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BC Civil Liberties  
Association

# Democracy Burning?

## The BCCLA Brief on the Anti-Terrorism Act

EDITOR'S NOTE: *The Anti-Terrorism Act was passed in record time during the fall of 2001 in response to the attacks in the United States. The BCCLA opposed various provisions of the legislation in 2001 and urged legislators not to react with undue haste to an unknown threat. More than three years after the passage of this extraordinary law, the BCCLA maintains*



*that the ATA is fundamentally flawed. The following is the Executive Summary of the BCCLA's brief on the ATA. BCCLA President Jason Gratl and Executive Director Murray Mollard travelled to Ottawa in October to present our brief to the Senate Standing Committee on the Anti-Terrorism Act and the House of Commons Sub-Committee on Public Safety and National Security.*

*The BCCLA's brief on the ATA encompasses five major areas:*

- 1. the need to narrow the definition of "terrorist activity" and "national security";*
- 2. the problem of the RCMP's elite anti-terrorism units (INSETs) undertaking investigations that target political and religious activists under the guise of "terrorism", a problem caused by overbroad definitions of terrorism;*
- 3. the need to reform the Canada Evidence Act so that there is proper judicial review of government's power to keep "national security" information secret from the public and accused persons;*
- 4. the urgent need to reform the "security certificate" process which allows the government to, in essence, torture detainees in Canada and to deport people to countries that practice torture; and*
- 5. the need to improve accountability of Canada's national security agencies including CSIS and the RCMP through strengthened judicial review, civilian oversight, parliamentary review and citizen participation.*

*The full text of our brief can be found on the BCCLA website at:  
[www.bccla.org/othercontent/curbing%20excess.pdf](http://www.bccla.org/othercontent/curbing%20excess.pdf)*

*continued on page 4*

# We Need a Change of Tactics

## A Modest Proposal for Canadians Who Accept the Price of Freedom

**We live in troubled times, uncertain times, lawless times. Civil liberties are at play, and much is at stake: no-fly lists, anti-terrorism powers, the deployment of mass surveillance technology, involuntary conscription of networks of informants, torture for citizens and deportation to torture of non-citizens. And if torture is permitted, then everything is permitted.**



BCCLA President  
Jason Gratl

On national security issues, we are working from a deficit position. Anti-terrorism powers enacted after the hijacking attacks on financial and military symbols in the United States set us back considerably. International mayhem persistently rewards political opportunists who capitalize on tragedy and fear to enact oppressive laws. The government lavishes resources on implementing and propagandizing anti-terror powers.

The BCCLA is sprinting to keep up, and having some success keeping barbarians at the gate, but the ultimate success on the national security horizon is to avoid deepening the incursions into civil liberties and, at best, see civil liberties restored to the levels of early 2001.

We at the BC Civil Liberties Association are deeply frustrated by the War on Terror. As long as people accept incursions on liberty every time a bomb goes off somewhere in the world, I don't think we can fully undermine the War on Terror. Bombs will go off as long as there are bombs, and as long as people can be scared into submission.

I think we need a change of tactics. I think we need to ask ourselves: can the government possibly be so wrong?

I am contemplating the notion that we Canadians, as a war society, should embrace more wars. I suspect Minister McLellan understands this notion quite well, and we might do well to support her impressive lead-

ership in advancing truly Canadian values. I think we need to start a few wars to supplement the War on Terror and the War on Drugs.

First, and most important, we need a War on Risk. Risk is the greatest threat to the public today. Risk must be eliminated at all costs. People who represent a risk should be watched day and night, have their communications monitored and their vehicles tracked, and should be deported where possible. No need to wait for the risk to materialize. And no risk is too small – it's too risky to leave anyone out.

Second, we need a War on Truth. Truth has a nefarious way of undermining and displacing cherished institutions and messages. It can be so negative. Section 38 of the Canada Evidence Act and section 4 of the Security of Information Act are a good first step, but nothing permanent will be accomplished without an honest commitment. We will need an aggressive attack for this, which should involve the Ministry of Peace.

Third, we need a War on Privacy. Only people with secrets will complain about this one – and almost nobody has dirty secrets – and so it's only an attack on the minority. Perhaps we can start surreptitiously with a cybercrime treaty – to justify watching the tiny little group that reads internet porn or indulges in truth. A secret network of involuntary spies will be of service in this – businesses can report suspicious financial transactions, for example, and landlords can monitor their tenants for signs of the evil weed, marijuana.



We need a War on Privacy. Only people with secrets will complain about this one – and almost nobody has dirty secrets – and so it's only an attack on the minority.

Fourth, we need a War on Accountability. Think about it: citizens of a democracy are inherently self-serving. And you can't trust self-serving people to know what is good for the country. The less citizens know, the better off we'll be.

Fifth, we need a War on Public Debate. Things move slowly enough without the unnecessary and dangerous step of consulting the public. We need to take every available moment to remind citizens of the dramatic urgency of our national peril, so that they understand why there is no time for debate. Eventually people will appreciate that public debate will likely cause the immediate annihilation of Canada.

No one can deny that if Canadians want a War on Terror, they should be prepared for Wars on Risk, Truth, Privacy, Accounta-

bility and Public Debate. It is only by fighting and winning those wars that we and our Minister of Public Safety can preserve this free and democratic society.

We trust that our Minister, through her actions, will help us understand that we as a collective are united in the common goal of fighting an eternal war of all against each. Our national values force us to accept that the price of freedom is freedom.

JASON GRATL



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The Democratic Commitment is a publication of the British Columbia Civil Liberties Association. The Association was established in 1962, and is the oldest continuously active civil liberties association in Canada. Its mandate is to preserve, defend, maintain, and extend civil liberties and human rights in British Columbia and across Canada.

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## The BCCLA Brief on the Anti-Terrorism Act

*continued from page 1*

**The British Columbia Civil Liberties Association was established in 1963 to promote, protect and defend civil liberties and human rights in B.C. and Canada. In forty years of protecting civil liberties in Canada, the BCCLA has developed expertise in a variety of areas including national security and intelligence.**

The goal of the BCCLA in this submission is to identify some of the current problems in the current national security apparatus and urge reforms that curb the excesses while ensuring that Canada's national security agencies can continue to protect the interests of Canada and prevent terrorism.

The B.C. Civil Liberties Association welcomes the opportunity to present submissions to both the House of Commons Subcommittee on Public Safety and National Security (the "House Subcommittee") and the Senate Special Committee on the Anti-Terrorism Act (the "Senate Special Committee") which are reviewing the Anti Terrorism Act (ATA). The work of these committees to review the ATA represents an opportunity in less tumultuous times to revisit the all-too-brief debate preceding the passage of the ATA. This is arguably the most auspicious time to engage in full, impartial, sober, and informed review in order to contribute to striking the appropriate balance between the agencies that must be empowered to preserve our national security and democratic values that constitute Canadian culture and tradition.

No discussion of the tension between democratic values and the preservation of national security can omit mention of Canada's long and well-documented history of excess in its dealings with individuals and groups engaged in legitimate political, religious and ideological activities. In 1946, the Government of Canada initiated a secret purge of civil service employees suspected of communist loyalties, which was replete with unlawful detention and searches and devoid of basic due process protections. In British Columbia, a religious sect of Doukhobours known as the Sons of Freedom were the continual subject of RCMP scrutiny in the 50's and 60's. In 1981, the McDonald Commission found that throughout the 1970s, the RCMP conducted surveillance, infiltrated and subverted the activities of legitimate political activist groups. In 1970, the Federal Government invoked the War Measures Act arguably to quell the rising sentiments of Quebec sovereignty. As our courage is tempered by the passage of time, we slowly reach a general consensus

in Canada that excesses of this kind were both regrettable and avoidable.

Excesses of this kind are not just the stuff of post-colonial history. An obscure document called a Security Certificate is currently causing a human rights tragedy of shameful proportions. Five men of Muslim background have been imprisoned by Ministerial Order in Canada under inhuman conditions while they await possible deportation orders to countries known to practice torture. One of them was released into a strict form of bail akin to house arrest, and the remaining four languish in solitary confinement. The BCCLA calls upon the Committees to support the immediate release of all security certificate detainees from custody, and calls for a legislative overhaul to the deeply flawed regime.

Moreover, the incomplete and possibly misleading public record of the actual human impact of overbroad powers afforded since 2001 by the ATA reveals that the RCMP has targeted animal, environmental and Aboriginal activists, and Muslim clerics for special attention. The BCCLA, along with the general public and these Committees have limited access to the facts of these cases. It is as accordingly difficult to approve of this special attention as it is to denounce it. Though the RCMP's conduct cannot fairly or conclusively be appraised at this time, it is inexcusable that there are no mechanisms for accountability that can reassure Parliament and Canadians that the powers and resources intended to deal with grave issues of national security and terrorism are not being misdirected. The BCCLA fears that, due to overly broad definitions for "terrorist activity" and "national security", there is nothing to prevent the RCMP from feeling itself bound to pay special attention to individuals and groups who may be unfairly labelled as terrorists. This problem arises both from problematic definitions and ineffective oversight, carries the potential to undermine the exercise of fundamental freedoms protected by the Charter of Rights and Freedoms, including freedom of expression, association and religion. Like the excesses of the past, the excesses of the present are both regrettable and avoidable.

At this critical juncture, Canadians should not avert their gaze from the unfortunate reality that the legislature has granted several of our national security agencies more power than they need to fulfil their mandates. Furthermore, the existing judicial, parliamentary and civilian mechanisms for democratic oversight of national security agencies are simply unable to prevent or redress the misuse of the state's considerable authority in the realm of national security.

The remedy for these problems is not a mystery: the powers of investigative and enforcement authorities must be scaled back to justifiable levels and independent civilian oversight must be fortified where it exists and created where it does not. The ATA alone did not conjure up all of these shortcomings, but it exacerbated and codified them. The BCCLA respectfully suggests that it is necessary to look beyond the ATA to recommend comprehensive solutions to systematic failings.

The BCCLA requests that, in crafting a remedy for these failings, the House Subcommittee and Senate Special Committee give consideration to the following proposals:

1. Immediately advocate for an end to the inhumane and indefinite detention of individuals under Security Certificates. This issue is of such ethical and cultural magnitude as to demand immediate rectification. Their ongoing detention is an assault to the Canadian conscience. Given their treatment, it is not much to ask that current detainees be granted access to reasonable (even heavily supervised) bail while awaiting a hearing and while awaiting deportation.
2. Overhaul Security Certificate powers under the Immigration and Refugee Protection Act to forbid reliance on information obtained by torture, unconditionally cease the practice of deportation to torture, prevent indefinite detention, maximize public disclosure of evidence, and enhance judicial oversight of the process.
3. Amend the definition of "terrorist activity" in the ATA to include only actions that are intended to or can reasonably be foreseen to cause death or serious bodily harm to persons not actively and directly involved in a dispute with the purpose of intimidating a population or compelling a Government or an international organization to do or abstain from doing an act.

This definition would tailor anti-terrorist powers to act against only those catastrophic events such as those in New York, Bali, Madrid, Istanbul and London, the horror of which is said to justify the creation of anti-terrorist powers. This definition would in no way imperil the usual power of policing authorities from investigating criminal militancy.

4. Engage in a comprehensive review of definitions and offences relating to national security, including the definition of "threats to national security of Canada" in the Canadian Security Intelligence Service Act and the harms listed in section 3 of the Security of Information Act.
5. Enhance judicial oversight of national security activities by amending the Canada Evidence Act to streamline the categories of information over which the government has control, eliminate the use of information derived from torture, invigorate secrecy hearings through the participation of parties adverse to secrecy (including security-cleared lawyers where necessary), and either eliminate government veto of court-ordered disclosure or provide for a stay of proceedings in which a such a veto is exercised.
6. Create a National Security Review Committee to oversee and review the national security and intelligence activities of all national security and intelligence agencies and institutions.
7. Create an Office of the Civil Liberties Ombudsman as a last line of defence in the review process. Such an office would enhance public confidence in the oversight architecture and provide a refuge for the aggrieved.

In submitting these proposals, the BCCLA is attempting to urge reforms that curb excesses while ensuring that Canada's national security agencies can continue to protect the interests of Canada and prevent terrorism.

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**The remedy for these problems is not a mystery: the powers of investigative and enforcement authorities must be scaled back to justifiable levels and independent civilian oversight must be fortified where it exists and created where it does not.**

**i** The BCCLA's full brief can be found on the BCCLA website at: [www.bccla.org/othercontent/curbing%20excess.pdf](http://www.bccla.org/othercontent/curbing%20excess.pdf)

# BCCLA Targets RCMP National Security Teams for Scrutiny

**Part II of the BCCLA’s brief on the Anti-Terrorism Act (ATA) focuses on the work of the RCMP’s Integrated National Security Enforcement Teams (INSETs). INSETs are the RCMP’s elite anti-terrorism units created in response to the attacks in 2001. Since the ATA came into force there has been little actual use of some of its more controversial provisions such as preventative detention (never used) and investigative hearings (used only once). Rather, the BCCLA believes that the major impact of the legislation has been to provide the legislative basis for a massive expansion of the national security apparatus in Canada and its application to criminal issues that do not give rise to terrorist concerns nor national security matters.**

Back in the fall of 2001, much of the debate regarding the ATA was on the definition of “terrorist activity” which, in the first reading version of Bill C-36, could have captured an illegal strike or civil disobedience. Though the government amended the definition to ensure that protest or dissent that is not intended to cause death, endanger a life or create a serious risk to public safety was not considered a terrorist activity, the definition remains so broad that many less serious criminal matters can now be considered terrorism.

This worry is borne out by examining some of the cases from British Columbia in which the RCMP’s Integrated National Security Enforcement Team has been deployed. The BCCLA’s brief relates seven such cases. These cases include:

- an INSET raid on a spokesperson for the Animal Liberation Front based on allegations of relatively minor property offences in Massachusetts (the search warrant was later quashed as being invalid by the B.C. Supreme Court)
- an INSET investigation of people associating with an individual who had fled to Canada to avoid charges of arson relating to logging trucks
- an INSET raid on a home of a member of the West Coast Warriors Society for alleged illegal firearms; no firearms were found
- a dramatic INSET daytime take down of a van occupied by two members of the West Coast

Warriors Society just after they had purchased 14 rifles and 10,000 rounds of ammunition for use in an Outdoor Traditional Indigenous Training program for a local First Nation; the aboriginal men had all appropriate firearm permits and have not yet been charged with any crime

- an INSET investigation of a local Muslim imam who has been the centre of controversy because of perceived hateful public comments he has made

While these cases may (though may not) be matters for criminal investigation by the police, it is far from obvious, based on the facts available in the public record, that they are matters that raise either terrorism or national security concerns. Yet, given the broad definition of terrorist activity, RCMP’s INSETs are treating them as such.

The BCCLA has used these cases as examples of the need to reform the ATA to (1) narrow the definition of “terrorist activity” and “national security” in other laws and (2) to create a much more comprehensive regime for civil review and oversight of the national security activities of national security agencies. We are particularly concerned that they represent examples of terrorist branding of political and religious activists that do not raise terrorist concerns.

**i** Greater details regarding these cases can be found in the BCCLA’s ATA brief at: [www.bccla.org/othercontent/curbing%20excess.pdf](http://www.bccla.org/othercontent/curbing%20excess.pdf)

# BCCLA Meets with Minister of Justice Irwin Cotler



Irwin Cotler

**In October, BCCLA President Jason Gratl, Executive Director Murray Mollard and Policy Director Micheal Vonn met with the Honourable Irwin Cotler, Minister of Justice and Attorney General of Canada to discuss the Anti-Terrorism Act (ATA), lawful access, marijuana decriminalization, Supreme Court appointments, and a proposal to merge federal privacy and access commissioners' offices.**

**ANTI-TERRORISM ACT:** We presented Mr. Cotler on the ATA and pressed him to implement Canada's international obligations to ensure that we are not complicit in torture in any way. He declined to act immediately and preferred to instead wait for the reports by the House and Senate committees reviewing the ATA.

**LAWFUL ACCESS:** This is the government's proposal to make it easy for law enforcement to access private electronic communications without a warrant. Despite writing an op-ed in the Vancouver Sun defending the proposal, Mr. Cotler explained to us that the initiative is the responsibility of his Cabinet colleague, Anne McLellan, the Minister of Public Safety and Emergency Preparedness.

**MARIJUANA DECRIMINALIZATION:** Mr. Cotler remained committed to passing the decriminalization bill introduced previously by the Chretien government.

**SUPREME COURT APPOINTMENTS:** We urged Mr. Cotler to codify into law his new appointment process, a process which generally accords with the BCCLA position on this issue.

**ACCESS AND PRIVACY:** The BCCLA opposes a merger of the offices of the federal Access and Privacy Commissioners. If the government proceeds with a merger, Mr. Cotler committed to using the Parliamentary process rather than a cabinet order, which would preclude further debate.

**NEXT UP: Deputy Prime Minister Anne McLellan's senior policy adviser. Ms McLellan has declined to meet with us directly for now.**

## No-fly Still Not Flying with the BCCLA

The federal government continues to move forward with a Canadian no-fly list and the Association continues to oppose the move. Transport Canada announced plans to implement a terrorist watch list comprised of people who are not permitted to board commercial airplanes. The Association met representatives from Transport Canada to discuss the serious civil liberties ramifications of following the example of the notoriously flawed U.S. no-fly system. A new concern that has arisen is people who seem to be on a no-fly list that doesn't officially exist. That is, people are coming forward who have the same or similar name to someone on the U.S. no-fly list and are reporting delays boarding their domestic Canadian flights. The Association is investigating the matter.

**i** Our position paper on no-fly lists can be found at: [www.bccla.org/positions/antiterror/05nofly.htm](http://www.bccla.org/positions/antiterror/05nofly.htm)

# Private Sector Collecting Information for the Police

**In October, Vancouver City Council was asked to pass an amendment to the Secondhand Dealers and Pawnbrokers By-law No. 2807 which currently requires secondhand dealers and pawnbrokers to provide the name, address, birth date and complete description of picture identification of the seller and a complete physical description of the object sold**

to the police. The proposed amendments would also require disclosure of a description of the seller's race, hair, eyes, height and weight. The police collect this information into a database.

The BCCLA has made a submission to the B.C. Information and Privacy Commissioner, David Loukidelis, about municipal bylaws that require private businesses to collect personal information from customers and provide that information to the police. Our concerns about these requirements include:

1. there is no judicial oversight of what amounts to, in our view, illegal searches by the government;
2. it is not within the legislative authority of a municipality to make such by-laws, as they deal with criminal law and therefore are the responsibility of the federal government; and
3. the customers of the businesses that the bylaws apply to are being targeted for police monitoring and this differentiation is discriminatory.

The Association made a presentation to City Council and advised that the Office of the Information and

Privacy Commissioner had requested an opportunity to discuss the matter with City officials. We also reported on case law that found a similar by-law to be outside of the power for a municipality to legislate. We also advised that there are similar challenges currently underway in Ontario and British Columbia. Based on our submissions and our request to defer their decision, Council postponed the decision on the by-law amendment until after they consult with Commissioner Loukidelis.

The BCCLA is concerned with the increasing trend to enlist the private sector as an agent of law enforcement. The Association's position is that personal information collected in the course of a private business must comply with privacy legislation and should not be disclosed to the police except where there is a warrant, a court order, a subpoena or the business itself is making a criminal complaint against the customer in question.

**i Our submission to the Information and Privacy Commissioner had be found at:**  
[www.bccla.org/othercontent/04loukidelis.htm](http://www.bccla.org/othercontent/04loukidelis.htm)

## **BCCLA Pressure for Audit Pays Dividends: Joe Wood, Q.C. to Lead Review of the Police Complaint Process**

Joe Wood, Q.C. has been appointed by the Solicitor General to lead a team reviewing the police complaint process under the Police Act. Mr. Wood replaces Ben Casson who had previously been appointed. Mr. Wood's review is a result of the BCCLA's ongoing advocacy for a comprehensive audit of the complaint process as well as high profile complaints regarding the Vancouver Police Department organized by PIVOT Legal Society. As a result of PIVOT's complaints, Police Complaint Commissioner Dirk Ryneveld, Q.C. recommended that an audit be undertaken. As part of an advisory committee, the BCCLA met with Mr. Wood and members of his team. Among other recommendations, we urged Mr. Wood to add a non-police auditor to his team given his original methodology included only one police officer to audit past files. Peter Juk, a senior litigator with the Attorney General and considerable prosecutorial experience has now joined Mr. Wood's team. We look forward to working with Mr. Wood to evaluate and improve upon the police complaint process in B.C.



# Information About Your Legal Rights

**The Safe Streets Act is a new provincial law. It applies everywhere in British Columbia, and affects many people, including panhandlers, squeegee kids, street vendors and charity fundraisers.**

[Does the Safe Streets Act make panhandling illegal?](#)

NO. Panhandling is a legal activity. You have the right to panhandle, as long as you do not cause people to fear for their safety, or panhandle in certain locations.

The Safe Streets Act prohibits two kinds of “soliciting”:

1. “Aggressive solicitation”
2. Solicitation in certain locations where there is a “captive audience”

[What does “solicit” mean?](#)

Under the Safe Streets Act, “soliciting” includes:

- asking for spare change
- playing music in exchange for money
- washing windshields in exchange for money
- selling newspapers on the street
- asking for donations to a charity
- asking for cigarettes

Under the Safe Streets Act, it is illegal to solicit in an aggressive way. Solicitation is aggressive if it would cause a reasonable person to fear for their safety.

[What is “captive audience solicitation”?](#)

Under the Safe Streets Act, it is illegal to solicit within 5 metres of any of these things:

- bank machine
- pay phone
- public toilet
- bus stop
- person getting in or out of their car in a parking lot

[If I break the law under the Safe Streets Act, what are the penalties?](#)

If you are charged under the Safe Streets Act, the police can give you a ticket ranging from \$86 to \$115.

[Who can enforce the Safe Streets Act?](#)

The police are the only people who can enforce the law. Private security guards and Downtown Ambassadors have no authority to enforce the Safe Streets Act. They

have no authority to tell you to move along if you are on public property.

[I have been charged with violating the Safe Streets Act. What can I do?](#)

If you have been charged under the Safe Streets Act, you can call one of these organizations for assistance.

Law Students Legal Advice Program  
604-822-5791 (Lower Mainland)

Law Centre  
250-385-1221 (Victoria)

Access Justice clinics  
604-878-7400 (Lower Mainland)  
1-877-762-6664 (Rest of BC)

Salvation Army clinics  
604-296-3816 (Lower Mainland)

LawLINE  
604-408-2172 (Lower Mainland)  
1-866-577-2525 (Rest of BC)

[I have been wrongly treated by a security guard.](#)

[What can I do?](#)

If you believe you have been wrongly treated by a uniformed security guard, you can make a formal complaint. Contact the BC Civil Liberties Association at 604-687-2919 for help with your complaint. To report a criminal offence, like assault, contact the police.

[If someone tells me to stop panhandling, what should I do?](#)

Each situation is different and you should use your common sense. If a person is disrespecting your right to panhandle, stay calm, and try to remember everything that happens.

If someone tells you to stop panhandling, ask:

- “What part of the Safe Streets Act am I violating?”
- “Do you have the authority to enforce the Safe Streets Act?”

 **For free brochures and posters on the Safe Streets Act, contact the BCCLA at 604-687-2919.**

# Success in Lifting Media Ban on Private Prosecution of George Bush

**The BCCLA was successful in lifting a publication ban imposed in the case of a private prosecution of George Bush for allegedly counselling, aiding and abetting the commission of torture in connection with Abu Ghraib prison in Iraq and Guantanamo Bay, Cuba. The private prosecution was brought by Gail Davidson of Lawyers Against the War, an international group of jurists based in Canada, which also argued against the ban.**

In August 2005, the B.C. Supreme Court granted a continuation of an earlier publication ban on the proceedings and granted the BCCLA intervenor status to argue against the ban. In September, the Association made preliminary arguments contesting the rationale for applying the publication ban and the Provincial Crown subsequently withdrew its application for the ban. The ban was lifted on October 17, 2005.

The Association argued that the publication ban stifled public debate without advancing the public interest. The importance of this public debate is highlighted by several other developments including the Arar Inquiry and the constitutional challenge to the security certificate process that will be heard by the

Supreme Court of Canada. Some of the most pressing questions currently in the public forum involve Canada's complicity in torture and whether we are willing to rely on information from torture. A case that brings forward the issue of our international obligation to prosecute the offence of torture is clearly at the very core of freedom of expression values.

The Association will make further arguments in this case on the related issue of the presumption of open courtrooms. Counsel for the Association is its President, Jason Gratl and Policy Director, Micheal Vonn.

**i** Our legal argument is online at: [www.bccla.org/pressreleases/05george%20bush.htm](http://www.bccla.org/pressreleases/05george%20bush.htm)

## Constitutional Challenge to TransLink's No Political Advertising Policy

THE BCCLA IS INTERVENING IN A CHARTER CHALLENGE by the B.C. Teachers Federation and the Canadian Federation of Students (CFS) to B.C. Transit's and TransLink's policy banning political advertising on buses and SkyTrain. In 2004, both parties sought to buy ad space on the outside of buses. The CFS ad, entitled "Rock the Vote," encouraged students to exercise their right to vote. Voter turnout for the student demographic is usually considerably below the average for elections. The BCCLA had made submissions along with the BCTF and CFS to permit the ads and change the policy but the TransLink Board of Directors declined in November 2004.

The BCCLA will argue that the Charter of Rights and Freedoms applies to TransLink and B.C. Tran-

sit as they are both "government" in the traditional sense given that their governing bodies are elected representatives, they have the power to tax and make bylaws and their authority derives from the provincial government. We will also argue that these agencies have violated CFS and BCTF's constitutional rights to free expression. Finally, we will say that the transportation authorities' goal of keeping transit free from controversy for safety sake is not a justifiable reason for the policy prohibiting political ads.

Chris Sanderson, Q.C. of Lawson Lundell is acting for the Association with the assistance of BCCLA Executive Director Murray Mollard.

**i** To review the legal brief of the BCCLA, visit [www.bccla.org/othercontent/Chambers.pdf](http://www.bccla.org/othercontent/Chambers.pdf)

## BCCLA BOARD MEMBER PROFILE

# Dr. Timothy Christie



**Sometimes it takes meeting someone from the BCCLA to realize that you are a civil libertarian. Dr. Timothy Christie is a case in point. Dr. Christie, a medical ethicist with the B.C. Centre for Excellence in HIV/AIDS and an instructor in the Masters of Health Administration Program in the Department of Health Care and Epidemiology at UBC, has been a member of the BCCLA's**

Board of Directors since 2003. He has always had a passion for medical ethics. However, he didn't realize that he shared similar civil libertarian ideals until he met BCCLA Past President John Russell.

They met at UBC where Tim was giving an unpopular talk on the relevance (or lack of) of health care ethics committees. During his presentation, Tim mentioned his paper on Supervised Injection Sites as a scholarly confrontation with the police. John recognized a future valuable Board Member and informed him that if he liked "fighting the cops" then he should join the BCCLA. John Russell: "Tim's talk was principled and displayed considerable courage in taking an unpopular position. He was obviously well-qualified to serve on the BCCLA Board." John subsequently nominated Tim to join the BCCLA Board of Directors. The rest is history.

Tim has an extensive academic background that includes a PhD in Philosophy from the University of Ottawa and is currently completing his Masters of Health Science in Health Care and Epidemiology from UBC. He has worked as an ethics consultant for the provincial government of New Brunswick and British Columbia and as a manager of clinical services for the Vancouver Coastal Health Authority. In addition to his academic training and work history he has published 24 papers, abstracts and policy documents in various areas of ethics and health.

Aside from being an academic, Tim is a dedicated husband and a traditional Kung Fu instructor. He has been married to his wife Kembubi for over 11 years and has been practicing the traditional art of Kung Fu

since he was 13. In 2002, he won a coveted award in a Kung Fu competition and has been teaching Kung Fu at UBC for a number of years. Tim is also proud to have been chosen as one of six Canadian Delegates to serve as an International Observer of the 2003 Presidential Elections in Togo, a country in West Africa.

Now on the Board for over two years, Tim adds his own unique perspective to an already diverse group of individuals. He says the Board meetings require a lot of effort and participation but nonetheless finds them extremely rewarding. Stemming from his knowledge of applied ethics he couples the Board's principled arguments with practical reasoning, taking into consideration the effectiveness and outcomes of these decisions. The BCCLA is a good fit with his own way of thinking: "Trudeau said there are two forms of communication: reason or a loaded gun. The BCCLA is committed to reason."

During his experience on the Board he has been able to identify the value and necessity of the 'watch-dog' role that the Association plays. According to Tim, in a post 9/11 world, we need to be critical of the rational behind state imposed measures, particularly when the state imposes any form of restrictions. Most importantly, he admires the confidence and determination the Board presents, even when the dialogue may be regarding a touchy subject.

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**Stemming from his knowledge of applied ethics, Christie couples the Board's principled arguments with practical reasoning.**

## Membership Drive

The BCCLA relies heavily on the support of people like you who believe in freedom and civil liberties and our work to protect it. Membership is the heart of the Association and we need your help to keep growing.

This November marks the beginning of the BCCLA membership drive and we are asking for your help. To make signing up easier, we have created a fantastic new BCCLA information and membership brochure ideal for handing out to friends and family. Let us know if you would like to receive some copies.

Thinking of gift ideas? Give the gift of a year's subscription to the Democratic Commitment, a newsletter that keeps you informed of how we are making a real difference in communities. For only \$35 (less for students and seniors) give the gift that will help to change our world and protect our freedoms. Sign up friends and family and they will also automatically receive copies of some of our most popular publications such as the Citizenship Handbook and the Privacy Handbook. As a bonus, you and your gift recipient will also receive, hot off the production line, our new BCCLA cap.

For more information on giving the gift of a subscription please feel free to call Sarah Frew at 604-687-2919 or email [sarah@bccla.org](mailto:sarah@bccla.org) for copies of our new information and membership brochure. You can also visit our website at [www.bccla.org](http://www.bccla.org) to sign someone up online.



## BCCLA Welcomes Sarah Frew to Staff

**The BCCLA has a new Director of Development: Sarah Frew.**

**Ms. Frew has been working in the not for profit field since 1997 since graduating with an Honours B.A. in French Language and Literature.**

She has worked for several national organizations such as UNICEF Canada, the Crohn's and Colitis Foundation of Canada and Kids Help Phone.

As Director of Development with a focus on fundraising, Sarah will be working with the Board of Directors and members to make the BCCLA a financially stable organization.

"I am extremely excited to be working with and for such a worthwhile and important organization."

## BCCLA Trying to Save our Trees!

The BCCLA is not only interested in protecting our civil liberties but also in saving our trees. We are currently in the midst of updating our records with email addresses so that we can eliminate some of the paper we send out.

Please note, your email will only be used to send out important updates and/or our e-newsletter.

If you send us your email address by December 31, 2005, your name will automatically be entered into a draw for a special BCCLA gift!

Privacy Policy: The BCCLA does not share personal information with any organization and abides by privacy laws.

## UNITED WAY DONATIONS



Don't forget that you can designate the BCCLA as a specific recipient of your United Way donation!

**The B.C. Civil Liberties Association wishes to thank the Law Foundation of B.C. and our other funders for their financial support.**



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