

**PUBLIC VIEWS OF
THE *ANTI-TERRORISM ACT*
(*FORMERLY BILL C-36*)**

Public Views on the *Anti-Terrorism Act*
(formerly Bill C-36)

A Qualitative Study

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The views expressed in this report are those of the author and do not necessarily represent the views of the Department of Justice Canada.



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1.0 Executive Summary

This report is part of the ongoing efforts undertaken by the Research and Statistics Division of the Department of Justice Canada to help inform the Parliamentary review of the *Anti-terrorism Act* which is mandated to take place within three years of the Act receiving Royal Assent. The *Anti-terrorism Act* was proclaimed into law by the Parliament of Canada in December 2001.

As a first phase, the Research and Statistics Division undertook a focus group study in March 2003 to examine how minority groups viewed the different provisions of the *Anti-terrorism Act*. This was done in response to concerns that the Act's provisions might lead to certain minority groups being unfairly targeted.

As a second phase, the Research and Statistics Division sought to obtain the views and examine the attitudes of the Canadian population in general with regard to the *Anti-terrorism Act*. The firm Millward Brown Goldfarb was contracted to conduct focus group discussions and analyze the results. A total of 22 focus group sessions were held between February 2 and March 5, 2004, in Toronto, Ottawa, Winnipeg, Montreal, Calgary, Regina, Vancouver, Quebec City, and Halifax.

Focus group participants were first selected using random sampling procedures based on telephone lists available for the locations. Participants in each city were then divided into two age groups: Group 1 was comprised of participants between the ages of 18 and 39, and Group 2 of participants 40 and over. In all, 196 male and female participants over the age of 18, with varying social and educational backgrounds, were selected. Sessions of approximately 2 hours in duration were conducted in English and French.

The moderator's guide for the focus group sessions consisted of a modified version of the one designed for the first study; it was adapted for the general public. The focus group discussions centered on the following seven areas:

- 1) awareness of the anti-terrorism legislation;
- 2) reaction to the definition of terrorism;
- 3) reaction to the listing of terrorist entities;
- 4) reaction to the financing of terrorists;
- 5) reaction to new investigative and preventive arrest powers;
- 6) reaction to some mechanisms associated with investigative and preventive arrest powers;
and
- 7) impact of the *Anti-terrorism Act* on individuals, families, and communities.

Materials for each of these areas of discussion were distributed to participants prior to the discussion on each area.

Key Findings

Awareness of the anti-terrorism legislation was generally low, with about only half of the participants in each group saying, when prompted, that they were aware of some aspects of the legislation. There was also low recall of pre-9/11 Canadian terrorist incidents; post-9/11 terrorist incidents outside of Canada were mentioned more often. The general feeling was that terrorist incidents in Canada prior to September 11, 2001, would have been dealt with under the *Criminal Code*; however, there was uncertainty as to what aspect of the Code would apply to terrorism. Participants were generally aware of heightened airport and border security measures, as well as tougher immigration procedures post-9/11.

Although many participants felt that the brief overview of the *Anti-terrorism Act* was too broad and somewhat vague, there was general support for the concept of the legislation. Participants felt it was a step in the right direction, and some felt a certain level of comfort knowing that it was in place. There was a general assumption among participants that Canada's *Anti-terrorism Act* was less severe than similar legislation in both the United States and the United Kingdom.

The brief description and the accompanying provisions had a general appeal; however, they also gave rise to varying degrees of concern.

The *definition of a terrorist activity* was well received, with participants appreciating the fact that it was broad and, therefore, would not exclude any potential terrorist group. However, some expressed concern that the broadness of the definition might lead to non-terrorist groups (such as environmentalists, labour union activists, and anti-globalization protestors) being unjustly defined as terrorists.

While participants generally felt that the provision regarding the *listing of terrorist entities* was a necessary evil, concerns emerged over labeling individuals or groups as terrorists before they have a chance to appeal. This concerned several participants who saw it as reversing the well-known and respected concept of 'innocent until proven guilty.'

In general, the provision regarding the *financing of terrorism* made sense to participants. However, there was great concern over the maximum sentence of 10 years for being found guilty of this offence; it was seen as being too lenient. The reporting obligation also concerned participants, as it places the responsibility on individuals to report potential activities and subjects them and their families to what they view as a considerable amount of risk.

The provision bestowing new *investigative and preventive arrest powers* on the police was generally seen in a positive light, although there was some concern expressed about the possibility of it leading to the invasion of the privacy of innocent citizens as well as the potential for abuse by the police. Some were also concerned about the potential targeting of minority groups.



The *sunset clause*, associated with the investigative and preventive arrest provision, was generally understood and participants felt that it was a good tool for monitoring police use of the new powers. A few participants in each group thought the sunset clause meant that the terrorism legislation would disappear in five years.

The *obligation of reporting to Parliament* was also seen as a good tool to prevent police abuse of their new powers. However, some participants felt that initially there should be multiple reporting obligations.

Overall, participants felt that the risks associated with the *Anti-terrorism Act* and the new powers it bestows on the police were acceptable in light of the protection the Act affords to the country and its citizens, although the level of safety they felt did not change after learning about the provisions of the Act, since they did not feel unsafe to begin with.

The majority of participants said that the Act has had no direct impact on them, apart from them having to wait longer at the border or in line for ticketing or security at airports, which can primarily be attributed to post-9/11 security measures rather than to the Act itself. A few participants stated that they had friends or relatives adversely affected by post September 11 security measures, with experiences ranging from being pulled over at the border to being deported from the United States. In these cases, the individuals affected were said to be members of visible minority groups.

2.0. Introduction

This report presents input from all 22 focus groups in the second study, together with any differences in opinion among participants across the various demographic classifications (i.e. age, gender, or location). These differences are highlighted where relevant.

As was done in the first phase of the research, the language and terminology used by respondents is included wherever possible throughout the report. Double quotation marks have been used to highlight this language. Verbatim citations are also included (in italics and introduced by arrows) to illustrate key points made by focus group participants during the discussions.

While the results have not been broken down and analyzed separately by location, specific examples have been drawn from particular locations and groups throughout the report.

The report begins with an executive summary, which briefly outlines the background and purpose of the study and the methodology used, along with the key findings of the research. It then presents a more detailed picture of the background and methodology before delving more deeply into the findings, including highlighting participant awareness of, and reaction to, the provisions of the *Anti-terrorism Act*. The report ends with some concluding comments.

2.1 Background, Purpose and Objectives

Background

In the wake of the September 11, 2001, terrorist attacks on the United States and in response to the increasing global threat of terrorism, the Government of Canada sought to strengthen its approach to combating terrorism and ensuring public security. Canada's *Anti-terrorism Act* received Royal Assent in December 2001.

A Parliamentary review of the anti-terrorism legislation as a whole is mandated to take place within three years of the Act receiving Royal Assent. This study is part of the on-going efforts undertaken by the Research and Statistics Division of the Department of Justice Canada to help inform that Parliamentary review.

There was a perception surrounding the enactment of the legislation, as was expressed in the media, that certain minority groups might be unfairly targeted as a result of the provisions contained in the *Anti-terrorism Act*. Therefore, in March 2003, the Research and Statistics Division sought to obtain the views of minority groups on the different provisions of the Act. The firm Créatec + was contracted to organize focus group discussions with members of minority groups across the country and to report on the results.



A total of 16 focus group sessions were conducted in Halifax, Montreal, Toronto, Calgary, and Vancouver with participants from approximately 60 ethno-cultural minority backgrounds. Créatec + reported on the results in *Minority Views on the Canadian Anti-terrorism Act (Formerly Bill C-36): A Qualitative Study*.¹

In preparation for the mandated Parliamentary review of the Act, the Department of Justice Canada was also interested in undertaking in 2004 qualitative research on public views on the Act. Therefore, the Research and Statistics Division undertook a second study with this purpose in mind.

Purpose

The second focus group study builds on the qualitative study carried out in the first phase of the research which involved examining the views of visible minority groups in Canada. The purpose of this second study was to obtain the views and examine the attitudes of the larger spectrum of the Canadian population with regard to the legislation, its specific provisions, and its potential impact on their personal and community lives.

Although both focus group studies form part of the research undertaken on the *Anti-terrorism Act*, the results of the two studies are not directly compared in this report.

Research Objectives

While the main purpose of this study was to obtain the views of the Canadian public on the Act and some of its key components, it also sought to gain insight as to why such viewpoints were held. More specifically, the following four issues were to be explored:

- 1) awareness of Canadian anti-terrorism legislation and Government of Canada actions since 9/11;
- 2) awareness of, and attitudes towards, the Act in general, and some particular provisions;
- 3) perceived impact of the Act on people's personal lives; and
- 4) interest in further information about the Act in general and about certain aspects.

2.2 Methodology

Qualitative Approach

Given the purpose and research objectives of the study and in keeping with the method used in the first phase of the research, a conventional discussion method of focus groups was used. Most of the groups were made up of 9 to 11 participants, with a few made up of 5 to 7. (See Appendix D for a complete description of participant profiles and group composition in each location.)

¹ Les études de marché Créatec +, *Minority Views on the Canadian Anti-terrorism Act (Formerly Bill C-36): A Qualitative Study*, Ottawa: Research and Statistics Division, Department of Justice Canada, 2003. The report can be accessed on the Department of Justice Canada Web site at <http://www.canada.justice.gc.ca/en/ps/rs/rep/rr03-4.pdf>.

The focus group format facilitated open discussion and exploration of participants' awareness, perceptions, views, and attitudes. The moderator's role was not to inform or provide correct answers, but to facilitate the discussion and encourage the participants to interact freely, as well as to observe and to collect information. The findings from this study provide unique insights into perceptions and attitudes surrounding various issues relating to terrorism and to the *Anti-terrorism Act* itself; however, given that it is a qualitative study, not a quantitative one, these findings may or may not be statistically representative of the population as a whole.

Focus Groups

As age reflects generational and life cycle factors which can affect attitude formation, participants in this study were assigned to focus group sessions according to age. Those who were between the ages of 18 and 39 were assigned to *Group 1 sessions*, the 'young' discussion groups, and participants who were 40 and over were assigned to *Group 2 sessions*, the 'older' discussion groups. Given the resulting increase in homogeneity within groups, the age breakdown was expected to enrich the discussion surrounding the law.

Group 1 and Group 2 sessions were held in every city included in this study, with discussions being held in English and French according to the area (see Table 1).

Location	Number of Groups	
	Group 1 (aged 18-39)	Group 2 (aged 40+)
Toronto	1 English	1 English
Ottawa	2 English 1 French	1 English
Montreal	1 English 1 French	1 English 1 French
Quebec City	1 French	1 French
Halifax	1 English	1 English
Winnipeg	1 English	1 English
Calgary	1 English	1 English
Regina	1 English	1 English
Vancouver	1 English	1 English
Total	12 groups	10 groups



The focus group sessions were conducted in 2004 on the following dates:

- Toronto (2 English groups on February 2)
- Ottawa (3 English groups* and 1 French group on February 2 and 19)
- Montreal (2 English Groups on February 6 and 2 French Groups on February 9)
- Quebec City (2 French Groups on February 17)
- Halifax (2 English Groups on March 5 – postponed from February 19, due to the winter storm in Halifax)
- Winnipeg (2 English Groups on February 5)
- Calgary (2 English Groups on February 9)
- Regina (2 English Groups on February 12)
- Vancouver (2 English Groups on February 13)

An additional English Group 1 session (*) was conducted in Ottawa on February 19, 2004, due to poor attendance at the initial session.

A total of 196 people participated in the group sessions (see Table 2). The duration of each session was 2 hours.

TABLE 2. NUMBER OF PARTICIPANTS BY LOCATION AND AGE GROUP			
Location	Number of Participants		
	Group 1 (aged 18-39)	Group 2 (aged 40+)	Total
Toronto	10	9	19
Ottawa (English)	5	11	17
Ottawa (French)	6	-	6
Winnipeg	10	10	20
Montreal (English)	9	9	18
Montreal (French)	9	9	18
Calgary	6	9	15
Regina	9	9	18
Vancouver	10	10	20
Quebec City	10	10	20
Ottawa (English)	10	-	10
Halifax	7	9	16
Total	101	95	196

Participant Selection

The selection method aimed for an equal number of male and female participants and a good mix of education levels (high school and post-secondary) in each group (see Appendix A for the screening tool used). The focus groups included people of very diverse socio-economic and occupational backgrounds, which is arguably representative of the Canadian population. Included in the groups were students, blue-collar workers, teachers, professionals, clerks, programmers, sales representatives, homemakers, even a retired university professor of criminal law.

As the target population specified was the general public, members of visible minority groups were included at random. Although the majority of participants in the sessions were Caucasian, a few of the participants in Toronto, Vancouver, and Calgary were members of visible minority groups.

Persons who worked for a federal or provincial government department, or had family members who did, and persons who had participated in a focus group session on any topic in the previous 12 months were screened out.

For each session, 10 participants were recruited to ensure that at least 8 showed up in every group. Participants were informed both during the screening phase and during the introduction to the actual focus group session that a sensitive topic would be discussed. During the introduction, they were told that the discussion would focus on the provisions of the anti-terrorism legislation.

Participation Incentive

An incentive of \$50 was offered to participants for their time, which is a standard incentive for qualitative research involving the general public.

Discussion Guide

Participants in all 22 groups were interviewed according to a discussion guide (see Appendix B). This discussion guide was similar to the one used in the first study, with slight modifications making the questions more appropriate for the general population.

At the beginning of each session, the moderator informed participants that they did not have to be legal or criminology experts to give their opinions on the topic. The moderator then explained the background of the research project and conducted a short ‘warm-up’ exercise with each participant, in order to create rapport as well as to explore the media habits of the participants. After this exercise, an initial discussion took place to determine the participants’ level of awareness of terrorist acts and of the *Anti-terrorism Act* itself.

The moderator then introduced the five provisions of the *Anti-terrorism Act* separately: (1) a brief summary of the Act; (2) the definition of a terrorist activity; (3) the listing of terrorist entities; (4) the financing of terrorism; and (5) the new investigative and preventive arrest powers. For each provision, the moderator handed out an outline of the provision in plain language (see handouts in Appendix C). While the legal language of the Act was minimized in these outlines in order to allow for maximum understanding, the summary still reflected the ideas



included in the actual *Anti-terrorism Act*. The participants were then given a few moments to read the outline and a discussion on the provision followed. This procedure was repeated until all five provisions had been discussed.

After the discussion on the fifth provision (the new investigative and preventive arrest powers), the moderator introduced two elements associated with these new powers: the ‘sunset clause’ and the obligation the Attorney General and the Solicitor General have to report to Parliament annually on the use of these new powers. The participants were then asked for their reactions to these clauses.

Each group session ended with a discussion about the impact these provisions may have had on participants personally or on a family member, friend, relative, or work colleague and an exploration of the level of safety participants felt after having been informed of the Act and its provisions.

Moderating and Analysis

Millward Brown Goldfarb conducted the focus group sessions for this study. This public opinion company was formed in July 2002 as a result of the merger of Goldfarb Consultants and Millward Brown Canada.

Given the number of sessions to be conducted in this study and the need for some sessions to be conducted in both English and French, three moderators were used.

- **Ted Doering**, Senior Research Executive, acted as the project manager and was responsible for client liaison, design of the screening document in English, the moderation of ten (10) English groups in Winnipeg, Calgary, Regina, Vancouver, and Halifax as well as preparation of the final written report.
- **Allison Scolieri**, Senior Vice President, was responsible for the moderation of two (2) English groups in Toronto and participated in the preparation of the final written report.
- **Pierre Legendre**, President, Legendre, Lubawin Marketing Inc., was responsible for the translation of the screening documents and the moderation of five (5) French groups in Ottawa, Montreal, and Quebec City as well as five (5) English groups in Ottawa and Montreal. He also participated in the preparation of the final written report.

All three moderators reported relatively similar findings and observations across both age groups and throughout the nine cities where the sessions took place. This similarity in the results adds to their validity.

Warming Up

As a ‘warm-up’ exercise, the moderator asked participants how regularly they paid attention to the news (either by watching it on television, listening to it on the radio, reading it in a newspaper, or accessing it online). Responses ranged from “very attuned” to the news (e.g.

following it daily in a variety of media) to “indifferent.” While a few participants said that they do not pay attention to the news because they find it to be “too depressing,” most participants across both age groups and in all cities said that they regularly kept in touch with what was going on around them. Most watch the news regularly on television and read a daily newspaper, at least occasionally. In general, the older respondents appeared to follow the news more closely than the younger ones.



3.0 Detailed Findings

3.1 Perspectives on Terrorism

3.1.1 Awareness of Pre-9/11 Terrorist Incidents in Canada

Participants were asked if they were aware of any terrorist activities that occurred in Canada prior to September 11, 2001. The FLQ crisis in October 1970 was mentioned by many participants across both age groups and in all cities. In most instances, it was the first thing that came to mind. Group 2 participants, in particular, recalled that “a few people” were abducted and killed during that crisis. Most participants over 40 years old remembered the *War Measures Act* being invoked and seeing, in real life or in pictures, soldiers marching through the streets of Montreal.

In addition, some participants mentioned the Air India tragedy, which is currently in the headlines because of the ongoing trial related to the bombing of an Air India flight, as well as the arrest of Ahmed Ressam in the United States, a terrorist who was planning to bomb the Los Angeles airport at the turn of the millennium. While the Air India crash did not occur in Canada, many consider it to have a strong Canadian link.

Some participants were not sure how overreaching the definition of ‘terrorism’ was. In Montreal, Quebec City, Halifax, and Winnipeg, some participants mentioned the shooting deaths of several women at Montreal’s École polytechnique by Marc Lepine. Some Group 1 participants in Vancouver and some Group 2 participants in Regina mentioned school bullying and school shootings as being terrorist acts. Some Group 1 participants in Vancouver also mentioned “gang swarming” as constituting an act of terrorism. These participants felt that such acts inflict terror on school grounds and in neighbourhoods.

The Hell’s Angels were also mentioned by participants in Ottawa, Winnipeg, Montreal, Quebec City, Regina, and Vancouver as being a potential terrorist group. Again, some participants were unsure as to the exact definition of what a terrorist or terrorist activity was, but felt that the Hell’s Angels could be considered terrorists.

- *Terrorists are people who mean something bad. It’s not just religious. It’s a group of people who are dead set against a certain situation or type of people. Like the Hell’s Angels, for example, who do bad things and seek control over money. (Quebec City, Group 2)*

A few participants in the Montreal, Quebec City, and Vancouver groups mentioned the Oka crisis involving the Mohawks’ right to land as an act resembling a terrorist incident inside Canada.

Some participants were of the opinion that although Canada's history shows a relatively low incidence of terrorist attacks within its borders, Canada is perceived by terrorists as a "safe haven" or as a "gateway" to other countries, such as the United States.

Although the examples above demonstrate that participants were aware of some terrorist incidents that have occurred on Canadian soil, many participants had to think about it for a while before coming up with examples (except in the case of the October Crisis).

3.1.2 Awareness of Terrorist Incidents outside Canada Post-9/11

All participants, across both age groups and in all cities, were aware of at least one terrorist incident that had occurred outside of Canada since September 11, 2001. Many participants mentioned that they were aware of terrorist incidents occurring almost daily in the Middle East (in countries such as Iraq, Afghanistan, and Israel). They were specifically aware of suicide bombings and attacks on coalition troops and embassies. Generally, terrorism outside of Canada since September 11, 2001, was associated with the Middle East.

- *Every week, there seems to be a terrorist event somewhere. That was not the case before September 11. It's almost daily.* (Montreal, French Group 2)

Some participants mentioned the bombing in Bali, the Moscow theatre incident, and the subway bombing in Paris. A few participants in the Ottawa, Montreal, and Quebec City groups mentioned the Washington D.C. snipers and the anthrax scare that gripped the American capital after September 11, 2001. The Oklahoma City bombing was mentioned by a few participants; however, they were reminded that the incident had occurred prior to September 11, 2001.

A few participants in both Vancouver groups and in Montreal and Ottawa were aware of the "shoe bomber" who was detained after trying to set off a bomb on an airplane bound for the United States from England.

- *A lot. Daily in Iraq. The man with the shoe on British Airways. Turkey. Every week in Israel.* (Montreal, French Group 2)

Some participants had trouble defining terrorism; hence, in Toronto, Montreal, Vancouver, and Halifax, some participants mentioned the IRA as a potential terrorist group. Group 1 participants in Halifax and Quebec City initially indicated that, in their opinion, George Bush and the American army should be considered terrorists for their actions in the Middle East (i.e. the war in Iraq).

Participants appeared to find it easier to name terrorist incidents that occurred outside Canada since September 11, 2001, than to name those that had occurred on Canadian soil prior to that date. This is likely due to the high volume of incidents outside Canada and to the media coverage devoted to these incidents. However, in many instances, recollection of these incidents was rather vague.



- *There was a hotel targeted for an attack in Africa, but I don't remember in which country.* (Ottawa, French Group 1)
- *It happens daily, so you are almost insensitive to it. It's like: "OK. Another bomb. Another place." It doesn't hit close to home, which is unfortunate because I have friends who are from the Middle East and it does hit home for them.* (Ottawa, English Group 1)

3.1.3 Likelihood of a Terrorist Attack in Canada

When participants were asked about the possibility that Canada would suffer from a terrorist attack within two years, the general consensus was that it was unlikely, if not very unlikely. A few participants thought that "anything is possible" in this day and age. They did not think that an attack was likely or imminent, but they felt that something could happen.

- *(An attack is) always a possibility.* (Vancouver, Group 2)
- *Anything is likely after 9/11.* (Calgary, Group 2)
- *It could happen, maybe for the Olympics at Whistler.* (Montreal, English Group 2)

Participants gave the following main reasons why they felt that an attack was unlikely: Canada's reputation as a peaceful and peacekeeping country; the Government of Canada's refusal to join the United States in the war against Iraq; and Canada's relative lack of strategic importance to would-be terrorists. That is, some participants felt that terrorists would not have a lot to gain by attacking Canada, since it is perceived as being neutral on the issue of war and generally "flies under the radar," which makes it an unlikely terrorist target.

- *Chrétien saying we wouldn't go in Iraq without U.N. backing made us less of a target.* (Montreal, English Group 2)
- *Not newsworthy for terrorists. Not strategic for them to do it.* (Toronto, Group 1)
- *Considering that we are very pro-Palestinian, it gives us a good chance, with all these maniacs out there supposedly using Palestine as a cause.* (Quebec City, Group 1)
- *There is not enough to gain in targeting Canada.* (Vancouver, Group 1)
- *The main target is the States. We play such a small role.* (Ottawa, English Group 1)

When people spoke of terrorist activities in this context, they referred mainly, if not exclusively to activities by extremist individuals from the Middle East, especially given the events of September 11, 2001.

A few of the English-speaking participants in Montreal expressed the view that the main risk, albeit comparatively small, might stem from extreme separatists; they referred to a group that was accused of bomb attacks against Starbucks coffee shops a few years ago, following Starbucks' refusal to display their store name in French.

- *With another referendum, Quebec vs. Canada, that's a possibility (the triggering of terrorist activities).* (Montreal, English Group 2)

In general, French-speaking participants in both Montreal and Quebec City were even less likely than English-speaking participants to believe in the likelihood of an attack in Canada by foreign terrorists.

Some Vancouver participants in both groups felt that the Olympic games of 2010 (which are to be held in Vancouver) might provide an opportunity for a terrorist attack, although these participants did not think that Canada or Canadians would be the primary target of the attack. Rather, they see the Vancouver Olympics as the potential setting for an attack by terrorist groups against another nation, possibly the United States.

Among participants in Ontario, Halifax, and the Western provinces, opinions on whether Canada is likely to be a target of terrorism were divided. Some participants felt that "anything is possible" in the times we live in, especially given the events of September 11, 2001. These participants felt that terrorists may attack Canada to "send a message" to the United States and other coalition countries.

Some claimed that although Canada itself was unlikely to be a terrorist target, it was not out of the question that terrorists might use Canada as a base or a "stepping stone" to enter and attack the United States, along the lines of the Ahmed Ressam situation.

However, some participants were concerned that if the new federal government headed by Paul Martin were to align Canada more closely with the United States in terms of its foreign policy, as several surmised would be the case, then the likelihood of a terrorist attack against Canada might increase. The feeling among these participants was that as long as Canada is not seen as overtly aligned with the United States, it will be safe from terrorist attacks, as the United States is considered to be a key target, if not the primary target, of terrorists.

- *Paul Martin will support Bush; therefore, involve us more. We'll be perceived as allies.* (Toronto, Group 2)
- *The probability is higher since the change of government in Ottawa, depending on the position it will take relative to the States.* (Montreal, French Group 1)
- *Not very likely; we are not Americans.* (Regina, Group 1)



A few participants felt that Canada could be a target because, in their opinion, Canada has not taken strong enough safety measures to protect itself. More specifically, a few Group 2 participants in Halifax, Ottawa, Montreal, and Quebec City see Canada's security measures as being weak; they consider that there are little to no defences in place should terrorists choose to attack Canada.

In addition, a few participants felt that, as terrorists have hidden inside Canada in the past, an attack on Canada could easily be carried out. Other participants refuted this likelihood, as they felt that terrorists would not want to jeopardize the possibility they have of continuing to use Canada as a hiding place or staging area.

- *Terrorism these days primarily targets the U.S. But on a larger scale, all Western countries are targeted. Canada would make an easy target, and they could hit us for that reason.* (Ottawa, English Group 1)
- *Canada is a base for terrorists. They won't compromise their base.* (Toronto, Group 1)
- *Dirty bombs are going to happen at some point. It could happen here because they say Canada is a doorstep.* (Montreal, French Group 2)

Other participants refuted outright the notion that Canada has been a “stepping stone” or “breeding ground” for terrorists.

A few younger participants in Halifax said that, given the relative ease with which the United States entered into Iraq and attacked it and the fact that they ignored the United Nations, they could see the United States entering into Canada in the event of a conflict between our two nations.

Participants in smaller cities like Regina or Halifax said that they could see Ottawa or Toronto being a target rather than their own cities, because of the larger size of those cities and the political and financial targets located there.

Some participants in Calgary, Regina, and Vancouver referred to a newspaper article that reported that Ottawa was a target of terrorist attacks, and they expressed the view that Canada could very well be a future terrorist target.

- *Somewhat likely. Ottawa was a target.* (Regina, Group 2)

3.2 Legislative Awareness

3.2.1 The Canadian *Anti-terrorism Act*

The moderators evaluated participants' awareness of the *Anti-terrorism Act*. While unaided awareness was measured by the top-of-mind reactions of participants, aided awareness was gauged after the moderators mentioned that the legislation was passed in December of 2001 and that it was covered by the Canadian media.

Unaided Awareness of the *Act*

One or two participants in the Ottawa, Montreal, and Quebec City groups were already aware of the existence of a specific anti-terrorism law which allowed the state to “take away basic rights on suspicion,” “gave more powers to policemen,” and “allowed them to arrest without warrant.”

- *The anti-terrorist act, of course, they talked about it in the papers. I have heard of it, but the content is somewhat blurry.* (Quebec City, Group 1)
- *It was a response to the American bill on anti-terrorism.* (Ottawa, English Group 1)
- *I think that there are a lot of people against that legislation because it infringes on our freedom.* (Ottawa, French Group 1)

Additionally, a few Group 2 participants in Halifax, Calgary, and Vancouver mentioned that terrorists’ assets could now be frozen and that the Canadian Security Intelligence Service (CSIS) now had the power to freeze such assets.

Participants employed as teachers or social workers and individuals involved in communications, community work, health or education seemed to be more aware of the *Anti-terrorism Act* than other participants.

It was quite clear that the media coverage of the Maher Arar affair and the RCMP raid on the *Ottawa Citizen* journalist’s home had increased participants’ awareness of the anti-terrorism legislation; however, very few could identify the legislation by its title or Bill number (C-36). The mass media, the CBC in particular, were cited by those who had become aware of the *Anti-terrorism Act* on an unaided basis as their main sources of information.

Aided Awareness of the *Act*

All participants were asked whether they recalled the passing of the *Anti-terrorism Act* (Bill C-36) in the fall of 2001. When assisted, several participants across all cities and age groups (approximately half in each group) remembered having heard something about this law. Aided recall of the Act in both Toronto and Calgary was higher than in Vancouver and Regina. In Ottawa, Montreal, and Quebec City – especially among older individuals – it was average.

- *Lots of debate about the Act; it barely passed in Parliament.* (Toronto, Group 1)
- *Legislative measures to give more power to the police, maybe.* (Montreal, French Group 2)

However, most participants did not remember many of the details associated with the Act and admitted that when they initially heard about it, it did not strike them as something of major importance. The general consensus was that those who were aware remembered vaguely hearing something about the Act in the fall of 2001, but that was all.



Since they did not know more about the Act, some participants in Ottawa, Montreal, and Quebec City wondered if there was a deliberate attempt on the Government's part to "soft-pedal" the Bill in order to avoid a major public debate.

- *It's odd that we don't know more about it. Was it debated? Was it speed-passed through?* (Montreal, French Group 1)

A few participants recalled hearing about certain elements of the Act. Specifically, those in both Calgary groups remembered hearing that the *Anti-terrorism Act* was pushed through as a law on an expedited basis, and they knew that some people had been targeted under the Act because they saw it on television or read about it in a newspaper or online. In addition, when asked about the Act specifically, one or two in each group across all of the cities recalled hearing that the assets of terrorists could now be seized and frozen as a result of the new Act.

- *I heard about it. They froze terrorist funds after 9/11.* (Winnipeg, Group 2)
- *It was pushed through really quickly.* (Calgary, Group 1)
- *I recall hearing something about it.* (Regina, Group 1)

Some of the participants who were aware of specific aspects of the *Anti-terrorism Act* expressed some concern that the Act might infringe on the rights of Canadians, given the power that it gives to the police (i.e. the power to search without a warrant, to seize information, to tap telephone lines, and to detain people based only on suspicion and not "hard facts"). A very small minority of participants in Ottawa, Montreal, Quebec City, and Halifax were opposed to the Act and to giving any additional powers to the authorities.

- *I know that it infringes on basic human rights because action is taken too quickly.* (Ottawa, English Group 1)
- *Anything can be defined as terrorist activity. Like the journalist who talked about Arar; the RCMP thought she might have more information and they searched her house.* (Ottawa, French Group 1)
- *I say that it's dangerous for our rights and freedoms: they were already trampled and ridiculed. Now, it's worse.* (Quebec City, Group 1)
- *Everything that's against American capitalism can become branded 'terrorism.' It'll lead to a witch hunt.* (Montreal, French Group 2)

CSIS was also mentioned in most cities as an organization that is linked with the *Anti-terrorism Act*. Some participants recalled hearing through the media that after September 11, 2001, CSIS received more funding.

In summary, awareness of the Act, which is quite low when not aided, increases when aided, depending on the cities and the age groups. Some participants remembered vaguely hearing something about the Act when it was passed as well as a few of its specific provisions; however, most have not heard much about it since that time.

3.2.2 Prior *Criminal Code* Terrorism Provisions

Most of the participants assumed, or at least “hoped,” that prior to the passing of the *Anti-terrorism Act* in the fall of 2001 terrorist acts were dealt with under the *Criminal Code* in some way. However, many were unsure of how they were specifically dealt with. In Halifax, some participants said that they thought terrorist acts could be defined and dealt with under the ‘traditional’ *Criminal Code* definitions for murder or conspiracy. Most participants logically assumed that terrorist acts prior to the fall of 2001 must have been dealt with through the *Criminal Code* in some capacity.

A few participants in Calgary Group 2 and Vancouver Group 1 felt that terrorist acts prior to the fall of 2001 would have been dealt with as acts of treason under the *Criminal Code*.

In Halifax, a few participants in both groups said that they were unsure of how terrorist acts were dealt with prior to the fall of 2001, given that during the FLQ crisis, then Prime Minister Pierre Trudeau chose to invoke the *War Measures Act*.

3.2.3 Post-9/11 Public Security Measures

There was almost universal awareness that airline travel in general has been impacted by new safety measures at airports. As examples of these increased measures, participants cited longer waiting times at the check-in counter and for security checks. A few participants mentioned not being able to carry sharp objects in their carry-on bags, such as nail clippers. Others mentioned that security measures are now stricter, with electronic devices such as laptops and cell phones being checked and people having to take off their shoes when passing through security check-points. Some participants also said that an additional airport security tax is now included in their airfare, although there was some confusion as to what this tax is actually used for.

- *In the airports, the procedures are changed. There’s a list of instruments that could be potential weapons and which is much longer than before. It’s not the same in airports.* (Ottawa, French Group 1)

A few participants in Vancouver mentioned the presence of air marshals on planes and the fact that airline pilots are now able to carry guns as examples of increased security measures. However, participants were unsure whether pilots on Canadian airlines were actually being allowed to carry guns or if this measure only applied to pilots in the United States.

There was also an almost universal awareness that the Canada/United States borders are now controlled much more strictly than they used to be. Some participants mentioned truckers having to wait for hours and some mentioned personal experiences of having been delayed and interrogated at the border. While participants in Ottawa, Montreal, and Quebec City initially did



not appear to differentiate between Canadian and American border officials in that regard, when they were asked whether it was on the Canadian side or the American side, they recalled that they were actually delayed on the American side of the border.

Some participants also mentioned the new measures concerning passports, for instance, that smiling is no longer allowed in photographs, as another step taken by the Government to increase safety.

Some participants mentioned that it is now more difficult for immigrants to get into Canada, since a revised screening process requires residents of Canada to ‘sponsor’ those who seek permanent residency in the country. Furthermore, some participants claimed that new immigrants to Canada now need permanent residency cards in order to enter the country. Nevertheless, there was a debate among Group 2 participants in Halifax on how lenient Canada’s immigration laws actually are. This debate may have stemmed from the suggestion by a few participants that some of the key players in the events of September 11, 2001, crossed the Canada/United States border in Atlantic Canada.

- *It’s harder for immigrants who have to travel with a special card to come into the country; it’s harder to have your passport renewed; the borders are reinforced; no smile on the passport.* (Montreal, English Group 1)

3.3 Reactions to the *Anti-Terrorism Act*

After participants were asked about terrorism in general and their awareness of the *Anti-terrorism Act* was gauged, they were introduced to specific provisions of the Act. For each provision, a handout was distributed (see Appendix C) and was read by the participants, and a discussion followed.

3.3.1 Overview of the *Anti-terrorism Act*

Participants were first given a brief description of the *Anti-terrorism Act* (see handout 1 in Appendix C).

This description triggered a wide range of reactions, depending on the participants’ views on foreign politics and terrorism. Qualitatively, opinions appeared to be divided along the following five lines:

1. A small number of participants felt that the Canadian legislation is probably not tough enough. (“Classic Canadiana: sounds tough, but not enough to stop anything.”)
2. Some participants were somewhat reassured and comforted that Canada is doing something to fight terrorism. (“I’m willing to give up something to be safer.”) There appeared to be more participants with this opinion than with the first one, but fewer than those with the third one. Those who felt this way were mostly English-speaking participants from Toronto, Montreal, Ottawa, Halifax, Regina, Calgary, and Vancouver. These participants could be

further divided into two groups: those who thought the Act might deter terrorism and those who were sceptical because “there is nothing that will stop those people.”

3. *The largest number of participants felt that the description was too vague and did not tell them enough to allow them to form an opinion.* Those who felt this way were mostly English-speaking participants from Toronto, Montreal, Ottawa, Halifax Group 1, Regina Group 1, Calgary, and Vancouver. These participants asked: “What investigative tools? What do they mean by ensuring that Canadian values are preserved? This sounds great, but how does it work? How far does it go?”
4. Some participants were concerned that this law is “a knee-jerk reaction” which may lead to the authorities becoming “paranoid.” These people tended to express concerns about privacy and/or racial discrimination. (“The media made out terrorists as Middle Eastern”). This opinion was only expressed by a few French-speaking participants, particularly in Montreal and Quebec City.
5. Some participants were opposed to the law because they saw it as driven by the United States and considered it a serious threat to the rights of Canadians. Typically, these participants did not think that terrorists should be treated any differently from other criminals and they had serious concerns about the potential for abuse by the police or the authorities in general. (“I find it aberrant to use the word *terrorism* to qualify people as though they were different from people who commit crimes.”) However, only a few French-speaking participants from Montreal and Quebec City and a few Group 2 participants in Regina and Halifax were of this opinion, although they were very vocal about it.

Generally, participants across both age groups and in all cities felt that the description was “very vague,” “very broad,” and they questioned some of the terminology used in the description. “Sounds good, but what does it mean?” Participants needed more information on the Act before they could give their full opinions.

- *All sounds good, but it is general and all-encompassing.* (Calgary, Group 2)
- *Terrorism is a reality in our lives. This sounds very good, but it is vague and non-committal.* (Regina, Group 1)
- *What does it allow police to do?* (Toronto, Group 1)
- *I need details.* (Montreal, English Group 2)

One of the primary questions participants asked was “How does it work?” Some participants suggested that the inclusion of vague terminology contributed to the feeling that the description itself is weak. For example, many would have liked further explanation of the ‘new investigative tools’ that can be used to fight terrorism. Some concern was expressed that these ‘new



investigative tools’ could be used by authorities to take away individual civil rights. The statement “Canadian values of respect and fairness” was reassuring to some participants; however, it appeared to contradict the idea of ‘new investigative tools.’

- *Ambiguous – “deter” and “identify” are not specific enough.* (Regina, Group 2)
- *Talks about stronger laws, but it doesn’t say what they are.* (Vancouver, Group 1)

Some participants acknowledged that balancing individual rights and freedoms and fighting terrorism is a difficult task, and they were not sure the description of the Act reflects such a balance. They agreed that we live in “scary” times and that individuals may have to sacrifice some of their rights for the greater good, safety, and protection of the country as a whole.

- *It’s scary, but so is terrorism. We live in a scary world.* (Calgary, Group 1)
- *I agree very much in principle, but the trick lies in obtaining a proper balance.* (Montreal, English Group 2)

The reference to ‘hate crimes and propaganda’ was also found by some participants in Ottawa, Montreal, and Quebec City to require a better explanation; the word *propaganda*, in particular, was interpreted by some as a threat to the freedom of expression. One participant suggested that the reference to stronger laws against propaganda could be used to target legitimate groups.

- *That could apply to Greenpeace or any labour union.* (Quebec City, Group 1)

Some participants, particularly in the older groups in Winnipeg and Halifax, wondered what the new ‘safeguards’ for fighting terrorism were; they felt that the term required more explanation.

A significant minority of participants in Winnipeg, Regina, and Vancouver felt that the Act would only be as good as the funding and manpower that was devoted to it. In their opinion, the Canadian government does not have either in place to support the implementation of the activities referred to in the description.

- *Do we have the infrastructure in place to enforce this law or is it just lip service?* (Vancouver, Group 2)
- *Are they going to act on it? How much money and resources are being put into it?* (Regina, Group 1)

Other participants in Winnipeg and Regina wondered who actually controls and enforces the ‘new investigative tools.’ Is it the Government, CSIS, or the police? They expressed some concern that if the power was left in the wrong hands, these ‘tools’ could be abused.

Some participants felt that the existence of the Act represented a step in the right direction. They saw the Act as something positive because it indicated that Canada had something in place in the event of an attack by terrorists. Just knowing that it exists brought a measure of comfort to some

participants. The Act was also perceived in a positive light because it responded to United Nations requirements.

A few participants wondered why they had never heard of the Act prior to the session, and others wondered if anyone had been charged under the Act since its inception.

- *Why don't I know about this?* (Halifax, Group 2)

Moreover, Group 2 participants in Vancouver expressed some concern that they never seemed to hear any news from the Government about fighting crime and said that they would like more information in this regard.

Participants in both Toronto groups and in Winnipeg Group 2 questioned why there was no reference to the rights of visible minorities in the brief description of the Act. More specifically, they wondered if the 'new investigative tools' and the Act itself would lead to racial profiling of visible minority groups. This reaction did not appear to come up in other cities.

- *It doesn't mention ethnicity. What about the rights of visible minorities?* (Toronto, Group 1)

The sentence "Bill C-36 is not just a reaction to events..." was not believed by most participants in Ottawa, Montreal, and Quebec City, who wondered why it was passed in the fall of 2001; they suspected that it was passed under pressure from the United States to secure borders.

- *I'd say that Canada was influenced by the States.* (Ottawa, French Group 1)
- *After 9/11, the perception in the States was that there were terrorists in Canada and that it was easy to go through the border.* (Ottawa, English Group 1)
- *Canada has had to do it under pressure from the States.* (Montreal, French Group 1)

However, as mentioned previously, many participants in the other cities took comfort in knowing that the Act was created/passed in response to a United Nations request and that Canada adhered to a United Nations obligation.

The general reaction among participants in both age groups and in all cities demonstrates that if this brief description were presented to the public, it would most likely generate more questions than answers.

Comparative Toughness

Most participants indicated that they thought that the Canadian *Anti-terrorism Act* was less severe than similar anti-terrorism laws in the United States, but they did not know for certain. This was not primarily based on knowledge of the laws or personal experience, but rather on the perception that the United States has extremely harsh and tough anti-terrorism laws. While some



participants believed that the anti-terrorism laws of the United States and Canada are similar, enforcement of the laws was thought to be more severe in the United States than in Canada.

A few participants felt that Canada would give offenders under the Act a “slap on the wrist” compared to the perceived harsher ‘justice’ that would be dealt out in the United States. Canada was perceived by some to have rather lenient laws generally, in relation to other countries.

- *Ours are less severe. The Government doesn't back what they say they are doing.* (Halifax, Group 1)

With regard to the anti-terrorism laws of the United Kingdom, even if several participants could not tell and/or would not hazard a guess, once again, the perception was that the Canadian laws are less severe. One reason given by participants for this perception was that the United Kingdom was instrumental in the ‘War on Terrorism’ carried out by the United States and other coalition countries in Iraq.

3.3.2 Definition of a Terrorist Activity

A handout introducing the definition of a terrorist activity was distributed to participants (see handout 2 in Appendix C).

Most of the participants were satisfied with the definition of a terrorist activity and claimed that it was necessary, that it seemed “comprehensive,” and that it “explained well” what terrorism is.

However, it was not clear to some that all three criteria have to be met (i.e. the act is motivated by political, religious, or ideological purposes; the act is intended to intimidate the public or compel the government not to do something; and the act is intended to harm through violence/death or to interfere with an essential service) in order for something to be considered an act of terrorism. When this was not properly understood, participants were much more likely to be wary of the definition. When they understood it, they typically reacted as follows:

- *I think it is very fair; it has to be all three criteria.* (Halifax, Group 2)

Many participants who were receptive to the definition felt that the fact that it was very broad and all encompassing worked to its advantage. That is, if the definition was narrowed down any further, it might exclude actual terrorist groups. Indeed, a broad definition appeared to be key for these participants.

- *Pretty broad, as it should be.* (Regina, Group 1)
- *This has a wide scope. It needs to have one.* (Vancouver, Group 2)

Some participants, however, took issue with the definition. Mainly, they found that the definition was far too broad, that it could apply to “pressure groups” such as environmentalists, anti-globalization activists, and even demonstrating labour union members, although the law

specifically excludes work stoppages, protests, advocacy, or dissent.

- *You could jail environmentalists with this on the grounds that they are ideologically motivated, intend to compel the government to do something, and may interfere with an essential service.* (Montreal, Group 2)

French-speaking participants, who remembered the *War Measures Act* being invoked during the October crisis, when hundreds of individuals were jailed, including well-known politicians, singers, and artists, expressed serious concerns.

- *Just reading, the union groups could be considered terrorists; they go against the law when they occupy a minister's office.* (Quebec City, Group 2)
- *I've been a terrorist several times in my life, according to this definition; it's unclear.* (Quebec City, Group 1)

In the particular instance described by the last comment, the participant was concerned about the interpretation that a judge could give to a protest group.

Some participants in Ottawa, Montreal, Quebec City, Halifax, Regina, and Vancouver were trying to find 'loopholes' in the definition, using the examples of Greenpeace, the Hell's Angels, seal hunters, and anti-globalization protestors, and trying to figure out if these groups fit this description. They were still unclear as to whether or not these groups might be described as 'terrorists' under the definition. Some of them concluded that the definition was dependent on the discretion of those who have the power to charge someone with an offence. They hoped that the definition would be applied fairly.

- *Almost everyone is a terrorist under this definition. Could legitimate groups be targeted?* (Vancouver, Group 2)
- *It's still a bit general. Are there loopholes?* (Halifax, Group 1)

With regard to the wording of the provision, "intimidate the public or a segment of the public" was believed to be very broad and vague, and "interfere with or seriously disrupt an essential service, facility, or system" was found to be very encompassing and was perceived as giving a lot of latitude to judges, who could label and consider as terrorists almost any activist group or protester.

Perceived Usefulness

Participants were divided on whether the definition of a terrorist activity was a useful tool in identifying who is a terrorist and who is not. Again, it appeared to come down to who was making this decision. More importantly, very few believed that it would be effective in preventing terrorist acts, since "there was no way to stop somebody who is prepared to die," someone who is prepared to be a martyr for a cause.



Many did not believe that this definition per se may have helped prevent terrorist acts or offences or may help prevent them in the future. This was mainly because many participants believed that the occurrence of terrorist acts in Canada is very unlikely and that, despite the existence of the definition, not much can be done to prevent a terrorist attack.

A few participants in Ottawa, Montreal, and Quebec City disagreed with the above point and claimed that the definition might be helpful in catching terrorists before they act. They tended to cite the cases of Ahmed Ressay and the ‘shoe bomber’ as examples that Bill C-36 and the definition of terrorist activity may prevent terrorist acts or offences. This opinion was not shared by some participants in other cities, who felt that the definition itself could not prevent terrorist acts but that it was “nice to have.”

- *It’s a little bit like the anti-suicide laws. It may not keep people from killing themselves, but it sure makes a lot of people think twice about it. (Quebec City, Group 1)*
- *I read that some terrorist attack against Jewish facilities in Ottawa was prevented. I immediately thought it could be a result of these measures (anti-terrorist). (Ottawa, French Group 2)*
- *It could prevent certain groups from getting together to plan terrorist acts. (Ottawa, French Group 2)*

Desire for Information

Very few participants were aware of the definition prior to the focus group sessions. Although some claimed that it would be important for the public to know, most admitted that because they were not terrorists themselves or in contact with terrorists, it was unlikely to affect them in their daily life and it was not something that they absolutely needed to know. Indeed, for many individuals, the definition was considered to be quite technical and “legal,” despite its simplified form. The exception would be the minority of participants who feared, to some degree, that it might affect them or people who share their views and engage in demonstrations. This was particularly true among French-speaking participants.

3.3.3 Listing of Terrorist Entities

Participants were given a handout on the criteria for listing terrorist entities (see handout 3 in Appendix C).

The overall reaction to the listing of terrorist entities was that it is probably a ‘necessary evil.’ Many participants agreed in general with the measure and felt it was straight forward. However, several questioned whether having the right to appeal being listed as a terrorist entity only after the fact goes against the traditional presumption of ‘innocent until proven guilty.’ Participants considered this presumption one of the cornerstones of our legal system. Some also questioned whether the listing of terrorist entities is against the *Canadian Charter of Rights and Freedoms*. Participants across both age groups and in all cities thought that this provision changed the legal process to that of ‘guilty until proven innocent.’ Some participants commented that the

provision might unfairly label legitimate individuals or organizations, which would cause them to be stigmatized and could potentially ruin lives.

- *Jumping the gun, labelling people. Once you're accused you are labelled forever.* (Calgary, Group 2)

Participants also felt that there must be a “good reason” for an individual or an organization to be targeted as a terrorist entity. That being said, those wary of such measures also questioned the notion of “reasonable grounds,” again citing the Maher Arar affair.

- *You have to do something to get on the list.* (Vancouver, Group 2)

Some participants had concerns about the power of the Federal Cabinet to oversee “the list” of terrorist entities. In their opinion, this power is only as good as the sources used to gather information on terrorist entities, and if the sources used were unreliable, the potential exists for mislabelling groups or individuals as terrorists.

Perceived Usefulness

The provision was seen by many participants as being an effective tool for identifying terrorist organizations, if it is used properly. In their opinion, it is effective because it puts terrorist organizations “out in the open,” thereby informing people that these organizations are terrorist entities. Many did not believe that the provision would prevent terrorism, since they felt that nothing could stop those who have their mind set on dying for their cause. Furthermore, some participants suggested that the provision might drive terrorist organizations further ‘underground.’ While these participants viewed the provision as slowing down organizations, they noted that “terrorists are resourceful” and would eventually find a way around this provision (e.g. by re-naming their organizations).

Desire for Information

The fact that the list is public was considered to be a must, although some participants see in it the danger that somebody whose name was once on the list, even if it is taken off after appeal, might still have his/her reputation tarnished. (Winnipeg Group 1 participants, who fundamentally disagreed with the concept of “the list,” felt particularly strongly about this.)

Some participants questioned the practice of sharing the list with other countries, wondering if when someone’s name was taken off the list after an appeal, it would be taken off the International list as well as the Canadian one. On the whole, participants believed that the list would have considerably less power and influence if it was not made public.

Many participants wondered where the list was located and if it was available to the public, given that the Act has been in place since the fall of 2001. There was a strong sense that they would like to have access to the list to see which organizations are considered to be terrorist entities.



This provision gave rise to a certain number of questions. For instance, some participants asked why, if some organizations were already on the list, they had not yet been reprimanded by the federal government. Further, they wondered why, if these organizations have indeed been reprimanded by the Government, the public has not been informed. Participants seemed to feel that informing the public of how the provision has been used would add some legitimacy to the effectiveness of the tool and give credence to the existence of the *Anti-terrorism Act* as a whole.

- *If they are listed, why aren't they investigated and charged?* (Regina, Group 1)
- *Why haven't we gone after them?* (Toronto, Group 2)

Whereas people admitted that they did not know about this provision, they also claimed that they somehow suspected that such a list existed and they believed that it would be a useful tool to disable organizations promoting terrorist activities. They expected that organizations such as al-Qaeda and Hezbollah, as well as some Middle Eastern charities, would be on this list. Several participants had indeed heard through the media that some Middle Eastern charitable organizations were funnelling money to terrorist groups.

3.3.4 Financing of Terrorism

A handout containing information on the financing of terrorism provision was given to participants (see handout 4 in Appendix C).

Participants generally agreed with the actions that can be taken under the provision of the Act that concerns financing of terrorism. These actions were viewed by participants in Ottawa, Montreal, and Quebec City as being very similar to the measures taken against the Hell's Angels under the anti-gang legislation. In the other cities, while participants considered that these two laws were similar to the financial suppression laws that already exist under the *Criminal Code*, they viewed this provision of the *Anti-terrorism Act* as different in that it specifically targets terrorists. Some participants questioned the fact that the right of appeal comes after action has been taken, which is in contradiction to the traditional presumption of 'innocent until proven guilty.'

This provision also generated some questions among participants. Some had concerns about how 'innocent' people would be treated under this provision. For example, participants wondered what would happen if a company did not know it was funnelling money to a terrorist group. If this company was reprimanded, what would the punishment be and would the company have a chance to clear its name? These participants also wondered how the organization would clear its name, given that its assets would be frozen. Moreover, if the organization was found to be innocent of the charges, would it then get its assets back?

- *What happens prior to 'appeal.' Am I in jail? What are the rights of the individual?* (Toronto, Group 1)

The main issue with this provision for many participants was the reporting obligation. Several imagined themselves in a situation where they might see something suspect going on in their neighbourhood, for example, and be “scared” to report the person or persons committing this act.

- *What is the reporting obligation? Is it punished if you do not report something?* (Vancouver, Group 1)
- *People will be very afraid because they can get back at them. You can't ever be totally protected against those people.* (Quebec City, Group 2)

A few participants found this section of the provision ‘normal’ and indicated that such a reporting obligation already exists under the *Criminal Code*. A few felt that it is an individual’s ethical duty to report any wrongdoing for the overall good of society.

Still, some participants thought that there should be some exceptions to this reporting obligation, for example, when the life of the person reporting or the lives of his or her family are at risk. Clearly, this section of the provision concerned some participants and made them feel uncomfortable.

Many participants questioned the ten-year maximum penalty. For the most part, these participants viewed this penalty as too lenient, since, as far as they knew, most people convicted of crimes in Canada do not serve their full sentence. A few participants suggested that the penalty should reflect the nature of the crime, while others suggested that the *minimum* sentence be ten years, thus increasing the maximum sentence.

- *Maximum sentence of 10 years? This should be harsher.* (Vancouver, Group 2)
- *10 years max? Need more; it should equal the severity of the offence.* (Halifax, Group 2)
- *10 years, here, with probation and all that can turn into 2-3 years only. It's ridiculous.* (Quebec City, Group 1)

Perceived Effect on Charitable Organizations

Many participants had thought that charitable organizations could potentially be linked to terrorist groups. None of the participants had been deterred, however, from donating money because of this. Most of those interviewed said that they donated to ‘legitimate’ or ‘mainstream’ charitable organizations (e.g. the Heart and Stroke Foundation, the United Way), if at all. In Ottawa, Montreal, and Quebec City, the association was clearly made with Middle Eastern groups. Thus, most did not think that it would make it more difficult for ‘legitimate’ charitable organizations to receive donations, unless they were charitable organizations with Middle Eastern ties.



In the other cities, participants felt that this provision could affect donating practices to smaller “fringe” organizations or religious organizations. They thought that it was up to individuals to “do their homework” with regards to charitable organizations prior to making a donation, if they did not wish to become accidentally affiliated with a terrorist group.

Perceived Usefulness

Many thought that the provision regarding the financing of terrorism was a useful approach to preventing terrorism, and although some did not specifically know about the provision, they expected that something like it would exist, again using the anti-gang and financial suppression laws as models. Some participants were aware of the provision and felt that stopping the flow of money to terrorist organizations was a big step towards slowing them down and reducing their ability to fund their ‘missions,’ thereby preventing terrorism to some extent. Nevertheless, participants suspected that terrorist organizations would adapt and find other ways to fund their operations.

- *Most important aspect is to take away the money from terrorists.* (Calgary, Group 1)

Desire for Information

Some participants had heard of this provision when they were made aware of the *Anti-terrorism Act* as a whole; therefore, they did not feel they needed any more information on the provision. The general feeling was that information about the provision regarding the financing of terrorism should be communicated as part of the Act as a whole. Participants felt that any communication plan should include all five provisions, as introducing or explaining the provisions separately might confuse the general public.

3.3.5 New Investigative and Preventive Arrest Powers

After reading a handout on the new investigative and preventive arrest powers (see handout 5 in Appendix C), many participants stated that these new powers were reasonable overall. Some participants called the provision “powerful,” while a few believed that the new investigative and preventive arrest powers are “tough measures!” Participants commented that the provision strikes a good balance between individual rights and the collective rights of the general public.

- *These keep me and my family safe.* (Winnipeg, Group 2)

Group 2 participants in Regina and Halifax as well as a minority of respondents in the French groups in Montreal and Quebec City took exception to the provisions and saw them as a violation of individual rights and freedoms. As they were reading about these provisions, they recalled the era of “McCarthyism” and thought that the police might use these new investigative tools and powers to detect crimes other than terrorism.

- *The reason why they made a law is not necessarily the same as the reason why they’re going to enforce it afterwards – that’s my worry.* (Quebec City, Group 1)

A few Group 2 participants in Calgary said that these laws were “nothing new” and that Canadians have “very few rights to begin with.” It should be noted that these particular participants seemed to be familiar with the law and the *Criminal Code*, as their stated educational background and experience indicated.

Some participants had some concerns about the wiretapping disposition. While they agreed that suspected terrorists should be wiretapped without their knowledge (“that’s just common sense”), they would like some kind of reassurance that if the wiretapping uncovered other infractions unrelated to terrorism (for example, smoking marijuana), such evidence would not be allowed to lead to prosecution.

Some participants questioned the use of wiretapping in general. (“Isn’t wiretapping out of date? I would hope that they would monitor computer use as well.”) The perception among some participants was that, in this day and age, many terrorists communicate via e-mail or instant messenger technology, and they would hope that the Government and the police have the infrastructure and measures in place to monitor these avenues as well as telephone lines.

Only a small minority took issue with the fact that it is an offence to refuse to give information, especially since the provision specifies that such a refusal is not a terrorist offence.

Perceived Usefulness

Some of the participants who agreed in general with the investigative and preventive arrest powers did not agree, however, with the notion that a person could be arrested without a warrant if police felt the situation was urgent. According to these participants, “that is intrusive; it gives the Government and the police carte blanche,” and making an arrest without a warrant is contrary to the *Canadian Charter of Rights and Freedoms*. As expressed with regard to other provisions, here too there is an assumption that people are “guilty until proven innocent.” However, only a small minority felt this way; many of the participants were reassured by the fact that the person had to be brought before a judge within 24 hours if they were arrested. Some Group 1 participants in Halifax pointed out that someone who is not a Canadian citizen could be held for an indefinite period of time, based on very little prior evidence.

Qualitatively, a significant minority, mostly among French-speaking Group 2 participants in Montreal and Quebec City and Group 2 participants in Halifax and Regina, felt that these investigative and preventive arrest powers “go too far” and threaten our civil rights. Again, the word *McCarthyism* was used, as were the terms *military state* and *police state*, which reminded participants of Nazi Germany during World War II. Basically, these participants did not consider these provisions to be very useful.

- *(This provision) could nail people on any offences. It is another way to detect crime, McCarthyism.* (Halifax, Group 2)
- *Military State – do we not learn from history?* (Regina, Group 2)



-
- *You're forgetting that there have been fascist, dictatorial regimes throughout history, and humans can get back to there anytime. This is what this legislation allows.* (Quebec City, Group 1)

In addition, despite the earlier discussion on the definition of a terrorist activity, a few participants expressed concern about what constitutes a terrorist offence. These participants wondered if one could be charged with terrorism as a result of using verbal threats or “jokes” (e.g. “I am so mad at my employer that I am going to blow up the office”) or affiliation with a terrorist group. This provision put participants on their guard.

- *You have to be careful what you say in public.* (Halifax, Group 1)

These lines of thinking also called into question the perceived usefulness of the new investigative and preventive arrest powers.

Attitudes towards Risk of Abuse

Many participants stated that they trusted the Government and the police not to abuse these powers and did not feel threatened as citizens. Most pointed out that as Caucasian and Canadian citizens, they were not particularly worried about being labelled as terrorists.

- *Look at me, I'm white, I'm Canadian, and I'm not a terrorist.* (Vancouver, Group 2)
- *This (provision) will not affect 99.5% of the population.* (Calgary, Group 1)
- *No, because we are not racist here.* (Quebec City, Group 2)

Participants who belong to a visible minority group were clearly more cautious and pointed out that people of Middle Eastern descent were the most at risk of being the object of profiling.

Some claimed that even though they themselves may not be a target, people of Middle Eastern descent could become victims of abuse under the new investigative and preventive arrest powers. They feared that it might give rise to a form of racism, given that there have been reported cases of ‘racial profiling’ of other visible minority groups by the police in some cities. Furthermore, based on the experience of friends or relatives at the border or at airports since September 11, 2001, a few participants claimed that this profiling is already taking place.

- *If I walk through security at the same time as someone wearing a turban, who is going to get searched?* (Halifax, Group 1)

Participants also commented that the images used by the media to portray terrorism further perpetuate stereotypes and are not helpful. Most of the terrorist incidents that participants had heard of seemed to involve attacks perpetrated by persons of Middle Eastern descent. The Maher Arar affair has been a major contributing factor to that point of view.

A few participants were concerned that the police might unfairly target Canadians who are part of visible minority groups but who are not of Middle Eastern descent.

Participants appeared to be divided on whether or not targeting minorities is an acceptable risk. For some, racial profiling is something they viscerally oppose; they view it as morally wrong and believe it should not be practiced or condoned. Others, who claimed to be “realists,” pointed out that most, if not all, terrorists involved in suicide bombings and major attacks against civilians were of Middle Eastern descent. They expected that the police might, therefore, pay more attention to people of Middle Eastern descent. According to these participants, if the power was misused, it was for the ‘greater good.’

- *There will inevitably be some misuse, but the public good takes precedence.* (Toronto, Group 1)

Desire for Information

Many participants across both age groups and in all cities thought that these new investigative and preventive arrest powers should be communicated to the public. This would demonstrate that the Government was doing something to combat terrorism, and it might increase the level of public confidence.

- *If we knew more about this, we would have more respect for the Government because at least we would be aware that they were doing something.* (Toronto, Group 2)

3.3.6 Mechanisms Associated with Investigative and Preventive Arrest Powers

The Sunset Clause

Participants were informed that the investigative and preventive arrest powers will disappear after five years unless the House of Commons and the Senate pass a resolution to extend the provision for another five years. This sunset clause brought a certain measure of reassurance to some participants, and they expected that the provision would indeed be extended for another five years, especially given the serious nature of terrorism. While a vast majority understood the sunset clause, a few participants mistakenly thought that after five years the provision would go away, thereby making us vulnerable to a terrorist attack.

- *The terrorists could just wait until the end of five years and then attack.* (Halifax, Group 2)

When it was explained that the sunset clause meant that the provisions of the Act would be reviewed after five years, these participants then agreed that it was a good idea.

Participants noted that the clause was a useful tool in case any revisions to the new investigative and preventive arrest powers need to be made. It promotes the ‘checks and balances’ of the process.



Reporting Obligation

Participants were also informed that the Solicitor General and the Minister of Justice must report annually to Parliament on the use of these new powers and that this annual report is available to the public on departmental Internet sites. Some participants were reassured and commented that it may ensure that the police do not abuse the new powers they have been given under the Act. Many participants wondered what type of information this Parliamentary report contains, and a few said that they were going to try to find the report on their own time.

Other participants, particularly in Toronto and Regina, thought that the new investigative and preventive arrest powers should initially be reviewed more often by Parliament in order to reduce and/or eliminate any potential abuse by police.

A significant minority across both age groups and in all cities were not convinced that the sunset clause or the annual reporting to Parliament will curb abuse. They felt that if a police officer was pre-disposed to abuse these powers, then he or she will do so and that “it only takes one person accused of abusing the power to ruin the whole process.” A few participants, particularly in Halifax Group 2, were of the opinion that the police are already “drunk with power” and that these new investigative tools give the police “too much power.”

3.4 Impact of the Anti-terrorism Legislation

3.4.1 Perceived Impact

By far, most of the participants in the sessions agreed that, to the best of their knowledge, the law had no impact on their own personal life and activities. Some mentioned having problems at the border (usually the United States border) or waiting longer and being exposed to greater security scrutiny at the airport. A few participants mentioned that incidents of alleged discrimination at the border or at airports had been reported to them by friends, acquaintances, or spouses. The individuals who had experienced discrimination were generally people of colour or of Middle Eastern background. One Halifax Group 2 participant recounted that a friend of Middle Eastern origin was deported from the United States after the events of September 11.

Aside from the Maher Arar affair and the RCMP investigation of the Ottawa Citizen journalist, no participant was specifically aware of any public case involving the *Anti-terrorism Act*, which led a few participants to question the effectiveness of the Act itself.

Although not directly related to the *Anti-terrorism Act*, the main impact on the population since September 11, 2001, is widely acknowledged as having to do with air travel and border crossing. A few participants also mentioned additional safety measures in schools. Otherwise, no participant could recall changes associated with encounters with the police, attendance to public events, and relationships with other people. However, a few participants mentioned that they now tend to be a little bit more wary of persons of Middle Eastern descent.

3.4.2 Feelings on Safety and Security

Most participants across both age groups and in most cities indicated that they felt no more or no less secure after being made aware of the *Anti-terrorism Act*, not so much because they thought that the Act did not “have teeth,” but because they did not think that the likelihood of a terrorist attack in Canada was high to begin with. Basically, these participants did not feel threatened and did not think that much had changed since September 11, 2001. A very small minority claimed that after having been made aware of the Act, they felt less sure that their civil rights are protected.

Among participants in Ottawa, Montreal, and Quebec City, one or two in each group said they felt “a little bit more secure” now that they were aware of the existence of this legislation.

Whereas many participants claimed that more people should be aware of the Act and its provisions, the majority acknowledged that knowing more about it was not a priority for them because terrorism has had no impact on their daily life. Only a minority would make the effort to visit the Internet site of the Department of Justice Canada, for example, to obtain either more information about Bill C-36, the list of organizations designated as terrorists, or the report of the Solicitor General to Parliament on the use of the new investigative and preventive arrest powers.

3.5 Concluding Comments

As in any research done with the public, opinions collected during the focus group sessions are ‘snapshot in time’ impressions, which may have been swayed in either a positive or negative way by various factors. It is, thus, important to identify such influences in order to put the findings into perspective and context.

3.5.1 Possible Influences on Participant Attitudes

Seven factors may have played a role in shaping respondents’ reactions to the Act and its provisions. The first four factors are situational and include: (1) the timing of the sessions; (2) the educational and occupational backgrounds of the participants; (3) the ethnic background of the participants; and (4) participants’ media habits.

The remaining three factors are attitudinal in nature and may stem from the first four as well as from the personal experiences of the participants. These factors are: (5) Canada and its role in the world; (6) the United States and its role in the world; and (7) an appreciation of the presumption of ‘innocent until proven guilty’ in the Canadian justice system and an understanding of the scope of the *Canadian Charter of Rights and Freedoms*.

Timing of the Sessions

The focus group sessions were conducted over a one-month period from February 2 to March 5, 2004. The schedule was extended by one week because of a snow storm in Halifax. By that time, the war in Iraq had subsided and other concerns had entered into the public consciousness, such as the outbreak of SARS, the West Nile Virus, and Mad Cow disease. Although ‘terrorism’



remained in the news, it was possible that participants had become ‘numb’ to the almost daily reports of incidents occurring in the Middle East.

A news story did break during the second week of February about Ottawa being a potential terrorist target; this story was indeed mentioned by some participants in groups conducted that week (in Montreal, Calgary, Regina, and Vancouver). As well, the incident involving Juliet O’Neill (the *Ottawa Citizen* journalist) and the Maher Arar affair were still fresh in many participants’ minds.

Overall, the participants respected the fact that Canada did not enter into the war against Iraq and stood aligned with the United Nations rather than the United States and the “coalition of the willing.”

Educational and Occupational Backgrounds

As mentioned in the introduction of this report, the focus groups were composed of people of very diverse backgrounds, including students, blue-collar workers, teachers, professionals, clerks, programmers, sales representatives, homemakers, even a retired university professor of criminal law. This diversity led to varying degrees of knowledge about the *Criminal Code* and about the law in general as well as to varying degrees of concern about the provisions presented.

Ethnic Background

While many of the participants were Caucasian, the focus groups also included members of several visible minority groups. Participants from visible minority groups were somewhat more likely to feel that the police would misuse their new investigative and preventive arrest powers. As one participant noted, “They have done it before, so what is stopping them now?” Nevertheless, participants from these groups generally agreed overall with the Act and its provisions.

Participants’ Media Habits

As also mentioned in the introduction of this report, most participants regularly kept in touch with what was going on around them. While only a few participants said that they do not pay attention to the news, most watch the news regularly on television and read a daily newspaper, at least occasionally.

Canada and its Role in the World

Participants in all groups expressed a sense of pride in Canada and in being Canadian. Universally, Canada was perceived as a peaceful nation, and there was a deep appreciation that Canada did not join the war against Iraq. Some participants were concerned that if the new government led by Paul Martin was to more closely align itself with the United States, Canada’s reputation as a peacekeeping nation might be put into jeopardy and Canada might become a potential target of terrorism.

Generally, participants felt that Canada was a fair nation in terms of dealing with people who have broken the law in some way.

Some participants felt that our image as a peaceful nation also leads to the perception that we are too ‘easy going’ and lenient when it comes to the laws and enforcement of the laws. Hence, there was some concern that the *Anti-terrorism Act* might not be fully and effectively enforced.

The United States and its Role in the World

During the focus group discussions, participants tended to mention the United States in rather negative terms, describing the United States as a fairly aggressive nation, “doing as it pleased” and acting like “bullies.” Participants pointed out that this view was largely based on the actions of the United States in relation to the war in Iraq. In light of the September 11, 2001, attacks, the United States was viewed as a primary target for terrorists.

Participants also felt that the American media exhibits a bias and tends to put ‘pro-United States’ slants on most of the stories they report. Generally, participants felt that the United States exerts a certain influence over Canada, and many were concerned about Canada being too closely aligned with them.

Appreciation of Canada’s Fair Justice System

Participants in all groups generally expressed pride in, and appreciation for, Canada’s fair justice system. *They explained that such feelings stem from knowing that what constitutes the cornerstone of our justice system is the principle of ‘innocent until proven guilty.’*

During the sessions, however, as participants delved more deeply into the provisions of the Act, they expressed concerns that certain provisions were in violation of this cornerstone principle. In general, they were concerned that the responsibility was being placed on those accused of terrorism or labelled as terrorists to prove their innocence. This applied to the following provisions:

- The listing provision, under which groups or persons can be labelled as terrorists before they are given the right to appeal;
- The financing provision, under which those accused must prove their innocence after having their assets frozen; and
- To some degree, the new police powers, whereby those accused can be arrested without a warrant or strong evidence against them.

It is important to note that, as was the case in the first study, while participants appreciated the appeal concept, they still expressed fundamental concerns about the possibility that, despite the appeal, the lives of innocent people could be ruined.



3.5.2 In Conclusion

In summary, while the *Anti-terrorism Act* and all of its provisions met with general approval and were, for the most part, accepted, some concerns were raised during the discussions.

- In response to the *brief summary of the Anti-terrorism Act*, participants reacted generally positively to the fact that Canada had adopted this legislation; they felt that it was a step in the right direction. However, many thought it was too broad or too vague and that it used terminology that they were unfamiliar with. They felt that it could be misinterpreted.
- Overall, reactions to the *definition of a terrorist activity* were positive. The broadness of the definition and the fact that a person or a group had to meet all three criteria contributed to the definition's appeal. Still, participants looked for 'loopholes' in the definition and found that it had the potential for misinterpretation, that it might lead to legitimate protests and other acts being defined as terrorist activities.
- While focus group participants viewed the provision regarding the *listing of terrorist entities* as a necessary evil and an effective tool for identifying terrorist groups or persons, they felt it challenged one of the cornerstones of our justice system. In their opinion, the legal principle of 'innocent until proven guilty' was being replaced with 'guilty until proven innocent,' given that the provision stated that one could be labelled a terrorist before being able to appeal this designation.
- The provision concerning the *financing of terrorism* was viewed positively by participants. Many felt that it was a good tool in disabling terrorist activities. Despite this acceptance, participants also felt that it too challenged the principle of 'innocent until proven guilty.' The reporting obligation was also met with unease. In addition, many participants felt that the 10-year maximum sentence was too lenient and should be increased, as terrorism is a serious act.
- The new police *investigative and preventive arrest powers* were met with general acceptance, despite concerns regarding the potential for abuse by the police and for targeting of visible minority groups. Reactions to wiretapping were also generally positive; however, some felt that this was a dated practice given the proliferation of computers in today's society, and some felt that, overall, the provision constituted a fundamental invasion of civil rights and liberties.
- There was overall approval for the safeguards built into the Act. The *sunset clause* was perceived as being an effective tool to curb potential abuse by the police of the new investigative and preventive arrest powers the Act bestows on them. A few participants in each group misunderstood the clause and thought that the Act would disappear after five years. The *obligation of reporting to Parliament* was held in high regard, as participants felt it would help monitor police use of their new powers and would be an effective safeguard against abuse. A few participants felt the reporting obligation should be more frequent than once a year.

In conclusion, participants felt that the risks in adopting the *Anti-terrorism Act* and in bestowing these new powers on the police were acceptable for the greater good of society. After having been informed of the Act in more detail, the majority of participants said that they felt “about the same” as they did before. This appeared to be due to a feeling that, while terrorism is a serious act, it did not affect participants in their daily lives. The legislation had had no impact on the personal lives of the participants, except to increase the waiting time at borders and in line at both ticketing and security stations at airports. Nonetheless, the Act was perceived as being “nice to have.”



Appendix A – Screener



Screenener – Final

Good morning/ afternoon/ evening. This is _____ from Millward Brown Goldfarb, an independent research firm. We are conducting a study on behalf of the Department of Justice Canada with people in the area. We are not selling anything, rather we are simply interested in your attitudes and opinions. May I have a few moments of your time? I need to speak to someone in the household who is over 18 years old.

Once respondent is on the phone, reintroduce.

1. We are interested in people's occupations. Do you, or does anyone living in your household work for any of the following?

	<u>No</u>	<u>Yes</u>
Advertising agency	<input type="checkbox"/>	<input type="checkbox"/>
Newspaper	<input type="checkbox"/>	<input type="checkbox"/>
Radio or television station	<input type="checkbox"/>	<input type="checkbox"/>
Market or opinion research company	<input type="checkbox"/>	<input type="checkbox"/>
Any government department	<input type="checkbox"/>	<input type="checkbox"/>
Lobbying group	<input type="checkbox"/>	<input type="checkbox"/>

IF "YES" TO ANY OF THE ABOVE THANK AND TERMINATE

Recruiter Note: The lobbying group could be groups such as Civil Rights Advocates, Arab Federation representatives)

- 2) In which of the following age groups do you belong? **[READ LIST, CHECK ONE]**

Under 18	<input type="radio"/>	THANK AND TERMINATE
18 - 24	<input type="radio"/>	GROUP 1
25 - 29	<input type="radio"/>	GROUP 1
30 – 39	<input type="radio"/>	GROUP 1
40 – 49	<input type="radio"/>	GROUP 2
50 – 59	<input type="radio"/>	GROUP 2
60 or older	<input type="radio"/>	GROUP 2
Refused / Don't know	<input type="radio"/>	[DO NOT READ] THANK AND TERMINATE

ENSURE GOOD MIX OF AGES IN GROUPS 1 AND 2.

3. GENDER:

Male	<input type="checkbox"/>
Female	<input type="checkbox"/>

CHECK GENDER QUOTAS

4. In which of the following classifications does your total household before taxes income fall?
[READ LIST, CHECK ONE]

- Under \$25,000
- \$25,000 - \$39,999
- \$40,000 - \$49,999
- \$50,000 - \$74,999
- \$75,000 – or more
- Refused / Don't know **[DO NOT READ]**

ENSURE GOOD MIX OF INCOME GROUPS.

5. What is the highest level of formal education you have completed? **[DO NOT READ]**

- Primary school **TERMINATE**
- Some high/ secondary school / CGEP
- Graduated high/ secondary school / CGEP
- Some community college technical college/ CEGEP
- Graduated community college/ technical college/ CEGEP
- Some undergraduate university
- Graduated university or more
- Other **TERMINATE**
- DK/Refused **TERMINATE**

ENSURE GOOD MIX OF THE QUALIFYING CATEGORIES.

READ THE FOLLOWING PARAGRAPH AND ENSURE THAT PARTICIPANT IS OUTGOING, ARTICULATE, AND NOT INTIMIDATED SPEAKING IN A GROUP SETTING.

We would like to extend an invitation to you to attend an opinion research session on behalf of the Department of Justice Canada. Please note that we will be discussing potentially sensitive issues during the session. The session is scheduled for **[DATE]** at **[LOCATION AND TIME]** and will last about 2 hours. There will be absolutely no attempt to sell anything. We are interested only in your thoughts and opinions. We think it will be enjoyable and you would receive \$50.

Would you be interested in participating?

- Yes
- No **TERMINATE**

NAME: _____

ADDRESS: _____

CITY: _____ ZIP: _____

RESIDENCE PHONE: _____ BUSINESS PHONE: _____

RECONFIRMED BY: _____ DATE: _____

WILL ATTEND GROUP: _____ DATE: _____ TIME: _____



Appendix B – Discussion Guide



**QUALITATIVE RESEARCH ON PUBLIC VIEWS
ON THE ANTI-TERRORISM LEGISLATION-
QUALITATIVE RESEARCH PHASE II (General Public)**

**DISCUSSION GUIDE (20102319)
(February 2, 2004 - FINAL)**

1. INTRODUCTION (10 minutes)

(The initial stage of the discussion is to establish a level of confidence and a rapport between the moderator and the participants. Participants are informed of the purpose of the discussion and what is expected of them.)

NOTE TO MODERATOR

- 1. THE LEGAL LANGUAGE IN THIS GUIDE HAS BEEN MINIMIZED TO ALLOW FOR MAXIMUM RESPONDENT UNDERSTANDING, GIVEN THAT PARTICIPANTS ARE MEMBERS OF THE GENERAL PUBLIC -- LANGUAGE REFLECTS THE ESSENCE AND IDEAS IN THE ANTI-TERRORISM ACT.**
2. There may be a tendency to confuse the Canadian *Anti-terrorism Act* with U.S. measures, given the widespread publicity about American legislation and the actions taken against Canadian citizens. Keep the focus on the Canadian legislation.

GUIDELINES

- Word of welcome and introduction of moderator.
- Objectives of the research: “This evening, we will talk about **what is being done to address the problem of terrorism, your general opinions on the current state of things, the legislation and tools available, on what is said on the issue.**” Of course, there are many other issues, which are related to terrorism but tonight; we will focus on the Canadian legislation dealing with terrorism.
- This may be a sensitive topic for some, however, we would like to maintain focus on the specific provisions on the Canadian legislation dealing with terrorism.
- Confidentiality: “All your answers will remain confidential. Your name will not be communicated to anyone and your opinions will be combined with those of other participants.”
- Observer behind one-way mirror / taping for note-taking purpose only.

- Moderator's role and neutrality (does not work for the Government, is not a legal or criminology expert). Emphasize that no participant is a legal expert and that this evening's discussion doesn't require any specific knowledge. We are interested in opinions and reactions, not in "professional advice." This is **NOT** a consultation exercise.
- Participants' role
- Duration: 2h00
- Any questions?

GO-AROUND

- First name / age
- Occupation
- Question about mother tongue at the moderator's discretion
- How often do you watch the news on TV/radio? Read the newspapers – which ones?

2. AWARENESS OF THE ANTI-TERRORISM ACT (15 minutes)

So, this evening we will talk about terrorism and the Canadian Anti-terrorism Act. As you know, the issue of terrorism is not new in the world. Many societies are dealing with it in their own ways. As I said in the introduction, this is not a knowledge test. We are interested in your opinions and there are no wrong or right answers. All opinions are acceptable.

1. Do you know of any terrorist incidents in Canada prior to September 11, 2001?
2. Do you know of any terrorist incidents that have occurred outside of Canada since September 11, 2001?
3. How likely do you think Canada will suffer from a terrorist attack in the next 2 years?
4. Do you recall hearing about any actions that the Government of Canada has taken to improve public security and combat terrorism in the past three years?
5. More specifically, do you recall the passing of the *Anti-terrorism Act* in the fall of 2001, referred to as Bill C-36?
6. Do you know whether terrorist acts were dealt with in the Criminal Code before the anti-terrorism legislation was passed in 2001? (Crimes such as murder, hijacking, hostage taking)



7. Do you know that the *Anti-terrorism Act* responds to International obligations, including the United Nations Security Council Resolution 1373 and International Convention for the Suppression of the Financing of Terrorism? Resolution 1373, in part, requires all member states of the UN to prevent and suppress the financing of terrorist acts and to ensure that those who participate in the financing, planning, preparation, and perpetration of terrorist acts are brought to justice.

If some participants are aware of the ATA, Ask:

- What do you know about the *Anti-terrorism Act*? Do you remember anything particular about it? (Do not probe deeper at this stage)
- How did you learn about it? (e.g. Mainstream media? Community Media?)
- What feedback, if any, have you heard from your family, friends, work colleagues, and neighbours?
- What do you think of the Anti-terrorism Act?
- What is being said about it – by other people you know? – by the media?

Moderator: *Explore the following issues only if raised by respondents.*

1) *Backlash of any real or perceived negative sentiments towards participants or their community*

- *after September 11th*
- *as a consequence of the enactment of the anti-terrorism legislation*

Explore the following issues at your discretion, depending on discussion dynamics.

2) *What impact, if any, do you think the anti-terrorism law has had on the Charter rights of Canadians, such as the right to counsel?*

Moderator: *Distribute Handout #1 **the brief description of the Anti-terrorism Act**. Say: this is a very brief summary of the Anti-terrorism Act. Please, take the time to read it.*

8. What do you think of this brief summary? (Moderator: probe also feelings)
9. Do you think the Canadian anti-terrorism law is tougher, less severe, or about the same as anti-terrorism laws in the United States and the United Kingdom for example?
10. Do you think that the fundamental individual rights and freedoms of Canadian are upheld in this law?

3. REACTION TO DEFINITION OF TERRORIST ACTIVITY (15 minutes)

Now we will look more closely to the contents of the Anti-terrorism Legislation. We will begin by the definition of a terrorist activity.

The Anti-terrorism Act defines what a terrorist activity is. If an activity meets the definition, then the specific measures, provisions, punishments, enforcement powers and investigative tools apply. I'll show you a brief description of this definition, and would like your views.

Moderator: *Distribute Handout #2 “Definition of a Terrorist Activity.”*

1. What do you think about this definition in the legislation? Is it too broad? Do you understand it?
2. Do you believe this is a useful tool in identifying who is a terrorist and who is not?
3. Did you know about this definition?
4. Would you like or do you think that the general public should have more information about these provisions?
5. This is the first time “Terrorist Activity” has been defined in Canadian law. Do you think we should have definitions like this to help prevent terrorist acts or offences?

4. REACTION TO LISTING OF TERRORIST ENTITIES (5 minutes)

There is a detailed procedure in the Act that outlines how a group can be listed as a terrorist group. Listing a group makes it easier to apply the measures, provisions, enforcement powers, investigative tools related to terrorism. For example, once a group is listed, it becomes illegal to deal with property that is owned or controlled by that organization. I'll show you a brief description of this procedure, and would like your views.

Moderator: *Distribute Handout #3 “Listed or Designated Entities.”*

1. What do you think about this provision in the legislation?
2. Do you think this provision will be effective in stopping fundraising by listed groups?
3. Do you believe this is a useful tool to disable organizations that are promoting terrorist activities?
4. Is this a useful approach to letting everyone know who the Government considers is definitely a terrorist?



5. Did you know about this provision?
6. Would you like or do you think that the general public should have more information about this provision?

5. REACTION TO FINANCING OF TERRORISM PROVISIONS (15 minutes)

We will now talk about provisions dealing with the financing of terrorism. I'll show you a brief description of these provisions, and would like your views.

Moderator: *Distribute Handout #4 “Financing of Terrorism.”*

1. What do you think about this provision in the legislation?
2. Do you believe this is a useful tool in stopping the flow of money going towards terrorist activities around the world?
3. Is this a useful approach to prevent terrorism and to safeguard us from potential danger?
4. Did you know about this provision?
5. Would you like or do you think that the general public should have more information about these provisions?
6. Have you ever thought that some charitable organizations may be potentially linked to terrorist groups?
7. Have you ever experienced problems or difficulty donating money to charitable organizations because they may be potentially linked to terrorist groups?
8. Do you think it will be more difficult in the future to donate money to legitimate charitable organizations?

6. REACTION TO INVESTIGATIVE AND PREVENTIVE POWERS (10 minutes)

Police get new investigative powers and preventive. I'll show you a brief description of these powers, and would like your views.

Moderator: *Distribute Handout #5 "New Investigative and Preventive Powers."*

1. What do you think about these provisions in the legislation?
2. Do you believe these are useful tools in stopping terrorist activities before they occur?
3. Is this a useful approach to prevent terrorism and to safeguard us from potential danger?
4. Did you know about these provisions?
5. Would you like or do you think that the general public should have more information about these provisions?

7. REACTION TO SOME MECHANISMS ASSOCIATED WITH PREVENTIVE AND INVESTIGATIVE POWERS (10 MINUTES)

The **new preventive and investigative hearing powers** will disappear after 5 years (called a "sunset" clause) unless both the House of Commons and the Senate pass a resolution to extend them for another 5 years.

1. What do you think of this aspect of the law (the sunset clause)?

The Attorney General and Solicitor General of Canada are required to report annually to Parliament on the use of these new powers.

2. How do you feel about this obligation to report to Parliament?
3. Do you know that the Department of Justice and the Solicitor General of Canada (now Department of Public Safety and Emergency Preparedness Canada) tabled their first report in Parliament in May 2003?
4. Do you know that this report is available to the public and can be obtained from the Departments' Internet sites or by phone?
5. Do you think this reporting requirement and sunset clause will provide enough opportunity for Parliament and Canadians to monitor how the Act is being used and to prevent its misuse?
6. Some people worry that the police might abuse these new powers and unfairly target legitimate citizens? How concerned are you about this?



- Are you concerned that the police might unfairly target Canadians with a minority ethnic background? Why/why not?
- Is this an acceptable risk – to give better protection to the country and the people, or not acceptable?

8. FINAL THOUGHTS-IMPACTS OF THE ANTI-TERRORISM LAW ON INDIVIDUALS, FAMILY AND COMMUNITIES (30 minutes)

Now that we have discussed a few important aspects of the new Canada's Anti-terrorism Act

- *Definition of a terrorist activity*
 - *Listing of terrorist entities*
 - *New provisions dealing with conditions, preventive arrest and detention, investigative powers*
 - *Financing of terrorism*
1. Have any aspects of the legislation had an impact on you personally in your daily activities? How about on your family, friends, work colleagues, and neighbours?
 2. In your judgement, has the Canadian *Anti-terrorism Act* had an impact on the following activities: By impact I mean, on you personally? On your family, friends, work colleagues, and neighbours? Or anyone else that you know?
 1. Daily activities such as on public transit, streets, restaurants, etc.
 2. Worship
 3. Encounters with police
 4. Social relationships
 5. Attendance to public events and recreational activities such as going to a movie or theatre
 6. Relationships with other people from your family, friends, work colleagues, and neighbours?
 7. Children in schools
 8. Travel in and outside Canada
 9. Dealings with Canada customs
 10. Dealings with other Canadian government services
 11. Commercial transactions such as buying or renting a house or apartment
 12. JOB AND WORKPLACE
 13. Other
 3. *Do you feel more safe and secure or less safe and secure, now that you know some elements of the Canadian anti-terrorism legislation?*
 4. Any other final comments?

THANK – CONCLUDE



Appendix C – Handout Materials



1. BRIEF DESCRIPTION OF THE ANTI-TERRORISM ACT

In the fall of 2001, the Canadian Parliament passed new anti-terrorism legislation, Bill C-36. This Bill has taken steps to combat terrorism and terrorist activities at home and abroad through tough new anti-terrorism measures. The new package of legislation: creates measures to deter, disable, identify, prosecute, convict and punish terrorist groups; provides new investigative tools to law enforcement and national security agencies; and ensures that Canadian values of respect and fairness are preserved and the root causes of hatred are addressed through stronger laws against hate crimes and propaganda. The package also includes rigorous safeguards to ensure that the fundamental rights and freedoms of Canadians are respected.

- Bill C-36 is not just a reaction to events, but also to the United Nations Resolution (U.N.-S.C.R. 1373) that required all countries to implement anti-terrorism measures.

2. DEFINITION OF A TERRORIST ACTIVITY

- Any act -- committed or threatened -- in or outside Canada that falls within Canada's Criminal Code, AND all terrorist activities defined by the United Nations' Conventions that Canada has signed.

→ Includes the act itself, commission of, conspiracy, counselling, threatening...

→ Lawful protest activities are specifically excluded.

IN ADDITION, 3 other criteria have to be met

- 1) The activity has to be motivated in whole or in part for a political, religious or ideological purpose, objective or cause.
- 2) The activity has to be intended to:
 - intimidate the public or a segment of the public (in or outside Canada)
OR
 - compel a government, a person, or an organization to do or not to do something (in or outside Canada).
- 3) The intended goal of the activity is:
 - harm through violence or death, endangering someone's life or seriously risking the health or safety of people
OR
 - to interfere with or seriously disrupt an essential service, facility or system, public or private, other than as a result of work stoppage, protest, advocacy, or dissent.



3. LISTED OR DESIGNATED ENTITIES

The Solicitor General of Canada, based on sources of information, recommends to the Federal Cabinet that a group be designated and listed as a terrorist group when:

- 1) the group is acting on behalf of, at the direction of, or in association with a terrorist organization
- 2) when there are reasonable grounds to believe the group or person has carried out, tried to carry out, participated in or facilitated a terrorist activity.

This list is public and shared internationally - with governments of other countries.

The listed group or person has the ability to appeal the listing.

It is the Federal Cabinet that decides to make the designation.

4. FINANCING OF TERRORISM

- It is an offence to hold or provide a property or raise funds knowing that it will be used in whole or in part to carry out or help terrorist activities or a terrorist group (listed or not listed).
- There is a reporting obligation for anyone who knows about any property, which is owned, controlled by or on behalf of a terrorist group.
- Any property owned or controlled by or on behalf of a terrorist group may be frozen. Procedures for seizing, restraining and forfeiting the property are very similar to the previous Criminal Code.
- Any property could be forfeited if it is
 - Used in whole or in part to carry out or help terrorist activities or by or for the benefit of a terrorist group
 - Owned, controlled by or on behalf of a terrorist group.
- If someone or a group doesn't know they are involved in financing a terrorist activity, they can appeal and show that the offence was done without knowing.
- Financing offences have a maximum penalty of 10 years in prison.



5. NEW INVESTIGATIVE AND PREVENTIVE POWERS

Investigative powers

1. Any terrorist offence can be wire-tapped
 - Consent from a judge is required but
 - it is not necessary to demonstrate that no other methods would work
 - the person being wire-tapped doesn't have to be notified for up to 1 year and you can wiretap for up to 1 year (instead of 90 days for other criminal offences).
2. Only after following a strict process that brings an individual to court, can they be questioned if it is believed that they have information about
 - a terrorist offenceOR
 - someone suspected of committing or planning to commit a terrorist offence
3. Information doesn't have to be used only to build evidence, but can be used to prevent a terrorist act. For example
 - it doesn't have to be about a terrorist activity, but about an offence that has been or will be committed.
 - The person questioned doesn't have to be the accused. People can be brought in as witnesses who can provide information.
 - It is an offence to refuse to give information
- Although not a terrorist offence.

5. INVESTIGATIVE AND PREVENTIVE POWERS (*Cont'd*)

Preventive powers

1. People can be ordered to stay within a certain area or location, and need to be accessible at all times. This is more formally known as a recognizance with conditions and is not unlike a peace bond, which emphasizes, “keeping the peace.”
 - When there are reasonable grounds to fear that a person is going to commit or will commit a terrorist offence (e.g. could be related to financing or hiding someone).
 - Police get a peace bond from a judge and conditions can be imposed. If conditions are broken, the person can be arrested.

2. Preventive arrest when there are reasonable grounds to believe that
 - a terrorist act will be committed or is about to be committed.OR
 - the arrest of a person (not necessarily the person who is going to commit the act), is necessary to prevent a terrorist act from being carried out.
 - Police get a warrant and the person is arrested.
 - If police believe it is urgent, the person can be arrested without a warrant.
 - In such a case, the person has to be brought before a judge within 24 hours.

This procedure is a technique to get the individual before a court for a ruling on whether to impose a peace bond.



Appendix D – Participant Profiles



PARTICIPANT PROFILE BY GROUP						
	Toronto	Ottawa English	Ottawa French	Winnipeg	Montreal English	Montreal French
Group 1	Total 10 (5 f, 5 m) <u>Age:</u> <ul style="list-style-type: none"> ▪ 18 to 29 (7) ▪ 30 to 39 (3) <u>Education:</u> <ul style="list-style-type: none"> ▪ Some / Graduated University (3) ▪ Some / Graduated College (5) ▪ Some / Graduated High School (2) 	Total 5 (2 f, 3 m) <u>Age:</u> <ul style="list-style-type: none"> ▪ 18 to 29 (2) ▪ 30 to 39 (3) <u>Education:</u> <ul style="list-style-type: none"> ▪ Some / Graduated University (5) ▪ Some / Graduated College (0) ▪ Some / Graduated High School (0) 	Total 6 (4 f, 2 m) <u>Age:</u> <ul style="list-style-type: none"> ▪ 18 to 29 (4) ▪ 30 to 39 (2) <u>Education:</u> <ul style="list-style-type: none"> ▪ Some / Graduated University (2) ▪ Some / Graduated College (1) ▪ Some / Graduated High School (3) 	Total 10 (5 f, 5 m) <u>Age:</u> <ul style="list-style-type: none"> ▪ 18 to 29 (6) ▪ 30 to 39 (4) <u>Education:</u> <ul style="list-style-type: none"> ▪ Some / Graduated University (3) ▪ Some / Graduated College (5) ▪ Some / Graduated High School (2) 	Total 9 (5 f, 4 m) <u>Age:</u> <ul style="list-style-type: none"> ▪ 18 to 29 (5) ▪ 30 to 39 (4) <u>Education:</u> <ul style="list-style-type: none"> ▪ Some / Graduated University (5) ▪ Some / Graduated College (3) ▪ Some / Graduated High School (1) 	Total 9 (5 f, 4 m) <u>Age:</u> <ul style="list-style-type: none"> ▪ 18 to 29 (5) ▪ 30 to 39 (4) <u>Education:</u> <ul style="list-style-type: none"> ▪ Some / Graduated University (7) ▪ Some / Graduated College (2) ▪ Some / Graduated High School (1)
Group 2	Total 9 (5 f, 4 m) <u>Age:</u> <ul style="list-style-type: none"> ▪ 40 to 49 (6) ▪ 50 & over (3) <u>Education:</u> <ul style="list-style-type: none"> ▪ Some / Graduated University (4) ▪ Some / Graduated College (3) ▪ Some / Graduated High School (2) 	Total 11 (7 f, 4 m) <u>Age:</u> <ul style="list-style-type: none"> ▪ 40 to 49 (7) ▪ 50 & over (5) <u>Education:</u> <ul style="list-style-type: none"> ▪ Some / Graduated University (3) ▪ Some / Graduated College (4) ▪ Some / Graduated High School (2) ▪ Retired (2) 	No Groups	Total 10 (5 f, 5 m) <u>Age:</u> <ul style="list-style-type: none"> ▪ 40 to 49 (4) ▪ 50 & over (6) <u>Education:</u> <ul style="list-style-type: none"> ▪ Some / Graduated University (4) ▪ Some / Graduated College (3) ▪ Some / Graduated High School (3) 	Total 9 (5 f, 4 m) <u>Age:</u> <ul style="list-style-type: none"> ▪ 40 to 49 (5) ▪ 50 & over (4) <u>Education:</u> <ul style="list-style-type: none"> ▪ Some / Graduated University (5) ▪ Some / Graduated College (3) ▪ Some / Graduated High School (1) 	Total 9 (4 f, 5 m) <u>Age:</u> <ul style="list-style-type: none"> ▪ 40 to 49 (3) ▪ 50 & over (6) <u>Education:</u> <ul style="list-style-type: none"> ▪ Some / Graduated University (4) ▪ Some / Graduated College (5) ▪ Some / Graduated High School (0)

PARTICIPANT PROFILE BY GROUP (CONT'D)						
	Calgary	Regina	Vancouver	Quebec City	Ottawa English (Make-up)	Halifax
Group 1	Total 6 (4 f, 2 m) <u>Age:</u> ■ 18 to 29 (4) ■ 30 to 39 (2) <u>Education:</u> ■ Some / Graduated University (3) ■ Some / Graduated College (3) ■ Some / Graduated High School (0)	Total 9 (5 f, 4 m) <u>Age:</u> ■ 18 to 29 (7) ■ 30 to 39 (3) <u>Education:</u> ■ Some / Graduated University (3) ■ Some / Graduated College (5) ■ Some / Graduated High School (2)	Total 10 (5 f, 5 m) <u>Age:</u> ■ 18 to 29 (6) ■ 30 to 39 (4) <u>Education:</u> ■ Some / Graduated University (5) ■ Some / Graduated College (3) ■ Some / Graduated High School (2)	Total 10 (5 f, 5 m) <u>Age:</u> ■ 18 to 29 (6) ■ 30 to 39 (4) <u>Education:</u> ■ Some / Graduated University (7) ■ Some / Graduated College (2) ■ Some / Graduated High School (1)	Total 10 (5 f, 5 m) <u>Age:</u> ■ 18 to 29 (5) ■ 30 to 39 (5) <u>Education:</u> ■ Some / Graduated University (4) ■ Some / Graduated College (3) ■ Some / Graduated High School (3)	Total 7 (2 f, 5 m) <u>Age:</u> ■ 18 to 29 (5) ■ 30 to 39 (2) <u>Education:</u> ■ Some / Graduated University (2) ■ Some / Graduated College (2) ■ Some / Graduated High School (3)
Group 2	Total 9 (5 f, 4 m) <u>Age:</u> ■ 40 to 49 (3) ■ 50 & over (6) <u>Education:</u> ■ Some / Graduated University (3) ■ Some / Graduated College (5) ■ Some / Graduated High School (1)	Total 9 (4 f, 5 m) <u>Age:</u> ■ 40 to 49 (6) ■ 50 & over (3) <u>Education:</u> ■ Some / Graduated University (4) ■ Some / Graduated College (3) ■ Some / Graduated High School (2)	Total 10 (5 f, 5 m) <u>Age:</u> ■ 40 to 49 (6) ■ 50 & over (4) <u>Education:</u> ■ Some / Graduated University (3) ■ Some / Graduated College (3) ■ Some / Graduated High School (4)	Total 10 (5 f, 5 m) <u>Age:</u> ■ 40 to 49 (3) ■ 50 & over (7) <u>Education:</u> ■ Some / Graduated University (3) ■ Some / Graduated College (4) ■ Some / Graduated High School (3)	No Group	Total 9 (5 f, 4 m) <u>Age:</u> ■ 40 to 49 (4) ■ 50 & over (5) <u>Education:</u> ■ Some / Graduated University (4) ■ Some / Graduated College (2) ■ Some / Graduated High School (3)