

November 28, 2001

Right Honourable Jean Chrétien
Prime Minister of Canada
80 Wellington Street
Ottawa, Ontario
K1A 0A2

Dear Prime Minister:

We in Canada are privileged to live in a free and democratic society built on respect for the fundamental rights of citizens. While it is necessary to implement measures to ensure the safety of Canadians in these uncertain times, we are concerned that Bill C-36 -- the *Anti-terrorism Act* -- is itself a threat to the legal and civil rights that Canadians now enjoy. Enacting Bill C-36 will result in a legacy that all Canadians will regret.

Bill C-36 starts off on the wrong foot by using imprecise and overly broad definitions that will catch innocent people in the net meant for terrorists. Furthermore, the Bill's extraordinarily broad powers can be used in secret, resulting in the potential for a wholesale violation of civil rights. Many rights that we now take for granted -- due process, full answer and defence, and fundamental justice -- are all threatened by Bill C-36. In short, the Bill ignores fundamental protections of the *Charter of Rights and Freedoms* and the criminal justice system, and abandons basic fairness and the rule of law. Minor amendments and cosmetic changes do not address the fact that Bill C-36 was drafted in haste, fast-tracked and that it is intrinsically flawed.

To make matters worse, the current social climate, coupled with religious and racial profiling, will result in religious and racial minorities suffering a disproportionate share of the Bill's significant impact. While those wrongfully charged, arrested and imprisoned may be vindicated in the fullness of time, the stigma, shame and humiliation that come with wrongful accusations will have devastating effects on families, reputations, friendships, businesses and jobs. Stern judicial admonitions of the State's violation of rights make great case law, and may even serve to assuage societal guilt for wrongs done to innocent individuals and communities. However, vindication after the fact will not put together ruined families, regain lost livelihoods, or rebuild friendships and trust, all fractured by the suspicion and stigmatization sown by overly zealous acts of a State motivated by fear. These real consequences for real people can be avoided only by crafting any new legislation with careful deliberation, and with a genuine respect for the values we share as Canadians; values that were enshrined by your Government in the *Charter*.

Because Bill C-36 will profoundly and adversely affect the civil rights of Canadians, it should not become law.

Sincerely,

Organizations

African Canadian Legal Clinic
Canadian Arab Federation
Canadian Friends Service Committee (Quakers)
Canadian Muslim Civil Liberties Association
Canadian Peace Alliance
Coalition of Muslim Organizations (representing more than 140 groups)
Council of Canadians

Council on American Islamic Relations Canada
Defence of Canadian Liberty Committee
Jesuits of Upper Canada
Law Union of Ontario
Metro Toronto Chinese & Southeast Asian Legal Clinic
Muslim Law Students Association of Ontario
Muslim Lawyers Association
National Organization of Immigrant and Visible Minority Women of Canada
Parkdale Community Legal Services
Social Activist Law Student Association, Dalhousie Law School
Union of Spiritual Communities of Christ - Doukhobors
United Church of Canada
Urban Alliance on Race Relations
World Sikh Organization

Individuals

Ed Broadbent, Visiting Fellow, Kroeger College, Carleton University
Emily F. Carasco, Professor, Faculty of Law, University of Windsor
Arthur Cockfield, Assistant Professor, Faculty of Law, Queen's University
Steve Coughlan, Associate Professor, Dalhousie Law School
Gail Davidson, Lawyer
David Duff, Associate Professor, Faculty of Law, University of Toronto
David Dyzenhaus, Professor of Law and Philosophy, FRSC, University of Toronto
Richard L. Evans, Associate Professor, Dalhousie Law School
Reverend Daniel J. Heap
David Heap, Associate Professor of French & Linguistics, University of Western Ontario
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René Provost, Associate Professor, Associate Dean, Faculty of Law, McGill University
Peter Rosenthal, Professor, University of Toronto
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Jeff Tenant, Associate Dean (Academic), Faculty of Arts, University of Western Ontario
Toni Williams, Associate Professor of Law, Osgoode Hall Law School, York University
Shelley Wright, Senior Lecturer, International Human Rights, Faculty of Law, University of Sydney, Australia
Margot Young, Associate Professor, Faculty of Law, University of Victoria, Walter Owen Visiting Chair, Faculty of Law, University British Columbia

cc. All Members of Parliament
All Senators