

## Opinion



During the October Crisis of 1970, when one British diplomat was kidnapped and one French Canadian provincial cabinet minister was murdered, the government invoked the War Measures Act and ferociously pursued the perpetrators. In the case of Air-India 15 years later, 169 Canadian citizens were murdered and we all know what happened next, *by Srinivas Krishna*

# The case for a public inquiry

For 20 years, the families of the victims of Air-India Flight 182's bombing have been crying for justice. In the days after Ripudaman Singh Malik and Ajaib Singh Bagri were acquitted, Public Safety Minister Anne McLellan said she had yet to be convinced "there is anything to be gained from a public inquiry."

McLellan plans to appoint an eminent person to advise the federal government on the matter. Last Tuesday she invited the families of the victims to meet with her because she wanted to learn "what questions remain unanswered" for them.

Some of them who met with McLellan repeated their call for a public inquiry. On the same day, the House of Commons, after a bitter exchange, supported a non-binding call for a public inquiry into the Air-India disaster.

Under such pressure, McLellan may yet learn that the sad story of Air-India, at its heart, is about what it means to be Canadian.

I lost a dozen people on that flight, family friends I had known since childhood. Like my family, they chose this country, moving from India to the Toronto area in the early 1970s. To our relatives who had emigrated to America, our parents would say, "Canada didn't have slaves and Canada isn't at war in Vietnam. That's why we're here."

The sons and daughters of India's anti-colonial struggles, our families had embraced Pierre Trudeau's vision of multiculturalism and a just society, in spite of the challenges we faced. In the 1970s, many of us had to endure racist taunts and beatings at school, while our parents encountered hostility in the workplace and on the streets.

But nothing prepared us for the events of June 1985, the way our government would respond to them and to the families of those who had been murdered. Within a day of the bombing, then prime minister Brian Mulroney stood up in Parliament and conveyed his condolences to the people of India, with no mention of the loss to Canada. In fact, most of the victims were Canadian citizens. He and his staff observed the tragedy. But it wasn't our tragedy. Many lives had been lost. But not Canadian lives.

Or so they assumed, looking at the faces of those who had lost family and friends.

Between 1985 and 1991, we had seen suspects arrested, then acquitted for lack of evidence on more than one occasion. Sometimes we wondered if there was an investigation even taking place.

As so many of the families have told me, no one from law enforcement or from government had ever contacted them and told them what was going on. But, because of the diligence of a few journalists, we had come to learn a great deal about the case. We learned that the Canadian government had been continuously warned by Indian intelligence that a terrorist attack on the weekly Air-India flight out of Canada was imminent.

Transport Canada had responded by giving Air-India X-ray machines but no trained personnel to operate them. Evidently, our government simply did not take the threat seriously enough; the machines didn't even work.

After the bombs went off, killing two baggage handlers in Narita, Japan and killing all 329 passengers on board Flight 182, we witnessed the sad spectacle of American, British and Indian representatives being on hand at Cork, Ireland, to receive the grieving families — but no Canadians.

When a Canadian diplomat finally did arrive several days later, it was only to deny any connection between Narita and Air-India, lest we conclude the tragedy was the result of a bomb and the families hold the Canadian government accountable. Too bad for the government that six months later, in January 1986, the Canadian Aviation Safety Board concluded that it was indeed a bomb that caused the tragedy.

Over the next couple of years, we learned that Sikh radicals who later became prime suspects had been under surveillance before the attack, but CSIS had mysteriously erased the surveillance tapes. When asked why, they pointed to a civil rights regulation that required them to destroy



Inderjit Singh Reyat, above, is the only person jailed in connection with the Air-India bombing. He is serving five years for having built the bomb that exploded in Narita, killing two baggage handlers. Ajaib Singh Bagri, left, and Ripudaman Singh Malik, below, were found not guilty last month in the bombing of Flight 182.

tapes after 30 days if they had no value as evidence.

They were not being truthful. It has since been revealed that CSIS policy was actually to keep tapes that could have value for a year. Furthermore, CSIS did not even translate some of these tapes into English until after the bombing. In other words, CSIS agents were eavesdropping on the Punjabi-speaking suspects but had no clue what they were plotting. Of course, once they read the translations, CSIS couldn't destroy the tapes quickly enough.

They also were not truthful when they said there was nothing of value on the tapes. When journalists finally obtained those translations and revealed that the vital evidence the Crown needed to prosecute the case had been destroyed, we heard RCMP and CSIS publicly accuse each other of having botched the investigation.

Meanwhile, three prime ministers, Conservative and Liberal, one after another, refused families' calls for a public inquiry. And the more they refused, the more they confirmed what we already knew: This was a cover-up.

"We had a multidimensional failure here" involving intelligence and law enforcement agencies, federal ministers, Parliament members and prosecutors, Stuart Farson was quoted as saying in the *Washington Post*. Farson, who directed research for an intelligence oversight committee established by Parliament in 1990, went on to say, "We were told not to touch Air-India."

One needn't think too hard to figure out why. The prestige of government was at stake. CSIS had just been created in response to public outrage over the RCMP's civil rights abuses and "dirty tricks" of the 1970s, and government could not allow the public to lose confidence in its latest brainchild.

Moreover, the financial cost to government of

admitting to its mistakes would be enormous, only adding to the ignominy of disclosing them in the first place. So, rather than lose face, the government spent millions of dollars on an investigation that it had crippled from the start. Finally, important people would lose their jobs, possibly go to jail, and why go through all that trouble if you know you can get away with it?

Whenever the families pressed for an inquiry, all government had to do was respond that an inquiry would compromise the ongoing investigation and point to the millions of dollars they were spending, even though all that money could not produce one single conviction. By 1991, the investigation had essentially wound down.

But by then, the story had run cold and the media were turning a deaf ear to the families. Meanwhile, the nation at large, if it ever thought about Air-India, believed the authorities because the alternative was simply too demoralizing.

Isolated and with little political support, the families were struggling to negotiate a financial settlement from 1986 to 1991.

Bal Gupta, who lost his wife and has been instrumental in the Air-India Victims' Families Association, has said, "The biggest adversary was not Air-India or CP Air. It was our own government. They did not have one sympathetic bone in their body. At every stage, the federal government tried to use Crown prerogatives to undermine our case, refusing to disclose key information, insisting the families put money up front for the lawsuit, in case we lost."

Many families were ruined financially by the bombing. For them, time and money were running out. To bring them to heel, all government had to do was play hardball and wait.

In 1991, the Crown managed to get Inderjit Singh Reyat behind bars for building the bomb that exploded at Narita, killing two baggage handlers. He is serving a five-year sentence for manslaughter.

Even though they had no convictions on Air-India, those RCMP and CSIS officials who bungled the investigation were duly promoted, while the Air-India Task Force was wound down to a few token men. For all intents and purposes, the case was closed.

The conviction of Reyat also gave the government leverage with the families: Justice was done, so why were they still pressing for an inquiry?

And so, without the attention of the media, without political backing from the nation or the community and without the funds to keep going, the

families had no choice but to drop their demands and agree to the government's terms: \$10,000 to \$20,000 for children under 13, who comprised about 80 of the 329 deaths on the Air-India flight; \$75,000 to families of non-earning adults, while a complicated formula was devised to compensate for the loss of adults who were breadwinners.

At the same time, the Security and Intelligence Review Committee (SIRC) under chairman Ron Atkey came out with its report.

Even the edited version showed there had been multiple warnings that Air-India was going to be bombed. Not only did terrorists get away with the single biggest act of mass murder in Canadian history, the government got away with failing to protect Canadians in the face of overwhelming evidence of danger. And then — as if to punish the victims' families for sticking around and reminding them of their guilt — government officials cornered them into accepting a settlement so parsimonious, it was a slap in the face to anyone who'd be silly enough to still prattle on about the virtues of multiculturalism and a just society.

Today families are still asking, "What's in the blacked-out portions of that SIRC report? Who, exactly, benefits from our not being told? Who decided to black them out? Where did the authorization to destroy evidence come from — CSIS management, the ministry of justice, or higher up? How is our security being assured by shielding those who've failed us from scrutiny?"

These are questions that can only be answered by a public inquiry.

"Had this been a tragedy that affected white, mainstream Anglo-Saxon Canadians, I think the response would have been very different," said Lata Pada on the day of Judge Ian Bruce Josephson's verdict. For those of us who belong to the so-called "multicultural" communities, this has been self-evident for years.

Which does not mean we think that Canadian law enforcement is racist. We appreciate that an investigation has been conducted by people who were bothered enough to work against tremendous odds and the dead weight of bureaucratic inertia, not to mention the prevailing currents of cynicism characteristic of our times.

Rather, it is to say that if the victims had been white, mainstream Anglo-Saxon Canadian, the institutions would have responded differently.

During the October Crisis of 1970, when one British diplomat was kidnapped and one French Canadian provincial cabinet minister was murdered, the government of the day invoked the War Measures Act, suspended all civil liberties, arrested hundreds without cause and ferociously pursued the perpetrators. And the nation went along with it. In the case of Air-India 15 years later, 169 Canadian citizens were murdered, many of them children, and we all know what happened next.

When it comes to imagining a collective "us," it seems impossible for our elites to transcend ethnicity. And so it is Canadians still live in two solitudes, only today they are no longer English and French: Now they comprise the so-called "founding people" on the one side, and on the other, the rest of us, the multicultural people, the ethnic vote, the ones who chose this country and, at times like this, wonder if we've been sold a bill of goods.

McLellan thought there would be nothing new to be gained from an inquiry. If she were to launch one into Air-India and its legacy, she would break 20 years of official silence. She would send a signal that the people who run our great institutions do so for the benefit of all Canadians and will be held publicly accountable for the lapses that occur under their watch.

She would affirm that the shared history of the past 20 years, as troubled as it may be, will be given a full and frank examination and put on the public record as part of the narrative of this country.

Srinivas Krishna is a Toronto filmmaker. He is currently developing a TV mini-series based on the bombing of Air-India Flight 182.

## McGuinty trip to U.S. worth more than 'the gap'

Unable to get a meeting in Ottawa with Prime Minister Paul Martin to discuss "the gap," Premier Dalton McGuinty is travelling to Washington today for meetings that ultimately could be more important financially.

While the gap between what Ontarians pay to Ottawa in taxes and get back in federal services is \$23 billion, the province's businesses sell almost seven times that amount annually in goods to the United States.

Those exports — \$153 billion in 2003, the last year for which figures are available — account for more than 30 per cent of the province's gross domestic product. In other words, our standard of living depends on them.

As well, more than 20 million Americans travel to Ontario every year, leaving behind \$4 billion-plus in payments for hotels, restaurants and other goods and services.

All that trade and tourism is dependent on an open border.

This is the message McGuinty will be stressing in meetings in Washington today and tomorrow.

Today's feature meeting is with Michael Chertoff, the new secretary of homeland security in the Bush administration. McGuinty will be joined at



Ian Urquhart  
At Queen's Park

this meeting by Quebec Premier Jean Charest, who, coincidentally, is in Washington at the same time.

Tomorrow, McGuinty is to deliver a major speech to the Canadian American Business Council, which bills itself as "the premier voice of the Canadian-American business community in Washington."

On the heels of McGuinty in Washington will come Tourism Minister Jim Bradley and Economic Development Minister Joe Cordiano. Both men have meetings scheduled with border congressmen.

And simultaneously, a large delegation from the Ontario Chamber of Commerce will be buttonholing congressmen and administration officials

in Washington throughout the week. In his speech tomorrow, McGuinty is expected to draw a picture of the Great Lakes states and provinces as an economic region.

"It will put us in a North American context," says a senior McGuinty aide.

One specific issue to be raised by McGuinty is the clogged Windsor/Detroit gateway. He will call for a concerted effort to construct a new crossing of the Detroit River, bridge or tunnel.

Another is air pollution. He will cite the examples of the Canada-U.S. treaties to clean up the Great Lakes and to curb acid rain and suggest a similar plan be put in place to reduce smog caused by coal-burning power plants on both sides of the border.

One other issue — a pending U.S. requirement that all cross-border travellers carry a passport — has been dropped from the speech, however. That's because President George Bush said last week that he has ordered a review of the policy, which was triggered by the 9/11 terrorist attacks.

The concern at Queen's Park is not so much over Canadians being required to have passports to go to the U.S. as over Americans needing passports to get back into their own country after visiting Canada.

Government research shows that just 23 per cent of Americans have passports.

Thus, such a rule could seriously damage tourism in border towns like Niagara Falls, not to mention the convention business in Toronto.

Imagine the board of the American Medical Association, for example, meeting to consider whether to hold its 2008 convention in Toronto or Chicago.

After discussing hotel availability and travel costs and so on, someone says: "Oh, by the way, if we choose Toronto, we'll all need passports."

Bye-bye convention.

But Bush's reaction when told of the potential impact of the new requirement — "What's going on here?" — was somewhat reassuring for Ontario. Nonetheless, McGuinty can be expected to raise the issue in private in his meeting with Chertoff, as will Bradley and Cordiano in their meetings with border congressmen.

If these messages are heard, the trip could be worth more to Ontario than a meeting with the Prime Minister.

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