

08 February 2024

VIA EMAIL ONLY TO: aid@pifi-epie.gc.ca

Public Inquiry into Foreign Interference
in Federal Electoral Processes and Democratic Institutions

Dear Madam Commissioner Hogue:

RE: National Security Confidentiality (NSC) Submissions of Democracy Watch

Thank you for the opportunity to provide written submissions to supplement the oral submissions made on behalf of Democracy Watch on February 2, 2024.

Throughout this inquiry, it is prudent to keep United States Supreme Court Justice Brandeis' statement from 1913 in front of mind:

Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman.

During the National Security Confidentiality (NSC) portion of the Commission hearings, we learned that the Commissioner and Commission Counsel have been given the highest-level security clearance and provided with unredacted versions of CSIS and other national security documents.

What also became apparent in relation to a question from Democracy Watch to the Commission, however, is that some documents provided by the Government of Canada to the Commission have been redacted on the basis of Cabinet confidence. We further understand these documents were not provided to the Special Rapporteur last Spring.

Given that the highest level of security clearance has been afforded to the Commission and Counsel and the safeguards in place to protect highly sensitive information, Democracy Watch cannot fathom why the Prime Minister and Cabinet would maintain Cabinet confidence and prevent the Commission from having access to all pertinent information.

This inquiry comes at a significant cost to taxpayers. It is important that the Commission be able to fulfill the mandate it was given. Documents from the Cabinet may demonstrate what information was provided to our government institutions, including Cabinet and government officials (including the Prime Minister) about foreign interference activities from 2015 onward, when the information was received, who received it and to whom it was distributed, and what actions and steps those government

officials and institutions took after receiving this information. Certainly, this is pertinent to the mandate of the Commission. While the Commission is not convened to cast blame, the potential motive of government officials to avoid blame should likewise not defeat the mandate of the Commission.

Democracy Watch urges the Commission to take the following steps:

1. Request the unredacted versions of Cabinet confidence-redacted documents as soon as possible.
2. Request a written explanation as to why the decision was made to maintain Cabinet confidence over these documents and not provide them in unredacted form to the Commission, when the Commissioner and Commission Counsel have been afforded the highest levels of security clearance and CSIS and other national security documents were provided in unredacted form to the Commission.
3. Request a written explanation as to why the decision was made to maintain Cabinet confidence over these documents and not provide them in unredacted form to the Special Rapporteur.
4. To ensure transparency between the Commission and the public, make the written responses referred to in points two and three public.

These documents must be received and reviewed, at least by the Commissioner and Commission Counsel, in order to ensure that the sunlight referred to by Justice Brandeis is shone on the relevant material and that the Commission can fulfill its mandate. Should these documents not be received in unredacted form by the Commission, the Commission ought to consider, in its report, whether it is able to make factual findings and fulfill its mandate.

Democracy Watch is committed to advancing the interests of transparency, the integrity of Canadian elections, and public accountability, and thanks the Commission for the opportunity to file these brief written submissions.

Sincerely,



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