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CONFIDENTIAL

October 4th, 1963.

MEMORANDUM FOR THE PRIME MINISTER:

Re: Cabinet Directive on Security

Attached is a memorandum for the Cabinet Committee on Security and Intelligence with the revised directive on security that I mentioned to you this morning.

I think the directive as revised would go a fair distance toward meeting some of the sources of complaint that have arisen in the last year or more. It does not provide for an appeal procedure but it does provide for a "second look" in any dismissal case by the Security Panel itself (which is not called for now), and it does require that the person be informed if his dismissal is for security reasons and also be told as much about the reasons underlying the action as can be disclosed without endangering the sources of information that are of fundamental importance in many cases. Following such notification, he has an opportunity at two separate stages (neither of which is required at present) to make any representations or provide any information that he may think bears on the matter, and it will be a new requirement that the Deputy Minister or head of the agency personally review the case and, as I have mentioned, that the Security Panel take a new and final look at it.

In substance, this is not too far from what is really accorded under the British and American systems. I rather doubt if some of the critics are aware of the limitations that apply to them. In the United Kingdom, hearings are by "three advisers", one of whom is a former Judge, one a former member of the Public Service and one a trade unionist. The person

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involved cannot be represented by counsel and he is only told as much about his case as can be revealed without compromising sources of information. He is interviewed separately and does not have any opportunity to see the people who provide the case against him. Under the United States system, there is a roster of people, all of whom are members of the Public Service. When there is to be a re-hearing, the head of the agency that has decided on dismissal selects three people from the roster to do the re-hearing. The person involved can be represented by counsel but he is only told as much as can be revealed without compromising sources. He is heard separately and there is no chance of questioning or examining the people on the other side.

What is proposed in the draft directive here does not provide as much of the "trappings" of an appeal, and to that extent is more honest. It is also more consistent with the genuine character of this type of case, which is the discharge by management of its responsibility to determine the reliability of people that it gives access to confidential material.

Other changes in the directive are set forth in the covering memorandum. In general they involve a greater degree of frankness with the employee; more attempts to hear from him about his case before action is taken; more attention to the difficult and involved problem of family relationships; and more effort to try to see that all possible opportunities for transfer and re-posting are resorted to before dismissal is decided upon.

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If on consideration by the Cabinet Committee the new directive seemed suitable, you might want to consider whether, in addition to having a meeting with some of the N.D.P., it might be desirable to send copies of the directive on a personal and confidential basis to the leaders of the other parties. In knowing more about the policy and objectives, there might perhaps be a somewhat greater restraint in raising security questions.

Decision on the directive should obviously precede any answer to Mr. Orlikow's questions - Nos. 1161, 1162 and 1163. The possible manner of dealing with these was discussed by the Security Panel yesterday and a draft type of reply is also herewith for consideration.

R.G.R.

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