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# Colonizing Surveillance: Canada Constructs an Indigenous Terror Threat

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**Abstract:** This article addresses the range and prevalence of continuing surveillance forms and practices imposed on indigenous peoples wherein indigenous peoples are constructed as potential insurgents, terrorists and criminals collectively or individually threatening the security of the Canadian oligarchic state. I discuss how “securitization spreads out to connect diverse issues together” and how “the discursive framework of securitization therefore links issues in a selective way that reflects an *underlying political rationality*” (Gledhill 2008: 4–5, emphasis added). That underlying state rationality is colonialism.

**Keywords:** indigenous peoples, surveillance, securitization, colonialism, protests, demonization

**Résumé :** Cet article décrit la portée et la prévalence des formes et pratiques de surveillance continue imposées aux populations autochtones, où celles-ci sont mises en scène tels des insurgés, des terroristes et des criminels potentiels qui, à titre individuel ou collectif, menacent la sécurité de l'État oligarchique canadien. Je discute comment « la sécurisation s'étend pour relier entre eux divers enjeux » et comment « le cadre discursif de la sécurisation relie donc des enjeux de manière sélective reflétant une *rationalité politique sous-jacente* » (Gledhill 2008: 4–5, nous soulignons). Cette rationalité d'État sous-jacente n'est autre que le colonialisme.

**Mots-clés :** peuples autochtones, surveillance, sécurisation, colonialisme, protestations, démonisation

## Introduction

Canada has a long history of surveilling indigenous peoples. Indian Act Status cards, the reserve pass system (LeRat 2005) and Inuit numbered identification disks (Scott et al. 2004:36–37) allowed the colonial state to monitor the lives of those forced to bear them. Brown and Brown (1978) note that one of the earliest acts of state surveillance of indigenous peoples occurred as “federally, the North West Mounted Police made defending the Canadian Pacific Railway part of their mandate, guarding it against ‘Indians, non-indigenous peoples and their own employees’” (de Lint 2004:4). In the period between 1877 and 1927 a “vast network of machinery” (Smith 2010:1) ensured that “no other group of people were subjected to similar levels of observation ... for such an extended period of time” (17). Oka, Ipperwash, Gustafsen Lake, Burnt Church and Caledonia show how surveillance combined with military and para-military actions are used by the colonial state to suppress self-determination threats in the “perpetual low-intensity warfare against Indigenous peoples” (Hussain 2004:para 8). The aims of surveillance have not changed. Surveillance is used due to fears of indigenous resistance to colonial projects (Thomas 1994:105) that challenge non-indigenous peoples’ knowledge and understandings of land, capitalism and governance. Non-indigenous peoples fear the economic and political costs of activism, protests and blockades, constructing indigenous peoples as potential insurgents, terrorists and criminals threatening the security of the Canadian state. Moreover, Canada’s neoliberal police and security services are “increasingly empowered to determine and distribute troublesome and problem populations according to an interpretation of the targets’ productive and consumptive value” (de Lint 2004:6).

In this article, I discuss how “securitization spreads out to connect diverse issues” and how “the discursive framework of securitization therefore links issues in a selective way that reflects an *underlying political*

*rationality*" (Gledhill 2008:4–5, emphasis added). That underlying state rationality is colonialism wedded to neoliberalism (Gordon 2013). I examine technologies of power (Foucault 1979)—various forms of surveillance of indigenous peoples by entities within the oligarchic state—enabling non-indigenous peoples' denial of the continuing exploitation of indigenous peoples. This surveillance is part of continuing colonial projects subjecting indigenous peoples to the oligarchic state through various forms of power/knowledge (Foucault 1980). The oligarchic state, collectively and individually, socially "sort[s]" (Lyon 2007: 55) indigenous peoples engaged in resistance to non-indigenous people's land and resource theft while minimizing or delegitimizing indigenous self-determination and resistance.

This article is an ethnography of oligarchic state practices based on recently available public domain documentation, media reports, activist blogs, grey literature and reports from people who have been targeted by security services. Given the methodological challenges cited in the following, this paper does not delve in-depth into one ethnographic case. Instead, it ranges widely to reveal the *continuing and pervasive* surveillance of indigenous peoples in Canada by surveying surveillance actors, mechanisms and rationales.

## Methods

Security state actors are insulated from the public and, therefore, direct access to them, their motivations and their strategies is difficult. The "opacity" of corporations presents problems of getting inside them to know whether and how they are involved with surveillance. The mining industry, for example, is opaque due to their "notorious reluctance to expose themselves directly to ethnographic scrutiny, a condition exacerbated by a corresponding willingness to monitor and enforce corporate security" (Ballard and Banks 2003:290). Access to Information Requests (ATIRs) can also be opaque due to varying levels of redaction by the state before release. In addition, information from third parties, for example corporations, is considered secret, so ATIRs will only reveal industry spying by mistakes in redaction (T. Groves, pers. comm., 29 September 2013). Lastly, the huge distances between indigenous communities, the large geographic breadth of oligarchic state projects requiring surveillance, the transnational nature of corporations involved and the secrecy of state organs such as the military, CSIS, the RCMP and provincial police are huge barriers to in-depth ethnographic case study methods. Given these methodological challenges, how can one expose corporate and state surveillance of indigenous peoples in Canada?

Oligarchic state surveillance uses human resources but also publically available "open source" information. I used open-source methods, surveying investigative journalism and Internet sources with access to indigenous stakeholders to expose state surveillance of indigenous peoples. Second, I used ATIRs to access state documents detailing surveillance. Third, using Scribd, a document-sharing website that allows state and other users to post documents, I accessed unredacted state documents and PowerPoint slides. Fourth, while there are many forms and instances of oligarchic state surveillance of indigenous peoples, I *briefly* discuss only one case emblematic of the intrusions to which indigenous activists are subjected.

## Definitions

*Indigenous* inclusively defines all peoples of indigenous ancestry (First Nations, Metis, Inuit and urban indigenous peoples). *First Nations* encapsulates First Peoples with land bases, whether they live on their land or not and whether or not they have treaties.

Anthropologists have long debated the nature of the state (e.g., Kapferer 2005; Sharma and Gupta 2006; Trouillot 2001). New social, economic and political relations involving flows of peoples, goods, services and funds across state borders and "quasi-state-like institutions," like the World Trade Organization, can regulate states (Sharma and Gupta 2006:6), calling into question the Weberian notion of the state exclusively defined by control and sovereignty over territory. Moreover, corporations now have state-like effects (Trouillot 2001) in their

appropriation of domains of public space and service, previously in control of states, through which state-governing institutions exercised control and regulation of populations. Also, I am pointing to the increasing determination of state policies by corporations and, as well, the formation of transnational or trans-territorial organizational structures in which corporate alliances (often involving governments as well) are beginning to have major force over the life-chances of populations. [Kapferer 2005:296 n.1]

Benson and Kirsch decry anthropology's focus on governmentality and the state, saying there is a greater need to focus on corporations and "how corporations shape the world in accordance with their pursuit of profit, growth and legitimacy" (2010:459) They also call "for ethnographic research on capitalism focusing specifically on how corporations shape the "social management of harm" they create (460). I think Kapferer's (2005:286) "oligarchic-corporate political emergence" describes the

Canadian state and allows for the kind of investigation that Benson and Kirsch (2010) call for. As Kapferer states,

Current configurations of global, imperial and state power relate to formations of oligarchic control. A major feature of this is the command of political organizations institutions by close-knit social groups (families or familial dynasties, groups of kin, closed associations or tightly controlled interlinked networks of persons) for the purpose of the relatively exclusive control of economic resources and their distribution, these resources being vital to the existence of larger populations. For many theorists the state, throughout history and in its numerous manifestations, was born in such processes and continues to be so. [2005:285]

In Canada, the Westons, Thomsons, Bronfmans, Stronachs, Desmarais, Rogers, Bombardiers, Bronfmans, Zekelman, McCains, Irvings, Riddells, Katz, Pattisons and Richardsons, among others, control most of the major corporate holdings in the resource, food, media and manufacturing domains. All influence politico-economic policy through their patronage of, and intermarriage with, Canadian politicians (Adkin 2013; Duchesney 2011; Lifesitenews.com 2003; Marshall 2013; Martin 2013; Radia 2013; Robillard 2013; Whitacker, 2003). While governments may not be “dutiful lapdogs” to corporations, business activist groups such as the Council of Chief Executives (CCCE) advance corporate interests through the promotion of massive policy changes “aligned to the political priorities of Canada’s corporate sector” (CCPA SK 2012:8–9; Climenhaga 2013). The structural power of corporations, “the ability of corporations to privately determine the allocation of investment and resources, which subsequently can impact levels of employment, consumption and economic growth within a region,” make governments “reticent” to enact policies that might cause “capital flight” (CCPA SK 2012:8–9). Moreover, the oligarchic regime “carefully preserves the principles of elected legislative assemblies” while ensuring, through lobbying, that democracy does not harm corporate well-being (Curry 2012; Kempf 2012). It also manufactures of consent among subordinates (i.e., the public) for its accumulation of financial and political power (Carroll 2007:268). These corporate actors interlock (Carroll 2007; CCPA SK 2012) with each other and successive governments, forming the oligarchy (Duchesney 2011) currently abetted by voter disengagement and “resignation” (Benson and Kirsch 2010).

In the current context of extreme (Dobbin 2013), casino (Comaroff and Comaroff 2000) and globalized (Kapferer 2005:286) capitalism, capitalism’s amorality

and lawlessness (Harvey 2010), accumulation by dispossession (Harvey 2005) and neoliberalism (Fillmore 2013; Gordon 2013; Harvey 2005), the Canadian oligarchic state focuses on being the raw resource provider to the world, while dispossessing indigenous peoples. Rod Marining, chair of the BC Environmental Network, commenting on the surveillance of anti-fracking groups in Quebec, claims “we are now a petro-state,” because “the Harper government has repositioned the entire Canadian economy to be increasingly reliant on oil and gas exports, and has declared the exploration and development of the country’s natural resources as ‘in the national interest’” (Chisholm and Uechi 2013:para 26). Oil, mineral and forest extraction for export provide mega-profit to corporations, while the state uses its cut of the profits ostensibly to reduce deficits largely caused by the financial meltdown of 2011 and by neoliberal tax reduction schemes (CCPA SK 2012; Fillmore 2013). State neoliberal austerity ideology led to cuts to social programming, privatization of assets and services, and government size reduction (Kapferer 2005:287; Klein 2008; Radia 2013), so much so that even the International Monetary Fund (2012) called for its amelioration (Fillmore 2013; Himelfarb 2013). Neoliberal praxis causes untold damage to the Canadian poor and indigenous peoples while profiting corporations (Fillmore 2013). The oligarchic corporate state is, therefore, engaged in accumulation by dispossession of indigenous peoples with and without treaties who have serious economic, environmental, cultural and sovereignty concerns about oligarchic state resource extraction on and under their territories and resource transportation through their territories.

The state is, therefore, understood as the Canadian oligarchic state, comprising a multiplex of politicians and government departments, and their policies and practices, including various police, intelligence, military and corporate actors involved in, among others, resource extraction and transport, as well as the corporate media. This does not suggest that this oligarchic state is a monolith, completely agreeing on strategies, tactics and actions in pursuit of its goals. Clearly, decision-making involves degrees of agency among the various parts that compose the oligarchy (Ballard and Banks 2003; Trouillot 2001).

The oligarchic state requires knowledge to reduce risk and exert control and order over populations (Lyon 2007:38) considered as threats to profit and order. The oligarchic state, therefore, focuses on risk management, surveillance and security (Lyon 2007:38). “Security and surveillance have become a major concern for the corporate state, in many ways a means for protecting ruling interests against the public” (Kapferer 2005:293), in this



case the indigenous and environmentalist population in Canada.

Classically, surveillance is understood “as an outgrowth of capitalist enterprises, bureaucratic organization, the nation-state, [with] a machine-like technology and [with] the development on new kinds of solidarity, involving less ‘trust’ or at least different kinds of trust” (Lyon 2007:51). Surveillance is a technology of power used by the state to protect and extend security. It is the usual, routine and everyday ways through which “attention is paid to personal details [and group details] by organizations that want to influence, manage, or control certain persons or population groups” (Lyon 2002:5). Hence, the “geo-political power of states is buttressed by surveillance” (2–4). Surveillance is a bureaucratic rationalizing process of “record keeping and monitoring behaviours,” operating at larger or smaller scales, with greater or lesser degrees of privacy penetration, as it makes visible the identities and the behaviours of people of interest to the agency in question (3). The primary goal “is to obtain data to classify persons in terms of potential risk” (3). External geopolitical surveillance rationales now apply to *internal* threats, as surveillance is used to assess indigenous peoples, among others, as “direct threats to the well-being and prosperity of the nation” (C. Bell 2006:155). Surveillance and information gathering in intelligence-led policing are thus dissent management tools (de Lint 2004:12).

Colonialism is defined herein as “colonial project,” that is, “a socially transformative endeavor that is localized, politicized and partial, yet also engendered by longer historical developments and ways of narrating them” (Thomas 1994:105). Colonial projects such as non-indigenous peoples’ land and resource theft, for example, proceed through the intentionally glacial land claims process (see CBC News 2008a) or through ignoring established treaties or interpreting them in ways not intended by their framers. Among other outcomes, these projects enable illegal Canadian and foreign corporate resource extraction on, or development of, disputed lands.

It is important not to essentialize non-indigenous peoples. Individuals are conditioned to or enculturated into the dominant cultures’ commonsense, taken-for-granted truths about reality according to their positioning within fields of social and political power (Furniss 1999:14–15). Non-indigenous peoples’ levels of racism and denial toward indigenous peoples vary in terms of gender, class, ethnicity, location and occupation, among others. For example, some working-class non-indigenous peoples are committed racists (Stormfront 2013), while others are anti-racist (CAERS 2013). Perusing the comments appended to newspaper articles or webpages on

indigenous issues illustrates the animus that many non-indigenous peoples feel about indigenous peoples (Angus 2013). Other non-indigenous peoples from different class and political backgrounds, for example Mark Vandermass (2013) and Garry McHale (2013) on their respective webpages, tend to couch their racism in liberalism (Smith 2010), such as equality-as-sameness and rule of law discourses, while ignoring or revising history. Women are also involved in this sort of covert racism, but Michele Tittler (2013) is far more overt. Tittler ignores or selectively uses history while couching her diatribes in entitlement and accountability discourses. Non-indigenous conservative academics (Flanagan 2000; Smith 1996) and journalists (Blatchford 2010; Murphy 2013) couch their ethnocentric (at the very least) views on indigenous peoples in outmoded archaeology, doctrines of liberalism, accountability and private-property discourses to make their cases for assimilation and the backwardness and criminality of indigenous peoples. What many non-indigenous peoples across the variables discussed here have in common are levels of racism and denial of personal responsibility for the state of indigenous/non-indigenous relations both historically and currently; ideas that indigenous peoples get special treatment unavailable to non-indigenous peoples; an unwillingness to engage and learn the history of indigenous/non-indigenous relations; a willingness to “blame the victim” for colonial inequality along a host of financial, social and political vectors; a willingness to criminalize some indigenous businesses and indigenous political protests; a tendency to see indigenous views on and practices of religion and science as irrational; and a propensity to deflect attention from the over-arching white privilege that is at the heart of non-indigenous peoples’ identity. Non-indigenous peoples’ identity is constructed on congratulatory visions of non-indigenous peoples as tough, industrious conquerors of a “frontier,” a wide, wild, empty northern land, and civilizers of the “primitives” they found there living nasty, brutish and short lives (Furniss 1999; Mackey 2002). Not all non-indigenous peoples hold all of these views at all times but these interpretative repertoires, and actions based upon them, are at the heart of Canadian identity (Foster 1996; Mackey 2002; Palmater 2011b; Proulx 2011, 2003; Smith 2010).

### Non-indigenous Peoples’ Fear

In earlier stages of colonization, non-indigenous peoples freely took First Nations’ resources and lands through preemption (e.g., squatting) and illegal means (Furniss 1999). Today, non-indigenous peoples fear the actual or potential resistance of indigenous peoples and their allies along many vectors. They fear the high standard

of honourable dealing (*R v. Sparrow* 1990:paras 52–63) legally requiring the Crown to consult with and accommodate indigenous peoples “when the Crown contemplates conduct that might adversely impact potential or established indigenous or Treaty rights” (Minister of the Department of Indigenous Affairs and Northern Development Canada 2011; see also *Haida Nation v. British Columbia, Minister of Forests* 2004; *Mikisew Cree First Nation v. Canada, Minister of Canadian Heritage* 2001; *Taku River Tlingit First Nation v. Ringstad et al.* 2004). They fear treaty clauses that limit provincial jurisdiction to authorize on-reserve natural resource development (*Keewatin v. Ontario, Natural Resources* 2013). While capitalists may pay lip service to it, “the United Nations Declaration on the Rights of Indigenous Peoples which Canada supported, also guarantees protections for First Nations lands and resources and reaffirms that states require First Nation consent” (Palmater and Dumas 2013). The oligarchic state fears profit-losing delays and potential development/extraction and transportation system shutdowns due to the legal requirements to consult arising out of cases such as *Haida Nation*, *Taku*, *Mikisew* and *Keewatin*. The state is frightened of the growing indigenous activism fighting the inequality in resource development and transportation (Palmater and Dumas 2013) and the environmental destruction resulting from it. The 2013 RCMP over-reaction to the peaceful anti-fracking protest by the Elsipogtog First Nation in New Brunswick illustrates this claim and the failure to diligently consult (Palmater 2013) by the New Brunswick provincial government and Southwestern Energy. From 2007 to 2010 the RCMP shared “intelligence reports about First Nations *with the private sector including energy companies*” (emphasis added), fearful of indigenous protests (Groves and Lukacs 2011). In 2010, Natural Resources sponsored briefings for energy companies using classified materials provided by the RCMP and CSIS on potential threats by environmentalist and First Nations to help corporations “plan and develop measures to protect their facilities” (Groves 2012). Enbridge will not confirm that it supplied “unspecified industry reports” to the RCMP on potential indigenous protests over the proposed Northern Gateway pipeline (Lukacs and Groves 2012). In 2011, industry spied on indigenous peoples and reported to the RCMP. When confronted with Wet’suwet’en resistance to tar-sands and pipeline development near Morice River, “industry reports that a small blockade may have been set up in the area near where the Unist’ot’en camp has been set up” (E-Division Indigenous Policing Services 2011:5; Groves, per comm., 29 September 2013). In northern

Alberta, capitalists fear a united front of “individual saboteurs, eco-terrorists and mainstream environmentalists, First Nations and Metis peoples” who will engage in “extralegal and even violent resistance to industrial development” (Flanagan 2009:6). This fear caused the Canadian Defence and Foreign Affairs Institute to commission Tom Flanagan (2009:6) to write a threat assessment on this *potential* united front. Bland (2013) builds on capitalist fears by opining on the “feasibility” of an indigenous armed revolt against Canada’s economy (read: natural resources and transportation networks or critical infrastructure). Hence, many non-indigenous peoples are essentially “treating First Nations as enemies of the state” (Palmater 2011c).

The oligarchic state deals with its fears through legislation, for example the omnibus Bill C-45, passed in 2012 de-fanged environmental assessment (EA) requirements, thus weakening consultation procedures with First Nations. It changed the Navigable Waters Act, removing protections from many bodies of water, “from 2.8 million to less than 100 in Canada” (Horton 2013). Both of these reduce indigenous consultation barriers to capitalist resource extraction and oil and gas pipeline construction on First Nations land and unceded, so-called Crown lands (Horton 2013; Visconti 2013). Provinces are allowed to “substitute” their own environmental assessments and forgo federal EAs (Harper 2013:A8, para 20). In British Columbia, “ninety-nine per cent of projects have been historically approved under B.C.’s EA process. One gets the sense that the B.C. government does not like saying ‘no’ to industry” (Harper 2013:A8, para 20). Another way that non-indigenous peoples calm their fears is by re-classifying indigenous political dissent and resistance. Legal questions surrounding land claims and indigenous political actions outside of the legal system are “securitized” as these issues pass “from the realm of ordinary politicized questions into an issue that threatens the very survival of states and their citizens” (Gledhill 2008:1). The above-mentioned Resource Industries and Security Issues in Northern Alberta report (Flanagan 2009) and Bland’s (2013) feasibility thesis are perfect examples of this securitization. Indigenous political protesters are re-framed as insurgents on par with Islamic terrorists or as economic and environmental criminals standing in the way of progress (Government of Canada 2011; McCarthy 2012). Demonization and fear creation are standard oligarchic state technologies of power used to deflect attention from capitalist profit-taking, incomplete or shoddy consultation with indigenous stakeholders, and democratic rights to protest.

But protesting is not terrorism or criminality. Protests are legitimate means of expressing dissatisfaction with the oligarchic state. Protests educate the state in alternative praxis. Hedican maintains that

certain sectors of the Canadian population think that anyone protesting and confronting the police is somehow inherently wrong ... [what is] mistaken about this captious attitude toward authority is that Canadians have a democratic right to peaceful assembly; this right is guaranteed under section Two of the Charter of Rights and Freedoms. [Hedican 2013:192]

But “peaceful” is often interpreted very narrowly by the oligarchic state. In Elsipogtog a few hunting rifles and unspecified death threats by a few hotheads to security personnel guarding fracking equipment were enough to deem the protest not peaceful (Morris 2013:A1), leading to a massive para-military over-reaction. I now turn to the various mechanisms and actors involved in the current round of the surveillance of indigenous peoples.

### **Critical Infrastructure, Integrated Threat Assessment Centre (ITAC), Multi-issue Extremism and the Construction of Terror Identities**

The events of 9/11, the consequent war on terror, threats to neoliberal globalization, indigenous environmentalism, and the Occupy and Idle No More movements have changed the security context, with a new, wide-ranging and interconnected “threat environment” (C. Bell 2006:152) emerging from the perspective of the oligarchic state. Not only bringing about “order” but also “directing and regulating disorder” have become central to new national security policy (161–162). This resulted in “the largest government reorganization strategy in Canadian history, bring[ing] together formerly disparate public administration measures into a structure of security management” (162). Now there are many new policies of, and forms for, cross-administrative and cross-police coordination and information sharing. These deal with both external and internal threats and risks to the Canadian state. As early as 2004, the Privy Council Office declared “domestic extremism” as a threat to the political and economic security of Canada, particularly with regard to “critical infrastructure” (Privy Council Office Canada 2004; C. Bell 2006:152). Indigenous peoples, constructed as domestic extremists, became a prime target of the security state.

Those targets are watched by the following state actors. In 2007, INAC established a Hot Spot Reporting System (INAC 2007) whose “goal was to identify the

First Nations leaders, participants and outside supporters of First Nation occupations and protests and to closely monitor their actions” (Diabo and Pasternak 2011:para 2). The RCMP also has a partnership platform in their Suspicious Incident Reporting (SIR) platform mandated to protect Canada’s critical infrastructure (RCMP 2011). The RCMP’s Integrated Security Unit (ISU) component Joint Intelligence Group (JIG) (Shephard and Talaga 2010) has a “mandate to collect and distribute intelligence about situations involving First Nations” (Groves and Lukacs 2011:para 2; see also Joint Intelligence Group 2009; Warrior Publications 2011). ISUs are “unprecedented multi-agency amalgams for domestic security” that “centralize police and intelligence functions” (Monaghan and Walby 2011:1). Each of these is linked through new information sharing networks such as the Integrated Threat Assessment Centre (S. Bell 2008; Monaghan and Walby 2011). ITAC now coordinates “threat assessments” and, in particular, multi-issue extremism (MIE) threats, which focus on external security threats but also on internal “activist groups, indigenous peoples, environmentalists and others who are publically critical of government policy” (Monaghan and Walby 2011:2).

The evolution of ITAC and MIEs were accompanied by a “blurring” of the categories of terrorism, extremism and activism into “an aggregate threat matrix,” leading to “net-widening where a greater diversity of actions are governed through surveillance processes and criminal law” (Monaghan and Walby 2011:2). Expanding on Deukmedjian and de Lint (2007), Monaghan and Walby (2011) note, “one set of intelligence targets disappears from reports while grass-roots political opposition receives more scrutiny” (10). Surveillance now focused on “social movement suppression” wherein non-terroristic “political opposition is removed from the frame” (3). Subversive and simply suspicious conduct became lumped together under categories of terrorism and extremism (14), leading to the criminalization of dissent (Nigam 2013). Any grassroots group dissenting with state policies and actions replaced terrorism as the “target of these intelligence clusters in Canada” (Monaghan and Walby 2011:15). Monaghan and Walby (2011), longitudinally using 25 classified Threat Assessment Reports from CSIS and the RCMP through the Access to Information Act, show how indigenous extremists actually or potentially involved in the sabotage of critical infrastructure (breaking windows, protests and blockades), protesting the Olympics on unceded indigenous lands, and protesting infringement of indigenous rights were included in the construction of new terror identities.



The federal government has recently set up new counter-terrorism entities called Integrated National Security Enforcement Teams (INSETs), with the newest in Alberta, “to protect the province’s natural resources and infrastructure” (Tait 2012:para 1). These are part of “the trend of committing more and more national security and counter-terrorism resources without a corresponding basis in any kind of particular threats” and has less to do with “threats to civilians” than it has to do with “economic infrastructure,” such as oil pipelines (Tait 2012:para 11). Today, indigenous peoples and allies fighting against oil pipelines are also constructed as MIEs (McCarthy 2012). Indigenous peoples are targeted by surveillance programs, thus criminalizing legitimate social and political dissent that challenges the status quo of continuing colonial projects. I now illustrate how and why some of the above actors surveil indigenous peoples.

### Military Surveillance

The Canadian Armed Forces have consistently undertaken military actions against First Nations (e.g., Oka, Gustafsen Lake, Ipperwash) to protect state and capital interests federally, provincially and municipally. Norrell (2007) and Curry (2007) exposed the Department of National Defence (2005) Draft Counterinsurgency Manual, wherein radical Native American organizations, particularly the Mohawk Warrior Society, were cited as insurgent security threats without differentiating them from Hezbollah and Islamic Jihad. The state went into damage-control mode as it was caught ascribing a terror identity to indigenous organizations not engaged in terrorism. Then Defence Minister O’Connor typically blamed the “previous government,” claiming the report was just an evolving draft while asserting that “the final version will not contain references to any current indigenous organizations” (Curry 2007:para 5). O’Connor also claimed that “the draft manual does not make comparisons between indigenous organizations and insurgent groups”; it only provides “examples of past insurgencies from Canada” (Curry 2007:para 6). The actual passage reads as follows:

The rise of radical Native American organizations, such as the Mohawk Warrior Society, can be viewed as insurgencies with specific and limited aims. Although they do not seek complete control of the federal government, they do seek particular political concessions in their relationships with national governments and control (either overt or covert) of political affairs at a local/reserve (‘First Nation’) level, through the threat of, or use of, violence. [Department of National Defence 2005:11]

The offending passage was removed from the manual. But the unjustifiable labelling of indigenous political activists as insurgents was exposed, as was surveillance of, and military planning against, indigenous peoples in Canada.

### The National Counter-Intelligence Unit: Monitoring and Denial

The military spies on native groups through the National Counter-Intelligence Unit. This unit is “charged with identifying, investigating and countering threats to the security of the Canadian Forces and the Department of National Defence from foreign intelligence services, or from individuals/groups engaged in espionage, sabotage, subversion, terrorism, extremism or criminal activities” (Chase 2011a:para 8). ATIRs showed that at least eight “Counter-Intelligence Information Reports” were assembled by the National Counter-Intelligence Unit on the “activities of native organizations between January 2010 and July 2011” (para 2). Outlined were threats such as plans for indigenous protest blockades, a potential backlash by indigenous groups over Ontario’s introduction of the harmonized sales tax, protests and lobbying on Parliament Hill involving the Assembly of First Nations, the Algonquin Anishinabeg Nation Tribal Council and Red Power United (para 5). The “spectre of conflict similar to the Caledonia, Ontario land claim dispute” was prominent in an April 2010 report (para 6). Strangely, given the surveillance activities noted in the reports, a National Defence spokesman claimed that they do not “monitor indigenous or other groups”; they only watch “activities” (Chase 2011a:paras 6–7), as if *activities* can be divorced from *groups* that do them. Denial of agency to escape responsibility for their actions is a typical oligarchic state technology of power.

NDP defence critic Jack Harris understands why surveillance of indigenous peoples near military assets might be reasonable but notes that “most of the unit’s recent counter-intelligence reports aren’t focused near Forces personnel or property” (Chase 2011a:paras 16–17). Why, then, are military personnel watching peaceful *activities* posing no threat to “security of the Canadian Forces and the Department of National Defence” (para 8)? Indigenous peoples, from former AFN Chief Fontaine to Grand Chief Stewart, President of the Union of BC Indian Chiefs, were unsettled to discover that the military was labelling indigenous peoples as insurgents and doing intelligence surveillance of native groups. Current AFN Chief Shawn Atleo said,



The fact that Canada would expend national defence resources to monitor our activities amounts to a false and highly offensive insinuation that First Nation advocacy is akin to terrorism or threats to national security ... The reality is that all events monitored in the documents released were peaceful demonstrations conducted with the full co-operation and notification of all relevant authorities. [Chase 2011b:para 4]

### **Indigenous Joint Intelligence Groups: Non-indigenous Peoples' Reality vs. Indigenous Perception**

RCMP Joint Intelligence Groups (JIGs) were created to secure the G8 and G20 summits and the Vancouver Olympics. Composed of Primary Intelligence Investigation Teams and Covert Operations Teams, JIGs conduct intelligence investigations on possible threats and suspicious, and criminal activity (G8-G20 ISU JIG 2010). Perceived threats to national security result in national security criminal investigation proceedings under the Security and Offenses Act, the CSIS Act, and the Criminal Code of Canada (G8-G20 ISU JIG 2010). The RCMP Criminal Intelligence Aboriginal Joint Intelligence Group Report categorizes indigenous activists and activist groups (traditionalists, moderates, militants and extremists) on a threat continuum. These are ranked according to each group's level of threat to critical infrastructure defined as "infrastructure, both tangible and intangible, that is essential to the health, safety, security or economic well-being of Canadians and the effective functioning of government" (RCMP Criminal Intelligence 2009-10:3). The critical infrastructure of most concern is "the energy, transportation and communications and information technology sectors" (RCMP Criminal Intelligence 2009-10:10). This Aboriginal JIG is partnered with various RCMP divisions, the Vancouver 2010 Integrated Security Unit Joint Intelligence Group, RCMP National Security Criminal Investigations and Critical Infrastructure Criminal Intelligence (CICI), the Sûreté du Québec and Ontario Provincial Police (OPP), and the Integrated Threat Assessment Centre (ITAC) (RCMP Criminal Intelligence 2009-10:5). Criteria used to judge threats from indigenous communities include the history of violence in the community; the history of tension or conflict toward police involvement; militants operating within the community; and threats against critical infrastructure and external influences (RCMP Criminal Intelligence 2009-10:6). This JIG surveilled the G8 and G20 summits, the National Day of Reconciliation and various Olympic events, because they would "present the opportunity for Indigenous communities and activist groups to draw attention to outstanding issues and grievances" (RCMP Criminal Intelligence 2009-10:9).

The Aboriginal JIG was particularly fearful of "the pattern of convergence among activist groups" and of how all of the aforementioned threats and alliances "contribute to increased uncertainty and concern regarding Indigenous activity in 2009/10" (RCMP Criminal Intelligence 2009-10:14). Indigenous activists and activist groups that were "socially sorted" (Lyon 2007:55) and watched included, for example, the Native Youth Movement (NYM) and the Olympic Resistance Network (ORN) (RCMP Criminal Intelligence 2009-10:10). The JIG also watched "multiple issue groups with little or no direct link to Indigenous communities" (RCMP Criminal Intelligence 2009-10:10), as if lack of indigenous links invalidates indigenous allies' legitimacy to dissent and protest oligarchic state actions involving indigenous peoples. The Aboriginal JIG listed 17 "Indigenous Communities of Concern," encompassing First Nations from Quebec, Ontario, Manitoba and Alberta, to be watched due to the real or perceived issues that contribute to unrest in indigenous communities locally, regionally or nationally. Interestingly, their National Outlook section reveals a few pervasive colonial projects that interweave in non-indigenous peoples representations of indigenous political dissent. The report recognizes that

only a small number of Canadian Aboriginal communities have experienced tensions and conflicts which have escalated to civil disobedience and unrest in the form of protests actions. *Typically these protest actions are undertaken by small factions within the community, representing their own interests.* [RCMP Criminal Intelligence 2009-10:7, emphasis added]

This passage socially sorts (Lyon 2007:55) and demonizes community activists, relegating legitimate treaty, land and resource complaints by them to mere minority *interests* as opposed to the serious sovereignty issues faced by First Nations. This is a technology of power that minimizes and delegitimizes activists as *small factions* who are, supposedly, unsupported by the whole community. There is a willful myopia in this construction of how dissent and protest begins and grows within communities. Often it is a few analytic and courageous individuals who band together, taking on the burden of raising uncomfortable and controversial community issues because the larger community may be captured by inertia, fear government reprisal or have benefited from the status quo, making them unable or unwilling to see the need for change and activism. By relegating protest actions to interested small factions, the report avoids mentioning these deeper colonial currents, flowing below the surface in reserve communities, that go far beyond these

demonized unrepresentative groups selfishly pushing their own interests. The report states that “within the past 12 months, no violent acts associated to Indigenous extremism were reported,” then immediately *criminalizes* political dissent and protest on and off reserve without any contextual information:

However, illegal acts were committed within Aboriginal communities or by Aboriginal activists, and they include breaking and entering of band offices, extortion of construction companies, illegal blockades on highways and disobeying court orders. [RCMP Criminal Intelligence 2009–10:11]

In one part of the report, fears are fed to justify the need for past and future surveillance by pointing out substantive issues that contribute to unrest in indigenous communities. However, in the National Outlook, dissent and protest are attributed to the criminal interests of unrepresentative factions within communities. I see this as more than poor report writing. This report is a reiteration of non-indigenous peoples fear-mongering, divide-and-rule technologies of power that deflect attention from the program of power at the heart of oligarchic state projects.

### PowerPointing Threats, Selling Integration

Further understanding of the surveillance of indigenous peoples is possible when the RCMP Criminal Intelligence 2009–10 report is read in tandem with an Aboriginal JIG PowerPoint presentation by the National Indigenous Policing Services Program Oriented Work Planning Committee (McPherson 2009). This presentation was given to the Aboriginal JIG’s corporate and state clients, exposing the integration of surveillance across oligarchic state platforms outlined above and revealing the day-to-day surveillance activities of the JIG. It serves the dual purpose of providing information on surveillance while selling the Aboriginal JIG to security state partners and to corporate partners.

The mandate of the joint intelligence group opens the presentation. It focuses on tensions and conflicts in indigenous communities and *surrounding areas* (corporate interests bordering communities or on unceded lands) that may escalate into civil disobedience and unrest. Land claims, treaty disputes, environmental issues, economic and sovereignty disputes, and internal conflict and social issues are again labelled as mere *grievances* (McPherson 2009:1). The Aboriginal JIG focuses on threats to critical infrastructure (blockades, protests or gatherings concerning the energy sector) and on conflicts that could lead to these kinds of actions, including band council and election issues. Its primary interest is

public safety and the building of stronger indigenous communities (McPherson 2009). The JIG sets priorities, providing information experts to the wider RCMP by offering, among others, a national perspective and assessments of indigenous community volatility (McPherson 2009:3–6). It concentrates on surveilling the convergence of activists and tracking how they move across Canada. Lastly, it has a continuing liaising role with the RCMP, its partners in government and law enforcement.

Note how band council and election issues are identified as potential threats to neoliberal corporate economic well-being. Democratic reserve politics cannot be allowed to threaten cash conduits. Local politics are too immature or factionalized and prone to following community interests over corporate interests, so they need to be watched. These are standard colonial interpretative repertoires that have long histories (Harding 2005; Mackey 2002; Palmater 2011b; Proulx 2011, 2003; Razack 2002; Smith 2010).

The Aboriginal JIG provides four main products to its approximately 450 law enforcement, government and energy/private-sector clients (McPherson 2009). First, it provides a weekly situation report derived from a combination of open sources and intelligence gathered by both internal and external partners (McPherson 2009:4). Second, it issues a weekly, or as required, Aboriginal Communities Public Safety Special Bulletin that provides information on a particular event or development that causes some concern to public safety (3). Examples of the surveillance in one bulletin were indigenous protests over the 2012 Olympic Canadian Pacific Spirit Train or a video posting calling for direct action in support of outstanding indigenous land claims that also gives information on how to shut down railway traffic (3). Third, the JIG provides an annual Aboriginal Communities of Concern Strategic Intelligence Report used to identify communities considered highly volatile, individuals who cause concern to public safety, and information and analysis on current ongoing issues (3). Lastly, it issues developing situation reports on direct actions currently taking place via a limited e-mail distribution list to senior law enforcement at headquarters. E-mails summarize the event and issues, providing a public safety assessment as to whether the event is peaceful or non-peaceful. These products, then, illustrate the breadth of surveillance on indigenous communities and individuals by the oligarchic state. They indicate the speed with which the Aboriginal JIG can collate information and the comprehensive ways in which information about indigenous political dissent and protests affecting critical infrastructure can be disseminated.

While the JIG may not have been directly active in the case I discuss below, it is clear that the JIG was surveilling indigenous communities and activist groups, as the RCMP Criminal Intelligence 2009–10 report and the PowerPoint presentation (McPherson 2009) indicate above. An e-mail exchange between Tim Groves and an RCMP media relations officer illustrates how corporations helped the JIG spy on indigenous peoples:

Private sector critical infrastructure owners and operators provided information on their view of the current criminal threat environment for their facilities. This information was analyzed with other information and intelligence for the purposes of the report. [Groves, pers. comm., 8 October 2013]

Corporations not only supplied information but viewed the indigenous threat as criminal, rather than as the democratic right to protest. The RCMP say that the Aboriginal JIG was never considered “permanent” and that they “dismantled” it last year, at “least at headquarters” (Groves and Lukacs 2011:para 4). However, the RCMP will not “confirm that RCMP divisions are not performing Aboriginal JIG activities under another name of program” (Groves and Lukacs 2011:para 5).

### Indigenous Hot Spots Surveillance

In 2006, Indian and Northern Affairs Canada (INAC) set up their own cross-intelligence platform with the RCMP to improve communications and collaboration between INAC and Public Safety and Emergency Preparedness Canada to mitigate indigenous occupations and protests. A Standing Information Sharing Forum was set up and chaired by the RCMP, with members from the Privy Council Office Security and Intelligence, CSIS, Fisheries and Oceans Canada, Natural Resources Canada and Transport Canada, among others (Indian and Northern Affairs Canada 2007). This group engaged in weekly conference calls and intensive real-time information sharing during incidents. They organized the INAC Hotspot Reporting System to do continuous environmental monitoring and continuous information dissemination of existing and emerging risks involving indigenous protests and occupations. A Hot Spot Binder, summarizing and analyzing case files, was circulated to all the above members, as well as to the Government of Canada, the Integrated Terrorism Assessment Centre and Public Safety and Emergency Preparedness Canada (Indian and Northern Affairs Canada 2007).

The Binder focused on the nature of indigenous hot spots resulting from disputes over lands, resources, claims negotiations, development activities on traditional territories and quality of life. It focused on leadership of

protests, for example, those highly structured and transparent protests sanctioned by the Assembly of Manitoba Chiefs such as the Manitoba Day of Protest. It also concentrated on less transparent incidents involving multiple competing power groups that may have involved involve illicit agendas, such as smuggling (Indian and Northern Affairs Canada 2007). Most controversial, though, was the framing of the leadership in protests such as the Douglas Creek Estates occupation in Caledonia, the occupation of a quarry in Deseronto, Ontario, and the Blockade of Route 117 in Manawaki, Quebec, to name but three. These unpredictable protests were the led by splinter groups existing outside negotiation processes.

Disengagement with so-called splinter groups is portrayed as an effort to streamline negotiations through clearly delineated lines of communication. However, the choice of leaders to negotiate with is often mediated by the following colonial discursive practice. Only Indian Act leaders are seen as legitimate, transparent and disciplined, while non-Indian Act leaders are demonized as unrepresentative extremists who are more willing to be violent. Only leaders who are conservative, claim the middle ground, are accommodating and promote incremental change are seen as legitimate negotiating partners. This leaves any other leader (female leaders, traditional leaders, Warriors, activist individuals) on the margins. This same discursive colonizing move is also prevalent in the corporate media (Proulx 2011:161–163).

Warriors, for example, are a long-term target of non-indigenous peoples’ factionalization strategies. Smyth (2000:59) discusses how “the warrior rearticulates colonial stereotypes of Native violence, treachery, and savagery and is supported by a chain of stereotypes that includes the stereotype of the Native as victim.” The next link in this chain is non-indigenous peoples’ distinctions between “more peaceful native groups and warriors” (63). Here warriors are demonized as smoke-shack thugs working for criminal native leaders and victimizing their own peace-loving, law-abiding fellow community members (Smyth 2000:63; see also Bland 2013; Harding 2005:312; Swain 2010; Valentine 2012:127). The plight of these native victims is used to delegitimize, criminalize and isolate warriors demanding political action on land title, resource use and assertions of sovereignty (Smyth 2000:59). Hence, the divide-and-rule principle (Alfred and Lowe 2004:3) is clearly visible in the RCMP Criminal Intelligence 2009–10 report, the military’s Counter-Insurgency Manual and the Hot Spots reporting system.

In essence, the oligarchic state fears factionalized indigenous communities while simultaneously creating the conditions for factionalization by giving legitimacy



to one favoured group over all others. Non-indigenous peoples conveniently forget their inception of factions in the past and their continued patronage of factions into the present. The state imposed Indian Act governments on reserves that created factions from the very beginning (Smith 2010). Diabo and Pasternak (2011) discuss a further state factionalization innovation with the “Crown dividing First Nations into ... ‘progressive’ Indian Bands and ... backward or ‘traditional’ Indian Bands” (para 35) while developing a cross-department “approach to reward the ‘progressive’ Indians and punish the ‘traditional’ Indians” (para 36). This reward–punishment system is applied within individual First Nations through funding formulas and patronage of individual reserve families and individuals as outlined in the following (Diabo and Pasternak 2011:para 37).

Hence, the Standing Information Sharing Forum’s demonization of splinter groups is part of the ongoing non-indigenous peoples’ selective remembering of past events. This selective memory is a filter enabling the oligarchic state to deceive itself about its role in the genesis of the very splinter groups it now fears. It enables non-indigenous peoples to ignore their responsibility for the inequality, poverty and crooked dealing that, in turn, create the conditions for the emergence of factions. Lastly, non-indigenous peoples will not allow that indigenous politics can proceed in the same democratic way as non-indigenous peoples’ politics. Yet non-indigenous peoples ignore how their politics are a factionalized, ever-changing battlefield where leaders fade away and suddenly emerge.

This system of rewards and punishments has been rationalized further. Band councils and chiefs who have had the long-term support of, and career advancement through, the state are legitimized by the state. Uncooperative chiefs and leaders are punished by, for example, having their funding requests ignored (Diabo and Pasternak 2011). What is worse is that “in some circumstances the federal government will even support ‘splinter groups’ to take out the offending Chief or Leader,” as has happened recently “to the Algonquins of Barriere Lake in Western Quebec, and historically at the Six Nations Grand River Territory” (Diabo and Pasternak 2011:para 39). Hot-spot reporting, particularly as concerned with splinter groups, is, therefore, based on colonial selective memory, reward and punishment resulting in information that confirms preferred state positions. Diabo and Pasternak (2011) also perceptively framed the cozy cooperative relationship between INAC and the RCMP. INAC has claimed that it has always been an institution of reconciliation and negotiation. Yet its actions—collaborating in hot-spot reporting with the

RCMP—indicates that INAC is not what it claims to be. INAC is in fact “a management office to control the costs of Native unrest, and they are willing to work closely with law enforcement to accomplish this task” (Diabo and Pasternak 2011:para 9). While I personally have worked with some INAC people of good will, I agree with Diabo and Pasternak that INAC was, and remains, a main progenitor of colonial projects, a collaborator in others and a duplicitous administrative enforcer for the state. First Nations are “a closely monitored population ... who clearly are causing a panic at the highest levels of Canadian bureaucracy and political office” (Diabo and Pasternak 2011:para 4). The state’s intensification of intelligence gathering and surveillance procedures and its demonization of indigenous people on a spectrum from criminals to terrorists, when they are simply defending their lands, is unjustifiable save through the lens of oligarchic state fear.

All of this effort and expense is expended to watch and inform on indigenous peoples, rather than on fixing the colonial root causes of indigenous discontent, anger and dissent. This is one of the central policy/practice disconnects that now exist in Canada. The non-indigenous state is aware of this disconnect, as it has been repeatedly publicized in indigenous media. Repeated Royal Commissions on indigenous peoples have told the state this. Why, then, does it prefer to spend money reacting through surveillance and policing rather than putting those resources and efforts toward proactive, collaborative solutions to the root causes? Perhaps the oligarchic state’s calculations tell it that it is cheaper to exert punitive social control rather than non-punitive beneficial social action? Perhaps the state has also calculated that the colonial assimilative project (Bill C-31, Bill C-3) is proceeding apace and will succeed in getting rid of the expensive status Indian problem through discriminatory marriage rules (See Clatworthy 2001; Palmater 2011a). Or, perhaps policy-makers know that ruinously expensive legal delays (for indigenous peoples) in the treaty process will forestall outstanding claims, allowing the oligarchic state to continue to rob First Nations of resources and revenue from them on treaty and unceded lands. The continuing federal and provincial jurisdictional/fiduciary disputes over responsibilities to indigenous peoples provide convenient cover for inaction. Perhaps all of these issues combine to create a policy inertia best characterized by a “damned if you do, damned if you don’t” attitude. These questions were legible before the 2012 reset of the relationship summit on indigenous issues between the Assembly of First Nations chiefs and Prime Minister Harper and will likely continue to be legible. It is my conclusion, based upon past inaction

and recent political pronouncements, that oligarchic state leaders only want to surveil, police and incrementally fiddle with solutions (when they are forced to).

### *Surveillance of Individuals*

In recent years several indigenous activists, their allies and leaders of non-First Nations organizations have had their phones and social media accounts tapped (The Current 2011; Palmater 2012), been followed at major events (Pablo 2009) and been visited at their homes by agents of the oligarchic state security (Lukacs 2010). They have been surveilled at government and privately organized meetings (The Current 2011). The state constructed these individuals as a threat. Here is an example of one of these cases.

#### *Shawn Brant and Ontario Provincial Police Wiretaps*

The oligarchic state has contended with increasingly widespread indigenous protest, as exemplified by the Aboriginal Day of Action, 29 June 2007. The threat posed by peaceful and direct action protests led to extraordinary surveillance, for example, the illegal Ontario Provincial Police (OPP) wiretaps of activist leader Shawn Brant, his brother and two friends (CBC News 2008b). The OPP obtained no judicial approval for the wiretaps, claiming that they did not have time to go through the normal procedures. The OPP claimed they used Section 184.4 of the Criminal Code, which authorizes wiretaps without a judicial warrant in exceptional circumstances if the situation is too urgent to get a judge's permission and there is a threat of a crime causing serious harm to any person or to property (CBC News 2008a). James Stribopoulos, a professor at Osgoode Hall Law School, said, "the use of wiretaps in the Brant case appears to go beyond the intended use of the emergency provision, since there was no evidence that anyone was threatened with physical harm" (Seglins 2009:para 30). Ontario NDP justice critic Peter Kormos said it is hard to believe that police didn't have time to seek judicial approval when there were warnings about the protests several days in advance (CBC News 2008b). Kormos continued, "Judges are available 24 hours a day, seven days a week ... I think it's pretty outrageous and pretty frightening that the OPP are using these extraordinary wiretaps when they knew this action was going to be taking place" (CBC News 2008b:para 20). Kormos noted that in preliminary hearings the Crown Attorney in charge did not argue that Brant's privacy rights had been violated by illegal wiretaps but rather asked for a publication ban on the whole case (CBC News 2008b:para 22). Kormos charged that "the attorney gen-

eral went to lengths to make sure the press, the media, the public wouldn't have access to this information, either the information about the wiretaps without judicial authorization or the context of the conversations" (CBC News 2008b:para 23). Interestingly, the OPP will not say who authorized the wiretaps. This case also shows a major public figure retaliating against Brant: "In a wiretapped phone conversation, [Police Chief Julian] Fantino threatened Brant that 'your whole world's going to come crashing down' adding that he would 'do everything I can within your community and everywhere to destroy your reputation'" (CBC News 2008a:para 10).

The Brant case raises serious concerns for all Canadians, particularly now that Fantino is a minister in the Harper government and in the context of the state's attempt to authorize wider police Internet surveillance powers, in some cases without a judicial warrant, in the withdrawn Bill C-30. Emergency wiretaps remain highly secretive, with no requirements for police to keep records or report on their use (Seglins 2009). Karen Bastow, a Vancouver lawyer, says, "The peril is the case where one doesn't ever know that one's been intercepted. A member of the public could have their phones intercepted and never know about it ... unless it went to trial. There's no accountability" (Seglins 2009:para 14). In a world where demands for indigenous accountability are pervasive, the OPP was not accountable for their illegal surveillance actions. Indigenous activists are criminalized as threats, yet a major police figure issued threats with relative impunity. The OPP was allowed to ignore the non-indigenous peoples' rule of law; yet, Shawn Brant, who was protesting colonial oppression, was arrested for doing so.

In the end the Crown dropped most of the charges on Brant and slapped his wrist on others, largely because it feared "facing numerous defense motions that would have laid bare police actions" (CBC News 2008a:para 1). This enabled the oligarchic state to sweep under the carpet some inconvenient truths, such as the OPP's agreement not to charge Brant if the 2007 blockade was lifted peacefully and promptly, which it was (para 8). Had the case gone to trial, Brant's defence would have "challenged the constitutionality of the Criminal Code's emergency wiretap provisions, which the OPP used during the national day of action for Indigenous peoples to bug the phones of Brant and his fellow organizers" (para 12). The state would have been subjected to the politics of embarrassment for promise breaking to indigenous peoples (again) and, potentially, to having the legality of Section 184.4 of the Criminal Code, one of the state's main surveillance tools, questioned publicly

and legally. It is noteworthy how one element of the state scratches the back of another element when surveillance malfeasance is exposed.

## Conclusion

This article exposes oligarchic state surveillance actors, their aims, their techniques of power, their integration across multiple platforms and the political rationality of colonialism underpinning them all. Continuing state fears of illegitimacy due to its historical and current exploitation of indigenous land, resources and people, coupled with corporate capitalist practices, lead non-indigenous peoples to see indigenous peoples as threats to their good life. First Nations and indigenous peoples are, therefore, socially sorted, securitized and discursively constructed as criminals, internal threats and terrorists (although the state works hard to deny this) for exercising their political right to dissent and protest. This is done to demonize First Nations and individuals; de-legitimatize, minimize or deny indigenous political rights; factionalize communities to divide-and-rule; persuade non-indigenous peoples that the state is protecting *their* democratic rights; and deflect non-indigenous peoples' attention from the state's historical and current responsibilities to First Nations and indigenous peoples. Colonial relations embodied in critical infrastructure must be defended for *all* over and above the needs of subjected indigenous peoples who are putatively part of this *all*. Overall, I show how oligarchic state surveillance is part of continuing colonial structural violence committed by non-indigenous peoples across a host of vectors. This article exposes surveillance as a colonial project and attempts to publicize and crack open the "simplistic assertions of the powerful" (Forte 2011:16) to make colonial constructions legible and comprehensible for various publics within and outside of academic institutions.

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