

CONFIDENTIAL

RCMP comments

CSC/15

Re: Security Sub-Panel - Review and
Appeal System. 240 PM 97

REVIEW
1623-2

I refer to Superintendent Hall's memorandum of January 9 hereunder and related papers.

2. I am afraid there are a number of points of substance included in this draft paper prepared by the Secretary of the Security Sub-Panel with which I do not agree. It also seems to me that the form and setup of the paper might be improved, and I say this on the assumption that the final paper is one which may go before the Cabinet.

3. As to the setup of the paper, I think it would be better if its general form could be something in the following order:

- (a) a recital of present approved policy;
- (b) the proposed extensions to the present policy;
- (c) the reasons for the proposed extensions;
- (d) an outline of the dismissal (purge) procedure as extended by new proposals;
- (e) an outline of the composition and functions of the proposed board of appeal.

4. As to the substance of the draft paper, it seems to me that this includes a rather different set of proposals than those which were discussed previously by the Panel. For instance, I had no idea that we would want to set up two boards, one review and one appeal, nor am I ready to agree that two boards are necessary.

5. I think we should interfere with the principle of departmental responsibility as little as possible: in fact it should be either

- (a) departmental responsibility with minimum of interference; or
- (b) complete central control.

I favour departmental responsibility because I think if we centralized, departments and agencies of government would, with a sigh of relief, leave all their security problems to the central authority. I do not think this would be healthy. Departments are responsible for discharging certain functions and, in so doing, they are required to implement the government's security policy. If they fail to do this, this is poor departmental administration not poor policy.

6. The two extensions proposed are, as I understand them:

- (a) dismissal of known communists in government employ holding non-security jobs;
- (b) setting up of a review or appeal procedure.

no classified information

A0140420_1-001659

The government has kept away from a special review or appeal procedure, but we thought in the Panel that if communists were to be fired from non-security jobs this would force a change and we would have to set up some sort of an appeal arrangement, open in both security and non-security cases. A related extension to this change would be that in security cases individuals would have to be told they are being released on security grounds; that is, when no adequate and logical reasons other than security exist to support dismissal.

7. Under the proposed procedure I would see the individual, whether a security or non-security case, told that he is being dismissed and given open reasons -- this to be done by a departmental official. If the open reasons are supplemented by others which cannot be disclosed, he would be told there is other evidence against him but it would not be supplied to him. He would also be told that if he wishes to appeal he may do so.

8. In security cases (that is, where classified information is accessible) any doubt should be resolved in favour of the country. In non-security cases any doubt should be resolved in favour of the individual. The effect of this would mean that the source of our information would never be disclosed unless it is open, and it would also mean that in non-security cases the evidence disclosed would have to be conclusive -- I don't think in such cases there could or should be a dismissal unless the open evidence is adequate to support that action.

9. The reasons for the proposed extensions should be set down clearly in the paper; i.e., the anomaly of having in government employ openly known communists when a vast defence machine has been built up all over the western world against communism, and the danger of having such known communists, even though now in non-security jobs, progress to positions of some importance and be able later to adulterate official, if not government views, on the extent of the communist threat and on other things. The setting up of the appeal board available in all dismissal cases should be clearly related to this extension of dismissal practice into non-security jobs.

10. I suggest that aside from appeals made by individuals, the Security Panel might be allowed to refer cases to the appeal board where a department has decided against dismissal.

11. The procedure the appeal board would follow is pretty well set down in the attached paper but generally it would have to have all information possible, though there might be very exceptional cases where we would withhold some. I wonder if this withholding needs to be mentioned in the paper -- the board would have to decide the case on the evidence placed before it. The board would also have to distinguish clearly between:

- (a) cases where classified information is involved (security cases) where the doubt must be resolved in favour of Canada;

- (b) cases where there is no classified information involved (non-security cases) where the doubt must be resolved in favour of the individual. | - why

12. I don't think the composition of the board should be discussed in any detail in this paper and I certainly do not think that any appointment should be an ex officio one; instead, board members should be selected on their reputation and individual merit.

13. I agree that the appeal board should, after reaching a conclusion, advise the Minister in whose hands the final decision on the case must rest. I also agree with you that the board in turn should ultimately be informed of that final decision.

fascists
14. I think we should keep our sights lined on communists and communism and not weaken and complicate the present proposals by trying to bring in other questionable groups. Let us instead deal with these other "funny" people as and when the need arises.

15. I agree with you that a security risk is a security risk whether it arises from the fact that an individual is a communist or simply because he talks too much. It may be possible, however, for departments in some cases to remove security risks on administrative grounds. For instance, a man who gets drunk repeatedly and fails to show up for work would be a security risk, but might be dismissed surely simply because his drunkenness is affecting his work and this without security being mentioned. | rarely

16. I have no strong views as to whether an employee, when he is told of his pending dismissal on security grounds, should be given open information verbally or in writing. The important thing, so far as we are concerned here, surely is to see that he is only given open information.

17. Finally there is the question of checking on departments to be sure that they conform to government policy and, in effect, take action when they should on information we supply them. If there is too much interference here it weakens the principle of departmental responsibility which I have mentioned previously. I think surely there would be sufficient check if the Security Panel would continue to secure and study statistics and to look in detail at special cases. We, in turn, should refer special cases to the Panel -- that is, where we have reported strong facts and know no action has been taken, or where we see a sizable number of cases showing up in one department. We should also, I think, continue and intensify our efforts to bring to notice persons in government employ who are clearly communists or strong communist supporters and who have not been turned up by our existing screening program.

OTTAWA,
14 Jan 57.