

S E C R E T

MEMORANDUM FOR THE CABINET COMMITTEE
ON SECURITY AND INTELLIGENCE

New Democratic Party Views on
Internal Security

Background

With growing frequency since 1958 members of the New Democratic Party, particularly Messrs. Cameron, Douglas, Fisher, Herridge, Howard, Knowles, Orlikow, Peters and Winch, have criticized both the policy and procedures employed by successive administrations in maintaining internal security in Canada. Particular criticism has been directed at the operation of the Security and Intelligence Branch of the R.C.M. Police. In general, the government has been criticized for lack of policy direction to the R.C.M. Police in connection with security work, and the Police have been judged to employ inadequate personnel, to exceed the limits of their responsibility in investigations and to interfere with civil liberties in so doing. Criticism has taken the form of questions to elicit on behalf of the public both a general statement of security policy and to elucidate in specific instances what the government considered to be the necessity of employing the Security and Intelligence Branch in a particular way.

2. On June 3, 1963, Mr. Douglas suggested in the House the following course of action:

"I should like, therefore to suggest three things. I want to suggest, first of all, that I think the time has come to take the security and intelligence branch out of the Royal Canadian Mounted Police; to staff it with highly trained people who are skilled in looking into subversion, who know the difference between non-conformity and espionage, who know the difference between people who are ready to commit overt acts of treason and people who merely have a point of view that is different from the point of view held by most of those in the vicinity.

"The second suggestion I make is that the government give consideration to setting up in the government a tribunal or quasi-judicial committee to which individuals may come with their counsel and say, 'I have been denied a job', or 'I have been kicked out of the armed forces; or I have been refused citizenship on the grounds that I am a bad security risk. I have a right to see the evidence against me. I have a right to face my accusers. I have a right to be heard before my name is slurred and the names of my children are slurred; that is all I am asking.' Surely, this is a reasonable request in a democracy.

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"The third suggestion I make is one which I proposed in a question on orders of the day. I think that there ought to be a select committee of this house look into the whole procedure for dealing with subversion and maintaining the security of this nation. It would probably have to meet behind closed doors part of the time. I admit there are difficulties in administering a security system. I admit that in the kind of world in which we live today, security is important. However, I contend that, equally important with maintaining security is the maintenance of these basic democratic institutions upon which this country is built. It will be of little value to destroy totalitarianism across the seas if in the process we incur totalitarianism here. I suggest, Mr. Chairman, that in the long run liberty is indivisible. If I allow my neighbour's civil liberties to be encroached upon today, my liberties will be in danger tomorrow."

3. There have also been other specific requests, criticisms and recommendations raised by Mr. Fisher, Mr. Knowles, Mr. Cameron, Mr. Orlikow and others over the past four years:

- (a) A clear indication of what is considered to be subversion and what is considered to be the threat to Canada from it requires to be publicly stated. In connection with this, specific concern has been expressed over the attention of the Security and Intelligence Branch to trade unions, student organizations, ethnic groups and public organizations protesting certain government policies.
- (b) Arising from specific cases raised on the floor of the House, the R.C.M.P. recruitment of informers, particularly in ethnic groups, university organizations concerned with nuclear disarmament and among landed immigrants who have not yet received their citizenship papers, has been condemned.
- (c) Continuing R.C.M. Police investigations in schools, universities, unions and legitimate organizations of protest such as Campaign for Nuclear Disarmament, the Voice of Women and the Canadian Peace Research Institute have been characterized as "fishing expeditions", which should be stopped by the government. It has been contended that Police investigations should take place only after the Police have obtained reasonable evidence of the commitment of overt acts of subversion. In connection with protest organizations it has been suggested that the R.C.M.P. have on occasion exceeded their responsibility by warning individuals to avoid future difficulty by discontinuing their membership in such organizations or demonstrating their support for them.
- (d) The handling of R.C.M. Police files has repeatedly been criticized on the grounds that nothing is known publicly as to

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- (i) the reason for a file being opened, whether only at the instigation of Canadian authorities or at the request of foreign authorities;
 - (ii) the length of time during which a file is kept active and the standards of judgement which require it to remain active;
 - (iii) departmental standards of judgement in deciding who is 'a bad security risk', on the basis of reports provided by the R.C.M. Police; and
 - (iv) the distribution made of the information contained in the files, with particular reference to transmission to foreign governments. In this connection repeated annoyance has been expressed with regard to U.S. border crossing difficulties.
- (e) Concern has been expressed that the Personal History Form used by the government in connection with security clearance should conform both to the Bill of Rights and to the Canada Fair Employment Practices Act. The inclusion in the Personal History Form of the names of relatives and in-laws has been questioned as being irrelevant, the view being taken that the governmental employee has no responsibility for such persons.

Present System

4. As has been explained from time to time in the House of Commons, the present system of security clearance is a matter for the judgement of the employing department alone. The employee is requested to complete a Personal History Form which serves as the basis for an investigation carried out by the R.C.M. Police, who send to the department whatever information they may obtain, evaluated only as to the reliability of the source of the information. This summary report of the investigation serves as the basis for granting or withholding the right to access to classified information within the department and the judgement is made by the departmental security officer who is usually in civilian departments the Chief of Personnel of the department. In the event of doubt the deputy head is consulted and if doubt still persists he may seek the advice of the Security Panel, a group of deputy ministers whose departments are most involved in the handling of classified information. If dismissal is considered necessary, the final responsibility rests with the Minister of the department.

5. Aside from their involvement in investigations on behalf of government departments for purposes of security clearance, the R.C.M. Police are concerned with subversive activity in Canada, and have evidence which leads them to conclude that "internal communism has not changed its ultimate objective: the complete destruction of capitalism and the elevation of the communist system to a position of world domination" and that "in Canada, the communist movement, consisting of the party, national groups, fronts and infiltrated elements in industry, government and other institutions, is acting in sympathy with and with the support of international communism".

While there is thought to be no prospect of any communist seizure of power in Canada, and the party is said to be at its lowest membership since World War II, the existence of such a party controlled from abroad and pursuing ends which could be inimicable to Canadian interests is considered a threat. The Communist Party of Canada, while it is not considered a normal parliamentary political organization seeking power by accepted means, has remained a legal entity in Canada, primarily on the grounds that it is easier and more effective to gain knowledge of its intentions and methods under these circumstances than it would be if it were made illegal and forced to operate in entire secrecy.

Review of Cases

6. Although machinery exists for the review of security cases in Canada, a frequent demand has been for an appeal system such as that suggested above by Mr. Douglas. Repeated references have been made to the existence in both Britain and the United States of formal appeal boards. However, requests for similar systems in Canada have ignored the fact that both the procedures employed by the U.S. and the U.K. operate in an advisory capacity only and that in both instances the final decision rests with the government as part of its managerial function. Recommendations by tribunals are not binding on the head of the department or agency nor on his Minister. The Security Panel has studied the situation in Canada and has recommended against a formal system of appeal on the grounds that the findings of such a board ought not be substituted for ministerial responsibility and that, if instituted, such a system would provide only the semblance not the substance of a proper appeal, in an area where there is no question of criminal charges, or of an employee's right to be given access to secrets.

Current Considerations of Security Policy and Procedure

7. In its recent deliberations, the Security Panel has been considering the desirability of a much more frank and forthright approach to security problems, not only as they concern the employees directly involved, but also in relation to the Canadian public in general. In particular, means have been sought by which it will be possible to make greater use of the government employee himself as the best source of information as to his loyalty, reliability and general suitability to be given access to classified information. It is also considered desirable, in those cases where it is judged necessary to dismiss an employee on security grounds, to give him as clear as possible an indication, in writing if necessary, of the reasons for such action being taken.

8. As it has always been recognized that security is a difficult and often controversial area of public administration which requires some degree of privacy, there is a natural tendency for a government to be reticent about the means by which it goes about protecting its secrets from foreign espionage organizations, and protecting our institutions from subversive attack intended to destroy them. There is no doubt that this reticence can be carried too far, can become overly protective of the policies and procedures in force, and can have the result of appearing to undermine some of the attitudes and institutions which it is intended to safeguard. In recognition of these dangers in themselves, as well as their reflections in expressions of public concern, the Security Panel is studying a draft revision of the Cabinet Directive on Security of 1955 with a view to making it, or its substance, public.

The Panel is also studying a draft statement on security policy and procedure which might be made in the House of Commons, with the purpose of making the general public more clearly aware of these problems and of the means by which the government deals with them.

9. In relation to these studies, the Prime Minister has suggested that it would be useful for members of the Cabinet Committee on Security and Intelligence to meet with appropriate members of the New Democratic Party to discuss security matters in general. It is the Prime Minister's view that such a meeting would not only contribute to a better understanding of these problems by the N.D.P., but would also give the government the benefit of that Party's views and suggestions in an atmosphere of discussion rather than debate. The results of these discussions would then be taken into account in any revision of the government's approach to problems of security.

Recommendations

10. It is therefore recommended that the Cabinet Committee on Security and Intelligence consider the desirability of meeting with members of the New Democratic Party with a view to:

- (a) presenting a clear indication of the nature and extent of the threat to Canada from Communist espionage and subversion;
- (b) answering some of the major criticisms made by that Party concerning the means by which the government counters that threat, particularly in its use of the services of the R.C.M. Police investigative facilities; and
- (c) obtaining the views of N.D.P. members as to how security measures might be devised which will ensure the safety and well-being of the nation as well as that of each of its citizens.

R. G. Robertson,
Chairman of the Security Panel.

Privy Council Office,
September 26th, 1963.