

State Crimes Against Democracy and Canada's 2011 General Election

By [Prof Michael Keefer](#)

Global Research, March 13, 2015

Region: [Canada](#), [USA](#)

[W]e have had the possibility of living in democracies. What does it mean? It means places where the privileged are not the ones to make the decisions, but that the underprivileged are going to rise to a status where they are normal human beings and human citizens with their freedoms and their rights. When that is no longer the case, whatever the circumstance [...], then it is proper for the young generation to listen to the very old ones who tell them, "We have been resisters at a time where there was fascism or Stalinism. You must find the things that you will not accept, that will outrage you. And these things, you must be able to fight against nonviolently, peacefully, but determinedly." - Stéphane Hessel¹

1. Democracy: a "possibility" we have enjoyed

In October 2010 Stéphane Hessel, a leading exponent of democratic values throughout a long life that included service in the French resistance to Nazi occupation, participation in the drafting of the United Nations Universal Declaration of Human Rights, and a diplomatic career involving contributions to other important instruments of international law as well, produced an essay—one might say a manifesto—that became an international sensation. Published when Hessel was 93, *Indignez-vous!* sold 2.5 million copies in France within six months.² Translated into many languages, the booklet went on to influence the Indignados and Occupy movements in Spain and the United States.

Hessel based his analysis in *Indignez-vous!* on what he called the foundation of his political life: his wartime experience in the resistance, and the declaration by the National Council of the Resistance on March 15, 1944 that defeating the Nazis and their French collaborators was only a stage on the way to "a true economic and social democracy."³

The forces Hessel had opposed in his early years included those on the political right in Vichy France and in Occupied France who approved of the social order imposed by their Nazi conquerors; at 93, he thought it shameful that governing elites in France who are effectively the intellectual heirs of that discredited *Ordre nouveau* should be discarding the inheritance of the resistance. What prompted his manifesto for a new political resistance was the strong contemporary tendency, in France as in the other democracies of the developed world, toward a revocation of the social and civil rights for which the anti-Fascists of his generation had struggled—which has produced the outrageous spectacle of states declaring the impossibility any longer of funding social, educational, and health-care programs that had been created during the post-war period, while at the same time increasing social inequality through regressive taxation policies, lavishing resources on unjust foreign wars, and rewarding the wildly imprudent and often openly dishonest behaviour of financial institutions with gargantuan bailouts.

The processes involved in the revoking of social and civil rights against which Hessel protested have, for the most part, preserved at least a façade of legality.⁴ But in recent decades there has also been a tendency, most pronounced in the United States, but observable in other countries as well,⁵ toward interventions in democratic processes (including both elections and what would otherwise be normal patterns of public opinion formation) that are at once both openly illegal, or indeed criminal in nature, and also covert. During the past decade—beginning several years prior to the publication of Stéphane Hessel’s manifesto, this tendency has become an object of formal research and inquiry among an active group of social scientists in the United States, Britain, Australia, and Canada. The term that scholars working in this domain have adopted for the primary objects of their attention is “state crimes against democracy.”

2. Defining “state crimes against democracy”

Interventions of the kind that deserve this label, involving flagrant and often violent subversions of legality, are typically aimed at reorienting both public opinion and the structures of power within the state. But they are covert, in that the organizations involved—whether these be the more or less unaccountable security and policing agencies that make up a large part of what some analysts refer to as “deep politics,”⁶ or elite groups within political parties, or some alliance of the two, possibly involving powerful corporate interests as well—make strenuous efforts to conceal their own involvement and to offer to the public deceptive alternative accounts of events for which they are responsible. This deception, obviously enough, is a crucial aspect of the event, the intended impact of which depends upon the public either accepting a false causal explanation, or else understanding something that was in fact carefully planned and executed as a more or less random effect of the actions of isolated, irrational, and hence unpredictable agents.

State crimes against democracy arguably emerge from overlapping contradictions within democratic states. Our economic and political system, as currently constituted, generates increasingly large differences in wealth and power between socio-economic elites and ordinary citizens—and corresponding differences, in many cases, between the priorities and interests of political elites and the vast majority of the population—while yet retaining many elements of the formal structures and the ideology of egalitarian democracy. There is likewise a contradiction within western democracies over the existence within the state security apparatus of agencies and structures that are only to a limited degree, if at all, subject to democratic control.⁷

During periods of intense power-bloc rivalry such as that which followed World War II, an argument can of course be made for the existence of security and intelligence agencies whose job it is to detect and prevent the penetration of state and civil society organizations by the agencies of foreign powers that intend in one way or another to fracture and weaken the nation and the state. But officials in such agencies, whose perceptions and political biases may be shared by powerful corporate interests, and by factions within the upper ranks of the military (in short, by what U.S. President Dwight Eisenhower famously warned against in 1961 as “the military-industrial complex”),⁸ may be tempted to act domestically in an illegal and criminal manner when they are unable to secure approval from the governing authorities for their own perhaps extremist policies. Leading figures of political parties—especially those parties whose policies can most easily be recognized as benefitting elites, but not the great majority of ordinary citizens—may succumb to the same

temptation.

Although there can be disagreement as to whether this or that particular event in the United States deserves to be categorized as a state crime against democracy, there is no doubt at all that such events, perpetrated by political or state insiders, have occurred. Paradoxically, though, during a period in which events of this type have arguably been increasing in frequency and significance, it has become increasingly difficult to speak of them. Criminal actions organized by drug cartels and terrorist networks are freely discussed, but critical analyses of crimes committed by political elites—even decades ago—are likely to prompt angry and contemptuous dismissals.

Professor Lance deHaven-Smith of Florida State University first expounded the concept of state crimes against democracy in a peer-reviewed essay published in 2006 in the journal *Administrative Theory & Praxis*.⁹ The concept has since been further refined, extended, and applied in new contexts in some thirty peer-reviewed essays by American, British, Australian, and Canadian scholars—some of them published in special issues of the journals *American Behavioral Scientist*¹⁰ and *Public Integrity*,¹¹ others in several journals in the fields of politics and public administration¹² or in edited books devoted to this and related subjects.¹³ The concept has also been deployed in interesting ways by scholars of the stature of David Ray Griffin and Peter Dale Scott.¹⁴ But for the sake of simplicity, I will rely here on deHaven-Smith's elaboration of the concept in his 2013 book *Conspiracy Theory in America*.¹⁵

In this book deHaven-Smith gives an illuminating historical dimension to the paradox remarked on above. He notes that although the notion that political elites can be expected to conspire for their own benefit against the common good formed a central part of the political theory and nation-building practice of the founders of the American republic, during the past four decades claims that such behaviour actually occurs in the present day have become virtually taboo.

As he observes, the Declaration of Independence outlined a “history of repeated injuries and usurpations” on the part of King George III, but stated clearly that the colonists’ right and duty to throw off his government and establish a better one was based, not on these abuses in themselves, but rather on the conspiracy of which they were evidence: the king’s plot to establish “an absolute tyranny over these states,” his “design to reduce them under absolute despotism.”¹⁶ In shaping the institutions of the new republic, the founders articulated a doctrine of separation of powers among the executive, legislative, and judicial functions of the state that was premised upon their conviction that “representative democracy was vulnerable to, in their language, ‘conspiracies against the people’s liberties’ by ‘perfidious public officials,’ and to ‘tyrannical designs’ by ‘oppressive factions.’”¹⁷ But now, in contrast, anyone who is willing to suspect such behaviour on the part of political elites (as opposed, let’s say, to conspiratorial behaviour by mafiosi or by Islamist terrorists) can expect to be labelled a “conspiracy theorist”—a pejorative term that implies both a lapse into paranoia and a departure from evidence-based rationality.

DeHaven-Smith insists, with reference both to the present day and to the writings of the founders of the United States, that the logic of “conspiratorial suspicion, which reconstructs hidden motives from confluent consequences in scattered actions, [...] is not paranoid; it is

a laudable effort to make sense of political developments in a degenerating constitutional order.”¹⁸ What is irrational, rather, is the now-current dismissal, on a priori grounds, of the possibility of elite behaviour of the kind that the founders of the American republic attributed to the government of George III, and thought it prudent to anticipate in their own. This dismissal drives political thought into the impoverished domain of what deHaven-Smith calls “coincidence theories,”¹⁹ and encourages an abandonment of the structural and contextual analyses normally practised throughout the human sciences, as well as of the kinds of forensic analysis that are automatically applied in other kinds of criminal investigation.

DeHaven-Smith explains that he deliberately intends the concept of state crime against democracy, or SCAD,

“to displace the term ‘conspiracy theory.’ I say displace rather than replace because SCAD is not another name for conspiracy theory; it is a name for the type of wrong-doing about which the conspiracy-theory label discourages us from speaking.”²⁰

That label, he says,

“is a verbal defense mechanism used by political elites to suppress mass suspicions that inevitably arise when shocking political crimes benefit top leaders or play into their agendas, especially when these same officials are in control of agencies responsible for preventing the events in question or for investigating them after they have occurred.”²¹

In contrast to this defensive labelling, “the SCAD construct does not refer to a type of allegation or suspicion”:

“It refers to a special type of transgression: an attack from within on the political system’s organizing principles. For these extremely grave crimes, America’s Founders used the term ‘high crime’ and included in this category treason and ‘conspiracies against the people’s liberties.’ SCADs, high crimes, and antidemocratic conspiracies can also be called ‘elite political crimes’ and ‘elite political criminality.’”²²

These crimes differ from more routine forms of political criminality, such as bribery, kickbacks, or bid-rigging, which tend to affect “only pockets of government activity.” Unlike those more commonplace crimes, state crimes against democracy “have the potential to subvert political institutions and entire governments or branches of government. Committed at the highest levels of public office, they are crimes that threaten democracy itself.”²³

3. State crimes against democracy in U.S. presidential elections

The most significant events of the past half-century that invite characterization as state crimes against democracy include the Kennedy assassinations in 1963 and 1968 (to which might be added the assassination of Martin Luther King).²⁴ They include Richard Nixon’s

secret intervention during the election of 1968 in the negotiations aimed at ending the Vietnam War (which was arguably treasonous, since Nixon, while running for the presidency, was advising the government of South Vietnam to act against the behests of the U.S. government);²⁵ and also the crimes that are remembered together under the name of Watergate.²⁶ They include the 1980 “October Surprise,” in which treasonous contacts with a foreign power (Iran, this time) were again used to influence the outcome of a presidential election; and the linked Iran-Contra scandal.²⁷ They arguably include the 1995 bombing of the Murrah Federal Building in Oklahoma City, which according to the analysis of a retired U.S. general involved, in addition to Timothy McVeigh’s truck bomb, demolition charges of which McVeigh and his accomplices had no knowledge.²⁸ They include the massive levels of vote suppression and fraud in the presidential elections of 2000 and 2004, which were not merely “flawed,” as all commentators acknowledge, but stolen.²⁹ And finally, they include the linked events of the terrorist attacks of September 11, 2001³⁰ and their sequel in the ensuing anthrax attacks, which have been revealed as coming from within the state’s own military-scientific apparatus.³¹

We can observe three things about this admittedly selective list of events. First, to the degree that they are correctly identified as state crimes against democracy, these actions were carried out or enabled by state insiders.

Secondly, these events have been accompanied and followed, during the past dozen or more years especially, by an accelerating movement domestically away from the rule of law,³² and by a concurrent engagement on the part of the United States and its satellites in a series of foreign wars and interventions undertaken in open defiance of international law.³³

And thirdly, most relevant to my purpose here, all but two of these actual or putative state crimes against democracy amounted to direct interventions in presidential election campaigns. (The two exceptions, the Oklahoma City bombing and the 9/11 attacks and subsequent anthrax attacks, were traumatic events that achieved large-scale reorientations of public opinion.)³⁴

The George W. Bush administration came to office through an election marked by unprecedented levels of Republican-Party-organized vote suppression and fraudulent miscounting of the ballots cast, and culminating in an intervention by the Republican-majority U.S. Supreme Court that put an end to a recount of votes in Florida which, had it been allowed to proceed, would have resulted in the Democratic candidate, Al Gore, being elected as President.³⁵

The 2004 presidential election repeated, in more grotesque form, all the forms of vote suppression and electoral fraud that had characterized the previous one. As Lance deHaven-Smith has remarked,

“The election breakdowns [in 2000 and 2004] are not widely suspected of being repeat offences by the same network of political operatives employing the same tactics and resources, even though both elections were plagued by very similar problems, including inadequately equipped and staffed polling places in heavily Democratic areas, computer anomalies in the tabulation of

county and state totals, highly partisan Republicans in charge of election administration, aggregate vote tabulations benefiting George W. Bush, and exit polls indicating that the other candidate had won rather than Bush.”³⁶

But these facts tell us that there are indeed important forensic parallels between the two elections.

The 2004 exit poll data revealed the scale of the fraud required to give George W. Bush his second presidential term. One can calculate from this data that John Kerry, the Democratic candidate, received—or should have received—64 million votes, and Bush just 56.5 million.³⁷ But the official results gave Bush the victory with 62 million votes over Kerry’s 59 million. Bush thus received 5.5 million more votes than he would have from an honest count, and Kerry 5 million too few.

One striking feature of this election was a systematic after-the-fact falsification of the exit poll data. On November 2, 2001, election day, the national exit poll with 13,047 respondents showed Kerry beating Bush by nearly 3 percent. New figures posted shortly after 1:30 in the morning of November 3, based on 13,531 respondents, showed Bush ahead by nearly 1.5 percent: an increase of 3.6 percent in the number of respondents had produced a mathematically impossible swing of 4.5 percent from Kerry to Bush in voters’ reports of their choices.

Similar mathematically impossible swings resulted from alterations made overnight in the state exit poll data for the key swing states of Florida and Ohio. The November 2 data showed Kerry holding a marginal lead over Bush in Florida, but an overnight increase of 0.55 percent in the number of respondents produced a 4 percent swing to Bush. In Ohio, the state that decided the national election, the November 2 data showed Kerry beating Bush by a decisive 4 percent—but an overnight increase of 2.8 percent in the number of respondents produced a swing from Kerry to Bush of fully 6.5 percent.

My own first article on the 2004 election, “Footprints of Electoral Fraud,” which drew attention to these anomalies, was published two days later, on November 5th.³⁸ The metaphor of that title may be a useful one—for it is in fact not easy to commit electoral fraud on a large scale without leaving tracks that forensic analysis can detect.³⁹

In an article entitled “The Strange Death of American Democracy: Endgame in Ohio,” published in late January 2005, I summarized at length the large body of evidence then available which showed that—even setting aside the massive vote-suppression fraud carried out on his behalf—George W. Bush did not come close to winning the state of Ohio; and that, since under the Electoral College system Ohio was the crucial swing state, he therefore did not win the presidency either.⁴⁰ This and further evidence has since been more fully analyzed in a series of important books—none of which, interestingly, has received more than passing mention, if that, in the mainstream media.⁴¹

6. Home truths

Some sixty years ago the distinguished Canadian economic historian Harold Innis wrote of what he called “the Siamese twin relationship between Canada and the United States—a

very small twin and a very large one, to be exact.”⁴² One might suspect that some of what I have written here could be coloured by this relationship—by the small twin’s resentment, envy, or perhaps fear of his larger sibling.

It seems only right, then, that having endorsed some trenchant criticisms of the recent behaviour of American elites—having, so to speak, slung pebbles against the windows of my neighbour—I should conclude by slinging some against my own windows as well, and by acknowledging that Canada’s recent national elections have been less clean than we might hope and believe.

Our present government, under Prime Minister Stephen Harper and his Conservative Party, came to power in 2006 in an election marked by two important anomalies. One of these, an illegal shifting of campaign funds between the Conservative central office and local riding associations, made it possible for the Conservatives to spend \$1.3 million more on campaign advertising than they were allowed to by law, and may have tipped a close election in their favour.⁴³ The other more serious anomaly was an announcement by the RCMP, our national police force, midway through the election campaign, that it was investigating one of the government’s key figures, Finance Minister Ralph Goodale, for corruption. The Liberal government, for which opinion polls had confidently been predicting another term in office, plunged in popular esteem—“an 18-point lead in Ontario for the Liberals transmute[d] into a six-point lead for the Conservatives within a few days”⁴⁴—and Stephen Harper’s Conservatives won enough seats in Parliament to form a minority government. The Conservatives had been in office for more than a year when the RCMP acknowledged that, after all, it had no evidence against Goodale.

Can we describe these events as state crimes against democracy? There is no doubt as to the illegality of the first and the radical impropriety of the second—and they did result in a change of government that brought about radical reorientations of Canadian domestic and foreign policies. Is it significant that neither event received adequate investigation? The financial fraud was settled out of court five years after the event, with the Conservative Party paying a derisory \$50,000 fine;⁴⁵ and a government which had come to office through the RCMP’s impropriety was no more disposed to undertake a serious inquiry into that episode than was the RCMP itself.⁴⁶

Our next national election, in 2008, was marked by piecemeal instances of law-breaking by members of the governing party—one of which is of particular, almost prophetic interest.

Canada has a multi-party system with three main national parties: from right to left, the Conservatives, the Liberals, and the New Democratic Party (or NDP)—as well as two smaller centre-left parties, the Green Party and the Bloc Québécois (which fields candidates only in Québec). In 2008 Gary Lunn, the Environment Minister, was in danger of losing his British Columbia seat when the NDP candidate was forced by an old scandal to withdraw near the end of the campaign—a development that gave Lunn’s Liberal opponent a good prospect of winning most of the centre-left vote.⁴⁷ But taking advantage of the fact that the NDP candidate’s name remained on the ballots, supporters of Lunn’s campaign flooded the riding on the day before the election with fraudulent automated phone calls, supposedly from the NDP’s local headquarters, urging people to vote for their man. Shortly before the election, a poll showed that less than one percent of the electorate still intended to cast a vote for the NDP—but as a result of the robocall fraud, 5.69 percent voted NDP: Lunn was re-elected, it

seems, because more than 4.7 percent of the riding's voters had been persuaded to throw their votes away.⁴⁸ Despite opposition complaints, both the RCMP and Elections Canada, the organization that runs national elections and is charged with enforcing the Elections Act, declared (falsely) that no law had been broken.⁴⁹

Emboldened by this success, people working in the interests of the Conservative Party appear to have decided to repeat the operation on a national scale in the 2011 election.

Midway through that election campaign, which ran from March 26 until May 2, 2011, Liberal Party supporters across Canada began to receive late-night or otherwise inconvenient phone calls—supposedly from their own party—asking for their support. These harassment calls seemed designed to alienate voters from that party, and according to some news reports succeeded in doing so.⁵⁰ Then, in the final days of the campaign, many opposition-party supporters received fraudulent calls giving them false information as to where they were supposed to vote. The clear intention of these calls, which claimed to be providing correct revised information, was to send the recipients to more distant places where they would be unable to vote, and thus to reduce the turnout of voters who supported centre-left parties.⁵¹

We have good estimates, based on polling data and on Elections Canada complaints records, of the numbers of these calls. Harassment calls were made to well over half a million Canadian voters, and vote-suppression calls were received by a nearly equal number of people⁵²—though the total number of recipients was significantly smaller than the total number of calls, since many opposition voters received both kinds of calls. Surprisingly, perhaps, since they made up less than half of the total calls, the vote-suppression calls received nearly all of the media and investigative attention given to this issue.

One obvious feature of this telephone fraud is that it was nationally organized. The same scripts appear to have been used nation-wide in the vote-suppression calls, and Elections Canada recorded complaints about fraudulent calls from 261 of Canada's 308 ridings or electoral districts—though the calls were concentrated in some thirty ridings, and quite thinly scattered elsewhere. Clear evidence that the two kinds of fraudulent calls were directed by a common intentionality, and also that they were to a considerable degree targeted, appears in the fact that 42 percent of the people whose complaints were recorded by Elections Canada reported having received both harassment and vote-suppression calls.⁵³

We know quite a lot about the provenance of these calls. While most of the vote-suppression calls were automated "robocalls," the first wave of them was made by live-operator call centres which were also employed by the Conservative Party to make legitimate 'get-out-the-vote' calls: in the fraudulent calls, the operators routinely gave out call-back numbers that led to Conservative Party lines.⁵⁴ Investigative reporting by CBC News,⁵⁵ together with a poll conducted by Ekos Research,⁵⁶ raised the probability that the Conservative Party's central database had been used nation-wide in the targeting of vote-suppression calls.⁵⁷ And in the riding of Guelph, the only one in which Elections Canada conducted anything resembling a serious investigation, several important facts were established:

(1) The call list used in sending out the main wave of vote-suppression robocalls was, very precisely, the most recent update of the Conservative Party's data-base list of opposition-

party supporters in that riding;⁵⁸

(2) The computers used in arranging for those calls to be sent out were located in the Conservative Party's Guelph campaign office;⁵⁹ and

(3) The person principally responsible for the fraud in Guelph, who concealed his identity under a pseudonym, used the same two Internet Protocol addresses—sometimes in the same log-in sessions—as did Andrew Prescott, the Deputy Manager of the Conservative campaign in Guelph.⁶⁰

The fraud had somewhat paradoxical consequences. In the riding of Guelph, where it was most intense, it was a conspicuous failure, and the Liberal incumbent was re-elected. But this is a university community with a high level of political engagement, with very active Liberal, NDP, and Green Party organizations, and, by the end of the 2011 election campaign, with a hot charge of resentment over other vote-suppression activities by the local Conservatives.⁶¹

Elsewhere, there is evidence to indicate that the harassment and vote-suppression calls may have tipped the balance in enough ridings to make the difference between a minority Conservative government—in which opposition parties could exercise a considerable degree of power in the House of Commons—and a majority government, in which the Prime Minister's legislative and executive powers are unconstrained.⁶²

I have quoted above Professor deHaven-Smith's observation that the elite groups responsible for state crimes against democracy are sometimes also "in control of agencies responsible for preventing the events in question or for investigating them after they have occurred." This may have been the case in the wake of Canada's 2011 election.

In February 2012, the Conservative Party fingered one of its own junior officials, Michael Sona, who at the age of 22 had been Communications Director in the Guelph campaign, as the sole organizer in Canada of the telephone fraud. Elections Canada went along with this improbable notion, and laid charges against Sona, although the principal evidence against him consisted of conversations conveniently 'remembered' by other junior officials at the instigation of the Conservative Party's chief lawyer. No charges were laid against anyone else. Although Elections Canada had much more substantive evidence against Andrew Prescott, who had been Deputy Manager of the Conservative campaign in Guelph, and the person in charge of information technology, it granted him immunity from prosecution, and Sona, who had been "thrown under the bus" by the Conservative Party, was duly convicted in August 2014, after a trial which had elements of farce, given that the prosecutor and the judge concurred in describing Prescott, the principal prosecution witness, as an untrustworthy confabulator.⁶³

Elections Canada's investigation of the fraud was marked by a surprising degree of incompetence. Early evidence of this appeared in May 2012, when Chief Electoral Officer Marc Mayrand informed a parliamentary committee that Elections Canada had received 70 complaints from the riding of Guelph about fraudulent phone calls: the actual number of specific and documented complaints from Guelph received by this time by the responsible official, the Commissioner of Canada Elections, was in fact well over 200. This pattern was repeated in a report Mayrand issued on March 26, 2013, according to which Elections

Canada had by this time received “just over 1,400” complaints. But figures provided in April 2014 by the Commissioner of Canada Elections reveal that the actual number of complaints received by that time was at least 50 percent higher.⁶⁴

But the incompetence was much more far-reaching than this. Except in the riding of Guelph, no attempt appears to have been made to obtain court orders for telecommunications company records until well over six months or even a year after the election (by which time most companies had discarded the relevant information). In Guelph itself, the investigation conducted by retired RCMP officer Allan Mathews was woefully inadequate. His more salient errors can be briefly itemized.

(1) Mathews had information that Elections Canada’s office in Guelph was “inundated” with complaints from the moment its telephone lines opened at 8:50 a.m. on election day, and that people deceived by fraudulent calls started showing up at a central Guelph polling station as soon as it opened at 9:30 a.m.⁶⁵ And yet the only fraud he investigated was a single burst of nearly 7,700 robocalls sent to a list of just over 6,700 Guelph voters by an Edmonton voice broadcasting company under contract to the Conservative Party between 10:03 and 10:14 a.m. on election day.

2. Mathews made contact with only 18 of the people in Guelph who made a total of 379 complaints recorded by Elections Canada. He got in touch with just five of the 79 complainants on a list provided to him by the Liberal incumbent in Guelph on May 31, 2011: the fact that two of those five informed him of fraudulent calls quite unlike the robocalls he investigated (including late-afternoon calls in which voters were falsely informed that their polling station had closed early) might, one think, have encouraged him to go further. He did not contact any of the complainants on a second list provided to him by the Liberal Party, or follow up information about complaint lists sent to him by the Guelph NDP and Green Party.

(3) Mathews appears to have made no attempt to investigate live-operator fraudulent calls in Guelph, and the court order he obtained for information from the Edmonton voice broadcaster was for records pertaining only to a single day, May 2, 2011—even though he had information about fraudulent calls made before that day. When the Edmonton company provided him with a recording of a harassment call downloaded by the Guelph Conservatives that was to have been sent out with a “spoofed” Liberal Party originating number, he professed not to understand what it was.⁶⁶

(4) Mathews appears also not to have understood that the communications company Rogers recycles the modems it provides to customers. He traced the modem that had been used in arranging fraudulent robocalls to an address none of whose residents had any political interests or contacts—and apparently failed to realize that the same modem had been used during the 2011 election at the Conservative Party headquarters in Guelph. As a result, what the media should have reported as a breakthrough in the case—a discovery that the robocall fraud in Guelph was organized from the Conservative Party’s campaign office—was reported instead as a “blank wall.”⁶⁷

(5) Finally, Mathews obtained material evidence from the Edmonton voice broadcaster, in the form of detailed information about session logs, which showed that Andrew Prescott, the

Deputy Manager of the Guelph Conservative campaign, and the person who organized the robocalls Mathews investigated were either one and the same person, or else very closely acquainted. Prescott and the so-called “Pierre Jones” (also known as “Pierre Poutine”) used the same two Internet Protocol (IP) addresses; “Pierre Jones” logged in to two of Prescott’s voice-broadcaster sessions; Prescott stored three sessions under the name of “Pierre Jones”; and on two occasions on election day “Jones” and Prescott logged in within minutes of each other from the same IP address.⁶⁸ In an uncorrupted investigation, this information would have justified the laying of charges against Prescott—instead of which, he was granted immunity from prosecution.⁶⁹

One last frustrating detail can be mentioned. In late February 2012 Annette Desgagné, a telephone operator who had been employed at the Thunder Bay, Ontario call centre of Responsive Marketing Group (RMG), a company contracted to the Conservative Party, made national headlines when she claimed that she believed her work during the 2011 election campaign had included giving voters misleading information about their polling stations. She and some co-workers who had likewise experienced reactions of incredulity verging on anger from citizens who recognized the information RMG was providing as obviously incorrect spoke to their supervisor. When she told them to continue making the calls, they contacted the RCMP and Elections Canada—neither of which took any action.⁷⁰

This story made headlines in late February 2012, ten months after the election—and was quickly followed by reports in CBC News and the Toronto Star that the Conservative Party had dispatched senior officials to Thunder Bay to go through all of the audio recordings held by Responsive Marketing Group.⁷¹ It is hard to imagine any innocent explanation for such an act.⁷² Elections Canada announced that it was sending one of its investigators to Thunder Bay, where he would arrive a week later.⁷³ By that time, one must assume, any incriminating details in those records would have been purged.

In April 2014, Yves Côté, the Commissioner of Canada Elections (which is to say the official in Elections Canada responsible for enforcing the Canada Elections Act), brought his national investigation to a close with a report declaring that while some confusing telephone calls had indeed been made across Canada, “the evidence does not establish that calls were made a) with the intention of preventing or attempting to prevent an elector from voting, or b) for the purpose of inducing an elector by some pretence or contrivance to vote or not vote [....] As a result, the Commissioner found insufficient grounds to recommend that any charges be laid.” This report added that “It is useful to note, moreover, that the data gathered in the investigation does not lend support to the existence of a conspiracy or conspiracies to interfere with the voting process [....]”⁷⁴

Right-wing journalists were quick to take the hint. “Sorry, Truthers,” John Ivison trumpeted in the National Post, “the robocalls affair is not Canada’s Watergate.” Quoting Christopher Hitchens’ comparison of conspiracy theories to “the exhaust fumes of democracy,” Ivison hoped for a reduction in “similar emissions.”⁷⁵ Tasha Kheiriddin declared in the online news site iPolitics that the “conspiracy theory” around robocalls had indeed imploded—gone “poof,” she said—and proposed that the affair “may yet be filed under ‘History’s Greatest Hysterias’, next to the Tanganyika Laughter Epidemic of 1962 and the Dancing Plague of Strasbourg in 1518.”⁷⁶

I hope we know, by now, what to think of the ad hominem vapourings of journalists who are attempting to enforce a rule of silence around state crimes against democracy. The appropriate response is simply to continue a rigorous critical analysis of the matters from which they would like us to avert our eyes.

Michael Keefer, who holds degrees from the Royal Military College of Canada, the University of Toronto, and Sussex University, is Professor Emeritus in the School of English and Theatre Studies of the University of Guelph, and a former President of the Association of Canadian College and University Teachers of English. He has held visiting research fellowships at the University of Sussex and at the Ernst-Moritz-Arndt Universität, Greifswald.

Notes

1Stéphane Hessel, “Stéphane Hessel on Occupy Wall Street: Find the Time for Outrage When Your Values Are Not Respected,” Interview with Juan González, Democracy Now! (10 October 2011), http://www.democracynow.org/blog/2011/10/10/stphane_hessel_on_occupy_wall_street_-_find_the_time_for_outrage_when_your_values_are_not_respected.

2Stéphane Hessel, *Indignez-vous!* (Paris: Indigène, 2010). Charles Glass says in his Foreword to the English translation that the booklet had sold over 600,000 copies by the end of December 2010 (*Time for Outrage!*, trans. Damion Searls and Alba Arrikha [London: Charles Glass Books, 2011], p. 7); I remember reading the 2.5 million figure when I was in France a month later—and also reading, in late February, that the Italian version (*Indignatevi!*, trans. Maurizia Balmelli [Turin: Add editore, 2011], had sold 25,000 copies within ten days after its publication. Séphane Hessel died in 2013, at the age of 95.

3I am paraphrasing and quoting from an essay by the London publisher of *Indignez-vous!*: Charles Glass, “Time for Outrage! On the American publication of Stéphane Hessel’s *Indignez-vous!*,” *The Nation* (7-14 March 2011), <http://www.thenation.com/article/158644/time-outrage#>.

4Beneath this façade, however, there may be corruption and violations of law by state officials—as is allegedly the case in one arguably symptomatic contemporary instance in France that has large-scale ramifications for the integrity of France’s food supply and the survival of farming communities. See Evan Jones, “France’s 1000 Cow Factory: The Battle for Rural France,” *CounterPunch* (10-12 October 2014), <http://www.counterpunch.org/2014/10/10/frances-1000-cow-factory/>.

5The best-known such incidents occurred in Italy. See Daniele Ganser, *NATO’s Secret Armies: Operation GLADIO and Terrorism in Western Europe* (London: Routledge, 2005). Ferdinando Imposimato, Honorary President of the Supreme Court of Italy, and author or co-author of seven books on political corruption and terrorism, has charged that senior politicians were implicated in terrorist atrocities: see “Ferdinando Imposimato: ‘Aldo Moro ucciso dall Br [Brigate rosse] per volere di Giulio Andreotti, Francesco Cossiga e Nicola Lettieri’,” *Huffington Post* (7 October 2013), http://www.huffingtonpost.it/2013/07/10/ferdinando-imposimato-aldo-moro-ucciso--br-giulio-andreotti-e-francesco-cossiga_n_3571509.html; and also Ferdinando Imposimato and Sandro Provvigionato, *Doveve Morire: Chi ha ucciso Aldo Moro* (Milan: Chiarelettere, 2008). Judge Imposimato has linked the terror attacks of the “strategy of tension,” which were aimed at persuading the government to declare a state of emergency, to the events of 9/11: “The 9/11 attacks were a global state terror operation permitted by the administration of the USA, which had foreknowledge of the operation yet remained intentionally unresponsive in order to make war against Afghanistan and Iraq. To put it briefly, the 9/11 events were an instance of the strategy of tension enacted by political and economic powers in the USA to seek advantages for the oil and arms industries. Italy too was a victim of the ‘strategia della tensione’ of the CIA, enacted in Italy from the time of the Porta della Ginestra massacre in Sicily in 1947 until 1993.” “Letters,” *Journal of 9/11 Studies* (September 2012), <http://www.journalof911studies.com/resources/2012-September--Imposimato-letter.pdf>.

6See Peter Dale Scott, *Deep Politics and the Death of JFK* (1993; rpt. Berkeley: University of California Press, 1996). Scott writes that “A deep political system or process is one which habitually resorts to decision-making and enforcement procedures outside as well as inside those publicly sanctioned by law and society. In popular terms, collusive secrecy and law-breaking are part of how the deep political system works” (pp. xi-xii). Deep political analysis, Scott argues, extends structural analysis by considering “the institutional and parapolitical arrangements which constitute the way in which we are systematically governed” (p. 11).

7It may be appropriate, a century after the outbreak of World War I, to remember how one such agency set off the chain of events that led to war. The 1903 assassination of the autocratic King Alexander Obrenovic transformed Serbia, under the new King Petar Karadjordjovic, into “a genuinely parliamentary polity” with an “emphatically democratic constitution.” However, the “regicide network” exercised power, beyond the control of any democratic institution, within the state’s military and policing functions—and was devoted to the cause of integrating all Serbs into a Greater Serbia (even if, by their own account, many of these people were Macedonian Bulgarians or Bosnian Croats who had no desire to be re-labeled as Serbian). In 1911, the network formed the so-called “Black Hand,” which three years later organized the assassination of the Austrian Archduke Franz Ferdinand in Sarajevo. See Christopher Clark, *The Sleepwalkers: How Europe Went to War in 1914* (2012; rpt. New York: HarperCollins, 2014), pp. 14-15, 17, 38-39, 47-56.

8Dwight D. Eisenhower, “Farewell Address,” available online from the Dwight D. Eisenhower Presidential Library and Museum, <http://www.eisenhower.archives.gov/>.

9Lance deHaven-Smith, “When Political Crimes Are Inside Jobs: Detecting State Crimes Against Democracy,” *Administrative Theory & Praxis* 28.3 (2006): 330-55.

10Matthew T. Witt and Alexander Kouzmin, eds., Special issue on State Crimes Against Democracy, *American Behavioral Scientist* 53 (2010): 783-939. This special issue contains an introduction by Witt and Kouzmin, “Sense Making Under ‘Holographic’ Conditions: Framing SCAD Research,” pp. 783-94, and five other articles: Lance deHaven-Smith, “Beyond Conspiracy Theory: Patterns of High Crime in American Government,” pp. 795-825; Christopher L. Hinson, “Negative Informational Action: Danger for Democracy,” pp. 826-47; Laurie A. Maxwell, “In Denial of Democracy: Social Psychological Implications for Public Discourse on State Crimes Against Democracy Post-9/11,” pp. 848-84; Kym Thorne and Alexander Kouzmin, “The USA PATRIOT Acts (et al.): Convergent Legislation and Oligarchic Isomorphism in the ‘Politics of Fear’ and State Crime(s) Against Democracy (SCADs),” pp. 885-920; and Matthew T. Witt, “Pretending Not to See or Hear, Refusing to Signify: The Farce and Tragedy of Geocentric Public Affairs Scholarship,” pp. 921-39.

11Lance deHaven-Smith, ed., Symposium on State Crimes Against Democracy, December 2009, *Public Integrity* 13 (2011): 197-252. In addition to deHaven-Smith’s and Alexander Kouzmin’s “Introduction,” this symposium contains four essays, among them Lance deHaven-Smith, “Myth and Reality of Whistleblower Protections,” pp. 207-20; Alexander Kouzmin, J. Johnston, and Kym Thorne, “Economic SCADs: The Dark Underbelly of Neo-Liberalism,” pp. 221-38; and Matthew T. Witt, “Exit, Voice, Loyalty Revisited: Contours and Implications for Public Administration in Dark Times,” pp. 239-52.

12Matthew T. Witt and Lance deHaven-Smith, “Conjuring the Holographic State: Scripting Security Doctrine for a (New) World of Disorder,” *Administration & Society* 40 (2008): 547-85; Mohamad G. Alkadry and Matthew T. Witt, “Abu Graib and the Normalization of Hate and Torture,” *Public Integrity* 11 (2009): 137-55; Lance deHaven-Smith and Matthew T. Witt, “Preventing State Crimes Against Democracy,” *Administration & Society* 41 (2009): 527-50; Lance de-Haven-Smith, “State Crimes Against Democracy in the War on Terror: Applying the Nuremberg Principles to the Bush-Cheney Administration,” *Contemporary Politics* 16 (2010): 403-20; Lance de-Haven-Smith and Matthew T. Witt, “Conspiracy Theory Reconsidered: Responding to Mass Suspicions of Political Criminality in High Office,” *Administration & Society* 45 (2013): 267-95.

13See Mark Crispin Miller, ed., *Loser Take All: Election Fraud and the Subversion of Democracy*,

2000-2008 (Brooklyn: Ig Publishing, 2008), which includes Lance deHaven-Smith, "Florida 2000: Beginnings of a Lawless Presidency," pp. 45-57; and Alexander Kouzmin, Matthew Witt, and Andrew Kakabadse, eds., *State Crimes Against Democracy: Political Forensics in Public Affairs* (London: Palgrave-Macmillan, 2012). This book contains thirteen essays, among them the following: Matthew T. Witt and Andrew Kakabadse, "Introduction: State Crimes Against Democracy—Political Forensics in Public Affairs," pp. 1-9; John Dixon, Scott Spehr, and John Burke, "State Crimes Against Democracy: A Clarification of Connotations," pp. 10-26; Chris Hinson, "Normalizing the SCAD Heuristic," pp. 27-46; Andrew Kakabadse, Alexander Kouzmin, Nada K. Kakabadse, and Nikolai Mouraviev, "Auditing Moral Hazards for the Post-Global Financial Crisis (GFC)," pp. 79-106; Kym Thorne and Alexander Kouzmin, "Ideal Typing: (In)visible Power in the Context of Oligarchic Isomorphisms," pp. 107-34; Courtney Jensen, "The Social Construction of Race, Inequality, and the Invisible Role of the State," pp. 135-55; Mohamad G. Alkadry, "Unlimited and Unchecked Power: The Use of Secret Evidence Law," pp. 156-78; Riste Simnjanovski, "American Military-Education Convergence: Designing the Failure of Public Education," pp. 179-203; and Nikolaos V. Pappas, "The Determination of Behavioral Patterns in Tourism Through Terrorism: Lessons from Crete, Greece," pp. 224-45. See also Lance deHaven-Smith, "Seeing 9/11 From Above: A Comparative Analysis of State Crimes Against Democracy," in James Gourley, ed., *The 9/11 Toronto Report: International Hearings on the Events of September 11, 2001* (New York: International Center for 9/11 Studies, 2012), pp. 67-108, 393-400.

14See David Ray Griffin, "Building What? How SCADs Can be Hidden in Plain Sight," 911 Truth.org (27 May 2010), <http://www.911truth.org/building-what-how-scads-can-be-hidden-in-plain-sight/>; and Griffin, *9/11 Ten Years Later: When State Crimes Against Democracy Succeed* (Northampton, MA: Olive Branch Press, 2011); and Peter Dale Scott, "Systematic Destabilization in Recent American History: 9/11, the JFK Assassination, and the Oklahoma Bombing as a Strategy of Tension," Information Clearing House (25 September 2012), <http://www.informationclearinghouse.info/article32552.htm>.

15Lance deHaven-Smith, *Conspiracy Theory in America* (Austin: University of Texas Press, 2013).

16DeHaven-Smith, *Conspiracy Theory in America*, pp. 7, 56.

17Ibid., p. 55.

18Ibid., p. 57.

19Ibid., p. 20.

20Ibid., p. 9.

21Ibid., p. 9.

22Ibid., p. 11.

23Ibid., p. 12.

24Evidence of "five impulsive sounds that have the acoustic waveform of Dealey Plaza gunfire," one of which "matches the echo pattern of a test shot fired from the Grassy Knoll," refutes the conclusions of the Warren Commission Report on the JFK assassination. See D.B. Thomas, "Echo correlation analysis and the acoustic evidence in the Kennedy assassination revisited," *Science & Justice* (2001): 21-32. The official account of RFK's assassination is refuted by similar evidence: a witness's attestation that 12 to 14 (not 8) shots were fired, from two separate directions, and an audio recording, analysis of which reveals that there were 13 shots, five fired by a weapon with a distinct acoustic signature and from a direction opposite to that from which the convicted assassin fired. See Lisa Pease, "The other Kennedy conspiracy," *Salon.com* (21 November 2011), http://www.salon.com/2011/11/21/the_other_kennedy_conspiracy/; and Michael Martinez and Brad Johnson, "RFK assassination witness tells CNN: There was a second shooter," *CNN* (30 April 2012), <http://www.edition.cnn.com/2012/04/28/justice/california-rfk-second-gun/>. On the King assassination, see William F. Pepper, *An Act of State: The Execution of Martin Luther King* (London:

Verso, 2003).

25See Robert Parry, "Admissions on Nixon's 'Treason'," Consortium News (14 June 2012), <http://consortiumnews.com/2012/06/14/admission-on-nixons-treason/>; and David Taylor, "The Lyndon Johnson tapes: Richard Nixon's 'treason'," BBC News (22 March 2013), <http://www.bbc.com/news/magazine-21768668>.

26See John W. Dean, *The Nixon Defense: What He Knew and When He Knew It* (London: Penguin, 2014); Max Holland, *Leak: Why Mark Felt Became Deep Throat* (Lawrence: University Press of Kansas, 2012); and Watergate.info, <http://www.watergate.info>.

27See Robert Parry, "How Two Elections Changed America," Consortium News (4 November 2009), <http://www.consortiumnews.com/2009/110409.html>; and Ross Cheit et al., *Understanding the Iran-Contra Affairs*, http://www.brown.edu/Research/Understanding_the_Iran_Contra_Affair/. The creators of this website note that the project "evolved from an applied ethics and public policy course at Brown University called Good Government."

28See David Hoffman, *The Oklahoma City Bombing and the Politics of Terror* (Venice, CA: Feral House, 1998), pp. 1-3, 15-17, 27-28, 461-85. DeHaven-Smith's list of state crimes against democracy does not include this event—but see, for a contrasting viewpoint, Peter Dale Scott, "Systemic Destabilization in Recent American History."

29Key aspects of the electoral fraud involved are mentioned below.

30Since early 2008 it has been known that The 9/11 Commission Report's narrative of the planning and execution of the attacks is based on torture, and therefore has no evidential value; see my essay "9/11, Torture, and Law," *Anarchist Developments in Cultural Studies* (2011.1): 141-70, http://www.anarchist-developments.org/index.php/adcs_journal/article/.../34/35. For evidence that the Twin Towers and World Trade Center 7 were destroyed by controlled demolitions, see Graeme MacQueen, "118 Witnesses: The Firefighters' Testimony to Explosions in the Twin Towers," *Journal of 9/11 Studies* 2 (August 2006): 47-106; Kevin Ryan, "High Velocity Bursts of Debris From Point-Like Sources in the WTC Towers," *Journal of 9/11 Studies* 13 (July 2007), http://www.journalof911studies.com/volume/2007/Ryan_HVBD.pdf; Steven E. Jones et al., "Extremely High Temperatures During the World Trade Center Destruction," *Journal of 9/11 Studies* 19 (January 2008), <http://www.journalof911studies.com/articles/WTCHighTemp2.pdf>; Graeme MacQueen and Tony Szamboti, "The Missing Jolt: A Simple Refutation of the NIST-Bazant Collapse Hypothesis," *Journal of 9/11 Studies* 24 (January 2009), <http://www.journalof911studies.com/volume/2008/TheMissingJolt7.pdf>; and Neils H. Harrit et al., "Active Thermite Material Discovered in Dust from the 9/11 World Trade Center Catastrophe," *Bentham Open Chemistry & Physics Journal* 2 (2009): 7-31, <http://www.bentham.org/open/tocpj/articles/V002/7TOCPJ/-2009/00000002/00000001/7TOCPJ.SGM>.

31See Graeme MacQueen, *The 2001 Anthrax Deception: The Case for a Domestic Conspiracy* (Atlanta: Clarity Press, 2014).

32See, for example, Barbara Olshansky, *Democracy Detained: Secret Unconstitutional Practices in the U.S. War on Terror* (New York: Seven Stories Press, 2007); Peter Dale Scott, *The Road to 9/11: Wealth, Empire, and the Future of America* (Berkeley: University of California Press, 2008); and Brian J. Trautman, "Why the NDAA is Unconstitutional," *CounterPunch* (18 January 2012), <http://www.counterpunch.org/2012/01/18/why-the-ndaa-is-unconstitutional/>.

33For the opinions of some specialists in international law, see Francis Boyle, *Destroying World Order: U.S. Imperialism in the Middle East Before and After September 11th* (Atlanta: Clarity Press, 2004); Michael Mandel, *How America Gets Away With Murder: Illegal Wars, Collateral Damage, and Crimes Against Humanity* (London: Pluto Press, 2004); Alex Conte, *Security in the 21st Century: The United Nations, Afghanistan, and Iraq* (Aldershot: Ashgate, 2005); Marjorie Cohn, *Cowboy Republic: Six Ways the Bush Gang Has Defied the Law* (Sausalito, CA: Podpoint Press, 2007); and Myra Williamson, *Terrorism, War, and International Law: The Legality of the Use of Force Against*

Afghanistan in 2001 (Aldershot: Ashgate, 2009).

34In 1995 a burgeoning far-right-wing militia movement used the FBI's murderous violence against the Weaver family at Ruby Ridge, Idaho in 1992, and against the Koresh cult at Waco, Texas, in 1993, actions which killed a total of 78 people, to justify taking up arms. The Oklahoma City bombing was represented as revenge (it took place two years to the day after the Waco siege). The bombing killed 168 people (19 of them children) and wounded over 680; this discredited the militia movement and legitimized state repression against far-right-wing anti-state extremists. The 9/11 attacks legitimized a state of emergency and continuity of government measures, and created a surge of support for wars in the Middle East, and the anthrax attacks silenced opposition to the Patriot Act.

35The evidence on this subject seems conclusive. See Daniel Lazare, *The Velvet Coup* (London: Verso, 2001); Robert Parry, "So Bush Did Steal the White House," *Consortium News* (22 November 2001), <http://www.consortiumnews.com/2001/112101a.html>; Greg Palast, *The Best Democracy Money Can Buy* (2nd ed., New York: Plume, 2004), pp. 11-81; Andrew Gumbel, *Steal This Vote: Dirty Elections and the Rotten History of Democracy in America* (New York: Nation Books, 2005), pp. 201-24; and Lance deHaven-Smith, ed., *The Battle for Florida: An Annotated Compendium of Materials from the 2000 Presidential Election* (Gainesville: University Press of Florida, 2005).

36DeHaven-Smith, *Conspiracy Theory in America*, p. 15, citing Steven F. Freeman and Joel Bleifus, *Was the 2004 Presidential Election Stolen? Exit Polls, Election Fraud, and the Official Count* (New York: Seven Stories Press, 2006).

37The following numbers, borrowed from Steven Freeman's work (and rounded off to the nearest half-million), show the scale of the fraud. 105.5 million votes for president were officially tallied in 2000, and 122.5 million in 2004. Al Gore won 51 million votes in 2000, Bush 50.5 million, and the remaining 4 million went to Ralph Nader and other candidates. In 2004, making allowance for the passage of time, Kerry and Bush had hypothetical bases from 2000 of 49 and 48.5 million voters respectively. The 2004 national exit polls show that 8 percent of Gore 2000 voters swung to Bush in 2004 (and 1 percent to third-party candidates), while 10 percent of Bush 2000 voters went to Kerry: that expands Kerry's base of returning voters to 49.5 million, while Bush's shrinks to 47.5 million. 64 percent (2.5 million) of the people who supported a third-party candidate in 2000 voted in 2004 for Kerry, and 17 percent (0.5 million) for Bush. Kerry thus won 52 million of the votes cast in 2004 by returning 2000 voters, and Bush won just 48 million. When we add in the 21 million first-time voters in 2004, Kerry's lead expands, for 57 percent (12 million) of these people voted for Kerry, 41 percent (8.5 million) voted for Bush, and 2 percent (0.5 million) supported a third-party candidate. This indicates that Kerry received—or should have received—a total of 64 million votes, and that Bush received—or should have been credited with—just 56.5 million votes.

38Michael Keefer, "Footprints of Electoral Fraud: The November 2 Exit Poll Scam," *Centre for Research on Globalization* (5 November 2004), <http://www.globalresearch.ca/articles/KEE411A.html>; also available at www.globalresearch.ca/footprints-of-electoral-fraud-the-november-2-exit-poll-scam/-115. (The figures I have given here incorporate some small corrections to the figures given in that article; these do not affect the substance of the argument.)

39Another much larger anomaly—or one might say absurdity—was pointed out by Michael Collins in 2007. In order to produce the appearance of a Bush victory in the altered November 3rd exit poll data, it was necessary to claim that voter turnout had increased by a massive 66 percent in the country's 24 large cities, and that given an actual decline in Bush's support from his rural and small-town base, he had won the election due to a surge in the numbers of conservative white urban voters. But official data is available for 12 of these cities (accounting for 61 percent of the total big city population); in these cities voter turnout increased on average by just 13.1 percent—meaning that a more than 100 percent increase would be required in the other 12 large cities to produce the average increase reported in the falsified data. It is quite clear that this did not in fact happen. See Michael Collins, "Election 2004: The Urban Legend," *Scoop* (13 June 2007), <http://www.scoop.co.nz/stories/HL0706/S00165.htm>.

40Michael Keefer, "The Strange Death of American Democracy: Endgame in Ohio," Centre for Research in Globalization (24 January 2005), <http://www.globalresearch.ca/articles/KEE501.html>.

41These include, in addition to Freeman and Bleifus, *Was the 2004 Presidential Election Stolen?*, Mark Crispin Miller, *Fooled Again: How the Right Stole the 2004 Election & Why They'll Steal the Next One Too (Unless We Stop Them)* (New York: Basic Books, 2005); Bob Fittrakis and Harvey Wasserman, *How the GOP Stole America's 2004 Election & Is Rigging 2008* (Columbus: CICJ Books, 2005); Bob Fittrakis, Steven Rosenfeld, and Harvey Wasserman, eds., *Did George W. Bush Steal America's 2004 Election? Essential Documents* (Columbus: CICJ Books, 2005); Fittrakis, Rosenfeld, and Wasserman, eds. *What Happened in Ohio? A Documentary Record of Theft and Fraud in the 2004 Election* (New York: The New Press, 2006); Greg Palast, *Armed Madhouse* (2006; rpt. New York: Plume, 2007), pp. 187-263; and Richard Charnin, *Proving Election Fraud: Phantom Voters, Uncounted Votes, and the National Exit Poll* (Bloomington, Indiana: AuthorHouse, 2010).

42Harold A. Innis, *Essays in Canadian Economic History*, ed. Mary Q. Innis (1956, rpt. Toronto: University of Toronto Press, 1969), p. 238.

43See Briony Penn, "Robocalls and the petrostate," Focus Online (April 2012), <http://www.focusonline.ca/?q=node/355>; Scott Reid, "Election charges undermine Harper legacy," CBC News (25 February 2011), <http://www.cbc.ca/news/politics/story/2011/02/25/pol--vp-reid.html>; and see also "A 'Bunch of Turds': What Really Happened in the In and Out Scheme," The Sixth Estate (10 March 2011), <http://sixthestate.net/?p=932>.

44Reid, "Election charges undermine Harper legacy."

45See Steven Chase, "Tory Senators Face Elections Charge Over Campaign Spending," The Globe and Mail (25 February 2011), <http://www.theglobeandmail.com/news/politics/tory--senators-face-elections-canada-charges-over-campaign-spending/article1920146/>; Laura Payton, "Conservative Party Fined Over Breaking Elections Laws," CBC News (10 November 2011), <http://www.cbc.ca/news/politics/story/2011/11/10/pol-conservative-election-in-and-out.html>; and Jim Harris, "Harper Conquers Canada, One Robocall at a Time," Huffington Post (27 February 2012), http://www.huffingtonpost.ca/jim-harris/robocalls-scandal_b_1305397.html.

46See James Travers, "Probe role of RCMP in last vote," Toronto Star (16 February 2008), <http://www.thestar.com/columnists/article/304195>; Jack Aubry, "RCMP had 'negative' impact on Liberal campaign," National Post (31 March 2008), <http://www.nationalpost.com/-news/story.html?id=412828>; Richard Brennan, "Greens seek probe into RCMP action," Toronto Star (11 April 2008), <http://www.thestar.com/News/Canada/articke/413524>; and Guy Charron, "Canada: Report whitewashes federal police's intervention," World Socialist Web Site (22 May 2008), <http://www.wsws.org/articles/2008/may2008/rcmpm22.shtml>. There is additional evidence of RCMP corruption around this time in a scandal involving an alleged looting of the force's pension fund by senior officers: see Kady O'Malley and Chris Selby, "RCMP scandal deepens: Officers allege highest levels of force involved in coverup of pension fraud," Maclean's (29 March 2007), http://www.macleans.ca/canada/national/article.jsp?content=20070329_091523_3204; and David Hutton, "RCMP Pension Scandal: How to Stop the Rot," The Hill Times (30 April 2007), available online at Fair: Federal Accountability Initiative for Reform, http://fairwhistleblower.ca/-news/articles/2007-04-30_rcmp_pension_scandal_how_to_stop_the_rot.html.

47This was indeed a likely outcome. In the 2006 election, Lunn had been re-elected with 37.15 percent of the vote; his NDP and Liberal opponents won 26.54 and 26.08 percent respectively, while the Green Party candidate won 9.94 percent. The 2008 Liberal candidate, Briony Penn, who had a history of social and environmental activism, was in a strong position to attract NDP and Green Party voters, as well as the usual Liberal Party supporters.

48Lunn defeated Penn by 2,621 votes—while more than 3,000 voters were deceived by the robocalls into wasting their votes on a candidate who had resigned from the race. This result is of interest as showing the potential impact of fraudulent automated phone calls among voters with no previous experience of this kind of fraud, and no timely counter-information. See Briony Penn, "Robocalls and

the petrostate”; “NDP candidate West quits over skinny-dipping brouhaha,” Vancouver Province (23 September 2008), <http://www.canada.com/theprovince/news/story.html?id=6d8dca89-db4d-4c37-90ca-03b3f15c2ebc>; “Saanich-Gulf Islands election tactics under microscope,” Victoria Times-Colonist (30 October 2008), <http://www.canada.com/victoriatimescolonist/columnists/story.html?id=f70f8ede-0da9-45ea-a06c-c47817864d55>; Will Horter, “Karl Rove Comes to Canada?” BC Conservation Voters (28 March 2009), reproduced at Green Party of Canada (29 February 2012), <http://www.greenparty.ca/blogs/7/2012-02-29/more--robocalls>; and Lawrence Martin, “The curious case of Saanich-Gulf Islands,” The Globe and Mail (1 March 2012, updated 10 September 2012), <http://www.theglobeandmail.com/news/politics/the-curious-case-of-saanich-gulf-islands/article550187/>.

49See Penn, “Robocalls and the petrostate”; and ‘Alison’, “RoboConjob Disclaimer: No harm, no foul,” Dawg’s Blawg (26 November 2012), <http://www.drdawgsblawg.ca/2012/11/roboconjob-disclaimer-no-harm-no-foul.shtml>. The robocalls that appear to have ensured Gary Lunn’s re-election very clearly violated sections 281.(g), 282.(b) and 482.(b) of the Canada Elections Act (which forbid attempts to prevent an elector from voting and criminalize the use of “any pretence or contrivance” to induce a person to vote in a particular way or refrain from voting); they also violated sections 372 and 403 of the Criminal Code (which make it an offense to knowingly provide false information over the phone, or to fraudulently impersonate someone else). The Lunn campaign also broke the rules governing third-party advertising, thereby violating section 351 of the Canada Elections Act.

50See Kenyon Wallace, “Liberals say they’re targets of prank campaign calls,” Toronto Star (19 April 2011), http://thestar.com/news/canada/2011/04/19/liberals_say_theyre_targets_of_prank_campaign_calls.html; Dave Seglins and Laura Payton, “Elections agency probes harassing calls,” CBC News (19 April 2011), <http://license.icopyright.net/user/viewFreeUse.act?fuid=MT12MjQ5Mzk%3D>; “Liberals complain their voters are being harassed,” Macleans.ca (19 April 2011), <http://www2.macleans.ca/2011/04/19/liberals-complain-their-voters-are-being-harassed/>; and “Project Poutine: Alleged Opposition Harassment Calls,” The Sixth Estate (30 November 2012), http://sixthestate.net/?page_id=7209.

51See Stephen Maher and Glen McGregor, “‘Robocalls’ tried to discourage voters: Caller pretending to be Elections Canada told voters their polling stations had been moved,” Vancouver Sun (23 February 2012), <http://www2.canada.com/vancouvernews/archives/-story.html?id=111e488f-475b-463f-856e-3a77e87bc3d8>; Stephen Maher and Glen McGregor, “Elections Canada gets phone records in 56 ridings in vote-suppression probe: Court documents first evidence of widespread investigation,” Ottawa Citizen (29 November 2012), <http://www.ottawacitizen.com/news/Elections+Canada+gets+phone+records+ridings+vote+suppression+probe/7630448/story.html>. The standard practice in Canada is for people on the voters’ list to receive cards sent through the mail by Elections Canada, informing them of the location of their polling stations. In cases where changes have to be made, new cards are mailed out; and when the changes are made too late in a campaign for this to be feasible, Elections Canada puts announcements into the local media, and posts its officials at the old locations on election day to redirect any uninformed voters. Elections Canada never contacts voters by telephone, and voters who show up at the wrong polling station are not normally allowed to vote there.

52A poll conducted by Ekos Research in April 2012, sampling voters in more than one hundred ridings, found that an average of 2.3 percent of them reported having received fraudulent phone calls giving false information as to their polling stations. This indicates that about 550,000 such calls were received. The April 2014 Elections Canada Summary Investigation Report on Robocalls cited in note 53 below reveals that 51 percent of the complaints it kept records of were prompted by harassment calls, and 49 percent by polling-station misinformation calls. This would indicate that voters received rather more than 550,000 harassment calls.

53See Commissioner of Canada Elections [Yves Côté], Summary Investigation Report on Robocalls:

An Investigation into Complaints of Nuisance Telephone Calls and of Telephone Calls Providing Incorrect Poll Location Information in Electoral Districts Other than Guelph During the 41st General Election of May 2011 (Ottawa: Elections Canada, April 2014), http://www.elections.ca/com/-rep/rep2/roboinv_e.pdf, para 28, p. 9. This report provides only the raw data: Elections Canada kept records of 2,448 complaints, 1,241 about harassment calls and 1,207 about misdirection calls, and there were a total of 1,726 complainants. The report claims, bizarrely, that except in the riding of Guelph Elections Canada was unable to find evidence of criminal intention in the telephone fraud.

54See Greg Layson, "Voters receive hoax calls about changes to polling stations," Guelph Mercury (2 May 2011), <http://www.guelphmercury.com/news/story/2767523-voters-receive-hoax-calls-about--changes-to-polling-stations/>; Ashley Csanady, "MP Albrecht pledges investigation after 'crank' election calls traced to Tory office," Kitchener-Waterloo Record (20 December 2011), <http://www.therecord.com/news/local/article641986-crank-calls-remain-a-fixture-on--political-scene>; Tonda MacCharles, "Conservative scripts misdirected voters in 2011 election, say call centre staff," Toronto Star (27 February 2012), http://www.thestar.com/news/canada/2012/02/27/-conservative_scripts_misdirected_voters_in_2011_election_say_call_centre_staff.html; Glen McGregor and Stephen Maher, "Emails show Elections Canada raised voter suppression concerns before election," Ottawa Citizen (16 November 2012), <http://www.ottawacitizen.com/-news/Emails+show+Elections+Canada+raised+voter+suppression+concerns+before+-election/7562009/story.html>; and Laura Payton, "Complaints about Tory calls began 3 days before polls opened," CBC News (19 November 2012), <http://www.cbc.ca/news/-politics/story/2012/11/19/pol-elections-canada-emails-show-complaints-robocalls.html>.

55Terry Milewski, "Misleading robocalls went to voters ID'd as non-Tories: Pattern of calls points to party's voter identification database, opposition says," CBC News (15 March 2012, updated 16 March 2012), <http://www.cbc.ca/news/politics/story/2012/03/15/pol-investigation-.html>.

56Michael Valpy, "Non-Tory voters targeted in robo-call scandal, pollster finds," Globe and Mail (23 April 2012, updated 24 April 2012), <http://www.theglobeandmail.com/news/politics/non-tory--voters-targeted-in-robo-call-scandal-pollster-finds/article4104739/>.

57Both the CBC investigation and the Ekos poll found evidence of an apparently nation-wide pattern in which voters who responded during the campaign to Conservative Party voter-identification calls by stating that they did not support that party (meaning that their preferences were entered into the central Conservative Party database, the Constituency Information Management System [CIMS]), subsequently received calls providing them with false information about their polling stations. The CBC investigation revealed recurrences of this pattern reported by voters from Newfoundland to Manitoba; Ekos Research found a strong statistical correlation between people identifying themselves to Conservative callers as non-supporters and receiving subsequent vote-suppression calls.

58"Robocalls Linked to Guelph Tory Campaign Worker's Computer," Huffington Post (5 April 2012, updated 7 April 2012), http://www.huffingtonpost.ca/2012/05/04/andrew-prescott--pierre-poutine-robocalls-conservative_n_1478809.html; and Glen McGregor and Stephen Maher, "Robocalls investigators hunt missing Tory records that could identify Pierre Poutine," National Post (16 April 2012, updated 18 April 2012), <http://news.nationalpost.com/-2012/04/16/robocalls-probe-reaches-tory-headquarters/>.

59See R. v. Sona, 2014 ONCJ 365 (CanLII) (14 August 2014), <http://canlii.ca/t/g8m0r>, para. [5] v).

60R. v. Sona, 2014 ONCJ 365 (CanLII), para. [5] viii).

61The Conservatives had hoped to win this riding, which Liberal Frank Valeriote had won in 2008 by just 1,788 votes, with 32.22 percent of the votes to the Conservative candidate's 29.18 percent. Their campaign was marked by a succession of appearances by prominent Conservatives, including the Prime Minister, who "visited Guelph two weeks before the election writ was dropped, and again

during the campaign. Other high-profile visitors included Treasury Board president Stockwell Day, Citizenship Minister Jason Kenney and Finance Minister Jim Flaherty.” See Scott Tracey, “Guelph Conservatives felt national party influence, documents suggest,” Guelph Mercury (2 March 2012), <http://www.guelphmercury.com/news/local/article/680217-guelph-conservatives-felt-national-party-influence-documents-suggest>. Former Ontario Premier Bill Davis also took part in the Conservative campaign in Guelph. On March 31, 2011, 150 University of Guelph students staged a “vote mob,” a non-partisan event encouraging young people to vote that was imitated at 18 other Canadian universities; a second vote mob of 500 students unfurled a thirty-foot long banner proclaiming, “Surprise! We Are Voting!” outside Stephen Harper’s April 4 Guelph rally. The Conservatives generated negative national publicity by excluding several students (who had previously registered) from this rally, and more of the same when they tried to shut down and then to disqualify a special ballot arranged by Elections Canada on April 13 for university students who, after their final exams, wouldn’t be in Guelph for the advance polls or on election day. Their inept candidate garnered further negative publicity by missing four out of six debates, including an April 12 all-candidates’ debate, moderated by political science professor Tim Mau, that filled one of the university’s largest lecture halls to capacity.

62See Anke S. Kessler and Tom Cornwall, Does misinformation demobilize the electorate? Measuring the impact of alleged “robocalls” in the 2011 Canadian election (Simon Fraser University Department of Economics, 20 April 2012, revised version January 2014), <http://www.sfu.ca/~akessler/wp/robocalls.pdf>. Kessler and Cornwall found a vote suppression effect averaging about 2%, or approximately 2,000 votes per riding, in the two dozen ridings most affected by calls giving out false information about polling station changes.

63See R. v. Sona, 2014 ONCJ 365 (CanLII) (14 August 2014), para. [169]: “Mr. Prescott presents as a witness whose evidence both counsel agree should be approached with caution. The Crown reasonably acknowledges there are ‘obviously’ issues with respect to the reliability of Mr. Prescott’s evidence. I agree with both counsel”; para. [172]: “He presented as a witness who has the rather unique capability of having his memory regenerated with the passage of time up to and including the date of the trial and making statements that even the Crown agrees were incorrect.”

64See Mayrand, Preventing Deceptive Communications with Electors (March 26, 2013), http://www.elections.ca/res/rep/off/comm/comm_e.pdf, p. 11; and Commissioner of Canada Elections [Yves Côté], Summary Investigation Report on Robocalls (April 2014), <https://www.cfc-cce.gc.ca/content.asp?section=rep&dir=rep2&document=exesum&lang=e>, Section 1.3, Fig. 1.

65See Alan Mathews, “Information To Obtain (ITO)” court document filed on 8 June 2011, paras. 86 and 89.

66See Alan Mathews, ITO filed on 12 December 2011, paras. 117, 124.

67 Glen McGregor and Stephen Maher, “Trail of Pierre Poutine runs into an open Wi-Fi connection,” Ottawa Citizen (10 August 2012), <http://www.ottawacitizen.com/life/Trail+Pierre+Poutine+runs+into+open+connection/7073441/story.html>.

68Alan Mathews, ITO filed on 20 March 2012, paras. 167-69, p. 24.

69An editorial in the Guelph Mercury has raised the question of whether Prescott, who offered “sworn testimony that the court rejected as seemingly non-credible, and/or unreliable,” honoured his undertaking in his immunity agreement to provide “full and credible evidence at trial.” See “Community wants more justice seeking on robocalls,” Guelph Mercury (27 January 2015), <http://www.guelphmercury.com/opinion-story/5276545-community-wants-more-justice-seeking-on-robocalls/>.

70See Tonda MacCharles, “Conservative scripts misdirected voters in 2011 election, say call centre

staff,” Toronto Star (27 February 2012), http://www.thestar.com/news/canada/2012/02/27/-conservative_scripts_misdirected_voters_in_2011_election_say_call_centre_staff.html; Allison Cross, “I made misleading election calls claiming to be from the Tories: Call Centre Workers Speak Out,” National Post (27 February 2012), <http://news.nationalpost.com/2012/02/27/i-made-misleading-election-calls-for-the-tories-call-centre-workers-speak-out/>; CBC Radio: The Current (28 February 2012), <http://www.cbc.ca/thecurrent/episode/2012/02/28/robo-calls-voters-misled-during-federal-election/>.

71 Laura Payton, “Election call tapes under review by Conservatives,” CBC News (1 March 2012, updated 2 March 2012), <http://www.cbc.ca/news/politics/story/2012/03/01/pol-robo-calls-elections-canada.html>. See also Glen McGregor and Stephen Maher, “Tories review tapes at Thunder Bay call centre as questions grow over company’s checkered legal history,” National Post (2 March 2012), <http://www.news.nationalpost.com/2012/03/02/tories-review-tapes-at-thunder-bay-call-centre-as-questions-grow-over-companys-checkered-legal-history/>. The Toronto Star report is cited by Nancy Leblanc, “About those election call tapes being reviewed,” Impolitical (2 March 2012), <http://impolitical.blogspot.ca/search?updated-max=2012-03-09T00:5300-05:00&max-results=20&start=400&by-date=false>.

72 For several days at the end of the election campaign, RMG callers used a script that involved checking people’s voter information cards against RMG’s own lists. If RMG’s lists did not contain deliberate misinformation, any reasonable observer would expect there to be occasional disagreements between these lists and people’s voter information cards; in some instances, the RMG listings would be correct and the voter information cards in error, while in other cases the reverse would be true. The worst that could be disclosed by the most thorough and suspicious investigation would amount to no more than random noise. Only if Conservative officials knew that fraud had occurred would there any point in going through (and presumably purging) the audio tapes. Laura Payton reported (in “Election call tapes under review”) that a Conservative spokesman, Fred DeLorey, had denied that the party was reviewing audio tapes. In February 2013, this same Mr. DeLorey denied Conservative involvement in what the Saskatoon Star Phoenix called an “odious” robocall push-poll in Saskatchewan, and four days later had to retract the denial in the face of forensic evidence of its falsity. See Glen McGregor, “Conservatives deny involvement in Saskatchewan robocall defending ‘Saskatchewan values’,” Regina Leader-Post (1 February 2013), <http://www.leader-post.com/news/canada/Conservatives+-deny+involvement+Saskatchewan+robocall+defending/7906921/story.html>; Glen McGregor and Stephen Maher, “Tories now admit they sent Saskatchewan robocall: Forensic expert links company behind latest push poll to firm behind Pierre Poutine calls,” Ottawa Citizen (5 February 2013), <http://www.ottawacitizen.com/news/Tories+admit+they+sent+Saskatchewan+robocall/7922470/story.html#ixzz2KQmif11t>; and “Robocall tactic reprehensible,” Star Phoenix (5 February 2013), <http://www.thestarphoenix.com/opinion/editorials/Robocall+tactic+reprehensible/7918192/story.html>.

73 Payton, “Election call tapes under review by Conservatives.”

74 Commissioner of Canada Elections [Yves Côté], Summary Investigation Report on Robocalls (April 2014), “Executive Summary,” paras. 7-8.

75 John Ivison, “Sorry, Truthers—the robocalls affair is not Canada’s Watergate,” National Post (24 April 2014), <http://fullcomment.nationalpost.com/2014/04/24/john-ivison-sorry-truthers-the-robocalls-affair-is-not-canadas-watergate/>.

76 Tasha Kheiriddin, “Robocalls: The conspiracy theory goes poof,” iPolitics (24 April 2014), <http://www.ipolitics.ca/2014/04/24/robocalls-the-conspiracy-theory-goes-poof/>.

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