

Security Intelligence Service

democracy and through Parliament to the people of the country.

A civilian security service—any security service for that matter—holds a high degree of potential for abuse. If we are serious about rights and freedoms in Canada, it is paramount that all Canadians have a very clear understanding of what this proposed Security Intelligence Service is established to do. Bill C-9 is anything but clear on this. For example, the service is to collect, analyse and retain information and intelligence respecting activities which are suspected of constituting a threat to the security of the nation. Canadians are entitled to know what constitutes a threat under this Bill. That concept of a threat to the security of Canada is given a stretched definition indeed, far beyond that which any reasonable Canadian would expect to be necessary.

Will files be taken out on Canadians who support Solidarity, the Sandinistas or the Afghan rebels? We hope not; it is part of our way of life to express our opinions without presenting any kind of threat to the security of the nation.

More could be said about the mandate, Mr. Speaker, but I want to move on to the broad powers the Act gives to the security service. Quite frankly, those powers are enormous. Once the service obtains a warrant for inclusive surveillance, the individual under suspicion would lose virtually every shred of his or her right to privacy. That person's life would become an open book and subject to scrutiny. His mail would be subject to scrutiny, confidential files could be examined as well as psychiatric reports and income tax returns. What is left of individual rights and freedoms? Wiretapping and eavesdropping are considered fair game.

My final primary concern is the accountability aspect, Mr. Speaker. Accountability is absolutely essential. Canadians learned this lesson well in the 1970s when no one, not even the Prime Minister (Mr. Trudeau) or the Solicitor General of the day, would accept any responsibility for security breaches which took place at that time.

It is a fundamental principle of parliamentary democracy that the buck has to stop somewhere. Bill C-9 allows that proverbial buck to waft in the breeze. Neither the Inspector General nor any review committee envisaged in Bill C-9 would have access to Cabinet documents. Those who concerned themselves with the Freedom of Information Act know how quickly and how well materials can be marked "confidential" or "Cabinet document" and buried, at least for our time.

The Government has had 15 years to consider this legislation. The Canadian people now deserve a fair opportunity to scrutinize Bill C-9 and to offer their recommendations and amendments. We in this Party intend to give Canadians that opportunity.

Mr. Lyle S. Kristiansen (Kootenay West): Mr. Speaker, I would have preferred to speak on Bill C-9 without the rather silly and irresponsible action that was taken by a Member on the Liberal side a few moments ago when he and his colleagues denied the House the right to put forward any reasoned amendments. Notice was certainly given of at least one

such amendment from the critic in this Party. It ill behoves a responsible Minister and his colleagues to take that kind of action regarding a matter as delicate, in terms of basic civil liberties, as would be any law which intended to broaden the scope of police or investigative powers within a democratic society.

Henry Ward Beecher once said that "laws are not masters but servants". We would do well to remember that, Mr. Speaker. Whatever agency in Canada is to be responsible for our national security and any investigations in pursuance thereof should take that saying very much to heart.

At the Strasbourg Conference on Parliamentary Democracy last year I had the opportunity to contribute to the debate in the European Parliament and to stress what I thought were some of the dangers that were increasingly evident throughout much of the world, particularly on the subject of the new and sophisticated communications technology which is available. I emphasized, of course, some of the benefits and pluses which this new technology can afford in terms of democratic government and general progress. However, I went on to point out some dangers and I would like to quote from my remarks at that conference because I feel they are very appropriate to the Bill before us. I quote:

● (1250)

But the same technology that can allow for this option can also be used to centralize control and centralize authority and power à la the Orwellian nightmare society of 1984. I do not think that it is necessary to remind everyone that 1984 is next year. But that nightmare society envisaged by George Orwell is now very much a technical and physical possibility and is one of the threats against which we must guard. Because the power to keep populations under close surveillance is here, as was illustrated at some length in the pages of that important work, we must guard more than ever against the legalization of hitherto illegal though uncommon surveillance practices for security and other reasons. It may—indeed—be preferable to recognize that, from time to time, law enforcement agencies may, in pursuance of their mandates, circumvent or go beyond the law. At least if the perpetrators of excesses are caught, they risk being penalized or prosecuted. But it may be preferable to go that route rather than to brutalize the law itself, because if previously criminal or illegal acts are made legal, their common use will undoubtedly be extended and become the norm rather than the exception, and we go on from there until 1984 will indeed be with us.

While electronic surveillance . . . may be necessary from time to time, especially when so much information and currency is transacted electronically—thus eliminating physical evidence of its use or transmission, it may be preferable to ignore investigative excesses from time to time rather than to codify and legitimize them and thus guarantee their use and encourage excesses that go beyond them.

What I am suggesting, Mr. Speaker, and it is my own opinion, is that sometimes it is better to lift the telescope to your blind eye. You cannot make a constant practice of it, but as I said at the conference last year, it is preferable to brutalizing the law and encouraging regular use of mechanisms which up until now have been illegal. It is better to have a silent understanding that from time to time you look the other way, if excessive methods are required in terms of some imminent danger, rather than to brutalize and corrupt the whole process of liberty as we have come to know it.