

*Pyle*

CONFIDENTIAL S-1-6(d)

June 11th, 1963.

MEMORANDUM FOR THE PRIME MINISTER:

Re: Cabinet Agenda Item 3 - Appeal arrangements  
for security cases

This matter has been brought to Cabinet in considerable part because of the s.19(1) case in the Navy and I thought I should therefore draw to your attention that the suggested solution would not cover this case because it excludes members of the Armed Forces.

*June 10/63* I have written to Mr. Chevrier about this and I attach a copy of my letter, telling him that this draft Order attached to his paper was an earlier draft prepared by officials and that a later and approved draft is available here. I should also note that this improved draft would only apply to civil servants.

In connection with the [redacted] case, I should say that those of us dealing with civilian security cases would ordinarily not have regarded a man as a significant security risk because he had an uncle who was a Communist candidate for election. In our general practice in this field, one of the most difficult ranges of problems is to tell whether a person, particularly a young person, is substantially influenced by one of his relatives who may himself be a Communist or subject to blackmail. The proper assessment of the significance of such a relationship involves a lot of careful consideration of the actual family connections and can only be made really by someone close enough to the case to know something of the personalities involved.

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The Department of National Defence is furnishing us for you an account of the case from their point of view. What I would like to emphasize here, though, is that I think you and your Colleagues should not assume that it is our regular practice to regard as a danger all those who may have Communist uncles or other relatives.

I think one thing that it might be desirable to impress on your Colleagues at this stage, quite apart from whatever appeal or review arrangements we may make, is that security cases, particularly those involving dismissal or removal, require careful patient attention by senior officers and finally Ministers before action is taken on them. I think the great danger comes from dealing with things in a routine, rule of thumb way. Our arrangements in the Canadian public service have tried to avoid this and one of the important functions of this office and the Security Panel, of which I am Chairman and Mr. Wall Secretary, is to help get the careful painstaking review of difficult cases, without having to institute a whole formal legalistic procedure which would be bound to be largely sham as long as we dare not and must not give the basic evidence to the person suspected.

Incidentally, I think many of the lawyers who worry about our dealing with these cases without following the ordinary rules of evidence and giving the persons concerned the right to be represented by counsel and "confront their accusers", would view them in a somewhat different light if they would consider that they are in fact much more analogous with the problems they face with regard to their own secretaries and assistants instead of

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regarding them as analogous to the cases they try in court. The problem is essentially one of trust and reliability, not one of depriving anyone of rights. No one has a right to have access to the important secrets of the State. They can only be provided to those in whom a positive relationship of trust can be established and we simply cannot observe the ordinary rules of legal procedure and evidence in establishing that relationship.

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