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A Submission to the  
Honourable Marie-Josée  
Hogue, Commissioner of the  
Public Inquiry into Foreign  
Interference in Federal  
Electoral Processes &  
Democratic Institutions.

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In this submission I present a historical perspective on current issues before the Commission. The views expressed are based upon my work as a historian of Canadian foreign policy and Canada-Asia relations, as a scholar who has conducted extensive research on the life and death of Canadian diplomat Herbert Norman, and as a community-based researcher with over two decades of experience working with and for racialized communities in Canada.<sup>1</sup> I appreciate the willingness of the Commission to accept this written submission.

This presentation comes under the Commission's terms of reference that include not only the threat to national security posed by China and Russia, but also "other foreign states or non-state actors," (i.A); to "detect, deter, and counter any form of foreign interference directly or indirectly targeting Canada's democratic processes," (i.C); and "the supports and protections in place for members of a diaspora who may be especially vulnerable and may be the first victims of foreign interference in Canada's democratic processes..." (i.C.II).

The submission assesses the impact of the charges of foreign interference, particularly on the people and communities racialized as 'Chinese'; to ask whether bias in public security agencies might be influencing security policy and, if so, how this might negatively affect democratic processes and/or represent another type of malign foreign influence; and, finally, to ask if we are not witnessing the consolidation of a national security state in Canada, similar to that which arose in the United States at the beginning of the Cold War in 1947?

I address these questions in the following four sections: Historical Precedents; Rethinking 'Diaspora'; Making Enemies?; A Canadian National Security State?.

Some may find the assertions in this submission to be counter-intuitive given the current political atmosphere that gave rise to the Commission. My goal is not to convince the Commissioner to adopt the views expressed but rather to ask that they be considered seriously, be referenced as a plausible guide for recommendations, and be seen as a cautionary note regarding the issues before the inquiry. They are, in the end, a personal and professional appeal for the Commission to "do no harm." This concept, now a principle within medical ethics, underscores the need to carefully weigh the risks of potential harm associated with potential interventions compared to less certain chances of benefit.<sup>2</sup>

## 1. Historical Precedents

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<sup>1</sup> A short biography with relative publications is provided as a separate document.

<sup>2</sup> On the medical application see Basil Varkey, "Principles of Clinical Ethics and Their Application to Practice," *Medical Principles and Practice*, 30 (2021), 17-28.

Substantial research on the histories of national security, human rights, and movements for redress have established a critical scholarly body of work that illustrates how Canada's national security laws, policies and regulations have historically targeted racialized peoples and/or marginalized groups, particularly in times of war or when international relations become polarized.<sup>3</sup> The following examples may serve as a reminder:

World War I: This war saw the Canadian government introduce the War Measures Act in 1914, providing a legal justification for regulations that varied from international law. These regulations, introduced in October 1914, allowed for "sweeping registration of 'enemy aliens', deployed internment as an 'intentional and purposeful tactic', and opened the door for the use of internee labour on public and private projects."<sup>4</sup> This would have a devastating impact on those of Ukrainian heritage and other eastern and southern Europeans who were racialized or marginalized as inferior to those of British or American heritage.<sup>5</sup> The War Measures Act was also invoked to put down the anti-conscription uprising in Quebec in 1918.<sup>6</sup> Closely integrated with the British Empire and its security service (MI6 -formed in 1915), the Dominion Police also played an important role in monitoring and repressing the anti-colonial Ghader movement among South Asians.<sup>7</sup>

PC 2381 and PC 2384: In the wake of World War I and an upsurge in labour activism, the Borden government commissioned a wealthy Montreal lawyer, C.H. Cahan, to investigate suspected subversion related to the war and to the labour upsurge of 1919.<sup>8</sup> His report was the basis for the introduction of new federal coercive measures. By two "orders-in-council (PC 2381 and PC 2384) the foreign-language press was suppressed, and fourteen organizations were outlawed. Many of the groups were of left-wing groups racialized as eastern European, as well as the IWW (International Workers of the World), the Chinese Nationalist League (KMT), and the Chinese Labour Union. The Chinese Nationalist League's anti-colonial program was considered a threat to the British Empire (Canada was a full-fledged member). The Canadian government also reinforced its capacities for surveillance and disruption of social movements. It rationalized

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<sup>3</sup> A select reading list on this history includes Gregory S. Kealey, *Spying on Canadians: The Royal Canadian Mounted Police Security Service and the Origins of the Long Cold War* (Toronto: University of Toronto Press, 2017); Jennifer Henderson and Pauline Wakeham, *Reconciling Canada: Critical Perspectives on the Culture of Redress* (Toronto: University of Toronto Press, 2013); Reg Whitaker, Gregory S. Kealey, and Andrew Parnaby, *Secret Service: Political Policing in Canada from the Fenians to Fortress American* (Toronto: University of Toronto Press, 2012); Ross Lambertson, *Repression and Resistance: Canadian Human Rights Activists, 1930-1960* (Toronto: University of Toronto Press, 2005); Roger Whitaker and Gary Marcuse, *Cold War Canada: The Making of a National Insecurity State* (Toronto: University of Toronto Press, 1996); John Sawatsky, *For Services Rendered* (Markham, Ont: Penguin Books, 1983);

<sup>4</sup> Henderson and Wakeham, *Reconciling Canada*, 396.

<sup>5</sup> See Frances Swyripa and John Herd Thompson, *Loyalties in Conflict: Ukrainians in Canada during the Great War* (Edmonton: University of Alberta, 1983).

<sup>6</sup> See Béatrice Richard, "[Le 1er avril 1918 — Émeute à Québec contre la conscription : résistance politique ou culturelle?](#)" Dix journées qui ont fait le Québec — 7e conférence (Fondation Lionel-Groulx, 2013).

<sup>7</sup> See Reg Whitaker, Gregory S. Kealey, and Andrew Parnaby, *Secret Service*: 46-59; John Price, "Asian Canadians and the First World War: Challenging White Supremacy," in Madokoro, McKenzie and Meren, eds., *Dominion of Race: Rethinking Canada's International History* (Vancouver: UBC Press, 2017), 54-72.

<sup>8</sup> This section draws on Donald Avery, *"Dangerous Foreigners": European Immigrant Workers and Labour Radicalism* (Toronto: McClelland and Stewart, 1979); Reg Whitaker, Gregory S. Kealey, and Andrew Parnaby, *Secret Service*, Chapter 3; quote from p. 86.

its police forces, creating the RCMP in 1920. Described as “a masculine, military, and for the most part, white institution,” by 1922 it had become the enforcer of Canada’s laws.<sup>9</sup> By 1922 it incorporated a Criminal Investigation Branch, a Central Registry of ‘undesirables’, as well as an office of liaison and intelligence. This new institution was actively deployed against Indigenous peoples including the Six Nations Confederacy in 1922-23, leading to the exile of the Indigenous leader, Deskaheh.<sup>10</sup>

The Anti-communist Purges: Using Section 98 of the criminal code the Canadian government declared the Communist Party illegal in 1931. The Ontario police raided the offices of the Party and the labour organization, the Workers’ Unity League in August.<sup>11</sup> Federal and provincial officials collaborated to arrest eight Party members who were charged with unlawful organization and seditious conspiracy. All eight were convicted and most received five-year sentences. Deportations of radicals also occurred regularly as immigration officials cracked down on those thought to be a challenge to the state or associated with the Soviet Union, then portrayed as an enemy of Canada, a status it would escape only during the war years of 1941-1945. Most scholars now agree that this period was a regressive one for human rights and freedom of speech in Canada.<sup>12</sup>

Japanese Canadians:<sup>13</sup> Asian Canadians (of South Asian, Chinese, and Japanese ancestry) faced systemic discrimination in regard to voting rights, immigration, and other civil rights from their first arrivals in the 1800s. In the late 1930s, as the Japanese imperial government expanded its territorial ambitions, the B.C. and Canadian governments’ racist biases led them to suspect Japanese Canadians of ‘fifth column’ activities. For example, in 1940, the provincial Department of Trade and Industry had been ‘quietly studying the extent and character of oriental penetration in the economy of this province’ and passing on their suspicions to federal agencies.<sup>14</sup> Surveillance of the community intensified. With the onset of war with Japan in 1941, racist forces in BC prevailed upon the federal government to bring in measures that we now know amounted to an exercise in ethnic cleansing. It is important to note that these measures exceeded by a substantial margin similar measures introduced in the United States.<sup>15</sup> No Japanese Canadian was ever charged with or convicted of spying for the Japanese imperial government. In 1988 the federal government acknowledged its wrongdoing, and in 2022, the B.C. government followed suit. Nevertheless, the intergenerational trauma stemming from what happened at the

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<sup>9</sup> Whitaker et al, *Secret Service*, 94.

<sup>10</sup> See Denise Fong et al, *1923: Challenging Racisms Past and Present* (Vancouver: CCF/SAAH/CAG, 2023), 45, 52.

<sup>11</sup> See Barbara Roberts, *Whence They Came: Deportation from Canada 1900 - 1935*. New edition [online]. Ottawa: Les Presses de l’Université d’Ottawa | University of Ottawa Press, 1988), Chapter 7. Available on the Internet: <http://books.openedition.org/uop/2435>.

<sup>12</sup> Whitaker et al, *Secret Service*, Chapter 4 and Ross Lambertson, *Repression and Resistance*, Chapter 1.

<sup>13</sup> Basic readings to understand the history of the Japanese Canadian communities include Roy Miki, *Redress: Inside the Japanese Canadian Call for Justice* (Vancouver, B.C.: Raincoast Book, 2004); Ken Adachi, *The Enemy That Never Was* (Toronto: McClelland and Stewart, 1976); and Ann Gomer Sunahara, *The Politics of Racism* (Toronto: James Lorimer, 1981) now available without charge on-line at <http://www.japanesecanadianhistory.ca>. See also John Price, *The BC Government and the Dispossession of Japanese Canadians (1941–1949)*, (National Association of Japanese Canadians and Canadian Centre for Policy Alternatives – BC, 2020).

<sup>14</sup> Price, *75 Years is Long Enough*, (CAPI Working Paper #2016-11-15), 4.

<sup>15</sup> For example, the internment of Japanese Americans ended in 1945 whereas in Canada their detention and exclusion continued into 1949 – four years after war’s end.

time lives on and many in the community are still trying to process what happened 80 years ago. Recently, a number of colleagues of Chinese heritage have expressed the sentiment that they are beginning to feel like Japanese Canadians must have felt in the 1940s, wondering aloud if their destiny will be the same? Shifting landscapes of international relations may alter the focus, but the pattern of racial profiling and marginalization with its devastating effects persists. The emergence of the “Cold War” in the aftermath of the World War II, followed by the “War on Terror” provide further examples.

Cold War Canada:<sup>16</sup> As wartime unity between the Soviet Union and the U.S. dissolved into acrimony and confrontation after WW II, the geopolitics of a “Cold War” generated confrontations internationally and renewed witch-hunts domestically. McCarthyism in the United States led to the persecution of many Americans, communist or not, who were accused of disloyalty and potentially spies.<sup>17</sup> Canada also went through a period where the politics of anti-communism came to the fore. This includes the excesses of the Kellock-Taschereau commission established to investigate the espionage charges laid after the revelations of the Soviet clerk, Igo Gouzenko;<sup>18</sup> the invocation of the notorious Padlock law introduced by Quebec premier Maurice Duplessis; the harassment and purge of gays and lesbians in the Canadian civil service on national security grounds including the purge of distinguished diplomat John Holmes.<sup>19</sup>; surveillance and repression with the labour and women’s movements as well as the National Film Board; and the devastating impact on the Canadian diplomat E.H. Norman who committed suicide in 1957 in the wake of repeated allegations in the U.S. Senate that he was disloyal and a possible spy.<sup>20</sup>

“War on Terror”: The 9.11 attacks heralded a new milestone in issues related to national security as the U.S. government declared a “War on Terror”. Its repercussions continue in both Canada and the United States, and it represents a classic example of the close tie between making global enemies and internal repression. For the purposes of this discussion, the 2003 invasion of Iraq led by the United States holds important lessons. I refer the Commission to a 2020 article written by Alan Barnes, an intelligence analyst now at Carleton University.<sup>21</sup> In this article, Mr. Barnes outlines the distortions in U.S. claims that Saddam Hussein possessed Weapons of Mass Destruction (WMD), the ostensible reason for the U.S.-led invasion of Iraq in 2003. In the end Mr. Barnes and others outside of CSIS (Canadian Security Intelligence Service) advised the PCO

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<sup>16</sup> Roger Whitaker and Gary Marcuse, *Cold War Canada: The Making of a National Insecurity State* (Toronto: University of Toronto Press, 1996) and Whitaker et al, *Secret Service*, Part three – Cold War Canada.

<sup>17</sup> See Ellen W. Schrecker, *No Ivory Tower: McCarthyism & the Universities* (New York: Oxford University Press, 1986), 10 and Ellen Schrecker, *Many are the Crimes: McCarthyism in America* (Princeton: Princeton University Press, 1998).

<sup>18</sup> See Lambertson, *Repression and Resistance*, Chapter 4.

<sup>19</sup> See Gary Kinsman and Patricia Gentile, *The Canadian War on Queers: National Security as Sexual Regulation* (Vancouver: UBC Press, 2010). On Holmes, see Adam Chapnick, *Canada’s Voice: The Public Life of John Wendell Holmes* (Vancouver: UBC Press, 2009).

<sup>20</sup> See Roger Bowen, *Innocence is not Enough: Life and Death of Herbert Norman* (Vancouver: Douglas & McIntyre, 1986); [Death of a Diplomat: Herbert Norman and the Cold War](#) (Great Unsolved Mysteries in Canadian History Project, 2014), and J. Price, “Rethinking the Occupation: E.H. Norman, Canada, and the American Empire in Asia, 1945-51” in Greg Donaghy and Patricia E. Roy, eds., *Contradictory Impulses: Canada and Japan in the Twentieth Century* (Vancouver, UBC Press, 2008), pp. 120-139.

<sup>21</sup> Alan Barnes, “Getting it Right: Canadian Intelligence Assessments on Iraq, 2002-2003,” *Intelligence and National Security*, 35.7, (2020), 925-953. <https://doi.org/10.1080/02684527.2020.1771934>.

that U.S. claims were not supported by the evidence, an argument invoked by then prime minister Jean Chretien in forbidding Canadian participation in the invasion of Iraq. As it turned out, no WMDs were found after the U.S. invaded and toppled Saddam Hussein. Mr. Barnes emphasizes it is “not always easy, however, to maintain an independent Canadian view, especially given the overwhelming influence of the U.S. intelligence community.”<sup>22</sup> Within the intelligence community, says Barnes, “CSIS analysis of Iraq’s WMDs tended to support the claims coming from Washington. This is likely a reflection of the discomfort of CSIS managers and analysts at being out of step with the U.S. intelligence community on a critical issue which might compromise their close operational links.”<sup>23</sup> This evidence of ingrained bias within CSIS towards ready acceptance of U.S. intelligence agencies analyses is a critical issue. Additional examples of how this bias led to injustices during the so-called War on Terror are easy to find and include:

- CSIS working with the RCMP and the U.S. authorities to illegally detain Maher Arar and subject him to extraordinary rendition to Syria where he was imprisoned and tortured. Both the RCMP and CSIS were implicated in the mistreatment as revealed on the Arar Commission report;<sup>24</sup>
- Facilitating and conspiring with the U.S. to imprison and/or torture Canadians Omar Khadr, Abdullah Almalki, Muayyed Nureddin, and Ahmad El Maati, which cost the Canadian government million in lawsuits.<sup>25</sup>

Furthermore, a recent scholarly article documents how CSIS surveillance of Muslim communities reflected strong Islamophobic bias.<sup>26</sup> Islamophobia was also reflected internally within CSIS whose officers labelled the first Black Arab-Canadian Muslim woman in its own ranks, Huda Mukbil, an “inside threat” as she describes in her memoir [Agent of Change](#). Five senior CSIS intelligence officers, including Mukbil, launched a [lawsuit](#) against CSIS alleging racism, homophobia, and Islamophobia on the job. CSIS managed to settle the lawsuit out of court, but the legal record records how the CSIS director general “perceived security threats emanating from second and third generation Canadian Muslims.” Today, scholars have demonstrated how the “War on Terror” resulted in threat inflation, contributed to Islamophobia, and reinforced white supremacist views on the far-right, now associated with the murder of six and wounding of 19 at the Centre Culturel Islamique de Québec in 2017, and with the murder of the four members of the Afzaal family in London, Ontario in 2021.<sup>27</sup>

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<sup>22</sup> Alan Barnes, “Getting it Right,” 946.

<sup>23</sup> Alan Barnes, “Getting it Right,” 934-935.

<sup>24</sup> Dennis R. O'Connor, Commissioner, Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, [Report of the events relating to Maher Arar](#)

<sup>25</sup> See Aaron Wherry, “Why will Omar Khadr Receive \$10.5M? Because the Supreme Court Ruled his Rights were Violated,” July 4, 2017, CBC News.

<sup>26</sup> Based on 95 interviews conducted in 2014–2015 with Muslim community leaders across five major cities in Canada, the survey revealed that CSIS engaged in anti-Muslim surveillance involving “illegal practices such as threatening citizenship and refugee status, intimidating people in their homes during the night, and denying legal representation during interrogations.” See Nagra, B., & Maurutto, P., “Anti-Muslim Surveillance: Canadian Muslims’ Experiences with CSIS,” *Sociology of Race and Ethnicity*, 9(3), 311-325.

<https://doi.org/10.1177/23326492231151587>.

<sup>27</sup> Barbara Perry and Ryan Scrivens, *Right-Wing Extremism in Canada* (Cham: Springer International, 2019) and Spencer Ackerman, *Reign of Terror* (New York: Viking, 2021).



As described above, the formation of national security policies and institutions often accompany changes taking place in international relations – either actual wars, or so-called ‘Cold Wars’ in which a country or countries were considered implacable adversaries with whom war might break out at any time. In many cases, these institutions targeted racialized or marginalized people believed to be associated with the new enemies. I respectfully ask the Commission to consider this history in assessing the evidence that comes before it.

## 2. Rethinking ‘Diasporas’

The Commission’s terms of reference include assessing vulnerable diasporas. The question of diasporas and their vulnerability is crucially important since, in the end, national security is not abstract – it is about human beings being able to live in a secure environment. However, I ask the Commissioner to be extremely cautious in approaching this question.

No definitions are provided in the terms of reference for the term ‘diaspora’. In fact, it is an “over-used but under-theorised term” and the inflections and undertones associated with its use require careful handling.<sup>28</sup> Some might infer that its use is being restricted to, and as a substitute for, racialized communities – those relegated to the category of latecomers, often stigmatized as perpetual foreigners, a process that erases the long history of racist exclusion laws and policies imposed by this country. Such a usage might also suggest that the “old stock” British settlers who came to dominate in Canada were themselves not ‘diasporas’ when in fact they were part of what has been termed the imperial diasporas.<sup>29</sup>

Further complicating any discussion of diasporas is the relationship of the term to country of origin, ancestral homeland, ethnicity, generation, language, class, and gender. Once political and ideological diversity are added to the mix, attempts to categorize people may shatter, generate further divisions, and add another layer of challenges. To focus on one example, important in the current deliberations, the term ‘Chinese diaspora’ has multiple connotations that often break down in the face of the diversity within such a categorization. The term may obscure the fact that the only common experience to those associated with this grouping in Canada is having experienced discrimination as a result of systemic racism towards those perceived as ‘Chinese’ in this country. Beyond that, the term ‘Chinese diaspora’ has little meaning, and for anyone including those testifying before the Commission, to refer to a singular “Chinese diaspora,” or suggest they may represent the views of this diverse group is inappropriate and misleading.<sup>30</sup> In that regard, the Commissioner may want to refer to the work of Canadian historian Timothy J. Stanley’s on this theme<sup>31</sup> My own experience also illustrates that not only can it be misleading to invoke the notion of a singular diaspora, any attempt to suggest that the sub-groups within such a category constitute some singular entity is also misguided.

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<sup>28</sup> See Floya Anthias, “Evaluating ‘Diaspora’: Beyond Ethnicity?” *Sociology*, 32, 3 (August 1998), 557-580.

<sup>29</sup> Radhika Mohanram, *Imperial White: Race, Diaspora, and the British Empire* (Minneapolis: University of Minnesota Press, 2007).

<sup>30</sup> See [“Amended Written Closing Submissions of MP Jenny Kwan,”](#) February 10, 2024, 12 (available on the PIFI website).

<sup>31</sup> Timothy J. Stanley, ““Chinamen, Wherever We Go’: Chinese Nationalism and Guangdong Merchant in British Columbia, 1871-1911.” *The Canadian Historical Review*, 77, 4 (December 1995), 475-503.

For nearly 20 years I worked with a group, B.C. ALPHA (Association for Learning and Preserving the History of World War II in Asia) to promote more and better educational resources on the Pacific War. This group was mainly composed of Hong Kong expatriates in the Vancouver region, many of whom became close friends. However, the events in Hong Kong shattered B.C. ALPHA as its members reacted in diverse ways to the demonstrations and enforcement of P.R.C. (People's Republic of China) security laws. Some became extremely antagonistic to the point of demonizing the P.R.C., and others reacted in more discrete ways. Thus, to even suggest there is a singular 'Hong Kong' subgrouping that feels threatened by the P.R.C. would be misleading.

My appreciation of the complexity of communities also stems from the shock and surprise that I felt when, during the pandemic, a friend shared a letter signed by 552 people of East/SE Asian heritage calling on the prime minister to pursue a policy independent of the United States regarding China. What shocked me was not the content of the letter but the fact they did not want the letter to be made public out of fear of being accused in Canada of being spies for China. This prompted me to work with others to send up a non-partisan project, Canada-China Focus, "to facilitate constructive public conversations that develop a better understanding of China and of Canada-China relations." In the course of the past three years, this project has observed how the current political climate in Canada regarding China is adversely affecting many people in the community.

I would urge the Commission to keep an open mind as to who might be potential victims of foreign interference. To date, CSIS and the media have emphasized the perceived impact of alleged P.R.C. interference on dissidents or critics of the P.R.C. regime and the Commission has heard testimony from them. In cases where the P.R.C. has acted inappropriately towards its critics, remedial action should be prompt and clear. The Canadian government has an important instrument in dealing with such instances: the Vienna Convention on Diplomatic Relations, Article 41 requires that all diplomatic personnel "respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State."<sup>32</sup> The Canadian government may "without having to explain its decision," declare a representative of the P.R.C. 'persona non grata' that would result in the loss of diplomatic immunity and their recall. This has already occurred in one case. In other cases, the government may privately, or even publicly, question and when necessary, censure representatives of a foreign mission for inappropriate behavior. Whether the Canadian government has diligently pursued such avenues is an important question the Commissioner may want to investigate. However, when it comes to accusations about third parties allegedly working for a foreign government, extreme caution is necessary. In the political fray, such accusations cannot be taken at face value as they are often a part of sharp political debates that are typical of what happens in any community. Unfortunately, CSIS and the media have privileged the stories of one section of the community, often attributing alleged threats to the P.R.C.. In so doing, they are, inadvertently or deliberately, facilitating a political agenda as the following example illustrates.

In March 2023, Senator Yuen Pau Woo tweeted that a foreign interference registry might be a modern form of Chinese exclusion and referenced the 1923 Chinese Exclusion Act. He was

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<sup>32</sup> Vienna Convention on Diplomatic Relations (1961). Entered into force on 24 April 1964. United Nations, Treaty Series, vol. 500, p. 95. At [https://legal.un.org/ilc/texts/instruments/english/conventions/9\\_1\\_1961.pdf](https://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf).



pilloried on Twitter (now X) with racist comments but also this one from Hong Kong activist Nathan Law who is the “Ambassador on Canada-Hong Kong Policy” for the MacDonald-Laurier Institute (MLI): “Opposed the Uyghur Genocide bill, supported Beijing’s Winter Olympics, and claimed that China has a “legitimate” legal system. Now this ridiculous comparison. Time will tell now who needs to register as a foreign agent. #CCP.” In this case, the inference that Woo would have to register as a “foreign agent” is revealing on two counts – it falsely accuses Woo of being a foreign agent because he has views on the P.R.C. that differ from Law, and it demonstrates how some Hong Kong activists have a political agenda to reform Canadian security institutions (introducing a foreign influence registry) to reflect their own partisan views of what has transpired in Hong Kong. Unfortunately, CSIS and the media have largely embraced this agenda as it reflects their own biases (see next section). In so doing, they are creating new exclusions.

Recently two community groups in Montreal, Chinese Family Services of Greater Montreal, Centre Sino Québec de la Rive-Sud, and Ms. Xixi Li, executive director of both organizations, served the RCMP with notice demanding reparations for damages occurred as a result of unproven allegations made public by the police agency that the groups were sponsoring “Chinese police stations.”<sup>33</sup> This ongoing saga has prompted the recent Open Letter to the Commission signed by 49 academics, community activists, and associations from Montreal voicing their concerns that they are being targeted.

In addition, the Canadian Association of University Teachers (CAUT) is warning that CSIS-inspired restrictions on research with researchers in the P.R.C., announced this January, are seriously affecting Chinese Canadian researchers: “Academics and students of Chinese origin are already being targeted and that is creating a chill on academic research and partnerships,” [attests](#) David Robinson, executive director of CAUT.

CAUT concerns are confirmed in a recent survey undertaken by York University’s Dr. Qiang Zha that indicates that many Chinese Canadian researchers felt targeted by earlier CSIS’s outreach programs on campuses. Among researchers familiar with the CSIS guidelines for research, forty (40) percent felt “considerable fear and/or anxiety that they were being surveilled by the Canadian government.” Zha’s research (forthcoming, *Canadian Ethnic Studies*) also found that about twenty (20) percent of Chinese professors have modified their current research projects and limited communications with collaborators in China; one out of ten of all professors surveyed have prematurely or unexpectedly ended or suspended research collaboration with scholars in China over the past three years. Thirty-one (31) percent of professors who do not have Canadian citizenship are considering leaving Canada because of the climate of fear. I urge the Commission to take evidence from this group so sorely affected by CSIS policies.

A year ago, Canada-China Focus published an [open letter](#) expressing its concerns about the growing toxic atmosphere related to discussions about national security and China. Within a few days over a thousand people signed the open letter, from diverse communities. Former police officers have been caught in the crossfire, as was Michael Spavor, who sued the government

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<sup>33</sup> Chinese Family Services of Greater Montreal, Centre Sino Québec de la Rive-Sud, “Chinese Community Centers Serve RCMP with Defamation Suit,” [Press Release](#), March 6, 2024. At <https://drive.google.com/file/d/1gIHJcYe16QN9fbmWD-Q5ye9C5MirenP/view>.

after being involuntarily entangled in Global Affairs Canada’s Security Reporting Program.<sup>34</sup> This spying program was critically [reviewed](#) by the National Security and Intelligence Review Agency in 2020 but this damaging report was withheld for over two years while Spavor and Kovrig were detained in China.

The examples recounted above illustrate that thousands of Canadians of diverse backgrounds, many racialized as “Chinese”, feel they may be targeted, not by China, but by the Canadian government and its agencies. Given Canada’s history of targeting racialized and marginalized communities and the possible overreliance of CSIS on a foreign intelligence agency, it seems only reasonable that the Commission investigate why these people feel targeted as part of its mandate “to detect, deter, and counter any form of foreign interference directly or indirectly targeting Canada’s democratic processes.”

### 3. Making Enemies

In this section, I present the case that even Allies, particularly the United States, can become a “malign foreign influence” if the policies they advocate are contrary to international law or undermine Canadian interests, and if they exercise undue influence on Canadian policies via their intelligence sharing arrangements with Canada. I make this claim based on both historical evidence (see part 1) as well as contemporary analysis of how the “China Threat” came to materialize in Canada over the past five years. The role of CSIS, with its increasingly powerful public profile, is critical to understanding what has transpired.

A systematic review of CSIS activities and government policies since 2018 strongly suggests that CSIS has developed a major public presence, inappropriate for a secret service, and that it has deliberately pursued a policy of ‘threat inflation’ as part of a campaign by U.S. intelligence agencies’ to portray the P.R.C. as an implacable foe.<sup>35</sup> The [report](#) documenting this five-year process (that I authored with the National Security Reference Group of the Canadian Association of University Teachers) is readily available. It demonstrates how CSIS became deeply complicit in a campaign against China initiated by the Trump administration in early 2018. This campaign precipitated Canada’s disastrous detention of Meng Wanzhou in December 2018, provoked China’s arrest of Spavor and Kovrig, and plunged Canada-China relations into crisis. CSIS amplified its campaign during the COVID-19 pandemic and later shifted towards continual accusations of P.R.C. political interference, amplified by the mainstream media.<sup>36</sup> This campaign has been taken up by an unlikely alliance of political parties in parliament.

Asian American scholars provide a slightly abstract but pointed summary of the contemporary dynamics of this “yellow peril” discourse as it applies to both the United States and Canada. They insist on the necessity of “examining the rise of anti-Asian aggression within the

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<sup>34</sup> For the dilemma faced by Paul McNamara and Peter Merrifield see Andrew Mitrovica, “[The Damage Canada’s Spies Can Do](#),” June 1, 2023. Aljazeera. On Spavor, see Scott Taylor, “[Spavor’s Lawsuit Raises Questions that Should Have Already Been Examined](#),” November 27, 2023, Hill Times.

<sup>35</sup> See John Price with the National Security Reference Group, Canadian Association of University Teachers, [The Five Eyes and Canada’s “China Panic”: A Threat to Diplomacy, Research and Peace in the Pacific?](#) (Centre for Canadian Pacific Initiatives, University of Victoria, January 2024).

<sup>36</sup> See Part 1 of Price et al [The Five Eyes and Canada’s “China Panic”: A Threat to Diplomacy, Research and Peace in the Pacific?](#).

concomitant vectors of the pandemic, the escalation of the U.S.-China trade war, and the growing concerns about cyber- and techno-security. Here we assert that the ideology of yellow peril set within a techno-Orientalist imaginary is powerfully animating the racial form and racial affect mediating the multiple terrains of public health, technology, global trade, and national security.”<sup>37</sup>

In Canada, CSIS’s ‘China Threat’ discourse has also followed this trajectory, privileging accounts of dissidents and critics of the P.R.C., failing to provide balance in their analysis, or allow consideration of alternative views. A number of mainstream media outlets have amplified this discourse, seizing upon and sensationalizing CSIS leaks.

Let me be clear: The P.R.C. may well have transgressed in some of its actions. But CSIS is actively blowing these incidents out of proportion and deliberately ignoring important evidence that, if brought to the attention of the public, would severely undermine their current exaggerated estimates of the ‘China Threat’. For example, they have failed to present to their university partner (the U15) the large body of evidence that shows the FBI’s ‘China Initiative’ was grounded in racial profiling and had to be cancelled. They have failed to introduce or assess the large body of U.S. public opinion (including the views of Senator Bernie Sanders, economist Jeffrey Sachs, and the Committee for a Sane China Policy) that contradicts the assessments of the CIA and other intelligence agencies regarding China. They have ignored the [warnings](#) of Congresswoman Judy Chu: “Already, Asian Americans have been suffering three years of anti-Asian hate due to Trump calling Covid-19 ‘China virus’ and ‘kung flu,’ but now, the rhetoric and tension about the U.S.-China relationship comes on top of that, potentially escalating that violence.”

In terms of news bias, on March 14, 2024, the western news group Reuters produced a feature report “[Exclusive: Trump launched CIA covert influence operation against China](#)” revealing how Donald Trump had in 2019 authorized the CIA “to launch a clandestine campaign on Chinese social media aimed at turning public opinion in China against its government.” This article was run by international media including in the *Singapore Straits Times* in its [March 17<sup>th</sup> issue](#), yet not a single outlet in Canada ran the story even though it had a direct bearing on Canada-US-China relations related to foreign interference, particularly given CSIS reliance on U.S. intelligence agencies.

Recently, reporters such as Chantal Hebert and Andrew Mitrovica have pointed out how some in the mainstream press have slavishly repeated unverified CSIS leaks or reports, adding to a growing witch-hunt in this country.<sup>38</sup> No reporter seems to be holding CSIS’s feet to the fire to find and disclose who has been leaking top secret information to journalists, a serious breach in national security.

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<sup>37</sup> Lok Siu, Claire Chun, “Yellow Peril and Techno-orientalism in the Time of Covid-19: Racialized Contagion, Scientific Espionage, and Techno-Economic Warfare,” *Journal of Asian American Studies* 23, 3 (October 2020), 425. 10.1353/jaas.2020.0033.

<sup>38</sup> See “Chronique politique de Chantal H on Radio-Canada’s [Tout un Matin](#), March 13, 2023. Similarly, Andrew Mitrovica, former reporter on intelligence matters for the *Globe and Mail* who now writes for Aljazeera, wrote that “CSIS has been abusing the extraordinary powers it has been given, smearing innocent Canadians. It is time to hold it to account” in “[The Damage Canada’s Spies Can Do](#),” June 1, 2023, Aljazeera.



The cumulative impact of the campaign to portray the P.R.C. as an implacable foe, necessitating special warlike countermeasures, is not difficult to discern:

◆ David Vigneault, CSIS director: “CSIS assesses that China represents the most significant and clear challenge for (human-enabled espionage) targeted against Canada’s universities.”<sup>39</sup> (April 2018);

◆ Wayne Eyre, Chief of Defence Staff: “Russia and China are not just looking at regime survival but regime expansion. They consider themselves to be at war with the West,” he said. “They strive to destroy the social cohesion of liberal democracies and the credibility of our own institutions to ensure our model of government is seen as a failure.” (October 2022);

◆ Canada’s Indo-Pacific Strategy: “China is an increasingly disruptive global power.” (December 2022);

◆ Special Committee on the Canada-People’s Republic of China Relationship: “The P.R.C.’s recent aggression towards Taiwan is a stark reminder that the peaceful status quo between Taiwan and the P.R.C. remains precarious.” Recommendation 18: “That the Government of Canada make efforts to join the Quadrilateral Security Dialogue and AUKUS security pact in order to bolster Canada’s presence in the Indo-Pacific region to counter the People’s Republic of China’s threats to the region.”<sup>40</sup> (March 2023);

◆ Bill Blair, Defence Minister: “And unfortunately, what we’ve seen in the most recent incidents, on two occasions, the actions of People’s Republic of China fighter jets were deemed to be significantly unsafe. As outlined in our Indo-Pacific strategy, we’re going to continue to step up our forces in that region.” (November 2023).

Particularly disturbing has been the accusations that researchers of Chinese heritage in Canadian universities are all potential spies. U.S. intelligence agencies first introduced the notion in testimony before the Senate Intelligence Committee in February 2018:

*I think in this setting I would just say that the use of nontraditional collectors, especially in the academic setting, whether it’s professors, scientists, students, we see in almost every field office that the FBI has around the country. It’s not just in major cities. It’s in small ones as well. It’s across basically every discipline. I think the level of naivete on the part of the academic sector about this creates its own issues. They’re exploiting the very open research and development environment that we have, which we all revere, but they’re taking advantage of it.<sup>41</sup>*

A few months later, CSIS director David Vigneault publicly repeated this claim: “CSIS assesses that China represents the most significant challenge for (human-enabled espionage) targeted against Canada’s universities.” China’s use of “non-traditional collectors (NTCs),” such as students and researchers, to acquire sensitive and proprietary information from Canadians is particularly challenging, he stated. He continued, “NTCs have little-to-no formal intelligence

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<sup>39</sup> David Vigneault, “Director Presentation to the U15 Group,” April 19, 2018, (Canadian Security Intelligence Service, 2020-08-a-2020-7, Independent Journalism Foundation Database).

<sup>40</sup> House of Commons, Special Committee on the Canada-People’s Republic of China Relationship, Interim Report. [\*Canada and Taiwan: A Strong Relationship in Turbulent Times\*](#), 43.

<sup>41</sup> “[Open Hearing on Worldwide Threats](#),” Hearing before the Select Committee on Intelligence of the United States Senate, February 13, 2018 (Washington), 50

tradecraft training but are often in a position to acquire vast quantities of data or knowledge.”<sup>42</sup> No Canadian evidence was presented for this claim, an indication of how reliant CSIS had become on U.S. intelligence agencies.

The ill-informed nature of such claims was revealed in 2021 when the Biden administration was obliged to halt the FBI’s “China Initiative” a program based on U.S. intelligence agencies’ assertions about non-traditional collectors of intelligence. According to *MIT Technology Review*, the FBI open thousands of investigations over the three-year existence of the ‘China Initiative,’ of which only 77 led to prosecutions. “Of these, only about a quarter led to convictions, and most of those had little to do with national security.” The American Civil Liberties Union concluded: “The initiative was accompanied by xenophobic, anti-China rhetoric from the Trump White House, as well as public statements by the FBI director that cast suspicion on virtually anyone with family or professional ties to China – thousands of accomplished Asian American and immigrant scientists who have contributed to our country for years. The statements have encouraged racial profiling and discrimination, including within the FBI.” But such news has not interested CSIS nor mainstream Canadian media. Their thirst to portray China as a threat is only exceeded by their capacity for leaking secrets, casting suspicion through innuendo, or sensationalizing unverified stories. The impact on researchers of Chinese heritage has been severe, as outlined in the previous section.

In light of this evidence, I ask the Commission to seriously consider whether CSIS is overly reliant on U.S. intelligence agencies, marginalizing alternate views, and engaging in threat exaggeration. Furthermore, I ask the Commission to consider whether this may reflect a serious problem of Sinophobia within CSIS, similar to its record of Islamophobia and threat inflation as part of the ‘War on Terror’?

#### **4. A Canadian National Security State?**

By way of conclusion, I reflect on why this moment may be a critical juncture in Canadian history and ask: Is it possible we are witnessing a shift towards the creation of a ‘national security state’ in Canada?

Often invoked but seldom defined, this term is often used in reference to the United States, as “both an institutionalization of a new governmental architecture designed to prepare the United States politically and militarily to face any foreign threat and the ideology – the discourse – that gave rise to as well as symbolized it.”<sup>43</sup> In other words, both structures and discourse are intrinsic to this type of state, liberal in some ways but with a strong militaristic bent (Eisenhower’s “military-industrial complex” of 1961). The result is a national security state that “feeds on threats as it channels all its efforts into meeting current and future military or security threats. The creation of the CIA, the Department of Defense, the Joint Chiefs of Staff, and the

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<sup>42</sup> Vigneault, “Director Presentation to the U15 Group,” April 19, 2018, (Canadian Security Intelligence Service, 2020-08-a-2020-7, Independent Journalism Foundation Database).

<sup>43</sup> David Grondin, (Re)Writing the “National Security State” (Occasional Paper #4, Center for United States Studies, Raoul Dandurand Chair of Strategic and Diplomatic Studies, Université du Québec à Montréal), 15. See also Douglas T. Stuart, *Creating the National Security State* (Princeton: Princeton University Press, 2012).

National Security Council at the onset of the Cold War gave impetus to a state mentality geared to permanent preparedness for war. The construction of threats is thus essential to its well-being, making intelligence agencies privileged tools in accomplishing this task.”<sup>44</sup>

As others have documented and I selectively synthesized in part 1, the Canadian state over the past century and more has armed itself with an array of powers in security and intelligence matters that have had a checkered history but with a fairly consistent pattern of structured racism towards racialized and marginal communities. However, until recently Canada’s security state may not have reached the level of the prototype in the United States.

Canada, with the U.S., was swept up in the Cold War, but I would argue its peculiar history prevented the consolidation of a national security state. In the 1970s, for example, RCMP misadventures in Quebec precipitated a crisis, prompting the creation of the McDonald Commission (Royal Commission of Inquiry into Certain Activities of the RCMP, 1977-1981) that significantly influenced the intelligence apparatus. On the other hand, this era saw significant developments in civil rights in Canada, including the adoption of the Constitution and Charter of Rights and Freedom. Social movements both preceding and accompanying this era (for Indigenous rights, redress for racialized communities, for Quebec rights, for the rights of women and the 2SLBGTQ communities, for the disabled) tilted the balance against a national security state. In addition, Canada’s foreign policy nominally eschewed militarism for a preferred peacekeeping role under the UN that also interrupted the consolidation of the state security and intelligence structures.

However, the ‘War on Terror’ and the ascendancy of conservative governments reinvigorated the security apparatus. As Leah West has pointed out, Canada’s intelligence and security communities acquired “increasingly powerful and intrusive means of investigation” in the last two decades, with little improvement in oversight until 2019.<sup>45</sup> Also contributing to this militarization of the state was the formation of the RCMP’s Community-Industry Response Group formed in 2017 to protect resource corporations.<sup>46</sup> For the past five years, wars in Ukraine and now Palestine, and the threat of war with China, has created favorable conditions for the consolidation of a national security state that will fundamentally undermine civil liberties and marginalize Canadian diplomacy. It is beyond the scope of this submission to fully explore this issue, yet important examples have surfaced that illustrate how discourse and structural changes interact, as per Grondin, in consolidating a national security state.

The recent decision of the Federal Court in *Yuekang Li and the Minister of Citizenship and Immigration* provides a case study of how discourse and structure align in the edification of a national security state. Yuekang Li had been accepted by the University of Waterloo to study there as a graduate student, but the court ruled that immigration officers were justified in denying his visa application because he might engage in espionage. This was based on the chief justice’s

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<sup>44</sup> Ibid., 15.

<sup>45</sup> Leah West, “Review and Oversight of National Security in Canada,” in see Stephanie Carvin, Thomas Juneau, and Craig Forcese, eds., *Top Secret Canada: Understanding the Canadian Intelligence and National Security Community* (Toronto, University of Toronto Press, 2020), 257.

<sup>46</sup> See B.C. Civil Liberties, “[Open Letter](#) to Abolish the RCMP Community-Industry Response Group (C-IRG),” April 19, 2023.



view: “As hostile state actors increasingly make use of non-traditional methods to obtain sensitive information in Canada or abroad, contrary to Canada’s interests, the Court’s appreciation of what constitutes “espionage” must evolve.” This ruling was based on public documents that reflected CSIS public declarations, amplified by the media. What is remarkable in this decision is that the court legitimizes the concept of “Non-traditional Collectors” of intelligence based on reference to the concept in public documents. As we have shown elsewhere, this concept is very much a construct of U.S. intelligence agencies, incorporated as discourse by CSIS, and then reproduced by the media. The court seems oblivious to the fact that the FBI’s ‘China Initiative’, based on the NTC concept, was such a complete failure or that any reference to the concept has been completely eliminated in the *2024 Annual Threat Assessment of the U.S. Intelligence Community*.<sup>47</sup> Yet, in Canada, it has now been integrated as the basis for a structural change in the laws relating to espionage. This is but one example of how discourse and structural changes interact as generators of a national security state.

Increased funding and legal powers for CSIS, the CSE and the Canadian Centre for Cyber Security (now authorized with the CSE to develop both defensive and offensive cyber capabilities) as well as proposals for increased military spending with one core mission including “counterterrorism and in support of national security” and we begin to see a new world rising.<sup>48</sup>

Taking advantage of the real increase in cyberattacks, the overwhelming majority of which have nothing to do with China, CSIS and the CSE have used the Center for Cyber Security to expand their influence and, in the process, legitimized CSIS’s public role. As a result, we are seeing a dangerous trend for public and private institutions to become dependent on CSIS and other public security agencies. For example, CSIS director David Vigneault, speaking publicly at the Hoover Institution last October, declared that Canadian Security and Intelligence Service (CSIS) efforts with the “principals of the largest Canadian research universities,” have been so successful that it has come “to the point now it is them asking us, you know, how can we work together?”

Significant sections of the business community are also becoming enamored with the national security state. The Business Council of Canada (BCC) is calling on the Canadian government “to work with Canadian businesses to develop and implement a national security strategy that, for the first time, establishes economic security as a central pillar.”<sup>49</sup> BCC recommendations include expanding CSIS powers, increasing CSIS resources to train “private sector entities”, developing a foreign influence registry, joining AUKUS – the trilateral nuclear alliance of the U.S., the U.K., and Australia, and developing a “NATO for trade”.

CSIS’s growth and public presence is also making it a key player among a maze of institutions that, with great difficulty and bureaucratic infighting, are being herded towards the consolidation of a national security state. The 2020 volume, *Top Secret Canada*, provides a window into the

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<sup>47</sup> Office of the Director of National Intelligence, *Annual Threat Assessment of the U.S. Intelligence Community* (Washington, February 5, 2024) at <https://www.dni.gov/files/ODNI/documents/assessments/ATA-2024-Unclassified-Report.pdf>

<sup>48</sup> See Canada’s recent *Our North, Strong and Free: A Renewed Vision for Canada’s Defence* (Ottawa: April 2024). Quote from page 1.

<sup>49</sup> Business Council of Canada, *Economic Security is National Security: The Case for an Integrated Canadian Strategy* (Ottawa, Business Council of Canada, 2023).

that evolving edifice involving the Privy Council Office (PCO), the Prime Minister's Office (PMO), the Canadian Security Intelligence Service (CSIS), the Communications Security Establishment (CSE), the Integrated Terrorism Assessment Centre (ITAC), the Financial Transactions and Reports Analysis Centre (FINTRAC), the Royal Canadian Mounted Police (RCMP), the Canadian Border Services Agency (CBSA), Public Safety Canada (PSC), the Department of National Defence and the Canadian Armed Forces (DND/CAF), Global Affairs Canada (GAC), and the Department of Justice Canada (DJC). we gain a sense of the scale and interconnectedness of these evolving parts.

At the same time, multiple players in this evolving structure are being integrated into a global network under the aegis of an expanding and increasingly political Five Eyes spying network (U.S., U.K., Canada, Australia, and New Zealand). Not only have the Five Eyes begun to collectively intervene politically (for example, issuing statements on the security laws in Hong Kong) they are also coordinating their activities through the [Five Country Ministerial](#), that regularly brings together Canadian government ministers responsible for public safety and immigration, as well as security ministers, ministers of justice, and attorney-generals (the 'Quintet') with their Five Eyes counterparts. As a model national security state, the U.S. predominance in these gatherings will further promote and encourage the duplication of its national security architecture.

CSIS itself is now promoting a further expansion of its role. In a consultation paper, [Enhancing measures to counter foreign interference: Whether to amend the Canadian Security Intelligence Service Act](#), released by Public Safety Canada in November 2023, CSIS is promoting changes to the CSIS act that would give it an expanded potentially intrusive role, including the right "to disclose information to those outside the Government of Canada for the purpose of increasing awareness and resiliency against foreign interference."

These are warning signs of the consolidation of a national security state, a process that is intimately connected to CSIS's threat campaigns and powerful public presence. The Commission has an opportunity to flag this danger or, at the very least, to avoid contributing to it. At this historical moment, when environmental collapse and escalating wars place the planet in jeopardy, signaling the necessity of transcending 'cold war' politics to find new definitions and approaches to national security would be an invaluable service to Canadians, and to all humanity.

April 15, 2024