

# Canadian intelligence agencies deepen integration, expand spying

Dylan Lubao  
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The shroud that surrounds the deepening integration of Canada's two principal intelligence agencies was pulled back, if only very slightly, by the recent publication of figures on the number of times the Canadian Security Intelligence Service (CSIS) has requested assistance from the Communications Security Establishment Canada (CSEC)—the Canadian counterpart and partner of the US National Security Agency (NSA).

According to a *Globe and Mail* report, CSIS requested CSEC assistance 205 times in the four years from 2009 through 2012. The *Globe* report, which was based on an Access to Information request, also reveals that the Royal Canadian Mounted Police or RCMP asked for CSEC's help in spying on Canadians 85 times during the same period.

The *Globe* report does not specify how many of these requests were accommodated. Nor does it disclose any further details about the content of these requests.

CSEC functions under secret Defence Minister directives known at most to a handful of cabinet members and a cabal of national-security operatives. Much of what is publicly known about CSEC's activities originated with NSA whistleblower Edward Snowden, who released the first batch of his exposures last June. One of his most recent leaks shows that in 2012, CSEC, working in conjunction with the NSA, developed and field-tested a program to tap into the wireless devices of travellers at Canadian airports and other public spaces and to track them for up to two weeks afterward.

The Conservative government had, since last June, steadfastly refused to confirm reports that CSEC is spying on Canadians, systematically collecting and analyzing the metadata of their electronic communications.

However, once the airport surveillance story went to print, the government changed tack, baldly asserting the Canadian state's "lawful" right to collect the metadata of Canadians' private phone and Internet communications. Stephen Rigby, the National Security Advisor to Conservative Prime Minister Stephen Harper, declared that such a practice "does not compromise (Canadians') private communications" and the CSEC Commissioner, the retired judge who ostensibly monitors CSEC activities to ensure they are lawful, issued a report claiming he had looked into the airport surveillance and

determined the spy agency had done nothing wrong. (See: "Canada's government curtly dismisses concerns over blanket spying").

CSIS is tasked with discovering and countering "national security threats" and collaborates closely with the RCMP and municipal law enforcement agencies across the country. CSEC is the country's foreign signals intelligence agency and a member of the "Five Eyes" global surveillance partnership led by the American NSA. Officially, CSIS and CSEC are separate intelligence agencies and fulfill different national security functions, with what the government calls a "legal wall" separating them. Only in exceptional circumstances, or so the government claims, does CSEC provide CSIS assistance and then only if the latter obtains a court warrant.

As the *Globe* story and a series of other revelations have shown, not only are the two agencies becoming more tightly integrated and dismantling these separations; they are routinely flouting the law in the process and directing their spying programs at ordinary Canadians.

The government has advanced a spurious, pseudo-legal argument—one that has not been approved by parliament or even tested in public court—to arrogate the power to spy on the metadata of Canadians' communications. The government and CSEC claim metadata is not the content of a communication but merely its "envelope" and, therefore, not a form of constitutionally protected private communication, making it "fair game" for collection and analysis.

In reality metadata consists of highly detailed information on the sender and recipient of a phone or Internet communication, including the date it was sent and the location of both parties. This data can be used to construct detailed personal profiles of individuals, including one's political affiliations.

The growing collaboration between CSIS and CSEC has raised red flags for human rights and privacy advocates. Michael Vonn, a lawyer for the British Columbia Civil Liberties Association (BCCLA), referred to the CSIS requests as a possible "end run around the warrant process." Last October, the BCCLA filed a lawsuit against the federal government challenging the constitutionality of its metadata collection practices. The lawsuit is in its pretrial phase.

Since CSEC and the government have arrogated the power to

spy on Canadians' metadata on the claim it is not constitutionally protected communication, it is only logical to assume that CSIS's requests for CSEC's help in collecting such data would be deemed by Canada's intelligence agencies and the government to require no court authorization.

CSIS and CSEC are already known to have conspired to deceive the federal courts and "spin" court decisions to assert new powers. Last November, Federal Court Judge Richard Mosley renounced his landmark 2009 decision granting CSIS the power to conduct foreign surveillance of Canadian targets. He did so after learning that CSIS and CSEC had lied to him by claiming that the surveillance would be conducted entirely from within Canada and had kept the court "in the dark" as to the fact that CSEC was enlisting the help of its Five Eyes partners to spy on such Canadians "targets." (See: "Canada's spy agencies lied to the courts")

The opposition New Democratic Party (NDP) and Liberals have maintained a silence over CSEC's participation in the NSA's global spying operations and its illegal targeting of Canadians' metadata that can only be described as criminal. In the immediate aftermath of each of Snowden's leaks, the opposition parties feign outrage and make hollow calls for greater parliamentary oversight and/or the creation of an independent state-vetted independent committee to review CSEC's operations, only to quickly lapse into silence.

An examination of the existing CSIS review committee's 2012-2013 annual report gives an idea of what to expect from any oversight body created within the framework of the capitalist state. Published last October, the Security Intelligence Review Committee (SIRC) report overflows with enthusiasm for the operations of CSIS, and encourages the type of deeper integration among the intelligence agencies that has since been revealed as an established fact.

Far from fulfilling its mandate of protecting Canadians from the long and pervasive reach of warrantless state surveillance, the SIRC has in fact called for an expansion of the scope of CSIS's operations.

Right out of the gate, the report presents its arguments for an "inevitable—and desirable—growth of cooperation" between CSIS and CSEC and makes proposals to facilitate this collaboration. These include "the creation of a joint CSIS and CSEC senior management operational board to provide strategic-level management" of the spy agencies' joint operations.

Purported budgetary constraints and the increased sophistication of developing technologies are cited by the SIRC as grounds to further integrate the two intelligence agencies. This rationale is particularly disingenuous, as the budgets of both agencies have ballooned in recent years to near \$1 billion combined. A sprawling compound for CSEC is currently under construction and will be physically connected to CSIS's headquarters.

As Edward Snowden has revealed, CSEC continuously

exchanges personnel, cutting-edge technology, and equipment with the much larger NSA. To this day, neither the Canadian intelligence agencies, nor their foreign intelligence partners, have offered any credible proof that their blanket spying operations have thwarted a single terrorist plot.

In contrast, numerous investigations have illustrated that spy agencies and their allies in law enforcement regularly entrap individuals in fabricated terror plots, and infiltrate protest groups as agent provocateurs to incite them to violence. Such operations are used to defame these organizations and justify further right-wing security measures.

The language of the SIRC report makes clear that, far from targeting terrorists or criminals, the clandestine spying activities of CSIS and CSEC are treating the entire population as a potential threat to the capitalist state. Indeed, the SIRC report actively encourages CSIS to cast a wide net in its spying on domestic opposition to the Canadian government and its big business agenda, citing the 2010 Toronto G-20 protests as supposed proof that apparently peaceful groups can become involved in a "sudden flare up of domestic violence."

That such conduct is CSIS's bread and butter has been underlined by the recent revelation that CSIS and the RCMP spied on environmental and aboriginal groups opposing the Northern Gateway Pipeline project. The government documents that reveal the spying also make clear that the intelligence and police agencies themselves found "no direct or specific criminal threat" from any of the groups targeted or any of the individuals involved in their meetings and protests. Nevertheless, the spying on Northern Gateway's opponents, including the infiltration of meetings, continued.

With social inequality reaching unbearable levels, the ruling class and its state agencies are preparing to meet mass opposition by erecting the scaffolding of a police state.



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