

Pushing the limits of state surveillance



[Lawrence Martin](#)

Globe and Mail

Aug. 16, 2011

Get ready for a deluge of 10th anniversary 9/11 retrospectives. They will be a fitting caper to a depressing American and European summer. That day of ultimate terror still looms darkly in the United States and beyond, this country included.

Ten years on, we are still presented with the insanity that sees a ragtag collection of terrorist twirps, pissants or whatever you want to call them holding hostage the world's greatest military power. Washington got sucked right into their trap, colossally overspending on defence and driving the treasury into dire debt; starting a war with a non-guilty party on the basis of bogus information at an appalling cost of almost 5,000 American lives; building a surveillance state that erodes if not ravages once-cherished American freedoms. In the war on terror, is there any doubt who the loser has been?

More related to this story

- [Jeffrey Simpson: a serious talk about crime](#)
- [Our F-35 future: We need someone to watch over us](#)

In Canada, the impact, while far less egregious, has been profound enough. Here 9/11 has served as the enabler of a new security and surveillance mindset. What happened a decade ago triggered the Afghanistan war and the reinstating of a military mentality at

a time when, the Cold War having passed, there was hope we could move beyond the war psychology. While not directly tied, the post 9/11 security climate has helped undergird our government's lock-'em-up, law-and-order preoccupation that the Canadian Bar Association lambasted on the weekend. Another effect of 9/11 was to bring on a rash of new border-security measures that cut into trade flows and made passports mandatory.

On the question of surveillance and reduced civil liberties, the latest Ottawa measure is what is termed "lawful access" legislation. This will compel Internet service providers to disclose customer information to authorities without a court order. In other words – blunter words – law enforcement agencies will have a freer hand in spying on the private lives of Canadians.

When he was public safety minister, Stockwell Day, now retired from politics, was opposed to going this route. When the question of handing police these powers arose, he stated that "we are not in any way, shape or form wanting extra powers for police to pursue [information online] without warrants."

While having to get a court order might make some police investigations more difficult, Mr. Day correctly held to the view that the citizen's right to privacy was paramount. That all changed, and now the expansion of intrusive state power is set for passage as part of the Conservatives' omnibus law and order legislation.

Mr. Day was asked what happened? "I won't back away from what I said, nor would I want to," he replied in an e-mail message. He was careful not to slag his Conservative brethren, saying that critics should exercise a modicum of restraint until all the details of the government's plans are known.

The country's privacy commissioners – federal and provincial – are lining up against the legislation, as are citizens' groups. But lumping the lawful access measures in the omnibus crime package will help limit debate and public rancour.

In many respects, 9/11 has been a boon to Conservative interests. The security agenda, military revitalization, law and order are all priorities of the political right. Economically, the post 9/11 American decline has had obvious trade and other repercussions here. If there is a positive, it is the Conservatives' realization, as evidenced by the Prime Minister's trip to Latin America last week, that it must seek market diversification.

It is imperative because, illogically, post-9/11 fear and paranoia have not receded with time and show no signs – even though there has been no terror on U.S. soil since 9/11 – of doing so. As with the Cold War, the continuance of the war on terror will be all fine and well with the vested military/industrial interests.

Proponents of the great American pastime of threat inflation need only roll out the fear that terror can happen again. Since no one can prove that it won't happen again, they can't be negated. In the meantime, the security-surveillance networks will continue to grow – on the American side of the border and on ours.

<http://www.theglobeandmail.com/news/opinions/opinion/pushing-the-limits-of-state-surveillance/article2130692/>