

REPORT FROM THE C-6 TRENCHES

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“...what on earth are we imposing on the people of Canada with this kind of totalitarian tactic that is being endorsed and spread through this legislation into the tiniest corners of our lives? It even gives the minister ... the ability to take the word of a foreign government on which to base decisions in Canada!”

Senator Elaine McCoy, during Senate Debate on Bill C-6, September 16, 2009

All four parties supported Bill C-6 on April 30 without protest. True, MP Paul Szabo (Liberal, Mississauga North) and MP Judy Wasylycia-Leis (NDP, Winnipeg North) wanted assurances that C-6, to amend the Hazardous Products Act, would not affect regulation of natural health products. Judy Wasylycia-Leis reminded parliamentarians: “The furor that erupted after the introduction of Bill C-51 [to amend food and drugs regulation] and C-52 [the former version of C-6] last year was a result of the fact that the government failed to consider the need to clearly differentiate natural health products from current drug legislation.” Indeed, the pernicious fact is, that C-51, C-52, and C-6 share regulatory provisions that were and are constitutionally insupportable and make a mockery of current medical and environmental science.

The Conservatives promised that C-6 has nothing to do with natural health products, pointing to Clause 4 (1). What they didn't say, and what the Opposition totally failed to recognize, is that if C-6 were to become law, any sort of consequential amendment to food and drugs legislation could be made, and that this could happen by a mere Order in Council, without any parliamentary debate. Nobody would know. This extraordinary power is written into Bill C-6, which also is explicitly exempted from the mandatory requirements of the Statutory Instruments Act against which all bills must be checked to ensure that they are in harmony with the Constitution. The authors of C-6 must know why they did that. Tested for its constitutionality, C-6 would not survive.

Parliamentarians went into summer recess assured that C-6 aims to protect Canadians from terrible poisons hidden in products coming from various irresponsible and ignorant parts of the world. Nobody even thought of asking why this bill was exempt from being checked against the Constitution. Not one MP wondered why C-6 has these extraordinary powers that would make a judge's jaw drop. C-6 was sent off to the Senate. Having been approved by all parties, Harper & Co thought it unlikely to raise Senatorial blood pressure readings. The fact that this toxic products bill is itself toxic to the rule of law, human rights, and our Constitution never surfaced at all in parliamentary debate. Parliament had been successfully bamboozled, misled, or was complicit.

If I had my way, every MP would have to pass, with at least 80% success, an exam in Canadian constitutional and international human rights law as a mandatory

prerequisite to run for office. The examination results would be posted on the Internet and the major newspapers. Imagine the dazzling intellectual wattage that would illuminate our parliament as a result of this one precautionary measure!

If you want something done in Canada, you do it in the winter. If you want to prevent something from being done, you do it in the summer. This tactic has worked for Liberals and Conservatives alike for at least a century. Therefore, Manitoba's Senator Sharon Carstairs' surprising move, to adjourn second reading of C-6 on June 23 until September, could at first be understood as summertime having arrived in Canada and that the living was easier without debating bills. However, knowing her thoughtful work in the late 1990's, which made public the antiquated, inhumane policies that dictated chronic pain management, I suspect her decision to have C-6 discussed in the fall was based on her correct assessment of its assault on human rights.

C-6 was tabled in the Senate on September 16. Over the summer, determined and coordinated action by various health freedom groups resulted in each Senator receiving at least 600 e-mails or letters from across Canada protesting this bill on the issue of its unconstitutionality. Having waded through the moral and legal morass of the C-51 and C-52 last year, this campaign went to the very heart of the matter: the loss of constitutionally guaranteed freedoms which were snuck into a bill under cover of the myth of protecting public health. By the time the Senators met to discuss C-6, they had read the bill, its legal analysis, and got an earful from Canadians. The result: the Senators were furious.

The last time that happened, about a decade ago, a public inquiry was the result of their outrage. They subpoenaed those now internationally famous "rouge" scientists from Health Canada, Drs. Shiv Chopra, Margret Haydon and Gerard Lambert who had consistently fought the governments of Prime Ministers Mulroney (Conservative) and Chretien (Liberal) for disregarding published science and safety requirements of the Food and Drugs Act, and for knowingly passing into our food and pharmacies drugs that cause cancer, liver failure, hormone disruption, systemic disease, birth defects, and central nervous system injury. For their courage to testify before the Senate, those scientists were fired by the next Prime Minister, Paul Martin (Liberal).

Bovine growth hormone, and other killer drugs investigated by that Senate, inquiry disappeared in Canada and the rest of the world, but many more such scientifically and legally insupportable or unsupported drugs are still killing and maiming Canadians - in fact, at least 23,000 people annually, according to the Canadian Medical Association. Meanwhile, the natural health products (NHP), which kill nobody and often cure, continue to be under attack in blatantly illegal ways including raids at gunpoint. The Canadian Coalition for Health Freedom provided the documented case histories of these events to the Senate. This is highly significant, because Health Canada is acting already as if C-6 was in place and as if consequential amendments had also been made to the Food and Drugs Act. Passing C-6 would legalize Health Canada's out-of-control behavior.

Currently, some 35,000 NHPs are still awaiting approval, unlike the rapid approval given to every kind of liver-toxic synthetic drug or immune-system-assaulting vaccine of unknown safety and laughable effectiveness. Despite the total

lack of provable harm and in blatant disregard of their effectiveness, the 70,000 NHPs available in 2004 have been reduced to less than 40,000 by 2009. These will be reduced by about 50-70% yet again, starting in January 2010 because most cannot meet the approval process designed for synthetic drugs. Why not? Because, unlike synthetic drugs, NHPs aren't toxic, but involve essential nutrients; hence, toxicity studies required for synthetic drugs cannot be performed. Also, unlike synthetic drugs, NHPs work best when working together with other nutrients, i.e. synergistically, while toxic drugs tend to deliver one major active ingredient.

The July 2009 Weatherall Report on the recent listeria crisis documented that Health Canada "failed to provide adequate direction [to industry]" because government inspectors weren't even required to ask for listeria tests. Well – yes, of course: there weren't enough inspectors to do the job! The Harper government had been on a deregulation frenzy to make things really easy for industry. This report made 57 recommendations and *not one* called for new legislation. Its conclusion was that Health Canada *follow* current legislation and "do their jobs."

Toxic drugs, environmental poisons, and infected food have a way of keeping scientists, doctors, and the public focused on old-fashioned ideas of accountability. C-6 was designed to go straight to the heart of the matter by trying to trash *all* dissent, due process, and independent oversight. The Harper government must have figured that under the subterfuge of protecting babies and the public, they could get away with this plan.

Nice try. Trouble is, the senators were reading and thinking - activities that are dangerous to totalitarian objectives. Senators thankfully have the same powers as Parliament - and they don't get lobbied and thereby ethically challenged as our MPs do, because Senators don't have to worry about being re-elected. Big Pharma, Big Agri, and Big Industry have to concentrate their lobbying resources on those with future ambitions. It is difficult to buy somebody who has arrived for life; it's as pointless as lobbying the Queen.

Senator McCoy used the word "totalitarian" to describe bill C-6. Vitality readers learned the details in the April and September issues: C-6 abolishes protection from trespass, a court-ordered warrant, and the need for court-supervised search and seizure; it bypasses existing laws on privacy and confidentiality and explicitly exempts the Minister of Health and government inspectors from any kind of third-party oversight and accountability; the need to publish regulations governing the activities of the inspectors is abolished, too; accused individuals have their access to the courts seriously limited; even the assumption of innocence is gone; astronomical fines are to be handed out for crimes committed on the Minister's assumption of guilt which requires no supporting evidence for independent examination; even the corporate shield would disappear, because corporate directors would be legally liable for the actions of their employees – which actions would be deemed criminal solely on the opinion of the Minister, not by the courts; finally, this bill allows foreign governments and institutions, like CODEX and the World Trade Organization, to have the same powers over Canadians in all these matters outlined above, as if they were part of our own government.

Senator Jeremiah S. Grafstein, an expert in corporate and administrative law,

father of the CHUM media empire and cofounder of CityTV, flatly stated: "I was involved in the establishment of the first Department of Consumer and Corporate Affairs. [This Bill C-6] ... is unconstitutional."

Senator Joseph A. Day, a lawyer from New Brunswick, stated " this is much more invasive and intrusive than previous legislation and its ideology is vastly different ... I am very concerned about the constitutionality with respect to due process violation." He was amazed that "...the government is moving away from requiring a scientific basis for making an order" and was shocked that "... inspectors can enter a business without [having to show] reasonable and probably grounds, [that] no warrant is necessary, and he can seize any 'thing' and there is no definition of 'thing'!"

Senator Day was incredulous as to the very need for this assault on basic rights: "Why do we need to do away with the [current] Hazardous Products Act and the regime that has become well-known in the courts and in society? Why must we ... pass this new piece of legislation, which is quite different ... [and only] provides for increased federal government control?"

In disbelief he pointed out: "Guidelines will not be published in the Canada Gazette. They will not go before the Standing Joint Committee for the Security of Regulations because they are exempt....[clauses 3 and 9], and the minister does not have to go to the Privy Council Office to ensure an interim order is within the rules ... This situation is not acceptable."

Senator Day asked: "Is this where we want to go with respect to public safety?"

So the Senate tossed the bill into a serious review process involving privacy law, constitutional and criminal law tests from which this bill from hell may never emerge because, we may have an election that kills all bills on the order papers in Parliament and the Senate. The Senate has the power to stop a bill – they did it six times already - but will only do so if they keep hearing from many Canadians. This is not over!

In 2008, when I was researching the origins of bill C-51 (food and drugs) and C-52 (hazardous products, now C-6) for my book of *What Part of No! Don't They Understand?* (free on www.kospublishing.com), I was struck by the eerie similarities and frequent use of identical wording found in these bills introduced in the parliaments of the EU, Australia, the USA, and Canada. Trade treaties alone could not explain this cloning. Treaties are supposed to enable countries with *different* national priorities to find common methods of exchange. When countries with different social histories, regional priorities, government ideologies, and saleable goods mysteriously propose virtually identical regulatory legislation which would wipe out all visible differences, this drastic leveling process begs the question, "Who profits?"

The answer is a no-brainer: the only ones who can possibly benefit from such legislation are those who won't make safe foods, can't make safe drugs, get rich on toxic products, and hate oversight that slows down production and sales.

Dr. Shiv Chopra has an elegant and simple solution to this gargantuan mess which arises from the fact that government and industry have for so long colluded to perpetrate such horrendous lies, that seeing them for what they are may now

make corrective action possible. According to Dr. Chopra's Five Pillars of Food Safety, and in obedience to the current Food and Drugs Act, we must *demand* our natural right for real protection from harm: 1. Remove all hormones from food production. 2. Forbid the use of all prophylactic antibiotics. 3. Stop feeding slaughterhouse waste to food-producing animals. 4. Stop the production of all genetically modified foods. 5. Stop the use of pesticides in food production, agriculture, and for cosmetic purposes.

The same principles apply to all other hazardous products, which Bill C-6 pretends to regulate but actually sets the stage for their proliferation by removing all accountability. As for oxymoronic Health Canada, we need the Charter of Health Freedom to become law and let Health Canada die a natural and overdue death.

Your letters, e-mails, and continued support to kill C-6 and prevent its resurrection after the next election is absolutely vital. Visit the websites listed below and join this effort.

Resources:

Alliance for Natural Health (www.anhcampaign.org) tracks legislative and CODEX developments in Europe

Canadian Coalition for Health Freedom (www.cchf.com) to send letters to all MPs and Senators with one click

Canadian Natural Health Collective (www.cnhc.ca) for one-click letters, information, strategy

Lawyer Shawn Buckley's national Natural Health Products Protection Association (www.nhppa.org) on C-6 developments and to support the Charter of Health Freedom campaign

Chopra, S., *Corrupt to the Core – Memoirs of A Health Canada Scientist*, Kos 2009

Healy, T. ed. *The Harper Record*, CCPA, 2008 tells you what the current government is really up to

Savoie, D. J. *Court Government and the Collapse of Accountability in Canada and the United Kingdom*, University of Toronto Press, 2008