

## WILLS, CHARITIES, TRUSTS &amp; ESTATES

# 'Ideological' terrorist definition may affect charities

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**A** "terrorist activity" under the *Criminal Code*, as revised by Bill C-36, the *Anti-Terrorism Act*, is defined as an act or omission committed "in whole or in part for a political, religious or ideological purpose, objective or cause" that leads to injury, substantial property damage or a serious disruption of essential services.

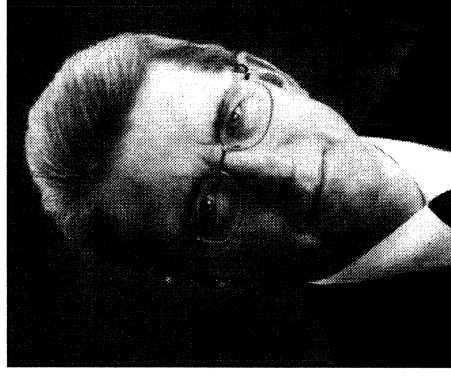
Of the three different types of purposes, "political" and "religious" purposes are somewhat self-explanatory. "Ideological" purpose, though, may be more ambiguous in its meaning. It is important, therefore, to look to how the term "ideological" is being used in a practical context

by the authorities that are implementing and enforcing anti-terrorism laws to understand what "ideological" purpose entails in terms of fulfilling the definition of a "terrorist activity."

As a result of the passage of Bill C-36, the RCMP has stated publicly that its "key role" in the emerging anti-terrorism agenda is "preventing, detecting and responding to existing and emerging national security threats."

An article by the RCMP during the last months of 2001 entitled "The Hands of Terror," available at [www.rcmp.ca/gazette/gazette\\_vol63no6\\_e.pdf](http://www.rcmp.ca/gazette/gazette_vol63no6_e.pdf), documents the beginnings of this anti-terrorist initiative and investigations by the RCMP. In this article, it is stated that

potential terrorists are often "operating under ideology as opposed to affiliation." Specific



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examples of what these ideological purposes are and the issues that are stated as being actively

monitored by the RCMP include groups and individuals involved with advocacy regarding "genetically modified food and ongoing environmental concerns about water, forest preservations and animal rights."

As the actual investigation and enforcement of the *Anti-Terrorism Act* unfolds, information concerning those targeted under it will become critical to charitable organizations, especially those that may be involved with environmental protection or animal rights.

In addition, the recent statements by the RCMP reveal the broad scope of "ideological" purposes in relation to what constitutes "terrorist" activities and the breadth of organizations that may be targeted and investigated.

All charitable organizations,

and specifically domestic charitable organizations that are involved in targeted "ideological" areas involving advocacy, such as animal rights and environmental protection organizations, will now need to be more vigilant in light of these revelations and develop a proactive, due diligence response.

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*For more information about developing a due diligence response, see *Charity Law Bulletin* No. 12 at [www.antiterrorismlaw.ca](http://www.antiterrorismlaw.ca).*