

(Minutes)

THIS DOCUMENT IS THE PROPERTY OF THE GOVERNMENT OF CANADA

S E C R E T

June 13th, 1969.

The ^{83rd}~~82nd~~ meeting of the Security Panel was held on Monday, June 9th, 1969, at 10.30 a.m. in the Privy Council Committee Room.

PRESENT:

Mr. R. G. Robertson
Secretary to the Cabinet (Chairman)

Mr. J.J. Carson
Chairman of the Public
Service Commission

Mr. E. A. Côté
Deputy Solicitor General

Mr. L.E. Couillard
Deputy Minister of Manpower &
Immigration

Mr. G.W. Hunter
Deputy Minister of Supply & Services

Mr. D. S. Maxwell
Deputy Minister of Justice

Commissioner M.F.A. Lindsay
Royal Canadian Mounted Police

ALSO PRESENT:

Deputy Commissioner W.H. Kelly
Asst. Commissioner W.L. Higgitt
Inspector R. Vaughan
Royal Canadian Mounted Police

Mr. E. Rettle
Department of External Affairs

Mr. E.P. Beasley
Department of Manpower & Immigration

Mr. D. Christie
Department of Justice

Col. C.B. MacFarlane
Department of National Defence

Mr. E. Perkin
Department of Supply & Services (Secretary)

Mr. D.F. Wall
Mr. D. Beavis
Privy Council Office

REPORT OF THE ROYAL COMMISSION ON SECURITY

I. Civilian Security Service

The Chairman said that the Cabinet Committee on Security and Intelligence on June 5 had agreed to publish an abridged version of the Report of the Royal Commission on Security, having made a few minor amendments. It was hoped that by June 13 the Royal Commissioners' agreement to the abridged text would be obtained and that the Report

. . 2

S E C R E T

008452

AGC-1388_0001

S E C R E T

- 2 -

would be tabled before the House rose on June 27. It was the hope of the government that certain decisions on principal recommendations of the Royal Commission could be made before publication in relation to

- (a) the proposal for a new and separate civilian security service; and
- (b) the proposal to establish a Security Review Board,

in order that an appropriate statement of policy concerning these proposals could be made at the time of tabling. If there were other considerations of substance the Panel should attempt to bring them to light now.

Mr. Robertson considered that the changes which had been made in the text did not affect the substance of the Report of the Royal Commission and, as a result, saw no reason why the Commissioners would object to the deletions and amendments which had been made.

With regard to the establishment of a separate civilian security agency he considered that there were only three real alternatives:

- (a) the government could state at the time of publication that it did not accept the recommendation and proposed to proceed with the existing security service with certain administrative modifications;
- (b) that distinct and recognizable changes be made in the nature and character of the present security service, although it would remain within the structure of the R.C.M. Police; or
- (c) the government could state that it accepted the recommendation as set out in the Report.

Commissioner Lindsay said that, provided there was a simultaneous publication of the government's position the R.C.M. Police could live with the publication of the abridged version, noting that the paper which they had circulated previously as a rebuttal had been prepared before the Cabinet Committee's decision. He reiterated arguments previously brought forward to the effect that the Royal Commissioners had said themselves that they could not assess the effectiveness of the counter-espionage and counter-subversive activities of the Force; that five contentious cases, only one of which involved an error of fact, had resulted in adverse criticism of the Force. He noted that all friendly security services were generally not in favour of a separate organization, but rather in favour of the organization of a security service within the police structure. He also pointed out that the Commissioners' Report had not taken into account the important points with regard to penetration of a civilian service but curiously enough recommended ad interim the continuation of a security service which had largely been condemned in the Report. Under the circumstances, he saw no way that the existing Security and Intelligence group could be held together during any transition phase. The Commissioner also

. . 3

S E C R E T

008453

AGC-1388_0002

S E C R E T

- 3 -

noted that the Report of the Royal Commissioners glossed over the question of expense, and had exaggerated the link between the Security and Criminal Directorates. He suggested that a very strong statement by the government would be necessary to retain the support of friendly security services. He noted that all housekeeping functions were basically common to both the Police and the Security and Intelligence elements; that the recommendation of the Commission to cut back the activity of the Security and Intelligence Directorate to 30 Canadian centres was unrealistic; that training, clerical, legal, identification and computer services were common, although the type of use and the physical housing could be separate, as they already were in some instances.

The Chairman of the Public Service Commission said that the question whether the Commissioners had made a fundamental argument for a separate security service was basic to the government's decision. Despite the fact that the Royal Commission had argued that a police structure was inflexible with regard to recruiting and staffing, and that police and security intelligence functions were incompatible with regard to the type of mind required, Mr. Carson was not certain that they had made a fundamental case for a separate security service. Many of their criticisms were directed against problems which could be coped with within the Force in the years ahead. Officials of the Public Service Commission felt that the service provided by the R.C.M. Police in personnel investigation was satisfactory on the whole, although faster service would be appreciated. The Chairman said that what the Commissioners were really saying in a broad sense was that the degree of flexibility and sophistication required for security operations could not be obtained in a police force, whose functions normally led to prosecution, whereas security and intelligence functions did not normally do so; and that police and security work were fundamentally different, requiring different kinds of people and attitudes.

The Deputy Minister of Manpower and Immigration expressed the view that there was a basic difference between the police function and the security function, in that the former was guided by the law, and the latter permitted of wide discretionary power. He gave as an example the fact that Visa Control Officers at Canadian immigration posts abroad, who were members of the R.C.M. Police, did not have the intimate knowledge of the social and political scene in source countries necessary to do an effective job. Without intending to be unduly critical, he had observed on a recent visit to a number of posts that the Visa Control Officers were deficient in training, basic education, adaptability, and use of the local language. They tended to operate independently and in isolation from other Canadian officials, making decisions based on ad hoc information obtained from security services in source countries, and sometimes providing more information to local police and security authorities than to Canadian officials. This lack of consultation and of "committee competence" in the selection of immigrants was, to his mind, quite unsatisfactory, and had been justifiably criticized by the Commissioners.

. . 4

S E C R E T

008454

AGC-1388_0003

S E C R E T

- 4 -

Mr. Couillard said that the Prime Minister's statement concerning the recommendation would have to be positive, and should indicate that, because of the difference between police and security work, the government would move in the direction of a quasi-separate security unit within the R.C.M. Police, a career service which would permit recruitment of specially trained persons from outside the Force, but would also employ members of the Force who could, if they wished, be free to return to the police function. He was particularly concerned that steps be taken to improve the Visa Control service, and integrate it more closely with Immigration and External Affairs officials at posts abroad. As to the immigration guidelines proposed by the Commissioners, Mr. Couillard considered these on the whole to be acceptable.

Commissioner Lindsay said the R.C.M.P. recognized that there were some inadequacies in the present Visa Control service, but that many improvements had been made since the Force had assumed this function. Members were now taken out of police work and given entirely separate training, some at universities, and were indoctrinated to modify their "police outlook". Deputy Commissioner Kelly added that there were established and agreed criteria by which Visa Control Officers made their decisions, and that it was their responsibility to get information from anyone prepared to give it to them. Although some of it came from Interpol, the bulk of information was provided by other security services for R.C.M.P. use alone; if it were known to them that the information was used for immigration purposes, much of it would be denied. Although the number of security rejections based on such information was relatively low, the deterrent effect of the process was valuable.

It was Deputy Commissioner Kelly's view that police training was essential to security work, particularly in the provision of factual information. He noted that the Royal Commissioners, not having studied R.C.M.P. operations in counter-espionage and counter-subversion, were unable to determine the level of R.C.M.P. sophistication in these fields. For example, the current unrest at universities posed both a police and a political problem, and one province was considering establishing an intelligence unit to look into the matter. R.C.M.P. liaison with such units would be of great importance in the future. He thought it desirable to clarify the public misapprehension that the two functions of the R.C.M. Police were interchangeable, and noted that the present senior staff of the Directorate of Security and Intelligence had anywhere from 9 to 30 years' experience in security and intelligence work, a fact of which sister agencies were very much aware. He further noted that many of the Commissioners' recommendations had been based on R.C.M.P. advice and information.

The Deputy Minister of Supply and Services said that his department had been a "user" of R.C.M. Police security services for twenty years, in the conduct of personnel inquiries, and that the Force appeared to have the right training and skills for the department's needs. The Force had good foreign and United States connections, and he failed to see that a new security service of the kind recommended would improve the situation.

. . 5

S E C R E T

008455

AGC-1388_0004

Colonel MacFarlane said that the Department of National Defence did not find as wide a difference between police and security work as the Commissioners had, and had recently integrated the Canadian Armed Services police and security functions for greater economy and efficiency. He doubted that the public image of a civilian security service would be better than that of the R.C.M.P., and suggested that the Force should be strengthened and supported, and not fragmented.

The Chairman said the Commissioners had argued that a police environment did not provide the kind of security specialist that was required. On the other hand, the R.C.M.P. argued that they had moved significantly in the direction of specialist and civilian recruitment, and if necessary could do a good deal more within the structure of the Force. For example, he saw no reason why a civilian could not become Director of Security and Intelligence. Commissioner Lindsay agreed that this was the case, and confirmed that the Force could move a long way further in that direction if that was required. He warned, however, against a "crash program" of civilian recruitment, because of the dangers of infiltration.

The Chairman said it was important that the government be in a position to debate the arguments in favour of a separate service, if it decided not to accept the Commissioners' recommendation. In order to counter those arguments, it would be desirable to indicate that there would be changes and improvements in the existing service in order to achieve what the Commissioners postulated as necessary to good security. Of the three possibilities noted earlier, it appeared to be the consensus of the Panel that the second option was best. If that were so, the government in its statement would have to indicate that meaningful changes would be made in the present service. It would seem desirable, both for the R.C.M.P. and the government, to indicate the intention to maintain and develop the difference between police and security work within the Force, in recognition of the differences between the two functions and of the value of their operating with a greater sense of freedom one from the other.

The Deputy Solicitor General said the statement would have to be carefully worded, in that while the objectives of police and security work were fundamentally different, the methods employed were not always different. He saw some value, for political reasons, in having a separate security service within the Force, which would maintain and develop the difference between the two functions.

Mr. Rettie thought there would be presentational advantage if the Prime Minister's statement showed how the R.C.M.P. had been developing, and had not always had sufficient government guidance in carrying out its functions. It was important that advances in the civilian content of the security service and provision for separate entry should not adversely affect the morale and esprit de corps of the Force as a whole. For example, career development in the security service should not bar entry to Regular Members from the police side.

S E C R E T

- 6 -

The Chairman suggested, and the Panel agreed, that the Security Sub-Panel be asked to draft a statement based on the foregoing discussion, for consideration at a further meeting of the Panel to be held on June 16.

II. Security Review Board

The Chairman reviewed the background of the decision made in 1963 not to establish a formal board of review for security cases, but rather to improve procedures for departmental review, and to provide for a "second look" at dismissal cases by three members of the Security Panel. The Commissioners had concluded that the present system was inadequate, despite the fact that it appeared to have worked satisfactorily, and had recommended the establishment of an independent Security Review Board. The views of the Panel were sought as to how the government should respond to the recommendation.

During discussion, the following points were made:

- (a) There was probably a good case, both in substance and in presentational terms, for accepting the recommendation in principle, although the government should avoid commitment to all the details of the proposal, especially that involving a supervisory role in relation to the security service.
- (b) If a Board of Review were established with terms of reference extending to transfers on security grounds, or certain of the other proposed areas, the administration of security could become seriously cluttered without useful effect, and the tendency would be to move the decision-making process to higher and higher levels.
- (c) In light of current extensions of collective bargaining and the increasingly general acceptance of the "Ombudsman" principle, the government would be under severe pressure to accept the recommendation in one form or another. If the Board worked properly, it could save senior officials a good deal of time now spent in agonizing over security decisions.

The Chairman suggested, and the Panel agreed, that the proposal should be studied carefully in relation to existing legislation and in the light of the principle of Ministerial responsibility, and its implications considered at a further meeting. It was agreed that the draft statement to be prepared by the Sub-Panel should indicate the government's acceptance of the basic principles set out by the Commissioners for the establishment of a Security Review Board.

Privy Council Office,
O t t a w a.

D. F. Wall,
Secretary.

S E C R E T

008457

AGC-1388_0006