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# **Standing Committee on Public Safety and National Security**

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**EVIDENCE**

**Monday, October 17, 2016**

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**Chair**

**Mr. Robert Oliphant**



## Standing Committee on Public Safety and National Security

Monday, October 17, 2016

• (1730)

[English]

**The Chair (Mr. Robert Oliphant (Don Valley West, Lib.)):** I'd like to call this meeting to order.

My name is Rob Oliphant, member of Parliament for Don Valley West, and I am the Chair of the Standing Committee on Public Safety and National Security.

Welcome to this public meeting of our committee.

This is the travelling version of our 10-member committee. We have members representing the Liberal Party of Canada, the New Democratic Party, as well as the Conservative Party of Canada. We are travelling across the country to hear people's thoughts and ideas about the national security framework.

[Translation]

Both English and French will be used in this committee's meeting.

[English]

You can get headsets for interpretation because we will be respecting both languages.

This afternoon, and each afternoon in the five cities that we've chosen, we have been listening to experts who have worked in this area of national security. They've been advising our committee with their thoughts and ideas, and we had a chance to question them this afternoon.

Tomorrow, we'll be in Calgary, on Wednesday in Toronto, on Thursday in Montreal, and then Friday, we'll be in Halifax.

We began our committee hearings in Ottawa two weeks ago. This is the on-the-road version, and we will continue studying the topic when we get back to Ottawa, listening to more experts and receiving briefs and written submissions that Canadians want to give us.

The government itself is also undertaking consultations regarding national security. This is separate from that. This is a parliamentary committee, and people often confuse Parliament and government as though we're one and the same. We are not. This parliamentary committee is independent of government, and will advise government through Parliament on measures we think are important to Canadians that should be taken into account by the executive branch of the government.

The government is undertaking a similar consultation and the Minister of Public Safety and Emergency Preparedness issued a green paper, as well as a backgrounder on national security. That

forms part of our consultation, but it isn't our full consultation. Our consultation can be as wide as we want to make it, and it can take therefore as long as.... We're not exactly sure how long it's going to take right now.

The minister has asked us to provide some advice to him through Parliament before the year's end, which we will attempt to do; however, our work will continue, I am sure, for quite a while in the area of national security as we attempt to find a way to ensure that Canadians are kept safe, and our rights and freedoms are safeguarded. It is a balancing of keeping Canadians safe through the best options and tools for our national security agencies, but at the same time ensuring that we have the rights of Canadians safeguarded.

Tonight, we have two hours to meet as a committee with you, and we're going to suggest that this is your meeting, not ours. We will be speaking only a little. People will be invited to go to the microphone, and I'm going to suggest about three minutes per person.

The committee may or may not have questions of individual members. I will be watching the committee members to see if any of them would like to ask the questioner for elaboration, or perhaps some clarification of what was said.

We would ask that when you come to the mike, you identify yourself. If you would like to also indicate any organization that you're part of, you may do so, but you don't have to. That's a way for us to understand how broadly and how deeply Canadians are concerned about these issues.

We don't have any opening remarks from the committee other than to say thank you for engaging in this conversation. It's important that Parliament be an open body, and we're glad that you are here to share your thoughts. I can guarantee you that your opinions will indeed shape the report that the committee eventually makes to Parliament.

I'm going to introduce our committee before we begin. Actually, I'll have you introduce yourselves.

• (1735)

**Ms. Pam Damoff (Oakville North—Burlington, Lib.):** Pam Damoff, I'm the MP for Oakville North—Burlington.

**Mr. Marco Mendicino (Eglinton—Lawrence, Lib.):** Marco Mendicino, member of Parliament for Eglinton—Lawrence.

**Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC):** Larry Miller, member of Parliament for Bruce—Grey—Owen Sound, in Ontario.

**Ms. Dianne L. Watts (South Surrey—White Rock, CPC):** Dianne Watts, a member of Parliament for South Surrey—White Rock.

[*Translation*]

**Mr. Matthew Dubé (Beloeil—Chambly, NDP):** My name is Matthew Dubé, and I am the member for the riding of Beloeil—Chambly.

[*English*]

**The Chair:** I'm assisted by the clerk, the analysts, and a number of other officials who help us do our committee work.

We're going to begin with John Allen West.

**Mr. John West (As an Individual):** Thank you, Mr. Chair.

My name name is John Allen West. I represent the rather obscure but intelligent unit in Canada called the caretaker movement. The caretaker movement was set up some years ago after I realized that appealing to any branch of government on matters of intelligence was not going to produce any results.

In other words, I think we should all think carefully about what we mean by intelligence, and, whether we are collecting it or not, how that intelligence will be applied. I was under the impression when I came here that in fact that you had some jurisdiction or structure to pass on the information that we were giving you. It appears that you're just another shill event—I regret to say that—of parties that are simply playing adversarial games with one another and are not seriously looking after the best interests of the Canadian people.

I'm going to take you back briefly to 1972. In 1972, I was doing work for the CBC, and in the course of my investigations for stories, I came across the fact that Mr. Trudeau, the elder now passed, was engaging in discussing behaviour that made him available to blackmail. As a result of that blackmail, he gave away the Bank of Canada to international banking corruptions—corporations, they call themselves.

This piece of information I took to the then Governor General at that time, Roland Michener, and to the deputy commissioner in charge of criminal investigation, by the name of... I'll give you his name in a moment. Those two gentlemen sent the police around and asked what kind of a crazy Englishman—because I was then and am now—was reporting on such matters.

I was actually educated to such matters. I grew up in an intelligence community in Great Britain. This is not a result of my paranoia. This is a result of my experience. I left my country at 23 because I was working then at the BBC as a systems analyst. It all sounds like something out of a spy novel, but it's true. The information that I was trying to get across then was, do not, Great Britain and the British people, get into bed with the Americans, because that is going to bring on neo-colonialism and misery in the world.

Now, I'm old enough to have lived through the Second World War. I can tell you front up, it's not a very pleasant experience for children. Canada, when I came to this country, was a peacemaker. In the world, it was known as a peacemaking country. It was not until later that I saw that this was all part of a larger older scheme

developed by Zionist international bankers to bring about chaos in the Middle East.

That is what happened. When I spoke up about that in the various areas of the BBC, I was certainly shut down very quickly, as I'm about to be now.

**The Chair:** Thank you, Mr. West.

**Mr. John West:** Thank you is the answer I always get.

I only have one question. If you have shut off the mike, well fine. I have it on my recorder. I hope this will go down in history. It's clearly evident that you have no jurisdiction, no value, no purpose, and you're just blindsiding the Canadian people for legitimate good government.

I ask you only one question at this point. Kindly, kindly describe for yourself the status quo and see how much longer such a corrupted government, such a corrupted industrial base, can go on, and this country fall further behind into slavery.

**The Chair:** Thank you, Mr. West.

**Mr. John West:** Thank you for your time. I cannot thank you for your patience because you have none. If intelligence does not involve patience, then you're not an intelligent man.

Thank you very much.

• (1740)

**The Chair:** Thank you, Mr. West.

Thank you.

Alnoor Gova.

**Mr. Alnoor Gova (As an Individual):** Thank you.

First, I want to acknowledge where we're gathered. We're gathered on unceded Coast Salish territory. It's very important to recognize where we are.

Anti-terrorism cases invariably breach normative legal parameters. First of all, let me just say that I'm a radio broadcaster and also a scholar of the contemporary situation of Muslims being targeted in Canada. My Ph.D. research was on the interpretation of responses to Islamophobia by these targeted communities themselves in 2015. These anti-terrorism cases invariably breach normative legal parameters. They venture into a state where we really argue how it should be? We know that in Canada there are cases of violence committed by domestic groups, such as neo-Nazis, white supremacists, and others. What I really want to ask is why are these not considered in public safety when we talk about national security, for example? We know also that, statistically, cases that involve this kind of terrorism in Europe, in the United States, and in Canada do not have Muslims as the primary perpetrators of that violence. I can follow up and give you all the pieces of this later because [*Inaudible—Editor*] this information. Why the focus on Muslims? Why is it that we really don't have substantive evidence that Muslims are perpetrating this violence? Yes, the RCMP and CSIS in their internal records have identified that threats to Canada are coming from groups such as the neo-Nazis and white supremacists. Why that is not a public safety concern is the question.

There is a long answer to it that you may or may not like, but it is because we still envision a [Inaudible—Editor] state that we call Canada. This is why we have racial profiling. This is why we have carding going on in places such as Toronto. This is why Muslims are being targeted and why we're going to eventually strip all Canadians of their civil liberties. This is why the BCCLA that was here earlier, the Canadian Civil Liberties Association, the Privacy Commissioner, the past Prime Minister, etc., came out when the Conservatives were pushing this bill to say that this is not good for Canada. So the question becomes, again, why are you focusing on a small minority of people who are perpetrating these acts and blowing it out of proportion, when you have groups in Canada like the neo-Nazis and white supremacists?

Michel Juneau-Katsuya, a former CSIS investigator, noted that between 2001 and 2012 there were 30 bombings that happened in Canada. None of them were perpetrated by Muslims. I don't hear Public Safety coming out and talking about such a thing.

• (1745)

**The Chair:** Thank you very much.

I don't know whether anybody on the committee....

**Mr. Larry Miller:** Mr. Chair, I'm not going to speak on behalf of the committee, but I think the committee will agree with me. I want it on record that while I'm not part of the present government, I am a member of Parliament, and I will defend the present government and the fact that they are not targeting Muslims. None of us, I believe, around this table or in this room are for that. We target anybody, any group, including the neo-Nazis, if they perpetrate terrorism. That needs to be on the record.

**Mr. Alnoor Gova:** All right, sir, you're on the record.

A quick response to that is the previous government, when the Valentine's Day massacre hoax happened in Halifax.... Do you remember that, sir? Does anybody around the table remember that? Does anybody here remember that? Okay, so at least one person reads the media.

MacKay said that there was a neo-Nazi group that was planning to shoot up some mall down in Halifax just last year. MacKay was the minister of whatever he was at the time, and he said that, oh, no, no, this is not terrorism, this is just "murderous misfits". [Inaudible—Editor]. So that's going on. When this is being excused, that's not fair, sir. So there is targeting.

Plus there's a lot of work in Canadian scholarship criminology that has looked at racial profiling. I did a study myself in 2007 on racial profiling here, and it clearly showed that Muslims are being targeted. I'll send you that.

**The Chair:** Thank you.

Just to clarify what we're about today. We are not from the government. Some of us are on the government side of the House, but we're not part of the government. The government is composed of the cabinet and officials who work with the government. We are here as Canadians to hear your concerns.

First, try to stick as closely as possible to the national security framework issues. Second, we won't be able to defend, and we're not going to defend, any actions by this government or previous

governments. We're here to listen to what your concerns and priorities are for the future. That is within our mandate as parliamentarians.

We are, for better or worse, the House of Commons. That means we're the commons, and you're part of that, so we're here to listen to you. We won't defend any government actions. That's not our job.

Mr. Miller was absolutely correct, though, in saying that in this committee, we're attempting to advise the government on a national security framework that doesn't look at a particular threat or a particular right, but looks at all threats to public safety, and sees how we safeguard all rights of every Canadian, not some Canadians. That is our task.

Mr. Jamie May.

**Mr. Jamie May (As an Individual):** Thank you, Chairman.

I don't know what I'm going to speak to. I've got a couple of things here at the end.

The environment we find ourselves in these days is perhaps slightly overactive, which encourages a higher crime rate.

[Technical Difficulty—Editor]

We will move down the road. These algorithms, with which we'll be working with potentially, artificial super-intelligence, maybe very far down the line. This is a very careful thing that must be, as with any bill, future-proof. We have to think about these things before you get to them.

• (1750)

**The Chair:** We have a question from Mr. Mendicino.

**Mr. Marco Mendicino:** First of all, I want to thank you for your very thoughtful remarks, and to draw your attention to the CSIS Act, section 12.1, which addresses threat reduction measures, and to further clarify that the threshold, which you identified in your remarks, doesn't actually apply to threat reduction measures.

What the act says is that before the service takes any threat reduction measures, there must be reasonable and probable grounds that a particular activity constitutes a threat to national security. It's a slightly higher threshold than the one that you were referring to for the purposes of authorizing threat reduction measures. I just wanted to point that out.

Otherwise, thank you for your remarks.

**Mr. Jamie May:** I still think that threshold isn't too low and I would think that threshold has to be lowered. I think with our security services we already have the tools to do this job. I don't think we need more of these tools.

Thank you.

**The Chair:** Barbara Taylor, you have three minutes. I've been a bit generous. I'm trying to be tighter.

**Ms. Barbara Taylor (As an Individual):** I would like to talk personally about why I feel less safe and less secure since Bill C-51 was passed. I can remember the 1970 War Measures Act in Montreal, and Bill C-51 strikes me as being like the War Measures Act full-time forever.

My first reaction was to ask for a definition of terrorism. Harper seemed to imply that it was anyone who disagreed with him. Reg Whitaker spoke earlier today about criminalizing a certain range of opinion, so that's a real concern.

Up to a year ago, I might have felt hesitant to even come out to a public consultation like this, but that's academic, because clearly there were no public consultations before C-51 was passed.

I wondered why new prisons were being constructed at a time when the crime rate was going down. Who would be filling them? Would environmentalists who opposed diluted bitumen pipelines be labelled terrorists and arrested and incarcerated? Would it be peace activists who did not welcome foreign misadventures or even the loss of the long-gun registry be arrested, or even those committed to non-violence, subject to infiltration by *agents provocateurs* to justify arrest and detention? I'm thinking in particular about the G8 summit in Toronto. I heard some horror stories from those who were there. There were audits of NGOs that read like a who's who of the organizations that I support, the charities I support, including my own church.

I've been wondering just in the past week why the Trudeau government is reluctant to give up the inheritances of the Harper government. I've heard that, with regard to climate change, it has the same inadequate goals. I heard on CBC radio today about the same low levels of health care dollars going to the provinces. And now, why does it want to keep what was given to it with Bill C-51?

I have one last piece of personal disclosure, which is that I'm a Raging Granny. If we had had more notice, I wouldn't be the only one here today. We have a song that we were singing. I'll give you just two lines. It goes, "Don't spy on me, RCMP. This isn't Argentina."

I have another song that I will leave with you along with a cartoon from the *Vancouver Sun* from 1998, which will show you that this has been going on since before 9/11 and before Bill C-51. When APEC was held here in Vancouver, the Raging Grannies were listed as a low-level threat. Now at the time, our response to that was "what do you mean 'low level'?" But since then, we're a little more nervous. I am. I'll only speak for myself.

I want to leave you with a song and a cartoon and an accompanying article. To whom should I give them, please?

● (1755)

**The Chair:** I'm happy to take it.

Ms. Damoff has a question for you before you go.

**Ms. Pam Damoff:** Thank you for coming out tonight and I know you sat through our meeting all afternoon as well—

**Ms. Barbara Taylor:** As a concerned citizen.

**Ms. Pam Damoff:** —and I want to thank you for your passion and for your interest. If you have ideas on how our national security framework could work better, please submit them to our committee. We'd be very interested. I realize three minutes isn't a very long time, but you heard us asking witnesses this afternoon as well for further information, so please give us your ideas. You obviously have some.

**Ms. Barbara Taylor:** Thank you.

**The Chair:** That gives me the opportunity to remind you that anybody may submit a written brief by going to the Parliament of Canada website and looking for our public safety and national security committee and clicking on the "submit" button and it will take you through the steps so you can submit that.

I don't know whether we can put in digital tapes of people singing or not, but Ms. Taylor, you've raised the bar a bit now on future submissions to our committee.

Thank you.

The next one is Jesse Schooff.

● (1800)

**Mr. Jesse Schooff (As an Individual):** Hello, my name is Jesse Schooff. I'm a blogger. I volunteer with OpenMedia and I've also worked as the IT manager of a small company for the last decade.

I'm here today because I'm troubled by many aspects of the anti-terrorism act of 2016, which we call Bill C-51. But the main reason I'm here today to speak is because as an IT professional I'm concerned, and in some ways terrified, by some of the language in the online Canadian security consultations, which I know are not directly related to this committee. But the question was: How can law enforcement and national security agencies reduce the effectiveness of encryption for individuals and organizations involved in crime or threats to the security of Canada, yet not limit the beneficial uses of encryption to those not involved in illegal activities?

The short answer is you can't. The long answer would require more time than would be polite for me to take today, but I can explain by way of analogy. A few years ago the Transportation Security Administration in the United States decided that they needed to be able to open passengers' luggage at will without cutting off and thus destroying their luggage locks. The TSA partnered with lock and luggage manufacturers and worked with them to create a TSA master key that could open any lock. It wasn't long before someone created a 3-D printable model of the TSA master key that could be downloaded, distributed on the Internet, and printed, allowing anyone, including criminals, to open any TSA-approved lock.

When we talk about weakening encryption or creating a back door that only the good guys can access, what we're really talking about is deliberately putting bugs into our software. Any IT security expert or computer scientist will tell you that when there's a bug in software, hackers work hard to find that bug and exploit it. Encryption is not just a feature that makes it safe for us to use our credit card on eBay or that keeps racy instant messages private, encryption keeps our data infrastructure safe from hackers, criminals, and even terrorists. Encryption is the brick and mortar that allows enterprise IT to exist.

If government weakens or backdoors encryption, I can say without hyperbole that we put the entirety of our technology infrastructure at serious risk.

Thank you for your time.

**The Chair:** I'm going to have a question too, but you go ahead, first.

**Ms. Pam Damoff:** Thank you very much for coming forward and certainly the whole encryption thing has come up here.

I also sit on the status of women committee and we're looking at cyber-violence.

If you put that hat on for a moment, and look at the question of encryption in terms of tracking down people who are committing cyber-violence against young women and girls, the police and victims have told us that's one of the issues in why they haven't been able to track down these people.

They are criminals, regardless of whether they're committing terror or whether they're committing cyber-violence. I'm wondering, how do you balance that, and how do you deal with issues of encryption when you're talking about people who are committing crime and not being able to track them down?

**Mr. Jesse Schooff:** Thank you. That's a very good question.

What you're talking about concerns me too, immensely. I consider myself a feminist. Cases like that of Amanda Todd for example—

**Ms. Pam Damoff:** We had Carol Todd, Amanda's mum, as one of our witnesses.

**Mr. Jesse Schooff:** Wanting does not make it so. Encryption is computer science, it's mathematics, and it is a thing that is either secure from end to end or it has vulnerability built into it. We could mandate that our software has to have back doors built into it, but once again, people will immediately start looking for how they exploit the back door to steal credit card information, to spy on people, to commit all sorts of cybercrime. Any time there is a bug in software that allows people to do something they're not allowed to do, it's immediately exploited.

I wish I had a better answer for you than that, but I don't.

• (1805)

**Ms. Pam Damoff:** Can you make any suggestions in a digital world on ways to maintain the privacy or integrity that you're talking about, but also to allow law enforcement to be able to use tools to be able to track down criminals?

**Mr. Jesse Schooff:** I'm a systems administrator. I'm not the greatest computer security expert that you could talk to on the matter.

Security personnel and law enforcement will either have to rely on brute force using their own hacking methodologies to try to intercept information they're interested in or build in vulnerabilities by design.

**Ms. Pam Damoff:** That's the part that's not effective, from what you said.

**Mr. Jesse Schooff:** From my standpoint, that would be very dangerous.

**The Chair:** Mr. Miller, you're next.

**Mr. Larry Miller:** I have to admit I don't understand your chat about encryption at all. I'm not an IT specialist. You said you weren't, but you obviously know a lot more about it than I do. I think it would be helpful to continue what Pam was on.

Any information that you or experts in this that you know of could send to the committee that we could read to help us better understand it would be very helpful for me, Mr. Chair.

**The Chair:** I want to echo those comments. This will be a big thing. I'm not sure we're going to get into it as much in this study. One of the things we're doing on this tour is trying to look at the scope of everything we need to do to see the modules of later studies we're going to do, the whole concept of security in a digital world.

What came to me as you were speaking was, we've tended to think of encryption like cracking code in World War II. If you could crack the code then you could figure out what the bad guys were doing. We're framing it in terms of having a non-digital answer in a digital world, and we have to have a whole new way of thinking about it. The way you've framed it is very helpful for me. You have to build that bug into the encryption, and if you build it in, you give the bad guys a way to get in. I think that's very helpful for our committee to hear. We're not going to give you a satisfying answer on that tonight, but rest assured, that's the kind of thing our committee is listening to. We'll be back to you.

**Mr. Jesse Schooff:** I can leave this with you if you like.

**The Chair:** Leave it. OpenMedia has been in touch with our committee, so we'll be working on this, I suspect, for the rest of our digital lives.

Laura Tribe is next.

**Ms. Laura Tribe (As an Individual):** Good evening.

My name is Laura Tribe. I am the executive director of OpenMedia. As some of you know—I've heard that some of you have already heard from us—we are a digital rights organization that works to keep the Internet open, affordable, and surveillance-free.

Since Bill C-51 was first announced, we've been campaigning alongside many other groups, initially to stop Bill C-51, and now to get it fully repealed. Over the past 20 months, we have seen over 300,000 Canadians speak up against this reckless, dangerous, and ineffective legislation. OpenMedia has set out our detailed concerns about Bill C-51 and many other threats to Canada's digital privacy, including encryption—thank you, Jesse—at [saveoursecurity.ca](http://saveoursecurity.ca). It's a tool that we've built to encourage as many Canadians as possible to take part in the government's security consultations and ensure that our charter rights are protected.

Our calls for how the government must respect privacy and free expression online are fully outlined in our platform, and we will submit them via written comments to make sure that you get them in full detail, but we do invite you and everyone here to visit [saveoursecurity.ca](http://saveoursecurity.ca) to see our written comments in full.

Tonight, we have three main asks for you, our elected representatives on the committee. The first is to make sure that Bill C-51 gets completely repealed—now. I cannot stress enough how urgent this is. Every single day this legislation remains on the books, innocent Canadians continue to be treated as criminals. Our privacy and security are compromised, and our charter rights are violated. As one of our community members told us recently, repeal it completely, and do it now. If the Liberal government believes some sort of bill is needed, then write a new bill from scratch only after a thorough consultation with legal experts and citizens to ensure Canadian rights and freedoms are preserved.

Second, we ask you to implement strong privacy rules to keep us safe from surveillance. I have here with me, and will leave with you, a copy of “Canada's Privacy Plan”, a positive vision for privacy that we crowdsourced with the help of over 125,000 Canadians. This plan calls for an end to warrantless access to our personal information, a stop to mass surveillance of innocent people—a practice that, just earlier today, the U.K.'s top surveillance court ruled as a breach of our human rights—and accountability, transparency, and oversight for security agencies.

Third, we are asking for a commitment to a transparent process for setting out the results of these consultations. You say you want the public to engage in these consultations, but we are not sure how we are being heard. To be frank, our community is very skeptical. This is particularly critical, given the alarm expressed by experts, including the Privacy Commissioner of Canada, about the skewed, one-sided way in which the government—not the committee—has framed many of these national security issues.

OpenMedia is built on crowdsourcing the voices of our community to find the best positive path forward. I believe in the power of community engagement, but we need a commitment that our voices will not be ignored. What assurances do we, the public, have that our voices are being heard and that this is not an exercise in futility? We will not accept “Trust us” as an answer. From Five Eyes information sharing to invasive StingRay cellphone surveillance, accidental privacy breaches, and backdoor encryption, we have consistently been shown that our digital information is too vulnerable to be left to just trust. More important, we shouldn't have to trust you. We should have laws to protect us and safeguards to prevent abuse. We need real transparency, accountability, and oversight.

On behalf of the OpenMedia community, I challenge you to truly listen to Canadians and save our security. Do not perpetuate a culture of fear. Protect our charter rights and values, and reimagine a world where all Canadians can use the Internet without fear of being watched.

As always, OpenMedia remains committed to delivering the voices of Canadians to our decision-makers. We have done so here today, and we look forward to discussing more with you in the future.

Thank you.

• (1810)

**The Chair:** Thank you.

Mr. Mendicino, go ahead.

**Mr. Marco Mendicino:** Thanks for your remarks.

While I don't want to just resort to saying that the proof we are listening is that we are here and I am taking copious notes, not just from what you said but from everybody else who has been up at the mike, I do want to address what I think is your second ask, namely oversight.

As somebody who appears to be studying the issue very closely, as a member of OpenMedia, you will have seen Bill C-22, which would create, for the first time ever, a committee of parliamentarians charged with oversight of the national security file. Hopefully, that is demonstrative of some progress and advancement in at least one of the areas you are concerned with.

**Ms. Laura Tribe:** Yes, oversight is a great first step and it's great to see that some progress is being made on that, but the big concern we have is that Bill C-51 introduced so many additional problems that all that oversight is required. It's great to see that we're making progress, but all the while, Bill C-51 is still on the books. That's really the number one concern we're hearing from our community.

It's almost a year to the date since election day. We were told changes would happen. It's great to see that these consultations are taking place, and we asked for them a year ago. We wanted these consultations to happen. We want to be able to take the voices of the public and bring them to the people who make the decisions.

At the end of the day, we can say these things and that legislation is one part and a tiny piece of the puzzle, but it's really hard for us to go back to our community and assure them that it's still worth taking part in these consultations.

They are listening. What we're really looking for is a way to make sure that people know that this isn't just going on the record, but that these public proceedings will be disclosed to the public. How do they know what you have heard? How do they know that the decisions you make reflect the actual input you're getting from Canadians? A real concern we're hearing from our community is that this is an exercise in futility, and that it's already decided.

•(1815)

**Mr. Matthew Dubé:** Chair, with all due respect to my colleague, could we refrain from getting into what borders on starting to justify things when we're talking about legislation?

I could just say to everyone who says they want to repeal Bill C-51 that I agree with them. That's not helpful at all to the process, given that we all represent different political points of view on this. It will be my pleasure to do that every time, but I think we should avoid that.

**The Chair:** I would advise all the committee that we're here more to listen. However, you are asking us questions at times, so it is a little bit difficult. I don't want to say, "Trust us". We are listening. That's our job tonight. When you do ask questions, we may come back to you with questions, but it will be for clarification. I think that's a point well taken.

Did you have a point or a question?

[*Translation*]

**Mr. Matthew Dubé:** No, Mr. Chair.

[*English*]

**The Chair:** Okay. I also found this very helpful. We are doing that job.

**Ms. Laura Tribe:** Thank you. Anything you can do to ensure that all the consultations you have with the public are transparent and put forward for open criticism would be great.

**The Chair:** Let me just mention, too, that there is an online way of commenting on our committee hearings for this particular study. We can also accept written briefs. I believe my office has been in touch with someone. Is that you?

**Ms. Laura Tribe:** Yes.

**The Chair:** Jake says I have another email from OpenMedia. We're happy to have them. A formal brief coming into the committee will be considered as well. It's very important for us to get them.

People tend to think that Parliament doesn't listen, but it's our bread and butter. That's what we're doing.

**Ms. Laura Tribe:** When people submit those written submissions through your consultation process, how can we the public see the other consultations that have been submitted to know that we're not alone? I think that is the question. How can I know that I'm not the one person who said this, and that you won't come back and say that everyone else said something else? How can we be guaranteed that we're able to interact with those findings and consultations as well?

**The Chair:** This is a very personal one. I just did three town halls on electoral reform, not this topic. The reason I do them sometimes is so that in a meeting of 100 people we can hear that there are about 110 opinions. Our job here is to make sure that we hear them all. You may not see yourselves completely reflected back in our report, but

believe me, you will shape our report, as everybody will shape our report.

Ms. Damoff.

**Ms. Pam Damoff:** I was just going to suggest that as this committee goes along you can also follow the other testimony that we receive. It's all public. The Hansard is printed.

As we're looking at presenting a report, all of our meetings are open to the public. You can follow them online. If you see us going in a certain direction and you think we're missing something, by all means send in further comment on it.

**The Chair:** I do not wish to worry you about being recorded, but you are being recorded.

**Ms. Laura Tribe:** I've been in a courtroom, don't worry.

**The Chair:** Everything that is said in this room is part of the transcript. It is part of the Hansard, as we call it. It will be posted on our website, as will all the written briefs, and everything else we get. It will all be there.

**Ms. Laura Tribe:** Thank you.

**The Chair:** Maria Pazmino.

**Ms. Maria Pazmino (As an Individual):** Hi, I'm Maria, and I'm also here on behalf of OpenMedia. I manage OpenMedia's social media accounts, and in that position I am exposed to a lot of our community feedback and comments on a lot of our campaigning, including Bill C-51.

In my role every day I hear Canadians ask me, "Why hasn't the government repealed Bill C-51 yet?" I have a simple question for you. Why hasn't the government done so already?

Thank you.

**The Chair:** We can't answer that question because we're not the government.

**Ms. Maria Pazmino:** Thank you.

**The Chair:** Josh Paterson, unaccustomed as you are coming to our committees.

•(1820)

**Mr. Joshua Paterson (As an Individual):** Thank you very much.

I wasn't expecting to speak tonight. You'll notice that I did write my submission on the back of an envelope, and I hope that won't be held against the BC Civil Liberties Association because generally that's a negative thing.

My name is Josh Paterson, and I am a member of the public. I'm also, in my day job, the executive director of the BC Civil Liberties Association.

I have a very few quick remarks that I want to add this evening.

First of all, thank you so much for coming. As Ms. Tribe pointed out, we did ask the Parliament to consult on this, and we're happy that Parliament is consulting on this.

I fear that you may see fewer people in the room than are concerned about the issue. That could be a function of having only received notice the Friday before Thanksgiving, and people really had only four working days to even consider this. Groups like ours had four working days to try to let people know what's happening, in addition to Parliament's efforts. I don't make any comment on it other than to invite you to reflect that there may not be as many people in the room or across the country as have concerns about these issues.

The other thing, too, is that these are very complex issues, whether it's the government online consultation or this. When you say to a Canadian, "What do you think about the national security framework?", people have feelings about it and people have concerns. It's quite a daunting thing for a parent, or a retiree, or someone who is working, or someone who is not working to put together a submission for a parliamentary committee.

I want to say quickly that our organization did call for the non-passage of, and it now calls for the repeal of, Bill C-51. I'm going to focus my remarks very quickly on one thing that isn't, by the way, covered in the green paper—and I know that's not your process—and it is the mass warrantless online surveillance by the Communications Security Establishment.

Our organization is the one that has brought the constitutional challenge against the federal government for mass warrantless online surveillance. While it was in the ministerial mandate letter to do something about it, it's something we've heard very little about. The fact that it's not covered at all in the green paper, and that there is no mention of whether we should put warrants in place for mass online surveillance, is of great concern to us.

Ministerial authorizations right now, as many of you on the committee will know, give the CSE the ability to intercept private communications without any judicial oversight and without getting any authorization beyond the elected politicians. It was confirmed this summer as part of the evidence coming out in our case that, contrary to CSE's denials, or saying that they weren't doing it, they were and have been collecting a broad swath of information from Canadians on the Internet. They've been sharing that with foreign agencies, and they have had screw-ups sharing it with foreign agencies.

It's something that's of deep concern to us. We think it's really important for this committee to be thoughtful about that and to look, for example, to the example of the private member's bill from the last Parliament as to the need for a warrant.

At BCCLA, we don't say that there shouldn't be spying, and we don't say that there shouldn't be national security agencies doing this kind of work. What we're concerned about is how they do their work, and we're concerned about the legal requirements around that. Here it is legal requirement-free, and once the minister authorizes it, then it's a green light, and they can carry on doing that in perpetuity or for quite a long time.

Thank you for obliging me an extra 40 seconds. I appreciate that you've come, and I wish you luck in your deliberations.

**The Chair:** We have some questions. Don't go away.

Mr. Mendicino.

**Mr. Marco Mendicino:** Thank you.

Mr. Paterson, what do you say about ministerial warrants?

**Mr. Joshua Paterson:** When you say "ministerial warrant", I'm not sure what you mean.

**Mr. Marco Mendicino:** Ministerial authorizations for the purposes of gathering information on the Internet.

**Mr. Joshua Paterson:** We say that those are completely inadequate. That's the problem. In fact, there have been ministerial authorizations for the collection of data and metadata, and those are simply inadequate. That's one of the nubs of our legal challenge—

**Mr. Marco Mendicino:** Is that because they aren't required to perform the same kind of balancing exercise that a judicial officer would? Or is it for some other reason?

**Mr. Joshua Paterson:** It's because, first of all, there's no transparency. It's because there's no third independent party who is looking at a request from the government to do something that actually violates the privacy rights of Canadians in quite a major way. When the government or an agent of the state asks for the ability to tap an individual's phone line or to go into someone's sock drawer, they have to get a warrant and they need to show reasonable and probable cause why they should get that.

That requirement isn't made of governments at all when they say that they don't want to tap just one person's communications, but that they want to gather and share with foreign agencies everyone's communications. It just doesn't make sense as a matter of principle. There's no evidence that has been presented to us that it makes Canadians any safer that ministers are able to do it without a judicial authorization, so we say that it's inadequate.

• (1825)

**The Chair:** Are there any other members who have a question before I ask one?

On the concept of metadata, the gathering of large baskets of information through that surveillance without warrants, the CSE is under the Minister of National Defence as opposed to the Minister of Public Safety. The green paper has come from Public Safety. I'm not defending the green paper—it's not my job—but what that does then tell me is that the oversight of security needs to include not only the public safety agencies, the CBSA, the RCMP, and CSIS, but also obviously the CSE, and we may be moving into a different environment now.

Are there any thoughts about that in terms of the oversight of these agencies and the linkage—this would be a long conversation—of the individual expert oversight of each of the bodies and then the parliamentary oversight? Are there any thoughts on that new world that we could be moving into?

**Mr. Joshua Paterson:** We have a range of thoughts on oversight issues that we share with some other groups like Amnesty and the CCLA in Toronto, and we'd be happy to provide that, but in a nutshell, we're very much concerned about that. We're aware that the CSE is under a different ministry. Never mind that the government has come forward and said "national security consultations", Canadians don't see which ministry is doing what, unless the message is from Minister Goodale and not from Minister Sajjan. We see that as problematic.

In terms of the agencies themselves, it's been a long-standing concern of ours that there are siloed oversight agencies for each. We've seen instances where there is collaboration, and in fact, the movement is of course towards collaboration. The agencies remain siloed.

We've said over and over, and many others have too, that there needs to be a crossing over, and not just with a parliamentary committee that will have the ability to look at all these agencies. There needs to be what, in shorthand, people have been calling a "super-SIRC", some staff agency, an agency, not necessarily SIRC or the commissioner for CSE, but an agency that will have the ability outside of the committee to have oversight for integrated national security reasons where the RCMP, the CBSA, CSIS, and everybody is participating. We say that there needs to be a parliamentary committee. There needs to be a whole-of-government national security apparatus oversight agency. Whether that's something that sits on top of the existing ones or amalgamates them could be up for discussion.

The third thing that we say there needs to be in terms of oversight is very much like what they have in the United Kingdom, which I know the chair will be aware of, and probably some of the members will as well. That's basically some sort of official who is independent from civil society organizations and independent from government and who can make recommendations as to how national security law ought to evolve.

We're always at a disadvantage. We don't know what's going on with these secret agencies. Parliamentarians don't even know in a lot of cases, and there may be very good reasons, for example, why the government has chosen to do a certain thing, but from the outside we don't know what those reasons are.

In the United Kingdom they have an agent who I think is an officer of Parliament. I'm not sure what the construction is, but I believe he's an officer of Parliament, and his job is to be able to know all of those things and to make thoughtful and constructive recommendations as to legal changes needed where others wouldn't have the benefit of that knowledge. We think that's an important feature as well—

**The Chair:** Which would be equivalent to our Auditor General but on security.

**Mr. Joshua Paterson:** Yes, something like that. That's been suggested by many people and it's agreed by professors Roach and Forcese and others. That's what we would see.

**The Chair:** That's perfect. We'll hear more from you.

Thank you very much.

Judy Hanazawa.

• (1830)

**Ms. Judy Hanazawa (As an Individual):** Thank you very much for allowing me to speak. My name is Judy Hanazawa, and I'm the chair of the human rights committee of the Greater Vancouver Japanese Canadian Citizens' Association. We're members of the National Association of Japanese Canadians.

I'm going to read a little bit from the national association's press release regarding Bill C-51:

In 1942 the Canadian government used the War Measures Act to forcibly displace 22,000 Canadians of Japanese ancestry to internment and labour camps and deported over 4,000 to Japan after the War—many who were born in Canada. Public safety and "perceived insurrection" were the reasons given for this extraordinary violation of human rights and citizenship at that time. Bill C-51 allows the Canadian Security Intelligence Service to arrest those who "may" carry out an act of terrorism. Currently law enforcement agencies can carry out an arrest if they believe that an act of terrorism "will" be carried out. In addition, those who are seen in the eyes of the Government as threatening the "economic or financial stability of Canada"—such as those who engage in non-violent, environmental civil disobedience—fall under the proposed Anti-Terrorism Bill.

I know that it's become an act since this was written.

Further to this at the time of the redress for Japanese Canadians in 1988 the Prime Minister of the day said that no further violations of this kind will be visited upon any other Canadian of any kind.

I'm speaking today after hearing the various concerns about Bill C-51 to focus mainly on the issue of race, and how the issue of racism does play into this.

As an organization and as a community that has gone through internment we've made a decision as a national community to reach out to other communities that may be facing injustice, or displacement, or other violations of human rights. We've reached out to welcome Canadians, and we've certainly heard the day-to-day realities of the kinds of rights infringements that happen to persons of Muslim ancestry and Muslim beliefs. In the same way that race has affected our history it is very much there, as has been said before. I'd like to point this out when looking at the groundwork needed to address security issues in Canada. We are looking at the radicalization of youth. There will not be any kind of reaching in to look at the social issues that affect young people today who may be of Muslim or Islamic-based background who may be considered security risks.

In this environment, where Bill C-51 can pick up people and detain them without their right of defence, and without the use of the regular law enforcement system, I believe that rather than allowing for some way of healing terrorism it will drive it underground. I think that—as with other youths of other communities of colour, our first nations youth—the sense of alienation from Canada is very much present among Muslim youth. That needs to be addressed not because of radicalization, but because this is a matter of race as much as anything else. I ask you to look at this matter as a very major factor in why the bill was developed. As much as colour represents a violation of general rights for Canadians it's very much a matter of concern to us as a community that has gone through a violation. Can I ask you to please consider that?

Thank you.

**The Chair:** Thank you very much.

Any questions?

I think you were very clear.

Joey Bowser.

•(1835)

**Mr. Joey Bowser (As an Individual):** Hello. My name is Joe Bowser. I'm speaking here today as a private citizen and as someone who recently dealt with the full prior surveillance powers of most of the agencies of Public Safety Canada, and probably the CSE as well, although I'll never get confirmation of that.

First of all, I want to have it on record that I'm against the measures introduced in Bill C-51, of course. I'm also against the new proposed measures mentioned in the green paper. That would include compelling passwords at the border as well as data retention as well as back doors to encryption.

I'm actually here today to talk about accountability when our rights are actually violated; how just random Canadians, anyone with a cellphone, can actually have their rights violated; and about how law enforcement deals with actual technology to keep up with the digital world.

One recent thing that keeps popping up in the news, over and over again, is the technology. This box is called the StingRay. In case you're not aware, a StingRay is a device that law enforcement and intelligence communities can use to actually get your IMSI number, which is unique to your phone and your SIM card. It can identify you. Of course, once you have the IMSI, then you can go the telephone provider and say, "I want to know whose IMSI this is". They can provide you all the basic metadata information, as well as probably all their Internet data, and you can actually pinpoint, using this device, when and where people are.

In one instance, Corrections Canada had one on a prison. They cracked down on illegal cellphones that had been smuggled in. They wanted to make sure no one had cellphones. But a farmer next door also got caught in it. The big problem with these cell towers is that they're fake. If the farmer had to call 911, he'd be in big trouble. It wouldn't work. The call wouldn't actually go through. It would probably reset, he'd have to dial again, and then it would go through. That's two seconds more that the person would have to deal with, where 911 doesn't work. Think about that.

Now, let's say you see something at the art gallery while you're in Vancouver. You see one of the many protests here—like the one outside, where you can hear them chant "Stop Bill C-51"—and let's say you want to check it out. You have, of course, the RCMP with their StingRay out trying to just collect data, to see who's there, as well as to surveil the crowd. You know, they gather some data. They see some people they're interested in. They know the people who are there, so they grab all that IMSI data and then they try to weed out whose IMSIs are what, based on their intelligence. Then they go and surveil them, steal their trash, and do all the other regular normal stuff that police do.

The thing is that if you're under surveillance, even if you're not doing anything illegal or wrong, and even if you don't get arrested, it still affects your life. You're definitely way more paranoid than you were before, especially since you don't have any recourse to know if you ever were under surveillance. There's no way of finding out. There's also no way for the public to actually talk about these technologies or confirm that they were ever being used.

The way the laws are written in Canada is that the onus, the power, is entirely in law enforcement. Even though the criminals already know how to get past the StingRay—it's old technology from 2008—the public doesn't know. Criminals can just get another SIM card or whatever and just bypass this technology. But the public, they don't know. They just don't. They'll keep on getting picked up by the IMSI and they'll keep on getting their data surveilled.

The IMSI is unique to everybody's cellphone. If you have a cellphone, you have an IMSI. It can be picked up by a device that's in the back of a van with some antennas. This device isn't actually registered with Industry Canada, so that's technically illegal as well, although I'm sure there's a warrant to get around that.

**The Chair:** We're at the end of the time.

Do committee members have any questions? No?

Thank you very much.

John Taylor.

•(1840)

**Mr. John Taylor (As an Individual):** I'd like to speak on a couple of issues that I feel strongly about.

John Taylor is the fifth most common name in North America, and I can assure you, some of them are on the no-fly list. Whenever I go to the airport, it's hard to get through the guards. Now I've learned to overcome the barriers by having, first, a frequent flyer plan so that they can go back and check to see if I'm the right person. Secondly, I use my father's first name as my middle name on the ticket, and it's very unusual, so that I stand out and I don't look like all those other people on the no-fly list.

I often wonder, how do they make up that list? Everything I've read in the papers on it has said, well, that's a big secret. "The U.S. doesn't release that information, and we use their lists automatically because so many of our flights go into the U.S."

It gets to be a real serious problem when you start thinking about who the U.S. would put on there. First of all, I guess it's anyone who's committed a felony, which would be half of the black males in the U.S. Many of them get arrested because, in most of the southern states, anyone with a felony record cannot vote. We're sort of perpetuating that by honouring it. I think there's a moral issue involved in that.

I often wonder about our own first nations people. Are they affected by the no-fly list? Many of them, maybe in their youth, may have been arrested or been charged. We've read reports that they outnumber just about everyone else in our prison system.

I feel uncomfortable with a no-fly list. I wish there was some way that it could be cleaned up, and that there would be an appeal. We could hire a lawyer to go in there and find out just exactly why we're on it and what the problem is, and that sort of thing. Apparently, nothing can be done under the present system, both in the U.S. and in Canada.

The second issue that I'm concerned about is the lack of accountability, supervision, of these big spy agencies. We have the example of the FBI in the U.S., which was under the control of J. Edgar Hoover for most of his lifetime. His tactic to keep control was to spy on all elected members of Congress, the House of Representatives, the Senate, and such, so that he never had any problem getting his budget increased every year. Anyone who came up with ideas of a reform was immediately shown their file. He had complete details on the things that they didn't want revealed about them, that they'd rather not let the public know.

It looks like we could run into that position, if the U.S. is any indication that it can be done. I would say we have only a couple of years to put those accountability issues into place to protect Parliament and the population at large. Such a system can be very abused when it's basically an alternative government. A very powerful individual has the goods on everyone.

I think that's a major issue that we have to deal with, not because of what everyone else has been talking about, the accountability, the proper subpoenas, and things like that, but simply as a matter of self-preservation for our country. Thank you.

**The Chair:** Thank you very much.

Mr. Miller.

**Mr. Larry Miller:** Thank you very much, Mr. Taylor.

Regarding the no-fly list, as a member of Parliament, I've had a number of people come to me who have had problems like you've had. I know at least two or three of them, who I talked to after the fact, and once we made the proper authorities aware of it—and I don't know exactly what they did—people didn't have any trouble travelling after that.

I would encourage you to talk to your member of Parliament, or anyone else that you'd like, and I think there's a good chance that it may not happen again. I couldn't imagine being on the list, but I know some of the frustrations that some of my own constituents have told me about.

I certainly believe you, and I would encourage you to contact your member of Parliament. He or she may be able to help you.

• (1845)

**The Chair:** Thank you very much.

Go ahead, Maurice Mills.

**Mr. Maurice Mills (As an Individual):** I'm Maurice Mills. I'm the second vice-president of Unifor Local 114 of New Westminster. I'm also the B.C. coordinator of the safe as our cargo campaign. I represent workers in the armoured car industry. The mandate of this committee is very broad and covers basically anything that includes the lives and the security of the people of Canada. Public safety,

policing, and law enforcement come under the mandate of the committee.

In the armoured car industry, there is no national standard. Many of the members of Parliament with whom I've spoken are surprised to hear that. The armoured car people are the only Canadians without peace officer status that carry firearms in public. There have been 15 publicly reported armoured car robberies in Canada since 2012. There are others, but we are only counting the ones here that are publicly reported. We have a myriad of permits and security clearances. I am cleared by the RCMP and by Transport Canada to go to the airport or the port. I have a federal government clearance. I'm not sure if CSIS is involved in that or not. I've been cleared by the FBI. I can go into the United States. I have a transportation workers' identification credential to go to the restricted area of any port in the United States. Oddly enough, if you have a FAST pass or a NEXUS pass you've also been investigated by the FBI, as well as the RCMP. I have to declare to customs as a transporter when I transport across international boundaries an amount over \$10,000.

Again, my concern is, what is happening with all that information? Normal everyday citizens with a FAST or a NEXUS pass are going to have almost that same level of scrutiny. Where does that go? How long is it held? Nobody seems to know. One of the things we'd like to see is this bill repealed because the amount of information that is gathered from ordinary Canadians far exceeds what I think would be the norm in almost every situation.

I will conclude with one final plug. There is a bill before the house, Bill C-285, the national standards for the armoured transport of currency and valuables act, and I would ask you to give your support to the bill, as an aside.

Thank you.

**The Vice-Chair (Mr. Larry Miller):** Thank you very much.

Go ahead, Ms. Watts.

**Ms. Dianne L. Watts:** Thank you, Chair.

For clarification, since I didn't quite get the answer, you were saying that there were how many robberies?

**Mr. Maurice Mills:** There were 15 publicly reported robberies. I could probably send you a document the union has prepared. It would be a reference to a news article of each robbery by way of third party verification.

**Ms. Dianne L. Watts:** Okay. You don't have peace officer status?

**Mr. Maurice Mills:** No.

**Ms. Dianne L. Watts:** Okay. Thank you.

**The Vice-Chair (Mr. Larry Miller):** I have a NEXUS card. You mentioned that the U.S. has investigated it. A NEXUS card for anyone who doesn't know, is used when you go to the airport. It has already put you through a high-security screening process. My wife has one as well. Are you saying or implying that they go through something over and above regular screening of me? I have nothing to hide obviously or I wouldn't get a NEXUS card.

•(1850)

**Mr. Maurice Mills:** That came about when I was talking to one of the agents in Blaine, when you had to go down to Blaine to get your NEXUS card. I had already given my fingerprints, and so on, in Canada and the representative in Blaine said, "Now we're going to take your fingerprints and send them off to the FBI." I thought, "Oh great, another three months I have to wait while I'm getting a clearance." He put some grease on my fingers, put me on the computer screen, and transmitted them. In about a minute he said, "Yes, you're good", and printed me off a pass. That was some years ago. I've renewed it, I think, twice since then, but that's where that comment came from. It was an agent in Blaine who told me that they actually screened you through the FBI.

**The Vice-Chair (Mr. Larry Miller):** Thank you very much.

We'll now go to Brian Sproule, for three minutes.

**Mr. Brian Sproule (As an Individual):** First of all, I'm proud to say I was one of those people picketing outside here against Bill C-51. The working group to oppose Bill C-51 was established shortly after the introduction of that bill into Parliament. At that time, we said to "stop" Bill C-51; after its adoption, we changed it to "appeal" Bill C-51.

It's our view, and it always has been, that there is no place for this kind of legislation in Canada. It is police state legislation. It has nothing to do with security or opposing terrorism.

This kind of legislation, which was introduced by the Conservatives and supported by the Liberals, has also been brought in by various allies of the United States in Europe and other parts of the world.

The United States is the biggest source of terrorism internationally and inside the United States. Right from the early days of the labour movement in the United States, terrorist methods have been used to suppress worker strikes, to kill, assassinate, or lay trumped-up charges against union leaders. The black people of the United States have been subject to lynchings, mass murder, and what we see today going on with police murders with impunity.

This is the kind of government, the United States...and then, of course, internationally with the destabilization of various governments, and the organization of coups throughout Latin America over the last several dozen years. The United States is the only country that ever dropped nuclear weapons in time of war, and so on. The false accusation of weapons of mass destruction was used in Iraq to attempt to justify the invasion there. The accusations against Gadhafi, and now Assad, and on and on, all these are pretexts to launch invasions and to bring about regime change.

If we want to put an end to terrorism, Canada can make a contribution by immediately withdrawing from NATO and breaking with the U.S. military industrial complex.

Thank you.

**The Chair:** Michael Burnside.

**Mr. Michael Burnside (As an Individual):** Hello. Thank you for holding this. I'm very confident you would see a lot more people here if there was more advance notice. I'm really grateful to

everybody who did show up. I thank all of you. I only heard about this today.

I think the whole premise of Bill C-51 is based on the idea that we're under threat of terrorism, which I think is ludicrous on its face in the first place. I think the whole thing is based on the fact that we went in on this aggressive military act in the Middle East following the U.S., and it was a mistake, and as a result we drew aggression towards us. The fact that we have this bill now to try to combat something that we drew upon ourselves, and overreaches what is necessary and what is sane, is ludicrous.

Whatever kind of demographic you may ascribe to me personally in terms of age or gender, I want you to understand that I'm representing everybody I know, because there's not a single person who supports this. This bill is poison. It's completely useless. It's far over the top. We're not under threat of terrorism.

I support a full repeal. I don't think you can pick and choose. I don't think it's adequate. I don't think it accurately addresses the actual concerns that we have going forward in the future. All the wonderful points by the people brought out from OpenMedia are absolutely accurate. You cannot guarantee the security of devices when you build in back doors. You can't have laws in Canada where you can lock up people who do peaceful environmental protests. You can't do that. We're not going to support this, and we're going to continue fighting to have a full repeal.

There's not one of us. Is there anybody here who is in support of Bill C-51? What is the ratio of people you have met who support this versus those who do not? I mean real people, not friends, not family, but constituents. I've never met a single person in Canada or abroad who supports Bill C-51.

That's it. Thank you.

•(1855)

**The Chair:** Are there any questions?

Thank you.

Kathryne Ayres.

**Ms. Kathryne Ayres (As an Individual):** I'm not very well prepared because I only found out about the hearings this morning and I've been working all day.

I want to speak about the issue of accountability and the lack of expert oversight...CSEC, CSIS, the RCMP, all of the agencies working together as they would under Bill C-51, and as they have been.

I'm fairly new to understanding the importance of intelligence in making a country safe because, as many people of my background, politics has not been in the forefront. Once I started learning about what was really happening in Canada, I became very alarmed. What really opened up my eyes was the layoff of Eva Plunkett. She was the inspector general of CSIS, and Mr. Harper laid her off with no excuse, other than he wanted to save a million dollars. He would save a million dollars by laying her off. Well, officially she retired, but he closed the department. That was expert oversight of CSIS.

All that was left were Mickey Mouse SIRC committees with questionable leaders, one who actually was working for an oil company, Chuck Strahl. I have lost all trust that our spy agency CSIS is really working the way it should.

One of the reasons that Eva Plunkett was let go is because she was critical of CSIS. She provided reports that raised questions that were not taken very willingly by the government at the time.

We've had four years without expert oversight of our spy agency. We talk about Bill C-51 and all the problems there—and are there ever a lot of problems. Nobody is even talking about the fact that nobody is really looking after CSIS, and that's one major cog in this wheel.

I want to know if the Trudeau government is going to reinstate the inspector general office; if they are going to respectfully request the services of Eva Plunkett, who was extremely knowledgeable about what was going on there; and if they can be on top of looking at the problems in Bill C-51, of looking at what's really been going on over the past four years.

**The Chair:** I'm afraid we're not the people to ask that question to, but certainly the whole issue of expert oversight is part of our mandate. The actual person, or the office, or the way it's done may be somebody else's, but we certainly take that as advice.

● (1900)

**Ms. Kathryn Ayres:** Are there questions?

**The Chair:** Any questions?

**Ms. Kathryn Ayres:** Does nobody else find it very important that our spy agency is not being held accountable?

**The Chair:** I certainly saw nodding among members on our committee as you were talking.

**Ms. Kathryn Ayres:** I'm scared. I think that Bill C-51 is dangerous. It's going to be used as an excuse to do things that Canadians don't really want to see done in the name of protection, but it's actually for a certain kind of misuse of power.

Thank you very much.

**The Chair:** Thank you.

Stephen Ellis.

**Mr. Stephen Ellis (As an Individual):** Hi. I appreciate your time and the chance to be here.

I'm a private citizen. I'm now retired. I used to work for each of the largest telephone companies in Canada. I had dealings with CSIS. They always needed a warrant. Of course, I've been retired for a while.

I'd ask the committee to remember why CSIS was created. CSIS was created because it was seen that it was really dangerous to have a police agency that had intelligence power. CSIS was created as a separate entity to take that away from the RCMP. Bill C-51 gives police powers back to CSIS. If you don't see why that is dangerous, then you really need to do some reading. You need to understand what all the privacy commissioners in Canada have said and why they oppose this bill.

Right from the start they opposed this bill. A couple of hundred legal academics opposed it. Almost every other former prime minister opposed it. The only people that I could see who were for it were the spooks and the people in the Harper government who saw a chance to take advantage of a terrible incident and bring in these really draconian powers on the part of CSIS.

I have a couple of suggestions. One suggestion is that if you want more information about the danger of trying to put back doors into encryption, then take a look at the writings of Dr. Bruce Schneier. He has a much-read blog. He's a very well-respected part of the information security community. He's at Schneier.com. You'll get a lot of really good information there about the dangers of trying to put back doors into encryption and why it's a danger to our economy to do that. If you removed encryption, then many businesses would fail.

Another suggestion I have is about this idea of CSIS going before a judge to get a warrant. Although it doesn't appear to be happening, that's very troubling. When CSIS does go before a judge to get a warrant, there's nobody representing the other side. CSIS on their own makes the decision of whether they should go for a warrant. Then they're the only ones presenting information to the judge. I think you need to involve the privacy commissioners or somebody like that to provide a counterbalance for what CSIS is requesting.

The privacy commissioners are a resource in the country that I think you're not utilizing. Your government is not utilizing that resource with respect to CSIS.

I can go on for a long time, but I don't think we have much more time.

**The Chair:** Thanks very much.

Any questions?

We made notes.

Letchumanapihai Pathmayohan.

**Mr. Letchumanapihai Pathmayohan (As an Individual):** My name is Letchumanapihai Pathmayohan. Thanks for the opportunity to come here to speak. I saw this today in the newspaper so I thought of coming after I read about it.

As for the reason I'm here, I have been here in Canada for more than a quarter-century. I came from a war-torn country. I should say now that there's genocide in that country against Tamil people. When Bill C-51 came to be implemented, before that, what was happening in our community is that we were unable to bring our political matters, political issues, to the mainstream media or to the Canadian policy-makers, because we became like [*Inaudible—Editor*] We didn't know how to express that to the Canadian government, the policy-makers, the decision-makers, or the embassy, and we always were seeing scary things and fear tactics. We couldn't speak and we couldn't tell the truth.

When we came here, we thought that Canada had such freedom of speech and freedom of assembly all over the country. I really appreciate the Charter of Rights of Canada, which we don't have back home in my old country. We don't have any human rights there, and there is no Amnesty International. We came from that kind of country. We came here and our sovereignty... We are free to bring these matters to the politicians, the decision-makers.

All of it is under threat from all the terrorists, so we are going to be afraid to come forward and speak out. The majority went into the closet, even the educators and economic intelligentsia; they all went quietly. Mostly, it's keep your mouth shut. They want to go to work and they don't want to talk about these things. That disappears. The scary part is to speak out. That's what I am here to tell the committee. We had to work politically, in a political manner, and how did we want to bring it if we had this kind of a fear thing? Also, it brings the freedom fighters. The terrorists came, and they never consulted with the community people or the members in a due process as to whether it was the right thing they were doing or wrong. The people were defenceless, because we came from a troubled country. That sense of [*Inaudible—Editor*] does not exist here, I believe.

In Toronto, they have a lot of communities, quite a few. There is a large number of Tamil communities, but in Vancouver, we are all scattered. We are quite a few, I guess. That's what my sense of it is. Thanks for giving me the opportunity to speak today.

• (1905)

**The Chair:** Are there any questions?

Robert Feher.

**Mr. Robert Feher (As an Individual):** Thank you.

I only found out about this today, so I didn't have much time to research. I quickly googled this before I got here to figure out as much as I could and to be as informed as possible. I didn't come for the meeting beforehand [*Inaudible—Editor*].

There were a few things that I thought were really weird about Bill C-51. One was that the agency in charge of overseeing them and making sure they do everything right, which I think was SIRC or something like that—the Security Intelligence Review Committee, if I recall correctly—said that before they even got policing powers, CSIS, they had trouble overseeing them and making sure they were doing everything right. There were some things going on that were kind of like, oh, you shouldn't be doing that. Now that they have a lot of policing power that's very vaguely defined so that they can do not everything they want against terrorism, but almost anything, then

there's not going to be a lot of oversight in making sure they're doing things properly and not overstepping their boundaries, which is bad.

The second thing is about the no-fly list. I found out that to be put on the no-fly list there's not really very much of a requirement, other than I think “reasonable grounds to suspect” someone. To get off the no-fly list involves going to court, but the court proceedings can be held in secret, so the person who wants to get off the no-fly list, the public, and that person's lawyer can't hear the evidence about why CSIS says no, to keep them on the no-fly list. You could say “why am I on the no-fly list?”, and you could say that you want to repeal that. You go to court, court happens, and the judge says, “Okay, I've heard the evidence and I've made my decision, and you just stay on the no-fly list.” When you ask why, they say they can't tell you because that's secret. That's kind of shady. That's really weird.

Those are my concerns. That's about all.

• (1910)

**The Chair:** Are there any questions?

Those two issues, the oversight issue and the—

**Mr. Robert Feher:** —no-fly list—

**The Chair:** —are certainly on our agenda.

Thank you for raising them.

Minah Lee.

**Ms. Minah Lee (As an Individual):** First of all, I am a guest in this land, and I am a non-citizen, non-PR, who has been living here for a decade. I acknowledge that I am in the first place excluded from the consideration and from the conversation by being non-Canadian. At the same time, I'm deeply concerned by this whole issue and I have been following it since I am living here.

I'm also an artist, and I have been prevented from gaining more legal or political ground in this land by being an artist, because that isn't really in line with the economic security that the nation is going for.

A few years ago, I made a piece of artwork focusing on the lone wolf terrorist and also the online predator issues, which I was dealing with after some public shows. Then what happened is, unfortunately, I experienced some incidents that were violating my privacy very profoundly. Then I realized that the existence of this anti-terrorism bill might account for this unexplained act of destruction.

I'm here to talk about the goal of the imagination that is implicated in this law. I have actually become very interested in this issue since then. I saw a video of the Minister of Public Safety talking about the lone wolf terrorist issue, defending against the criticism of Bill C-51. He said the copycat mentality is very dangerous and we have to go to the roots of these people and disrupt them. I couldn't quite grasp what that really meant and it gave me a deep chill actually.

I couldn't stop thinking that it is the law that proves the state's privilege to imagine and to impose the imagined narrative on people at the risk of their actual safety and freedom of mobility and freedom of expression. My biggest concern is that this logic is being normalized and perpetrated while the group of people who are the most vulnerable and unprotected and barred from their legal rights are being kept from and excluded from the issues of the rights and their actual safety as this issue of nationalism is being perpetrated in a binary way, of Canadians and non-Canadians. I'm also speaking on behalf of all the people who are racially discriminated against and who have to go through that in their life. That was my argument.

Also, I recently saw a diagram showing the threat level of terrorism. As many who have spoken previously said, many people do not agree with this law. This diagram was designed for people like me who don't really have enough time to go through the long letters of the laws. It very simply described medium and low and high levels of threats and showed that Canada's threat level was medium. It's almost like this kitchen science logic that is easy for people to understand and keeps trying to convince people who don't really agree with it.

● (1915)

I'm just questioning this normal imagination or convincing process of creating those contents to convince people who are not really agreeing with this law.

Thank you, and thank you for having my voice heard.

**The Chair:** Thank you.

William Easterbrook. Okay.

Joseph Theriault.

**Mr. Joseph Theriault (As an Individual):** I'm Joseph Theriault. I'm a long-time political activist and a candidate for the Marxist-Leninist Party in New Westminster—Burnaby in the federal elections. I would like to bring up the issue that, as you can hear, many people do not have faith in the process of consultations, both on this issue and on many other issues that the Liberals are using. If you recall the federal election, a major part of the election was opposition to Bill C-51. The Liberals during the election had promised that they would immediately pass legislation to put into place oversight and accountability on the bill, and as this is the first anniversary of their coming to power, there's been no sign of that.

The reference to oversight has disappeared, and they're now talking about evaluations. The committee they're proposing to evaluate are going to be sworn to secrecy, and they can't give any information on things they know, so we have people who can only evaluate. If they evaluate and find out anything, then they aren't able to share it with the Canadian polity, which is, you could say, a part of a police state situation.

The green paper they published doesn't talk about security and rights, but it diverts the whole discussion to the question of combatting extremist terrorism and using that to say they need to have exceptional measures outside the rule of law to be able to make it safe. They want to enact this impunity supposedly in the name of defending us, but when you come down to it, what we will have left is a government.... They're trying to say that after this legislation, we'll have a government of laws, but we're left with unfettered police

powers that remain for any of the former public authorities. I'm very concerned.

This process is eliminating the accountability of the government to the Canadian public. We're asked to be able to trust these guys, but without any information, and they are allowed to carry on.

I'm 70 years old, and I was active in the sixties and seventies when the War Measures Act was brought in. As life unfolded, evidence came out that you had agents operating within the FLQ, with people like Corporal Samson, etc. You had the RCMP violating laws, burning bridges, burning barns, and disrupting political movements. This was indeed the rationale for the creation of CSIS, to separate those powers. That's all gone aside, you have very small consultations, and supposedly these emails and twitters are counted as feedback. Basically, it's a fraud. We need to have the bill repealed, and we need to have the question of national security dealt with by empowering the people to be able to make their police force and the government accountable, which is the opposite of what we have now.

● (1920)

**The Chair:** Thank you.

We have one more person on the list, and that's Rukshana Homi.

**Ms. Rukshana Homi (As an Individual):** Good evening.

I didn't know about this until the last minute, and hence my comments may be a bit scattered. Like many, many people have mentioned here, a lot of people are strongly against Bill C-51, and yet very, very few...I don't know of anybody who knew about this. I just found out literally today.

There's an elephant in the room, an elephant that almost never gets addressed. It has to be addressed. May I ask, please, all of you here who I'm addressing, how many of you know what a false flag operation is? Could I ask that you raise your hand so I could know?

**The Chair:** I've never heard the term.

**Ms. Rukshana Homi:** Okay, well, you're about to learn, "it may... [be] difficult to fashion a consensus on foreign policy issues, except in the circumstances of a truly massive and widely perceived... external threat". That was by Zbigniew Brzezinski, a big player in politics.

"Today Americans would be outraged if troops entered LA; tomorrow they'll be grateful. This is especially true if they were told that there was a threat from beyond, whether real or promulgated"—that's the key word—"which threatened their very existence. It is then that people will plead with their leaders to deliver them from this evil, and individual rights will be willingly relinquished." That's Henry Kissinger, another big player in politics.

"The truth...is...the plans are there...in the name of stopping terrorism...invoke the military and arrest Americans"—and presumably, Canadians—"and hold them in detention camps." Congressman Henry Gonzalez said that in 1988.

The elephant in the room that I'm speaking about is false flag operations. I would suggest, please, if you don't know what it is, study it and study it, and investigate it, because it is the oldest trick in the book. So much of what we hear about the t-word.... It used to be the c-word, communism, the big bogeyman, and now it's the t-word. Please, I ask you to understand, terrorism is a growth industry. Who profits from the war on terror? The banksters, the military industrial complex, the elites who are running this world at the CFR.

Please open your eyes to what is really happening there. These are the people who profit from phony terrorism. If you think everything that's delivered to you on CBC, which is corporate controlled.... It's completely controlled media now, everywhere, even the CIA. William Colby said that anybody who has any influence in media is controlled. It's a rigged game. If you think, when you watch television, that the latest horrible event is true to form, please question and investigate that. Investigate it like your life depends on it, your family's life depends on it, and your country's future depends on it.

Nothing kills democracy, freedom, and truth, and implements agendas, like false flag operations. History is littered with them. Please, I beg you, if you don't know them, then you better study them. They've been happening throughout history, and they're happening up until today. That is the guise under which Bill C-51, and all other draconian measures leading to a Big Brother security state, which is not security at all but a police state, can literally decimate our country and our sovereignty. This is your duty. You must know what this term is about. Any time you're told that such and such an act has happened, you are obliged to investigate it and not just take it at face value from what the propaganda says in the *National Post* and the CBC, and all the others.

Thank you.

•(1925)

**The Chair:** Thank you. You didn't sound unprepared, just let me tell you that.

The last one we have now is Kathy Shimizu.

**Ms. Kathy Shimizu (As an Individual):** Hi, my name is Kathy Shimizu. I'm also not very.... I was very prepared, but I think now I'm not very prepared.

I just wanted to speak because I'm also a member of the Greater Vancouver Japanese Canadian Citizens' Association human rights committee. I'm a Sansei—I'm a third generation Japanese Canadian—and both my parents and their families were interned during the Second World War. So I ask you to repeal Bill C-51, which I guess is now a law, along with Bill C-24.

The rights of Canadians have been violated in the past, and this law is the same. It goes down that road, and it's dangerous to the rights of all Canadians. Bill C-51 is not needed because the Criminal Code covers all of the illegal activities that it purports to help us fight. If people are doing illegal activities in Canada, the Criminal Code covers this. You don't need this. As other people have said, this

is draconian. It's about racism, and it's about fearmongering, and I ask you to learn from history. Don't make the mistakes of the past.

As a Japanese Canadian I am proud of my heritage and the Government of Canada has already acknowledged that it was a totally wrong act to imprison its own citizens. This kind of bill leads to the same kinds of things, and I ask you to stand on the right side freedom and the rights of all Canadians.

Thank you.

**The Chair:** Thank you very much.

We have a question for you, I believe, Kathy.

**Mr. Marco Mendicino:** First of all, thank you very much for sharing that with us.

I just wanted to let you know that with regard to Bill C-24, the House of Commons did pass it on third reading, so it is in the Senate right now being debated. That's just a matter of clarification for you.

**Ms. Kathy Shimizu:** Okay, so we should be phoning our senators?

**Mr. Marco Mendicino:** I'll leave that to your best judgment, but yes.

**The Chair:** Thank you very much.

That brings—

**Mr. John West:** Before we close I do have a question for you gentlemen, especially to Mr. MP Liberal Prosecutor.

Why have you, as a prosecutor, as a Canadian, never followed up on your sworn responsibility to ensure that the fraud perpetrated by the Liberals more than 42 years ago, giving the Bank of Canada away, putting Canadians into \$1.3 billion in debt—

**The Chair:** Thank you very much.

**Mr. John West:** I will have my final word, sir—

**The Chair:** I want to thank everybody for attending tonight, and want to thank you for your really very civil and helpful comments, they are going to fuel our work. This is early in the process, and the committee will be taking its time. You have flagged issues for us, and that helps us set our work agenda. This is not the end of the story, it's the beginning of the story.

I want to thank you for taking your time. I want to let you know as well that there were protestors outside, I invited them in, I'm glad you were here, I wish they had come in too because it's very important that we keep doing this. So thank you for being here, and I wish you all the very best.

**A voice:** They were here and made presentations.

**The Chair:** So someone did come in.

**Mr. John West:** You had the last word, you're a fraud, you're a sellout to this nation.

**The Chair:** This meeting is adjourned







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