

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

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E.R.
TO
À

The Under-Secretary

SECURITY
SécuritéSECRETFROM
De

Defence Liaison (2) Division

DATE

April 7, 1967.

REFERENCE
RéférenceNUMBER
NuméroSUBJECT
Sujet

Royal Commission on Security

FILE	10-2-4-10	DOSSIER
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MISSION		

ENCLOSURES
Annexes

DISTRIBUTION

Two developments are causing us concern at the moment in our relations with the Commission:

- (a) On March 13 Mr. Trotman called on Mr. Timmerman to discuss the Department's further contributions to the work of the Commission, in keeping with the terms of the procedure agreed between the Commissioners, Mr. Robertson, and yourself on March 9, under which it might be necessary for you to make representations to the Commissioners against their identifying by name the subject of one of our personnel security files. Mr. Trotman asked for files on the espionage case mentioned in our general brief to the Commission, the files on the Warsaw cases you referred to in your first meeting with the Commission and any other interesting cases in Moscow and Prague (with special reference to the cases summarized in our brief to the Commission) and on one or two cases which were handled wholly within the Department without the assistance of the RCMP. Mr. Timmerman mentioned that there were two cases in these groups of files which might well qualify for treatment on a no name basis, since they related to officers who were still in the Department. After some discussion in general terms about these cases, Mr. Trotman agreed that the case of the officer whom the [redacted] in Prague need not be submitted to the Commission, at least for the time being. With regard to the other file, which concerned [redacted] in Warsaw, Mr. Timmerman and Mr. Trotman agreed that in respect of this particularly sensitive case an attempt should be made to disguise the individual's identity in a facsimile file. The facsimile was to be made available to the Commission along with an oral explanation by Mr. Trotman and possibly Mr. Timmerman. This was

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(a)(cont'd)

not an attempt to undermine the procedure agreed with the Commission on March 9, but simply, from our point of view, an effort to avoid the possibility of a confrontation over the disclosure of the individual's identity and a need for you to make representations to the Commissioners on this point. This course was undertaken with the full consent and collaboration of Mr. Trotman. Unfortunately, the scheme backfired, because it was necessary to make up the facsimile file with dates, times and the names of certain other individuals as well as that of the principal obliterated if we were effectively to conceal the identity of the person involved. Mr. Timmerman subsequently passed to Mr. Trotman fourteen case files, including the one in facsimile. We understand that the Commissioners were satisfied with Mr. Trotman's oral presentation, which was done on a no name basis, on all cases except the one submitted in facsimile. It would appear that upon being shown this file, the Commissioners found it impossible to obtain from it a consecutive account of the case. Additional oral explanations by Mr. Timmerman made up for this deficiency, we believe, and the particular case is no longer of consequence. However, the Commissioners undoubtedly may feel some lingering irritation over this incident. We are not entirely sure that the Commissioners are yet aware that it was a member of their own staff who proposed that the scheme be employed, but we have asked the secretaries to make this clear to the Commissioners, and they have undertaken to do so.

- (b) In the course of discussions on April 4, during part of which Mr. Timmerman gave the Commissioners a general presentation on security problems and procedures, the Commissioners raised what they believe might be special problems relating to security cases involving senior officers in charge of missions. One matter of concern to the Commissioners was whether a senior officer in charge of a post would be susceptible to the same treatment as a more junior officer or employee, or whether, indeed, a case of unreliability at the senior level would ever likely be detected. A further area of concern to the Commissioners appeared to be whether senior officers would be likely to receive handling under the security regulations as rigorous as that

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(b)(cont'd)

which normally would be accorded to a more junior officer or employee. The Commissioners accordingly instructed their secretaries to ask us to produce senior officers' files which would illuminate an enquiry into the problems they had in mind. Because of the development mentioned in (a) above, it may be assumed that the Commissioners would be particularly unresponsive to any effort to disguise the identity of particular senior officers. In addition, it appears, possibly as a result of something which may have been said to them by the RCMP (although we cannot establish this), that the Commissioners specified that senior officers serving in Moscow particularly should be included in the field of enquiry.

2. Curiously enough, the secretaries assured us in the course of a long discussion on April 5 that despite the particularity of the Commissioners' request respecting these senior officers' cases, they very much doubted whether the Commissioners would require to have the actual files or identities made known to them. The secretaries took the position that provided a full and consecutive account, presumably oral, could be given to the Commissioners of each of the cases selected and provided the relevant files were clearly available (without any details obliterated), the Commissioners could be virtually counted on not to ask for the files. They could not offer a complete guarantee, but pointed out that the procedure agreed March 9 could of course be called into play in the event that the Commissioners would ask to see the actual files. The secretaries went on to suggest that they believed it would be best if a departmental officer were prepared to come before the Commission and make the oral presentation of these cases. They thought that the Commissioners would be quite willing to have an appearance by a departmental officer and would bend every effort to avoid embarrassing him.

3. While I believe that this last assurance can be taken at full value, I still believe that we should embark on the course discussed with the secretaries with our eyes open. The specific nature of the Commissioners' request makes it fairly clear that when we produce case histories as requested it will not be at all difficult for the Commissioners to identify with reasonable certainty the individuals involved. It can be argued that the Commissioners will not in fact attempt, and certainly will not go to any lengths, to deduce the identities involved. In a sense this is irrelevant considering the narrow area of concern which they have delineated.

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4. On the other hand, I do not see that we can object to their request because the reasons advanced by the secretaries for the request appear to be genuine. The request could, of course, be met in very general terms without a discussion of individual cases and even without a restriction to a particular post. In the light of our past discussions with the Commissioners, however, it would be difficult, I believe to get them to accept such a general response. In effect we would have to argue that the procedure agreed March 9 would apply, not only to an individual case in respect of which we entertain serious concern, but also to a class of cases about which our concern could only be generalized and non-specific.

5. In other words it seems that it would really do us little good to object on an individual basis in one or more of the cases which the Commissioners will wish to see, because in fact the identities involved will not be hard to discover, whilst it would be very difficult to persuade the Commissioners that they should deliberately refrain from looking at a group of cases on which their attention has been specifically focused, and in which they could have a legitimate interest.

6. In the circumstances, even though with considerable reluctance, I think we shall have to accept the suggestion that an officer of the Department make oral presentations on a selection of cases falling within the class stipulated by the Commissioners. The fact that the Department itself will be making the presentation will ensure that the procedure agreed March 9 will be observed, at least formally, should the Commissioners fail to act with the restraint attributed to them by the secretaries. Such a departmental appearance will of course do nothing to remove such sense of irritation as the Commissioners may already labour under in respect of this vexed question of identities. I think we shall have to accept this minor risk in view of all the circumstances.

7. I presume that, if you agree with the suggestions above, you would wish Mr. Timmerman to make the presentation. However, in view of his imminent departure, or for other reasons of continuity, you may wish myself or another officer to be present. Could I have your views?

E. R. RETTIE

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