

"copie d'un document d'information
à l'usage du premier ministre..."

(document confidentiel du Cabinet
datant de 1963 communiqué en
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en juillet 1984).
(#15 on list)

CONFIDENTIAL

S-1-1

Matthew
Bekins
W.B.P.

October 30th, 1963.

MEMORANDUM FOR THE PRIME MINISTER:

Re: Security procedures

You asked for comments on two points raised concerning the new security procedures:

- (a) the desirability of having someone in a judicial or quasi-judicial position preside over the proposed Board of Review to advise on security cases in which dismissal is being considered; and
- (b) the desirability of making the security directive public.

(a) Judicial or quasi-judicial chairman

Since, as Chairman of the Security Panel, I will normally have to chair Boards of Review, I have a very real incentive to see someone else given this unpleasant responsibility. Notwithstanding that, my considered view is that it would be a mistake to have someone of a judicial or quasi-judicial character preside.

In your statement you emphasized that "To some degree the consideration of employee security in the consideration of this problem in judicial or in legal terms beclouds rather than clarifies the issue." You added that "The granting or the denial of a security clearance is an administrative matter, one of managerial responsibility." Because the granting of security clearance is an administrative and managerial responsibility, the function of the proposed Board of Review is to assist the Deputy Minister or head

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of agency, and eventually the Minister, in arriving at a decision. The decision is that of the Minister: not of the Board. If the Board were presided over by a judicial or quasi-judicial person it would be extremely difficult to maintain the position that it is advisory only, that its advice does not have to be taken by the Minister, and that it is the Minister who decides. I think a logical and almost inevitable result of such a change would be the public expectation that the Board itself should decide the merits of the case. Were this to happen, Ministers would be placed in an impossible position in having to grant security clearances to employees in whom, regardless of the Board's decision, they might not have full confidence. At present there is no doubt at all as to where responsibility for personnel security lies: it is with the employing agency. Anything that reduced that clear responsibility, or blurred it in any way, would be unfortunate. It may be in recognition of these general considerations that neither the United States nor the United Kingdom make provision for a judicial or quasi-judicial chairman in their systems.

A subordinate but, I think, not unsubstantial consideration is that the suggested change in the chairmanship would be an important modification. Both you and the Minister of Justice rightly said that the new procedures have been carefully considered and devised. That would hardly carry conviction if so important a change were made without even trying out the new plan. It could not help but shake confidence in the care and adequacy of consideration of this problem.

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(b) Publication of security directive

You will recall that both the Security Panel and the members of the Cabinet Committee on Security and Intelligence felt that making the directive itself public would probably lead to endless debate of its every provision. The most acceptable alternative action was thought to be that which was in fact followed - that you and the Minister of Justice, in fairly detailed statements, give the House the substance of the procedures without their actual wording. A further alternative, that of giving leaders of the opposition parties a copy of the directive on a confidential basis, you considered to be unacceptable in that they would then have a document which they could not use in debate, and they would therefore want to force its publication. There is some weight, too, in the argument made by Mr. Chevrier on Friday last that security measures are usually made less effective by making them public, in that the Communist organizations are assisted in discovering means of circumventing them.

A copy of the security directive is attached. In it I have side-lined things that it would be undesirable to have made public. If it were to be published, I would recommend that these be deleted and incorporated in a second, confidential document on detailed procedures. On the whole, however, I think it is better to be frank in saying it is considered undesirable to publish the directive itself than to appear frank and run the risk of having it later learned that there is an unpublished part to the procedures.

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The directive is being held and not circulated to departments at present, notwithstanding that it has been approved by the Cabinet. In view of your comments in the House on Monday in reply to Mr. Orlikow, I take it we should continue to hold the directive until the debate is concluded.

ORIGINAL SIGNED
BY
R. G. ROBERTSON

R.G.R.

RGR: aw

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