

Notes on: Informal Meeting with 'A' Operations.
May 23, 1979

Those present: The Commissioners
H.R. Johnson
P.R. Russell
Patricia Close
Brian Crane
Supt. John Friend, O i/c 'A' Ops
C/Supt. Mike Spooner, former O i/c 'A' Ops
Area Commander SWOSS
Sgt. Jim Riley
Sgt. Peter Geisler
Sgt. John Hehn
Sgt. André Lambert
Sgt. Dick Sherwood
Supt. Don Wilson, Coordinator of Task Force
Staff/Sgt. Dick Young, Task Force

The most pertinent issues to the Security Service from the research paper entitled RCMP Role in Civil Service Security Clearance were discussed. These were issues 8, 2-5, 6, 10, 11, 20-22. Notes taken in a subsequent discussion of the author with Supt. John Friend on the remaining issues and points are italicized. Supt. Friend's written responses to issues will follow.

1. Reporting vs Recommendation Issue #8

This was not felt to be an issue by the Security Service as it is their practice to recommend and they have had no complaints from the DSOs concerning this matter. It was agreed however, in light of Otto Lang's statement in the House in January that it would perhaps be best to clarify the situation in the revised version of CD-35 or elsewhere. The question of who prepared Lang's statement is being looked into.

'A' Ops. felt that the DSOs often go against their recommendations, though they have no statistics to substantiate this claim. *The question of recommending for loyalty but not for reliability briefs was raised. While John Friend thought they should recommend for both, a practice of not recommending in the case of character information might alleviate the argument that the Security Service is not the most appropriate agency to judge the vulnerability of behavioral characteristics.*

2. Reporting on Individuals in Unclassified Positions - Issue #6

'A' Operations does not currently report on any government personnel in unclassified positions. If information is obtained about an individual employed in a government department an inquiry is made of the D.S.O., if that employee is in a classified position. If they are, a Personal History Form is requested to confirm identity and the information is forwarded to the DSO. The August 11, 1976 memo, although it did not explicitly differentiate between unclassified and classified positions, was interpreted as authorization only to disseminate information on individuals in classified positions.

3. Dissemination on M.P.s and Senators, Issue #11 is the exception to the above practice. Although there is no policy set down the practice has developed whereby any adverse information on Senators and M.P. is reported to the PCO. Solicitor General Blais objected to this practice as it may well be one of ministerial responsibility. Supt. Friend disagreed with Lord Denning - even when there was no direct security risk, any information that might make an M.P. or Senator liable to blackmail or coercion should be reported.

This preventative approach raises the problem that if the government decides not to take action on the information then it can inadvertently be leaked as was the case with the Munsinger affair. The problem remains - to whom does the Security Service report (e.g., Members of the Opposition to the P.M. or the Leader of the Opposition).

Better guidelines including mechanisms for disseminating information on Senators and M.P.s are needed. The problems are to whom is this information disseminated, when is it disseminated and what attempt is made by the Security Service to first verify the vulnerability of blackmail and coercion that certain behavioral characteristics entail for the individual involved?

4. Cursory Checks Issue #10

The Prime Minister and the Solicitor General are not cleared nor are Cabinet Ministers necessarily, although the Security Service has recently received requests from the new Conservative government to do cursory checks of potential Cabinet appointees. The system is open to abuse as the Security Service just receives a list of names and therefore an individual's name could be included for devious purposes. Another abuse of the system is reporting misleading or unsubstantiated information could be attached to his name. Although an attempt is made to write a brief on such information both the time pressures and informal communication routes

(verbal replies to Director General and P.C.O.) do not always allow for this protection to be given to the individual (e.g., the unconfirmed homosexual entry beside a name being considered in 1972 as a Parliamentary Secretary). If there is no time to write a formal brief should any information be disseminated regardless of the pressure?

5. Homosexual Discrimination Issues #3, 4, 5 and 22

The possibility of making public Supt. Friend's statement on homosexual data collection was raised. (This would appear misleading if it was not in the context of how this characteristic is treated differently from others). The question of who prepared Allmand's reply to Cassidy was also raised.

It was agreed that homosexuality was treated differently than other faults of character. The 1969 amendment to the Criminal Code had no effect upon the treatment of homosexual information. A homosexual file would not be destroyed even if the individual publicly confessed to being a homosexual and hence removing the aspect of vulnerability.

The Security Service did not agree with the ICSI proposal that there should be a blanket rejection of homosexuals in classified positions.

6. The Non-Disclosure of Information Issues #20 and 21

The Security Service upheld the necessity to retain the confidentiality of casual sources encountered in the course of a field investigation. The rationale was that if these confidences were released then the whole security screening programme would eventually be undermined. Their policy is to release as much as possible and they reject the idea of any independent review of their decision, including that of a Security Review Board. As long as the provision to withhold information from the appellant rests with the RCMP the review procedure seemed desirable. If their opinion was challenged (which it appears is a possibility under Section 7(7) of the Financial Administration Act) then the RCMP "would resort to obtaining a Minister's permit under Section 42 of the Federal Court Act".

7. Other issues that were discussed were:

(1) the use of interviews by the RCMP field investigator. In the past only if the field investigator could not fulfill the standard screening criteria would an interview be held with the individual being screened (e.g., a period of time spent in a country where the RCMP doesn't have a reciprocal screening arrangement). The policy has just recently changed. In the third week of May 1979 John Friend sent a letter to the field

instructing that interviews are to be carried out to resolve doubts the investigator may have. (requested). This letter resulted from a recently prepared document sent by André Lemieux, D.S.O. of the P.C.O. to Michael Pitfield, Clerk of the P.C.O., proposing a new review mechanism. These documents stem originally from Michael Pitfield's statement at an ICSI meeting in December 1977 (File #6000-10-B-17) following a submission by the Public Service ~~Commission~~ (attached). He suggested Treasury Board review the appeal procedure advocated by this submission for any member of the civil service whose career is detrimentally affected for security reasons. An informal working group consisting of Supt. John Friend, André Lemieux, Treasury Board and the Public Service Commission, has been studying this. They have recommended that Section 7(7) of the Financial Administration Act be amended to include not just cases of dismissals but also transfers on denials of promotion. As well there is to be a preliminary procedure where doubt has been raised. First, the RCMP field investigator would interview the individual. Second, the D.S.O. must interview the candidate if he is going to recommend a denial of clearance. The D.S.O. must also inform the individual that he is going to recommend against clearance. Third, the Deputy Minister must interview the candidate and may (or must) consult with three other Deputy Ministers if he is going to deny clearance. Fourth, the Deputy Minister, if clearance is denied, must interview the individual again to resolve the question of future employment. (The document outlining this procedure is in the process of being located in P.C.O. RCMP correspondence concerning this matter is attached).

The review procedure envisioned does not apply to applicants or contract employees nor is the interview procedure of the RCMP field investigator universal. It is only to be used in questionable cases, not normally to elicit information on such factors as financial status. Universal was rejected because it is both impractical and might cause difficulties for the protection of sources, though this latter rationale also holds for the interviewing of referees.

(2) The possibility of a brochure, similar to that of the British, advertising the security screening programme, might partially reduce adverse public reaction.

(3) The cost of a field investigation was estimated a few years ago to be about \$500. This compares to the cost of \$800 - \$900 for a private investigation.

(4) The function of identifying new threats is the responsibility of the Operational Branches, not 'A' Ops. If a new threat has been identified and it does not fall under CD-35, they use (a) to (f) of "The Mandate" as their authorization to report on such threats. Hence the need for interim measures (issue #23) had not been a problem.

(5) Section (iv) of the proposed revision of CD-35 was discussed. The RCMP's input into the wording of this clause was requested. Director General M.D. Vane's letter on this clause is attached. Fred Shultz, D.G. Vane's executive assistant O i/c P.P. & C. met informally with P.C.O. to revise the 1975 wording of this clause already declared too broad by Cabinet (See CD-661-75 (1977) (e), attached). The documentation is being collected.

(6) The ASIO Bill review procedure. The Security Service thought they could live with it. The Australian Security Appeals Tribunal is only applicable to cases where the individual has been given notice of an adverse or qualified security assessment (S52). Such notification can be withheld by a written statement of the Attorney General for national security reasons (S.37(2)). Both the affect of the Canadian Human Rights legislation and our current Security Advisory Board, which has been set up to hear immigration cases concerning permanent residents where a ~~similar~~ security certificate has been signed, need to be taken into account before any attempt is made to apply Australian legislation in the Canadian context.

8. Other issues

The following notes were taken in covering the remaining issues with Supt. Friend, May 30, 1979.

issue 7 - dissemination - there is no clear policy for updating security clearances. The general practice is to have them updated every five years, although this is not adhered to by all departments. Furthermore, the lack of policy has led to one employee (Immigration) challenging the necessity of resubmitting a personal history form. The case was referred to P.C.O. and subsequently the department had to back down due to a lack of policy on this issue.

issue 12 - inadequate information - when the standard security screening criteria can not be met, 'A' Ops notifies the department that it cannot complete the screening procedure. The department can then take a calculated risk. It was also in these conditions that the RCMP would, in the past, interview candidates.

issue 19 - universal review - Supt. Friend thought that the review procedure should apply to applicants, contract employees, etc. This would be consistent with the Human Rights legislation which allows access to the files of such individuals.

The function of a review board, besides those of hearing appeals, could include

- (a) approving the organizational assessments of 'B', 'D' and 'H' Ops.
- (b) rendering advice
- (c) interpreting the security rejection criteria.

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issue 27 - disclosure of third party information - such information is routinely passed on to the departments. The purpose of the information is understood by the foreign agencies involved and no special permission is required to disseminate to the D.S.O.s. A similar procedure could be worked out for any review proceeding, when special permission would only be needed if the information was to be divulged to the appellant.

issue 31 and 32 - field investigation practices - attempts are made to train field investigators in proper interview techniques - several hours at Headquarters in the classroom and one to two months on-the-job training with an experienced investigator. A field investigator can handle twenty cases per month.

issue 33 - subjectivity of assessments - It was agreed that moralizing statements should not be included in screening briefs and that the only information that should be forwarded is that information which relates to security. There remains the problem of what information relates to security.

issue 34 - proper agency - Because of the resources already in place the RCMP feels that it is the proper agency to carry out security screenings, both for loyalty and reliability.

issue 40 - operational assessments - 'A' Ops does not necessarily accept the organizational assessments of the Operational branches. An external body to review these assessments was advocated. The problem of inconsistency between operational branches in the making of assessments was noted. Originally there was a formalized system of review for these group assessments. They all used to go to the Security Panel.

issue 46 - accessing government records - This is not really a problem for 'A' Ops, because the non-derivative clause applies only to information provided by the individual and not to government files as such, 'A' Ops doesn't have the same need for identification as does the operational branches, having all the biographical information necessary on the personal history form. Their need to access is merely that of verification, e.g., if an individual is actually a citizen. With the archives, where all the old DND records are found, a working arrangement is in place where the investigator signs a form that the information is for national security purposes. (This practice might have serious ramifications if resorted to by the operational branches).

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There are still several outstanding issues which perhaps warrant a further discussion with Supt. Friend. These are:

1. The practice concerning vacated records
2. The difficulties in a criminal indices check
3. The functions of a review board

Harold Case