

(Minutes)

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February 7th, 1969.

The 81st meeting of the Security Panel was held on Thursday, January 30th, 1969, at 3.00 p.m. in the Privy Council Committee Room.

PRESENT:

Mr. R. G. Robertson
Secretary to the Cabinet (Chairman)
Mr. E. B. Armstrong
Deputy Minister of National Defence
Mr. M. Cadieux
Under-Secretary of State for
External Affairs
Mr. E. A. Côté
Deputy Solicitor General
Mr. L. Couillard
Deputy Minister of Manpower & Immigration
Mr. G. W. Hunter
Deputy Minister of Defence Production
Commissioner M.F.A. Lindsay
Royal Canadian Mounted Police

ALSO PRESENT:

Mr. Ross Anderson
Public Service Commission
Deputy Commissioner W. H. Kelly
Asst. Commissioner W. L. Higgitt
Inspector R. Vaughan
Royal Canadian Mounted Police
Mr. E. R. Rettie
Mr. K. McIlwraith
Department of External Affairs
Mr. E. Perkin
Department of Defence Production
Mr. D. F. Wall (Secretary)
Mr. D. Beavis (Asst. Secretary)

The Report of the Royal Commission on Security

The Panel had for consideration two related papers on the Report of the Royal Commission on Security, SP-233 of November 20, 1968, relating to a draft publishable version of the Commission's Report and SP-234 of January 24, 1969, containing the instructions to the Security Panel of the Cabinet Committee on Security and Intelligence. These were: "To study the Report of the Royal Commission on Security with a view to preparing for consideration by the Cabinet Committee

- (a) an abridged version of the Commission's Report which might be published, if so decided, the abridgement to be made on the basis of excluding material that appeared to come within the following principles: references, views or information

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- (i) that would damage Canada's relations with allied and friendly countries;
 - (ii) which the Commissioners had committed themselves not to reveal publicly;
 - (iii) that might reveal such defensive techniques and procedures as would be directly helpful to a potential enemy;
 - (iv) that appeared to demonstrate exploitable weaknesses in our system of security defences;
 - (v) that might jeopardize the usefulness of, or unduly embarrass, identifiable individuals;
 - (vi) that, as a matter of government policy had not been revealed in the past; and
 - (vii) that appeared to be particularly delicate or unresolved matters of government policy;
- and taking into account substantial errors of fact or important misrepresentations of position in the main Report,
- (b) a report on the nature and extent of errors of fact or misrepresentations in the Commission's Report; and
 - (c) a further report on the substance of the Commission's Report and its recommendations."

The Chairman stressed that the Panel was involved in a most unusual exercise, perhaps unprecedented. He pointed out that, under ordinary circumstances, when a Royal Commission reported the Report was made public and the government then considered what it would do by way of accepting or rejecting whatever recommendations were contained in the Report. In this instance, however, it had been decided that because of security considerations (and only because of such considerations) the Report of the Royal Commission on Security would require special handling. Subsequently however it had been argued forcibly that publication of major portions of the Report would seriously damage the effectiveness and morale of the Royal Canadian Mounted Police, on the basis that several of these portions were not based on fact. The Panel had therefore been instructed to examine this question as well as those of publication and the substance of the Report.

Mr. Robertson pointed out, however, that the Prime Minister felt that the government would have to have good and demonstrable justification for departure from the normal practice of publishing those aspects of the Report which would not adversely affect national security interest. He noted that the Prime Minister had answered in the House on November 1, 1968, a question about the possibility of publication, in part, as follows:

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"The Honourable Member will understand that the Report is a classified document and contains information the publication of which would be detrimental to the security of Canada. For that reason Mr. Speaker only after careful study of the Report will we decide what sections of it can be published. Until that time it would not be our intention to comment in any way on the Report itself."

In elaboration to a further question the Prime Minister said:

"It is too soon to take a final position on the matter, but I can tell the House that what I hope will result is that we will be able to publish very substantial parts of it. I would hope that whatever expurgated version we did publish would have the certification of the Commissioners themselves that they consider the deletions to be deletions that are made in the interest of national security only and for no other reason. As I say, Mr. Speaker, I should like this authority from them, but that of course, would depend on their own decision."

Mr. Robertson drew the Panel's attention to the fact that further questions had been asked about publication of the Report, within the context of the Prime Minister's first answer, on January 21 and again on January 23. He pointed out that pressure for publication would undoubtedly continue to mount. He emphasized a further point: that the fact of the publication of the recommendations of the Commissioners did not commit the government to accept the views of the Commission and that it was important that this principle continue to be maintained.

Under the instructions of the Cabinet Committee, the Panel was required to indicate, within the criteria set by the Cabinet Committee, what ought to be published. While the Cabinet Committee might consider in the long run that nothing should be published it was not for the Panel to make this decision. Mr. Robertson considered that care should be taken not to be overly defensive in considering what should be published as it was most important that the public not be led to believe that the Report had been suppressed for the sake of convenience to the Administration or to the security authorities. He pointed out that the Report of the Glassco Commission had been highly critical of practically every element of public administration but that its publication in the long run had been beneficial, as would publication of those elements of the MacKenzie Report which would not adversely affect national security.

The Deputy Solicitor General considered that both the establishment of the Royal Commission and publication of parts of its report were valuable steps for future re-organization. Mr. Côté agreed with the Chairman that, provided the published version did not set out exploitable weaknesses or identify specific means by which weaknesses were to be corrected, the Report would have in the long term a similar salutary effect as that of the Glassco Commission. He emphasized that, in considering what could

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be published, notwithstanding arguments which had been put forward with regard to errors of fact and misrepresentations, the government could not re-write the Report. Mr. Côté believed that it would be possible to correct such errors and misrepresentations without doing violence to the substance of the Report; that, if this were done, the Commissioners would not take offence nor feel that their honour had been impugned and that it would be desirable to have published at the same time the comments of the government on the recommendations of the Royal Commission. If the published version of the Report, which would have to include all the recommendations, were produced simultaneously with a reasoned statement by the government indicating which of the recommendations it accepted, which required further study before implementation and which the government rejected, with the reasons stated in each instance, the possibility of damage to the security service and system would be minimized and the positive advantages of some of the recommendations would be enhanced in value. As the Department of the Solicitor General had a specific operational interest in the substance of the Report, Mr. Côté undertook to devote a good deal of time to its consideration.

The Commissioner of the Royal Canadian Mounted Police commented that in its present form the Report would give the public the general impression that security in the public service was in really bad shape. He noted that the recommendations in the Report were largely those which had been under discussion, and in some cases already implemented, over a period of years. Commissioner Lindsay felt that the information provided to the Royal Commission and the way it was set out in the Commission's Report did not support the major recommendation with regard to the establishment of a civilian security service, but rather were arguments in favour of devising ways and means to improve the present service and related system. He expressed regret that the Commissioners had given him no inkling whatsoever of the nature of this major recommendation.

The Commissioner considered that the draft Report in its present form, if published, would damage the entire security system in the country and, further, would provide a bad atmosphere in which either to modify the existing arrangements or build a new service or system. He considered that the following consequences of publication would occur:

- (a) cooperation with friendly security services would be seriously reduced;
- (b) during any changeover from the present security service in the R.C.M. Police to the sort of service recommended by the Royal Commission, impetus would be given to hostile foreign intelligence agencies;
- (c) the Report in its present form would implant in the public mind the erroneous impression that the security service and the governmental security system were even more inefficient and ineffective than indicated in the Report and that this alone would tend to make sources of security information dry up.

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Commissioner Lindsay suggested that the government might consider release in another form of the very valuable recommendations he felt were contained in the Report so that ill consequences would be avoided.

Mr. Robertson agreed that the security service should not be destroyed by publication when it was not known which of the recommendations the government might decide to accept; he noted, however, that the Royal Commission did indicate that security was important and that this alone could be a valuable counter to public attacks such as those which had constantly occurred in the past. He felt that the Report could also be of assistance, once public, in relation to problems that the security service had experienced in relation to universities and with regard to security clearances. He considered it important that this sort of aid should not be lost through undue concentration on the negative aspects of the Report, nor should the deletions from the classified version be such that the Commissioners could not agree with them, which would undoubtedly create a suspicion that a 'whitewash' had been done.

The Under-Secretary of State for External Affairs said that the Panel had to accept these "political facts of life":

- (a) a report had to be published;
- (b) it would have to be fairly complete or the Commissioners probably would not endorse it;
- (c) simultaneous publication of both the Report and the government's views on the recommendations would significantly change the anticipated effect of publication. For example, the government could say with regard to the recommendation for a civilian security service that, while the idea was appealing, after serious consideration the government disagreed with the means recommended.

Mr. Cadieux felt that if the Commissioners knew that this was the sort of "package" that the government was considering, they would not feel that their integrity was at stake, particularly if there had been prior discussion with the Commissioners about editorial changes and the government's intention to comment publicly on aspects of the Report. He considered that work on an abridged version for possible publication, a report on gross errors or misrepresentations and a report on the substance of the Commission's Report and its recommendations all had to go forward simultaneously and that the text of the draft publishable version could be amended wherever an error of fact was identified. The Secretary to the Cabinet agreed and commented that it would be most important to ensure that amendments were based on provable errors of fact and that no confusion of fact with the opinions or judgements of the Commission be allowed to creep in. He considered that errors of fact which were significant should be put to the Commissioners with a view to having them corrected, but that there might be a second category of lesser errors (e.g. information which was out of date) which it might be desirable simply to draw to the attention of the Commissioners, leaving them the option to let this second group stand if they so wished.

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During the discussion the following principal points arose:

- (a) It was the consensus of the Panel that, within the criteria established by the Cabinet Committee, it should be possible to produce a helpful document for publication, acceptable to the Commissioners and without, in effect, re-writing the Report;
- (b) it was thought likely that the Commissioners would not wish to have gross errors in the published version but that they could not accept a published version which did not contain all of the recommendations and their supporting arguments;
- (c) while it was considered desirable to have the agreement of the Commissioners to whatever version was published, it was not indispensable. Should the Commissioners not accept whatever alterations were made in the draft publishable version the government would likely have to face the charge of burying some aspects of the Report and would have to weigh the concurrence of the Commissioners against security considerations. In this regard, it was noted that the Prime Minister had expressed his preference to having the Commissioners' agreement, but that he was not wedded to that position. It was felt however that a strategy of removing the more obvious mistakes but at the same time leaving the Commissioners room to re-assess their position would probably succeed;
- (d) it was not considered inconsistent for the Commissioners to state their preference for the establishment of a civilian security service based on evidence from which gross errors of fact and misrepresentations had been removed on the one hand, and the government, if it chose, rejecting this principal recommendation and giving its reasons publicly on the other;
- (e) in the preparation of an abridged publishable version of the Report with regard to paragraphs 51 through 66, which the R.C.M. Police had suggested at one point should be almost completely deleted, the Panel noted the comments of the Commissioner, the Deputy Commissioner and the Director of Security and Intelligence to the effect that, with necessary changes rectifying errors, the section would be acceptable to the Force and worries expressed about the extent of the excision earlier proposed would no longer pose a problem. In this regard, the Panel noted that the working group preparing a Publishable Version must take care not to slant statements away from the general burden of the Report, and that the correction of errors must relate to those of fact and misrepresentation, but that there could be no excision of value judgements.

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After further discussion the Security Panel agreed

- (a) that as time was important, the Panel should set up a series of working groups so that the three tasks set it by the Cabinet Committee would go forward simultaneously;
- (b) that the Secretary of the Security Panel would chair a working group which would consider the production of an abridged version of the Report together with a report on the gross errors or misrepresentations in the Report of the Commission, working with departmental representatives nominated to him by the Panel members;
- (c) in order to be able to recommend to the Cabinet Committee which recommendations of the Commission would require simultaneous comment when the abridged version of the Report was published, the Panel members most directly concerned would prepare papers on the following sections of the Report for early consideration by the Panel:
 - (i) the R.C.M. Police to prepare a paper in relation to the recommendation for a civilian security service which would include all considerations but from a different point of view than that judged to be held by the Commission;
 - (ii) the Deputy Solicitor General and the Commissioner of the R.C.M. Police would jointly consider the paper produced by the R.C.M. Police at (i) above (para. 301 of the draft publishable version);
 - (iii) the Deputy Solicitor General and the Secretary of the Security Panel would prepare a paper concerning the recommendation relating to a formalized security secretariat (para. 300 of the draft publishable version);
 - (iv) the Panel Secretariat would pull together information already in the Privy Council Office and prepare a paper on the recommendation concerning the establishment of a security review board (para. 303 in the draft publishable version);
 - (v) the Department of External Affairs would prepare a paper concerning the recommendations for changes in the issuance and control of passports, including itemization of changes which had already come into effect since the Commission reported (para. 306 of the draft publishable version);
 - (vi) the Deputy Minister of National Defence and the Deputy Minister of Defence Production would jointly prepare a paper in relation to the recommendations about industrial security (para. 308 of the draft publishable version);

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- (d) the above reports would be forwarded to the Security Panel Secretariat at which time the Security Panel could consider the most effective structural means of reviewing the documents;
- (e) recommendations concerning
- (i) personnel security (para. 302);
 - (ii) immigration security screening procedures (para. 304);
 - (iii) security screening in relation to citizenship (para. 305);
 - (iv) departmental security (para. 307);
 - (v) security of information (para. 309); and
 - (vi) physical, technical and communications security, sources and techniques (para. 310)

did not appear to require decisions by the government prior to the publication of the abridged version.

D. F. Wall,
Secretary.

Privy Council Office,
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