

# Introduction to Essays

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The idea for the conference “Terrorism, Law & Democracy” was first proposed at the annual conference of the Canadian Institute for the Administration of Justice, held in October, 2001 in Halifax. Like many other organizations and individuals, the Institute had been impacted by the events of September 11, 2001. In our case, the effects were reduced numbers of registrants at our annual conference, a result that we attributed to the nervousness many people still felt about travelling at that time.

Our discussions in Halifax made it clear that, in the changed landscape following September 11, many elements of the justice system had been, and would continue to be, profoundly altered. For example, we wondered how we could continue to feel secure in our formerly peaceful homeland, without sacrificing the individual rights and freedoms so cherished in Canada. As an umbrella organization that seeks to bring together the diverse participants in the justice system and promote informed debate about how to improve that system, it seemed to us that the Institute was well-placed to take the lead in creating a conference that would explore some of these novel and troubling questions.

A small organizing committee based in Ottawa and Montreal set to work soon after our annual conference. Its members included Mr. Stephen Bindman, Special Advisor, Justice Canada, Mr. Dennis Cooley, Research Officer, Law Commission of Canada, Mr. David Daubney, General Counsel, Justice Canada, Mr. Wade Deisman, Research Officer, Law Commission of Canada and Lecturer in Criminology and Sociology, University of Ottawa, Ms. Nathalie Des Rosiers, President, Law Commission of Canada, Ms. Angela Gendron, Chair Ottawa Branch, Canadian Association for Security & Intelligence Studies, Professor Daniel Jutras, Director, Institute of Comparative Law, McGill University, Ms. Anne Mactavish, Chair, Canadian Human Rights Tribunal and CIAJ Vice-Chair, Professor Errol Mendes, Faculty of Law (Common Law section), University of Ottawa, Professeur Patrick Molinari, Faculté de droit, Université de Montréal, Ms. Christine Huglo Robertson, Executive Director, CIAJ, Professor Martin Rudner,

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Director, Centre for Security and Defence Studies, and Associate Director, The Norman Paterson School of International Affairs, Carleton University. The involvement in an Institute project of individuals representing many of these organizations was unprecedented and a reflection of the sweeping effects of September 11 on all sectors of Canadian society. Financial support for the Conference was provided by the Law Commission of Canada, the Department of Justice Canada, the Department of the Solicitor General of Canada, the Department of National Defence, the Faculty of Law (Common Law section), University of Ottawa, the Centre for Security and Defence Studies, Carleton University, the Institute of Comparative Law and the Faculty of Law, McGill University. I am very grateful to the individuals and organizations that helped to make the conference both a reality and an outstanding success.

This collection of essays reflects the exceptionally high quality of speakers which the organizing committee was able to attract to the Conference. It provides an examination of the conference theme from many different angles. For example, the essays by the historians Reg Whitaker and Desmond P. Morton help us to understand that this is not the first time we have had to deal with the frightening specter of terrorism and suggest that our responses can be informed by the experiences of the past century and a half. Similarly, the contributions of our guests from France and the United States provide us with a perspective that can help us assess the way our legislators have reacted to the current threat of terrorism. Other essays provide critiques of Bill C-36 and related laws from the vantage point of judges, practicing lawyers, legal academics and others.

It is my hope that this publication will provide a vehicle for sharing these rich and stimulating ideas with those who did not have the good fortune to participate in the conference itself. If these essays help to promote further discussion and debate throughout Canada, the conference will have more than achieved its goals.