A "broad-based and angry network":
Opposing surveillance and security measures post-9/11

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ABSTRACT

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This thesis examines recent anti-surveillance interventions by organized groups both in Canada and internationally. I look at three activist alliances, the International Campaign Against Mass Surveillance, the Surveillance Camera Players, and the Coalition Justice for Adil Charkaoui, in order to understand how they oppose surveillance and security initiatives, their positions on privacy and surveillance, and the challenges they face doing this work. I also ask what strategies are used, what avenues are available for dissent, and how these may be developed. In particular, I argue that broad-based, participatory social movements are necessary components in the politics of surveillance, because they are able to challenge existing systems. Based on my research, I consider some ideas and identities that may inspire opposition against the more egregious effects of surveillance. I contend that these concepts and affinities must be grounded in people's experiences, and provide a means for self-empowerment and community self-reliance. They must also resonate with people's desires and imagination by providing alternative possibilities to work toward. This thesis, through analysis and observation of these three activist groups, contributes to a vision for a movement against surveillance.

ACKNOWLEDGEMENTS

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INTRODUCTION

On a muggy summer Sunday, during a visit to New York, a friend and I set out on a tour with Bill Brown from the anti-surveillance activist group, the Surveillance Camera Players. After a small party assembles, he takes us along Avenues A, B, C, and D, better known as Alphabet City. Until recently, Alphabet City was considered among the most dangerous boroughs in New York, rife with homelessness, poverty, and crime. Beginning in the 1850's, this region was home to successive waves of immigrants, until the 1970's when desertion, arson and neglect transformed the area into an open-air drug market (Jacobs, 1998). As we walk along Avenue D, Brown tells us about New York City's test project at the nearby Lillian Wald public housing development, which called for the installation of dozens of surveillance cameras, most observing the residents themselves (Sydell & Edwards, 1997). The administration reasoned that if the cameras were able to mitigate crime in Alphabet City, they could work anywhere.

While we are walking, a military spy plane cruises silently above our heads; Brown explains that they are equipped with imaging devices such as infrared readers, video cameras, and radar sensors, allowing agents to track people, even in the dark. Still other planes have audio tracing devices with the ability to listen in on cell phone calls, and locate sounds in cars, in buildings and even along streets (SCP, n.d.c.). These are only some of the myriad of new surveillance technologies installed by governments, law enforcement, businesses, and individuals to mitigate risks to persons and property. Within a four block radius, Brown points out the proliferation of surveillance cameras, installed on every corner store, parking garage, and police station. The problem with the cameras, Brown points out, is that they do not live up to the rhetoric of detecting

criminals and tracing terrorists. The cameras target unsuspecting citizens by conducting

a visual search without a warrant, and have been shown to be used to target youth,

racialized minorities and women in exclusionary, discriminatory, and objectifying ways

(Norris, 2003). When we finish the tour in front of a police station, Brown fields

questions from participants, some of whom are extremely surprised at the extensive

monitoring of their daily lives.

We encounter, and even welcome surveillance as part of a growing global

assemblage of tools, infrastructures, laws, and policies that code, sort, identify, predict,

and trace our routine associations, mobilities, and transactions. Widespread beliefs about

the utility of new technologies to prevent crime and to ensure national security are

repeated in the news media, by industry, and in government legislation. And although

there are a fair share of reports by journalists, academics, activists, and advocates raising

alarms about "Big Brother" and the loss of civil liberties, most people know little about

government and corporate privacy regimes (The Surveillance Project, 2006).

Surveillance is embedded in our entertainment and consumption: in reality television,

through online social networking, and in consumer loyalty programs. Watching and

being watched has become a mundane, everyday event, even aspired to as we hope for a

moment of recognition or celebrity (Niedzviecki, 2008).

But for some people, routine surveillance has divested them of their freedom,

their rights, and their dignity. The story of Maher Arar has become emblematic of

Canadian and American post-9/11 politics, bringing into sharp focus the climate of fear

that has facilitated the convergence of technological capabilities and corporate

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infrastructures with government policy on issues as divergent as immigration and surveillance, all focused on population management and control.

Immediately following the 9/11 attacks, governments and law enforcement agencies began pursuing aggressive national security and surveillance policies. The *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act* of 2001 (*USA PATRIOT Act*) was passed by U.S. Congress rapidly in September 2001, vastly expanding the definition of a terrorist and making the legal environment for data collection and processing less restrictive (Parenti, 2003). The Office of the Privacy Commissioner of Canada expressed fear that this Act could be leveraged by the U.S. government to access personal information about Canadian citizens (Office of the Privacy Commissioner of Canada, 2006). In November 2001, the House of Commons passed Canada's own national security policy, the *Anti-Terrorist Act* (Bill C-26) (Leblanc, 2001). The legislation was adopted just prior to a security summit with the U.S., where Ottawa was keen to demonstrate Canada's progress in the "War on Terror" (Chwialkowska, 2001). At this time, Canada also passed Bill C-11, the *Public Safety Act*, which provides immigration officials with the ability to deny suspected terrorists admission to Canada ("Rewriting Our Social Contract", 2001; Parliament of Canada, 2001). The secrecy of these initiatives is purported to be for national security reasons, but instead may be to prevent embarrassment or to reduce the necessity for government accountability with regard to funds or decision making (Pugliese, 2006).

Simultaneously, law enforcement intensified its focus on Muslim and immigrant communities who matched the religious and ethnic profile of the 9/11 hijackers. Aided

by a new preventative mandate, a permissive policy environment, and a focused political will, Canada's intelligence and policing communities began investigating individuals of interest. On September 26, 2001 the Royal Canadian Mounted Police (RCMP) took over part of the Canadian Security Intelligence Service (CSIS) investigations, which became Project "A-O Canada". The project focused on prevention of terrorism, and worked closely with the U.S. Federal Bureau of Investigation (FBI), to rout out terrorist cells in Toronto and Ottawa that might be linked to al-Quaeda (O'Connor, 2006a; Webb, 2007a). In April 2002, the RCMP handed over three CD-ROMs, which contained an entire database of documentation on Canadian Muslim individuals, without review, to U.S. agencies. Some of the information was false or misleading, and explicitly named Maher Arar as a 'suspect', linking him and his family to Islamic Extremist groups (O'Connor, 2006; Tibbetts, 2006). In addition, the RCMP had purchased information for law enforcement purposes from commercial data brokers, including LexisNexis of Canada and Cornerstone Group, which is gathered from consumer transactions and online data, and is of doubtful accuracy (Mayeda & Dimmock, 2006). On the basis of RCMP information, Maher Arar was arrested by U.S. authorities in New York, and was later deported to Syria, where he withstood torture without evidence or charges by either the Canadian or American governments (Webb, 2007a). Although a bitter struggle waged by friends, family, and community groups helped bring Arar home (Webb, 2007b), it took a public inquiry to clear his name of any wrongdoing.

Although Maher Arar was exonerated, Muslim and Arab communities continue to be targeted by CSIS and the RCMP. In October 2007, I attended a teach-in at Comité d'éducation aux Adults de la Petite-Bourgogne et de St-Henri (CEDA), a community

centre in the south-west of Montreal, Quebec. The event was called "The Other Arars", and was organized by the Coalition Justice for Adil Charkaoui in order to raise awareness about the unjust treatment of Muslim individuals and communities through Canadian immigration and anti-terrorist policies. As the U.S. led "War on Terror" unfolded in the Middle East, Canada propagated its own domestic war on Muslims and immigrants. "The Other Arars" hoped to draw attention to this ongoing racial discrimination in the form of security certificates, a legal mechanism being used to detain five Canadian Muslim men, who are suspected of terrorist ties. Until recently, the certificates were a rarely used clause that allows for the deportation of non-citizens and foreign nationals under Canada's *Immigration and Refugee Protection Act* (*IRPA* 2001, c.27). However, they have found a renewed application against Muslims in the U.S. led "War on Terror". Under security certificates, these men are held as risks to national security and remain under threat of deportation to their country of birth, where they face the risk of torture, and even death (British Columbia Civil Liberties Association, 2005).

The links between national security, human dignity, consumption and surveillance have opened up new lines of inquiry among activists and scholars. Techniques used widely by corporations for marketing purposes (Turow, 2005) are increasingly adopted by governments for national security programs, which increases the possibility for individuals to be targeted for reasonable suspicion, and for non-criminal activities under broad post-9/11 anti-terrorist laws (Winner, 2006). Opposition has been voiced by human rights and civil liberties groups in cases such as the wrongful deportation and torture of Canadian citizen Maher Arar, as well as the U.S. National Security Agency's warrantless wire tap of millions of Americans' phone calls, conducted through

telecommunication companies cooperation with the government (Lichtblau & Risen, 2005a; Electronic Frontier Foundation, 2006). The reach of the national security and surveillance agenda into issues as far ranging as global identification, natural resources and democratic rights has mobilized a number of privacy and anti-surveillance activist groups (Bendrath & Bennett, 2008) who hope to intervene in the convergence of technical, governmental, and corporate practices that serve to visualize, categorize, sort, and monitor individuals through the rhetoric of risk (Webb, 2007b).

This thesis examines recent anti-surveillance interventions by organized groups both in Canada and internationally. I look at three activist alliances, the International Campaign Against Mass Surveillance, the Surveillance Camera Players, and Coalition Justice for Adil Charkaoui, in order to understand how they oppose surveillance and security initiatives, their positions on privacy and surveillance, and the challenges they face doing this work. I also ask what strategies are used, what avenues are available for dissent, and how these may be developed. In particular, I argue that broad-based, participatory social movements are necessary components in the politics of surveillance, because they are able to challenge existing systems (Martin, 1993; Maxwell, 2005; Monahan, 2006a). Based on my research, I consider some ideas and identities that may inspire opposition against the more egregious effects of surveillance. I contend that these concepts and affinities must be grounded in people's experiences, and provide a means for self-empowerment and community self-reliance (Martin, 1993). They must also resonate with people's desires and imagination (Mouffe, 2005) by providing alternative possibilities to work toward (Gramsci, 2005). This thesis, through analysis and

observation of these three activist groups, contributes to a vision for a movement against surveillance.

My interest in investigating anti-surveillance activism originated in my search for a group to volunteer with on these issues. However, most campaigns that organize around surveillance and privacy are not accessible to people without prior knowledge in computer science or the law. Consequently, the broad effects of surveillance policy and technology are not engaged with, or understood, by ordinary people, even though the implementation and extension of these systems has important effects on their daily lives. It is my hope that a sustained effort to expand the analysis around surveillance will mobilize broad agitation and questioning of these systems, in order to force governmental, corporate and social change.

In the body of the thesis, I examine each group's approach, the challenges they face, and their framing of surveillance issues. In Chapter two, I consider the International Campaign for Mass Surveillance (ICAMS), which was formed by a group of international non-governmental organizations (NGOs) in response to government initiatives that have begun to form a global mechanism for identification, sorting, and surveying populations according to a risk profile. ICAMS' intention is to link electronic, networked surveillance with regimes that practice rendition to torture, and pre-emptive criminal assessments that are endemic to post 9/11 politics (ICAMS, 2005; Webb, 2007a, 2007b). Chapter three investigates the Surveillance Camera Players (SCP), a very different group that uses political theatre to raise public awareness of the use of surveillance cameras as a means of social control. The SCP use Guy Debord's concept of détournement as a means to jolt people from their daily routines and instigate

revolutionary action (Debord, 1956). Their work is tied to the anarchist community in New York, and has developed alongside, and in tension with the global justice movement, also known as the anti- or alter- globalization movement. Chapter four examines the Coalition Justice for Adil Charkaoui (the Coalition, or CJAC), a community response to the detention of Adil Charkaoui, who is a Permanent Resident of Canada, a Moroccan immigrant, and part of the Montreal Muslim community. He has been held under a security certificate without charge by the Canadian government since 2003. Drawing on an anti-racist analysis of state power, the Coalition has brought together a diverse number of approaches and groups from within and beyond the immigrant rights movement in a campaign to abolish the certificates.

In this introductory chapter I briefly review some post-modern challenges to modern institutions and values, as well as literature that examines the links between technology and society. I also provide a cursory overview of social movement theory, to help orient my analysis of these oppositional groups. Next, I look at relevant scholarship in privacy law and surveillance studies, which both describe and look beyond historic models for privacy and surveillance. Finally, I propose a theoretical basis to guide my analysis, drawing on Michel Foucault's understanding of power and knowledge (Foucault, 1982), Antonio Gramsci's concept of hegemony in a war of position (Gramsci, 1971, 2005), and Chantal Mouffe's construction of an agonistic democracy (Mouffe, 2000, 2005, 2007). I use these authors to guide my subsequent analysis of these three anti-surveillance groups.

Methodology

My primary method of inquiry includes discourse analysis of interviews with Maureen Webb, a founder of the International Campaign Against Mass Surveillance, Bill Brown, a member of the Surveillance Camera Players, and Mary Foster, a member of the Coalition Justice for Adil Charkaoui. Their positions on surveillance are considered in relation to each other, against the backdrop of contemporary public debates and by recent government policies on security and surveillance. I also analyze documents and websites related to each group.

The groups I examine in my thesis were specifically chosen for their focus on surveillance, and their explicit emphasis on analyzing and confronting unequal power relations implicit in these systems. I also chose each group based on their divergent approaches to activist organizing, and their varying organizational structures. I actively sought out groups who focused on surveillance, determined through referral, readings, online research, and by joining various listserves. I contacted each group by phone, email and in person to request their involvement. The interviews were conducted and recorded by phone and in person between November 2007 and March 2008.

One of my primary considerations was to find groups that specifically cited their opposition to surveillance, as opposed to many other organized efforts that dispute privacy infringements, and primarily use experts in law and technology to intervene on specific privacy policy violations and misuse of personal information. This distinction allows me to focus on groups that emphasize community and public mobilization, as well as more participatory modes of involvement.

There are a number of organizations that work to protect privacy through law. These groups include the Canadian Internet Policy and Public Interest Clinic (CIPPIC), Privacy International (PI), and the U.S.-based Electronic Privacy Information Center (EPIC), among others. Some exist within universities, such as CIPPIC's law clinic at the University of Ottawa (CIPPIC, n.d.), or operate as not-for-profit research centres, as do PI and EPIC (PI, 2007b; EPIC, 2006). Each of these groups are run by paid staff members, in consultation with advisory boards, who are primarily lawyers, academics, and technology professionals with expertise in privacy and technology (CIPPIC, n.d.; EPIC, n.d., 2007, 2008; PI, 2007a,b, 2008). They receive grants, funds, and donations from governments, academic establishments, corporations, individuals, and other NGOs (CIPPIC, n.d.; EPIC, 2006; PI, 2007b). These groups focus on providing advocacy, research, and analysis for the general public, and in policy interventions, work that generally requires professional legal or technical knowledge. They encourage public input in policy matters, in particular through internet activism, such as emails to government officials on timely issues such as net neutrality and the do-not-call list (Council of Canadians, 2008a; Geist, n.d.). In fact, there are few opportunities to volunteer with these groups without prior legal education or technical experience. This means that these groups are not readily amenable to participatory involvement, which I contend is essential for moving activist debates toward a broad social movement.

Literature Review

Challenges of Post-modernity

Post-modern political thought contests the modern humanist rationality that developed in the European Renaissance and Reformation. This time marked a cultural

change in the way we understand truth, knowledge, rationality, and neutrality. Challenges to the presumed objectivity of these values emerged to emphasize difference, contingency, and plurality (Ermarth, 2007). Critical Legal Studies, Critical Race Theory, Feminist Theory, and Queer Theory have made crucial contributions revealing the structural biases of cultural norms and social institutions, which includes race, gender, and sexuality. This intellectual work calls into question universal and neutral values, rational means for consensus, as well as the fixity of identity. Although it is beyond the scope of this thesis to explore these research trajectories in any depth, I will briefly describe their contributions to legal and social thought, and how they impact activism around surveillance and privacy.

Critical Legal Studies emerged during the 1970's in response to the optimism that followed the 1960's Civil Rights Movement. These scholars contend that civil rights reforms did not result in racial equality, and instead ultimately legitimated the oppression that it intends to remedy (Crenshaw, 1988). Their aim was to challenge the presumed neutrality of law by illustrating the ways it is ideologically constructed to support existing power relations (McCann, 1991).

Critical Race Theorists build on this assessment of the liberal legal model; however, they contend that Critical Legal Studies has failed to address the realities of racialized minorities and to account for the connection between racism and popular consciousness (Crenshaw, 1988). Theorists demonstrated that racism is routine and systemic, not exceptional. Other core ideas include the critique of white normativity, and the use of tools such as social construction and differential racialization in understanding race (Delgado & Stefancic, 2007).

Feminist legal scholarship also contributed to the analysis of law and social movements, in particular by identifying the historical contribution of the law to women's subordination, and through an understanding of identity as non-essentialist, inscribed through the intersections of oppression (Dowd & Jacobs, 2003). Feminists have also criticized liberal privacy law for relegating women to the private sphere, and allocating the public sphere to men (Bennett & Raab, 2006, p.15).

Queer theory emerged out of the fields of gay and lesbian studies and feminist studies. Scholars challenge feminist ideas about gender essentialism, as well as confront analyses from gay and lesbian studies that explore the social construction of sexual identity (Wilchins, 2004). They also critique the liberal legal model, and reassert the contributions of ordinary people in law (Rajagopal, 2003).

Collectively, these contributions emerged from and contributed to post-modern political thought, which contested any neutral common denominator and instead underscored difference. This resulted in challenges to the premise of universal human rights, the function of rationality in democratic debate, and the utility of legal and policy change. Under these terms legal protections, including privacy laws, are inadequately equipped to oppose systemic oppressions, of which surveillance technology and policy are merely one manifestation. The implications for democracy are also severe, as rationality, objectivity, and commonality can no longer easily be called on to form the basis for political decision making (Ermarth, 2007). However, post-modern thought has also been charged with a tendency to descend into relativity, which limits its value for transformative politics (Handler, 1992, Wilchins, 2004). But as Elisabeth Ermarth

explains "It is also worth noting that challenges are not death-threats...The only really dangerous response to a real challenge is dismissal or denial" (2007, p.4).

Movements and Social Change

Although a detailed analysis of social movements is outside of the range of this thesis, the insights from these studies may help guide subsequent analysis of anti-surveillance groups. Social movement theory analyses the focus and operation of movements. Prior to the civil rights movements in the 1960's, collective action was thought to be a result of social breakdown that provoked irrational, deviant behaviour from participants (Gould, 2004). Academics such as Meyer Zald and John McCarthy contested this representation, and proposed a theory of resource mobilization in the 1970's that emphasized social networks and the state (McCarthy & Zald, 1977). Other scholars such as Charles Tilly, Sidney Tarrow, and Doug McAdam (McAdam, 1988, Tarrow, 1994; Tarrow & Tilly, 2001; Tilly, 1978) shaped these ideas through a political contention framework that emphasized state institutions as a central agent in social movement activity. However, these models were criticized for downplaying human agency, norms, identities, and culture in social movement analysis. Some ideas on the role of culture in oppositional politics were derived from European investigation of 'new social movements', which included the feminist and environmental movements (Goodwin & Jasper, 2003). Here the middle class became the key social actors, instead of left political parties and the working class-based mobilization of Marxist theory (Flacks, 2004). Many scholars are searching for ways to understand the role of structure, culture, and emotion in instigating and sustaining social movements (Gould, 2004; Goodwin & Jasper, 2004; Polletta, 2006). In this thesis, I use Jeff Goodwin and James

Jasper's description of a 'social movement' as "a collective, organized, sustained, noninstitutional" challenge to existing powerholders (Goodwin & Jasper, 2003, p.3), either on their own behalf, or for others. Following scholar Robert Flacks, I understand 'activism' as deliberate commitment of time, energy and resources by individuals agitating for change (Flacks, 2004, p.145). However, this usage was disputed by one of my interviewees, who believes that activism should not be considered exceptional – it is something practiced by everyone, all of the time; there should be no need to distinguish types of political engagement from each other (Foster, 2007).

Science and Technology Studies

Science and Technology Studies has been instrumental in privacy and surveillance research. Researchers in this field contest technological determinism, the idea that the structure of society is delimited by technology through a linear progression of development that all societies must necessarily follow (Mackenzie & Wacjman, 1999). Bruce Bimber distinguishes three accounts of technological determinism: normative, nominal, and unintended consequences. The normative account states that technology is autonomous when the social norms on which it rests are removed from political discourse. Nomological accounts are based on the idea that technology changes according to a naturally given logic, which forces social change (Bimber, 1994). The unintended consequences of technology approach has been developed by Langdon Winner, who argues that technology has unanticipated effects that are not sought, and therefore cannot be controlled (Winner, 1977).

In the 1980's, scholars examined power relations embedded in technologies, and hoped to demonstrate that technology can be challenged. These efforts resulted in the

social shaping of technology approach, which includes social constructivism and actor-network theory (MacKenzie & Wacjman, 1999). In explicating social constructivism, Trevor Pinch and Wiebe Bijker write that relevant social groups attach meaning to an object, which is flexible to interpretation until a stabilized artifact is agreed upon (Pinch & Bijker, 1989). Actor-network theory is advocated by Bruno Latour, who demonstrates how people delegate tasks to technologies. This in turn dictates that users follow a certain behaviour, which sometimes discriminates against individuals due to the technology's construction. He concludes that our social relationships are embedded in technologies and prescribed back to us through them (Latour, 1995). Other scholars have attempted to find a middle ground between social and technological determinism. For instance, Sheila Jasanoff explains that natural and social orders are co-produced, highlighting the role of knowledge and technology in shaping relations of power (Jasanoff, 2004).

Privacy Law Scholarship

Science and Technology Studies have resonated with privacy law scholars, who address the implications of policy, in order to guide decision making, advocacy, and academic research in a manner that questions technological outcomes and solutions. Privacy law researchers include lawyers, philosophers, historians, computer scientists and political scientists. Areas of interest for scholars include information, communication, and psychological privacy (Regan, 1995), and issues such as fair information policy, surveillance through information and communications technologies, internet governance, and data protection regimes. Here I briefly outline some of the major trajectories of privacy law, including research on the impact of technology, on privacy law in business

and government, and approaches outside formal legal scholarship, which propose possibilities for privacy rights in the public good.

Conceptual approaches to privacy are deeply contested, and encompass dimensions such as personal, behavioural, communications, and data privacy (Bennett & Raab, 2006). Privacy scholarship builds on the liberal democratic theory of natural rights. In North America, privacy is predicated on Warren and Brandeis' assertion that privacy, or the "right to be let alone" (Warren & Brandeis, 1890, p.193) originates in the rights of the individual. Warren and Brandeis wrote this tract in response to newspaper sensationalism and technological developments at the turn of the century, in particular photography (ibid). It wasn't until the 1960's when advances in computing and recording audio and visual information began to raise concerns, that privacy quickly became the subject of concerted academic attention. These concerns were exacerbated in the U.S. after the 1972 break-in and wiretap of the Democratic National Committee headquarters in the Watergate Hotel. A later investigation revealed White House collusion in the break- in, and resulted in the discovery of a series of scandals that led to the impeachment of President Nixon for his leadership in the affair (Holland, 2008).

Lawyer Alan Westin initially helped map the field of privacy governance in the 1960's. In *Privacy and Freedom*, Westin outlines the impact of new technologies on the balance between privacy and disclosure, and traces how privacy is able to limit surveillance by authorities and to protect processes of democracy. Westin defines privacy as "the claim of individuals, groups, or institutions to determine for themselves when, how, and to what extent information about them is communicated to others" (Westin, 1968, p.7). Westin considers the social, historical, political and cultural effects

on different expressions of privacy, from which he discerns four states of individual privacy: solitude, intimacy, anonymity, reserve. He claims these states must be balanced against social participation and the enforcement of social norms:

> Each individual is continually engaged in a personal adjustment process in which he balances the desire for privacy with the desire for disclosure and communication of himself to others, in light of the environmental conditions and social norms set by the society in which he lives.
> - AlanWestin, *Privacy and Freedom*, 1968, p.7.

Under liberal democratic systems, privacy allows individuals and the family temporary space separate from the political, and ensures freedom of association and expression, as well as personal autonomy.

David Flaherty extends the idea of privacy as a protection for individual domesticity against intrusions from governments and corporations, to include networked computer databases. In *Protecting Privacy in Surveillance Society* (1989), he develops a specific aspect of privacy, 'data protection', that involves "the collection, use, and dissemination of personal information" (p.xiv), which is the basis of fair information practices adopted by governments all over the world (pp.379-380). Flaherty states, "[i]ndividuals want to be left alone and to exercise some control over how information about them is used" (p.xiii). His intention is to evaluate privacy policy protections, and submit recommendations for how they may be balanced against other interests without undue intrusion into individuals' lives.

Researchers such as lawyers Richard Posner and Lawrence Lessig have focused on the economic aspects of privacy as the right to control the flow of information about the self. Posner examined the economics of privacy in the early 1980's, focusing on a critique of privacy as the concealment of information, which reduces efficiency in the

market. He equates selling oneself in the labour market with selling a product; any 'defect' that is not disclosed amounts to fraud (Posner, 1981). Lessig's central project is to maintain liberty in cyberspace. He believes that this can only be accomplished through attention to the architecture of the internet, or computer code, which creates structure and regulation. For Lessig, online privacy transgressions may be regulated through code and law. Ultimately, Lessig believes that "the protection of privacy would be stronger if people conceived of the right as a property right" (Lessig, 2006, p.229), and that "individuals should be able to control information about themselves" (ibid, p.231). The privacy economics approach thus makes social conceptions of privacy difficult to uphold.

Privacy advocates and lawyers, such as Ian Kerr and Philippa Lawson, focus on the impact of business law on civil rights, privacy law, and the role of data protection bodies. Lawson advocates for improved privacy policy, stronger oversight by data protection commissioners, and an emphasis on establishing and exercising rights (Lawson, 2005). Kerr, with colleague Jane Bailey has written on surveillance technologies that have the potential to undermine privacy and freedom of expression. Overall, they work to ensure that technologies do not allow private sectors to overstep public oversight bodies by installing apparatuses that shift public powers into private control (Kerr & Bailey, 2004). Their goals are to inform public debate and lobby parliament for improved privacy protections.

The pursuit of economic gain and bureaucratic efficiencies have predominately guided privacy legislation, despite some advocate's best intentions. However, there have been attempts to reframe privacy as a fundamental human right, whose social value is an essential component in the functioning of democratic societies. Additional ways of

thinking about privacy have been explored by researchers largely outside of the field of law, such as sociologist Amitai Etzioni, public policy researcher Priscilla Regan, communications scholar Leslie Regan Shade, and political scientists Colin Bennett and Charles Raab. These analysts have used various approaches that work towards a concept of privacy beyond individual liberalism, and have been influential in my considerations of privacy and surveillance.

Etzioni supports a communitarian concept of privacy that relies on a shared moral culture to create social order (Etzioni, 2000; 2006). He argues that "[p]rivacy is merely one good among many others" (Etzioni, 2007, p.115-116), and that the effects of technology depend on their use and the level of accountability and oversight provided (ibid). For Etzioni, more privacy laws merely instigate greater government surveillance (Etzioni, 2000).

Regan traces the philosophical and policy failures of liberal concepts of privacy rooted in individual autonomy and property rights. She supports a social value of privacy that includes three dimensions: common perceptions that allow freedom of conscience and diversity; public values that provide for democratic participation, freedoms of speech and association as well as restraints to government power; and collective components that imagine privacy as an indivisible collective good. Her overall aim is to develop a strengthened argumentation for policy efforts: "if we did recognize the collective or public-good value of privacy, as well as the common and public value of privacy, those advocating privacy protections would have a stronger basis upon which to argue for its protection" (Regan, 1995, p.231).

Bennett and Raab build on Regan's analysis, but contest the idea that privacy must be "balanced" against organizational demands for information. They emphasize that policy is the political negotiation between actors of unequal power, where "balance" is merely the bargaining outcome. The authors conclude that policy instruments are interdependent elements in a political environment of data protection, where a plurality of actors and methods together co-produce regimes of privacy protection (Bennett & Raab, 2006).

Shade looks at privacy as a human right, arguing that it is integral to meaningful democratic participation, as well as one's dignity and autonomy. She states that privacy depends on the norms that govern the appropriateness and distribution of information. Violations are highly dependent on the context in which they occur. Shade links privacy to the United Nations Declaration of Human Rights, which states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers" (United Nations, 1948). She believes that privacy must be approached from a people-centered perspective, instead of constructed through the viewpoint of the marketplace (Shade, 2008).

Extending the frame of privacy to a human right and collective social value may provide one mechanism by which to address the potential for discrimination and profiling facilitated by data processing and consumption practices of business and government. However, the central challenge posed by techniques of surveillance cannot be addressed by our current idea of privacy, with its ethnocentric, gendered and individualistic dimensions (Lyon, 2001). Although privacy policy may mitigate some of the concerns of data protection, the structural effects of surveillance "seem to call for different, or at least

additional policy instruments and political initiatives" (Lyon, 2003, p.19). Opposition to surveillance must extend beyond the category of the individual to seek redress for systemic issues of discrimination embodied in practices of surveillance.

Surveillance Studies

Surveillance studies is an interdisciplinary field that incorporates perspectives from sociology, political science, and geography, among others (Lyon, 2001). Research themes include profiling and social sorting, mobilities, borders, identity, anonymity, visuality, biometrics, and the gendered gaze. Surveillance studies is concerned about the relationships of power engendered by techniques and technologies of watching and being watched. Although popular conceptions of surveillance find their remedy in privacy, many scholars disagree about the ability of privacy policy to negotiate the practice of surveillance. Instead, researchers look for resistance opportunities within social systems.

Surveillance studies has developed rapidly since the late 1970's, largely in response to Michel Foucault's analysis of surveillance. It is Foucault's concept of power and discipline that has provided a theoretical orientation for scholars. Foucault described the operation of power through technology by analyzing Jeremy Bentham's idealized prison system, the Panopticon, which concealed and made omniscient the guard's gaze, requiring prisoners to regulate their actions to behavioural norms. Michel Foucault interpreted this system of enclosure as a metaphor for the operation of power, where the few watch the many and surveillance serves authoritarian ends (Foucault, 1977).

During the last two decades, sociologists and others have put forward innovative descriptions for the phenomenon of surveillance: as a means to amass power and instill social control (ibid), as an opportunity for self-display and expression (Koskela, 2006), as

a rhizomic structure that allows for a reciprocal gaze (Haggerty & Ericson, 2000), or as a means for social sorting and differential treatment, and the containment of risk (Gandy, 1993a, b; Lyon, 2003, 2006). Surveillance is ambiguous, and constitutes both care and control (Lyon, 2003). These analyses have emerged from efforts to understand that surveillance is not a totalizing force, as Foucault's Panopticon suggests, but that there is room for resistance and agency (Zuriek, 2003). Some scholars whose work has helped frame surveillance studies include Oscar Gandy and David Lyon.

Gandy draws attention to the value of personal information for businesses and for governments, particularly in the context of new information technologies and economies emerging in the 1990's. Organizations use data to identify, classify and evaluate individuals in order to make operations more efficient, and to target audiences differentially for purposes of marketing and risk assessment. This is what he refers to in other writing, as the 'panoptic sort', which he demonstrates to have material consequences for individual's life chances by helping structure subject positions and serving as the basis for judgment and discrimination (Gandy, 1993a,b).

Lyon extends Gandy's analysis from the market place to the entire structuring of social relationships. He writes that the subsequent proliferation of digital computer networks and electronic technologies into everyday life has created an automated system for grouping data in order to classify people and determine who should be targeted for differential treatment. This aligns with an organizational trend to pre-empt risk, whether that means finding possible terrorists before they commit any offense, or determining which children have a genetic predisposition to violence. However, risk assessment relies heavily on social sorting stereotypes, such as race, class, or gender (Lyon, 2003).

Limits of the privacy approach to surveillance have been extensively examined by surveillance scholars (Haggerty & Ericson, 2000; Lyon, 2003, 2006; Gandy, 2006; Gilliom, 2006; Ogura, 2006). Common critiques are grounded in the liberal political system; privacy is rooted in the notion of property and patriarchical orientations to domestic space (Graham & Wood, 2003), and takes the form of individual rights and autonomy. Due to these limitations, arguments for privacy largely ignore structural effects of discrimination, population management and shaping of consumer tastes that are related to surveillance (Phillips & Curry, 2003). As an abstract, legal concept the right to privacy "pushes debate and conflict towards the experts and authorities of legal institutions, potentially reducing popular participation and movement building" (Gilliom, 2006, p.123). Also, privacy may not be relevant to those who are the subjects of surveillance, such as welfare recipients (ibid). Where the privacy paradigm is perceived to have failed, scholars examine the 'weapons of the weak', in order to identify paths for resistance (Gilliom, 2006; Haggerty & Ericson, 2006; Marx, 2003).

Academics disagree about the possibilities for subverting or reforming surveillance practices of the powerful. John Gilliom, Gary Marx, Torin Monahan, as well as Kevin Haggerty and Richard Ericson have differing ideas that inform my consideration of opposition and resistance to surveillance. Their principle contention centers on the difference between everyday individual resistance and collectively organizational opposition, and the relationships between the two.

Gilliom focuses on "weapons of the weak" (Gilliom, 2006, p.113), and the role of everyday resistance in allowing those under surveillance to obtain immediate advantages. Gilliom believes that "patterns of everyday resistance are important and empirically

undeniable elements of political struggle" (p.120), in particular where contemporary power no longer has its former locus and visibility. He notes, "If it is true that such public and visible interactions played an important part in shaping the sorts of movement politics and uprisings that have marked earlier periods, then it may be that the skirmishes and gestures of everyday resistance will become a more definitive politics in our time" (pp.121-122). I draw on Gilliom's differentiation between opposition and resistance in my thesis. He explains opposition as "the more public and organized efforts to block or modify a surveillance policy", and resistance as "the often hidden everyday struggles to thwart or evade an established surveillance system" (p.113). In the thesis, I explicitly focus on oppositional groups.

Marx's article, "A Tack in the Shoe: Neutralizing and Resisting the New Surveillance" (2003), introduces a framework from which to categorize everyday, individual resistance to surveillance. He suggests eleven generic behavioural techniques adopted by individuals in their attempts to thwart or evade the collection of information. One of these techniques is counter-surveillance, which involves reciprocal surveillance, or watching the watchers. Marx explains that counter-surveillance can uncover questionable practices, which can be publicized and possibly stopped (Marx, 2003). In this work, I consider carefully Marx's suggestion that "[i]ndividual and collective responses are often linked as when protest movements grow out of or encourage individual resistance and provide models, resources, and legitimation" (Marx, 2003, p.371). He asks how individual responses can accumulate into social change, either with or without organized political challenges.

The specific links between individual and collective responses do not appear to have been mapped systematically, and I will not address this in my thesis; however, some scholars have explored collective uses of counter-surveillance as a tool of opposition for raising political awareness and effecting social change (Monahan, 2006a; Huey, Walby & Doyle, 2006).

Monahan examines four different counter-surveillance activities, including the Surveillance Camera Players, which I examine in more depth in the body of this work. He suggests that these groups are best able to challenge surveillance when focusing on social rather than technical interventions. Monahan believes that social change comes through democratic challenges to institutional structures. He notes that these "activists tend to individualize both surveillance problems and methods of resistance, leaving the institutions, policies, and cultural assumptions that support public surveillance relatively insulated from attack" (Monahan, 2006a, p.517).

Researchers Laura Huey, Kevin Walby and Aaron Doyle echo Monahan's belief in democratic social change. In their case study on Cop Watch, a counter-surveillance activist group that uses video to document police brutality in Vancouver's Downtown East Side, they find that although the group claims to represent residents and reduce police brutality by promoting accountable practices, it is "ultimately antidemocratic and thus as a reproduction of the hegemonic values that Cop Watch members claim to be at odds with" (Huey, Walby & Doyle, 2006, p.150). They conclude that activists should adopt nonhierarchical organizational styles and enlist local community support in order to resist reproducing the forms of power that they purport to oppose.

Kevin Haggerty and Richard Ericson provide a comprehensive account of the politics of surveillance by examining both oppositional, stakeholder politics and those of resistance. They note that where collective opposition to specific legal actions may have some success in increasing safeguards, there is a danger that these rules may be repealed or relaxed at a future date. They caution that individual resistance generally leaves the surveillance system intact, and may result in escalating measures against counter measures that continuously increase surveillance. In the hopes of avoiding both of these outcomes, Haggerty and Ericson conclude that activists and analysts should account for the specificities with which power operates, either through a focus on the generalities of surveillance, or a focus on specific local manifestations. However, they feel both approaches are unsatisfactory, as they risk distorting the actual effects of surveillance (Haggerty & Ericson, 2006).

Positioning the research

In this thesis, I examine organizational methods of opposition to surveillance, through the threads of analysis that cross-sect cultural studies, following theorists Michel Foucault, Antonio Gramsci, and Chantal Mouffe. I will draw a strand through these scholars' thoughts to illustrate the link between knowledge and relations of power (Foucault, 1982), and the resignation of class as the basis for social struggle (Laclau & Mouffe, 1981), thus allowing culture to become a space of contestation, where value and meaning are formed and transmitted. I begin with Foucault's analysis of discursive power, particularly in its productive capacity for constructing subjectivities, and its disciplinary functions. I then link this with Gramsci's concepts of hegemony, and the war of position for oppositional politics. The cultural production of hegemony is

grounded in Mouffe's understanding of a pluralistic democracy, around which I analyze the actions, approaches and imaginings of the anti-surveillance groups I examine.

In "Two Lectures" (1982), Michel Foucault interrogates knowledge and truth in order to examine the way they configure operations of power. Foucault demonstrates that modern, universal theories may be resisted through "an insurrection of subjugated knowledge" (Foucault, 1982, p.81). He locates the power of unifying discourses in two non-economic theories of power, sovereign rights and domination. Power creates discourses of truth. However, the effect of truth is reciprocal; truth is employed in the creation of law, and law partially constitutes the effects of power. This is one cycle of power. At the extremities, beyond legal extensions of sovereign rights, power is exercised, and becomes embedded in techniques and institutions in the form of domination and subjugation. The power of domination is disciplinary, with continuous surveillance its mechanism and normalized behaviour its effect. This is another intersecting cycle where Foucault demonstrates how power is continually enacted and constructed, cycled through formal and informal expressions. He also shows that conflict between sovereign rights and normalized codes are arbitrated by scientific discourses, which recreate truth and allow the disciplines to become further entrenched in law. The mutual constitution of law and discipline through scientific theory negates attempts to dislodge totalizing discourses. Foucault goes on to explain that this interdependency nullifies legal rights appeals in attempts to reclaim subjugated histories and local knowledge. He believes that instead, a new form of right, that is both anti-disciplinary and non-sovereign, must be developed with which to struggle against disciplinary power.

Hegemony is employed as an explanation for dominance and subordination; continually challenged and defended, with the ability to absorb, transform or ignore opposing world-views (Williams, 1977). Gramsci defines hegemony as spontaneous consent from the mass populace to the general direction of social life, which is imposed by a dominant group. He describes counter-hegemonic challenges as a 'war of position', a struggle to win over civil society and mass consent through an alternative intellectual, cultural, and moral agenda (Gramsci, 1971). The war of position undermines the common sense reality of the ruling elite, and uses tensions pre-existing in these common sense ideas to build an emancipatory culture (Butko, 2006). Following Stuart Hall, I understand culture as "the dialectic between conditions and consciousness" (p.48), every day meanings and practices, as experienced and reproduced through unconscious structures of ideology (Hall, 1986).

Mouffe believes that it is the continual struggle to form a new hegemony that animates political action (Mouffe, 2005). Liberal, deliberative, democratic politics have been built on the actions of rational, individualist beings. However, these approaches ignore the role of passion and identity in the political. She believes that in order to avoid the creation of an authoritarian order, people must be able to decide between conflicting alternatives to create a new hegemony in a pluralistic democratic system that values liberty and equality at its core (Mouffe, 2005). For Mouffe, "social objectivity is constituted through acts of power" where "the main question of democratic politics is not how to eliminate power but how to constitute forms of power that are compatible with democratic values" (Mouffe, 2007, p.41). By acknowledging that power cannot be eradicated, democratic practice must be based on one of agonism between adversaries,

where conflicting values and demands are legitimate. Pluralist democracy requires the formation of collective identities around clearly differentiated positions, based on real alternatives (Mouffe, 2007). Mouffe's radical democracy is a process that must be continually renegotiated (Rodriguez, 2001).

Following these strands of thought, I will take culture as a site for political contestation, and analyze possibilities for social change through broad-based, public mobilization in opposition to institutional regimes of surveillance. The International Campaign Against Mass Surveillance, the Surveillance Camera Players, and the Coalition Justice for Adil Charkaoui are each organized around a set of objectives and identities that are constituted in and by structures, subjectivities, and discourses that mobilize participants and communities around anti-surveillance interventions. By constructing counter-hegemonic discourses and practices, they each provide critical intersections for articulating an anti-surveillance movement.

CHAPTER ONE – International Campaign Against Mass Surveillance

The International Campaign Against Mass Surveillance (ICAMS) was founded by a number of international civil rights groups, including the American Civil Liberties Union, and the International Civil Liberties Monitoring Group. Human rights lawyer and author Maureen Webb is one of the founding members of ICAMS. Webb became personally involved in the struggle to bring Canadian Maher Arar home from Syria, following his deportation by the U.S. government on suspicion of terrorism (Webb, 2007a). Webb's involvement with Arar's campaign for justice, along with her involvement in the International Civil Liberties Monitoring Group led her to observe that many of the legal parameters that posed a threat to human rights and freedoms were negotiated through international fora, and not through domestic democratic processes. ICAMS emerged in January 2004 as a response to these problems, and brought together organizations from all over the world working on issues of security, surveillance and civil rights, in order to develop a campaign that links torture and rendition to internet and electronic surveillance.

After reading Maureen Webb's recent book, *Illusions of Security* (2007), which she wrote as an analysis for ICAMS, I contacted her by email to request an interview in order to understand their approach, and the challenges they face in attempting to mobilize an international movement against global surveillance.

Approach

Working Beyond the Nation State

Many civil liberties groups working on issues of privacy, surveillance, and human rights gradually arrived at the realization that lobbying and advocacy at the national level

was no longer a viable way to achieve social and legislative change. As Maureen Webb explained, national policy is increasingly being directed through international agreements, such as the Security and Prosperity Partnership (Webb, 2007b). Governments in the U.S., Canada and the European Union are acting outside of their constitutional boundaries, overriding limits to executive, military and intelligence powers and overthrowing any legal or policy protections set in place. ICAMS brought together NGOs from around the world in the hopes of forming an international movement that is able to challenge the emerging global surveillance regime.

Ben Hayes of Statewatch, a civil liberties monitoring group in Europe, sparked the idea for forming the International Campaign Against Mass Surveillance. The International Civil Liberties Monitoring Group (ICLMG) in Canada initiated the initial meeting of ICAMS in February 2004. After the meeting, the ICLMG, along with Statewatch, the American Civil Liberties Union and the Friends Committee on National Legislation in the U.S., and Focus on the Global South in Asia came together to form ICAMS (Webb, 2007b). By February 2008, ICAMS included 185 supporting organizations (ICAMS, 2008).

All of the groups initiating ICAMS were already working on post 9/11 issues around rights and liberties in their own countries. Statewatch formed in 1991, and is based in the United Kingdom. It is a charitable, non-partisan organization that works primarily as an independent research and education trust. Journalists, researchers, lawyers, academics, and activists help monitor, report, analyze and document civil liberties and the state in Europe (Statewatch, 2006).

Focus on the Global South is a NGO in South Asia, with offices in Thailand, the

Philippines, and India. They conduct policy research and generate analysis for use in

activism, advocacy and grassroots capacity building to inform debates against national

and international policies (Focus on the Global South, 2005). The American Civil

Liberties Union (ACLU) has been involved in the privacy policy community since the

early 1960's (Regan, 1995). Founded in 1920, the ACLU has grown from a small group

of civil libertarians into the largest public interest law firm in the U.S. They work to

preserve Americans' constitutional rights and liberties, as well as extend rights for those

whom have traditionally been denied them. The ACLU is non-profit and non-partisan

(ACLU, n.d.).

An ecumenical lobby group based in Washington, D.C., the Friends Committee

on National Legislation (FCNL) is a Quaker group that works in the public interest. They

were founded in 1943, and work to promote peace, equity, and community through its

lobby of the American government (FCNL, 2008). Finally, the ICLMG is a pan-

Canadian, multi-sector coalition promoting human rights and civil liberties. Although the

ICLMG speaks for members' common concerns, it does not encompass the positions of

all organizations. Members include human rights groups, civil liberties groups,

immigrant, ethnic, and community groups, labour unions, environmental groups, and

lawyer's associations. In addition, a number of former government officials speak on

their behalf. They formed shortly after the Canadian government adopted Bill C-36, the

Anti-Terrorist Act in December 2001 (ICLMG, 2005).

Analysis, Monitoring, Reporting

The International Campaign Against Mass Surveillance focuses on the analysis and monitoring of government and institutional abuses of power through surveillance. They also provide reports on global policy and human rights transgressions for use in advocacy or activism. The initial act of this collaborative campaign was the creation of a report on the emerging global surveillance infrastructure, revealed during ICAMS' 2004 launch, which occurred simultaneously in San Francisco, London and Ottawa. The report intends to inspire public resistance and activism, and spark a change in political and popular culture (ICAMS, 2005).

ICAMS' report draws connections between surveillance initiatives and national security regimes, linking technologies of registration and risk assessment with human rights abuses and the degradation of civil liberties. The report dismantles eleven myths used to support new security initiatives, and reveals ten signposts that designate the emergence of a global infrastructure for surveillance. The security myth is a set of rhetorical arguments that downplay the effects of the national security agenda by asking us to sacrifice our collective civil and privacy rights for measures that will increase security. New initiatives to identify and register populations and to link these identities to travel, communication, and financial transactions have been proposed and set in motion. The use of this information in pre-emptive risk assessment determines those who may possibly pose a threat to national security. ICAMS underscores how these measures only create the illusion of security, and denigrate efforts to secure dignity and equality for all.

ICAMS observes that totalitarian regimes have historically registered targeted populations, such as the Jews in Nazi Germany, and the Tutsi, Hutu, and Twa in Rwanda. They state "Registration is the tool by which those in power can easily single out and target certain kinds of people – not for what they have done, but for who they are" (ICAMS, 2005, p.5). Immediately following 9/11, western democracies pursued national immigration policies to register and detain Muslim immigrants through programs such as the National Security Entry-Exit Registration System (NSEERS) in the United States. Foreign born Canadians crossing over the U.S. / Canada border are subject to extensive interrogation, as well as electronic archiving of fingerprints, and photographed into a U.S. database. Canada initially contested NSEERS; however, it lifted its U.S. travel warning in 2003 (Walters, 2003). Although the U.N. assigned the Montreal-based International Civil Aviation Organization (ICAO) to create a global standard for travel documents for nearly a decade prior to September 11, 2001, new U.S. initiatives have fast-tracked these requirements. The U.S. *Border Security and Visa Reform Act* requires all visitors, including Canadians immigrants and citizens, to carry travel documents with biometric capabilities (Thorne, 2002). The ICAO rapidly finalized recommendations for the use of facial recognition as a means for identifying airline passengers in a report issued in May 2003 (Sinha, 2003). However, they did not set technical specifications beyond the requirement for facial recognition. Deadlines for implementing these standards have been consistently moved, as governments around the world struggle to meet upgrade deadlines ("Questions Loom", 2003). The Canadian Permanent Resident Card was the first optical memory card to comply with ICAO standards ("LaserCard Corporation Receives", 2007). Although Canadian passports will soon require biometrics, it is one of

the few industrialized nations not considering a national ID card. States in the European Union and the United Kingdom are introducing biometric IDs in passports or ID cards; India is testing a national ID card, and Australia is debating a card associated with a biometric database of the population (Butler, 2007b).

Along with a system of mass registration and identification, an infrastructure surveilling the movement of people is being pursued through national legislation, such as the U.S. *Aviation and Transportation Security Act*, which requires air carriers to share Passenger Name Record (PNR) information, including name, credit card information, and meal choices, with the U.S. government, regardless of the citizenship of the traveler, or the national data protection laws the airline is subject to (ICAMS, 2005). Since 2002, the Canada Border Services Agency has collected Advanced Passenger Information (API), and Passenger Name Record (PNR) data. This is the first step in the ongoing securitization of air travel. Airlines are required to check API and PNR data against the "No Fly List", and alert Transport Canada of any matches. During the next phase of the program, this data will be checked by the RCMP and CSIS, who will be able to examine up to 34 pieces of information about air travelers to Canada without a warrant. These measures are provided for by 2004 amendments to the *Aeronautics Act*, which may affect 90 million passenger trips a year (Butler, 2007a). But varying national policies have meant that airlines were fined for not providing PNR information from U.S. law enforcement, while the same practices were in criminal violation of European privacy laws (Lampert, 2007). However, subsequent legislation, such as the U.S. Secure Flight Program could require Canadian airlines to provide information about passengers flying over U.S. airspace to third countries ("U.S. Urged to Exempt", 2007). Global standards

for PNR were also developed by the ICAO, removing it from national democratic debate (ICAMS, 2005).

Other legislation allows the surveillance of electronic communications and financial transactions, within provisions such as the Council of Europe's *Convention on Cybercrime* (2001), the *USA PATRIOT Act*, (2001, H.R. 3162), and the *Anti-Terrorism Act* (2001, c.41) in Canada. All of these technological infrastructures for surveillance of identity, mobility, finances, and communications require the convergence of electronic databases, including national, international, and private sources. In particular, the globalization of telecommunication services has ensured that many international calls are routed through American switches. The U.S. government has been reported to quietly encourage telecommunications companies to route international calls through their hubs, encouraging the possibility of an enormous data-sweep (Lichtblau & Risen, 2005b). With an extended global reach in both foreign and domestic markets, global telecommunications companies have the ability to compromise the security of communications in the U.S. and abroad.

The logic for collecting a vast amount of data is premised on the idea of assessing and pre-empting risk. Using information culled from these sources, governments presume that law enforcement and intelligence agencies will be able to predict who might undertake a future terrorist attack. However, the broad markers used to predict terrorism include racial, ethnic, and religious characteristics. This results in the creation of racial profiles that reinstate racism as part of policy and practice in Canada, and other western democracies. These electronic efforts have real consequences for people's lives. Many of the technologies being used are not proven to be reliable or effective for identifying

individuals, or for predicting behaviour. Others are falsifiable, or unnecessary to carry out the intended purpose. ICAMS also points out that the volume of irrelevant information collected through electronic surveillance may in fact thwart national security efforts to find reliable information about specific threats. However, the data acquired through mass surveillance, based on broad racialized profiles, are being used by law enforcement agencies to carry out interrogations on targeted, racialized populations. Innocent people are often ensnared through these approaches, and in many cases, they have been placed in arbitrary and indefinite detention, where they were denied rights to a fair trial, and have faced torture, and death. ICAMS writes, "This is the essence of the risk assessment model: it treats as intolerable risks the very legal protections that are fundamental to free and democratic societies" (ICAMS, 2005, p.32).

Advocacy and Activism through Policy Intervention

By linking electronic surveillance and interrogation with risk assessment models and state expansion of power, ICAMS hopes to inspire public activism and advocacy. ICAMS is not specific about their plan for public mobilization (Webb, 2007b). They recognize that "there has been relatively little resistance to the security/surveillance agenda on the part of civil society" (ICAMS, 2005, p.50), and have addressed this by engaging in public education through teach-ins, lectures, and book contributions. Their main objective, however, is to make analytical connections between surveillance, democracy, and human rights, to inform activist communities, and create links between civil society groups, fostering action and public resistance (Webb, 2007b). ICAMS hopes to engage with and build upon the already existing opposition to global surveillance through their online declaration that calls on national governments and

international bodies to stop "all data collection, storage, use, analysis, data mining and sharing practices that erode or are contrary to existing data protection, privacy and other human rights laws and standards" (ICAMS, n.d.).

ICAMS' online declaration follows the premises in their report, and appeals to the *Universal Declaration of Human Rights* (United Nations, 1948) and other international human rights agreements as a basis for their actions. The United Nations international human rights regime gained legitimacy after World War II, to set world policy, to assess national behaviour, and to influence international relations (Claude & Weston, 2006). The U.S., Canada and other western democracies have overstepped international agreements including the United Nations' *International Covenant on Civil and Political Rights* (1976), and the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1987), by withdrawing guarantees of due process, as well as protections against torture, extra judicial killing, and arbitrary detention that these agreements provide. However, the willingness of western democracies to overlook these principles in the "War on Terror", signifies the demise of the age of human rights, and demonstrates that the rule of law, basic human rights and the democratic order are endangered. Furthermore, a lack of state accountability for reporting or assessing their own human rights abuses, as well as limitations on treaty bodies, such as limited financial resources, has led to difficulties in implementing and enforcing human rights standards (Bayefsky, 2006). Other nations have followed U.S. initiatives that violate domestic and international treaties, either to retain avenues for trade with the U.S., or to increase law enforcement powers that were previously blocked at the national level (Webb, 2007a, pp.74-75). Transgressions of standards in the *Declaration of Human Rights*, such as the

right to privacy (art.12), liberty and security of the person (art.3), as well as protections against racial discrimination (art. 2), torture and inhumane treatment (art.5) have been committed by western democracies (United Nations, 1948; ICAMS, 2005). Webb explains that even though they have been side-stepped, these agreements are highly regarded by people across the political spectrum, and are a solid basis from which to ground anti-surveillance arguments:

> I think there's some common ground that always exists when it comes to civil liberties and free speech. I think that on the right, you have, at the far end of the spectrum, civil libertarians, who understand these issues very well, and would hold similar views on certain topics as more progressive...stripes.
> - Maureen Webb, Personal Conversation, November 7, 2007

By creating their own declaration that uses human rights and international governance structures as focal points for technical and policy change, ICAMS has adopted a model that has been used with some success at the global level. Grant and Wood have analyzed possible outcomes for one such international instrument, from which some general observations may be made. The United Nations Educational Social and Cultural Organization (UNESCO) *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (2005) is intended to direct cultural policy, raise international awareness of and protection for cultural diversity, and promote a common understanding of these policies (UNESCO, 2005). Grant and Wood suggest that the ratification of this convention may also render new obligations difficult to impose, and could alter how existing responsibilities are interpreted, with attention to the value of and need for cultural protection (Grant & Wood, 2003, pp.403-405). ICAMS' declaration may be similarly intended to guide global activism and influence international policy,

which is clearly linked to their belief that interventions must be made where international agendas influence national processes.

Challenges for International Coalitions

ICAMS faces many of the same challenges that other groups must address, such as funding, mobilizing support, and building networks, which is often undertaken by educated elites. As an international coalition, ICAMS must confront policy development that is increasingly occurring outside of national democratic processes, dubbed 'policy laundering', which I will examine in more detail below. One of the unique challenges ICAMS faces is to draw other NGO's attention to the security agenda that is driving government and media discourses around globally integrated systems. In addition, ICAMS must address presumptions around surveillance, privacy, and technology that may act as barriers to public engagement with these issues.

Funding, Elites, and NGOs

Funding and mobilization are linked for NGOs, who must find ways to fund projects without compromising their goals. Edouard Morena (2006) describes how funding influences political outcomes of activist projects. Groups often suffer from either a lack of money, or time, in particular when they are charged with carrying out both their own goals as well as the donors' agendas. The competition for funds has created a situation where monies are usually granted to organizations that are able to 'sell' their work, through promotional activities or reports. Morena argues that funding for global justice organizations is disproportionately won by NGOs working on health and education issues over other activist groups. This shift alters the structure of the global justice movement and dulls its political potential. Groups raising money outside

of public and private corporate or foundational funding must rely on private individual donations with compatible political views, or receive support transferred from other organizations.

Webb notes that many civil liberties groups, such as Statewatch, operate on limited budgets (Webb, 2007b). Statewatch's core funding is provided by the Joseph Rowntree Charitable trust and Garden Court Chambers (Statewatch, 2004), which is supplemented by grants, donations, subscriptions and volunteer time (Statewatch, 2006). However, none of the documentation I encountered reports any funding for ICAMS. It is possible that the founding groups gave some support of time or resources in establishing the campaign, such as in-kind contributions. On the ICAMS website, there are no requests for donations. A press release announcing the launch of ICAMS states that "The initial goal of the campaign is to build connections among concerned groups and individuals around the world and make a firm statement of opposition to global surveillance and registration" (Statewatch, 2005). This may mean that they will seek funding after this initial network building phase. Bennett and Raab point out that the number of advocates receiving funding to work against surveillance as their sole project is small. People working on these issues may be journalists, academics, or consultants with other roles to fulfill. These competing concerns may cut across privacy values in ways that compromise or temper their message (Bennett & Raab, 2006, pp.232-233).

Webb also explains that groups like Statewatch exist solely due to the dedication of one or two members. These committed individuals are generally academics who have devoted their lives to monitoring and engaging in civil liberties struggles (Webb, 2007b). ICAMS appears to operate on a similar basis, with lawyers such as Maureen Webb

helping organize the campaign. Regan (1995) notes that although individuals are increasingly concerned about privacy, they are not mobilized to take political action in order to protect it. This means that the people acting on issues of surveillance and privacy are part of an academic and professional elite that operate in a policy community (advocates, activists), as policy entrepreneurs (legislators), or for particular interests (business). These factors, as well as funding constraints, may help explain why organized elites, such as the highly educated NGO directors of ICAMS founding groups, generally have instigated privacy legislation, rather than emerging from a public demand.

Formation of International Policy Communities

ICAMS has formed an international network that attempts to connect groups across a broad range of interests. Although strengths can be located from these types of efforts, they must also contend with continually shifting engagement from other NGOs and community groups, who primarily lend their weight to campaigns that directly address their mandates (Webb, 2007b).

Discussing the formation of policy communities in *Legislating Privacy*, Regan (1995) emphasizes the necessity of establishing broad coalitions in order to effect legislative change, and describes the privacy policy community as part of a non-hierarchical "advocacy coalition", where individuals within the groups share basic values, assumptions, and understanding of the problem, and are able to coordinate activities over time (pp.194, 198). Groups involved in these policy networks are often based on personal relationships, and a commonly held concern for and commitment to privacy, which help hold the community together. This is opposed to institutional links, which hold together other interest groups (p.197). She observes that although coalition building

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helps provide legitimacy to advocacy efforts, there is concern that compromises are made to groups' demands for change in order to accommodate other organizations' views and desires (p.201).

Bennett and Raab look at the role of privacy advocacy communities in the context of globalization in *The Governance of Privacy* (2006). They note that privacy conflicts are generally confronted by a coalition of small groups from diverse sectors, including civil liberties groups and consumer organizations that join temporarily for specific causes. This means that there is no consistent world-wide privacy movement that can claim wide public recognition or access to significant resources (p.282). This is something that ICAMS hopes to address, by linking established NGOs working on human rights and civil liberties issues in an international network that focuses on surveillance measures, increasing public awareness on a global arena, and instigating debate within NGO networks.

Policy Laundering and Global Surveillance

As a group working on international policy issues, ICAMS must negotiate agreements set in international fora, while trying to create a united approach to the different interpretations of these agreements across regions. These issues stem from a new approach to global policy making, known as policy laundering. According to Barry Steinhardt, Executive Director of the ACLU, policy laundering is the use of international administrative bodies for policy making, which allows governments to circumvent domestic opposition to unpopular measures without public scrutiny. He uses the example of secret meetings at the International Civil Aviation Organization that the U.S. charged with administering biometric standards for a global identification document system.

NGOs were barred from the meetings, and unable to provide input on the standards being considered. Steinhardt suggests that NGOs must be able to act in the international arena in order to provide the requisite checks on government control (Steinhardt, 2005).

Gus Hosein (a.k.a. Ian Hosein) concurs with Steinhardt's argument, in his article "Walking on the Dark Side" (2005), which notes that closed door decisions are the means to create governance by treaty and international agreement, instead of through dissent and national democratic process. He points out, "In our globalised world we have yet to generate global accountability structures" (p.32), and suggests that even if civil society groups were permitted to participate in international policy meetings, serious decision-making might be shifted to a more secret forum. In addition, multi-stakeholder groups would have to address questions about who should represent their diverse interests and perspectives. Hosein concludes that the strongest defence against policies that threaten individual or collective freedoms is through the culture of human rights, which require international cooperation to counter policy laundering initiatives.

Privacy, Surveillance and the Security Agenda

Webb believes that until now, the security agenda has received little attention by activist groups, and that part of the challenge ICAMS must face is educating activists, media, and the public about the discourses that link struggles against neoliberal regimes with national security agendas: "I think that's the challenge here for us, as activists is connecting these things to those concerns of wider movements" (Webb, 2007b).

The groups helping form ICAMS are part of a broader coalition that formed in resistance to neoliberal agendas advanced by the U.K. and the U.S. in the 1980's, which has grown to encompass the global justice movement (Leite, 2005). However, Webb

contends that many of these groups are only beginning to make connections between

state security agendas and the neoliberal regimes they have been opposing, in some cases

for more than two decades:

> [S]ecurity really is overtaking and informing a lot of what's going on, so that this
> whole movement which began back in the 80's, resisting the NAFTA [North
> American Free Trade Agreement] agreement and grew to resist the MAI
> [Multilateral Agreement on Investments], and the Free Trade Agreement of the
> Americas, and the World Trade Organization, that a lot of the people who have
> been working for decades on that movement are not as aware as they should be of
> the security stuff that's driving a lot of new integration, and that's being used as a
> cover by governments and business for driving some of the old agenda as well.
> - Maureen Webb, Personal Conversation, November 7, 2007

Part of the problem has been that most media reports fail to illustrate how these

individual policy initiatives are connected (ICAMS, 2005):

> [W]ith surveillance, it's death by a thousand cuts – there's just a myriad of
> different programs that are being put in place, and it's hard to describe them all,
> let alone to sort of connect the dots and make bigger points about the trend of
> what's happening. Most people, even politically interested people, don't have the
> time or attention to get involved in such a detailed discourse and I think that's part
> of the problem of getting these issues across, and creating a sense of urgency
> among the public.
> - Maureen Webb, Personal Conversation, November 7, 2007

Webb notes that although criticism from the mainstream media into Maher Arar's

rendition to Syria highlighted issues of global surveillance, and pre-emptive policing,

journalist's attention to surveillance issues in Canada has been inconsistent:

> [I]t's been sort of a double-edged sword: it's been a wonderful way of
> personalizing and getting wide media coverage, but it's also limited what the
> Canadian press is really interested in looking at. There's a few exceptions, there's
> a few Canadian reporters that continue to publish a few stories on this, and there
> was a bit of a run when it came to the No Fly List, the Canadian No Fly List, the
> controversy over that. But I would say comparatively to the kind of investigative,
> really serious investigative journalism that goes on in the United States on these
> kind of issues, you know, there's nothing like it in Canada.
> - Maureen Webb, Personal Conversation, November 7, 2007

Webb believes that political urgency about surveillance could be encouraged through a gripping artistic or literary work that helps construct a cultural narrative around surveillance and secrecy, such as Franz Kafka's *The Trial*, or George Orwell's *1984*, "I have said this often, we need another *1984* written because people, you know, something that becomes a cultural, really well-known sort of iconic story for people to grab onto these issues" (Webb, 2007b).

Making connections between security, surveillance, and neoliberal policy has been difficult because of the specialized nature of surveillance and privacy issues. Webb explains that privacy is understood to be less important than other values:

> Many people would think of privacy as being sort of a lesser right, or a less important issue than other human rights issues. But showing how connected it is to all of these other, larger pictures, and that's been part of the work that we've been doing
>   - Maureen Webb, Personal Conversation, November 7, 2007

Privacy is generally understood to be an individual liberty, not a collective value that protects democratic rights and processes:

> I think part of the problem is that surveillance, civil liberties, privacy; they've often been treated as fairly discrete issues by very specialized NGOs, like Electronic Frontier, like Privacy International. Part of the struggle is mainstreaming the issues, and connecting them to the damage that's being done to democratic institutions and democratic movements around the world - also, connecting them to movements against neo-liberalism and free-trade agreements
>   - Maureen Webb, Personal Conversation, November 7, 2007

Regan (1995) attempts to understand why the idea of privacy does not inspire public outcry in America, even though it is a widespread value that protects against arbitrary use of government and organizational power. She begins by looking at privacy as a philosophical and legal concept. In the U.S., privacy is interpreted within liberal thinking as an individual civil liberty, which has resulted in individual protections that

form the primary framework guiding policy decisions on privacy. According to Regan, the weakness of the concept of privacy allows interest groups, such as government agencies, law-enforcement, and employers, to redefine problems to their own benefit (p.183). These interactions eviscerate the power of protection that a collective interpretation of privacy could afford: to protect against arbitrary government and organizational power, to ensure democratic processes and freedoms, and to allow autonomy and diversity (pp. xi-xii, 220-223). However, privacy is widely understood as an individual interest, which is a weak basis from which to create policy. In many cases, privacy is balanced against other rights and interests, where it often loses (pp.33-41).

Bennett and Raab give us some clues as to how privacy might be differently interpreted. They outline the critique of privacy within a liberal democracy as protecting anti-social behaviour, as a means for relegating women to the private sphere, for promoting natural rights over the common good, and for the capacity of surveillance to govern social norms. However, they leave us with some clues as how to negotiate these arguments, stating "there are alternative ways of looking at privacy, and these can serve other notions of democracy" (Bennett & Raab, 2006, p.16). If privacy is going to be a policy intervention against the excesses of global surveillance, its meaning must be reinterpreted to negotiate these critiques in order to mobilize opposition in working toward a radical democracy.

Identity and the Basis for a Social Movement

Pockets of Resistance

ICAMS identifies three groups which are already actively resisting surveillance: NGOs, democratic institutions, and courts. These groups form part of a network of

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organizations that support ICAMS' vision of an international network resisting global

surveillance and security regimes (ICAMS, 2005). Although ICAMS calls for public

action across the whole spectrum of civil society, they neither specify ways to engage

with these groups, nor suggest activities that can contribute to cultural or political change.

ICAMS identifies NGOs as a primary social actor that can contribute to a

resistance movement against mass surveillance. As an umbrella organization, ICAMS

may provide a means to network between groups working on similar issues, and provide

a unified voice for these groups in front of international bodies. The emphasis on

differences between groups engaged in the global justice movement has made it difficult

to present a unified position in resisting neoliberal regimes. Webb notes that the

construction of a common identity from which to build a social movement is challenging,

due to the multiple fronts on which people are mobilizing resistance:

> [P]eople are resisting numerous different things. They're resisting the
> privatization of water, or the gross human rights abuses that were used in the
> southern cone to push the neo-liberal agenda through, or the taking of land after
> the tsunami in Asia, and you know there are farmers that are resisting, so it's all
> these sort[s] of discrete communities resisting on what are seemingly discrete
> issues.
> - Maureen Webb, Personal Conversation, November 7, 2007

ICAMS' approach is reasonable when considered against the institutional bias of law and

policy, which generally only attributes legitimacy to a mass action when it is a formalized

institution, such as an NGO (Rajagopal, 2003). However, as I have noted elsewhere, a

similar emphasis on NGOs within the global justice movement have been criticized as

marginalizing popular, grassroots movements, which are often the very groups

championed by the movement (Roy, 2004).

ICAMS recognizes the intractable problems of negotiating civil society on a global level, and advocates for action at both national and international levels. Hosein (2003) poses three barriers to participation that civil society groups must contend with when opposing internationally harmonized privacy policy measures: international fora, engagement with technology, and inclusion of other actors. He states that consultation with national NGOs must occur prior to discussions at the international level, and not after decisions are made, at which point opposition may be futile. He also suggests that because these discussions appear to focus on technology, they have been ignored by many civil society groups, and he believes that governments should educate these groups about policy changes, or ask technology-aware NGOs to do so. Finally, Hosein observes that actors, such as industry representatives have not participated in international fora, because of the emphasis on national security and civil liberties. He believes that more actors participating will generate a fuller understanding of these issues (Hosein, 2003).

ICAMS also emphasizes the role of democratic institutions in opposing surveillance regimes. In particular, they underscore the role of Data Protection and Privacy Commissioners, who are able to play a watchdog role on government policies. Political parties are also beginning to think critically about national security measures, and Members of Parliament are speaking out against unexamined legislation that doesn't provide proper oversight. ICAMS notes that in the U.S. more than 370 local authorities in 41 separate states have passed legislation opposing parts of the *USA PATRIOT Act* (ICAMS, 2005). Neil Thomas further suggests that governments need to be relocated as an important social actor constructing neoliberal globalization, in order to bring issues

back to state boundaries and national democratic processes, which localizes issues and makes resistance more manageable (Thomas, 2007).

Finally, ICAMS suggests that the courts also have a role to play in mitigating potentially devastating effects of legislation that threaten civil liberties. One example includes a U.K. ruling, which decided that their anti-terrorism laws, and the resulting detention of foreigners without charge violated human rights standards against discrimination and arbitrary detention (ICAMS, 2005). In Canada, the Supreme Court ruled against routine CSIS destruction of evidence, which may have a bearing in trials regarding the reasonableness of security certificates used to detain and deport people suspected of being national security threats (*Charkaoui v. Canada* [2008] S.C.C. 38).

Towards a Social Movement

Although ICAMS focuses on institutions and civil society groups, they have not provided an analysis that encourages or acknowledges the efforts of ordinary residents against these measures. They also do not provide suggestions or analysis for what people can do to mitigate the overwhelming barrage of initiatives put in place since September 11, 2001. This may blunt the effectiveness of their campaign by failing to call on individuals and communities to use their anger to topple unjust regimes of surveillance.

As well, the attitudes of different cultures may also influence the willingness of a broad movement against surveillance. In comparing American attitudes on surveillance and security issues to those of Canadians, Webb illustrated how Americans are motivated more by legal transgressions on their constitutionally protected civil rights and freedoms than Canadians, who located their resistance in identifying with and standing up for those who had been treated unjustly. The response of Americans to the National Security

Agency's secret wiretapping program has elicited a number of civil suits. However, a

similar program in Canada has not registered any dissent:

> Now, compare that to the parallel program in Canada, which most people aren't
> even aware of, including the Parliamentary Committees that have been reviewing
> the *Anti-Terrorism Act* for a number of years. In Canada, the program's not
> secret, it was legislated under the *Anti-Terrorism Act*, and under that act, the
> Canadian security establishment is authorized to carry on a program that looks
> very much like what the secret NSA domestic spying program was. And yet,
> even in the briefs to Parliament on the *Anti-Terrorism Act*, when it was first
> promulgated, and then when it was reviewed after three years, most groups said
> nothing about it, there were no concerns raised at all.
> - Marueen Webb, Personal Conversation, November 7, 2007

Where Canadians generally overlooked an openly legislated domestic wiretap program,

they rallied behind Maher Arar, and helped clear his name:

> So I think that's a really interesting contrast in the two cultures. Canadians could
> really identify with Monia and Maher Arar. Now mind you, they're individuals of
> great principle, they're highly articulate, very dignified people, so they're easy to
> identify with. But I think more than that, Canadians felt this injustice, that this man,
> who was a Canadian citizen, was not returned to Canada to face whatever process
> Canadian law would subject him to, but rather was snatched in the middle of the night
> and sent to a third country prison, where he was, you know, tortured and left to
> languish like so many others. So I think you have to give the Canadian people credit
> for how important this case has become.
> - Maureen Webb, Personal Conversation, November 7, 2007

Webb also emphasizes people's need to be informed and to plug back into

grassroots resistance movements in opposition (Webb, 2007b). Where struggles

around discrete issues and communities are difficult to articulate with a larger

political movement, Webb imagines anti-surveillance resistance centering on an

invigorated idea of democracy:

> [Geographer David Harvey] identifies the subversion of democracy as the
> possible nexus, or sort of motivating, overarching, motivating nexus that could tie
> the movement together and make it more effective
> - Maureen Webb, Personal Conversation, November 7, 2007

Evaluating the International Campaign Against Mass Surveillance

The International Campaign Against Mass Surveillance formed in response to the overwhelming initiative of governments around the globe to identify, sort, and surveil their populations in a harmonized manner, according to risk. However, national governments began 'laundering' their policy problems, and soon international administrative bodies without democratic oversight were implementing new standards for identification, registration, tracking and sorting populations. Racial profiling is endemic to these approaches, and human rights agreements have been breached to the advantage of many western states and to the disadvantage of individuals, whether citizens or non-status persons, who have been identified as potential threats. Forming an international coalition, ICAMS has created an analysis that links new surveillance technologies to the degradation of democratic accountability and civil rights that are entitlements in a liberal democracy. Of the many challenges they face, two stand-out as central difficulties. The first is the lack of understanding of the links between surveillance, security, privacy, and democracy by the public, activists, and policy makers. The second requires consideration of intervention in the international sphere, where no established avenues for dissent currently exist. As an umbrella group, ICAMS is focused on creating networks between groups acting on similar issues, on raising awareness and inspiring opposition among the public. ICAMS' analysis, and the promotion of a collective identity based on the defense of our democratic rights and freedoms, will help engage and mobilize civil society to put pressure on governments to account for their role in the expanding regime of global surveillance. However, their lack of attention to opposition beyond NGOs may limit the effects of their analysis for a broader cultural shift.

CHAPTER TWO – Surveillance Camera Players

The Surveillance Camera Players (SCP) formed in 1996 by a group of friends in New York City who staged a protest against the use of public surveillance cameras. Members perform plays in front of the cameras using placards (see Figure 1), and provide walking tours to raise awareness about the monitoring of urban denizens (SCP, 2001d). Six other anti-surveillance camera groups currently exist under the SCP banner, some within the U.S., others internationally (SCP, 2007b). One of the group's founders is Bill Brown, whom I initially met while on a tour in New York City with the SCP in August 2007, as described in the introduction. After the tour, I asked Brown if he would be interested in participating in a telephone interview. In this chapter, I examine how the SCP joined, their approach to performance and protest, the aesthetic and theoretical ideas that inspired their work, as well as their positions on privacy, surveillance, and legal rights.

Approach

As a small, autonomous group, the SCP garners a lot of attention for its theatrical interventions. Over time, their strategy for performance and public engagement has changed to help make their message accessible, with the hope of educating and empowering individuals to demand better protections against public surveillance. In particular, they have made their plays easier to understand, and have mitigated the challenge of inclement conditions by holding tours based on their maps of public surveillance cameras (Brown, 2007).

The Surveillance Camera Players began by adapting literary works into performance pieces that look like traditional avant-garde plays using works by Alfred

Jarry, Samuel Beckett, and Edgar Allen Poe (SCP, 2006a, pp.181-182, Brown, 2007).

Brown describes what the original performances were like:

> [T]he original performances were much like Alfred Jarry's plays. That is, they actually looked and felt like theatre, so each individual would have a little tag around their neck that identified what character they were playing, there'd be somebody, a narrator, who'd introduce act one, scene one, set the scene, and if the scene required dialogue, each of the actors would hold up a sign where the dialogue was already pre-printed.
> - Bill Brown, Personal Conversation, November 8, 2007

The placards are made by drawing symbols, images and words on cardboard with markers, which are generally the SCP's only props. Brown describes these original actions as an "art conceit", which was a "satiric way we hoped to offer culture, high culture, for the bored and inattentive surveillance camera watcher" (Brown, 2007). Before long, the SCP realized that security camera operators were not their most important audience, and that passers-by were curious, and much more supportive, of their efforts. However, these initial performances were too esoteric for the public to comprehend: "there was a bit of confusion between why we were performing these particular plays, and what they had to do with the surveillance cameras themselves" (ibid).

It wasn't until the SCP began writing their own plays about the cameras that audiences understood the connection between public surveillance and the performance itself. Instead of targeting the security guards watching the cameras, they hoped to raise public awareness, where the passers-by could choose to become participants, and where the police often unwittingly became involved in the spectacle (ibid). Since April 1999, the group has performed original scripts and non-fiction works, which they believe indicates "a deepening of the SCP's political commitment", combining theatre and

protest (SCP, 2006a, p.181). Over a decade, the SCP adapted nine works for

performance, and wrote seven original plays, which have been used in sixty-six

performances, primarily in New York City, but also throughout the U.S. and in Europe

(SCP, 2006b).
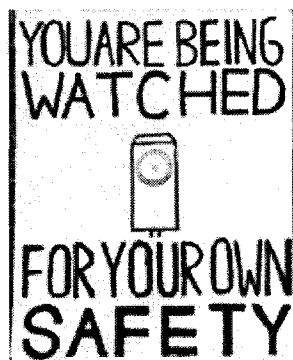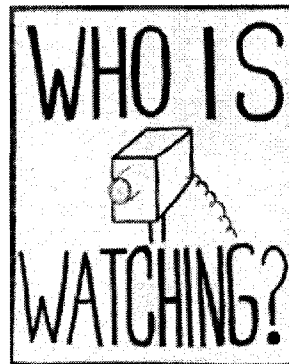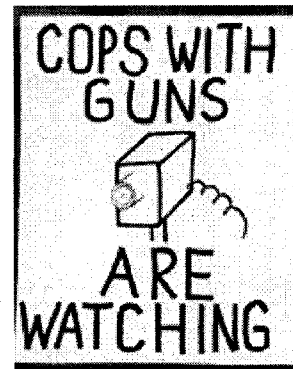
Placard 1   Placard 2   Placard 3
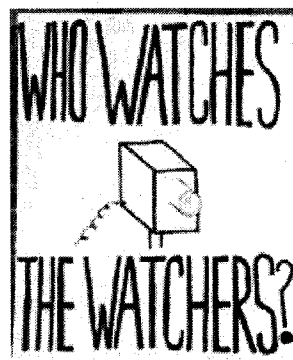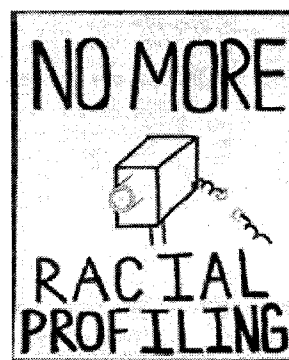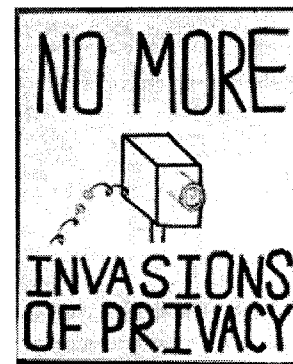
Placard 4   Placard 5   Placard 6

Figure 1. Play Title: *You are being watched for your own safety* **(SCP, n.d.a.)**

As the Surveillance Camera Players became more involved in their activism, they

had to overcome the New York City's inclement winter weather, which had confined

them to performing only in the summer. Inspired by a similar tour in Belgium[1], Brown

decided to use maps and walking tours to continue the SCP's work during the winter

months (SCP, 2006a, p.242). First, the group maps surveillance cameras overseeing

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[1] To view this work, see http://archive.constantvzw.org/events/vj4/gdop/survcam/home.html

public areas, and categorizes them according to presumed ownership, which could include law enforcement, private individuals or private security guards (SCP, 2006a, pp. 239-240). To date, the group has mapped 14 neighbourhoods in New York City that remain under intense surveillance (SCP, 2006b). These maps are used to guide the Surveillance Camera Out-door Walking Tours (SCOWTs), which the Surveillance Camera Players have been conducting for free in New York most Sundays since November 2000. During the tour I took part in, Brown discussed the different types of imaging and sensing technologies used, pointed out the cameras in the environment, and discussed them in relation to risk and privacy. An estimated 3,000 people have attended the SCP's walking tours from 2000 to 2006. Tours have also been held in the U.S. and Europe in conjunction with map-making exercises (SCP, 2006b).

During a decade of performance and protest, the SCP developed from an inside joke among activists to a direct engagement with the public on questions of privacy and surveillance. By moving away from esoteric literature, the Surveillance Camera Players are able to address tangible political issues related to surveillance while appealing to audiences and participants through subversive humour that confronts the way people think and behave when confronted with public surveillance.

Beginning a Movement Against the Cameras

The official narrative chronicling the inception of the Surveillance Camera Players begins with Bill Brown meeting Nova Scotia resident Michael Carter. Carter had written a pamphlet in 1995 entitled "Guerilla Programming of Video Surveillance Equipment", where Brown first encountered the idea to perform in front of the cameras.

The pamphlet was a manifesto, linking the coercive properties of media production and advertising to the production of normative behaviour through surveillance cameras:

> [T]he camera as used in surveillance systems monitors the actions of this populace to ensure that, if they react to the commodity in any subversive way (shoplifting, stealing from work, sabotage, vandalism), the "criminal" can be detected and that s/he will take his or her place as product for the crime control industry
> - Michael Carter, "Guerrilla Programming of Video Surveillance Equipment", 1995, quoted in *We Know You Are Watching*, Surveillance Camera Players, 2006, p.21

The basic premise of guerilla programming requires that "a group of individuals create a scenario and act it out using surveillance cameras as if they were their own, as if they were producing their own program" (SCP 2006a, p.21). Intended as both "an investigation and an expose" (ibid), guerrilla programming is a "production of an action, not consumption of a product" (SCP, 2006a, p.22).

This idea resonated with Brown, a long-time activist, and former Assistant Professor of English at the Rhode Island School of Design, who was also involved with anarchist politics (Castellucci, 2004, Díaz, 2007, Tavernise, 2004). Michael Carter and Bill Brown each brought their own associated group of activist friends together (Díaz, 2007), none of whom were professional actors, to perform the very first play by the Surveillance Camera Players. On December 10, 1996, the newly formed SCP debuted with an adaptation of absurdist French playwright Alfred Jarry's 1896 piece, *Ubu Roi*, on the play's 100th anniversary. Scripted entirely in silence, to accommodate the soundless video images transmitted, the actors held up pre-printed signs in front of Manhattan surveillance cameras to narrate the piece (SCP, 2006a).

One and a half years passed before the Surveillance Camera Players began to perform in earnest. Bill Brown's involvement with the anarchist community in New

York provided an environment for the SCP to re-emerge. In 1998, Brown began working at Blackout Books, a collectively run anarchist book store (Tavernise, 2004), located on Avenue B between East 3rd and East 4th in the Lower East Side (Moynihan, 2000). Blackout Books was not only an info-shop, but a space in which people involved in the early 1990's emerging anti-capitalist, anti-globalization movement could meet, discuss ideas, and plan protests. It was here that Brown began to assemble a group of people to perform against the cameras. Blackout Books only existed from 1993 until 2000, when the bookstore was forced to close because of increased rent (Moynihan, 2000); however, a number of the groups first formed there continue to meet. Some of those involved with Blackout Books went on to found Mayday Books, only one of many countercultural bookstores that have persisted in the area since the 1960's (Moynihan, 2007). A small group of core members from this community continued working with the SCP over the past decade, including Brown's long-time girlfriend Susan Hull, as well as friends Miranda Edison and Kimberly Warner-Cohen (Egbert, 1999; Moutot, 2000; Schienke & Brown, 2003). Miranda Edison also helped run Blackout Books, and is now on the Board of Directors of ABC No Rio, an art and community centre that provides space for groups such as Food Not Bombs, Books Through Bars, and those working on other social justice issues (ABC No Rio, 2006).

The Art of Protest

The Surveillance Camera Players emerge from, and alongside other social movements using theatre and protest to advance social change. They use humour and ironic performance to directly challenge behavioural norms enforced through the use of surveillance cameras. With the repression of public activism after 9/11 through law

enforcement, the use of irony and mass protest has come into question by activists, who consider whether local politics and lobbying are less antagonistic ways to have an impact on political events.

The global justice movement became a visible opposition to neoliberal policies and institutions in the 1990's. Activists embraced theatrical protest following the successes of the AIDS Coalition To Unleash Power (ACT UP), which was founded in New York City in 1987 (Gould, 2004). Activist Ben Shepard notes that "ACT UP helped us learn that with good media work, research, and a coherent organized message, guerilla theatre can play an effective role in promoting a political message" (Shepard, 2003). The Surveillance Camera Players are part of a number of political groups formed in opposition to economic integration through international bodies, such as the World Trade Organization, and the World Bank (Leite, 2005). Linked to earlier struggles against neo-liberalism, this global social movement embraced aesthetic protest and irony to achieve social change (Reed, 2005). Brown explains the need for creativity in dissent:

> I think that speaks to the power that's in cultural expression, or socio-cultural expression, that art can be a very, very strong source and that if you keep just to political ideas, you may run out of source material quickly.
> - Bill Brown, Personal Conversation, November 8, 2007

The SCP use theatrical protest to challenge the normative and passive response of individuals to public surveillance. When subjected to surveillance cameras, "most people see the camera, and in a kind of schizophrenic way, pretend as if they haven't seen the camera" (Brown, 2007). This suggests that the saying 'if you have done nothing wrong, there is nothing to hide' strongly guides responses to surveillance: "one would think that once you see the camera and change your behaviour in any way, that indicates a guilty mind, or a guilty intent, or that something has been done illegally" (ibid). The SCP hope

to intervene at this juncture between action and belief by challenging people to

acknowledge and resist being subject to a visual search without due cause:

> Our plays and walking tours try to turn this on its head by saying: "we see the
> camera and we are definitely going to change our behaviour, and that behaviour is
> going to be specifically – we recognize that the cameras are there, and instead of
> ignoring them, address them directly"
> - Bill Brown, Personal Conversation, November 8, 2007

Steven Flusty believes play and performance can play a role in resisting

surveillance, privatization, and policing of public space. Writing prior to September 11,

2001, he notes that activities such as public performance allow for indirect opposition

that may be tolerated more than conventional forms of protest. For Flusty, playful

resistance has the potential to lead from individual actions to coordinated efforts for

social change at the policy level (Flusty, 2000).

However, only two years after staging creative mass protests against the World

Trade Organization in Seattle, the events of 9/11 significantly altered the tactics used by

activists. Protests planned for meetings of the International Monetary Fund and the

World Bank in Washington, D.C. in the fall of 2001 were abruptly altered or abandoned

(Munson, 2004). The changing security climate proved hazardous for activists at mass

protests (Hadden & Tarrow, 2007; ICAMS, 2005). Participants were aggressively

pursued through surveillance, preemptive arrests, and the use of force with non-lethal

weapons, which included rubber bullets, pepper spray, batons, and tasers. The amplified

antagonism between police and protesters, and the success of national security discourse

targeting activists as threats precipitated a chill effect (Shepard, 2005). Activists

withdrew from public demonstrations, or shifted efforts to domestic anti-war efforts

(Munson, 2004). Others undertook local, solutions oriented projects (Heartfield, 2007),

or returned to more traditional protest measures, such as lobbying (Featherstone, 2007). Subsequently, the mass protests and the use of ironic dissent have come into question. Activists are increasingly considering the function irony plays in protest, and whether it is effective in addressing public policy makers (Chvasta, 2006; Shepard, 2003).

Marcyrose Chvasta, in her study of the role of theatrical protest in dissent, concludes that participatory political performance is essential for building community. However, she also believes that engagement with the institutions of law and policy, and building relationships with bureaucratic insiders must accompany their activities in order to establish social change (Chvasta, 2006). Activist Ben Shepard concurs, recounting the failure of the anti-war movement's ironic critique of Bush's "War on Terror". He notes that irony is not always relevant when the need to engage with the political mainstream is urgent. Shepard believes that "[i]rony works best as an inside joke to mobilize and appeal to a subculture", but that it doesn't demonstrate the type of world that activists want to create (Shepard, 2004). In his study on the SCP, Torin Monahan concludes that although the group aims to raise public awareness and inspire action on surveillance issues, they are not successful at moving their critique to the institutional arena. He believes "the desired outcomes might take the form of better regulation and oversight of surveillance and/or meaningful democratic participation in the process of setting surveillance policies, for instance" (Monahan, 2006a, p.527).

These conclusions coincide with post 9/11 politics, in which the Bush administration has used the "War on Terror" to delimit protest activities. According to a report by the American Civil Liberties Union, the Pentagon surveilled almost 200 anti-war protests in the U.S. since 2003, through their Threat and Local Observation Notices

program (ACLU, 2007). As a result many peaceful protesters were singled out as possible military threats. However, as Brown points out, this has followed a general public denouncement of activist groups, and even the self-suppression of movements in the aftermath of September 11:

> A great many people, who were political activists, either suspended their actions, changed their websites to show black screens, many ways of saying "we have larger issues now than simply the issues that they were concerned with". So that it wasn't simply a matter, in the post-September 11th world, of the government suppressing various activist movements, but self-suppression. And that later, the government was able to seize upon the self-suppression and add another factor to it, which was suppressing more extreme forms of protest.
> - Bill Brown, Personal Conversation, November 8, 2007

The Surveillance Camera Players are a coordinated group, but instead of working for practical policy outcomes, Brown encourages direct engagement with the public:

> [T]o be able to address policy, that is to speak to elected representatives, lawyers, judges and so forth, is to recognize their authority. And that part of the problem with surveillance cameras is that they are an abuse of authority. They have been placed in public places without any public input whatsoever. They have been imposed, and in a very, very condescending way, the politicians and police officers have said this is for your own good, and if you object, you must be up to no good. And I find, and we all have found that rather than sort of recognizing this very corrupt way that authority has acted, it's better to simply speak directly to the watchers, to make them uncomfortable, and speak directly to the public, without the mediation of the people who make policy. So it's a way of speaking in an unmediated fashion, and without recognizing the authority of the people that we take exception to, that is the people that are forcing surveillance cameras almost literally down our throats, and telling us that it's for our own benefit.
> - Bill Brown, Personal Conversation, November 8, 2007

Although the SCP do not engage in direct lobbying of political representatives, they do monitor political plans to increase surveillance and actively publish position papers that confront these activities (SCP, 2007d). They have written extensively on New York City's surveillance policies, such as *Stephanie's Law*, which created stricter punishments for surreptitious video surveillance only in private, not public, spaces (SCP,

2003); Mayor Michael Bloomberg's plans to install surveillance cameras on the buses, subways and streets of Manhattan (SCP, 2007c); as well as on the misinformation and misuse of cameras in political and popular culture (SCP, 2007d).

Theatre of Cruelty

As a "political activist who use artistic methods" (SCP, 2006a, p.85), the SCP's anarchic analysis is oriented by the theory of Guy Debord and the Situationist International (Debord, 1967; Situationist International, 1960a,b). Artistically, they are inspired by the plays of Samuel Beckett, Bertolt Brecht, and Antonin Artaud's Theatre of Cruelty (SCP, 2006a, p.61).

Many activist groups that emerged in the early 1990's were influenced by Guy Debord's work *Society of the Spectacle* (1967), in which he denounces the spectacle as a mode of production, where "[t]he fetishistic, purely objective appearance of spectacular relations conceals the fact that they are relations among men and classes" (p.24). This commodity fetishism of images leads to the consumption of symbols, "the falsification of social life" (p.68). The SCP write that the spectacle is a form of capitalist society, where immense economic disparity between rich and poor requires the elite to divert attention from the "the necessity of a social revolution" (SCP, 2006a, p.174) through spectacular public displays. Debord advocates the use of détournement, the juxtaposition of simply recalled images or elements to create new meanings, which often have parodic and comedic effects. Détournements act to jolt people from their daily routines and instigate revolutionary action, which will destroy the society of the spectacle. These actions "cannot fail to be a powerful cultural weapon in the service of a real class struggle" (Debord, 1956).

Adopting the moniker Monsieur Le Art Toad, Bill Brown has admiringly parodied Antonin Artaud's commitment to autonomous art in the theatre of cruelty. Artaud envisioned a transformation of theatre from one of spectacle to one of action, where the spectator is placed at the centre of the spectacle, becoming caught within it (SCP, 2006a, p.184). Audience participation was central to the theatre of cruelty, which was typically performed by non-professional actors (SCP, 2006a). These plays were intended to reduce the role of speech and elevate the power of the visual. Artaud's goal was "to dramatize the cruel vitality of life itself", through rigor and attention to problems affecting society (SCP, 2006a, pp.182-184). The Surveillance Camera Players have embodied Artaudian theatre out of necessity: actors are primarily volunteers, performances must take place on the street, subversive humour is intrinsic to the SCP's theatre, and the absence of audio recording in video surveillance has privileged the visual, not the aural (ibid). Although Artaud didn't believe the theatre need have direct social effects, the SCP "have been fully aware of – indeed, have been *counting on* – the practical consequences of their actions" (SCP, 2006a, p.187 emphasis in original). However, they conclude that the SCP's inability to stop surveillance camera use emphasizes the need for larger social changes:

> The very inadequacy of the SCP's theatre of cruelty – the fact that it seems powerless to actually stop generalized video surveillance – is actually its strength: the inadequacy prevents anyone from believing that a "revolution" in the theater is enough, and demonstrates that all of society, and not just the theater, is going to have to be changed.
> - Surveillance Camera Players, *We Know You Are Watching*, 2006, p.187

Revolutionary Anarchism

Members of the Surveillance Camera Players are committed to anarchist

principles of organizing, and mobilize a critique of technology that underscores the

relationship between capitalism, state control, and surveillance.

Anarchism is a highly contested practical and theoretical field. The origins of

anarchist thought has been traced to William Godwin, who wrote *Enquiry Concerning*

the Principles of Political Justice in 1793, explaining that humans were rational, and

could live peacefully without law (Landry, 2003). From the 1800's to the 1920's

anarchist thinkers, such as Pierre-Joseph Proudhon, Michael Bakunin, Peter Kropotkin,

and Emma Goldman (Ward, n.d.) focused on the oppressive power of the state, and a

critique of capitalism that finds its solution in "the abolition of the State, its laws, its

entire system of management" (Kropotkin, 1898). Kropotkin described the principles of

anarchy at the turn of the 20th century: social and economic equality, free association of

individuals, local initiatives for self-sufficiency, and "a society where each governs

himself according to his own will" (ibid). Although the SCP do not draw directly on

classical anarchist theorists, they explain that "real anarchism, revolutionary anarchism –

was destroyed by the communists" in the 1920's (SCP, 2007a).

Classical anarchism has been critiqued by the global justice movement, who claim

that Kropotkin's vision is "narrowly class-based", rests on a perspective that believes

individuals are sociable, and interprets history as a process of rationalization (Kinna,

2007). Instead, the global justice movement has developed around 'neo-anarchist'

beliefs, such as anarcho-primitivism, of which John Zerzan is one of the principal

theorists. Zerzan draws from archaeological description of the hunter-gatherer society as

harmonious, cooperative, and egalitarian (Zerzan, 1994). Within this framework, the

instrumental rationality of science and civilization is disregarded; instead, nature is

viewed as a source for individual liberty, self-responsibility and self-awareness (Smith,

2007). Critics of 'neo-anarchism' believe that this has led to a hollowing out of the

revolutionary impulse of anarchy, which is replaced by the adoption of a "'revolutionary'

lifestyle" (Friends of Debord, 2007):

> This new "anarchism" is nothing but the dregs of anarchism's worst elements:
> individualism, primitivism, anti-organizationalism, outright reformism, and
> terrorism manifested in random acts of violence lacking any trace of organic
> connection with the struggles of the working class
> - Friends of Debord, September 23, 2007, posted on
>   the Surveillance Camera Players' website

The SCP make it clear that they do not follow neo-anarchist or ultra-leftist movements,

such as those in the global justice movement, or anarcho-primitivism. Instead, they argue

that revolutionary anarchism has been partially revived by post-Marxist revolutionary

movements of the 1950's and 60's, such as the Situationist International, which "was one

of the very few groups in the world that was anti-capitalist *and* anti-'Communist' " (SCP,

2007a, emphasis in original). In other writing, the SCP specify that "[a]narchism is a

theory of revolutionary action, which requires direct work upon the State, capitalism and

organized religion" (ibid).

Participation, Diversity, Access

The inception of the Surveillance Camera Players cannot be fully appreciated

without the role that New York City's anarchist community played in helping to create

networks between individuals. It is possible that barriers to participation may exist

outside of this community, and prevent its adoption by racialized groups who are most

affected by surveillance. Although the Surveillance Camera Players aim to involve a diverse cross section of individuals, they have only engaged a small segment of the American public, defined along lines of gender, race, age, and class. These subjectivities are treated separately here for purposes of analysis, but in actuality, are experienced simultaneously, and change according to context (Wilchins, 2004).

The SCP have done performances and research to support opposition to surveillance. They have collaborated with groups such as Living Theatre, a street theatre group in New York City, and performed at international protests against the Free Trade Agreement of the Americas, the World Economic Forum, and the Republican National Convention. The SCP have also provided walking tours in U.S. campuses, as well as cities around the world, including a number in England and Germany, as well as the Netherlands, Italy, and Austria (SCP, 2006a). They have worked with anti-surveillance and civil liberties groups, such as the Institute for Applied Autonomy (IAA) (Schienke & IAA, 2002; Monahan, 2006a), and are a signatory of the International Campaign Against Mass Surveillance (ICAMS, 2008). Although these collaborations engaged a broad audience, they did not reach out to groups most affected by surveillance, such as youth, women, or racialized communities. While their performances have garnered a lot of attention from the mainstream media, the publicity has not encouraged others to adopt their protest model and ideas, instead creating a "spectacular effect", where the SCP has been invited to perform "as if we're a rock band" (Brown, 2007).

Because performances require little in the way of materials and equipment (placards, markers, photocopies), the financial requirements for the group's activities are minimal, approximately $600 per year. The group members themselves provide all

funding (SCP, 2001b). In writing about capacity building for social justice groups, Karppinen (2007) and Albert (n.d.) suggest that economic, social and political barriers to participation must be overcome, in order to allow groups to strive towards democracy, empowerment and participation. Economic barriers to participation are low; SCP activities are free, and materials are low-cost, funded entirely by group members. However, the financial accessibility of their activity has not been sufficient to encourage other communities to participate.

Three quarters of those taking part in SCP activities are gay and straight women. A broad range of ages has been represented from those in their teens to their fifties. The vast majority of participants are white, and with one exception, no black people have taken part (SCP, 2006b). Some explanation for this may be found in recent organizing by the Anarchist People of Color group from the U.S. They are building a movement for racialized individuals who have felt excluded, marginalized, and underrepresented in anarchist organizing, and in the global justice movement generally (Anarchist People of Color, 2007). Racism exists within anti-authoritarian movements, which are seen as largely white and middle-class (Martinez, 2000; Connolly, 2008). In the U.S., anarchist politics is linked with a punk lifestyle where young, white, straight, middle class males are overwhelmingly represented (Nomonous, 2007). Other activists are looking to make anarchism relevant to people's every day lives through on-the-ground work in communities, in order to reflect the issues and histories of people of color. In a draft proposal for an anarchist movement that provides independent spaces for non-white activists to organize, the writers propose addressing issues related to surveillance: racial

profiling, anti-immigration policy, and police brutality (Black Autonomy Network of

Community Organizers, 2007).

A Question of Legitimacy

   With more than a decade of political theatre as its legacy, the Surveillance

Camera Players have overcome a number of challenges. Audience reception, as well as

member, community and leadership issues have been obstacles to the SCP's work. SCP

performances require a favorable environment, public space, an audience, performers,

and a clear message. Initial problems with audience reception were mitigated by

streamlining plays, and poor weather resulted in the expansion of activities through

SCOWT, but factors outside of this remain intractable. In particular, "failures to muster

enough performers" remains a constant problem (SCP, 2006a, p.17). Bill Brown and

Susan Hull undertake much of the SCP's political theatre, and many times were the only

performers available (ibid).

   Legal challenges have called into question the motivation and legitimacy of

Brown's work with the SCP. On January 8, 2004, Brown was arrested on charges of

misdemeanor aggravated harassment for making hundreds of random obscene phone calls

to parents of young girls (Beam, 2004). Brown's behaviour has been punished before.

While an Assistant Professor of English at the Rhode Island School of Design, Brown

"pleaded no contest to making more than 60 obscene phone calls to the parents of girls"

in the surrounding areas, for which he was sentenced to probation and counseling

(Castellucci, 2004; District Attorney of Rhode Island, 2001). Brown was reportedly

apprehended in 2004 through complaints, call tracing, employee card use monitoring, and

video surveillance footage retrieved from the law firm where he worked (InterActivist

Info Exchange, 2004). However, the irony of being caught by surveillance cameras was played up by journalists, which may have cost the SCP credibility, as well as public and community support.

Surveillance, Capitalism, and State Control

The Surveillance Camera Players bring anarchist politics to their ironic resistance of public surveillance. At the heart of their struggle against institutions of governance – state, organized religion, and capitalism – lies a fundamental opposition to fascism, "and all other forms of tyranny" (SCP, 2006a, p.192). The SCP believe that surveillance cameras operate as a tool of control by promoting behavioural norms, which allow for profiling. Although they do not support government, they call for cameras to be abolished, as well as increasing privacy protections in law.

Michel Foucault famously explained the operation of surveillance through the panopticon as a mechanism of control that is internalized to produce normative behaviour (Foucault, 1977). In a similar vein, Brown believes that surveillance cameras have a normative effect on populations:

> [T]here's a kind of a schizophrenic quality in seeing something and then pretending that you haven't seen it, and that sort of split is a kind of a passivity that is very common in culture. So not only are people split in terms of the way they behave in public places, which is very much as in uniformity and conformity with established norms, they also think in the same way.
> - Brown, Personal Conversation, November 8, 2007

In his article "Surveilling the City" (1998), John Fiske explains that normalization is "crucial to surveillance, for the function of surveillance is to maintain the normal by disciplining what has been abnormalized". Fiske emphasizes the idea that "[w]hiteness has the social power to define itself as the normal", and in this way "[s]urveillance makes the city operate as a machine of whiteness" (p.86), which extends a totalitarianism that is

able to operate beneath democratic structures. He also elaborates on the reductive effects video surveillance has on freedom of expression, association, and the importance of privacy in maintaining defenses against normalization by allowing spaces for progressive or radical opinions to be formed. For Fiske, these private spaces extend to the collective, and allow for organizing beyond the observation of the state.

A similar thread of analysis can be found in the SCP's theory of surveillance, based on the tyranny of transparency. Author David Brin (1999), and artist Steve Mann forwarded the concept of reciprocal transparency, or as Mann has suggested, 'sousveillance' (Mann, Nolan & Wellman, 2003), where the less powerful scrutinize the actions of the powerful as a solution to proliferating surveillance by ensuring accountability, and enforcing social norms. The SCP disagree that 'watching the watchers' will negate surveillance, and suggest that this strategy "inaugurates the total surveillance of all by all" (SCP, 2006a, p.172). They suggest that the transparent society will destroy social life, noting that: " 'reciprocal transparency' simply gives up on and denigrates the fight to defend and reiterate our constitutional rights to free speech and anonymity, and to protection from unreasonable searches of our persons" (ibid).

The Surveillance Camera Players have often announced that they are "distrustful of all government", and of laws that overwhelmingly criminalize crimes of property and morality:

> We believe that all the laws on the books only serve the interests of the people who have had the money and power to draft, codify and enforce them. Precisely because none of them serve the interests of everyone, all laws are bad laws; there isn't a single good law on the books.
> - Surveillance Camera Players, *We Know You Are Watching*, 2006a, p.170

However, the SCP do defend the protection of the human right to privacy under the U.S.

Constitution (SCP, 2001a). Although the U.S. Constitution has no explicit reference to

privacy in its federal legislation, the Fourth Amendment has been interpreted by the

courts to provide privacy protection (SCP, 2006a, pp.188-194):

> The right of the people to be secure in their persons, houses, papers, and effects,
> against unreasonable searches and seizures, shall not be violated, and no Warrants
> shall issue, but upon probable cause, supported by Oath or affirmation, and
> particularly describing the place to be searched, and the persons or things to be
> seized.
> - U.S. Constitution, Fourth Amendment (1791)

Despite the use of protections against unreasonable searches, no legislation exists to limit

video surveillance, although audio surveillance is addressed under federal law. Even

then, the *USA PATRIOT Act* provided means to relax laws governing public surveillance

(Norris, McCahill & Wood, 2004, p.122). The SCP believe that public video surveillance

violates the Fourth Amendment, by undermining one's reasonable expectation of privacy

outside of a place of residence (Brown, 2007). They also demonstrate that the rhetoric

used to support the installation of surveillance cameras for crime reduction have no

empirical basis, and have instead been shown to displace crime, target racialized

individuals, women, and the mentally ill (SCP, 2006a).

In the state of New York, where the SCP are based, statutes have been amended

to account for video surveillance. *Statute C.P.L. Part Three, Title T (Procedures for*

Securing Evidence by Means of Court Order and for Suppressing Evidence Unlawfully or

Improperly Obtained), Article 700 requires police investigating serious crimes to obtain a

warrant in order to take video surveillance footage. The SCP state "[w]hat we want, of

course is to get a court to rule that a 'reasonable' expectation of privacy exists when one

walks on the sidewalk, crosses the street or enters a public park" (SCP, 2006a, p.191).

In Canada, a 1990 Supreme Court judgment declared that public video surveillance by the government violates reasonable expectations of privacy (Norris, McCahill & Wood, 2004, p.121). Recent guidelines set out by the Office of the Privacy Commissioner of Canada, and the Office of Information and Privacy Commissioners for British Columbia and Alberta outline ways that private sector organizations must ensure video surveillance practices are undertaken in accordance with legal and privacy rights, with due notification, and allow for individuals to access personal recordings (Office of the Privacy Commissioner of Canada, 2008). This type of precaution has not been taken in the United States.

For the Surveillance Camera Players, surveillance can be mitigated through legal privacy protections, or through the abolition of the cameras. However, as Bennett and Raab (2006) note, where the protection of privacy has advanced with respect to legislation and oversight, no corresponding reduction of surveillance may have occurred. They state that laws are "not necessarily the most important instruments" in ensuring privacy (pp.294-295). Instead they suggest that principles embedded in technological design and developments of a social value of privacy are also important considerations. Although the SCP conflate the reduction of surveillance with the protection of privacy, they do not extend their analysis to critique the existing privacy legislation, nor to the technological construction of these artifacts. They also do not suggest alternative crime measures, camera construction, or operator behaviour to work toward concrete social change.

The History and Political Economy of Video Surveillance

The rise of modern urban centres allowed the assembly of large numbers of people, and the ability of individuals to live anonymously within them (Haggerty & Ericson, 2000). Technological developments such as photography, video and audio recording, biometric identification, and the internet have the potential to decrease and increase identity knowledge (Marx, 1999). Video recording technology was first developed in the 1930's by the German and U.S. governments, and was used in the 1950's for law enforcement (SCP, 2006a, p.244). During the 1960's, video surveillance cameras became more commercially available, providing activists and artists with the means to democratize communication, as well as permitting state and corporate surveillance of citizens and consumers (Boyle, 1992; Marchessault, 1995).

The installation of CCTV cameras in the United States and elsewhere has been fueled by their rhetorical and symbolic use in promoting security, reducing crime, and preventing terrorism. The SCP trace the increased installation of public CCTV systems in the U.S. from the early 1990's, in response to terrorist attacks, such as the bombings of the World Trade Centre in 1993, and of the Federal Building in Okalahoma City in 1995, as well as the war on drugs, crime, and petty infractions (SCP, 2006a, p.191).

Economic deregulation contributes to the diffusion of surveillance cameras. In their global survey of CCTV adoption, Clive Norris, Mike McCahill and David Wood (2004) note that nations undergoing radical economic liberalization have an exponential uptake of CCTV. Conversely, those under stable welfare-oriented states have limited public surveillance. They observe that trade liberalization may "heighten perceptions of risk and create more visible social polarisation" (pp.120-121), which increases public

receptivity to surveillance in trade for security. CCTV cameras are initially employed in the private sector, then adopted in public institutions, and later in public spaces, tending toward ubiquity. Between 1997 and 2001, the number of American city police departments using CCTV in public spaces doubled. However, uptake in the private sector has shown the most growth. Even before 9/11, CCTV use was predicted to grow dramatically, and sales have tripled from $282 million in 1990 to more than $1 billion U.S.D. in 2000 (ibid).

As Naomi Klein argues in *The Shock Doctrine* (2007), the U.S. government's commitment to privatizing core social services, including security, military and information gathering functions, accelerated after September 11, 2001. Following the fall of the high tech industry in the early 1990's, information technology companies looking for new markets found profits creating analytic software to make sense of surveillance camera footage. Installation of the cameras in America boomed after the World Trade Towers fell, and approximately 30 million new cameras now monitor public space in the United States (Klein, 2007, pp.339-388).

Toward a Social Movement

An international movement against surveillance cameras began to gain momentum in the late 1990's, with groups starting up in Italy, Sweden, Turkey, Greece, and Lithuania; however, the terrorist attacks of September 11th significantly changed the activist environment, and many of these groups have folded. Brown states, "to be perfectly honest, we have failed to start a global movement against the cameras... the idea that there's going to be a mass movement ... has turned out to be a pipe dream" (Brown, 2007). However, in a recent article, the SCP provides a vision for a possible

movement: "If we are really to form an effective anti-surveillance (that is, pro-privacy)

movement ... that movement must also be anti-capitalist and, of course, pro-democracy

(direct democracy, not its "representative" simulation)" (SCP, 2007c). As Brown notes:

> [I]t's important to realize that this isn't a monolithic international movement to install cameras, and that there are no differences between the countries, there are pronounced differences, and that something very positive may not come out of America, but may come out of Canada, or Denmark, or Sweden, and it's on the leverage of something that happens in those countries that things can happen in other countries.
> - Bill Brown, Personal Conversation, November 8, 2007

Global social movements appear to be in crisis. Initial optimism about the ability

to mobilize and democratize through electronic communication has come up against

corporate colonization of the internet (McChesney, 2004), and post-9/11 repression of

protest movements. Observations about the futility and possible danger of participating

in performative demonstrations may partly explain groups' increased use of

administrative tactics to promote social change. Brown explains that the American

people are overwhelmed by the audacity of their government, and disappointed by the

failure of the anti-war movement to stop the war in Iraq:

> But what certainly happened here in New York in the United States is that people are absolutely overwhelmed by the criminality of the Bush-Cheney regime. So that they realize that if we are speaking about certain constitutionally protected rights, say the right to privacy, and we have a President who has repealed habeas corpus, which is in many ways the doctrine, a seven hundred year old doctrine, that underpins all of the constitutional rights here in America, that means that people realize they have a much bigger problem than simply surveillance cameras. And unfortunately what many people have done, is once they've realized the seriousness of the problem, is they've given up political action and have gone back to taking care of themselves, their children, their family, feathering their own nest, because they realize, or feel, they can't stop the criminal gang that has taken over Washington D.C.
> - Bill Brown, Personal Conversation, November 8, 2007

Identities may also play a role in recruiting people to the SCP, and in propagating their approach. The SCP enumerate a number of possible identities that are required to take part in their plays. Participants "must be an anarchist, autonomist, libertarian, free-thinker or 'independent' ", and conversely, cannot identify as Communist, Socialist, Marxist, Republican or Democrat, or be racist, sexist of homophobic, among others (SCP, n.d.b.). Brown believes that inclusivity should not be promoted at all costs, advising anarchist groups to "never, ever be afraid of excluding people who are not anarchists pure and simple" (SCP, 2001c). This may have precluded the involvement of some communities and groups of people who may oppose the cameras, but do not find any common ground with SCP's political beliefs, as I previously explained.

Evaluating the Surveillance Camera Players

The Surveillance Camera Players have resisted the public use of surveillance cameras for over a decade, and their continued relevance may be due to the commitment of their members, in particular Bill Brown, despite the challenges they have faced, such as limited membership, legal questions of legitimacy, and failures to engage a diverse population or instigate a mass movement. Their adherence to anarchic principles and belief in the power of performance to promote social change fuels their political vision. The uncertainty about their role within a broader collective has not precluded their engagement with umbrella groups such as ICAMS, (ICAMS, 2008), or from collaborating on other surveillance interventions (Schienke & IAA, 2002; Monahan, 2006a).

The Surveillance Camera Player's theatrical approach to protesting public surveillance evolved alongside the anti-globalization movement, which used irony to

destabilize social hierarchy. Playful resistance may provide a building block for organized opposition (Flusty, 2000); however, this is not sufficient to promote policy change (Monahan, 2006a). Although policy change requires administrative strategies, festive street performances do have a role to play in social movements, in their ability to create community and raise public awareness (Chvasta, 2006; Shepard, 2003).

The Surveillance Camera Players have a strong position on the practice of public surveillance. They critique the logic of surveillance, questioning the discourse of crime deterrence and anti-terrorism by highlighting the actual consequences of video monitoring: privacy invasion, racial profiling, crime displacement, criminalization of poverty, normalization of behaviour, and oppression of protest. Their analysis stems from an anarchist practice, which opposes totalitarianism in all its forms. Although the SCP question the role of the state in governance and in law, they do not interrogate the nature of privacy or assess the adequacy of associated legal provisions. They understand privacy as a human right, and where legal protections for privacy exist in federal and state legislation, the Surveillance Camera Players accept them.

The SCP's failure to start an international movement could be linked to a number of factors, such as the lack of strategic successes in policy, the poorly understood protections of privacy by the public, the limited installation of cameras in welfare-state nations, and the widespread assumption that cameras reduce crime. As well, the SCP's political beliefs may intentionally exclude those who do not identify with anarchist organizing. However, related groups continue to thrive in France, and an increased concern about surveillance and security measures may instigate anger around the world, and highlight the need for sustained and visible critical protest against surveillance.

CHAPTER THREE – Coalition Justice for Adil Charkaoui

Coalition Justice for Adil Charkaoui (CJAC or the Coalition) engages with the public,

policy makers, the media and other groups in a manner that differs significantly from

both ICAMS and the SCP. As a broad, grassroots, community alliance, the Coalition

works to end Canada's security certificate system, which they contend allows for

"continued use of arbitrary arrest, indefinite detention without charge on secret

suspicions, and deportation to torture" (CJAC, 2007c). The Coalition formed rapidly

following the arrest of Canadian Permanent Resident, Adil Charkaoui under a security

certificate in May 2003 (Foster, n.d.). The Coalition consists of "an alliance of

progressive Muslim groups, refugee and immigrant rights organizations, anti-oppression

groups and the Charkaoui family" (People's Commission, n.d.a.); Muslim community

groups, legal organizations, student groups, and human rights organizations, among

others, constitute the Coalition (CJAC, n.d.a.). The Coalition is also part of a network of

immigrant and refugee rights groups in Canada, such as Solidarity Across Borders /

Solidarité Sans Frontièrs in Montreal[2], and the No One Is Illegal network across Canada

and internationally[3]. These self-organized groups are made up of migrants, immigrants,

refugees, non-status persons, and their allies who work to claim rights and entitlements

limited by their non-legal status in relationship to the state. They work against

deportation, detention, and surveillance, and are advancing a program of 'regularization'

that provides official legal status to live permanently in Canada (Nyers, 2006; Lowry &

Nyers, 2003).

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[2] See their website at http://www.solidarityacrossborders.org/
[3] The No One Is Illegal (NOII) network has emerged in Canadian cities with the largest immigrant and non-status immigrant populations, Montreal, Toronto, and Vancouver. In Montreal, NOII maintains a blog at http://nooneisillegal-montreal.blogspot.com/

I met with Mary Foster, one of the Coalition's central organizers, at the Charlevoix Metro in Point St. Charles, Montreal in order to discern their organizing approach, the relevancy of surveillance and privacy to their campaign, their engagement with diverse groups and identities, and their thoughts about a broader movement against surveillance practices. We had another conversation in March 2008 following the campaign's failure to stop the adoption of Bill C-3, *An Act to amend the Immigration and Refugee Protection Act (Certificate and Special Advocate)*, which proposed changes to the security certificate regime.

Approach

The Coalition is a single issue campaign that uses alliance building, administrative actions, and community outreach in order to engage in dialogue with the political mainstream. Community partnerships, political lobbying, media coverage, public education, protest, and legal action are all part of their efforts to eradicate security certificates. The Coalition invests in administrative tactics, such as letter writing and phone calls to elected officials, as well as educating themselves on relevant legal and institutional matters in order to challenge policy. Public outreach strategies include liaising with media, as well as hosting public forums. As well, the Coalition builds support within and among community groups and members through performance events, rallies, community dinners, and concerts. Community events also provide a means for group members to reclaim their anger and frustration by directing it towards political engagement and social change.

Foster iterated that the activities they undertake are done simultaneously, progressing organically without privileging one activity or relationship over another

(Foster, 2007). They consistently attempt to engage a wide public, "It's always aimed at broadening and deepening the basis of support, and the degree of solidarity, social solidarity that we're trying to build around the people who are being targeted" (Foster, 2008a). The first activities undertaken by the Coalition was in response to Adil Charkaoui's arrest in May 2003. They immediately proceeded to launch a legal challenge, and engage in rallies, press conferences, and coalition building. One of their first actions was to march in Ottawa with the friends and family of the men detained under security certificates, which converged at the Prime Minister's office (CJAC, 2003). In September 2003, a legal challenge to the constitutionality of security certificates was launched at the Federal Court by Adil Charkaoui. To provide support for the hearings, a public rally was held. When the Federal Court dismissed Charkaoui's case in December 2003, another cycle of efforts by the Coalition and other affiliated groups was instigated. Their general pattern of actions coalesce around legal decisions, judicial hearings, media responses, and significant milestones. Their approach follows Marcyrose Chvasta's observation that activists may have most success when using a cross-section of administrative, political, educational, emotional and legal tactics while building community, engaging with mainstream discourse, and creating relationships with the political elite (Chvasta, 2006). It also follows successful political advocacy by other immigrant groups, who won 'regularization' programs based on lobbying efforts, such as Quebec's Special Regularization Program for Haitians in 1981, and for Algerians in 2002 (Nyers, 2006).

Political Relationships

Unlike political protests that rely on performative interventions, the Coalition

invests its energies in explicit relations with political elites by maintaining a dialogue

with elected officials. One of their strategies includes engaging with those Members of

Parliament who were able to influence voting in Parliament. While taking part in a

November 17, 2007 march in Ville St. Laurent, Liberal leader Stéphan Dion's riding, a

neighbourhood with a large Muslim, Arab, and new immigrant population, I noticed that

the NDP had banners at the event. The New Democratic Party appears to provide the

most support for their efforts to influence parliamentary debate on laws pertaining to

citizenship and immigration, which supports ICAMS' suggestion that democratic

institutions can play an instrumental role in opposing surveillance and security policies.

In January 2006, the NDP passed an emergency motion calling for the abolition of

security certificates. This motion precipitated a Parliamentary Subcommittee to review

the security certificates as a part of its review of anti-terrorist legislation passed in 2001

(CJAC, n.d.b.). On October 20, 2007, the Quebec NDP, as well as federal party leader

Jack Layton (Toronto-Danforth), plus party members Olivia Chow (Trinity-Spadina),

Libby Davies (Vancouver East), Bill Siksay (Burnaby-Douglas), and Wayne Marston

(Hamilton Creek-Stoney Creek) supported a pan-Canadian day of action anticipating new

security certificate legislation (CJAC, 2007a).

A number of speeches have been made in Parliament on security certificates. Bill

Siksay has spoken against security certificates (Government of Canada, 2004a), and

suggested that the pre-removal risk assessment reviews, which requires an immigration

officer to review case related documents (Citizenship and Immigration Canada, 2007),

are only successful 3% of the time, indicating that they are not reliable measures in assessing the risk of torture or harm in deporting individuals to the country they have immigrated from (Government of Canada, 2004b). The Bloq Québécois has also spoken against security certificates. Ms. Meili Faille (Vaudreuil-Soulanges) drew attention to the certificate process (Government of Canada, 2004a), and the low burden of proof required to detain those held under them (Government of Canada, 2005a). As well, a march in Ottawa on June 21, 2005 prompted Ms. Meili Faille to request that the Minister of Citizenship and Immigration meet with concerned groups (Government of Canada, 2005b).

Alongside their efforts to build support among elected government officials, the Coalition has also built alliances with lawyers and advocacy groups. They are supported by a number of immigration and human rights lawyers, and have provided assistance for a legal debate on security certificates, organized by the Canada Research Chair on International Migration Law and the Quebec Bar Association at Université de Montréal on October 31, 2007 (CJAC, n.d.b.). The Coalition has helped raise awareness about security certificates and immigration law in the legal community and among NGOs by encouraging these groups to contend with the political consequences of the legislation and to take a stronger position against it (Foster, 2007).

Administrative Interventions

The Coalition responds to, and sometimes anticipates, governmental, judicial, and media events as a central driver for their campaign. The Coalition coordinates administrative interventions, such as petitions and phone calls, as well as community building and outreach events, such as public rallies, to correspond with Adil Charkaoui's

court hearing dates. On October 7, 2004, the Coalition encouraged forty people to gather in front of the federal government buildings in Montreal, the day before Charkaoui's hearing at the Federal Court (CJAC, n.d.b.). A press conference was held August 25, 2005 to announce the Supreme Court's decision to hear the constitutional challenge to security certificates. Other press conferences were also held in reaction to media revelations about Charkaoui's case (CJAC, n.d.b.).

Community Outreach and Popular Education

Anniversaries and special days were also used as rallying points. Family and friends of those held under security certificates marched in Ottawa on August 25, 2003 to publicly demonstrate their frustration with the security certificate process. This was the first time that the families of the five men were able to meet face to face, and a support network grew out of these relationships (CJAC, n.d.b.). On the first anniversary of Charkaoui's arrest, family, friends, and supporters gathered in front of the CSIS building to protest secret trials (ibid.). A cross-Canada day of action challenging secret trials was organized on December 10, 2004, Human Rights Day. This action coincided with the second anniversary of Algerian refugee Mohamed Harkat's detention under a security certificate (People's Commission, 2007). The decision from the Federal Court of Appeal was also released the same day. However, the decision was not positive, as hoped; the court ruled that security certificates were constitutional, and did not violate international agreements (*Charkaoui v. Canada* [2004] F.C.A. 421).

Public education is another axis for action, which includes media coverage, panel discussions, theatrical performances and community dinners. In an event called "No Liberty, No Security", on November 28, 2006, the Coalition organized a film screening

and panel discussion, along with a photo exhibit. A similar event was held on March 5, 2008, called "Whose Security? Building Migrant Struggles Against the National Security Agenda" (CJAC, n.d.b.). The Coalition also has close ties to community media groups, in particular through CKUT McGill campus-community radio, which regularly broadcasts interviews and panel discussions on related activities. However, their relationship with the mainstream media is more volatile, as they must contend with changing editorial and journalistic interests:

> At a certain point, you're going to run up against the editorial bias of the newspaper. We've seen that most recently - a journalist, a very good journalist, I think, I don't necessarily think of her as super-progressive, but she's very open-minded, very fair in the way she writes, and she was on the beat for the last four years, so she actually understands the issue very, very well. Her editorial staff said that she was pro-Adil, and took her off it. She was not pro-Adil. What she was, was someone who understood the issue, and so actually understood all of the problems with the process, and was reflecting that in her writing. But to the editorial staff, who were obviously connected with power, who have a certain class interest in presenting things a certain way, this appears as too radical a point of view... Clearly, the *Globe and Mail* at this point has taken a very strong pro-security certificate stance, has written article after article, which are just – I don't have words to describe how inaccurate their representation is. Completely un-factual, do not allow us to respond. They seem to be militantly pro-security certificate. I do not understand why that shift happened, because they actually were quite open to hearing the story early on, and published a two page interview with Adil, which really made a huge difference for him, published a number of things that made a huge difference in carrying our campaign forward, but they've reversed that in the last year and a half, in a way that I don't fully understand, but is devastating for our public campaign.
> - Mary Foster, Personal Conversation, November 26, 2007

One of the Coalition's major undertakings in connection with security certificates was to help organize a popular commission of inquiry into the impact of national security policy. The People's Commission on Immigration Security Measures was launched on March 18, 2006 through the efforts of Solidarity Across Borders, the Québec Public Interest Research Group at Concordia University, and the Coalition. Public hearings

were held April 21 – 23 in a community centre in Montreal's Little Burgundy district to bring people's experiences and testimonies into broader social debate. They invited "people from various parts of the political and social spectrum who helped pull sometimes unlikely allies together in the name of social justice" (People's Commission, 2007) The results of the Commission were presented to the Prime Minister in Ottawa on June 6, 2006 (People's Commission, n.d.b.).

At the core of the Coalition's strategies is to engage a large network of community organizations and supporters in many aspects of society. NGOs, students, community groups, neighbours, family and friends have all mobilized against security certificates. In particular, links have been sought with those who have the power to influence decisions, such as Members of Parliament, lawyers and media institutions. Foster notes that working with such a broad network is challenging, and decision making takes much longer because different groups have different ways of interacting, analyzing, and understanding the issue. However, because the Coalition has engaged a large constituency of support through grassroots organizations and sympathetic individuals, they are open to participation. Inclusive groups such as the Coalition "remain the magnets that draw people into movements and mobilize them behind causes - they are the qualities that need to be nourished for less individualistic and more effective activism to take root" (Monahan, 2006a, p.531).

The Coalition aims to shift the parameters of debate by framing the issue through appeals to basic cultural values and beliefs. By appealing to basic human rights values protected in constitutional and international law, the Coalition helped provoke a public debate in the media, through legal actions, and outreach, which influenced the Supreme

Court ruling on the unconstitutionality of security certificates (Tibbetts, 2007; Foster, 2007). Foster explains that humanitarian standards remain powerful tools in framing issues and securing wide support:

> [T]here's very few people in Canada who are willing to disagree with you that everyone has the same right to life, liberty and security, and that's certainly constitutional standard, that's certainly international law standard, so very few people are willing to disagree with that.
> - Mary Foster, Personal Conversation, November 26, 2007

This success confirms that community support and broad public discussion are able to effect change, which is reflected in the Coalition's approach to organizing.

Immigration Policy and Citizenship

Shifting the terms of the debate around security certificates is an ongoing struggle that coalesces around Canada's immigration policy. The precursor to the current security certificate regime was created in 1978 to expedite the removal of foreign spies and international organized criminals from Canada. Because these groups of people were not Canadian citizens, the law was placed in what we now call the *Immigration and Refugee Protection Act* (*IRPA*) (2001, c.27). In 1991, security certificates took their current form (British Columbia Civil Liberties Association, 2005), and since that time, have been used rarely to deport individuals to their country of citizenship. However, since 2002, security certificates have been reinterpreted, and now have reduced oversight mechanisms for the arrest of permanent residents. Other changes include restricted appeals processes for those detained under secret evidence. These alterations exacerbate the possibility that detainees may be deported to countries where torture is routinely used as punishment. It is these changes that have allowed the Canadian government to detain Adil Charkaoui under a two-tiered system of justice: one for citizens, the other for non-citizens.

Following the terrorist attacks of September 11, 2001, the Canadian security and intelligence services came under tremendous pressure from the United States. U.S. intelligence agencies and the American public see Canada as a safe haven for criminals, lax in its immigration policy, drug apprehension, and criminal punishment (Nickerson, 2000). On December 14, 1999, Ahmad Ressam, an Algerian man from Montreal, attempted to smuggle nitroglycerine and other explosives from Victoria, B.C., Canada into Port Angeles, Washington, U.S. Canadian police and intelligence agents failed to apprehend Ressam, which brought them under criticism from U.S. authorities. This incident also brought Montreal's Muslim community under suspicion (Walker, 1999). The terrorist attacks of 9/11 exacerbated this view, as it was initially believed that some of the attackers had entered from Canada (Webb, 2007a). Later findings show that the U.S. government had given most of the hijackers permission to enter as legally documented students or tourists. However, the U.S. maintains that the demilitarized borders it shares with Canada and Mexico are security threats (Martin & Martin, 2001). All three governments are currently pursuing harmonized immigration and security policies to police these borders, in particular through the Security and Prosperity Partnership, which aims to keep borders open for trade while identifying, tracking, and restricting the movement of people, communication and finances, as discussed in chapter one (Council of Canadians, 2008b).

Ottawa's response to these pressures was to follow in 2002 with the *Anti-Terrorism Act*, Bill C-36, which altered the circumstances under which individuals could be charged. This built on previous adjustments made to the *IRPA*, which would have severe implications for individuals detained under security certificates, their families, and

their communities. Prior to 2002 the Canadian Security and Intelligence Service (CSIS) was monitored by an oversight body, the Security and Intelligence Review Committee (SIRC). SIRC was authorized to investigate any case against a Permanent Resident before a security certificate could be issued. Bill C-11 eliminated this difference, so that SIRC would not be automatically involved. In practice, this meant that there was no oversight on the process (Parliament of Canada, 2001). Adil Charkaoui was arrested less than a year after the changes to the Immigration and Refugee Protection Act took effect, which made Permanent Residents automatically subject to security certificates.

The objective of immigration policy in Canada is clearly stated in s.3: "to permit Canada to pursue the maximum social, cultural, and economic benefits of immigration", and "to maintain the security of Canadian society" (*IRPA*, 2001, c.27). Individuals are selected based on their ability to make immediate positive contributions to the economy. Inadmissibility is determined based on "facts for which there are reasonable grounds to believe that they have occurred, are occurring or may occur" (s.33). Section 34 explains that Permanent Residents or foreign nationals may be inadmissible on security grounds for espionage or subversion of any government, for terrorism, for being a danger to the security of Canada, for engaging in acts of violence, or for being a member of an organization where "there are reasonable grounds to believe engages, has engaged or will engage" in acts of subversion, terrorism, or endangering Canadian security (*IRPA*, 2001, c.27).

Coalition Justice for Adil Charkaoui is only one of many groups who have criticized the security certificate process for undermining the adversarial justice process in Canada by withholding information about the case from the accused on the basis of

national security. In the case of Adil Charkaoui and the other men detained, only a summary of information is provided on which the certificate is based, to avoid disclosing evidence that might endanger national security. This severely limits their ability to defend themselves in a court of law. Bill C-3, *An Act to Amend the Immigration and Refugee Protection Act (Certificate and Special Advocate)*, attempted to address these concerns with the introduction of a Special Advocate, who would be allowed to view information held against the detainees in the course of consulting with them. Although it was adopted in February 2008, human rights organizations, community groups, and lawyers derided this change, citing the problems the U.K. has had with a similar system (CJAC, n.d.c.). Adil Charkaoui has additional barriers to accessing information about his case. In January 2005, it was discovered that CSIS had destroyed evidence related to Charkaoui's trial (CJAC, 2008). Notes from interviews conducted in 2002 between CSIS and Charkaoui were destroyed in accordance with a routine CSIS policy. Charkaoui's lawyers stated that this has harmed his ability to defend himself (Canwest News Service, 2008). Charkaoui launched a legal challenge to this revelation, which was brought in front of the Supreme Court on January 31, 2008 (CJAC, 2008). On June 26, 2008, the court unanimously concluded that the systematic destruction of operational notes is a breach of CSIS's duty to keep and disclose information. Charkaoui and the Coalition see this as a victory ("Terror Suspect Claims Partial Victory", 2008), even though the deportation hearing against Charkaoui is not halted (Makin, 2008). As well, the possibility remains that information used against Charkaoui could have been obtained through the torture of informants, one of whom is previously mentioned Ahmed Ressam (CJAC, 2008).

Concerns have also been raised about the reduced right of appeal available to permanent residents and others under the certificate. Section 64 of the *IRPA* eliminates the right of appeal for individuals deemed inadmissible on the basis of security, organized crime, and other violations (*IRPA*, 2001, c.27). This means the final ruling on the reasonableness of a security certificate has devastating consequences for the individuals detained, and for their families, which may tear the family apart, or deliver them all to a situation of extreme risk and possible persecution (CJAC, n.d.c.). Section 80 states that "A certificate that is determined to be reasonable is conclusive proof that the person named in it is inadmissible and is a removal order that is in force without it being necessary to hold or continue an examination or admissibility hearing" (*IRPA*, 2001, c.27). The June 26th Supreme Court ruling on CSIS's destruction of interview notes may play a role in later considerations of the 'reasonableness' of security certificates (Makin, 2008). The Federal Court of Canada has set October 12, 2008 as the date for a secret hearing on CSIS evidence against Charkaoui. Public hearings on whether or not Charkaoui will be deported to Morocco are scheduled to begin on November 24, 2008, and may continue into December (Ravensbergen, 2008).

Anti-Terrorism Act and Warrantless Interrogations

Ottawa quickly implemented legislative changes in response to September 11, 2001, passing the *Anti-Terrorism Act* (*ATA*) (2001, c.41), as part of a policy package that authorized preventive detention, and broadened the definition of a terrorist, among other things. The *ATA* substantially amended the Criminal Code. Section 83.3(4) of the Act allowed law enforcement officers to arrest individuals without a warrant. This clause was exploited by officials when questioning individuals in Muslim and Arab communities

(Zuberi, 2008a,b). A report by the Canadian Council on American-Islamic Relations (CAIR-CAN) documented the tactics used by law enforcement officers during interrogations of individuals in the Muslim community, citing that the threat of arrest through the *ATA* was frequently used. Law enforcement officers also discouraged legal representation, threatening behaviour, workplace visits, and interrogation of minors to intimidate interviewees (CAIR-CAN, 2005; Zuberi, 2008a).

Substantial changes were also made to the idea of "terrorist activity" in the Criminal Code. These changes were very broad, and could potentially be applied to many situations that were not terrorist related, and could include those who participate directly or indirectly to an activity, whether or not they know about the activity, or if it actually takes place.

The *Canada Evidence Act* was also amended, so that there would be no disclosure of information to individuals involved in legal proceedings that could injure national defence or security, or would encroach on the public interest (Government of Canada, 2002, section 38.13). This required amendments to the *Access to Information Act*, the *Personal Information Protection and Electronic Documents Act*, and the *Privacy Act* that prevented or stopped disclosure of information to individual requests that were blocked prior to within 90 days of request (ibid). Together with the use of these amendments, the *Anti-Terrorism Act* and security certificates have been used to deny non-citizens their basic human rights to a fair trial, and to place Muslim communities under surveillance.

Conceptual Inadequacy of Privacy for Protection

Privacy was not a concept adopted by the Coalition in their appeals to fundamental rights. A cursory search on their website reveals only two mentions of

privacy, both of them originating from external sources (CJAC, 2007b). Mary Foster explains why privacy rights were not used to counter act the conditions of Charkaoui's arrest:

> When we talk about the relationship between the state and individuals in the country, we tend to frame it less of this now thing of privacy rights, and more of this broad thing of state expansion of powers, so we do tend to talk about that quite a bit. Talking about a whole, broad onslaught, rather than just the narrow one of privacy rights, which I think is framed on a very classical liberal model of the individual within the state. Where we're coming from in analysis, and how we look at this, it's much more about, coming from an understanding of, less of individual rights in that way, but of communities being racialized in a systematic way, and individuals being operating within that framework, and the state always trying to expand its powers vis-á-vis those communities, and controlling those relationships within communities, and one way they do that of course is through surveillance, and one discourse to counter that has been what's developed around this privacy rights.
> - Mary Foster, Personal Conversation, March 5, 2008

Surveillance and profiling however are central concerns. Charkaoui and the other men held under security certificates were arrested according to a particular risk profile. Administrative tools and surveillance technologies are used extensively in the registration, monitoring and tracking of racialized populations. In the U.S., citizen border patrols use military technologies from the Gulf War, such as motion sensors, video cameras, image-transmitting aerial drones, and night-vision goggles, to track migrants passing from Mexico into the U.S. (Nguyen, 2005). Under the Absconders Apprehension Initiative in 2004, the U.S. ran a pilot project, where house-arrest was used as an alternative to detention in the case of immigrants with outstanding deportation orders, where "hundreds of immigrants around the country ordered to wear ankle bracelets while they waited for their deportation hearings" (Nguyen, 2005, p.33). A similar solution was used following the strike down of security certificates by the Supreme Court in 2007, where conditions for bail included that Adil Charkaoui remain under house arrest using

Global Positioning System tracking bracelets, and security cameras, as well as being

banned from using the telephone and internet:

> [T]he way that security certificates are being used to increase government
> surveillance, I mean it's that general way that I've just described, but it's also
> specifically the government saying 'Well, if we can't keep them indefinitely in
> prison, because there's too much of a public outcry, people don't like that, we're
> going to move them to home'. But home is no longer home, home is this place of
> government monitoring, home is *1984*. It's funny, because my address is actually
> 1984, strangely enough. But home is *1984* in the sense that "Big Brother" is now
> the bracelet on your, it's the GPS [Global Positioning System] tracking bracelet
> on your ankle. Home is surrounded by security cameras. In the case of all of the
> guys in Ottawa, there's security cameras at all their entrances, all their windows,
> everyone who comes in or out is monitored. Home now has a two-way listening
> device in it, so the government can always be listening in on what's happening.
> - Mary Foster, Personal Conversation, November 26, 2007

Privacy law in Canada may have little relevance in these cases as the *Privacy Act*

(1985, c.P-21), frames individuals as citizens, conferring rights to access and correct

personal information held by government. Under the *Personal Information Protection*

and Electronic Documents Act (2000, c.5), individuals are conceived as consumers, and

data protection is characterized in relation to the market, rather than to human rights

(Piper, 2000). As Gilliom notes, liberal orientations to privacy may be relevant neither to

surveillance subjects, nor surveillance policies (Gilliom, 2006).

Questioning Security and Surveillance

Prior to September 11, 2001, many of the technological, law enforcement, and

policy measures that the governments of Canada and the U.S. supported were stalled by

concerns about civil rights, such as the right to privacy, due process, and freedoms like

assembly and speech (Webb, 2007a, p.112). However, these rights were rapidly

eviscerated in the name of national security, which framed the degradation of these

protections as a trade-off, or a balance (Webb, 2007a, Lyon & Stalder, 2003). Security

and privacy, security and due process, and security and liberty were seen as fundamentally opposed, and the balance thus required a shift toward security.

The logic of 'balance' or 'trade-offs' between civil rights and national security have been questioned by a number of authors. Bennett and Raab (2006) suggest that the concept of 'balance' is misleading, as one value is not equivocal to the other. They state that 'balance' is "a political or bargaining outcome between conflicting objectives" (pp.243-244). Torin Monahan questions the logic that demands a trade-off of security and liberty. He notes that focusing on the trade-offs made, or the efficacy of security measures, avoids considering root causes of crime or terrorism. Instead, he urges us to consider surveillance and security through an analysis of power relations (Monahan, 2006b). As Martin French explains, "[a]lthough security is framed as a collective, universal good, it presumes social exclusion" (French, 2007, p.57). Exclusion is determined through relations of power, most evidently manifested through race in the post-9/11 environment.

Race and Exception

Coding Race

Adil Charkaoui fits the Canadian government's profile of a militant Islamic terrorist, which was rapidly constructed and propagated following September 11, 2001. He is a young Arab Muslim, highly educated, owns a fast food restaurant, practices martial arts, and has visited Pakistan (*Charkaoui, (Re),* [2005], F.C. 248). His status as a Permanent Resident has also placed him in the non-citizen category, which is not allowed the same rights and protections as Canadian citizens.

Simone Browne, writing on the politics of Canada's Permanent Resident card, and the production of categories of state subjecthood, notes that normative citizenship is based on nationalized immigrant bodies through coding country of birth. These categories provide ways to create profiles of risk, in order to exclude individuals whose nationality is depicted as a potential threat to Canadian security. She states that "nationalizing can be understood as a practice of racialization, where individuals are particularized in totalizing groupings and attributed essential racial meanings" (Browne, 2005, p.428). It is through the policy making process that the permanent resident category is remade "in relation to the anticipated security "threats" attributed to illegal migrants" (p.434). Citizenship status allows "calling the allegiance of the permanent resident into question" (p.426), where further differentiation can be made between safe and dangerous individuals based on the national code.

Security States of Exception

Giorgio Agamben describes the state of exception as a technique of government used during extreme internal conflict. The state of exception is a space where law has been suspended, and instead operates using the force of law, without law. Here, entire categories of people can be exiled and killed, because the rule of law no longer applies to them (Agamben, 2003). Utilizing Agamben's metaphor of the camp and the state of exception, Martin French examines security certificates, and argues that "the war on terror abroad has been accompanied by the proliferation and diffusion of the detention camp at home" (French, 2007, p.51), through the discourse of security and the practices of surveillance. He writes that the detention camp, authorized through the state of exception to hold those exiled, "envelopes those people who are included in the ruling

order, solely through their exclusion from it" (p.53). In this system any body may be constructed as a risk to the state, whose particularity is defined at moments of crisis through law. French writes "the generalization of the state of exception correlates with an inexorable tendency towards systemic racism" (p.55).

Racial Profiling

The pursuit of security is based on racial profiles. Canadian policy makers vehemently deny that profiling is practiced, although they engage symbolically with this concern through oversight bodies, such as the Security and Intelligence Review Committee, which has little practical power. However, evidence of Muslim and Arab experiences of questioning and interrogation by CSIS and the RCMP belie the official line (French, 2007).

Sherene Razack (2007) brings the idea of race-thinking to the state of exception in her analysis of security certificates. She writes that race-thinking is a structure of thought that divides the world into those who are deserving and those who are not, based on descent, to broadly create any mode of social hierarchy. She explains that "race thinking matures into racism through its use as a political weapon" (p.7). In her analysis, Arab-Muslim men are marked through their life histories and appearance as individuals whose propensity for violence is indicated by descent. These ideas are woven into narratives that suggest profiles that depend on pre-emptive sorting and are increasingly justified as bureaucratic rationality, as used formally in the U.S., and informally in Canada. Razack suggests that racial profiling is not adequate to describe the experience of being sorted into categories of good and bad Muslims, which take as its point of comparison 'modern', white, middle class 'Canadian values', as embedded in law and norms.

Racial profiling is carried out through the establishment of norms that subject target populations to exceptional surveillance. John Fiske writes that these norms produce a "non-racist racism" that is "a racism recoded into apparently race-neutral discourses" (Fiske, 1998, p.70). He describes how white racism informs the operation of state apparatuses, which are imbued with concepts of equality, justice, and objectivity. According to Fiske, normalization is a process of power that allows surveillance practices "to maintain the normal by disciplining what has been abnormalized" (p.72). Norms exclude non-whites through the belief that law and order protect those with "the power to define themselves as 'normal' citizens" (p.81). He observes that surveillance is unequally applied to those who are 'abnormal', therefore subject to white power. This may explain what French describes as the "hyper-conformity to the normative order" (French, 2007, p.59), where Canadian Muslim and Arab populations are discouraged from any cultural expression or behaviour that differs from dominant modes.

Canada's Multicultural Myth

In Canada, the struggle to redefine normalcy has come into sharp focus around issues of race, religion and culture. Canada's longstanding policy of multiculturalism may have masked many racist policies and practices, and is part of an ongoing attempt to articulate and even justify racist policies and practices that followed 9/11.

The move toward an officially sanctioned cultural mosaic in Canada follows closely after the October Crisis in 1970, when Québec nationalist group, Front de Libération du Québec kidnapped British Trade Commissioner James Cross and Québec Member of Parliament Pierre Laporte in their struggles to achieve independence from Canada. Prime Minister Pierre Trudeau enacted the *War Measures Act* on October 15th,

resulting in the detention of hundreds of individuals, the vast majority who were innocent. Two days later, Laporte's body was discovered, likely killed in response to Trudeau's actions (Grace, 2001). In 1971, Pierre Trudeau introduced a multicultural policy for Canada, which claimed to provide recognition for Canadians who were immigrants. However, by emphasizing the multiplicity of ethnic groups in making up Canada's cultural character, Trudeau diluted the claims of Quebec separatists. The *Canadian Multiculturalism Act* (1985, c.24) provided individual rights and freedoms, and allowed diversity within limits (Nugent, 2006). Multiculturalism has made it difficult to recognize racism in Canada, and is premised upon a Canadian identity that is white (Douglas, 2008). Sunera Thobani writes that Canadian immigration policy also incorporates these orientations, to preserve the whiteness of Canada while ensuring an adequate supply of labour. Immigrants are imagined as threats to the security of Canadians (Thobani, 2000): "The category 'immigrant' is a racially coded one which has come to be a referent for all people of color within Canada, regardless of their citizenship or actual legal status in the country" (Thobani, 2003, p.408). Immigrants are always racialized, always suspect, Thobani argues.

However, immigrants are not uniformly constituted or united, and tensions exist between immigrant communities and other racialized groups. In the spring of 2006, Coalition Justice for Adil Charkaoui helped carry out the People's Commission on Immigration Security Measures, which invited the public to help investigate national security, racial profiling, due process, arbitrary detention, and deportation. In their final report, they note that there is conflict between immigrants and other communities, such as long-established racialized communities, and indigenous communities, who have been

struggling daily with racism. Tensions also exist between those with secular beliefs, and those who experienced religion as an oppressive force, and those whose religion is now being oppressed in Canada, such as immigrant Muslim groups (People's Commission, 2007). In her book, *We Are All Suspects Now* (2005), Tram Ngyuen explains that in the U.S., the support for homeland security immediately following September 11, 2001 showed "71 percent of African Americans supporting profiling and airport security checks for Arabs", even though black communities had suffered racial targeting, in particular through the policies of the war against drugs (Nguyen, 2005, p.81). Prejudices between racialized groups persist; however, "immigrants share the common experience of being blamed, and of not belonging" (ibid, p.75), which is an idea emphasized in struggles for immigrant rights.

Opposing Surveillance and Profiling

Profiling may have devastating effects for individuals, such as Adil Charkaoui, but the effects extend to family, friends, communities, and allies. One effect of surveillance is to chill political participation in the larger Muslim community, in order to avoid being singled out for suspicion (CAIR-CAN, 2005). Nguyen describes a circumstance in the U.S. where an Iraqi family was questioned by the FBI on their knowledge of weapons of mass destruction. Since that time, the family, who was once active in the anti-war movement, no longer go to protest, and even go so far as to disguise themselves when going out to prevent photographs being taken of them (Nguyen, 2005, p.83-84). As well, surveillance may restrict freedoms of association and expression (Fiske, 1998) for Muslim communities, and for individuals organizing with groups like the Coalition. During a conversation with Sameer Zuberi, the Media and Human Rights Coordinator for

the Canadian Council on American-Islamic Relations, I asked him how individuals were resisting surveillance: "When they feel that their rights have been stepped on, when they feel that there is a problem going on in this manner of surveillance, or in other matters, they need to act, to do something about it" (Zuberi, 2008a). In a later conversation, he clarified this by explaining the type of action people took:

> Well, they've been able to protect against it by reporting it, and reporting abuses. Those abuses have been brought to light, and have shamed national security agencies involved in those wrong-doings. So that is probably one of the best ways to protect – also, there are complaint bodies that people can complain to, however, those procedures are quite complex, and arduous, and it's not every individual that can access justice so easily through these complaint bodies.
> - Sameer Zuberi, Personal Conversation, March 8, 2008

Coalition Justice for Adil Charkaoui and CAIR-CAN have been using documentation and witnessing, protest, and rights lobbying in order to resist new surveillance and security policy, and to reclaim rights that have been retracted since 9/11.

Identity, Place, and Community in Grassroots Organizing

Foster believes that identities are always formed in response to the many communities we participate in. She observes that multiple identities are engaged in the Coalition, including Muslim and Arab identities to some extent, but also "a young radical identity that's actually probably the most effective, that's actually moving this forward" (Foster, 2007). When asked how she envisioned a broader social movement developing, she suggested that we "[a]ppeal to people's sense of solidarity with each other, and their sense of history" (Foster, 2007). These ideals are reflected in their participatory organizational approach, which has a long history in Montreal's poor neighbourhoods.

From my participation in a number of actions and events, it appears that many of the participants are between the ages of 20 – 35, university educated. Most are white

females and males of South Asian or Middle Eastern background. This may be due to the Coalition's allegiance with the migrant justice movement that has been emerging throughout Canada and the United States, through groups such as the No One Is Illegal (NOII) network. In Montreal, a number of young men of South Asian and Arabic ethnicity have been central mobilizing figures in these groups, such as Jaggi Singh of NOII - Montreal (NOII, n.d.). No One is Illegal -Vancouver explains its positioning as a "grassroots anti-colonial immigrant/refugee rights community collective with leadership from members of migrant and/or racialized backgrounds" (ibid). The No-One Is Illegal collective consists of women and people of colour, which reflects observations I have made of Coalition participants. They work to secure concrete changes for immigrants, and develop the community's capacity to agitate for their own rights (ibid). Coalition Justice for Adil Charkaoui fits within this scope, and although there is no formal relationship between the two, it could be understood in relation to this larger project. The focus of the Coalition, and No-One is Illegal, is to oppose inhumane and illegal laws that exclude and displace immigrant communities.

Point St. Charles, where Mary Foster lives, has a history of feminist grassroots organizing for social change. Before the 1960's Point St. Charles was a thriving industrial hub, with Irish Catholic, Anglophone Protestant, and French-Canadian Catholic populations. Since that time, the area experienced rapid industrial decline, poverty, and unemployment. Progressive faith based groups in the area began organizing citizens to help improve their living conditions. Soon, residents began organizing themselves. Most activists were women, and many of them were housewives before getting involved in community organizing. They believed that organizing street by street was the only way

to mobilize citizens, starting at the bottom. Participatory, local democracy, direct action, and lobbying were the approaches they used to create alternative services to address problems such as health care, food security, welfare, and women's equality. Their emphasis on community decision making, political education, and festive celebration allowed them to turn anger into community action. The emphasis was on community needs: "you have to work with people where they are, and start from what they need" (The CourtePointe Collective, 2006, p.249). The Coalition works in a similar manner, beginning with community outreach, and then coordinating national actions with these groups (Foster, 2008b). The Coalition appears to draw from this example in its confrontational advocacy, outreach, and lobbying efforts, as well as its participatory structure.

Evaluating the Coalition Justice for Adil Charkaoui

Coalition Justice for Adil Charkaoui is a grassroots, community-based group, working with Adil Charkaoui, his family, friends, neighbours, community members, students, and other concerned individuals. Mary Foster attributes much of their strength to young radicals, who have the time and energy to support the Coalition's efforts. This broad coalition works in a participatory manner, where strategy is open to community members, and everyone is encouraged to take part. However, their limited resources, reliance on voluntary labour, and emphasis on a single issue may preclude its contribution to an anti-surveillance movement.

If the government decides to resolve Adil Charkaoui's case, Foster believes that the Coalition will likely dissolve. However, the network itself, and the activists put together will remain working with each other, although possibly in a different formation.

This confers with what Bennett and Raab believe is an impediment to the progress of advocacy groups, such as the privacy lobby, which includes human rights organizations, trade unions, and consumer groups. They propose that "any privacy campaign tends to need to build a fresh coalition for each issue" (Bennett & Raab, 2006, p.232). However, it does suggest that rebuilding an alliance for subsequent projects may be less onerous, as many important links have already been made between groups.

As an issue-focused group, their longevity is uncertain. Although links are created between members, which may facilitate future actions, the instability of local structures may make it difficult to create a sustained effort on issues of national security, racialization, immigration, and surveillance. Their flexibility may be both a detriment and a benefit, as members can mobilize to form new groups on emerging issues in a way that more established groups may not be able to. They are also able to express more directly the desires and needs of communities, through direct mediation of their concerns.

These local efforts may find strength in their articulation with umbrella organizations, such as the International Campaign Against Mass Surveillance, or the International Civil Liberties Monitoring Group, who are working to address national and international post-9/11 issues. They may also find rhetorical power and a source for community building from working with more theatrical interventions, such as those performed by the Surveillance Camera Players. Viewed as a necessary and flexible component of an oppositional movement, the Coalition helps develop a local and vocal challenge to national security and surveillance policies that is based on lived experiences for the benefit of the community itself.

CONCLUSION

The International Campaign Against Mass Surveillance, the Surveillance Camera Players, and Coalition Justice for Adil Charkaoui have each initiated purposeful interventions against surveillance policies and technologies in attempts to influence policy, popular opinion, and public support. Throughout this thesis, I interrogate how social groups are opposing surveillance by examining their organizational approach, their use of conceptual models for privacy and surveillance, the challenges they face, and the possibilities for broad mobilization against surveillance practice and policy.

I specifically focused on groups that operate outside the paradigm of privacy law, in order to determine the ways that surveillance is being more broadly opposed by a non-expert constituency. All three groups experience material constraints in terms of sustainability, including funding limitations and overwork of voluntary labour, a common obstacle for not for profit and ad hoc coalitions. As Foster notes, "it's a challenge in kind of two ways, just to find time to do that, or money to pay the rent if you're spending all your time doing that instead of doing paid work" (Foster, 2007). Funding for this type of work through government grants, foundations or donors is restricted, and often the organization is maintained by just a few extremely passionate, committed individuals who monitor and provide analysis on surveillance, privacy, and security issues:

> [I]t feels sometimes like it's impossible work to do because there's so little money for it, at least in Canada. There's very little money in other places too, other than the United States. In Britain there's Privacy International and Statewatch, two organizations that do an amazing amount of work, and you'd think they were staffed with 50 people each. There are basically two academics in each of those groups, who are just obsessed individuals, and they put out a lot of stuff.
> - Maureen Webb, Personal Conversation, November 7, 2007

Each group had highly educated leadership: Maureen Webb is a human rights lawyer with her L.L.M. from Columbia University, Bill Brown has his Ph.D. in American Literature from the State University of New York at Buffalo (Schienke & Brown, 2003), and Mary Foster has her Master's Degree in Political Science from McGill University (Bonn International Center for Conversion, 2001). Their experience and education may help organizers access knowledge and resources that are instrumental in the process of self-empowerment. In Montreal's Point St. Charles, local activists recognize that professionals and others who disrupted their conventional thinking, while engaging community members in the organizing process, were essential in instigating activism and participation (The CourtePointe Collective, 2006).

Each of the groups examined employ different modes of activity, engage with different discourses, speak with different communities, and work toward different concepts of governance. ICAMS engages NGOs to construct an international instrument that influences policy and governance at both global and domestic levels. The SCP use direct action and artistic intervention to challenge authoritarian positions and educate the public. The Coalition enlists broad community support and encourages those in power to support their activities.

Inclusion and Participation

The SCP, ICAMS and the Coalition each provide varying spaces for participation. In this thesis, I argued that broad-based, participatory movements are essential elements in the politics of surveillance. Through community mobilization, and wide-spread public support, people are able to challenge existing systems through self-empowerment. Where ICAMS allows indirect participatory space through other NGOs, it does not

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clearly identify channels for community agitation against surveillance policies. Instead, they locate resistance opportunities through NGOs, the courts, and democratic institutions, such as Parliament and data protection agencies (ICAMS, 2005). The SCP invites other individuals to stage their own performances, but their approach to organizing beyond this is generally thin, and may exclude people who do not identify as anarchists (SCP, 2001c), or who feel alienated from this political perspective, such as racialized minorities (Black Autonomy Network of Community Organizers, 2007). The Coalition links various community groups from diverse political, professional, ethnic, and religious backgrounds (Foster, 2007) through continuous negotiation of power relations (Foster, 2008a). In this way, they are able to empower community members through their own emancipation.

However, as Kari Karppinen (2007) warns, pluralism need not be celebrated for its own sake, but should be recognized as contingent and contested, whose limits are politically and economically constructed. She suggests structural reform to create institutional arrangements that increase opportunities for under-privileged actors, in order to support maximum democratic contestation. Applying this approach to questions of surveillance, privacy and technology leads towards a broader democratic and agonistic engagement in regulation.

The most direct examples of social change were demonstrated by the Coalition, which may indicate that their networks were effective in promoting change. However, the evaluation of success may also depend on how each group defines it: policy shifts, court decisions, media attention, or professional accolades. Accordingly, Webb, Brown

and Foster encourage activists to work at the local level, where tangible change can be made.

Passion and Identity

Chantal Mouffe proposes a revitalization of democratic politics through an appeal to collective identities: "In order to act politically people need to be able to identify with a collective identity which provides an idea of themselves they can valorize" (Mouffe, 2005, p.25). I asked each of my interviewees what they thought about this idea. Maureen Webb suggests that people may mobilize around a collective identity based in people's rights as citizens, and their desire to maintain democratic rights and freedoms that they feel are being threatened:

> [T]his defense of our democratic institutions and systems and way of life that are threatened by neo-liberal agendas, by the security agenda, which really, in many ways is not a security agenda, it's being used as a cover to push through all kinds of other agendas of social control that have been floated in the past and have always been defeated in western democratic countries. And so I think that this might be where people find their commonality and their passion and identity in resisting.
> - Maureen Webb, Personal Conversation, November 7, 2007

Bill Brown articulates a concept of affiliated, but singular political identities, which may engage in a pro-privacy, anti-capitalist, pro-direct democracy movement. The SCP generates their commitment from a sense of outrage, and the need to stand up for their rights, and the rights of others. However, they are not focused on being part of a mass mobilization:

> I think one of the traps of imagining oneself as part of a multitude, or a collectivity, is that if the multitude or collectivity doesn't materialize, or doesn't go into action, individuals are left stranded. And so what we've tried to do all this time, is not so much imagine a collectivity, or a multitude that we're part of, but that we are simply individuals who will not stand for this. And that means that we will act either with, or in the absence of collective identities, multitudes, large protest movements.

Mary Foster fundamentally disagreed with Mouffe's suggestion. Although she acknowledges an engagement with Muslim and Arab identities, she believes that there is a "young radical identity", standing up for the rights of others, which appears to be accepted by the people who are the primary actors in the Coalition (Foster, 2007). She expresses identity in relationship to community: "I always think our identities are in relationship to not just one community, but many communities in which we participate" (Foster, 2007). Ultimately, Foster suggests a vision for a social movement premised on people's solidarity with each other.

Writing on how diverse transnational social movements are linked through a critique of neoliberalism, Verónica Perera draws on Laclau and Mouffe's concept of the subject as de-centered, having positions autonomous from each other. She notes that these positions can be articulated, or linked in a way that does not preclude any necessary connections. In this manner, Perera believes that diverse social movements can "construct an articulatory practice that connects them in a way that transforms the identities of all" (Perera, 2003, p.80). These relations are based on conflict and contestation, as a necessary component of a radical democracy (Mouffe, 2005).

Each of these groups incorporates the emotive into political processes to encourage participation. On a personal level, Webb, Brown, and Foster each locate an impetus for their own participation from a sense of threat to established ways of life, from a sense of resistance to injustice, and from a sense of outrage and empathy. It is likely that anger spurred them to instigate these groups, and is what maintains their commitment. Webb believes that people will only become involved in an anti-

surveillance movement if they are personally and emotionally engaged, "I think people have to get it on a visceral level or they will not become politically mobilized around these particular issues" (Webb, 2007b). The Coalition has been able to extend this sense of passion and anger beyond their core members to a wide network of supporters. Foster describes the perspective of campaign members after Parliament passed Bill C-3 to legislate a Special Advocate for those under security certificates, which the Coalition opposed:

> I think people are coming back together and regrouping, and what puts us in a very, very different position than we were at the beginning of the campaign is that now a large, well established, broad-based and angry network of people have come together to oppose this kind of treatment of people, to oppose this treatment of themselves and of others.
> - Mary Foster, Personal Conversation, March 5, 2008

In looking at the strategic use of emotions in New York's ACT UP campaign for gay rights and AIDS activism Deborah B. Gould (2004) notes that ACT UP used "strategic mobilizations of emotions designed to motivate greater activist participation and to force concessions from those the movement was targeting" (p.159). Although she is careful to note that passions were played down in political processes in order to move away from mass behaviour models of political protesters that dominated in the 1960's, Gould explains that "people are much *more* than rational actors" (p.161, emphasis in original). Marcyrose Chvasta states that "no policy, or law, or budget will change unless the State feels threatened" (Chvasta, 2006, p.13).

Ideas and Alternatives

Surveillance and privacy were conceptualized in very different ways by each of the groups I examined. According to Gramsci, the war of position aims to dismantle the common sense reality of the ruling elite, and use tensions pre-existing in these common

sense ideas to build an emancipatory culture (Gramsci, 1971). The tensions between security measures, surveillance policies, and privacy protections promoted by policy makers and business leaders, and the need for protections against these proposals, may lead us to an opportunity to re-interpret or discard these concepts as tools for social change.

Privacy has been demonstrated to provide one of the common discourses, and one of the only established legal protections with which to counter surveillance. Although this was an important consideration for ICAMS and the SCP, the Coalition did not appeal to privacy as a solution for their concerns. The constitutional right to privacy forms a key remedy for the SCP. Human rights and dignities were central frameworks for ICAMS, which included rights of privacy, dignity, due process, and those against torture. The concept of privacy was conspicuously absent in the discourse of the Coalition, as it did not address the structural concerns or the radical analysis of the group. However, the Coalition's work did include an appeal to human rights and equality, even though Foster suggested that this was largely to communicate their demands to a broader public.

Privacy rights may provide an opportunity to foster an oppositional consciousness and frame formal political opposition (Haggerty & Ericson, 2006, p.32). Many scholars are attempting to theorize beyond liberal individual confines for privacy by constructing it as a human right (Shade, 2008), or a social good (Bennett & Raab, 2006; Regan, 1995). However, this thesis partly corroborates the contention that privacy may not always apply to surveillance subjects, particularly those experiencing categorical surveillance and profiling (Gilliom, 2006).

Surveillance as a tool for profiling and social control are central ideas around which each group built its opposition, largely understood as a negative force for expanding state and corporate power. All three groups identified the discriminatory structural effects of surveillance technologies and policy, particularly with regard to racial or group profiling. This widespread concern may indicate a fertile point from which to ground surveillance opposition. Foucault's emphasis on power relations is instrumental in understanding how subjectivities continue to be produced (Foucault, 1982). Surveillance schemes such as data mining and racial profiling continue to constitute new subjectivities (Haggerty & Ericson, 2006, pp.15-16), where people may be judged for differential treatment (Lyon, 2003). Contesting these categories, as the Coalition, ICAMS, and the SCP have done, brings greater awareness of these practices, and may foster individual resistance and organizational opposition (Haggerty & Ericson, 2006, p.16).

For these activist groups, privacy discourses have only been partially successful in articulating an anti-surveillance position; however, a focus on surveillance practices does not emphasize alternatives to current regimes. Privacy has been criticized for its vague conceptualization as an individual right in liberal politics (Regan, 1995), which is unable to adequately contend with the root causes of profiling and social sorting (Lyon, 2003) or the causes of crime or terrorism (Monahan, 2006b), such as poverty and oppression (ICAMS, 2005). Surveillance is understood as a form most readily resisted through individual subversive efforts, and not organized opposition (Gilliom, 2006). Although it has been acknowledged that individual subversive efforts for immediate gain may provide the impetus for more organized efforts (Marx, 2003; Flusty, 2000), sustained

oppositional efforts to address structural and systemic social and political problems is required in the politics of surveillance (Monahan, 2006a; Huey, Walby & Doyle, 2006; Martin, 1993). There has been some attempt to move in this direction in a recent report, which includes the legislation of surveillance issues (Surveillance Studies Network, 2006).

Gramsci indicates that positive alternatives are necessary to fuel a counter-hegemonic struggle (Butko, 2006). Mouffe builds on this by suggesting that any concept used to challenge prevailing discourses must resonate with people's desires and imagination. She states, "Democratic politics cannot be limited to establishing compromises among interests or values or to deliberation about the common good; it needs to have a real purchase on people's desires and fantasies." (Mouffe, 2005, p.6). It is this "purchase on people's desires and fantasies" that I would next like to consider. Prevalent concepts of the Panopticon and the dystopian world of George Orwell's *1984* continue to occupy the popular media and public discourse, but may sustain a struggle without providing a viable alternative to a police state, or surveillance society. Alternately, liberal, individualistic concepts of privacy provide us only with an idea of "the right to be let alone" (Warren & Brandeis, 1890), and fail to illustrate the gravity of new security and surveillance measures for democratic social systems, human rights and freedoms. Perhaps what is needed is a conception of a possible future world that ignites people's imagination for how they can contribute to or construct it. Tensions surrounding the idea of security may offer a different framework for contesting post 9/11 issues.

Throughout my interviews, the idea of security emerged as a potential avenue for organized political opposition to surveillance. Although the SCP did not include security

in its analysis, both ICAMS and the Coalition identified it as an important discourse. A recent report by the Oxford Research Group looked at security from the perspective of sustainability. They indicate that the only way to cultivate long term sustainability is to address factors that might precipitate future conflict, including global militarization, marginalization of the majority world, competition over resources, and climate change. They propose a sustainable security paradigm that opposes the control paradigm currently supporting the status quo through military force and economic control through neoliberal regimes (Abbott, Rogers & Sloboda, 2006). Groups such as the Council of Canadians are already campaigning against policies proposed by the Security and Prosperity Partnership, advanced by governments and corporate leaders of Canada, Mexico and the U.S., which call for harmonized security policies of the type that have already precipitated many of the surveillance policies erected in the post 9/11 world (Council of Canadians, 2008b). It is possible that further productive analysis of the sustainable security paradigm could help unite a grassroots movement that includes surveillance politics, but evades the privacy-surveillance dialectic that has been marked as an ineffective approach to systemic failures to address discrimination. Sustainable security encompasses the issues examined in this thesis and suggests constructive potential courses for action.

What are the possibilities for a social movement against surveillance?

This thesis is not able to adequately assess the existence of a new social movement against surveillance, but the three groups analyzed here highlight a number of observations that may encourage broader mobilization on these issues. The SCP, ICAMS and the Coalition each suggest that oppositional practices must stem from an educated

public. Each group has attempted to do this in their own way: through ironic theatre, through NGOs and democratic institutions, and through community mobilization. Although I argue that broad participation is necessary, there is room and need for all of these practices in a politics of surveillance. The SCP's theatrical protests may not significantly impact systemic issues (Monahan, 2006a), however, they play an important role in bolstering community morale (Chvasta, 2006). For such efforts to have sustained impact, it must be grounded in people's lived experiences (The CourtePointe Collective, 2006). The Coalition has responded to the needs of an individual, family, and a community by working with concerned groups and citizens for concrete change in Canada's surveillance and security laws and practices. They are able to channel the community's fear and oppression into a passionate politics that has direct relevance to their lives. The immediacy of community organizing is energy intensive (Foster, 2007), but is able to connect members in a manner that most other privacy groups and NGOs have not. The Coalition has also empowered community members to voice their concerns and stand up for their collective dignities (Zuberi, 2008a,b), which may facilitate future mobilizations for equal treatment. Although ICAMS has primarily identified agency in institutions such as NGOs, data protection commissioners, and judges, they may have an important role to play in facilitating the actions of groups such as the Coalition. One difficulty in protesting surveillance policies and practices is the variety of forms it takes, and the secrecy with which they are developed (ICAMS, 2005; Webb, 2007b). An umbrella group such as ICAMS may have sufficient resources to monitor the various projects that impact different groups and to provide analysis to foster and sustain opposition in localized forms. This is consistent with Webb's observation

that civil society groups working around privacy and civil rights issues operate more like a network whose members ebb and flow, rather than a movement in and of itself (Webb, 2007b). It is through organized opposition to surveillance practices that we may encourage democratic politics in surveillance technology and policy.

This thesis follows the trajectory of Society and Technology Studies scholars who hope to encourage citizen participation in technological design (Winner, 1995), by emphasizing the need for ordinary people to challenge and intervene in technological systems of surveillance. For Critical Race Scholars, the thesis may have highlighted some possibilities for engaging with issues of race, surveillance, technology, and policy. Research is needed on the ways that race, surveillance and technology interact and impact people's life chances from this critical perspective, and how they might be resisted or opposed. Privacy Law scholars, advocates, and activists may benefit from placing a greater emphasis on encouraging participation from a broader constituency. By including ordinary citizens, or engaging with partner groups who do, researchers may be able to influence policy and public discourse, and help develop a culture of privacy by promoting privacy's social, common and human rights values. One question to guide further inquiry may focus on what dimensions the value of privacy would take, and how it might operate in an agonistic, plural democratic system.

Surveillance Studies places a strong emphasis on power relations inherent in technologies, laws, discourses, and intersecting subjectivities; however, criticisms within the field suggest that more empirical work is needed (Lyon, 2006). Surveillance is a complex phenomenon, which will continue to constitute and be constituted through changing technological, social, economic, and political contexts. However, describing

the operations and experiences of surveillance is not enough. Scholars have begun to

engage in structural interventions in a politics of surveillance. By studying the

experiences of, and opposition to surveillance technology and policy, scholars can

provide an idea for a future that people can contribute to.

> I think people shouldn't give up hope. I think that there's been a growing
> resistance to the neo-liberal agenda, to the security agenda since 9/11 as so starkly
> put forward by the Bush administration. And I think people should remember that
> collectively they can resist and historically they have done it successfully. We
> just have to join together in ever greater numbers, and ever greater determination
> and that these things can be stopped and rolled back.
> - Maureen Webb, Personal Conversation, November 7, 2007

> Get educated. The only thing that keeps, I believe, this society vital and is the
> fact that people can educate themselves, and then ask very good questions. And
> that this is also an era, because of the internet, computers, high speed networks,
> databases, search engines, is that people can educate themselves fairly thoroughly,
> and that that is the only thing that can be done because the politicians and the
> police chiefs, and the people who are actually making and installing the cameras
> are banking, literally, banking on people's ignorance. That they don't know the
> statistics. They don't know the experiences that other countries have had. And
> that if you are armed with good information that's one of the best arms you can
> have.
> - Bill Brown, Personal Conversation, November 8, 2007

> People do need to sit up and take notice of what's happening around them, and
> engage in their own place, whether that's their work place, or as students, or in
> their communities, whether that's geographically defined or defined in some other
> social way. And there always are opportunities to be working on these issues
> wherever you are, and I think that's precisely what people need to do, is not leave
> those kinds of decisions up to professional political decision makers, and do start
> establishing, in the most general way, the relations they need want to see with
> each other in their own communities.
> - Mary Foster, Personal Conversation, November 26, 2007

It is only by empowering people to imagine and create other possibilities, within a

process of continual contestation and renewal, that a passionate anti-surveillance politics

may generate a cultural shift towards more democratic tools and practices.

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SUMMARY PROTOCOL FORM
UNIVERSITY HUMAN RESEARCH ETHICS COMMITTEE

IMPORTANT:

Approval of a *Summary Protocol Form* (SPF) must be issued by the applicable Human Research Ethics Committee prior to beginning any research project using human participants.

Research funds cannot be released until appropriate certification has been obtained.

FOR FACULTY AND STAFF RESEARCH:

Please submit a signed original plus THREE copies of this form to the UHREC c/o the Office of Research, GM-1000. Allow one month for the UHREC to complete the review.

FOR GRADUATE or UNDERGRADUATE STUDENT RESEARCH:

- if your project is included in your supervising faculty member's SPF, no new SPF is required

- if your project is supported by external (e.g. CIHR, FQRSC) or internal (e.g. CASA, FRDP) funds, the supervising faculty member must submit a new SPF on behalf of the student as per faculty research above. The supervising faculty member MUST be listed as the PI.

- if your project is NOT supported by external (e.g. CIHR, FQRSC) or internal (e.g. CASA, FRDP) funds, the student must submit a new SPF to the relevant departmental committee. Contact your department for specific details.

INSTRUCTIONS:

This document is a form-fillable word document. Please open in Microsoft Word, and tab through the sections, clicking on checkboxes and typing your responses. The form will expand to fit your text. Handwritten forms will not be accepted. If you have technical difficulties with this document, you may type your responses and submit them on another sheet. Incomplete or omitted responses may cause delays in the processing of your protocol.

1. SUBMISSION INFORMATION

Please provide the requested contact information in the table below:

Please check ONE of the boxes below :

☒ This application is for a new protocol..

☐ This application is a modification or an update of an existing protocol:
Previous protocol number (s): _____

2. CONTACT INFORMATION

Please provide the requested contact information in the table below:

Principal Investigator/ Instructor (must be Concordia faculty or staff member)	Department	Internal Address	Phone Number	E-mail
Jennifer Parisi (student)	Communicati on Studies		514-482-4004	jj_paris@alcor.concordia.ca
Co-Investigators / Collaborators		University / Department		E-mail
Leslie Regan Shade (student's MA Supervisor)		Communication Studies		lshade@alcor.concordia.ca
Research Assistants		Department / Program		E-mail

3. PROJECT AND FUNDING SOURCES

Project Title:	Anti-Surveillance as a Social Movement: Renewing democracy in the name of human dignity

In the table below, please list all existing internal and external sources of research funding, and associated information, which will be used to support this project. Please include anticipated start and finish dates for the project(s). Note that for awarded grants, the grant number is REQUIRED. If a grant is an application only, list APPLIED instead.

Funding Source	Project Title	Grant Number	Award Period	
			Start	End

4. BRIEF DESCRIPTION OF RESEARCH OR ACTIVITY

Please provide a brief overall description of the project or research activity. Include a description of the benefits which are likely to be derived from the project. Alternatively, you may attach an existing project description (e.g. from a grant proposal).

Scholars disagree about the rhetoric and strategy used by anti-surveillance and privacy activists and advocates. In an attempt to direct public awareness and action on issues of surveillance and privacy in post-9/11 North America, groups adopt different approaches to political intervention and public mobilization. Through interviews with members of the International Campaign Against Mass Surveillance, the Surveillance Camera Players, and the Coalition Justice for Adil Charkaoui , I will use rhetorical and discourse analysis to understand the practical effects of their efforts, as well

as evaluate their contributions toward the generation of a new social movement on issues of privacy and surveillance.

5. SCHOLARLY REVIEW / MERIT

Has this research been funded by a peer-reviewed granting agency (e.g. CIHR, FQRSC, Hexagram)?

☐ Yes   Agency: _____

☒ No

If your research is beyond minimal risk, please complete and attach the Scholarly Review Form, available here: http://oor.concordia.ca/REC/forms.shtml

6. RESEARCH PARTICIPANTS

a) Please describe the group of people who will participate in this project.

Bill Brown is a founding member of activist group, the Surveillance Camera Players.

Maureen Webb is a human rights lawyer and founding member of civil rights alliance, the International Campaign Against Mass Surveillance.

Coalition Justice for Adil Charkaoui is a community activist group that seeks to release those held under security certificates in Canada.

b) Please describe in detail how participants will be recruited to participate. Please attach to this protocol draft versions of any recruitment advertising, letters, etcetera which will be used.

Participants have been recruited in person, or by email, based on their current involvement in anti-surveillance, privacy and human rights activism.

c) Please describe in detail how participants will be treated throughout the course of the research project. Include a summary of research procedures, and information regarding the training of researchers and assistants. Include sample interview questions, draft questionnaires, etcetera, as appropriate.

Participants will be contacted in person, or by phone, for an interview lasting between 45 minutes and one hour. Interviews will be recorded for use in a radio documentary, and the conversation will be transcribed for textual analysis.
Sample interview questions are attached.

7. INFORMED CONSENT

a) Please describe how you will obtain informed consent from your participants. A copy of your written consent form or your oral consent script must be attached to this protocol. *Please note: written consent forms must follow the format of the template included at the end of this document.*

Informal consent has been received by email. I will obtain official informed consent by

having participants sign a copy of the attached consent form.

b) In some cultural traditions, individualized consent as implied above may not be appropriate, or additional consent (e.g. group consent; consent from community leaders) may be required. If this is the case with your sample population, please describe the appropriate format of consent and how you will obtain it.

I may obtain consent from a member of the Coalition Justice for Adil Charkaoui, representing the group, in lieu of a signature from each speaker.

8. DECEPTION AND FREEDOM TO DISCONTINUE

a) Please describe the nature of <u>any</u> deception, and provide a rationale regarding why it must be used in your protocol. Is deception absolutely necessary for your research design? Please note that deception includes, but is not limited to, the following: deliberate presentation of false information; suppression of material information; selection of information designed to mislead; selective disclosure of information.

n/a

b) How will participants be informed that they are free to discontinue at any time? Will the nature of the project place any limitations on this freedom (e.g. documentary film)?

Participants will be informed in writing and reminded at the beginning of the interview that they are able to discontinue the project at any time.

9. RISKS AND BENEFITS

a) Please identify any foreseeable risks or potential harms to participants. This includes low-level risk or any form of discomfort resulting from the research procedure. When appropriate, indicate arrangements that have been made to ascertain that subjects are in "healthy" enough condition to undergo the intended research procedures. Include any "withdrawal" criteria.

Potential harm or risk to participants is minimal, as each is publicly engaging in activism and ongoing community outreach, media releases and other activities releated to raising awareness of surveillance measures.

b) Please indicate how the risks identified above will be minimized. Also, if a potential risk or harm should be realized, what action will be taken? Please attach any available list of referral resources, if applicable.

The risks identified will be minimized by making the radio program available to them prior to broadcast, in order to receive feedback and suggestions for revisions.

c) Is there a likelihood of a particular sort of "heinous discovery" with your project (e.g. disclosure of child abuse; discovery of an unknown illness or condition; etcetera)? If so, how will such a discovery be handled?

n/a

10. DATA ACCESS AND STORAGE

a) Please describe what access research participants will have to study results, and any debriefing information that will be provided to participants post-participation.

Participants will be able to review and suggest revisions for any treatment of audio recording or textual work prior to distribution or publication.

b) Please describe the path of your data from collection to storage to its eventual archiving or disposal. Include specific details on short and long-term storage (format and location), who will have access, and final destination (including archiving, or any other disposal or destruction methods).

The initial discussions will be digitally recorded, and the data will be temporarily stored either as a digital file on the computer, or in mini-disc format. Audio archives in full will be made available through http://www.dataveillance.blogspot.com, and the radio program will be provided for public download from http://www.radio4all.net. The radio documentary will be aired both on CKUT (McGill University) and CJLO (Concordia University) campus-community radio stations.

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11. CONFIDENTIALITY OF RESULTS

Please identify what access you, as a researcher, will have to your participant(s) identity(ies):

☐	Fully Anonymous	Researcher will not be able to identify who participated at all. Demographic information collected will be insufficient to identify individuals.
☐	Anonymous results, but identify who participated	The participation of individuals will be tracked (e.g. to provide course credit, chance for prize, etc) but it would be impossible for collected data to be linked to individuals.
☐	Pseudonym	Data collected will be linked to an individual who will only be identified by a fictitious name / code. The researcher will not know the "real" identity of the participant.
☐	Confidential	Researcher will know "real" identity of participant, but this identity will not be disclosed.
☒	Disclosed	Researcher will know and will reveal "real" identity of participants in results / published material.
☐	Participant Choice	Participant will have the option of choosing which level of disclosure they wish for their "real" identity.
☐	Other (please describe)	

a) If your sample group is a particularly vulnerable population, in which the revelation of their identity could be particularly sensitive, please describe any special measures that you will take to respect the wishes of your participants regarding the disclosure of their identity.

If there are any concerns regarding the identification of individuals, the possibility of which may only apply to activists in the Coalition Justice for Adil Charkaoui, I will request to speak with an individual that is willing to be identified.

b) In some research traditions (e.g. action research, research of a socio-political nature) there can be concerns about giving participant groups a "voice". This is especially the case with groups that have been oppressed or whose views have been suppressed in their cultural location. If these concerns are relevant for your participant group, please describe how you will address them in your project.

The Coalition Justice for Adil Charkaoui may have some concerns about how they are portrayed. I will address any uncertainty by allowing participants to provide feedback on the research results, and in particular, on the radio show, which will be revised accordingly.

12. ADDITIONAL COMMENTS

a) Bearing in mind the ethical guidelines of your academic and/or professional association, please comment on any other ethical concerns which may arise in the conduct of this protocol (e.g. responsibility to subjects beyond the purposes of this study).

n/a

b) If you have feedback about this form, please provide it here.

n/a

13. SIGNATURE AND DECLARATION

Following approval from the UHREC, a protocol number will be assigned. This number must be used when giving any follow-up information or when requesting modifications to this protocol.

The UHREC will request annual status reports for all protocols, one year after the last approval date. Modification requests can be submitted as required, by submitting to the UHREC a memo describing any changes, and an updated copy of this document.

I hereby declare that this Summary Protocol Form accurately describes the research project or scholarly activity that I plan to conduct. Should I wish to add elements to my research program or make changes, I will edit this document accordingly and submit it to the University Human Research Ethics Committee for Approval.

ALL activity conducted in relation to this project will be in compliance with :

- *The Tri Council Policy Statement: Ethical Conduct for Research Involving Human Subjects*, **available here:**

    http://www.pre.ethics.gc.ca/english/policystatement/policystatement.cfm

- **The Concordia University Code of Ethics: Guidelines for Ethical Actions**

Signature of Principal Investigator: _____

Date: October 18, 2007_____

CONSENT TO PARTICIPATE IN Anti-Surveillance as a Social Movement

This is to state that I agree to participate in a program of research being conducted by Jennifer Parisi of the Department of Communication Studies at Concordia University. Jennifer Parisi can be reached by email jj_paris@alcor.concordia.ca.

A. PURPOSE

I have been informed that the purpose of the research is to analyze the tactics and strategies employed by anti-surveillance and privacy activists and advocates in North America, and to evaluate possibilities for a new social movement on issues of privacy and surveillance.

B. PROCEDURES

Research will be conducted through one interview lasting between forty-five minutes and one hour. The interview may take place either in person or by phone, will be recorded for use in a radio documentary, and transcribed for analysis in a written document.

I will be given an opportunity to review the radio documentary for revision prior to broadcast or distribution online.

C. RISKS AND BENEFITS

Potential risks of participation include disclosure of any activist affiliation or activity, and the consequences of this discovery.

Potential benefits of participation include heightened public awareness of struggles against surveillance and security measures that currently pose a threat to human dignity and civil rights.

D. CONDITIONS OF PARTICIPATION

I understand that I am free to withdraw my consent and discontinue my participation at any time without negative consequences.
I understand that my participation in this study is non-confidential.
I understand that the data from this study may be published.

I HAVE CAREFULLY STUDIED THE ABOVE AND UNDERSTAND THIS AGREEMENT. I FREELY CONSENT AND VOLUNTARILY AGREE TO PARTICIPATE IN THIS STUDY.

NAME (please print) _____
SIGNATURE _____

If at any time you have questions about your rights as a research participant, please contact Adela Reid, Research Ethics and Compliance Officer, Concordia University, at 514-848-2424 ext. 7481 or by email at areid@alcor.concordia

APPENDIX B – Interview Questions

Interview Questions
Bill Brown, Surveillance Camera Players

1. It has been over ten years since your group first began theatre performances in front of video surveillance cameras. Can you describe me what those initial performances were like?
2. What is your group's position on public surveillance cameras?
3. What did your group initially hope would result from these performances and how has that changed?
4. The Surveillance Camera Players also conducts monthly walking tours of heavily surveilled urban spaces. How do you think that the performances and tours act to counter surveillance?
5. What is your groups' strategy for mobilizing social change?
6. Your performances engage the public, but do not focus on policy change. Why is that?
7. Do you think that when privacy is placed in the legal realm, the public is less able to engage with the issue?
8. What challenges have you experienced in reaching a larger audience?
9. Political theorist, Chantal Mouffe proposes a revitalization of politics through people's passions. In her book *On the Political*, she states "In order to act politically people need to be able to identify with a collective identity which provides an idea of themselves they can valorize." (Mouffe, 2005, p.25). What would the collective identity for a new social movement against surveillance look like?
10. Do you think that part of the motivation for recent security measures of the U.S. department of homeland security is partly related to increasing their ability to eliminate any dissent – whether from environmental activists, poverty reform movements, or guerrilla fighters?
11. What do you think needs to happen before the public demands that the U.S. government reverses their intensified surveillance activities?
12. When surveillance and privacy are discussed in mainstream media, it is often said that those that have done nothing wrong have nothing to hide. How would you respond to that?
13. Your web page lists the number of times the media has either failed or followed through in their coverage of your group. What do you think about the press you have received? Has it helped or hindered the goals of the Surveillance Camera Players?
14. Your group recently published *We Know You Are Watching*, a book celebrating ten years of creative activism by the Surveillance Camera Players. What stood out to you when you were putting the book together?
15. What are your future hopes or plans for your group?
16. Do you have any final thoughts or comments that you would like to leave with?

Interview Questions
Maureen Webb, International Campaign Against Mass Surveillance

1. *Illusions of Security* was published earlier this year. What kind of reaction has the book received?
2. In the book you begin by describing the story of Monia and her husband Maher Arar, and how they dealt with Arar's 2002 detention and deportation to Syria where he withstood torture, without evidence or charges, before he was eventually returned home. How did you come to tell this story?
3. In your book you write that surveillance cannot address the root causes of terrorism, which includes poverty, lack of opportunity and political repression. What strategies have you considered to get governments to acknowledge these links?
4. How do you think increasing democratic accountability and transparency would affect surveillance?
5. How did the International Campaign Against Mass Surveillance (ICAMS) begin?
6. What is ICAMS strategy for engaging with surveillance issues?
7. How would you measure the success of ICAMS activity?
8. What type of financial support does ICAMS receive?
9. How might anti-surveillance, privacy and civil rights groups work together to help forge a new social movement?
10. What challenges have you experienced in attempting to reach a larger audience?
11. Political theorist, Chantal Mouffe proposes a revitalization of politics through people's passions. In her book *On the Political*, she states "In order to act politically people need to be able to identify with a collective identity which provides an idea of themselves they can valorize." (Mouffe, 2005, p.25). What would the collective identity for a new social movement against surveillance look like?
12. Do you think that when privacy is placed in the legal realm, the public is less able to engage with the issue?
13. How have you seen surveillance issues presented in the mainstream media? Is it any different than how it is represented in alternative media?
14. Many individuals believe that only those who have done anything wrong need fear surveillance. What would you say to those people?
15. What are some practical measures Canadians can undertake to ensure that the hard-won civil rights and freedoms will not deteriorate?
16. Do you have any final thoughts or comments that you would like the audience to come away with?

Interview Questions I
Mary Foster, Coalition Justice for Adil Charkaoui

1. How did you get involved in Coalition Justice for Adil Charkaoui?
2. Can you describe how the Coalition came together?
3. How did the Coalition decide that the security certificates should be challenged on the basis of unconstitutionality?

4. Were there other suggestions for how security certificates should be addressed?
5. What is the Coalition's strategy for challenging security certificates?
6. Which were the most successful?
7. Can you explain how public pressure helped influence the Supreme Court's 2007 ruling on the unconstitutionality of security certificates?
8. Do you think the increasing unpopularity of the War in Iraq, and the results of the Arar Commission had any affect on the Supreme Court decision?
9. Adil Charkaoui remains under house arrest, monitored by authorities. Do you think surveillance may become a normal part of Canadian society?
10. Have you ever felt that your involvement with the Coalition has brought you under surveillance?
11. How has your group maintained funding for lawyers and other activities?
12. How would you describe the people who have volunteered, or otherwise supported, the Coalition?
13. Political theorist, Chantal Mouffe proposes a revitalization of politics through people's passions. In her book *On the Political*, she states "In order to act politically people need to be able to identify with a collective identity which provides an idea of themselves they can valorize." (Mouffe, 2005, p.25). What would the collective identity for a new social movement against surveillance look like?
14. What are some of the challenges you have experienced in bringing your message to a broader public?
15. How have links with other organizations helped in your efforts to liberate Mr. Charkaoui?
16. What does surveillance mean to you?
17. What are the future plans for the Coalition?
18. What are some practical measures Canadians can undertake to ensure that the hard-won civil rights and freedoms will not deteriorate?
19. Do you have any final thoughts or comments that you would like to leave with?

Interview Questions II
Mary Foster, Coalition Justice for Adil Charkaoui

1. How do you feel about the passing of Bill C-3 into law?
2. Why do you think the government passed the new security certificate legislation so quickly?
3. What does this mean for Adil Charkaoui and the other men detained on security certificates?
4. How is Mr. Charkaoui's family dealing with all of this?
5. CSIS has used surveillance tools, such as wiretaps and informants to build its case against Mr. Charkaoui. However, privacy rights have not been used as a way to counteract his conditions of arrest. Why is that?
6. How do you think public perception of Mr. Charkaoui is affected by the fact that he is a permanent resident, but not a citizen of Canada?
7. How have you seen the Muslim community in Montreal respond to interrogation by CSIS and the RCMP?

8. As a white woman, did you ever worry about being able to connect with and accurately speak on behalf of people who were Arabic and Muslim?

9. Security certificates have been in use since 1978. Have you seen changes in the way they have been used over time?

10. What does privacy mean to you?

Interview Questions I
Sameer Zuberi, Canadian Council for American Islamic Relations

1. How do you feel about the adoption of Bill C-3?
2. What does this mean for the five men currently detained on security certificates?
3. How do you think public perception of these men is affected by the fact none are Canadian citizens?
4. How have you seen the Muslim and Arab communities in Montreal respond to interrogation by CSIS and the RCMP?
5. What ways have the Muslim and Arab communities resisted government surveillance?
6. Why haven't privacy rights been used as a way to counteract surveillance by law enforcement?
7. How is CAIR-CAN encouraging communities to overcome racial profiling?
8. How has your identity been affected by the *"War on Terror"*?
9. What have been some of the biggest challenges you have faced?
10. How could a social movement emerge from opposition to anti-terrorist politics?
11. What are some upcoming plans for CAIR-CAN?
12. Are there cases where people outside of law enforcement have monitored the Muslim and Arab communities?
13. Why do you think the government passed the new security certificate legislation so quickly?
14. Security certificates have been in use since 1978. Have you seen changes in the way they have been used over time?


Interview Questions II
Sameer Zuberi, Canadian Council for American Islamic Relations

1. How have you seen the Muslim and Arab communities in Canada been affected by surveillance and interrogation by CSIS and the RCMP?
2. What strategy and assumptions are used by law enforcement officers in investigations?
3. Do you have any examples of this?
4. How are law enforcement agencies using physical surveillance and electronic surveillance?
5. You have been working closely with people who are affected by these policies. How does this make you feel?
6. What ways have the Muslim and Arab communities been able to protect against or avoid surveillance?

APPENDIX C – Illustrations

International Campaign Against Mass Surveillance
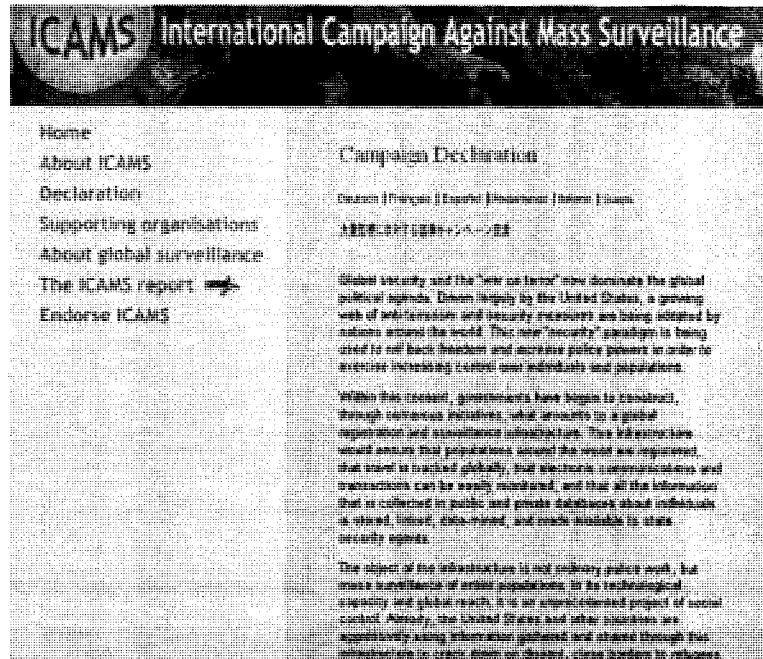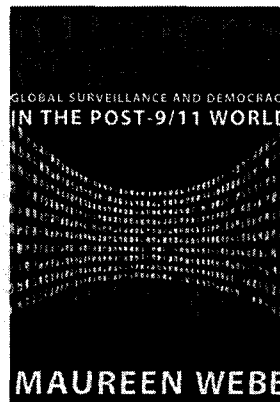
ICAMS Founding Organizations

International Civil Liberties Monitoring Group

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[4] ICAMS. (n.d.). *Campaign Declaration.* Retrieved September 2, 2008 from http://www.i-cams.org/Declaration_Eng.html

[5] Maureen Webb, Human Rights Lawyer and Co-founder ICAMS. Image retrieved April 3, 2008 from http://www.canadians.org/integratethis/Maureen_Webb.html
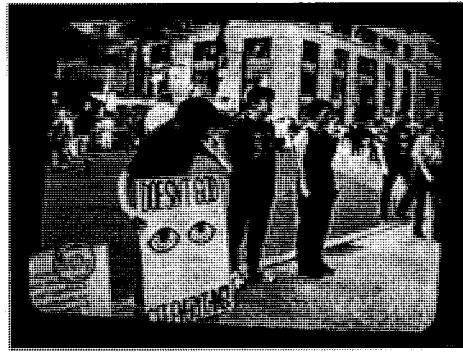
[6] Image retrieved September 10, 2008 from http://www.citylights.com/book/?GCOI=87286100798990

1

2

"Why are there surveillance
cameras at the church?"

"Doesn't God see everything?"

3

4

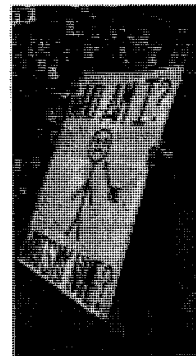"Daddy says the cameras
are God's eyes"
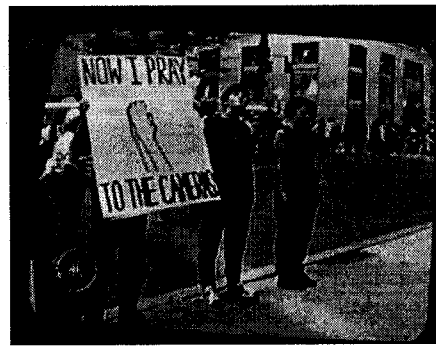
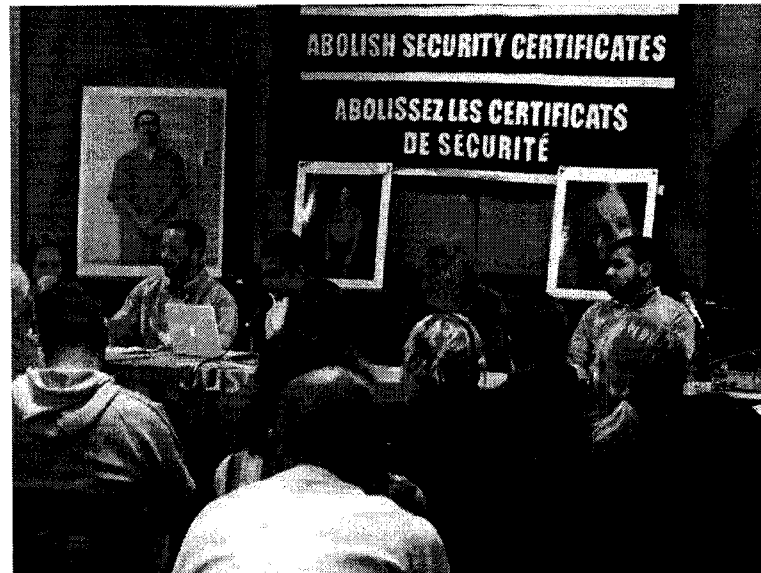"Now I pray to the cameras"

5

7

8

"I want God to see me"

Bill Brown

[7] Surveillance Camera Players. (2000). *God's Eyes Here On Earth.* Retrieved January 20, 2008 from
http://www.notbored.org/god's-eyes.html
[8] Surveillance Camera Players. (2002). *Amnesia.* Retrieved September 12, 2008 from
http://www.notbored.org/who-am-1.jpg

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Coalition Justice for Adil Charkaoui
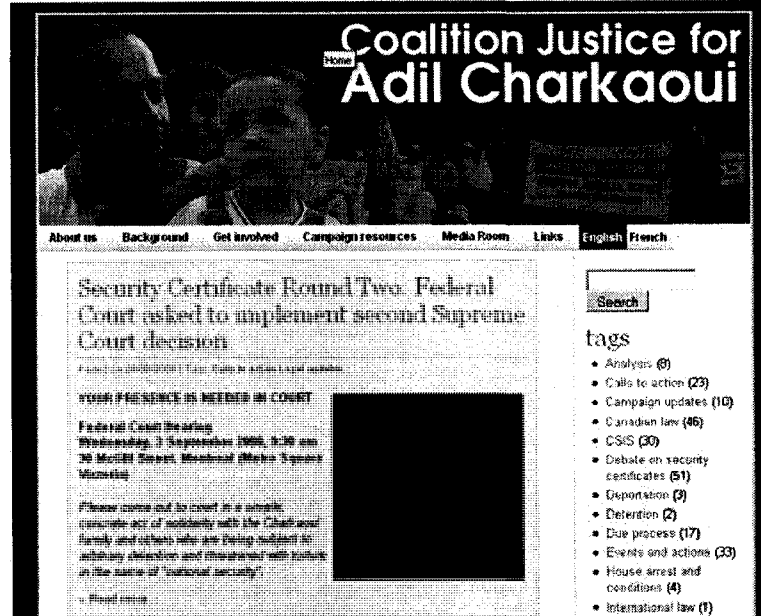
[9] CJAC. (2008). *Home.* Retrieved September 2, 2008 from http://www.adilinfo.org/

[10] CJAC. (2007). *The Other Arars.* Retrieved September 2, 2008 from http://photos.cmaq.net/v/certificats_de_securite/ Panel speakers from left to right Marie-Ève Lamy (Coalition Justice Adil Charkaoui), Adil Charkaoui, Yavar Hameed (lawyer, Hameed Farrokhzad St-Pierre Chambers), Dominique Peschard (Vice-President, Ligue des droits et libertés), and Abdullah Almalki (Canadian engineer arrested and detained in Syria for almost two years on suspicion of terrorist ties).

11

12

[11] No War – Paix. (2003, January 26). *Peace Team Press Conference.* Retrieved April 3, 2008 from
   http://www.nowar-paix.ca/documents/peaceTeam/montreal/
   Mary__Mick_and_Lisa___Montreal_Press_Conf_01_26_03_NM.jpg
   Mary Foster is seated on the far left.
[12] Centre des médias alternatifs du Québec. (2007). *Teach-In: Racisme, Islamophobie et securite nationale.* Retrieved
   September 4, 2008 from http://photos.cmaq.net/v/Racisme_Islamophobie_et_securite_national/
   DSCF2434+1037.jpg.html
   Sameer Zuberi, Human Rights and Communications Coordinator for the Canadian Council on American
   Islamic Relations, speaks about the targeting of Muslim and Arab communities.