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APPENDIX "B"

Recommendations of the Royal Commission on Security  
-- Policy Implications

I. ORGANIZATION OF SECURITY

(a) Establishment of Security Secretariat

The recommendation is that there be established in the Privy Council Office "a formalized Security Secretariat with adequate status, resources and staff to formulate security policy and procedures in the context of general governmental policies, and more importantly, with effective authority to supervise the implementation of government security policies and regulations and to ensure their consistent application". It is suggested that the Secretary would require a director and at least three full-time officers. (para. 57)

Comment

While there may be arguments for a somewhat more formalized Security Secretariat in the Privy Council Office, the question will arise whether such a body should have the kind of authority over security operations in other departments and agencies which the Commissioners suggest. Security, like other aspects of administration, has as a matter of carefully considered policy been a departmental responsibility. The very nature of Cabinet government suggests that it continue to be so. Centralization of the supervisory and control aspects of the security function might well increase "efficiency" in terms of consistent application, but it might also reduce real efficiency by confusing the lines of responsibility, and also by creating a negative and adversary relationship between the Secretariat and departments and agencies.

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(b) Establishment of a Civilian Security Service

The recommendation is for the establishment of "a new civilian non-police agency to perform the functions of a security service in Canada". It should be eventually quite separate from the Royal Canadian Mounted Police, generally without law enforcement powers, and might involve the organizational and operational detachment of the Directorate of Security and Intelligence from the R.C.M. Police as a first stage. It would have specific and public terms of reference, and the Head of the Service would be responsible to a designated Minister and would have direct access to the Prime Minister. The proposed terms of reference would give him considerable power and independence. (paras. 69,73,74,76)

Comment

This is the Commission's central recommendation concerning security organization, and its implementation, if that is decided, would require the most careful study and planning. It would meet with strong initial objections from the R.C.M.P. and possibly from other departments and segments of the public on the grounds that it would imply a serious lack of confidence in the R.C.M.P. to carry out their present tasks as a security service. It would also imply that the government had not hitherto given adequate attention to security organization and had thereby failed in its duty to Canada's allies as well as to the Canadian public. On the other hand, the arguments put forward for the creation of such a service are logical and persuasive, especially in terms of creating a more responsive and sophisticated organ of government in an area which touches the lives and careers of a significant number of Canadians. ..

If this recommendation is to be implemented, it will be necessary to determine the proper relationship of the Security Service to the Department of the Solicitor General as well as to the R.C.M.P., and it will be of particular importance to present it publicly in such a way as to avoid damage to the morale and reputation of the R.C.M.P. as a valuable and honoured Canadian institution. The proposed terms of reference will also require careful examination, particularly in relation to the powers of the Head of the Security Service, to ensure a proper balance of authority and responsibility.

II. PERSONNEL SECURITY

(a) Security Check of all Entrants to the Public Service

It is recommended that all applicants for employment in the Public Service, whether or not they are likely to have access to classified information, have their names checked against subversive and criminal records and be fingerprinted. While adverse information need not result in rejection, the information would be made available to the employing department which could request further enquiries if they appeared necessary. (paras. 108,109)

Comment

The adoption of this recommendation would virtually obliterate the present distinction drawn between positions in the Public Service requiring access to classified information and positions which do not. Apart from the time, effort and costs that would be involved, it would almost certainly complicate and slow down induction procedures, and more importantly, would tend to give security considerations in employment an emphasis which they probably do not deserve. Without the application of mature judgement in all cases, it is quite possible that the application of these measures would result in a lowering of the quality of personnel entering the Public Service, in that many of the brightest applicants would consider such strictures to be largely irrelevant, if not oppressive, if they were applied as broadly as is suggested.

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(b) Security Clearance Procedures

It is recommended, over and above existing policies and procedures for security clearance, that the Security Service should provide much more detailed information on individual cases, should comment on the validity and relevance of the information provided, and make a formal recommendation on whether or not clearance should be granted. If a clearance is granted contrary to the recommendation of the Security Service, the Service should be informed and enabled to bring the decision to the attention of the Security Secretariat for review as to consistency. (paras. 111,116,128)

Comment

While there is no question of the value of the Security Service providing more thorough information, there may well be problems involved in their making recommendations as to clearance and in effect contesting departmental decisions in this regard. Again, the adoption of this proposal would call into question the principle of departmental responsibility, and would also tend to give the Security Service a "big brother" image in the eyes of the public as well as of other departments and agencies.

(c) Homosexuality

It is recommended that homosexuality should not always be a bar to employment in the Public Service, but should normally preclude clearance to the higher levels of classification and certainly preclude posting to sensitive positions overseas. (para. 122)

Comment

While it has for some years been established policy not to appoint known homosexuals to sensitive positions abroad, experience thus far has shown it to be feasible to employ homosexuals in quite senior positions involving considerable access to classified information after careful consideration of all the factors involved. Until it has been demonstrated that this fairly flexible policy has adversely affected security, there would appear to be no reason for change, and certainly not on the simple grounds of consistency.

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(d) Separatism

It is recommended that security policy concerning separatism should be made clear, and that the federal government take steps to prevent the infiltration of the Public Service "by persons who are clearly committed to the dissolution of Canada, or who are involved with elements of the separatist movement in which seditious activity or foreign involvement are factors". It is further recommended that information concerning separatist involvement should be reported on the same basis as that concerning other allegedly subversive movements, and the departmental decision process should be similar. (para. 124)

Comment

While the political difficulties of publicly announcing a policy such as that proposed are obvious, there would appear to be some value in a more straightforward public approach to this problem than we have at present. However, the implementation of the proposal may well require the public identification of those separatist groups considered to be "subversive", thereby leading to pressure for the public identification of all other so-called subversive groups, with all the problems that that would entail. It would also involve, to some degree at least, [REDACTED]

(e) Aliens

It is recommended that definite rules be established concerning the clearance of aliens or former aliens, clearances to be granted only when it is possible to obtain adequate data on which to base a judgement. (para. 127)

Comment

While it is probably desirable that the present somewhat flexible rules for the clearance of aliens be brought up to date, the application of specific rules to former aliens would be inconsistent with the government's policy of removing the distinction between naturalized and natural-born Canadians.

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(f) Fingerprinting of Industrial Workers

It is recommended that fingerprints be taken from all persons requiring security clearance, including industrial workers engaged on classified contracts with the government. (para. 110)

Comment

Although present policy requires the fingerprinting of all public service employees being granted security clearance, it has not been considered appropriate to require that employees of private companies engaged on classified contracts with the government be fingerprinted. While there may be some marginal value from a security point of view in doing so, it is to be expected that the labour unions as well as other organizations would take serious objection to such a procedure. Prior to implementing such a proposal, it would seem desirable to make a study to determine whether the lack of fingerprints in relation to industrial workers has hitherto led to any damage to security.

(g) Enquiries at Universities

It is suggested that universities should not be immune from the same kind of enquiries as any other institutions or previous employers, but that such enquiries should be conducted by mature, experienced and sophisticated investigators "who should take great care not to conduct random enquiries concerning student activities, or to interfere with freedom of thought and discussion". (paras. 125, 126)

Comment

There would seem to be every reason for implementing this proposal, provided the distinction between enquiries for purposes of employment and enquiries concerning "subversive activity" on campuses can be clearly drawn, at least until it has been demonstrated that some forms of current or future student activity are in fact subversive of democratic institutions. In the present atmosphere, it would be necessary to proceed with considerable caution in order that some confidence as between the university community and the security service (not to say government as a whole) might be restored.

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III. REVIEW PROCEDURES

(a) Security Review Board

It is recommended that a Security Review Board be established consisting of a Chairman and possibly two other members, nominated by the Governor in Council, and independent of any government department or agency. The Board would consider protests by public servants, members of the armed forces or industrial workers against dismissal or transfer or against any denial of promotion or apparent inhibition of career prospects on security grounds. It would also consider protests by consultants or university faculty members where withdrawal of clearance had affected professional careers, protests by sponsors or nominators against refusal on security grounds to admit or grant landed immigrant status, and protests by applicants for citizenship who had been refused on security grounds. In connection with dismissals the Board would provide a form of hearing required by Section 7(7) of the Financial Administration Act. In addition, it should receive periodic reports from the Head of the Security Service, and should have authority to draw any matter to the attention of the Prime Minister. (paras. 76,138)

Comment

As the recent amendments to the Financial Administration Act require the establishment of a Board to provide a hearing in cases of dismissal on security grounds, there are logical arguments for the extension of these facilities to sponsors or nominators of potential immigrants, and to applicants for citizenship. However, serious problems of personnel management may well arise if appeals to such a Board are to be made against "any denial of promotion or apparent inhibition of career prospects on security grounds". These aspects of the proposal would have to be very carefully considered in the context of existing means of redress in present legislation and regulations, particularly the Public Service Staff Relations Act. As for industrial employees on classified contracts, conflicts may well arise as between these provisions and those of the operative collective agreements negotiated by companies and trade unions concerned.

IV. IMMIGRATION

The main recommendations for changes in the procedures for the security screening of immigrants involve a general tightening up of procedures through the consistent application of more stringent criteria, the improvement of the quality, maturity and training of visa control officers and visa officers, the requirement that all immigrants from Communist bloc countries establish a sufficient period of residence in a country where a security check can be made, that all prospective immigrants be fingerprinted and that deportation of landed immigrants on security grounds be permitted only after a full judicial appeal before a body such as the Immigration Appeal Board. (paras. 158, 177)

Comment

It is probable that the Department of Manpower and Immigration would find a number of differences between the criteria and procedures worked out in some detail and put into effect a year or two ago and those proposed by the Commission. Without having discussed these with the Department, it is my impression that there would be some reluctance to adopt the Commission's recommendations, with one or two exceptions, without further justification in terms of experience.

V. CITIZENSHIP

It is recommended that citizenship should normally be refused on security grounds only if actual irregularities or criminal acts have been committed and proved in court, but not merely for membership in subversive organizations or even the Communist Party. It is further recommended however that Ministerial discretion be retained to deal with certain cases where significant security considerations may be involved, and that all rejections on security grounds be subject to review by the Security Review Board. (paras. 190, 192)

Comment

This recommendation appears to be in line with the present thinking of the officials concerned and generally with public opinion, and could therefore be implemented without much difficulty.



VI. PASSPORTS

It is recommended that all applicants for passports be required to provide acceptable proof of birth, that personal appearance be required on application, that the loss of more than one passport result in the delayed issue of a further passport and that a watch list be developed to warn security authorities of applications by individuals who have come under adverse notice. (paras. 199, 203)

Comment

A Cabinet decision of October 24, 1968 approved the requirement for proof of birth, and authorized a study for the development of a personal appearance system for passport applicants. While it is unlikely that the proposed penalty for the loss of passports would be acceptable, it may be desirable that the Department of External Affairs and the security service study the feasibility of the proposed watch list.

VII. DEPARTMENTAL SECURITY

(a) All Departments and Agencies

It is recommended that each department create an effective security organization headed by a trained security officer at a senior level, that each department prepare departmental security regulations, that security training be provided by the Security Service and that expert security advice be given to departments, including secondment of officers from the Security Service when necessary. It is further recommended that inspection and audit of departmental security measures be carried out by the Security Service, and that the R.C.M. Police and the Privy Council Office re-examine present security regulations with a view to issuing new ones and ensuring that they are complied with by departments. (paras. 81,88,223,224)

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Comment

These recommendations fail to distinguish between and among departments and agencies in which security is of real importance and those in which it is of relative insignificance in relation to the departmental function. In addition, the proposals for inspection and audit by outside agencies is in some degree in conflict with the principle of departmental responsibility. As to new regulations, it is probably desirable that present security regulations be re-examined, as it is now five years since Cabinet Directive No. 35 was issued.

(b) Department of External Affairs

It is recommended that a separate security division be established reporting to an Assistant Under-Secretary, that the responsibility of heads of post abroad for the security of all Canadian personnel and offices located in the country of his accreditation be made clear, that post security officers be more senior and better trained and that more attention be paid to physical security at missions abroad. (paras. 28Q,287)

Comment

These proposals seem reasonable, but will obviously require study by officials of the department who are more familiar with their particular problems.

(c) Department of National Defence

It is proposed that the armed forces security investigation service be responsible for the investigation only of uniformed personnel or potential recruits, and that its standards of investigation be consistent with those which the Security Service applies to civilians. It is further recommended that persons currently engaged in separatist activities should be excluded or released from the armed forces. (paras. 295,297)

Comment

Implementation of the second recommendation would require a very careful and detailed definition of "separatist activities" if the obvious problems inherent in the proposal were to be avoided.

VIII. INDUSTRIAL SECURITY

The main recommendation is that the industrial security function be removed from the Department of Defence Production and re-allocated to the Department of National Defence. Whether or not that is done, it is recommended that the industrial security function be recognized as important and that sufficient numbers of staff of adequate calibre be allocated to it, that standards of co-operation between industrial security authorities and individual companies be improved, that industrial workers be fingerprinted for security purposes, that the calibre of company security officers be raised and that a number of minor improvements be made concerning procedures. (paras. 310, 338)

Comment

As the report tends to deal somewhat harshly with the Department of Defence Production in relation to its industrial security operations, some strong reactions might be anticipated. There is no question however that for some years now there has been a diminution in the quality of work performed by this group and growing doubts as to its adequacy. It will be important to have the views of the Department of National Defence as to the viability of the proposed transfer, as well as those of DDP in defence of their present arrangements.

IX. SECURITY OF INFORMATION

The main recommendations are that the classification "Restricted" be abandoned, that responsibility for de-classification remain with individual departments to be performed as the occasion arises, that government policy on release of public documents be made known by means of published regulations, that policy on the release of classified information to other nations be formulated by the Security Secretariat and that the Official Secrets Act be revised as suggested in the body of the report. (paras. 235, 302).

Comment

These proposals seem generally sensible, and it may be noted that the recommendation concerning policy on the release of public records has already been formulated and could be put into effect at any time, given resolution of the objections raised by former Prime Minister Diefenbaker.

XI. PHYSICAL, TECHNICAL AND COMMUNICATIONS SECURITY, SOURCES AND TECHNIQUES

The most important recommendations are:

- (a) that telephones of Ministers and officials in the most sensitive positions be made secure as soon as possible; (para 273)
- (b) that it be publicly acknowledged that telephone tapping and electronic eavesdropping are necessary for security reasons and should be exempted from proposed legislation, telephone tapping to be done on the authority of a designated Minister and eavesdropping on that of the head of the Security Service; (paras. 351, 355); and
- (c) that arrangements be made to permit the examination of mail of persons suspected of activities dangerous to the security of the state, these actions to be taken on the authority of a designated Minister. (para. 356)

Comment

The objections to the installation of secure telephone systems hitherto have been cost and administrative difficulty, both of which are still considerable. However, the matter is still under review by an interdepartmental committee. The question of telephone tapping and electronic eavesdropping is much more complex, but there now appears to be a general consensus that both should be prohibited by legislation

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with exceptions being made on grounds of national security and possibly for the prevention of crime or apprehension of criminals. The proposal concerning censorship of mail will undoubtedly be contentious, and it is doubtful that the Commissioners have made a very persuasive case for this kind of action.

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