

Course Outline

COURSE:	LAWS 4309A	State Security and Dissent
PREREQUISITES:	Fourth Year Honours Standing; LAWS 3305, 3503 or 3509	
TERM:	Early Summer 2009	
CLASS: Day & Time:	Tuesdays and Thursdays, 2:30-5:30	
Room:	Please check with Carleton Central for current room location	
INSTRUCTOR:	Professor Barry Wright	
CONTACT: Office:	D591 Loeb	
Office Hrs:	Tuesdays and Thursdays, 5:30-6:00	
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Email:	b_wright@carleton.ca	

"Students with documented disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities include physical, mental, and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, drug and alcohol dependencies, environmental sensitivities, as well as other conditions. Registered PMC students are required to contact the PMC at 613-520-6608, early each term to ensure that your Instructor receives your Letter of Accommodation no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to the Paul Menton Centre as soon as possible." Also available at http://www.carleton.ca/pmc/faculty/acom_statement.html . For Religious and Pregnancy accommodations, please contact Equity Services, 613-520-2600 x. 5622 or their website: www.carleton.ca/equity.

Course Summary:

The course examines the legal responses of Canadian governments to activities ranging from popular protest and political opposition to insurrection, rebellion, terrorism, and war. These responses to real and perceived state security concerns have included the prosecution of political offences (eg. treason, sedition and other offences in the Canadian Criminal Code), proceedings flowing from separate national security measures and emergency powers (Official Secrets Act, War Measures Act), and the exercise of related powers (security branch operations, military justice). They reveal important historical legal and political experiences of Canadians and illuminate general themes such as the tensions between the rule of law and sovereignty, civil liberties and public order/safety. The overview portion of the course focuses on setting out a historical context for examining current issues, culminating in examination of the reform and accountability of domestic agencies charged with enforcing national security laws (RCMP, CSIS, CSE), anti-terrorism measures and amendments enacted since 2001, and related matters recently before the Canadian courts.

Course Assessment:

- In-Class Test (11 June, one hour closed book, short answer)	10%
- Seminar Presentation (based on essay topic, approx 15 mins)	10%
- Class Participation	10%
- Research Essay (topic selected by 9 June, due 25 June, 10-20 pages)	70%

TOPIC SCHEDULE AND READINGS:

All the required readings are found in the LAWS 4309 Coursepack which must be purchased (available at the University Bookstore).

May 12: Course Overview and Introductions

May 14: General Legal and Political Themes;
Read for this class:
 -Grace and Leys
 -McNaught

May 19: The Classic Political Offences of Treason and Sedition
 -Greenwood and Wright
 -Greenwood
 -Sections 46-55, 59-69 of the Criminal Code
 -Law Reform Commission of Canada Working Paper 49

May 21: Criminal Law and Labour Repression: Criminal Conspiracy, Section 98
 -Tucker
 -Kehler and Esau
 -MacGillivray
 -Petryshyn
 -Sections 98 (rep.), 465-7 of the Criminal Code

Classes Suspended Week of 25 May (no class 26 and 28 May)

June 1: Modern National Security Measures: The War Measures Act and Official Secrets Act (Security of Information Act)
 -Greenwood
 -Berger
 -Order in Council P.C. 411 (1946)
 -The War Measures Act, s.1-3
 -The Official Secrets Act, s.3-4

- June 4: 1970's-1990's Reforming the War Measures Act and Security Agency Operations
 -Friedland (overview)
 -The Emergencies Act
 -Mandel
 -The Canadian Security Intelligence Act
 -Atkey
 -Franks
 -"In Flux but not in Crisis"
 -Boulden
 -Orders in Council affecting the Communications Security Establishment
- June 9: Current Measures and Controversies: The Prevention of Terrorism
 -The Anti-Terrorism Act, extracts
 -Weinrib
 -Note on the Anti-terrorism Act and Recent Security Issues before the Canadian Courts
 -Dyzenhaus
 -Roach
NB. Topics due this week
- June 11: **In Class Test and Presentation Schedule.**
- June 16, 18, 23: **Seminar Presentations**
- June 25: **Essay Due**

IMPORTANT ADMINISTRATIVE NOTES:

Failure to complete any portion of the required evaluation will result in a F grade. A deferred essay may be written upon application to and approval from the Registrar's Office. Late essays will be marked down on half letter grade (eg. B to B-) for each day submitted after the due date. Essays must be typed or word processed and submitted in hard copy (handwritten papers, computer files or email attachments will not be accepted). Please retain a photocopy or secure file copy of the submitted essay. Essays must be submitted in person to me or deposited in the essay drop box outside the Department of Law General Office Loeb C473 on the due date. The Department of Law assumes no responsibility for essays that are submitted in an irregular manner. Graded essays may be picked up from me during office hours or returned by post (if a stamped self-addressed envelope is included).

All assignments must be original and prior approval must be obtained from me if it is intended to submit work that has been previously, or is currently, submitted for credit in another course. Please note carefully University regulations on plagiarism and academic offences.