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MEMORANDUM TO: D.F. Wall

At the meeting of the Security Panel on April 22nd, it was agreed that C.D. 35, Security in the Public Service of Canada, would be examined secretarially to determine the possibility of extending its policy paragraphs to support the DND proposal to:

- a) Declare as unsuitable for enrolment in the CAF:

"Applicants who are known to be or to have been separatists or who, on reasonable and probable grounds, are suspected of being or having been active separatists."

- b) Release from the CAF:

"Officers and men who by their present or former utterances, actions or conduct are identified as separatists ... except where the Minister of National Defence/Chief of Defence Staff orders that such a person be retained in the Canadian Forces on the grounds that the circumstances of his case are not such as to place in doubt his dependability as a member of the Canadian Forces."

DND would consider and propose a similar policy for its civilian personnel.

DND is now seeking a policy declaration which would enable it to deal with separatists (mainly of the Quebec variety) by disqualifying them administratively from service in any capacity on the basis that a person who is sympathetic to or supports to any degree a movement aimed at separating Quebec from Confederation is ipso facto of questionable reliability, although the unreliability might be considered strictly and solely in a military or police action taking place within the

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geographic boundaries of the province of Quebec. In other words, DND is presenting the case of the separatist in terms of a character defect or weakness and, in effect, would deal with such individuals as they do with homosexuals who, once detected, suspected or subject of a complaint are eased out administratively "services no longer required", with honorable discharge. In the case of an officer, they seek and generally obtain a "voluntary" resignation.

The suggestion that separatism be dealt with under C.D. 35 is that its wording and indeed its criteria would require little if any modification to make it fit the requirement and provide the policy umbrella which DND would need to deal with separatist cases administratively or under the Code of Service Discipline (NDA). However, and perhaps unfortunately, C.D. 35 is aimed solely and specifically at the protection of classified information. It places no restriction to employment in the Public Service to anyone except in certain departmentally-designated positions which require access to classified information to certain categories, <sup>of info</sup> as described therein. Further it includes a mandatory review procedure in cases where an employee who is or may be designated to occupy a post giving access to classified information is discovered through the screening and security clearance investigative procedure to be one whose loyalty and/or reliability might be in doubt.

Clearly, the military would not want to become involved in such a review procedure as is at present compulsory under C.D. 35 any more than they want to be in a position to deal with a redress of grievance procedure as is provided for in Queen's Regulations where a serving member is of the opinion that his career has been detrimentally and unfairly affected. This is a further reason why C.D. 35 is not a proper policy vehicle to cover the domestic type separatism from whatever quarter it may come from.

At this juncture it should be made clear that the policy being sought by DND would be pre-emptive in character, i.e. to deal with potential problems, with a view to providing the government and Canadians at large the assurance of a total reliability, efficiency and effectiveness of the CAF when its services are requested in aid of the civil power. Acts of commission or omission (conduct to the prejudice of good order and discipline) can be dealt with effectively under the Code of Service Discipline.

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In the course of the meeting under reference there was a suggestion that we entertain a similar attitude vis-à-vis separatists as we do in the case of Communists. What do we do in fact with Communists, sympathizers or card-carrying members, in DND or in other departments and agencies? Administratively nothing if the individual does not have access to classified information although R.C.M.P. (S & I) will want to be kept informed of his/her whereabouts, changes of employment, transfer or release. When, in the course of their S & I operations, the R.C.M.P. identify a person associated with the Communist or Front organizations and relate him to government employment they notify the department concerned that there is adverse information on the individual and request to be informed if the subject has access or not. If so, they ask that P.H.F.'s be submitted for further enquiries. If not, no further report is submitted. Of course, if access is a factor the department or agency must adhere to the provisions of C.D. 35 until the matter is resolved.

While there is no policy in the case of separatists per se, R.C.M.P. send reports to the Panel Secretariat on separatists whom they have identified clearly as public servants. In such circumstances it is the duty of the Secretariat to discuss the matter privately with the Departmental Security Officer and, in serious cases, with the Deputy Minister to ensure at least that the federal position in federal/provincial relationships is not jeopardized. In some instances and after clearance with R.C.M.P. S & I the subject is interviewed to provide him with an opportunity to state his position. Clearly this can only be done when the employee has given consent to his investigation by completing the P.H.F. and if the report contains incidents which are not strictly of a private nature where there would be risk of compromising a source. These interviews have proven useful as they have indeed in the case of suspected Communists. However, if the employee affirms that he is a dedicated separatist we can only remind him of his/her Oaths (Allegiance, Office and Secrecy) and that a violation of the latter could result in severe administrative sanctions being imposed.

The CAF by virtue of their character, the legislation upon which they are founded and the authority that they have to promulgate orders have traditionally taken considerably harsher measures to dispose of undesirable or "unwanted" personnel, almost by rote and this, in the past at least, at fairly low staff-officer level. I am told by D. Secur that this is not quite so anymore!

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The fact that there was no "hard-sell" on the part of Lt.-Gen. Dare on the proposal which he tabled before the Panel convinces me that the issue cannot be very serious and that General Dare is simply following through on the wishes of the Minister who is concerned with covering possible political implications or problems which would result from the assertion which he made before the House on Mar. 25th. On this basis, my view is that nothing further should be said or done until the government decides whether a Public Order Act is a piece of legislation which it wants to sponsor now or at a later date. Whatever policy DND might think that it needs on the question of separatism could only be considered after such legislation has been placed in the books. I could not possibly think of any words which the Minister could use to expand on his March 25th statement; as a matter of fact, I would suggest that any such attempt would immediately be interpreted as tacit acknowledgement that there was an element of truth in Mr. Lévesque's statement which, I am sure, we must avoid.

*A Public Order Act would not affect separatists as such.*

If, on the other hand, the government continues to outlaw the FLQ as a seditious organization, then anyone found to be a member can effectively be dealt with by due process of law. Release of such a person from the CAF would be done with despatch.

There would then remain those lukewarm separatists-at-large (anglophones as well as francophones) who, if grouped and forcefully led could be troublesome. But this is hardly a situation that could arise in the CAF unless the leadership provided the interest and stimulus - again a most unlikely situation in a volunteer force. In terms of political activity, separatism or any "ism" is barred from military establishments, and personnel cannot by virtue of existing regulations partake in any political activity (Q.R. & O. Art. 19.44). There is a loophole in sub-para 3 of this regulation but the implication cannot be considered serious.

A last point in closing, and a significant one, is the fact that present day sailors, soldiers and airmen no longer enlist for purely patriotic motives - the motive now is mercenary. They are well trained and if well led, can be counted on to do an efficient job. It's their bread and butter and they are extremely conscious of the fact that military skills generally have little application on civvie street. This is so much so, that the majority

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who decide to leave with illusions that they will do better outside return to duty within six months. In my thirty years of association with the armed forces, I have known only one officer (Harry Pope) who left the service and became actively committed to a political party, the NDP. But even in this case his reason for leaving was not to enter politics but a total disenchantment with his leaders in Quebec and in Ottawa. He fared very poorly!

To sum up:

- a) I do not think that C.D. 35 should be amended to accommodate the current DND pre-occupation or until we know more about the fate of the Security Review Board bill;
- b) I am not convinced that the separatist problem, if such exists in the armed forces, cannot be dealt with under NDA, and Queen's Regulations and Orders; and
- c) Nothing should be said by the Minister of National Defence at least until the Public Order Act question is settled.

P.A.L.

Privy Council Office,  
April 28, 1971.

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