

## Maximum Protection vs. Maximum Freedom

**Peter Vogel**

Deputy Leader, CHP Canada

How much freedom are you willing to give up in order to be well-protected? That is the question causing debate and controversy, not only in Parliament but among thinking citizens across the country.

Two recent bills illustrate the ongoing tension between these two concepts in Canadian politics: the anti-terrorism bill (C-51) and the increase to life sentences—the “Life Means Life Act.” One is fairly simple, the other much more complicated.

The “Life Means Life Act,” besides insisting on the honest use of words, also insists that protection of the innocent means restricting freedom for the guilty. Those who commit heinous crimes and are convicted have forfeited the levels of freedom enjoyed by the rest of us. Most will agree that the freedoms of violent offenders must be curtailed for the protection of everyone else. Locking up convicted murderers for the rest of their lives in order to protect everyone else—not for 25 years as is our current practice—makes our streets safer for the future. Sadly, it does not bring back the victims.

Once a crime has been committed, harm has been done—often irreparable harm. It would be far preferable to be able to protect ourselves from crime in the first place. Prudence and experience lead us to lock our doors and install security devices, etc. The trade-off to our home security is that sometimes we accidentally lock ourselves out or have to deal with annoying false alarms.

On the national level, we are becoming more concerned about threats to national security—especially from Islamic terrorists—and we want to protect ourselves. To date, although there have been threats, there has not been a direct assault on Canada from outside. But the attacks inside Canada against our armed forces and government last October came not from outside—they were carried out by Canadian citizens within areas formerly considered secure.

How do we protect ourselves from these attacks? While these terrorists were home-grown, they had some connection to—or affinity towards—outside terrorist groups; both Michael Zehaf-Bibeau and Martin Rouleau had tried to leave Canada to join the Islamic State or another terrorist network. Would Bill C-51 have stopped these men before they committed their grisly deeds? Stephen Blaney, Minister of Public Safety, wisely would not speculate on this. Terrorists are very difficult to identify and apprehend ahead of time—especially if we want to live in a free society which tries to avoid profiling and places a high value on privacy. Bill C-51 gives increased powers of surveillance and detention to CSIS to try to improve the odds in favour of security. How much freedom are we prepared to sacrifice? How effective will the provisions be? Those are the questions being asked today.

Judges would also be given increased power and responsibility over national security through this legislation. They would be involved in cases requiring strict secrecy; much attention is given in C-51 to maintaining secrecy in the interest of national security. Wrongful accusations may be difficult to fight because the accused will not necessarily be able to access the evidence if it is considered secret for

security reasons. This is not a step forward for individual freedom even if the government's only motive is our protection. In fact, judges will be allowed to review information not meeting the standards normally required for evidence in courts today. How will this be balanced against due process and the presumption of "innocent until proven guilty?"

Governments must also grapple with the question of financial costs. While we might be better protected by police officers on every corner, we could not reasonably afford it. How can the best protection be provided for a reasonable cost? There is no simple answer. This may be the reason that the new security measures proposed in Bill C-51 do not have the oversight that critics are calling for.

The difficulty with the criticism this bill has received is that most of it has come from members of other parties who are opposing it, in part, because they always oppose everything the government does. However, in this case, they are making a legitimate counter-point—that basic levels of individual freedom and privacy should not be trampled in the quest for better protection.

A question that could be asked is: "Would the present Conservative government be comfortable with the new security provisions if the Liberals or NDP were in power?" If the answer is "no" then the legislation should be re-written. If there are not enough checks and balances in this legislation for the present government to trust a future government with it, then there are not enough checks and balances. The Liberals say it needs a bit of work, but they say they will do that if they are elected, and they are voting for it. The "vote for it now; fix it later" approach does not inspire confidence. But neither does the "push it through; it's good for you" attitude of some government ministers. Let's face it: we all want public safety and we all want freedom. How can we achieve both without sacrifice or compromise? As important as this legislation may be and as difficult as it will be to achieve consensus, it appears that Canadians need more time for debate. The bill is long; it has implications for all Canadians and the question of entrusting national security and the basic principles of justice to a random judge here and there is one that should be considered by all voting citizens.

Like many laws before it, it could be abused and could need to be amended over time. If it curtails the efforts of any terrorists in Canada, it will be praised as a success. It will have to impinge on individual freedom (particularly privacy) all of the time, but it will not be able to protect us from every threat all the time. That is the downside of protection. The costs are always there, threats come and go, and terrorists are unpredictable.

It should be noted that this is a case where the government is working on an issue squarely within its jurisdiction: the physical protection of Canadian citizens. Whereas it often talks about the economy, in which it has a limited role to play (and has often overstepped its bounds), this is an issue for which it has direct responsibility. Governments must grapple with the questions of freedoms and security. In today's world, these questions will not go away and cannot be avoided.

So what should we do? What would we do if the responsibility for citizen safety rested on us? No matter how good a government's intentions might be, no government can promise 100% protection or absolute freedom—only God can. Governments must also realize that they are not God. Governments and the citizens they represent must humbly acknowledge that it is only God who can both protect us and give us freedom at the same time. That doesn't free us of responsibility to enact laws that support both freedom and security; we ask Him for wisdom to write just laws and implement them wisely.

Our government should also focus on better protecting those whom they have neglected and ignored. The most obvious are the youngest, those who have not yet been born. Our government could do much to protect them if they only had the will. The only party that would do everything in its power to protect all innocent human life is the CHP; we would work with pro-life members from any party where they could be found to protect and give freedom to the most vulnerable without endangering the lawful liberties of the rest of Canada. There is still a glaring disconnect between how our laws allow the murder of the most innocent among us even as changes are being made to punish the most guilty among us with actual life sentences. There is still work to be done.

Wisdom is needed to discern the right balance between individual freedom and national protection. To do this justly, we need people with wisdom that comes from God. Let's work hard to ensure Christians with wisdom are supported when they run for office in the coming election. You can do this by joining and supporting the CHP!<sup>1</sup>

## **Footnotes**

<sup>1</sup> [www.chp.ca/get-involved](http://www.chp.ca/get-involved)