

June 22, 2017

**New Bill to Strengthen
Secret Police Powers on Eve of Canada 150
All Out to Oppose the Trudeau
Government's Police State Bill C-59!**
- Communist Party of Canada (Marxist-Leninist) -



Demonstration against Bill C-51 in Ottawa, March 14, 2015, one of more than 70 actions which took place that day across the country.

No to police dirty tricks and their legalization!

The Communist Party of Canada (Marxist-Leninist) denounces the dangerous anti-social direction the Trudeau government is taking Canada's national security regime. The Liberal government introduced Bill C-59, an *Act respecting national security matters*, in the House of Commons on June 20. The act broadly expands secret police powers and proposes to enshrine these and the powers of previous security bills as part of the rule of law and make them constitutional.

The Liberal direction makes a mockery not only of the conception of a rule of law but also of civil rights and civil society. To proclaim with such fanfare to "constitutionalize" police powers on the eve of Canada 150, shows how anachronistic Canada's constitution has become, and the necessity for democratic renewal and a modern constitution that provides the rights of all with a guarantee. CPC(M-L) calls on Canadians to take up the work for democratic renewal and a modern constitution as a matter of greatest importance.

The proposed measures of the Trudeau government are an insult to the hundreds of thousands of Canadians who took action to stop and repeal the previous Harper legislation Bill C-51, the *Anti-Terrorism Act, 2015*. Similar to Bill C-51, Trudeau's Bill C-59 is an omnibus bill that amends or enacts various laws making many changes to the powers of the security agencies. Far from responding to the clearly-expressed demand to repeal Bill C-51, the Liberals' new police state bill responds instead to the demands of the secret agencies within the imperialist system of states to maintain and enhance their powers. The claim that changes to existing laws proposed in Bill C-59 "support the consistency of these powers with the [*Charter of Rights and Freedoms*]," merely shows that the *Charter* itself is subordinate to the police powers and their "reasonable limits" decided by the state, not the people.

Bill C-59 Must Not Pass!

Bill C-59 further entrenches the unacceptable powers contained in Bill C-51 and must not pass! CPC(M-L) states clearly that it is not a matter of amending this new bill but withdrawing it altogether, along with the anti-terrorism legislation enacted by the previous Harper government.

Besides playing with words, of which the Liberals are past masters, the new Bill C-59 does not undo a single secret police power in the former Harper government's Bill C-51.[1] The act continues the efforts demanded by the imperialist system of states since the post-9/11 *Anti-Terrorism Act* towards "modernizing" Canada's national security laws. The aim of this "modernization" is to enshrine and legalize the powers already used illegally by state agencies against the people and to streamline their use. The fact that this is what all the recent "anti-terrorism" laws in Canada

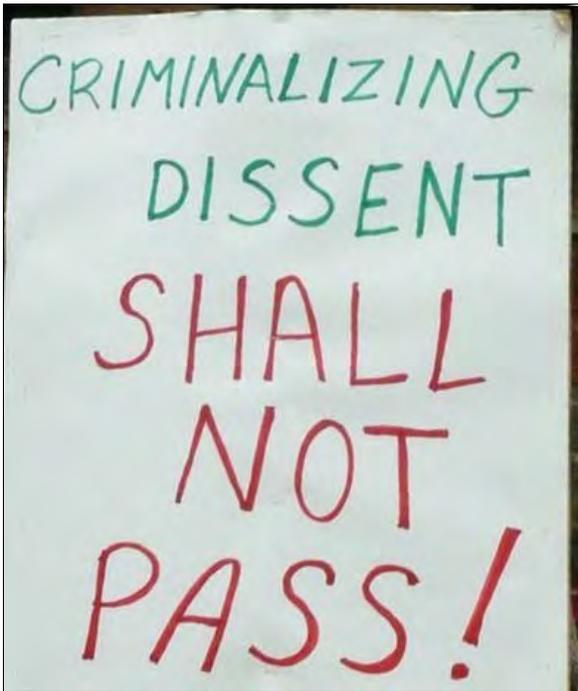


have done was made clear by the House of Commons Standing Committee on Public Safety in May 2017 which noted, "CSIS had been engaging in disruption activities for some time inside Canada, although the [CSIS Act] did not expressly authorize it." [2]

This now includes the legalization and constitutionalization of military espionage and sabotage activities already carried out by the Communications Security Establishment (CSE). CSE activities, including cyberattacks and interference in foreign countries, are now to be codified in the name of protecting national security and Canada's democratic institutions.

With Bill C-59, the Anglo-Canadian state has apparently recovered from the shame of the 1977-1981 McDonald Commission into RCMP wrongdoing. The act explicitly legalizes every nefarious activity the Commission cited as reason to curtail the RCMP's role as political police and create the Canadian Security Intelligence Service (CSIS). While Harper's 2015 *Anti-Terrorism Act* left more or less ambiguous and subject to judicial discretion the "disruptive" actions CSIS officers can take, Trudeau's Bill C-59 explicitly authorizes every tool in the police kit of dirty tricks. With tongue in cheek, the Liberal government claims the dirty tricks spelled out in the act fall short of causing bodily harm or engaging in torture and obstruction of justice, sexual assault and kidnapping.[3] Everyone knows that similar rules for CSIS and previously for the RCMP did not stop those police state agencies from engaging in practices outside their legal authorization.

Refusing to address any serious concern with the police powers in Bill C-51, the proposed act declares those and other powers "constitutional." Using trite phrases, the government states that nothing on the list of powers "authorizes the infringement of a right or freedom guaranteed by the *Charter*." As was the case under Bill C-51, these police powers are supposed to be subject to some kind of judicial authorization, the hearings for which take place *in camera* based on evidence the police themselves provide. Whereas Bill C-51 required judicial authorization to violate the *Charter*, CSIS must now go before a judge in a secret court when an action would "limit rights or freedoms under the Charter" to have the judge declare that the *Charter* will not be infringed.



Bill C-59 doubles down on the powers of CSIS and other agencies to criminalize and subvert all those fighting for change. The act targets Canadians organizing for modern constitutional arrangements that enshrine the rights of Quebec and the Indigenous nations to self-determination and, importantly, the rights of the citizenry to have decision-making power vested in the people.

CSIS black ops and dirty tricks are explicitly directed against not only "espionage, sabotage, foreign influenced activities" and "terrorism," but also any "activities against the constitutionally established system of government in Canada," which the act labels "domestic subversion." Bill C-59 confirms that "advocacy protest, dissent, and artistic expression activities" can be subject to broad information collection and sharing among state agencies if "any of these activities

are carried out in conjunction with activities that undermine the security of Canada," using the virtually limitless definition of those activities already found in Bill C-51.

Communications Security Establishment

The Liberals' Bill C-59 is further an aggressive, warmongering piece of legislation that creates a legal veneer and official authorization for the CSE and the surveillance and cyberattacks it conducts against Canadians and foreign countries and peoples.

The CSE was established in secret in 1946 with its existence not revealed until 1974. It was not officially recognized until given a limited official mandate in the 2001 *Anti-Terrorism Act*. The CSE occupies a 110,000 square metre headquarters in Ottawa completed in 2015 at a cost of more than \$1.1 billion. With over 2,000 employees, its annual budget exceeds \$600 million.



Despite being officially prohibited from carrying out activities against Canadians, the CSE has repeatedly been found to do so yet never held to account. Many of these activities are now to

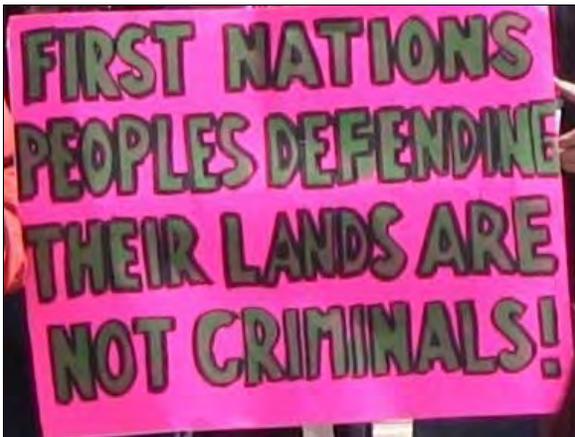
become "legal" including the collection and use of "publicly available information" about Canadians. This includes the acquisition of "aggregations [of information about individuals] using modern technologies and then offered for sale by data-brokers."

Furthermore, the assurance that the CSE does not spy on Canadians has been from its beginning duplicity at its worst. Through its participation in the Five Eyes or ECHELON surveillance arrangement with the U.S., UK, Australia and New Zealand, each nation can spy on the citizens of the other Five Eyes and provide that information to all members yet still deny "legally" that each nation spies on its own people.

Not unlike what Bill C-51 did in officially expanding CSIS powers from intelligence-gathering to "disruption," Bill C-59 changes the mandate of CSE from data-collection to conducting "cyber-operations." The CSE "would be authorized to conduct both "defensive cyber operations" and "active cyber operations." [4] The term "active" is a thinly-veiled euphemism for "offensive" or "aggressive" operations.

Anti-People Aim and Mandate of Bill C-59

CPC(M-L) calls on Canadians to look seriously into the question of whether these police state measures are to protect the government of Canada against alleged nefarious foreign actors, or to protect powerful private interests and disrupt the people's resistance struggles and opposition to the denial of their rights, especially the right to conscience and to organize themselves for a new pro-social direction for the country.



The answer lies in what the bill mandates. The new Bill C-59 mandates the CSE to "defend" private organizations and networks including to "more extensively share information" with "the owners of critical infrastructure." The CSE's offensive role will be used "in support of the government's broader strategic objectives" and may include "action online to disrupt foreign threats, including activities to protect our democratic institutions, counter violent extremism and terrorist planning, or counter cyber aggression by foreign states."

All of this is stated without providing a single guarantee for the rights of the citizenry. The people are expected to take comfort from the formation of new state agencies the Liberals are creating to "review" the actions of their fellow state intelligence agencies. And of course, as the Liberals always enjoy saying, the *Charter* will not be violated, at least not unless certain "reasonable limits" decided by the state have been breached. In this scheme, Canadians are clearly fair game on whatever grounds the state deems fit.

The Liberal fraud is to "legalize and constitutionalize" in detail all the police state powers and how they will be exercised. This means that according to the Liberals, now CSIS, CSE and other agencies will operate within the rule of law and under civilian control as outlined in Bill C-59. One example of the absurdity of this claim regards the CSE. It is a military agency operating under the Department of National Defence yet the Liberals claim it is "accountable to the Privacy Commissioner of Canada, the Auditor General, the Information Commissioner of Canada, the Canadian Human Rights Commission, and the Commissioner of Official Languages." The government contends CSE, and presumably its military headquarters and generals, which by definition under the present constitution and state arrangement operate outside the rule of law, will

also be "accountable" to a new government-appointed administrative position called the Intelligence Commissioner.

Canadians exercise no control over any state agencies, let alone CSIS, CSE and the military. Their police powers are by definition above the rule of law and their "civilian control" is subordinate to the police powers. The CSIS, CSE and the military, for example its Joint Task Force 2, have been embroiled in repeated scandals during recent years, not to speak of the RCMP wrongdoings detailed in the McDonald Commission. These agencies are caught red-handed doing something objectionable and outside the law; they or the government, issue a statement that they will correct themselves and then carry on with business as usual. This includes incidents which put the lie to the claim that CSE does not collect information on Canadians, and that CSIS does not infiltrate and try to subvert legal institutions. CSIS was found to do just that, for instance, to the Canadian Union of Postal Workers since the 1970s including infiltrating workplaces.[5]

The Liberal government has fabricated a story that its anti-people "modernization" of Canada's spy agencies amounts to increased "transparency" and "accountability." To fool the gullible, it covers up its aim for increased police powers outside and in opposition to any rule of law by presenting two different and opposing demands, as if they are on par and equilibrium can be found -- those of the state agencies for increased powers, and those of Canadians to defend rights.

The Liberals state, "Successive CSE Commissioners have called on the governments of the day to clarify ambiguities in CSE's legislation and increase transparency. Canadians have also been clear that they are looking for increased accountability and transparency of their security and intelligence agencies."



As well, the creation of various new state agencies appointed under the Prime Minister's prerogative powers -- an "Intelligence Commissioner" to authorize various measures, a "National Security and Intelligence Review Agency" to achieve the much-vaunted goal of eliminating "siloiing" of information amongst agencies and a "Centre of Expertise on Information Sharing" -- are all presented as measures strengthening accountability rather than the further concentration of police powers to the detriment of peace, freedom and democracy.

Canadians have clearly opposed the powers in Bill C-51 as well as those contained in earlier "anti-terrorist" legislation, none of which seriously defined terrorism or what constitutes a terrorist. Expanding the trend in Bill C-51, the Liberals' new security Bill C-59 can paint as terrorist anyone who opposes the "constitutionally established system of government in Canada" or what "the government's broader strategic objectives" dictate as a potential threat. Those targeted are subjected to police measures contained in the mandates of the national security agencies. The targets include the political movements of the people against war and the violations of rights, those opposed to the illegitimate institutions within the imperialist system of states such as NATO, the G7, etc., which the government claims are in the national interest, and the independent institutions of the working class organized to defend its rights at the place of work and to lead the building of the new.

Denounce Bills C-51 and 59 Across the Country



120th Weekly Picket Against Bill C-51 in Vancouver, June 20, 2017, the day Bill C-59 was introduced. The picket honoured Comrade Charles Boylan, Coordinator of the Working Group to Stop Bill C-51, who passed away June 17, 2017.

CPC(M-L) calls on the Canadian working people, youth and others to speak up against Bills C-51 and Bill C-59 from coast to coast to coast. Canadians have found in recent years repeated examples of state agencies themselves organizing alleged terror plots and targeting the most vulnerable.[6] Bill C-59 further enshrines all these unacceptable anti-social, anti-people and anti-national activities and wants them to be accepted as the new normal.

Despite praise for Bill C-59 and calls for supportive amendments from the Liberals' social base, particularly those in the monopoly media, universities and think-tanks, the fact remains that Bill C-59 is even more dangerous than the Harper government's Bill C-51. Similar to previous "anti-terrorism" bills, the changes to Canada's security regime are not to counter foreign threats to the so-called democratic institutions but are measures dictated by the espionage agencies of the biggest warmongering foreign powers to serve their empire-building and to repress the people's striving for peace, democracy and freedom.

The measures do not answer to the needs of Canadians whose security lies in their fight for the rights of all and not in a police state. With the passing of Bill C-59 the people's lives will become more insecure as a result of increasing state-organized dirty tricks, black ops, defamation and disinformation, which will be declared acceptable in practice and legal. Canadians said *No!* to Bill C-51 and its secret police powers, which contributed to the massive opposition to the ruling



Conservative Party of Stephen Harper. Canadians are now charged with saying *No!* to Bill C-59 of the Trudeau Liberals. Affirm in your thousands that *No Means No!*

***Our Security Lies in Our Fight for the Rights of All!
A Modern Constitution and Democratic Renewal
Must Provide Our Rights with a Guarantee!
All Out to Oppose the Trudeau Government's Police State Bill C-59!
No! to Bill C-59 Means No!***



April 18, 2015 action against Bill C-51 in Vancouver.

Notes

1. The sole exception is the reverting of the threshold for judicial authorization for a recognizance order (peace bond) against an individual to its pre-Bill C-51 level. "Under the proposed legislation, a recognizance would need to be 'necessary to prevent' a terrorist activity instead of 'likely to prevent' it."

2. Report 9 -- Protecting Canadians and their Rights: A New Road Map for Canada's National Security.

Documents provided by former U.S. intelligence contractor Edward Snowden to the U.S. news website *The Intercept* in 2015, show that with regards to CSE, "Canada's electronic surveillance agency has secretly developed an arsenal of cyberweapons capable of stealing data and destroying adversaries' infrastructure...." See "Documents Reveal Canada's Secret Hacking Tactics," Ryan Gallagher, *The Intercept*, May 23, 2015.

3. The explicit police powers above the rule of law given to CSIS include:

"altering, removing, replacing, destroying, disrupting or degrading a communication or means of communication;

"altering, removing, replacing, destroying, degrading or providing -- or interfering with the use or delivery of -- any thing or part of a thing, including records, documents, goods, components and equipment;

"fabricating or disseminating any information, record or document;

"making or attempting to make, directly or indirectly, any financial transaction that involves or

purports to involve currency or a monetary instrument;

"interrupting or redirecting, directly or indirectly, any financial transaction that involves currency or a monetary instrument;

"interfering with the movement of any person; and

"personating a person, other than a police officer, in order to take a measure referred to in any of paragraphs (a) to (f)."

4. This includes "defensive" measures to "help protect":

"federal institutions' electronic information and information infrastructures; and electronic information and information infrastructures designated by the Minister as being of importance to the Government of Canada."

As well as, "active" measures to "degrade, disrupt, influence, respond to or interfere with the capabilities, intentions or activities of a foreign individual, state, organization or terrorist group as they relate to Canada's defence, security or international affairs."

5. See "Postal Workers Concerned about Bill C-51," Canadian Union of Postal Workers, March 25, 2015.

6. For one example, see "Ongoing Court case Over RCMP/CSIS Sting Operation," *Renewal Update*, February 8, 2016.

(All quotes are from Bill C-59 or CSIS and Trudeau government statements on Bill C-59 unless stated otherwise.)



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