

# Canada's Liberals defend “war on terror,” spy agencies in Bill C-51 consultation

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Canada's Liberal government released a Green Paper last week to initiate a phony public consultation on Bill C-51, the draconian attack on democratic rights implemented by Stephen Harper's Conservative government in the name of combatting “terrorism.”

Even though the Liberals voted in favour of Bill C-51 at every stage of its adoption by parliament in the winter and spring of 2015, Justin Trudeau sought to don the mantle of a staunch defender of democratic rights during last year's election campaign. Appealing to the deep popular hostility to the police state powers contained in Bill C-51, he pledged that a Liberal government would amend the new law in order to introduce greater “oversight” of the national-security apparatus and limit some of its new powers.

Under Bill C-51, Canada's premier spy agency, the Canadian Security Intelligence Services (CSIS), is empowered to “actively disrupt” “national security” threats— a vaguely-defined formulation which goes well beyond terrorism to include threats to Canada's economic stability, constitutional order and diplomatic interests. Moreover, in so doing CSIS is expressly authorized to break the law and violate the Canadian constitution's Charter of Rights and Freedoms.

Bill C-51 places only two limits on CSIS's disruption powers: when using illegal methods CSIS must obtain permission from a judge in a secret proceeding; and it is forbidden from killing or causing anyone bodily harm, violating their “sexual integrity” or disrupting the course of justice.

C-51 also established a new “speech crime” of “promoting terrorism” in general, under which persons with no connection to any terrorist group, let alone to any concrete plan for an attack, can be jailed for up to 5 years. It also lengthened the time suspects can be detained without charge to seven days, empowers the states to ban websites and publications deemed to contain “terrorist propaganda,” and makes it easier for the authorities to obtain peace bonds, which restrict the activities and movements of people who have not been charged with any crime.

The Trudeau government's “Our Security, Our Rights” consultation document makes clear from the outset that it is intent on retaining these anti-democratic powers virtually in their entirety. The Green Paper fully embraces the reactionary “war on terror” narrative that was employed by the previous Conservative government to legitimize military interventions abroad, including in Afghanistan, Libya, Iraq, and Syria, and attacks on democratic rights at home.

Just as the previous Conservative government did, the Liberals depict 21st Century terrorism as constituting a virtually unprecedented “national security” threat—a threat, which if it is to be successfully countered, requires expanding the repressive powers of the state and restricting traditional civil liberties. “In protecting national security,” declares the Green Paper, “the Government must find an appropriate balance between the actions it takes to keep Canadians safe and the impact of those actions on the rights we cherish.”

The claim that the Liberal government is seeking to carefully strike a “balance” between rights and security is preposterous.

Like Harper and his Conservatives, the Trudeau Liberals are using the “terror” narrative to justify the aggressive assertion of Canadian imperialist interests overseas and attacks on democratic rights at home.

In the name of fighting Islamist terrorism, the ten month-old Liberal government has dramatically expanded Canada's participation in the Mideast war, a conflict aimed at consolidating US hegemony over the world's most important oil-producing region.

The Liberals are also in the process of finalizing plans for a major troop deployment to Africa to uphold the interests of Canadian big business, which is a major player in the scramble for Africa's mineral wealth. Trudeau has likewise justified this deployment as necessary to counter the spread of terrorism.

Concealed in all of this is the role US imperialism, Saudi Arabia, Washington's other Gulf State allies, and Canada have played in arming and supporting Islamist extremist forces, including al Qaida, so as to use them as proxy forces in regime-change operations. That was true in Libya in 2011 and in Syria for the past five years.

This crime is then compounded by the invocation of the “terror” threat by the western powers, Canada included, to justify overturning long established legal principles, like habeas corpus and the presumption of innocence, and expanding the power and reach of the national security apparatus.

This assault on democratic rights is aimed first and foremost at the working class. Under conditions of ever-deepening social inequality and growing social opposition to militarism and austerity, the ruling elite is erecting the scaffolding of a police state in anticipation of social unrest.

During the election campaign, the Liberals said they would make eight specific changes to Bill C-51, then organize a public

consultation on it. In a process even the *Globe and Mail* described as equivalent to “ragging the puck,” i.e. stalling, the government has reversed this order, deciding to start with the supposed consultation instead.

This will please the security agencies, which have been vigorously pushing back against even the Liberals’ modest proposals to amend Bill C-51. Speaking to CTV last week, former CSIS Director Richard Fadden baldly declared, “I would leave (the law) as it is.”

In a move clearly aimed at countering criticism of its new “disruption power,” CSIS officials have repeatedly said that they are making routine use of them in countering “terrorism,” although they have studiously avoided providing any details.

To date, the Liberals have taken steps to implement only one significant change to Bill C-51. Last June, they introduced legislation to establish a parliamentary committee to oversee the national security apparatus along the lines of similar bodies in Britain and Australia. The existence of parliamentary committees, staffed by trusted and carefully vetted representatives of the ruling elite, has done nothing to halt the assault on democratic rights in these two countries, which, like Canada, are part of the US National Security Agency’s “Five Eyes” global surveillance network.

In announcing the Bill C-51 consultation, Public Safety Minister Ralph Goodale referred to a handful of other possible changes to the law. These include a “sunset clause” that would require the legislation be reviewed by parliament every three years, a re-working of the definition of terrorist propaganda, a change to ensure that all CSIS “disruption” warrants comply with the Charter of Rights and Freedoms, and a reassertion of the constitutional right of all Canadians to engage in lawful advocacy and protest.

None of this can be taken at face value. The reopening of the law every three years is more of a threat than a protection, since it will allow the political establishment to periodically intensify their assault on democratic rights and strengthen the state apparatus to be used against the working class. The promise to protect “lawful protest” will do nothing to change the fact that the catch-all definitions of terrorism that have been adopted in Canada and elsewhere since 9/11 are so expansive that they can be readily extended to mass strikes and other forms of social opposition. Moreover, the ruling elite has systematically pushed to criminalize dissent, illegalizing strikes, placing new prohibitions on demonstrations and otherwise greatly circumscribing the right to “lawful protest.”

Significantly, Goodale and the Liberals have fallen silent on their pledge to require the country’s signals intelligence agency, the Communications Security Establishment (CSE), to obtain a warrant when eavesdropping on Canadian citizens. Since at least 2005, CSE has been conducting warrantless surveillance of Canadians’ metadata, under a flagrantly mendacious legal claim that metadata is not “communication.” The spy chiefs are determined to retain this power unfettered.

The Liberals’ fraudulent pose as defenders of Canadians’ democratic rights is further exposed by the Green Paper’s vigorous promotion of the national security apparatus.

With consummate cynicism, the consultation document declares in its introduction, “National security institutions in Canada are professional, responsible and effective in the work they do. They work within a well-defined set of legal authorities and respect Canadian law.”

It would scarcely be possible to offer a more dishonest depiction of the record of Canada’s intelligence agencies. In the fifteen years since the Chretien Liberal government, using 9/11 as a pretext, vastly expanded the powers and budgets of Canada’s intelligence services, they have repeatedly violated the law, been complicit in torture and other war crimes, and lied to the courts.

Canada’s security services collaborated in the illegal US “rendition” program and created their own version by fingering Canadians travelling abroad for indefinite detention and torture by authoritarian Middle Eastern and North African governments

In late 2013, it emerged that CSIS and CSE had been systematically lying to the courts for years about the enlistment of CSE’s “Five Eyes” partners to spy on Canadians when they travelled abroad.

Barely a week after the Liberals’ Green Paper was released, a *Globe and Mail* report revealed the widespread use of so-called IMSI catchers, small, portable devices used by intelligence operatives to gather all data from cell phones within the area in which they are operating. The article pointed out that, unlike in the US, there are no legal regulations in Canada on the use of IMSI catchers, meaning that the spy agencies have a free hand to collect data from people en masse without their knowledge.

The consultation document includes language suggesting that even greater powers should be handed to the police. It presents in a favourable light the arguments advanced by police chiefs for a law compelling individuals to hand over their passwords and other encryption information so the state can access their encrypted communications.

“Much of the explanatory information that is presented is really one-sided,” said David Christopher of the internet rights group Open Media. “We have all this background information written in a way that seems to address police concerns rather than what the public [is] most worried about.”



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