



Harper's Abuse of Power

by Andrew Coyne

Time was when we had to wait weeks, even months for each new abuse of power by the Harper government. Now those abuses arrive by the day, sometimes two and three at a time.

The prostitution bill.

The Supreme Court having tossed out the old laws as a violation of prostitutes' constitutional right not to be beaten or murdered (I paraphrase), it was expected the government would opt for the "Nordic model," criminalizing the purchase of sex rather than the sale, as a replacement—a contentious but tenable response to the Court's decision. It was not expected the government would, in effect, fling the ruling back in the Court's face. Not content with leaving the impugned provisions, but for a few cosmetic changes, essentially intact, the government imposed new restrictions, for example banning prostitutes from advertising: not just in violation of the Constitution, it would seem, but in defiance of it. The bill is written as if calculated to provoke another confrontation with the Court, ideally in time for the next election.

The cyber-bullying bill.

At least, that's what it was sold as: legislation making it a crime to post revealing images of someone online without their consent, for which the government deserves praise. But nothing comes free with this gang. Tacked onto the bill is a number of other unrelated measures—among others, one that would make it easier for police and other authorities to obtain customers' personal data from Internet and telephone providers, without a warrant—easier that is, than it already is, which is plenty.

The new privacy commissioner.

Of all the people the government might have picked to replace the outgoing commissioner, it chose Daniel Therrien, a top lawyer in the Department of Justice known for his work on security and public safety issues:

exactly the sort of person the privacy commissioner is supposed to keep tabs on. Worse, of six people on the selection committee's short-list, Therrien placed sixth. The committee might as well not have bothered.

The F-35 contract.

In the wake of the auditor general's findings that it had deliberately understated the true costs of the sole-source purchase of 65 "next generation" fighter jets—initially presented as costing just \$9-billion, the correct figure, operating costs included, is now estimated at \$45-billion—and in the face of grow-

ing doubts about the mission, specifications and performance of the plane, the government agreed to review the purchase, perhaps even open it up to competitive bidding. It is now reported, 18 months later, that the review will recommend buying the same plane, on the same terms—without competition.

And more...

And those are just the highlights. In the past week [June 1st, 2014] we've also learned that the government is monitoring "all known demonstrations" in the country, with all departments directed to send reports to a central registry; that the information commissioner has reported a one-third increase in

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Andrew Coyne

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From the Editor

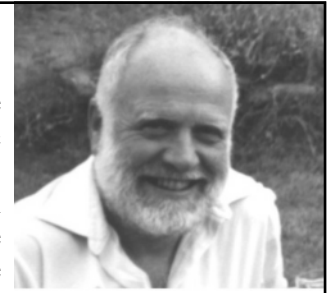
Mr Harper is supposed to have said when elected that Canada will be unrecognizable when he is done. He is succeeding: Canada is becoming an oxymoron—a democratic dictatorship.

Democratic dictatorships, being an oxymoron, are unstable. They either fall quickly towards complete dictatorship, or there is a revolution. Revolutions, like the one in France in 1789, can be nasty, and the immediate outcome unpleasant, as the military generals take over to form a new dictatorship. More peaceful revolutions have better outcomes, and with luck return a country to a true democracy.

Our organ grinder's monkeys appear not to be from Barnum and Bailey's Circus, but from the planet of the apes. As Andrew Coyne writes at the end of his lead article of this issue, at least some of "the prime minister's appointees have proved disruptive of his designs."

Canada has been building towards a revolution for decades under various governments. Most Canadian citizens have slept on, too comfortable and complacent to worry—with the exception of a few, among them readers of JUSTnews. (But how many of our UU Ministers will read this editorial and base a sermon on the information in this issue? Maybe five?)

After you've read, in the first few articles, the list of atrocities Harper has wrought on this country, you will discover by reading further how many allies we have, and how Canadians are starting to rebel, but in the Canadian way: peacefully and lawfully where they can (there *are* bad laws), with litigation and education. Has Mr Harper done us a favour by waking us up and bringing revolution closer to reality?



complaints the government is blocking or delaying access to information requests; that a Liberal MP was secretly taped, allegedly by an intern in the Minister of Justice's office, making embarrassing remarks about his leader.

Power corrupts

Several themes run throughout these complaints: a contempt for civil liberties, for due process, for established convention, and for consultation for openness. This has been replaced throughout by a culture of secrecy, control, expedience and partisan advantage. Worse, there is virtually nothing anyone can do about it. All governments have displayed some of these traits. If this government has pushed things further, it is because it can: because we have so centralized power in the Prime Minister's Office, with few constraints or countervailing powers.

Where this has lately come to a head is in the appointments process. For in Canada, uniquely, the prime minister's powers of appointment extend not only to all who serve beneath him, but to every one of the offices that might be expected to hold him in check. He appoints the Governor General, all the senators, and every member of the Supreme Court; the governor of the Bank of Canada, all the deputy ministers, and every Crown corporation president; the top military officers, the heads of the security services, and the commissioner of the RCMP; plus all of the officers of Parliament I've mentioned and several more besides. And those are in addition to the already vast powers of appointment with which he rules over members of Parliament: not only cabinet, but

all the parliamentary secretaries and all the committee chairs as well.

This would be worrisome enough even if the process were immaculate and the quality of appointments uniformly high. But what we've been seeing lately is a series of puzzling, troublesome and downright incompetent appointments: the parade of senators now in various stages of trouble with the law; the ill-starred promotion of Marc Nadon to the Supreme Court (his successor, Clement Gascon, was better received, but without even the pretense of parliamentary scrutiny that attended Nadon); the conversion of what had been an arm's-length process for choosing the Bank of Canada governor into the personal pick of the Finance minister; the selection of Arthur Porter—Arthur Porter—to chair the Security Intelligence Review Committee. The Therrien appointment seems almost benign in comparison. His people have done their best to smear and demean the auditor general, the parliamentary budget officer and the chief electoral officer.

Appointees rebel

It is ironic that so many of the prime minister's appointees have proved disruptive of his designs: Senators have defied the whip, Supreme Court judges have ruled against his legislation. We have vested far too much power in one man, with results we can now plainly see.

James Andrew Coyne is a Canadian political columnist with the National Post and a member of the At Issue panel on CBC. Previously, he has been national editor for Maclean's, a weekly national newsmagazine in Canada, and a columnist with the Globe and Mail. This article appeared in Postmedia News, June 6, 2014.

President's Message **Early Winter Greetings CUSJ** **Members All!**

I know most of the country, even our members in Victoria, have been hit with unseasonably cold temperatures in November. Colder than normal temperatures are predicted across the country for the month of December too, according to Environment Canada. At least the feds haven't cut funding to the weather bureau yet, as long as the forecasters stick to the weather script. The inconvenient truth, however, is: climate change is upon us and unless we begin the necessary transition away from fossil fuel dependency, extreme weather reports will become the norm on our daily news feeds and in our lives.

The good news is that talking about climate change is no longer a taboo subject on Parliament Hill. There's even an unofficial all-parties Climate Caucus led by Green Party leader Elizabeth May, who, no doubt, has had a positive influence on backbencher MP Michael Chong who recently warned the House, that, if left unchecked, "climate change will increase the likelihood of severe, pervasive and irreversible impacts for people and ecosystems... As a Conservative," he said, "I believe that we have a moral obligation to conserve our environment, so I call upon this government to meet its commitment to reduce emissions and I call on all governments meeting next month in Lima, Peru, and next year in Paris, France, to work together toward a new global treaty to reduce emissions." Chong's 'Reform Bill,' along with NDP MP Matthew Kellway's re-introduction of the 'Climate Change Accountability Act' would come into effect following the 2015 election.

This is where you, the electorate, come into play.

Canada is at a crossroads and the 2015 election will determine which path we take. Leadnow is organizing town hall meetings right across the country, beginning in early December, with a cross-country campaign to unseat the Harper

government. Check out their website to get involved and, to get super motivated, go to Voices-Voix.ca which has produced 100 public witness videos to date of individuals, organizations and public service institutions that have been muzzled or de-funded by the Harper government.

If this isn't cause enough for concerted election action, were you aware that as of November 4th our national government has been acting in defiance of the Federal Court of Appeal's order to re-instate the refugee health care program as it existed prior to the cuts made in 2012? Contrary to the Prime Minister's Office's public pronouncements, it hasn't fully restored healthcare

for all refugee claimants. How ironic that this 'tough on crime' Conservative government chooses to bend the rule of law to suit its own purposes!

'Systems change, not Climate change' is the latest cry on the street. All systems are broken—social, political, economic, ecological—"the interdependent web ... of which we are a part" and we need to devote ourselves to nursing our web back to health. It's a daunting task, but the load is lighter when we join with others already working both within and without the system to transform our world.

I am grateful to be counted in your good company and to share the journey for justice with you. And watch this just released documentary on the environment <http://origins.well.org/movie/> free for a limited time.

Your appreciative President,
Margaret Rao
president@cusj.org

For the full report from which this is excerpted, see <http://cusj.org/justnew/presidents-report/>

"If you want to know who is going to change this country, go home and look in the mirror."
Maude Barlow



CUSJ President Margaret Rao

The Harper Government's Attack on Democracy—a List

by Brian Staples

Prorogations of Parliament: Other governments have prorogued Parliament many times. But Harper's prorogations were seen as more crassly motivated for political gain than others. His second prorogation brought thousands of demonstrators to the streets to decry his disregard for the democratic way. The demonstrations did not serve to elevate the prime minister's respect for Parliament.

Challenging constitutional precepts: During the coalition crisis of 2008, Harper rejected the principle that says a government continues in office so long as it enjoys the confidence of the House of Commons. To the disbelief of those with a basic grasp of how the system works, he announced that opposition leader Stéphane Dion “does not have the right to take power without an election.”

Abuse of Parliamentary Privilege: Harper refused a House of Commons request to turn over documents on the Afghan detainees' affair until forced to do so by the Speaker, who ruled he was in breach of parliamentary privilege. Later, he refused to submit to a parliamentary request, this time on the costing of his programs. The unprecedented contempt of Parliament rulings followed.

Scorn for parliamentary committees: Parliamentary committees play a central role in the system as a check on executive power. The Conservatives issued their committee heads a 200-page handbook on how to disrupt these committees, going so far as to say they should flee the premises if the going got tough. The prime minister also reneged on a promise to allow committees to select their own chairs. In another decision decried as anti-democratic, he issued an order dictating that staffers to cabinet ministers do not have to testify before committees.

Lapdogs as watchdogs: Jean Chrétien drew much criticism, but also much help for his cause, as a result of his installing a toothless ethics commissioner. The Harper Conservatives have upped the anti-democratic ante, putting in place watchdogs—an ethics commissioner, lobbying commissioner, and others—who are more like lapdogs.

The foremost example was integrity commissioner Christiane Ouimet, who was pilloried in an inquiry by the auditor general. During her term of office, 227 whistleblowing allegations were brought before Ouimet. None was found to be of enough merit to require redress. The Prime Minister's Office saw to it that she left her post quietly last fall with a \$500,000 exit payment replete with a gag order.

The Patronage Machine: Harper initially surprised everyone with a good proposal to reduce the age-old practice of patronage. It was the creation of an independent public appointments commission. But after his first choice of chairman for the body was turned down by opposition parties, he abandoned, in an apparent fit of pique, the whole commission idea.

Since that time he has become, like other PMs before, a patronage dispenser of no hesitation. Mr. Harper also had good intentions on Senate reform but it, too, has remained a patronage pit. One of his first moves as PM was to elevate a senator, Michael Fortier, to his cabinet.



Prime Minister Stephen Harper (photo by Remy Steineggery)

Abuse of Process—Omnibus Bills: Another infringement of democracy came with the 2010 behemoth budget bill—894 pages and 2,208 clauses. It contained many important measures, such as major changes to environmental assessment regulations, that had no business being in a budget bill. Previous governments hadn't gone in for this type of budget-making. The opposition had reason to allege abuse of process.

The vetting system: In an extraordinary move, judged by critics to be more befitting a one-party state, Harper ordered all government communications to be vetted by his office or the neighbouring Privy Council Office. Even the most harmless announcements (Parks Canada's release on the mating season of the black bear, for example) required approval from the top. Never had Ottawa seen anything approaching this degree of control.

Public service brought to heel: Harper, who suspected the bureaucracy had a built-in Liberal bias, stripped the public service of much of its policy development functions and reduced it to the role of implementer.

The giant bureaucracy and diplomatic corps chafed under the new system. Their expertise had been valued by previous governments.

Access to information: The government impeded the access to information system, one of the more important tools of democracy, to such an extent that the government's information commissioner wondered whether the system would survive. Prohibitive measures included eliminating a giant data base called CAIRS, delaying responses to access requests, imposing prohibitive fees on requests, and putting pressure on bureaucrats to keep sensitive information hidden. In addition, the redacting or blacking out of documents that were released reached outlandish proportions. In one instance, the government blacked out portions of an already published biography of Barack Obama.

Suppression of research: Research, empirical evidence, erudition might normally be considered central to the healthy functioning of democracies. The Conservatives sometimes openly challenged the notion.

At the Justice Department they freely admitted they weren't interested in what empirical research told them about some of their anti-crime measures. At Environment Canada, public input on climate change policy was dramatically reduced.

In other instances, the government chose to camouflage evidence that ran counter to its intentions. A report of the Commissioner of Firearms saying police made good use of the gun registry was deliberately hidden beyond its statutory deadline, until after a vote on a private member's bill on the gun registry.

The most controversial measure involving suppression of research was the Harper move against the long-form census. The less the people knew, the easier it was to deceive them.

Document tampering: It was the Bev Oda controversy involving the changing of a document on the question of aid to the church group Kairos that captured attention. But this was by no means an isolated occurrence.

During the election campaign, Conservative operatives twisted the words of Auditor General Sheila Fraser to try to make it sound like she was crediting them with prudent spending when, in fact, what she actually wrote applauded the Liberals. Fraser rebelled, whereupon even her releases would be monitored by central command.

The Conservatives got caught putting their own party logos on stimulus funding cheques, which were paid out of the public purse. They were forced to cease the practice.

Media curbs: Though having stated that information is the lifeblood of democracy, the Prime Minister went to unusual lengths to deter media access. He never held open season press conferences, wouldn't inform the media of the timing of cabinet meetings, as was traditionally done, limited their access to the bureaucracy, and had his war room operatives (using false names) write online posts attacking journalists. In one uncelebrated incident in Charlottetown in 2007, the Conservatives sent the police to remove reporters from a hotel lobby where they were trying to cover a party caucus meeting.

This is part of a list of problems the Harper government is creating, compiled by Brian Staples, from Edmonton Journal news clippings and materials from Lawrence Martin and John Ibbitson, September 7, 2012. These points specifically address democracy. More recent iniquities are missing.

How the West Created a Mess

by Barry Wilkinson

The main problem started after the First World War when France and Britain decided to carve up the Middle East to their advantage rather than using the territorial nations put forward by Lawrence of Arabia (T.E. Lawrence) that would have prevented territorial and sectarian wars. Read his books for a clear insight into the coming problems.

Then, in the '50s, the U.S. decided to quell all hints of "Communism." In 1953, two countries with democratically elected governments decided they did not want the U.S. to meddle in their economies. Their governments were overthrown by CIA-sponsored coups and replaced with U.S.-friendly dictatorships.

One country, Iran, was judged "communist" even though President Mossadeq was a moderate social-democrat who agreed that the oil under the ground belonged to the Iranians, not foreigners.

The other nation was Guatemala.

There have been many other U.S.-sponsored wars in order to implant "friendly" dictatorships, as in Chile.

Barry Wilkinson is a member of the Unitarian Church of Calgary. This note was posted on the CUSJ e-list, Sat. Oct. 4th, 2014.

A Political Audit

Editorial excerpted from the CCPA Monitor

As you know, the CCPA [Canadian Centre for Policy Alternatives] along with other prominent charities like Amnesty International, the David Suzuki Foundation and Environmental Defence (to name just a few) have been targeted by this [Harper] government under a new political audits program. We feel confident calling these audits politically motivated because we learn from an access to information request that ours was triggered by an assessment alleging the CCPA's work is "biased" and "one-sided."

You may also have heard or read in the news recently about the incredible show of solidarity with the CCPA by over 500 university professors from across the country who sent an open letter to the minister responsible for the Canada Revenue Agency [CRA] calling on the government to cease and desist from its politically directed attacks on its critics.

In that letter, which attests to our solid international reputation for producing high quality and objective research, the academics state the CCPA, "may reach a different set of conclusions from those of the government, but then this is allowed in a free thinking, democratic country. On the contrary, we would argue that such dissent should be encouraged and not stifled by such actions of the CRA."

New audits costly and time-consuming

Our audit has been underway for a year now, with no end in sight. The degree of intrusiveness is unprecedented. It has absorbed considerable staff time and energy, not to speak of significant legal costs.

We have undergone two previous CRA audits in the last 25 years. They were straightforward and we complied with all their requests. We were given a clean bill of health both times. We have not fundamentally changed our practices since the last audit in 2002.

What has changed, and this is backed up by a growing body of evidence, is that the government has developed a tendency for harassing

and intimidating its critics, and even for compiling "enemy lists." The evidence also indicates the government is unilaterally rewriting the charities rules defining "political activity." [See JUSTnews Discussion Paper No. 28.] It is doing this in secret and without prior notice or consultation with those groups who will be most affected.

Audits politically motivated

None of the right-wing think tanks are being subjected to these political audits (though some are refusing to admit it). They include the Fraser Institute, C.D. Howe Institute, Frontier Centre for Public Policy, Macdonald-Laurier Institute, Atlantic Institute for Market Studies, and the Montreal Economic Institute. All are closely aligned with the Conservative government and have personal endorsements from Prime Minister Harper.

At the CCPA, our job is to conduct rigorous peer-reviewed research and to provide well-reasoned analysis of policies and programs relating to social, economic and environmental issues. It is informed by the social values that you and a majority of Canadians espouse. That often means being critical of government policies. We are equal opportunity critics and our research has supported policies of governments of all political stripes.

We will continue to do this. We will not be intimidated or cowed into silence because I know you expect no less from us.

The CCPA Monitor is the newsletter of the Canadian Centre for Policy Alternatives. The full editorial by Bruce Campbell, executive director of the CCPA, from which this article is excerpted, is in the October 2014 edition (Vol. 21, No. 5).



'Preventing Poverty' Not a Charitable Goal

by Dean Beeby

The Canada Revenue Agency has told a well-known charity that it can no longer try to prevent poverty around the world, it can only alleviate poverty—because preventing poverty might benefit people who are not already poor.

The bizarre bureaucratic brawl over a mission statement is yet more evidence of deteriorating relations between the Harper government and some parts of Canada's charitable sector.

The lexical scuffle began when Oxfam Canada filed papers with Industry Canada to renew its non-profit status, as required by Oct. 17 this year under a law passed in 2011. Ottawa-based Oxfam, founded in 1963, spends about \$32 million each year on humanitarian relief and aid in Africa, Asia, and Central and South America, with a special emphasis on women's rights. It initially submitted wording that its purpose as a charity is "to prevent and relieve poverty, vulnerability and suffering by improving the conditions of individuals whose lives, livelihood, security or well-being are at risk."

But the submission to Industry Canada also needed the approval of the charities directorate of the Canada Revenue Agency, and that's where the trouble began. Agency officials informed Oxfam that "preventing poverty" was not an acceptable goal. "Relieving poverty is charitable, but preventing it is not," the group was warned. "Preventing poverty could mean providing for a class of beneficiaries that are not poor."

Oxfam Canada's executive director called the exchange an "absurd conversation." "Their interpretation was that preventing poverty may or may not involve poor people," Robert Fox said in an interview with The Canadian Press. "A group of millionaires could get together to prevent their poverty, and that would not be deemed a charitable purpose."

The Canada Revenue Agency prevailed, and the official declaration to Industry Canada about the purposes of the non-profit corporation dropped any reference to preventing poverty.

Charities not to prevent poverty, only alleviate it

"Our mission statement still indicates we're committed to ending poverty, but our charitable (purposes) do not use the word 'end' or 'prevent'—they use the word 'alleviate.'"

Philippe Brideau, spokesman for the Canada Revenue Agency, said legal precedents mean charities

cannot help people not already impoverished from falling into poverty. "Purposes that relieve poverty are charitable because they provide relief only to eligible beneficiaries, those in need," Brideau said in an email.

"However, the courts have not found the risk of poverty is [the same as] being in need. Therefore, as the courts have indicated, an organization cannot be registered with the explicit purpose of preventing poverty." He added that charities are still allowed to teach money management, budgeting and other life skills, which could lead to the prevention of poverty.



Working to *prevent* homelessness is not a charitable cause.

Oxfam Canada was singled out for criticism earlier this year by Employment Minister Jason Kenney over the group's opposition to Israeli settlements in the West Bank. And in July last year, Oxfam Canada signed a joint letter to Prime Minister Stephen Harper, taking issue with reports that government officials had been

asked to compile "friend and enemy stakeholder" lists to brief new ministers after the summer cabinet shuffle.

Fox said that despite the new "purpose" statement, the group's programs and activities have not changed. Oxfam Canada is not undergoing a political-activities audit, said Fox.

CRA receives special funding

The contretemps is yet more evidence of frosty relations between the Harper government and some charities, several dozen of which have been targeted since 2012 for audits of their "political activities." The Canada Revenue Agency, armed with \$13 million in special funding, is currently auditing some 52 groups, many of whom have criticized the Harper government's programs and policies, especially on the environment.

The list includes Amnesty International Canada, the David Suzuki Foundation, Canada Without Poverty, and the United Church of Canada's Kairos charity. Pen Canada, a Toronto charity that advocates for freedom of speech, joined the ranks of the audited just this week [July 2014]. The group has raised alarms about the government's muzzling of scientists on the public payroll.

Charities have said the CRA campaign is draining them of cash and resources, creating a so-called "advocacy chill" as they self-censor to avoid aggravating auditors or attracting fresh audits. Auditors have the power to strip a charity of its registration, and therefore its ability to issue income-tax receipts, potentially drying up donations.

Dean Beeby posted this on The Canadian Press, 24 July, 2014.

Big Brother Wants to Watch You

by Canadian Civil Liberties Association (CCLA)

Every day, Canadians connect and communicate by phone, email, text message and an ever-growing range of social media networks. Our communications and our Internet browsing patterns reveal a great deal of sensitive personal information about us. What happens when the government wants to access and monitor that information? When can law enforcement agencies track our online activities and our communications?

What is Lawful Access?

In recent years, the Canadian government has repeatedly sought to introduce so-called “lawful access” legislation. This proposed legislation would allow law enforcement agencies to access a wealth of information about your communication—without your consent, without a warrant, and without appropriate oversight or accountability mechanisms.

On February 14, 2012, the government unveiled Bill C-30, which would have opened the door to invasive, costly online surveillance. While the government claimed the bill targeted criminals and child pornographers, in fact, the proposed legislation would have violated the privacy rights of all Canadians who use computers, cell phones, GPS devices and the Internet.

The bill would have given law enforcement agencies more power to access, track and monitor a host of online and wireless information—without a warrant. The government argued that Canadian law enforcement needed investigative tools to deal with 21st century technologies, yet CCLA maintains that any new investigative tools must come with accompanying oversight. There are good reasons to require police to obtain warrants and seek judicial oversight before invading individual privacy. The advent of the Internet, email, cell phones and smart phones has not changed Canadians’ basic rights to privacy and freedom from unwarranted government surveillance.

Canadians across the country rallied against the bill, signing petitions and spreading the message through social media. In February 2013, the government finally yielded to public pressure and announced that it would be dropping Bill C-30.

The defeat of Bill C-30 sent a resounding message that concerned Canadians have the power to stand together in defense of privacy rights. Yet CCLA is still concerned about developments on the horizon. After all, the government has established a worrying pattern of attempting to introduce lawful access legislation—in 2009, 2010 and 2012—and then dropping the project. Observers are warning that similar legislation may be repackaged and reintroduced in the future.

Who’s Spying on Your Online Activities?

CCLA has raised serious concerns about the secret surveillance of Canadians’ communications and online activities. It appears that the Communications Security Establishment Canada (CSEC) is engaged in an invasive surveillance program to monitor Canadian’s communications—without disclosing the full nature of this program to the public.

CCLA has long been concerned about information sharing among security and intelligence agencies worldwide. We have raised concerns that invasive surveillance regimes that would be illegal in Canada could be employed by foreign agencies—and then that information could be shared with the Canadian government.

In this way, governments could circumvent the crucial legal safeguards designed to protect our privacy. Along with the ACLU and Privacy International (UK), CCLA has elaborated 12 Core Legal Principles for the Canada-US Security Perimeter, which include demands for strict safeguards and accountability.

Is Your Personal Information Safe?

CCLA is concerned about proposals to amend a key piece of Canadian privacy legislation, the Personal Information Protection and Electronic Documents Act (PIPEDA). PIPEDA limits the ability of commercial organizations to collect, store and disclose your personal information. Yet in September 2011, the government introduced Bill C-12, which would widen existing loopholes, and create broad exceptions under which companies could share your personal information with other organizations or with government—without your knowledge or consent.

This proposal comes at a time when privacy experts are calling for *more* oversight and *more*



privacy protection, not less—for instance, the Privacy Commissioner of Canada has emphasized the need to strengthen PIPEDA to respond to today's digital landscape.

CCLA is also monitoring the progress of Bill C-475, a private member's bill introduced in February 2013 that proposes its own set of amendments to PIPEDA. Bill C-475 would give the federal Privacy Commissioner more power to enforce orders against non-compliant organizations, and would introduce new rules to address unauthorized privacy breaches.

Three Principles for Any New “Lawful Access” Legislation

1. Barring exceptional circumstances, law enforcement must obtain a warrant on reasonable and probable grounds before gaining access to personal or private information.
2. Before authorizing covert, real-time surveillance, the court must prove that such techniques are truly necessary, and reserve the most intrusive tracking for investigations of serious crimes.
3. New powers of surveillance must be accompanied by measures that safeguard rights before and after the fact.

The Canadian Civil Liberties Association is a national organization that was constituted to promote respect for and observance of fundamental human rights and civil liberties, and to defend, extend, and foster recognition of these rights and liberties.

One Year after Snowden: What's Changed?

Reprinted from “The Democratic Commitment”

One year after Edward Snowden first revealed the extent of the secret national security surveillance network, the activities of national security agencies and the value of privacy are in the global spotlight like never before. There is no question that civil society has been empowered by this. But are we seeing meaningful reform?

The answer is “not yet.” That is the conclusion drawn by a new report that compiles twenty country and sector analyses on responses to the Snowden revelations. The BCCLA [British Columbia Civil Liberties Association] joined with Tamir Israel from CIPPIC [Canadian Internet

Policy and Public Interest Clinic] and Chris Parsons from Citizen Lab to add Canada's report card to this landmark research. The constant refrain from around the globe is governmental inaction, denial and evasion. The report card can be found at <http://bccla.org/?p=11195>.

It is vital that we take stock to know how to proceed in our fight. One of the interesting findings of the report is that litigation frequently appears as the best hope for the next stage of the battle.

This past year, the BCCLA launched two lawsuits challenging the domestic surveillance activities of CSEC, Canada's electronic spying agency. CSEC's wide-ranging powers include the ability to read Canadian's emails and text



Edward Snowden

messages, and to listen in on their phone calls when they're communicating with someone outside Canada.

This spying is done without a warrant, without any judicial oversight, and without very much public understanding of who is being watched and what is being done with our private information. The BCCLA has brought these lawsuits in an attempt to get some answers and to ensure that Canada's national security practices respect our constitutional rights.

“The Democratic Commitment” is the newsletter of the British Columbia Civil Liberties Association. This article appeared in the Summer 2014 edition. The BCCLA's mandate “is to preserve, defend, maintain and extend civil liberties and human rights across Canada through public education, complaint assistance, law reform and litigation.” Their newsletter summarizes some lawsuits that have been concluded and whether they were successful, and some other lawsuits currently underway.

The Oil Companies' End Game

by Martin Golder

We are all complicit in the fossil fuel age. Ninety percent of all the oil burned on Earth has been burned since 1956. We drive, we heat our houses, we use plastics, and massive amounts of oil go into the production and shipping of all our food.

It could be ingenuous of us to demonize the industry that has provided such a wealth to our civilization. It could be, but the behaviour of large parts of the industry has made it hard not to be. As that very clever film 'The Corporation' showed us, corporations are by their very nature psychopathic. Since the law requires that corporations produce benefit to shareholders over society, corporations behave in a driven devotion to their financial bottom line. (I can hear all the corporate executives saying "Duh"). Since the executives are in fact human beings, and mostly not psychopathic, there is some acknowledgement of society in the new fad for triple bottom line accounting where the annual report has a few paragraphs about the corporate impact on social and environmental issues that influence the corporate behaviour.

However, a substantial segment of the fossil fuel industry sees that their profits are threatened as society and governments begin to realize that what the scientific and environmental community has been trumpeting from the mountaintops for several decades is in fact true. CO₂ accumulations in the atmosphere are causing our climate to change and what's more it seems to be happening much faster than the IPCC [International Panel on Climate Change] predicted because by its very nature the IPCC report had so much diplomatic and political baggage that it was lucky to say what it did. So the industry reactions to this truth have been varied from BP [British Petrole-

um] recasting itself for a few years as 'Beyond Petroleum' to the Koch brothers' support for a massive campaign of disinformation and doubt.

Oil Companies to be compensated for Climate Change

In Canada the oil industry has basically taken over the government and used this power to prevent any actions that might prevent utilizing the tar sands bitumen before it is shut down forever. It is 'Use it now or lose it forever.' We know as scientific fact that we cannot even begin to use all the reserves currently on the books without overloading the atmosphere to a calamitous degree. To acknowledge this is to see a share collapse of the fossil fuel sector. No CEO really wants to go first. So the current tactic is to push ahead with expansion as much as possible before restrictions come into force.

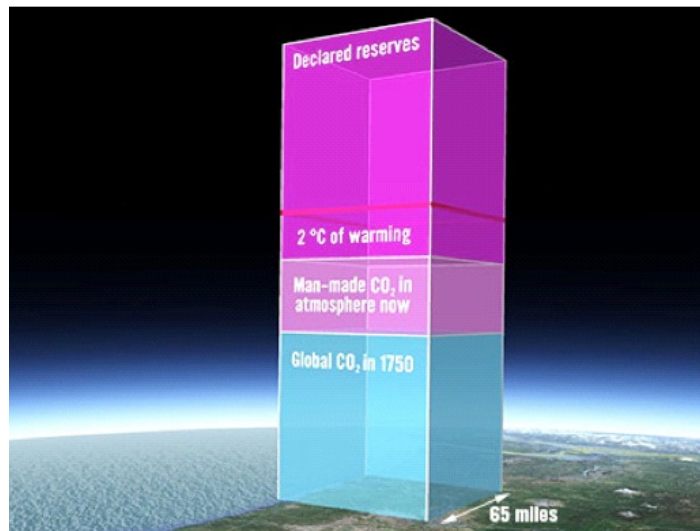
At that time the compensation game begins in earnest. If a regulation restricts ABC Corp from using

what it has in 'good faith' discovered and put on the books, then the government, i.e., the people of Canada, must pay the ABC Corp the same amount of money NOT to use that reserve. Many of the current trade laws being passed are really focused on this point. It is a set up for the 'End game' as a chess player might say.

The Solution

The key here for the good guys is to show that much of what has been put on the books has been done in 'bad' faith. Oil corporations know, or should know, that these reserves cannot be used. The investment sector has finally seen this risk to their bottom line and has introduced the concept of 'carbon risk' to acknowledge that a large and growing amount of the fossil fuel sector's wealth is at risk of evaporating.

Excerpted from Bad News or Manifesto? By Martin Golder, March 29, 2013.



Graphic to show actual volumes of CO₂ in the atmosphere and the reserves which cannot be used.

Platform for Canada 2015

from an Editorial in Island Tides, Sept. 18, 2014 (edited)

The 2015 election is going to be critical for Canada, and it will provide new opportunities for new people with new ideas. Maybe it's time that you and your friends expressed your dissatisfaction with the existing parties by getting together and running against them. You'll never know until you try.

But whether you are a party candidate or an independent, we'd suggest you think seriously about publicly endorsing our "Platform for Canada 2015," and adding it to your personal platform. It's non-partisan, and its proposals are designed to improve Canada's democracy.

Platform for Canada 2015

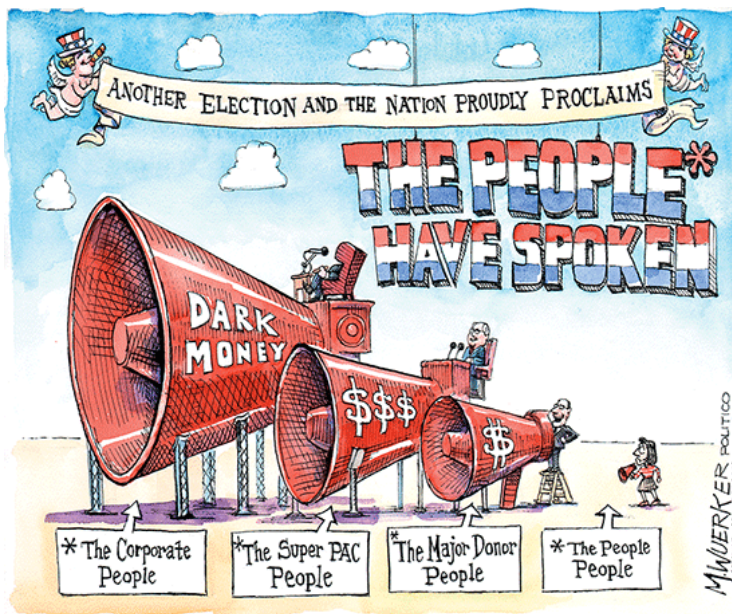
Island Tides proposes that all potential and nominated candidates be prepared to declare their support for any or all of five elements of a "Platform for Canada 2015:"

1. No whipped votes. All parliamentary votes (Commons and Senate) to be free votes.
2. The Prime Minister reports to Parliament; he/she is first among equals. His/her leadership may be reviewed, and he/she can be removed by secret ballot of the caucus.
3. The Prime Minister's supporting staff is in the Privy Council Office (PCO). Staff of the PCO are civil servants and cannot do work of a partisan nature.
4. Nominations for election of MPs in the 2019 election must bear the names of 100 registered voters from the Electoral District (no change from current legislation). Nominees need not have the support of a political party, nor the signature of a party leader.
5. Develop a Proportional Voting system to replace First Past the Post for the 2019 election.



Aerial view of part of the Southern Gulf Islands, B.C.

Island Tides may be one of the best little newspapers still in print! It appears every two weeks, and although much of its news concerns events on the Southern Gulf Islands, B.C., many of its investigative reports by Patrick Brown provide well-researched information of wider interest that you won't find elsewhere. Green Party leader Elizabeth May publishes a column in each issue—the Gulf Islands are in her riding. Subscriptions to printed issues of Island Tides are available, or the paper may be read on-line at www.islandtides.com.



From "Who We Are"

by Elizabeth May

This is a book about how we got to where we are today—a decent country of immense potential, suddenly on the wrong side of history. ...How a parliamentary system could be so degraded that it now more resembles an elected dictatorship than a healthy democracy. ...

This is a book about how to fix what is wrong, rescue democracy from hyper-partisan policies, and put Canada and the world, on the path to a secure post-carbon economy.

We have a ... leadership vacuum. I invite you—I invite all of you—to fill it.

From Who We Are, pages 6-7.



Fair Elections Act Challenged

Council of Canadians

The Council of Canadians, the Canadian Federation of Students, and three individual electors will file a *Charter* challenge to the *Fair Elections Act* (Bill C-23) in the Ontario Superior Court today [Oct. 9th, 2014].

Recent changes to Canada's election laws will interfere with the rights of Canadians to vote in federal elections and remove access to reliable information about the electoral process and investigations. Bill C-23 removed multiple measures for electors to prove their identity, stripped the Chief Electoral Officer of independence and

lated rules that will make it impossible for certain citizens to exercise their right to vote and next to impossible for citizens to challenge election results that may have been fraudulently obtained."

Elections Canada statistics show voter turnout has declined to a 60 per cent turnout rate in federal elections with only a 38 per cent turnout rate for youth. The *Fair Elections Act's* restrictions on the right to vote will particularly affect youth, members of First Nations living on reserves, seniors, and people with low incomes.

Voting and Democracy decline together

"Canadian youth and students are already disengaging from democratic processes they often regard as inaccessible and unaccountable,"



powers of communication and investigation, and made the Office of the Commissioner of Canada Elections accountable to partisan interests instead of the Canadian public.

Public interest lawyer Steven Shrybman from the firm Sack Goldblatt Mitchell LLP will argue that the amendments infringe on Canadians' right to vote and equality rights as guaranteed by Sections 3 and 15 of the *Canadian Charter of Rights and Freedoms*.

Fair Elections Act Unfair

"The measures being challenged are profoundly anti-democratic," said Garry Neil, Executive Director of the Council of Canadians. "The Federal Court has found there was a **'deliberate attempt at voter suppression during the 2011 election [...] targeted towards voters who had previously expressed a preference for an opposition party.'** Now, the government has legis-

says Jessica McCormick, National Chairperson of the Canadian Federation of Students. "This Act constructs additional barriers between young Canadians and their right to vote."

The challenge will hold the *Fair Elections Act* to the standards enshrined in the Charter of Rights and Freedoms, protecting rights and values that lie at the heart of our democracy.



Press release posted on the Council of Canadian's website Thurs. Oct. 9th, 2014.

Members of Parliament reforming Party Control

by Leadnow.ca

On Sept. 25th, 2014, the Reform Act passed a major hurdle in Parliament with overwhelming support—253 MPs voted for it across party lines, and only 17 voted against it. The bill isn't perfect, but it's a start in a long struggle to free our MPs from the iron-fisted control of party leaders and insiders.

Leadnow

Since launching our campaign in support of the Reform Act, over 25,000 of you took action by writing and phoning your representatives.

Together, your messages and phone calls showed them that Canadians care about democratic reform, that we expect our MPs to represent our voices in Ottawa, and that we're concerned about the bullying tactics used by party leaders and insiders to whip votes and silence dissenting voices.

From day one, we knew that it was going to be a real struggle to pass a bill that threatens the power of party insiders.

Michael Chong, the MP behind the bill, had to make some pragmatic choices to get it past those party insiders and over this major legislative hurdle. Now the bill will go to a committee for study, before one final vote in the House of Commons.¹

This bill is a step in the right direction, and it might have died without your help. Of the 25,000 messages you sent to MPs, 10,000 were sent in just 48 hours. Additionally, 30 dedicated volunteers were able to contact almost 1,000 Reform Act supporters in the Leadnow community to help them find and phone their Members of Parliament.

People Power Needed

We know we can't leave politics to the politicians alone. Together, let's keep building more people-power to push for deeper democratic re-

forms, and make individual MPs and the party system more accountable to the voices of people across Canada.

With your actions on the Reform Act we're off to a great start. Now we have a lot more work to do before the 2015 election.

Stay tuned. Over the coming weeks we'll be asking you to take the next big step by joining a campaign to hold the Harper Conservatives accountable at the ballot box, and to make sure a new government responds to the growing call for an open democracy, a fair economy and a safe climate for all generations.

If you want to read more about the Reform Act, go to:

<http://www.leadnow.ca/reform-act>



Michael Chong, Conservative MP for Wellington-Halton Hills, ON.

Leadnow is an independent advocacy organization that runs campaigns on the major issues of our time, engages people in participatory decision-making, and organizes in communities across Canada. We envision a country where people work together to build an open democracy, create a fair economy and ensure a safe climate for all generations.

Chong's Two Further Changes

by Aaron Wherry

After tabling the original bill last December, Chong tabled a second version in April. It's too late to make further changes, but he is proposing that if the bill passes at second reading, the committee studying the bill make two changes.

First, Chong proposes that the committee maintain the Reform Act's deletion of the Elections Act's current requirement that candidates have the endorsement of their party's leader, but he would otherwise remove the bill's prescriptions for how nomination contests should be conducted and how many nominees should be endorsed. Registered parties would be left to identify individual responsibility for endorsing candidates.

Second, the Reform Act's additions to the Parliament of Canada Act that give party caucuses the power to remove a party leader, expel or readmit members, elect a caucus chair and elect an interim leader would remain. However, it would be up to each caucus to convene at the start of a new parliament and vote as to whether or not to adopt those particular rules.

Abridged from Maclean's article, Sept. 11, 2014, at <http://www.macleans.ca/politics/two-more-changes-to-the-reform-act/>

¹ Michael Chong proposes two more changes to the Reform Act <http://www.macleans.ca/politics/two-more-changes-to-the-reform-act/>, see box this page.

Democracy in the U.S. is also under attack. Ed.

U.S. No Longer an Actual Democracy—Princeton Study

by Brendan James

A new study from Princeton spells bad news for American democracy, namely, that it no longer exists. Asking “[w]ho really rules?” researchers Martin Gilens and Benjamin I. Page argue that over the past few decades America’s political system has slowly transformed from a democracy into an oligarchy, where wealthy elites wield most power.

Using data drawn from over 1,800 different policy initiatives from 1981 to 2002, the two researchers conclude that rich, well-connected individuals on the political scene now steer the direction of the country, regardless of or even against the will of the majority of voters.

“The central point that emerges from our research is that economic elites and organized groups representing business interests have substantial independent impacts on U.S. government policy,” they write, “while mass-based interest groups and average citizens have little or no independent influence.”

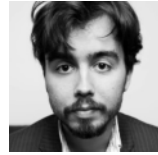
As one illustration, Gilens and Page compare the political preferences of Americans at the 50th income percentile to preferences of Americans at the 90th percentile as well as major lobbying or business groups. They find that the government, “whether Republican or Democratic,” more often follows the preferences of the 90th [highest] income percentile than the 50th income percentile.

The researchers note that this is not a new development caused by, say, recent Supreme Court decisions allowing more money in politics, such as Citizens United or this month’s ruling on *McCutcheon v. FEC*. As the data stretching back to the 1980s suggest, this has been a long term trend, and is therefore harder for most people to perceive, let alone reverse.

“Ordinary citizens,” they write, “might often be observed to ‘win’ (that is, to get their preferred policy outcomes) even if they had no independent effect whatsoever on policy making,

if elites (with whom they often agree) actually prevail.”

Brendan James published this piece in TPM Livewire, April 18, 2014, 10:43 AM EDT756661 Views.



Courts are also used in the U.S. Ed.

U.S. Attorney General Rejects GMA’s Attempt to Throw out GMO Labeling Laws

by Christina Sarich

Thurston County Superior Court Judge rejected the Grocery Manufacturers Association’s request to throw out the latest case on GMO labeling laws based on constitutional grounds. A victory for all.

The Thurston County Superior Court Judge Christine Schaller has ruled that the states’ case against the (GMA) will move forward, rejecting the GMA’s motion to dismiss the case completely based on constitutional grounds.

“Today’s ruling is an important step in our work to hold the Grocery Manufacturers Association accountable for the largest campaign finance concealment case in Washington history,” Ferguson said. “We intend to send a strong message to all: if you want to engage in political campaigns in Washington, you have to play by the rules.”

Company spends big money to prevent labeling

Ferguson was responsible for filing a lawsuit against the GMA last year. The state alleged that the GMA broke campaign finance laws when it collected approximately \$10.6 million from its members and placed those funds in a ‘Defense of Brand’ account, and then used them to oppose Initiative 522, which would have forced mandatory GMO labelling. The account was funded without ever disclosing the true source of contributions made to it.

Quote: Take to the streets, together, with the understanding that the feeling that you aren’t being heard or seen or represented isn’t psychosis; it’s government policy.

Russell Brand, English comedian

Despite this attempt to continue control over the public food supply, the case will continue based on its inherent merits. Schaller ruled that the state's campaign laws require the formation of a political committee, and that disclosures are constitutionally applied.

Laws unconstitutional

The judge did rule, however, that Washington's laws, which required the GMA to secure \$10 donations from 10 different registered voters as part of its political committee formation requirements, was unconstitutional. Following this suit filed by the state, the GMA attempted to



cover its immoral (and illegal) tracks by filing a counter lawsuit, stating that the state had unconstitutionally enforced campaign finance laws. The GMA requested that the judge dismiss the case against them, trying to skirt campaign contribution laws and public transparency. The illegal contributions definitely helped to defeat the 522 Initiative.

The state will be reviewing the ruling to determine the next steps. Hopefully as the trial proceeds, the 300 food and beverage manufacturers who illegally contributed to the GMA's slush fund will learn their lesson. These companies include Coca-Cola, Pepsi, Frito Lay, General Mills, and more.

Pamela Bailey, the president and CEO of the GMA, wants consumers to trust the biggest chemical sales companies in the world to 'label GMOs at will, **on their own terms**'. I think the world knows better than to trust companies who illegally fund an anti-GMO labeling campaign when the measure comes up for a democratic vote.

Natural Society / News Report, published: Tuesday 1 July, 2014.

Plan for Tomorrow

by Tim Sale and Josh Brandon

The one thing we know about the future is that it will be different! Yet the need for safe, affordable housing will always be the same.

CMHC (Canada Mortgage and Housing Corporation) needs research on changing demographics, family composition, new building technologies, new financing tools and other housing-related issues to put forward policies and programs for tomorrow. Sadly, the capacity of the agency to perform this research has been deeply undermined by federal cuts. These cuts, including the 50% reduction in housing analysis funding for CMHC, should be reversed.



Co-op housing in Edmonton, Alberta.

The bottom line

Instead of turning over a profit to the federal government, CMHC should return to its original mandate of helping all Canadians access housing. Without any new government expenditures, Canada could multiply its new social housing commitment by a factor of ten and, with the leverage of the market, by much more. This would give poorer Canadians, and most importantly their children, a chance for safe, affordable, stable housing.

This is the single most important contribution we could make to a healthy society, skilled workers and a brighter future for us all.

Tim Sale is a CCPA-Manitoba research associate, former provincial minister of housing, and chair of the federal working group for the Right to Housing coalition. Josh Brandon is a housing researcher with CCPA-MB. These few paragraphs are taken from their article "Canada should get back into the Social Housing Game," which appeared in the CCPA Monitor Vol. 21, No. 5, October 2014.

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STATEMENT OF PURPOSE

The CUSJ purposes are:

- to develop and maintain a vibrant network of Unitarian social action in Canada and elsewhere and to proactively represent Unitarian principles and values in matters of social justice and in particular
- to provide opportunities, including through publication of newsletters, for Unitarians and friends to apply their religious, humanistic and spiritual values to social action aimed at the relief of (1) poverty and economic injustice, (2) discrimination based on religious, racial or other grounds, (3) abuses of human rights whether of individuals or peoples, (4) abuses of democratic process, and
- to promote peace and security, environmental protection, education, and literacy in keeping with the spirit of Unitarian values.

These purposes are an integral part of the Constitution of CUSJ, adopted at the CUSJ Annual Meeting in Mississauga, ON, May 19, 1999, and amended at the 2003 AGM.

I agree with the above Statement of Purpose, and wish to

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