

LIBERTY versus SECURITY

written by
Connie Fogal, Director,
Defence of Canadian Liberty Committee,
November 2, 2001

“Anyone who trades liberty for security deserves neither liberty nor security”
... Benjamin Franklin ...

“And neither will he receive either”... Rocco Galati

Canada’s proposed antiterrorism law, Bill C 36, is an exploitive disguise to deliver us over to undemocratic globalization. It is a sword joining the USA, Australia and England slashing freedom of speech, freedom of assembly, freedom of association, and the right to protest in order to eliminate the increasingly effective international democratic opposition to global corporatization. It targets and batters racial and religious groups as “whipping boys” (and girls) to justify the destruction of the civil liberties of all Canadians. Once enacted, it will be unlikely that any Charter of Rights Challenges will succeed because the Anti- Terrorism Act gives a discretion to the Court to make decisions based on national security. The Courts will not likely wish to step outside this escape mechanism.

Bill C 36, the Anti- Terrorism Act, is an act which amends many other acts and incorporates into it one new act as well, (Bill C16). The new one, (Bill C16), is the Registration of Charities (Security Information) Act. Bill C 36 amends the Criminal Code of Canada, the Official Secrets Act, The Canada Evidence Act, the Canadian Human Rights Act, the Immigration Act, the proceeds of Crime Act, Access to Information Act, Canada Post Corporation Act, Personal Information Protection and Electronic Documents Act, Access to Information Act, Privacy Act, Seized Property Management Act, Canadian Security Intelligence Act, United Nations Act, Identification of Criminals Act and others. The amendments remove the civil liberties previously guaranteed in those acts. Ethical, religious, and environmental arguments are not available as defences to any alleged breach of this new law. Prior to Bill C 36, these acts being amended provided sufficient mechanism for citizen and state protections. Bill C 36 has an ulterior agenda. It is on par with the laws of Mussolini and Hitler.

Rocco Galati, lawyer for the Canadian Islamic Congress, says, “19 terrorists in 6 weeks have been able to command 300 million North Americans to do away with the entirety of their civil liberties that took 700 years to advance from the Magna Carta onward. The terrorists have already won the political and ideological war with one terrorist act. It is mindboggling that we are that weak as a society.”

In October, 2001 only 8 Canadian Members of Parliament voted against Bill C36 at Second Reading. The Bill has been before the Senate and is now in the study stage by

Parliamentary committee. Our Prime Minister, Jean Chrétien, says he wants it passed into final law by Christmas 2001. What a great legacy for all the Parliamentarians sitting from the Year 2000 election and for this Prime Minister: Reigning over the death of democracy in Canada! Terminating civil liberties!

The 8 MP's who voted for civil liberties were from the NDP. I am told the other 7 NDP members were not present. I am told the NDP caucus agreed they would all oppose the second reading of the anti terrorist bill. No constituency work elsewhere could be more important than to be present to be seen voting to preserve the liberty of Canadians. They should have been required by the party leader or whip to be present to vote for liberty. By the end of October, three Liberal Members of Parliament from the governing party of Liberals, and one Liberal Senator spoke out publicly against Bill C36. Interestingly they are all from the ethnic community: Herb Dhaliwal, Indo-Canadian, Vancouver South; Heidi Fry, Caribbean community, Vancouver Center; Sophie Leung, Chinese, Vancouver Kingsway; and Senator Mobina Jaffer, Indo Canadian. It is obvious the Canadian ethnic community understands the attack in process. Many of them have experienced and escaped this law in other countries. The ethnic communities know this law is aimed first at them to reach the rest of Canadians. They know classic racism and religious discrimination when they see it.

These three MP's are responding to the pressure coming from their own ethnic communities. They did not have the courage, or understanding, or will on their own in Parliament to vote for liberty. Now they have no choice because their own community is taking them to task. They risk being struck from Cabinet and special committees in punishment by the Prime Minister for disobeying his order for no public dissent from Caucus. Obviously their constituency pressure is high. As it should be. Where is the rest of the Canadian community?

“First They Came For”
... by Reverend Martin Niemoeller ...

“In Germany, the Nazis first came for the communists, and
I didn't speak up because I wasn't a communist.

Then they came for the Jews, and I didn't speak up because
I wasn't a Jew.

Then they came for the trade unionists, and I didn't speak up
because I wasn't a trade unionist.

Then they came for the Catholics, but I didn't speak up
because I was a protestant.

Then they came for me, and by that time there was no one
left to speak for me.”

Reverend Niemoeller, a German Lutheran pastor, was arrested by the Gestapo and sent to Dachau in 1938. He was freed by the allied forces in 1945.

KILL BILL C36

Write your MP at: House of Commons, Ottawa, Ontario, K1A086 (no stamp need to mail MP). Parliamentary Information Number: To obtain constituency address, telephone, and fax details about any Member of Parliament and to find out who is your MP call: 1-800-667-3355. Senators' tel nos.& addresses: 1-800-267-7362; House of Commons, information: 613-992-4793 To e-mail any MP: "Surname"."First initial"@parl.gc.ca

In July 2001, on behalf of the Canadian Islamic Congress, *Rocco Galati made legal representation before a Parliamentary committee to stop Bill C16, the Registration of Charities (Security Information) Act . They succeeded, but once 9/11 happened, Bill C16 was reactivated and included in Bill C36. I include the summary of his opinion of Bill C 16. Full text of that legal argument will be on the Defence of Canadian Liberty website at www.canadianliberty.bc.ca shortly and is available by fax or e-mail from me now. Phone 604 872 2128 and leave message. E-mail: conniefogal@telus.net. Fax 604-688-0550. I will broadcast Rocco Galati's legal opinion written on behalf of the Canadian Islamic Congress re Bill C 36, the Anti-terrorist Act, soon. It too will be posted on our website.

(*Rocco Galati is renowned for his legal work on behalf of the Defence of Canadian Liberty Committee challenging globalization and the criminalization of dissent.)

SUBMISSIONS OF CANADIAN ISLAMIC CONGRESS ("CIC") TO PROPOSED BILL-16, "The Charities Registration (Security Information) Act"

Submitted Thursday, May 17th, 2001

Please accept the following submissions on behalf of the Canadian Islamic Congress.

Introduction:

The Canadian Islamic Congress is a moderate, umbrella, national organization representing the Muslim community in Canada.

The CIC condemns all acts of any violence, in Canada and abroad, by an armed person or group against a civilian population, group, or persons, for political, economic, racial, or social reasons, which is what the CIC understands to be “terrorism”, including state terrorism.

The CIC fully supports the refusal to register, and the de-registration, under the Income Tax Act, of charities who “fundraise” or forward their resources to terrorist groups or their supporters. However, the CIC is distressed at the fact that draconian, star-chamber process and laws would be invoked to refuse to register, or de-register, without any knowledge, or intent on the part of the charity and without ever seeing the evidence, nor being able to appeal the determination. Interposed into this “judicial” process, is a “political loop” whereby two Ministers, who are not divorced of political consideration, make secret decisions which inescapably come down to race, religion, and ethnic origin.

This process and unjust law and procedure is guaranteed to inflame racial and religious stereotypes against certain targeted groups as well as fester and inflame hatred and racial, religious, and ethnic strife between different groups within Canadian society.

The CIC strongly urges substantial amendment to Bill C-16.

Summary of Submissions

The summary of the unacceptable state of Bill-16, set out in detail below, is that Bill C-16, in its present form is:

1. “overlybroad” in its application in lacking:

- (a) clear and direct link (as opposed to endless degrees of separation);
- (b) knowledge or intent;
- (c) gross negligence, lack of due diligence no acquiescence;

on the part of the charity in having “any of its resources” ending up in the hands of any “terrorist” organization, person, or “supporter”, directly or “indirectly”;

2. “vague” in its references to:

- (a) “any of its resources”;
- (b) “indirectly”;
- (c) “supporters”;
- (d) “terrorism”;

3. procedurally unacceptable in holding a secret, CSIS proceeding, dittoed from a s.40.1 Immigration Act hearing,

- (a) without seeing the evidence;
- (b) before a Federal Court judge who must be pre-approved by CSIS;

- (c) with no right of appeal;
 - (d) without any administrative ability to sit down with either Minister, in cases of no clear and direct link, and attempt to resolve the problem before the certificate is signed;
4. the proceeding itself is a star-chamber process not in accordance with our Canadian judicial system and with our Charter of Freedoms and Rights, ensured to instill racial divide and disharmony in Canada;
 5. the process and law inflicts an “absolute” liability on the charity without any moral blameworthiness, knowledge, intent, or even any lack of due diligence on its part;
 6. the name of the charity should not be concealed only upon Court application by the charity, as there is lag time between the signing of the certificate and the appearance of the application in the Court, which necessarily requires naming and is of public record, but the identity should be anonymous on the face of the certificate and anonymity should commence upon signing the certificate;
 7. there should be full compensation for legal costs in cases where the charity is successful in quashing or resisting the de-registration;
 8. in light of the history and classifications of charities, dating back to the Statute of Elizabeth, 1601, still used by the courts for classification, Bill-16 ought to be referred to the Supreme Court of Canada, on a reference, to determine its constitutionality.

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On behalf of the Canadian Islamic Congress

"Fascism should rightly be called corporatism as it is a merge of state
and corporate power"
... Benito Mussolini ...

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“The constitution of Canada does not belong either to Parliament, or to the Legislatures;
it belongs to the country and it is there that the citizens of the country will find the
protection of the rights to which they are entitled” Supreme Court of Canada A.G. of
Nova Scotia and A.G. of Canada, S.C.R. 1951 pp 32