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MINISTER - PREMIER MINISTRE  
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Ottawa, November 12, 1969.

Dear Mr. McIlraith:

I have read with interest your letter of October 23, and the attached memorandum of October 24, concerning security organization. I must confess that I am in grave doubt about certain of the conclusions you have arrived at, particularly in relation to ministerial authority and accountability for security matters and, following thereupon, the location, structure and accountability of the Security Secretariat.

You are quite correct in stating that the overall responsibility for security rests with the Prime Minister. Because the maintenance of good security is dependent upon the efforts of all departments and agencies of government and their responsible Ministers, and because their failure to maintain security would affect the nation as a whole, it is clear that our system of government requires that the Prime Minister bear the overall and final responsibility and accountability for these matters. However, you appear to draw a distinction between overall and specific responsibility, suggesting that the latter has rested with the Solicitor General since the Government Organization Act of 1966. I have serious doubts about the validity of this distinction, and I do not find anything in the Government Organization Act which allocates responsibility for security, as such, to the Solicitor General.

Hon. George McIlraith, P.C., M.P.,  
Solicitor General,  
Ottawa, Ontario.

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There is no question that under that Act the Solicitor General has the duties, powers and functions relating to the R.C.M. Police, as he has in relation to reformatories, prisons and penitentiaries, and to parole and remissions. It follows, in relation to the R.C.M. Police, that the Solicitor General is the Minister responsible for the Directorate of Security and Intelligence, which in its various forms has undertaken the majority of security investigations and operations conducted on behalf of the government. We as a government have recently agreed that the Directorate, under a civilian Director-General responsible to the Commissioner, should continue to perform these investigative and operational functions in relation to security. We have not agreed, however, that those security functions other than the investigative and operational (advice, policy formulation and coordination) should rest with the Directorate, with the R.C.M. Police, or with the Minister responsible for the Force. I believe indeed that it would be wrong in principle to place the responsibility for all of these security functions under one Minister.

The reason such a consolidation of responsibility in the hands of a single Minister is wrong in principle, in my judgment, is because the Minister who is charged with the police function, and with investigations, operations and other protective action by the government against threats to security must inevitably develop a special concern, even a bias, in favour of whatever policy or action seems necessary to meet those needs. This is no criticism: it is inevitable. Indeed it would be difficult for a conscientious Minister responsible for such functions not to give a preponderant weight to these needs. He becomes aware of them because of the work of his agencies and he is conscious of his responsibility to protect the country.

However, the action required for security protection must always be balanced against other considerations that are of equal, if not of greater importance—considerations relating to the rights of

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individuals, the climate of freedom that is fundamental to our system, the right of the public in a democracy to know as much as possible about the activities and policies of government, the effectiveness of administration which can be inhibited or impaired by security restraints, and a host of other matters of that kind. I do not see how one could hope to achieve and maintain a proper balance of all of these factors on the one hand, and of the desire to have effective security action on the other if the Minister responsible for the police function and for investigations and operations were at the same time responsible for the totality of "security" policy to the extent proposed in your memorandum. I think it is not by accident that we do not have such a concentration of responsibility and that the Royal Commission did not recommend it. It is because the principle would be wrong.

If I am correct in this belief, there would appear to be logic in retaining the Security Secretariat in the Privy Council Office, as recommended by the Royal Commission, and re-examining its resources and authority to perform the functions of advising upon the formulation of policies and procedures in relation to security and co-ordinating their implementation, under the general direction of the Prime Minister and the Cabinet Committee on Security and Intelligence. In this connection, I have asked the Secretary to the Cabinet to prepare, for consideration by the Cabinet Committee, a memorandum taking these views into account, as well as those set out in your memorandum of October 24, in order that we might determine the best course to pursue without coming into conflict with the principle of Ministerial responsibility. I have directed that a copy of the memorandum in draft be sent to you so you can see whether you think it sets forth the considerations in a fair and balanced way.

You also mention in your memorandum the establishment of a Security Review Board, which would

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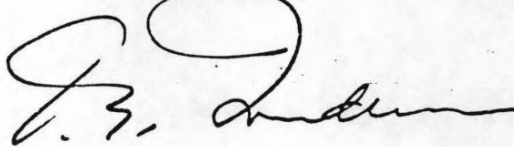
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"review individual appeals from rulings based on security reasons ... (and) ... recommend to the Prime Minister or, if he so desires, to the Solicitor General, amendments in procedures better designed to meet equitably the government's policies on security". While your suggestions appear to vary somewhat from the recommendations of the Royal Commission in this regard, I do agree that it is important that an appropriate form of review board be established as soon as possible. I am informed that the Inter-departmental Security Panel now has the matter under study, and will shortly be placing its recommendations before the Cabinet Committee on Security and Intelligence. I assume that the Deputy Solicitor General, who is a member of the Security Panel, will be making the points which are set out in your memorandum of October 24, in order that your views might be taken into account in whatever recommendations are placed before the Cabinet Committee.

Yours sincerely,



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