

Government  
of CanadaGouvernement  
du Canada

## MEMORANDUM

## NOTE DE SERVICE

s.15(1)

TO  
A

D.O.P.

FROM  
DE

D.P.S.A.

SUBJECT  
OBJETLEE, Ronda Lynn

SECURITY CLASSIFICATION - DE SÉCURITÉ
CONFIDENTIAL
OUR FILE - N/RÉFÉRENCE
[REDACTED]
YOUR FILE - V/RÉFÉRENCE
G 635-162
DATE
79-02-27

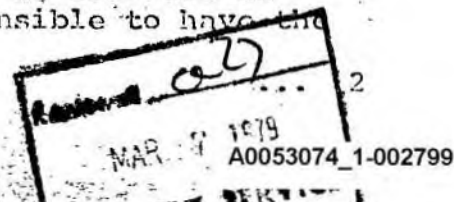
On 79-02-23 Supt. Friend and I attended a meeting chaired by K.A. Sinclair, Asst. Director General, Staffing Branch, Public Service Commission. Also present were T.D. Finn, Asst. Secretary to the Cabinet for Security and Intelligence, and Eric Bowie, Director, Civil Litigation Section, Dept. of Justice. Each of these gentlemen also had several staff people present.


2. The meeting was not so much about, as caused by, the LEE case. Sinclair informed the group that Messrs. Pitfield (Secretary to the Cabinet), Tasse (Deputy Minister of Justice), and Gallant (Chairman, Public Service Commission) had discussed the LEE case and decided it would be desirable to have some sort of appeal procedure for persons refused security clearance in place or nearly so, before going to trial on the LEE matter. Their theory is apparently that the court might be more sympathetic to our position and less apt to move into the area of writing law if such a procedure exists. Mr. Gallant tasked Sinclair with putting the necessary machinery in motion.

3. The consensus reached was that any appeal of this type should be kept in security channels, if possible, rather than allowing any other body, such as the Public Service Appeal Board, to intervene. The suggestion going forward is to institute a system very similar to that presently in place for discharging an employee under Cabinet Directive 35 and the Public Service Security Inquiry Regulations (PC 1975-726).

4. Some discussion took place concerning an intermediate step in appeal procedures. Andre Lemieux (P.C.O.) suggested that all negative opinions on security be reviewed by a panel of three uninvolved deputy ministers before the final decision is taken by the affected deputy minister to refuse or reduce a security clearance. The panel would act in an advisory capacity only.

5. I suggested such a procedure would be slow and unnecessarily cumbersome. It would be more sensible to have the




  
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panel review a case in the same advisory capacity only when a person appeals an adverse decision. The affected deputy minister could, if so advised, reverse the original decision. This difference of opinion is under consideration.

6. The next step in an appeal process would be created by re-writing the Public Service Security Inquiry Regulations under S.7 (7) of the Financial Administration Act. Expanded regulations would provide for the Governor in Council to appoint a Commissioner to inquire into the case upon appeal and to either advise the Governor in Council or to hand down a binding decision.

7. Early this month the P.S.C., P.C.O. and Justice met without any input from the Force to discuss the feasibility of an appeal in the LEE case. Now, though the Force is vitally interested as the investigative agency, the decision agency and the appellant department, the D.M.'s of these agencies have instituted changes in procedure directly resulting from this case without consultation. You may want to ensure that our Commissioner is advised of the foregoing so that he is not placed in the position of learning about this in an aside at some meeting or social gathering.

  
B.L. Campbell, Insp.,  
Dept'l Personnel Security Advisor.

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