to democratic rights

Only through the development of an independent political movement of the working class directed against the capitalist social order can basic democratic rights be today defended.



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