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THE ROLE OF THE CANADIAN
SECURITY SERVICE

BY
Robert Howell
R. H. JONES

A THESIS SUBMITTED TO CARLETON UNIVERSITY IN PARTIAL
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submitted by Robert Howell Jones
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ABSTRACT

THE TRADITIONAL THREAT TO THE CANADIAN POLITICAL ENTITY HAS BEEN FROM EXTERNAL FORCE ALTHOUGH THERE HAS BEEN SOME THREAT TO OUR POLITICAL STABILITY FROM INTERNAL SUBVERSION DATING FROM 1868. FREQUENTLY, INTERNAL SUBVERSION HAS BEEN SUPPORTED BY A MAJOR POWER, NOTABLY GERMANY OR RUSSIA.

PRIOR TO 1946, THE PEACETIME THREAT TO THE CANADIAN POLITICAL SYSTEM WAS BOTH OF LOW INTENSITY AND SHORT DURATION. THE DISCLOSURES OF IGOR GOUZENKO REVEALED THE BROAD SCOPE AND INTENSITY OF MODERN ESPIONAGE.

THE CHANGES IN CANADIAN SOCIETY OVER THE LAST TWENTY YEARS HAVE PLACED INTENSE PRESSURES ON OUR POLITICAL SYSTEM. WHEN POLITICAL CHANGE IS NOT FAST ENOUGH, SOME MEMBERS OF OUR SOCIETY RESORT TO SUBVERSION AND VIOLENCE TO FORCE THEIR DESIRED CHANGES. ADDITIONALLY, SINCE 1969, ACTS OF INTERNATIONAL TERRORISM HAVE BECOME A THREAT.

TO ASSIST IN DEVELOPING INFORMATION AND IN COUNTERING THESE THREATS, THE CANADIAN GOVERNMENT HAS DEVELOPED THE SECURITY SERVICE WITHIN THE ROYAL CANADIAN MOUNTED POLICE.

1: INTRODUCTION

CANADIANS ARE BECOMING MUCH MORE AWARE OF AND CONCERNED WITH ACTS OF VIOLENCE THROUGHOUT THE WORLD. THE CONTINUOUS GUERRILLA WARFARE IN NORTHERN IRELAND,⁽¹⁾ THE ATTEMPTED WORLD-WIDE LETTER BOMBING OF ISRAELI DIPLOMATIC MISSIONS,⁽²⁾ THE MASSACRE OF ELEVEN OLYMPIC ATHLETES AT MUNICH ON SEPTEMBER 5TH, 1972,⁽³⁾ THE INTENTION OF ARTHUR BREMER TO MURDER PRESIDENT RICHARD NIXON IN OTTAWA ON APRIL 13TH, 1972⁽⁴⁾ AND THE KIDNAPPING OF JAMES CROSS ON OCTOBER 5TH, 1970⁽⁵⁾ WITH THE RELATED MURDER OF PIERRE LAPORTE⁽⁶⁾ HAVE HAD A DIRECT IMPACT ON THE CANADIAN PUBLIC. WARFARE AND INTERNATIONAL ACTS OF VIOLENCE⁽⁷⁾ ARE NO LONGER SEPARATED FROM CANADIANS BY TIME OR DISTANCE BUT ARE HAPPENING IN RAPID SUCCESSION.

TRADITIONALLY, THE MAJOR THREAT TO THE CANADIAN POLITICAL ENTITY HAS BEEN FROM EXTERNAL FORCES. DONALD CREIGHTON CLAIMS THAT THE FIRST AIM

1. BRITAIN, VIOLENCE AND CIVIL DISTURBANCES IN NORTHERN IRELAND IN 1969, (BELFAST: HER MAJESTY'S STATIONERY OFFICE, 1972). SEE ALSO: ULSTER, (HARMONDSWORTH: PENGUIN BOOKS, 1972). N.W. EMMOTT, "BELFAST UNDER SEIGE", OTTAWA CITIZEN, SEPTEMBER 30TH, 1972.
2. OTTAWA CITIZEN, SEPTEMBER 21ST, 1972. SEE ALSO: TORONTO GLOBE & MAIL, SEPTEMBER 20TH, 1972.
3. LONDON SUNDAY TIMES, SEPTEMBER 10TH, 1972. SEE ALSO: TIME, SEPTEMBER 18TH, 1972, P. 30.
4. NEWSWEEK, JUNE 5TH, 1972. SEE ALSO: NEW YORK TIMES, MAY 26TH 1972. OTTAWA CITIZEN, AUGUST 11TH, 1972. SEE BELOW, P. 52.
5. DENIS SMITH, BLEEDING HEARTS ... BLEEDING COUNTRY, (EDMONTON: M.G. HURTIG, 1971), P. 1. SEE BELOW, P. 138.
6. SMITH, BLEEDING HEARTS ... BLEEDING COUNTRY, P. 15. SEE BELOW, P. 139.
7. TERRY NARDIN, VIOLENCE AND THE STATE: A CRITIQUE OF EMPIRICAL POLITICAL THEORY, (BEVERLY HILLS: SAGE PUBLICATIONS, 1971), P. 9. THE CONCEPT OF VIOLENCE IS DISCUSSED AND DEFINED. THE CORE MEANING IS PHYSICAL HARM.

OF CONFEDERATION WAS THE SETTLEMENT AND THE DEVELOPMENT OF THE NORTHWEST⁽¹⁾ AND THAT ONE OF THE GREATEST FEARS WAS THAT THE UNITED STATES MIGHT PREVENT CANADA FROM ACHIEVING HER NATURAL LIMITS.⁽²⁾ D.M. LEBOURDAIS OBSERVES THAT NOT THE LEAST FACTOR IN THE DECISION TO UNITE, WAS FEAR OF THE UNITED STATES. IN ADDITION TO THE COMPETITION FOR THE NORTHWEST, THE UNITED STATES HAD STRONG, REGULAR ARMIES, SWARMS OF DEMOBILIZED SOLDIERS AND AN ANTAGONISTIC ATTITUDE TOWARD CANADA BECAUSE CANADA HAD FAVOURED THE SOUTH DURING THE U.S. CIVIL WAR.⁽³⁾

DURING WARTIME THERE EXISTS AN IMMEDIATE AND SEVERE THREAT TO THE SOVEREIGNTY OF ALL COMBATANTS. FOR INSTANCE, DURING WORLD WAR II, THE MAJOR THREAT TO CANADIAN SOVEREIGNTY WAS FROM THE GERMAN AND JAPANESE ARMED FORCES. HOWEVER, ASIDE FROM SUBMARINE ATTACKS AGAINST TARGETS IN THE ST. LAWRENCE RIVER⁽⁴⁾ AND ON VANCOUVER ISLAND⁽⁵⁾ DURING 1942, MOST FIGHTING OCCURRED OUTSIDE CANADIAN TERRITORY. OTHER THAN ARMED CONFLICT DURING TIME OF WAR, A THREAT TO SOVEREIGNTY EXISTS DUE TO FOREIGN ESPIONAGE OR TO INTERNAL SUBVERSION BOTH IN TIMES OF PEACE AND WAR.

ESPIONAGE HAS BEEN DEFINED AS THE CLANDESTINE COLLECTION OF INTELLIGENCE.⁽⁶⁾ SUBVERSION, ON THE OTHER HAND, IS AN ATTACK ON THE MINDS OF PEOPLE, USING A CONCEALED METHOD OF PERSUASION.⁽⁷⁾ FRANK KITSON

1. DONALD CREIGHTON, TOWARDS THE DISCOVERY OF CANADA, (TORONTO: MACMILLAN, 1972), P. 164.
2. CREIGHTON, TOWARDS THE DISCOVERY OF CANADA, P. 236.
3. D.M. LEBOURDAIS, NATION OF THE NORTH, (LONDON: METHUEN & Co., 1953), P. 16.
4. JOSEPH SCHULL, THE FAR DISTANT SHIPS, (OTTAWA: QUEEN'S PRINTER, 1952), P. 107.
5. SCHULL, THE FAR DISTANT SHIPS, P. 123.
6. ALLEN DULLES, THE CRAFT OF INTELLIGENCE, (NEW YORK: HARPER & ROW, 1963), P. 58. SEE BELOW, P. 33.
7. PETER HAMILTON, ESPIONAGE AND SUBVERSION IN AN INDUSTRIAL SOCIETY, (LONDON: HUTCHINSON, 1967), P. 34. SEE BELOW, P. 43.

HAS DEFINED SUBVERSION AS, "ALL MEASURES SHORT OF THE USE OF ARMED FORCE TAKEN BY ONE SECTION OF THE PEOPLE TO OVERTHROW THOSE GOVERNING THE COUNTRY AT THE TIME, OR TO FORCE THEM TO DO THINGS WHICH THEY DO NOT WANT TO DO,"⁽¹⁾ ESPIONAGE AND SUBVERSION ARE INTERRELATED THREATS AND THE RELATIONSHIP WAS DEMONSTRATED BY THE ROYAL COMMISSION ON ESPIONAGE IN 1946.⁽²⁾

SINCE 1945, THE MAIN THREAT TO CANADIAN SECURITY HAS BEEN FROM THE U.S.S.R. ARMED THREAT HAS BEEN COUNTERED THROUGH MILITARY ALLIANCES, SUCH AS THE NORTH ATLANTIC TREATY ORGANIZATION, AND PARTICIPATION IN THE NORTH AMERICAN AIR DEFENCE COMMAND. HOWEVER, AT THE SAME TIME THAT WE HAVE ATTEMPTED TO COUNTER THE ARMED THREAT FROM RUSSIA THROUGH MILITARY ALLIANCE, WE HAVE BECOME MORE ACUTELY AWARE OF A PARALLEL THREAT FROM SOVIET ESPIONAGE AND SUBVERSION.

ON THE NIGHT OF SEPTEMBER 5TH, 1945, IGOR GOUZENKO, A CIPHER CLERK AT THE SOVIET EMBASSY IN OTTAWA DEFECTED, AND TURNED OVER TO CANADIAN AUTHORITIES A NUMBER OF SECRET RUSSIAN DOCUMENTS WHICH REVEALED THE EXISTENCE OF SEVERAL RUSSIAN CLANDESTINE INTELLIGENCE NETWORKS IN CANADA.⁽³⁾

1. F. KITSON, LOW INTENSITY OPERATIONS: SUBVERSION, INSURGENCY & PEACEKEEPING, (LONDON: FABER AND FABER, 1971), P. 3.

2. CANADA, THE REPORT OF THE ROYAL COMMISSION TO INVESTIGATE THE FACTS RELATING TO AND THE CIRCUMSTANCES SURROUNDING THE COMMUNICATION, BY PUBLIC OFFICIALS AND OTHER PERSONS IN POSITIONS OF TRUST OF SECRET AND CONFIDENTIAL INFORMATION TO AGENTS OF A FOREIGN POWER, (OTTAWA: KING'S PRINTER, 1946), P. 44.

"IN EVERY INSTANCE BUT ONE, ZABOTIN'S CANADIAN ESPIONAGE AGENTS WERE SHOWN TO BE MEMBERS OF OR SYMPATHIZERS WITH THE COMMUNIST PARTY."

3. CANADA, REPORT OF THE ROYAL COMMISSION ON ESPIONAGE (1946), P. 11. SEE ALSO: DAVID WIBE AND THOMAS B. ROSS, THE ESPIONAGE ESTABLISHMENT, (NEW YORK: RANDOM HOUSE, 1967), P. 67. REBECCA WEST, THE NEW MEANING OF TREASON, (NEW YORK: VIKING PRESS, 1964), P. 162. J.W. PICKERSGILL AND D.F. FORBSTER, THE MACKENZIE KING RECORD: 1945-46, VOL. III, (TORONTO: UNIVERSITY OF TORONTO PRESS, 1970), P. 6. SEE BELOW, P. 116. NORA KELLY, THE MEN OF THE MOUNTED, (TORONTO: J.M. DENT & SONS, 1949), P. 371.

THIS WAS THE FIRST MAJOR, POST-WAR REVELATION OF SOVIET ESPIONAGE IN THE WEST, AND IT WAS FOLLOWED RAPIDLY BY THE DISCOVERY OF OTHER, SOMETIMES RELATED NETWORKS IN BRITAIN, THE UNITED STATES AND OTHER WESTERN COUNTRIES.

THE POST-WAR PERIOD, HOWEVER, PRODUCED BY NO MEANS THE FIRST THREAT TO OUR POLITICAL STABILITY FROM SUBVERSION. ON APRIL 7TH, 1868, D'ARCY MCGEE, A PROMINENT POLITICIAN, AND A KEY FIGURE IN CONFEDERATION WAS ASSASSINATED IN OTTAWA BY A GROUP OF FENIANS WHO WERE OPPOSED TO HIS POLITICAL STATEMENTS AND ACTIVITIES.⁽¹⁾ THE RESULTING INVESTIGATION RESULTED IN THE CREATION OF THE DOMINION POLICE FORCE ON MAY 22ND, 1868,⁽²⁾ THE FIRST SECURITY ORGANIZATION IN CANADA.

THE GROWTH OF THE COMMUNIST PARTY OF CANADA AND ITS CONTROL BY THE COMMUNIST PARTY OF THE SOVIET UNION HAS BEEN DOCUMENTED BY MR. W. RODNEY,⁽³⁾ WHO POINTS OUT THAT WHEN THE PARTY WAS FORMED DURING MAY, 1921, AT GUELPH, ONTARIO, THE CANADIAN EXECUTIVE RECRUITED JACK ESSELWEIN, OSTENSIBLY A RADICAL SOCIALIST, TO UNDERTAKE CLANDESTINE ACTIVITIES ON THEIR BEHALF. ESSELWEIN, IN REALITY CONSTABLE JOHN LEOPOLD OF THE RCMP, TESTIFIED DURING 1931, AT THE TRIAL ON A CHARGE OF SEDITION CONSPIRACY⁽⁴⁾

1. T.P. SLATTERY, THE ASSASSINATION OF D'ARCY MCGEE, (TORONTO: DOUBLEDAY, 1968).

2. THE DOMINION POLICE FORCE WAS COMBINED WITH THE ROYAL NORTHWEST MOUNTED POLICE BY AN ORDER IN COUNCIL DATED JANUARY 27TH, 1920 (WHICH BECAME EFFECTIVE FEBRUARY 1ST, 1920) TO FORM THE ROYAL CANADIAN MOUNTED POLICE. SEE ALSO: C.W. HARVISON, THE HORSEMEN, (TORONTO: MCCLELLAND AND STEWART, 1967), P. 20. THE FREE PRESS, JANUARY 19TH, 1878, P. 5, GIVES A BRIEF OUTLINE OF THE STAFF AND DUTIES OF THE DOMINION POLICE.

3. WILLIAM RODNEY, A HISTORY OF THE COMMUNIST PARTY OF CANADA, 1919-1929, UNPUBLISHED PH.D THESIS, UNIVERSITY OF LONDON, 1961.

4. STATUTES OF CANADA, 1970, c.34.

60(3) A SEDITION CONSPIRACY IS AN AGREEMENT BETWEEN TWO OR MORE PERSONS TO CARRY OUT A SEDITION INTENTION.

60(4) WITHOUT LIMITING THE GENERALITY OF THE MEANING OF THE EXPRESSION "SEDITION INTENTION", EVERYONE SHALL BE PRESUMED TO HAVE A SEDITION INTENTION WHO

(A) TEACHES OR ADVOCATES, OR

(B) PUBLISHES OR CIRCULATES ANY WRITING THAT ADVOCATES, THE USE, WITHOUT THE AUTHORITY OF LAW, OF FORCE AS A MEANS OF ACCOMPLISHING A GOVERNMENTAL CHANGE WITHIN CANADA.

OF NINE PARTY LEADERS, OF WHICH EIGHT WERE CONVICTED.⁽¹⁾ THE CLANDESTINE AND SUBVERSIVE NATURE OF THE PARTY WAS THUS FIRMLY ESTABLISHED, TO BE RE-CONFIRMED FIFTEEN YEARS LATER BY THE ROYAL COMMISSION ON ESPIONAGE IN 1946,⁽²⁾ AND STILL LATER, IN 1969, BY THE ROYAL COMMISSION ON SECURITY.⁽³⁾

THE SPECIAL BRANCH OF THE ROYAL CANADIAN MOUNTED POLICE WAS RE-ORGANIZED AFTER THE 1946 REVELATIONS, AND GIVEN THE TASK OF DETERMINING THE SIZE AND NATURE OF THE CLANDESTINE THREAT TO CANADIAN SECURITY. THE THREAT HAD TWO FORMS, BOTH OF THEM HAVING BEEN REVEALED BY GOUZENKO: ACTIVE ESPIONAGE BY AGENTS OF SOVIET BLOC POWERS, AND SUBVERSION OF CANADIAN POLITICAL INSTITUTIONS BY CANADIANS (OR RESIDENTS), SOME OF WHOM SHOWED THEIR ALLEGIANCE TO A FOREIGN POWER. OF THESE TWO FORMS, ESPIONAGE WAS CONCEIVED TO BE THE GREATEST THREAT TO WESTERN DEMOCRACY. IN BRITAIN IN 1962, THE COMMITTEE ON SECURITY PROCEDURES IN THE PUBLIC SERVICE STATED:

"THE EVIDENCE THAT WE HEARD SATISFIED US THAT TODAY MUCH OF THE MOST SERIOUS SOURCE OF DANGER LIES IN THE INTELLIGENCE SERVICES OF THE SOVIET BLOC WHICH, THERE IS REASON TO SUPPOSE, ARE CO-ORDINATED AS BETWEEN THE VARIOUS COUNTRIES TAKING PART. THESE SERVICES MUST BE ENVISAGED AS STEADILY AT WORK IN THIS COUNTRY COLLECTING INFORMATION FOR INTELLIGENCE PURPOSES AND TRYING TO BREAK THROUGH OUR SCREEN OF PROTECTIVE SECURITY TO GET AT THE SECRETS WE WISH TO PRESERVE."⁽⁴⁾

THIS ALIGNMENT WAS MAINTAINED BY THE RCMP AND OTHER WESTERN SECURITY SERVICES UNTIL THE LATE 1960'S, AND THIS POSITION IS REFLECTED IN THE REPORT OF THE ROYAL COMMISSION ON SECURITY:

1. ALAN PHILLIPS, THE LIVING LEGEND, (BOSTON: LITTLE, BROWN AND Co., 1954), P. 87-94. KELLY, THE MEN OF THE MOUNTED, P. 257.
2. CANADA, ROYAL COMMISSION ON ESPIONAGE (1946), P. 44.
3. CANADA, REPORT OF THE ROYAL COMMISSION ON SECURITY (ABRIDGED), (OTTAWA: QUEEN'S PRINTER, 1969), P. 6.
4. BRITAIN, SECURITY PROCEDURES IN THE PUBLIC SERVICE, (LONDON: HER MAJESTY'S STATIONARY OFFICE, 1962), P. 1.

"THE REQUIREMENT FOR SECURITY PROCEDURES IS BASED PRIMARILY UPON THE STATE'S RESPONSIBILITY TO PROTECT ITS SECRETS FROM ESPIONAGE, ITS INFORMATION FROM UN-AUTHORIZED DISCLOSURE, ITS INSTITUTIONS FROM SUBVERSION AND ITS POLICIES FROM CLANDESTINE INFLUENCE."⁽¹⁾

OVER THE LAST TEN YEARS, TWO SOCIAL PHENOMENA, WHICH HAVE HAD A PROFOUND EFFECT ON THE ROLE OF ALL SECURITY ORGANIZATIONS, HAVE BECOME MORE EVIDENT. THE FIRST IS THE CHANGED SOCIAL AWARENESS OF THE RIGHTS AND FREEDOMS OF THE INDIVIDUAL AND HENCE A CHANGE IN THE SOCIAL CONCEPTION OF LAW ENFORCEMENT; THE SECOND IS THE APPARENT TENDENCY TO TURN TO VIOLENCE TO ASSIST IN OBTAINING SOCIAL CHANGE. NEITHER PHENOMENON HAS DEVELOPED RAPIDLY, WE HAVE JUST SLOWLY REALIZED THEIR SIGNIFICANCE, AND EACH DESERVES FURTHER EXAMINATION.

FOR CENTURIES, WESTERN CIVILIZATION HAS BEEN CONCERNED ABOUT THE RIGHTS AND FREEDOMS OF THE INDIVIDUAL, AND SUCH OUTSTANDING DOCUMENTS AS THE MAGNA CARTA OF 1215⁽²⁾ AND THE HABEAS CORPUS ACT OF 1679⁽³⁾ ILLUSTRATE THIS CONCERN. IN RECENT YEARS IF THIS CONCERN HAS NOT BEEN MORE GREATLY EMPHASIZED, IT HAS CERTAINLY BEEN MORE FREQUENTLY DISCUSSED. THE PUBLICATION OF A CANADIAN CHARTER OF HUMAN RIGHTS,⁽⁴⁾ THE IMPORTANCE ATTRIBUTED TO THIS SUBJECT AT THE FIRST CONSTITUTIONAL CONFERENCE DURING FEBRUARY, 1968 AND THE PASSAGE OF SUCH LEGISLATION AS THE CANADIAN BILL OF RIGHTS (WHICH GENERALLY CODIFIED EXISTING RIGHTS RATHER THAN CREATED NEW ONES),⁽⁵⁾ THE OFFICIAL LANGUAGES ACT,⁽⁶⁾ THE B.C. PRIVACY ACT⁽⁷⁾ AND THE ONTARIO

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 5.
2. R.L. PERRY, ED., SOURCES OF OUR LIBERTIES, (NEW YORK: MCGRAW-HILL, 1964), P. 1.
3. PERRY, ED., SOURCE OF OUR LIBERTIES, P. 189.
4. PIERRE ELLIOTT TRUDEAU, A CANADIAN CHARTER OF HUMAN RIGHTS, (OTTAWA: QUEEN'S PRINTER, 1968).
5. STATUTES OF CANADA, 1960, c.44.
6. STATUTES OF CANADA, 1968-69, c.54, s. 1.
7. STATUTES OF BRITISH COLUMBIA, 1968, c.39, s.1.

HUMAN RIGHTS CODE⁽¹⁾ ALL REFLECT THE GROWING CONCERN IN CANADA WITH INSURING THE PROTECTION OF THE INDIVIDUAL IN AN INCREASINGLY COMPLEX SOCIETY. WITH THIS INCREASED DESIRE TO PROTECT THE INDIVIDUAL, THE WHOLE FIELD OF LAW ENFORCEMENT HAS RECEIVED INCREASED PUBLIC SCRUTINY.

AT THE SAME TIME CANADIAN SOCIETY WAS BECOMING MORE CONCERNED WITH INDIVIDUAL FREEDOMS, TECHNOLOGICAL CHANGE WAS GIVING TO THE POLICEMAN, CARS, RADIOS AND OTHER MECHANICAL AIDS WHICH SERVED TO ISOLATE HIM FROM THE AVERAGE CITIZEN. THE INDIVIDUAL POLICEMAN NO LONGER "BELONGS" TO A NEIGHBOURHOOD, SOME POLICEMAN RESPONDS TO A CALL FOR ASSISTANCE.⁽²⁾ THERE HAVE BEEN INCREASING INDICATIONS OF A RIFT BETWEEN LAW ENFORCEMENT AUTHORITIES AND THE AVERAGE CITIZEN FOR THE LAST DECADE. THE PARADOXICAL POSITION OF THE POLICEMAN IN OUR SOCIETY, PARTICULARLY IN THE UNITED STATES, IS ILLUSTRATED BY THE FOLLOWING:

"THERE IS, TODAY, INTENSE INTEREST IN THE AMERICAN POLICEMAN. HE IS, AT ONCE, THE DARLING OF THE ESTABLISHMENT, THE BETE NOIR OF THE MOVEMENT, THE CAUSE OF FRUSTRATION AND VIOLENCE, THE BINE QUA NON OF ORDERED LIBERTY, THE NECESSARY INSTRUMENT OF SOCIAL CONTROL, THE EMBODIMENT OF FASCIST OPPRESSION, THE SHAME AND THE PRIDE OF THE NATION."⁽³⁾

THIS CLEAVAGE BETWEEN THE LAW ENFORCEMENT AGENCIES AND THE POPULATION IS ITSELF ONLY ONE ASPECT OF THE BROADER CLEAVAGE BETWEEN ALL GOVERNMENTAL AUTHORITY AND THE POPULATION.⁽⁴⁾

1. STATUTES OF ONTARIO, 1961-62, c.93, s.1.

2. CHARLES P. McDOWELL, "THE POLICE AS VICTIMS OF THEIR OWN MISCONCEPTIONS", THE JOURNAL OF CRIMINAL LAW, CRIMINOLOGY AND POLICE SCIENCE, VOL. 62, NO. 3, P. 434.

3. A.C. GERMANN, "CHANGING THE POLICE - THE IMPOSSIBLE DREAM", THE JOURNAL OF CRIMINAL LAW, CRIMINOLOGY AND POLICE SCIENCE, VOL. 62, NO. 3, P. 416.

4. WILLIAM H. KELLY, SOME CURRENT POLICE PROBLEMS, AN ADDRESS TO THE CANADIAN CLUB, OTTAWA, OCTOBER 28TH, 1970. W.H. KELLY SEES THIS AS A CHANGE IN SOCIAL ATTITUDES SO THAT AUTHORITY NO LONGER WINS AUTOMATIC SUPPORT.

THE SECOND SOCIAL PHENOMENON IS THE TENDENCY OF SOCIETY TO ACCEPT VIOLENCE AS A LEGITIMATE METHOD OF FORGING SOCIAL CHANGE. OUR SOCIAL SYSTEM IS BEING SUBJECTED TO CHANGE AT AN EVER INCREASING RATE AND WHEN SOCIAL PROBLEMS OUTSTRIP THE SOLUTIONS THAT SOCIETY HAS DEvised, SOME INDIVIDUALS ATTEMPT TO AFFECT THE POLITICAL SYSTEM BY ADVOCATING VIOLENCE OR PARTICIPATING IN VIOLENT CONFRONTATIONS. FORMER JUSTICE MINISTER, JOHN TURNER, CLAIMS THAT IT IS NOW CLASSIC TECHNIQUE OF REVOLUTION TO STRETCH DISSENT INTO A CONFRONTATION WITH AUTHORITY AND ONCE THE AUTHORITIES HAVE TAKEN A FIRM POSITION, TO ADVOCATE VIOLENCE TO DESTROY THE SOCIAL INSTITUTIONS INVOLVED.⁽¹⁾

AS THE USE OF VIOLENCE BECAME MORE APPARENT DURING THE 1960s,⁽²⁾ THE CONCERN OF SOCIETY FOR THE INDIVIDUAL, AS OPPOSED TO THE SECURITY OF THE COMMUNITY, TENDED TO CLOUD THE ISSUES. SOCIETY SAW THE VIOLENCE ONLY IN TERMS OF A CONFLICT BETWEEN THE INDIVIDUALS INVOLVED AND THE AUTHORITIES, OF THE INDIVIDUAL VERSUS THE STATE, AND HAS NOT REALIZED UNTIL RECENTLY THAT TWO SEPARATE ISSUES MUST BE CONSIDERED. CONCERN FOR THE INDIVIDUAL DOES NOT JUSTIFY NEGLECTING THE VIOLENT NATURE OF THE ACTION. AS IMPORTANT AS THE RIGHTS AND FREEDOMS OF THE INDIVIDUAL ARE, THEY DO NOT JUSTIFY THE USE OF VIOLENCE TO ACCOMPLISH SOCIAL CHANGE, NOR DO THEY JUSTIFY THE TOTAL DESTRUCTION OF OUR EXISTING SOCIAL ORDER.

THE CONTEMPORARY USE OF VIOLENCE⁽³⁾ TO OBTAIN POLITICAL CHANGE HAS ENLARGED THE NUMBER AND TYPE OF ACTIVITIES WHICH MAY BE REGARDED AS SUB-

1. JOHN N. TURNER, FREEDOM UNDER LAW AND THE RESPONSE TO VIOLENCE, AN ADDRESS TO THE LAWYERS' CLUB, OSBOORNE HALL, TORONTO, MARCH 11TH, 1971.
2. TURNER, FREEDOM UNDER LAW AND THE RESPONSE TO VIOLENCE.
3. WALTER LAQUEUR, "A REFLECTION ON VIOLENCE", ENCOUNTER, APRIL, 1972, P. 3. SEE ALSO: ALLEN D. GRIMSHAW, "THREE VIEWS OF URBAN VIOLENCE: CIVIL DISTURBANCE, RACIAL REVOLT, CLASS ASSAULT", THE AMERICAN BEHAVIORAL SCIENTIST, MARCH-APRIL, 1968, P. 2. H.L. NIEBURG, "VIOLENCE, LAW AND SOCIAL PROCESS", THE AMERICAN BEHAVIORAL SCIENTIST, MARCH-APRIL, 1968, P. 17. SYNOPTIC CONTEXT NO. 1 ON THE PROSPECTS FOR MANKIND, (NEW YORK: HUDSON INSTITUTE, 1972), P. 35.

VERSIVE. WHILE THE FINAL VIOLENT ACT WILL BE A BREACH OF A CRIMINAL STATUTE AND WILL RESULT IN ACTION BY OTHER AGENCIES OF LAW ENFORCEMENT, SUCH AS THE POLICE, THE RESULTING VIOLENT CONFRONTATION ITSELF, MAY SERVE THE INTERESTS OF THE INDIVIDUALS INVOLVED. FOR INSTANCE, THE HIGHJACKING OF AN AIRCRAFT INVOLVES KIDNAPPING, BUT IS ALSO A SUBVERSIVE ACT IF AN ATTEMPT IS MADE TO FORCE SOME POLITICAL CHANGE. AN EFFECTIVE SECURITY SERVICE, THEREFORE, HAS THE DUTY TO KEEP THE GOVERNMENT ADVISED OF THE ACTIVITIES OF INDIVIDUALS AND GROUPS WHO SEEM LIKELY TO RESORT TO VIOLENCE IN FURTHERING THEIR POLITICAL ASPIRATIONS.⁽¹⁾ THIS ROLE OF THE SECURITY SERVICE IS DIFFERENT FROM THAT OF THE POLICE, IN THAT IT IS ORIENTED TO PREVENTING RATHER THAN PUNISHING, ALTHOUGH CO-OPERATION AND CO-ORDINATION BETWEEN THESE AGENCIES IS, OF NECESSITY, ESSENTIAL.

THE SECURITY SERVICE IS RESPONSIBLE FOR INVESTIGATING ESPIONAGE ACTIVITIES IN CANADA. THE MILITARY ROLE OF CANADA IN THE WORLD HAS DIMINISHED, AS HAS OUR INFLUENCE WITH OUR ALLIES, SUCH AS BRITAIN AND THE UNITED STATES. AS A RESULT, THE PARTICULAR TARGETS OF ESPIONAGE OPERATIONS DIRECTED AGAINST CANADA APPEAR TO HAVE CHANGED TO SOME DEGREE. POLITICAL AND ECONOMIC ACTIVITIES SEEM TO HAVE A HIGHER PRIORITY THAN THE COLLECTION OF MILITARY AND SCIENTIFIC INFORMATION AND, IF THE ROYAL COMMISSION ON SECURITY (1969) IS CORRECT, WE ARE STILL BEING SUBJECTED TO REPEATED CLANDESTINE OPERATIONS DIRECTED BY THE SOVIET BLOC INTELLIGENCE SERVICES.⁽²⁾

WHILE THE INFLUENCE OF THE OLDER SUBVERSIVE ORGANIZATIONS SUCH AS THE COMMUNIST PARTY OF CANADA, HAS DECLINED, THIS DECLINE HAS BEEN GREATLY

1. FOR AN EXAMPLE SEE THE DISCUSSION ON THE SECURITY ASPECTS OF SEPARATISM. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 8.
2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 7.

OVERSHADOWED BY THE GROWTH OF MANY, OFTEN INFORMAL ORGANIZATIONS, WHICH WILL ENTERTAIN THE USE OF VIOLENCE TO ACCOMPLISH THEIR SOCIAL AIMS. THE EXTREME LEFT, COMMUNIST PARTY OF CANADA (MARXIST-LENINIST) ILLUSTRATES THIS NEW TYPE OF ORGANIZATION. WHILE NOT APPEARING TO BE AS DEDICATED TO THE USE OF VIOLENCE, THE EDMUND BURKE SOCIETY⁽¹⁾ AND THE JEWISH DEFENCE LEAGUE⁽²⁾ ARE RIGHT WING ORGANIZATIONS WHICH HAVE PARTICIPATED IN VIOLENT DEMONSTRATIONS.

THE GOVERNMENT HAS INDICATED THAT THE SECURITY SERVICE MUST BE OF A CHARACTER AND COMPOSITION TO RESPOND QUICKLY TO CHANGING CONDITIONS AND MUST ACT TO PREDICT, NOT REACT TO, EVENTS.⁽³⁾ AGAINST THIS BACKGROUND, THE CURRENT ROLE OF THE CANADIAN SECURITY SERVICE WILL BE EXAMINED, ITS ORGANIZATION WILL BE DESCRIBED, AND AN ATTEMPT WILL BE MADE TO PROJECT ITS ROLE INTO THE FUTURE.

1. OTTAWA CITIZEN, OCTOBER 19TH, 1971. SEE BELOW, P. 51.

2. OTTAWA CITIZEN, MARCH 4TH, 1972. SEE ALSO: "PLAYBOY INTERVIEW: MEIR KAHANE", PLAYBOY, OCTOBER 1972, P. 69.

3. JEAN-PIERRE GOVER, ADDRESS TO THE RCMP VETERANS ASSOCIATION, EDMONTON, OCTOBER 12TH, 1972.

2: SOME ASPECTS OF CANADIAN SOCIETY

CANADA IS A MODERN NATION-STATE;⁽¹⁾ AN ASSOCIATION OF CITIZENS WITH A SOVEREIGN⁽²⁾ SYSTEM OF GOVERNMENT WHICH PURPORTS TO REFLECT THE GENERAL WILL OF MOST OF ITS CITIZENS. THE CANADIAN STATE⁽³⁾ EXERCISES CONTROL OVER A SPECIFIC TERRITORY AND POPULATION THROUGH A UNIFORM LEGAL AND ADMINISTRATIVE SYSTEM⁽⁴⁾ WITH DIRECT CONTACT BETWEEN THE GOVERNMENT AND THE CITIZEN.⁽⁵⁾

THIS CONCEPT OF THE STATE PRODUCES TWO CONFLICTING RESPONSIBILITIES. ON THE ONE HAND: "CANADIANS ARE A FREE PEOPLE IN A FREE SOCIETY; DETERMINED TO BE EQUAL IN A COMMUNITY WHERE OPPORTUNITY IS EQUAL. OUR SYSTEMS OF LAW AND GOVERNMENT ARE AS FREE AS ANY IN THE WORLD."⁽⁶⁾

1. MICHAEL CURTIS, ED., THE GREAT POLITICAL THEORIES, VOL. 1, (NEW YORK: AVON BOOKS, 1961), P. 206. SEE ALSO: NICCOLO MACHIAVELLI, THE PRINCE AND THE DISCOURSES, (NEW YORK: MODERN LIBRARY, 1960), P. 152. MACHIAVELLI VIEWED THE NATION-STATE AS A SINGLE, CLOSELY-KNIT ALL-CONTROLLING STRUCTURE IN WHICH ALL PARTS RESPONDED TO ONE CENTRE. CENTRALIZED CONTROL IS DISCUSSED ON P. 15 AND P. 460.

2. PETER H. MERKL, POLITICAL CONTINUITY AND CHANGE, REVISED EDITION, (NEW YORK: HARPER & ROW, 1972), P. 59. SEE ALSO: JOHN PLAMENATZ, MAN AND SOCIETY, VOL. 1, (LONDON: LONGMANS, 1963), P. 102. SOVEREIGNTY IS THE LEGALLY UNLIMITED AND PERPETUAL POWER TO MAKE LAWS. INTERNATIONALLY A COUNTRY IS SOVEREIGN IF IT IS INDEPENDENT AND HAS FULL CONTROL OF ITS RELATIONSHIPS WITH OTHER COUNTRIES.

3. R. MACGREGOR DAWSON, THE GOVERNMENT OF CANADA, 5TH EDITION, (TORONTO: UNIVERSITY OF TORONTO PRESS, 1970), P. 62. THE BRITISH NORTH AMERICA ACT AND OVER ONE HUNDRED OTHER BRITISH STATUTES STILL APPLY TO CANADA. IT CAN THEREFORE, BE ARGUED THAT CANADA DOES NOT HAVE COMPLETE INDEPENDENCE.

4. DAWSON, THE GOVERNMENT OF CANADA, P. 384. THERE ARE DIFFERENCES IN LEGAL AND ADMINISTRATIVE SYSTEMS BETWEEN PROVINCES. THE MAJOR LEGAL DIFFERENCE IS THE USE OF THE CIVIL LAW SYSTEM IN QUEBEC AND THE COMMON LAW SYSTEM IN ALL NINE OTHER PROVINCES.

5. MERKL, POLITICAL CONTINUITY AND CHANGE, P. 62.

6. LESTER B. PEARSON, FEDERALISM FOR THE FUTURE, (OTTAWA: QUEEN'S PRINTER, 1968), P. 10.

TO MAINTAIN THIS FREEDOM, THE INDIVIDUAL HUMAN RIGHTS SUCH AS POLITICAL FREEDOMS, LEGAL RIGHTS, EGALITARIAN RIGHTS AND LINGUISTIC RIGHTS MUST BE PROTECTED.⁽¹⁾ BUT, ON THE OTHER HAND, TO MAINTAIN THIS FREEDOM, THE STATE MUST ALSO: "PROTECT ITS SECRETS FROM ESPIONAGE, ITS INFORMATION FROM UNAUTHORIZED DISCLOSURE, ITS INSTITUTIONS FROM SUBVERSION AND ITS POLICIES FROM CLANDESTINE INFLUENCE."⁽²⁾ THIS CONFLICT IS WELL DESCRIBED BY J.C. MCURER:

"THE EXISTENCE AND ENJOYMENT OF THESE RIGHTS BY THE INDIVIDUAL, LIKE ALL OTHER RIGHTS, DEPEND UPON THE MAINTENANCE OF A GENERAL STATE OF PEACE AND ORDER BY GOVERNMENT THE QUEST FOR PROCEDURAL FAIRNESS MUST NOT BE PERMITTED TO DESTROY OR TAKE AWAY THE RIGHT OF THE VAST MAJORITY OF PERSONS WHO ARE LAW-ABIDING TO ENJOY THEIR PERSONAL SAFETY AND FREEDOM OF MOVEMENT."⁽³⁾

A BALANCE MUST BE FOUND BETWEEN THE INDIVIDUAL'S REQUIREMENT FOR FREEDOM AND THE STATE'S REQUIREMENT TO PROTECT THE MAJORITY. AS PRIME MINISTER P.E. TRUDEAU STATED THE PROBLEM:

"... THE PROVISION OF INFORMATION WHICH THE GOVERNMENT REQUIRES IN ORDER TO ENSURE THE SECURITY AND INTEGRITY OF THE STATE. IT IS ONE WHICH PERHAPS MORE THAN ANY OTHER, REQUIRES PUBLIC REASSURANCE THAT THE MEASURES TAKEN IN ITS DISCHARGE ARE NOT OF A CHARACTER WHICH COULD INFRINGE THE BASIC RIGHTS OF INDIVIDUALS OR BE DAMAGING TO THEIR CAREERS AND REPUTATIONS."⁽⁴⁾

THE INDIVIDUAL AND THE STATE

FORMER PRIME MINISTER, L.B. PEARSON, RATED THE PROTECTION OF THE RIGHTS OF THE INDIVIDUAL AS THE FIRST GOAL OF CANADA AND HAD SPECIFIED THAT THIS PROTECTION IS A FUNDAMENTAL CONDITION OF NATIONHOOD.⁽⁵⁾

1. TRUDEAU, A CANADIAN CHARTER OF HUMAN RIGHTS, P. 10.
2. CANADA, ROYAL COMMISSION ON SECURITY, (1969), P. 5.
3. ONTARIO, INQUIRY INTO CIVIL RIGHTS, VOL. 4, (TORONTO: QUEEN'S PRINTER, 1969), P. 1561.
4. HOUSE OF COMMONS, DEBATES, (CANADA, JUNE 26TH, 1969), P.10637.
5. PEARSON, FEDERALISM FOR THE FUTURE, P. 18.

THE PRIME MINISTER, PIERRE ELLIOTT TRUDEAU LATER STATED THAT THE FIRST OBJECTIVE OF CONFEDERATION IS TO MAINTAIN A DEMOCRATIC SOCIETY IN CANADA; THAT IS A SOCIETY OF A KIND AND CHARACTER CONSISTENT WITH THE BASIC VALUES AND TRADITIONS OF THE CANADIAN PEOPLE. THE CONSTITUTION AND ALL INSTITUTIONS OF GOVERNMENT MUST REFLECT AND PROTECT THOSE CONCEPTS OF FREEDOM, EQUALITY AND DIGNITY OF THE INDIVIDUAL WHICH CHARACTERIZE CANADIAN SOCIETY.⁽¹⁾ THE SECOND OBJECTIVE IS TO ENSURE THAT CANADIAN SOCIETY, THROUGH ITS GOVERNMENT, RESPECTS THE RIGHTS OF INDIVIDUAL CITIZENS, BOTH THE RIGHTS RELATED TO GOVERNMENT AND THE RIGHTS RELATED TO OTHER CITIZENS.⁽²⁾

IT IS DIFFICULT, HOWEVER, TO OBTAIN AGREEMENT ON WHICH INDIVIDUAL RIGHTS ARE BASIC. ON THE ONE HAND, TRUDEAU LISTS FREEDOM OF THOUGHT AND ACTION, PROTECTION OF LIBERTY AND SECURITY BY FAIR LAWS, EQUAL TREATMENT WITHOUT PREJUDICE AND THE MEANS OF EXPRESSING ONESELF IN THE OFFICIAL LANGUAGE OF HIS CHOICE.⁽³⁾ ON THE OTHER HAND, BORA LASKIN HAS LISTED CIVIL LIBERTIES IN A FORM SIMILAR TO THAT OF TRUDEAU BUT WITH THE INCLUSION OF ECONOMIC LIBERTIES AND THE EXCLUSION OF LINGUISTIC RIGHTS.⁽⁴⁾

1. PIERRE ELLIOTT TRUDEAU, THE CONSTITUTION AND THE PEOPLE OF CANADA, (OTTAWA: QUEEN'S PRINTER, 1969), P. 6.

2. TRUDEAU, THE CONSTITUTION AND THE PEOPLE OF CANADA, P. 8.

3. TRUDEAU, THE CONSTITUTION AND THE PEOPLE OF CANADA, P. 14.

4. BORA LASKIN, CANADIAN CONSTITUTIONAL LAW, 3RD ED., (TORONTO: CARSWELL CO., 1966), P. 974.

(A) THE TRADITIONAL POLITICAL LIBERTIES, I.E. FREEDOM OF ASSOCIATION, OF ASSEMBLY, OF UTTERANCE, OF COMMUNICATION AND OF CONSCIENCE AND RELIGION.

(B) LEGAL LIBERTY, SUCH AS FREEDOM FROM ARBITRARY ARREST, OR ARBITRARY SEARCH AND SEIZURE; PROTECTION FROM SELF-CRIMINATION AND PROTECTION OF FAIR AND IMPARTIAL ADJUDICATION.

(C) ECONOMIC CIVIL LIBERTY, INVOLVING A TRANSFER TO THE ECONOMIC SPHERE OF THE NOTION OF INDIVIDUAL RIGHTS DEVELOPED IN THE POLITICAL SPHERE.

(D) CIVIL LIBERTIES IN THE EGALITARIAN OR HUMAN RIGHTS SENSE, INVOLVING NOT STATE ABSTENTION BUT AFFIRMATIVE INTERVENTION TO SECURE SUCH THINGS AS EQUALITY OF EMPLOYMENT OPPORTUNITY OR OF ACCESS TO SERVICES OR AMENITIES WITHOUT DISCRIMINATION ON ACCOUNT OF RELIGION OR COLOUR OR ORIGIN.

THE CANADIAN BILL OF RIGHTS GIVES STATUTORY PROTECTION TO MANY OF THE POLITICAL AND LEGAL RIGHTS AND FREEDOMS, AND ESTABLISHES THE

RELATIONSHIP AMONG THESE RIGHTS AND FREEDOMS AND OTHER CANADIAN LEGIS-

LATION.⁽¹⁾ J.C. MCURER WOULD ADD TWO ADDITIONAL RIGHTS; ONE, THE RIGHT

OF EVERY ADULT TO VOTE, TO BE A CANDIDATE AND TO HAVE A FAIR OPPORTUNITY

FOR APPOINTED OFFICE AND, SECOND, THE RIGHT TO HAVE ACCESS TO THE

ORDINARY COURTS PRESIDED OVER BY AN INDEPENDENT AND IMPARTIAL JUDICIARY.⁽²⁾

FORMER JUSTICE MINISTER, JOHN TURNER, HAS IDENTIFIED ANOTHER RIGHT, THAT

OF PRIVACY, WHICH HE CLAIMS IS OF CRUCIAL IMPORTANCE TO A DEMOCRATIC

SOCIETY:

"THE EROSION OF PRIVACY IS THE BEGINNING OF THE END OF FREEDOM. FOR PRIVACY IS THE FOUNDATION OF THE PRINCIPLE OF AUTONOMY, AT THE CORE OF HUMAN DIGNITY. THE RIGHT TO PRIVACY NOT ONLY GOES TO THE CORE OF OUR BEING AS INDIVIDUALS BUT ALSO TO THE CORE OF OUR BEING AS A SOCIETY OR STATE. A STATE THAT DEMEANS ITS INDIVIDUALS DEMEANS ITSELF."⁽³⁾

1. STATUTES OF CANADA, 1960, c.44.

"1. IT IS HEREBY RECOGNIZED AND DECLARED THAT IN CANADA THERE HAVE EXISTED AND SHALL CONTINUE TO EXIST WITHOUT DISCRIMINATION BY REASON OF RACE, NATIONAL ORIGIN, COLOUR, RELIGION OR SEX, THE FOLLOWING HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, NAMELY,

(A) THE RIGHT OF THE INDIVIDUAL TO LIFE, LIBERTY, SECURITY OF THE PERSON AND ENJOYMENT OF PROPERTY, AND THE RIGHT NOT TO BE DEPRIVED THEREOF EXCEPT BY DUE PROCESS OF LAW;

(B) THE RIGHT OF THE INDIVIDUAL TO EQUALITY BEFORE THE LAW AND THE PROTECTION OF THE LAW;

(C) FREEDOM OF RELIGION;

(D) FREEDOM OF SPEECH;

(E) FREEDOM OF ASSEMBLY AND ASSOCIATION; AND

(F) FREEDOM OF THE PRESS."

2. ONTARIO, INQUIRY INTO CIVIL RIGHTS, VOL. 4, P. 1571.

3. CANADA, CONFERENCE REPORT - COMPUTERS: PRIVACY AND FREEDOM OF INFORMATION, (OTTAWA: INFORMATION CANADA, 1971), P. 16. SEE ALSO: BRITAIN, REPORT OF THE COMMITTEE ON PRIVACY, (LONDON: HER MAJESTY'S STATIONERY OFFICE, 1972), P. 23. PETER F. DRUCKER, THE AGE OF DISCONTINUITY: GUIDELINES TO OUR CHANGING SOCIETY, (NEW YORK: HARPER AND ROW, 1968), P. 255.

CHARLES A. REICH HAS DESCRIBED THE GROWTH OF NEW RIGHTS IN AREAS SUCH AS OCCUPATIONAL LICENSES, BENEFITS, JOBS, FRANCHISES AND SUBSIDIES TO REPLACE WHAT HAVE TRADITIONALLY BEEN CONSIDERED MERE PRIVILEGES.⁽¹⁾

THUS, WHILE THERE IS WIDE AGREEMENT ON A FEW OF THE BASIC RIGHTS, THERE IS SOME DISAGREEMENT ON WHAT THE COMPLETE RANGE OF INDIVIDUAL RIGHTS AND FREEDOMS SHOULD BE AND HOW THEY SHOULD BE PROTECTED. FURTHERMORE, RIGHTS ARE NOT ABSOLUTE, AND IN FACT, THE RANGE OF RIGHTS AND THE PRIORITY OF RIGHTS WITHIN THE RANGE VARIES WITH CHANGING SOCIAL CONDITIONS. DONALD SMILEY HAS OBSERVED:

"ALTHOUGH HUMAN RIGHTS ARE PRIMARY, IT IS ELEMENTAL TO REALIZE THAT AT DIFFERENT TIMES AND UNDER DIFFERENT CIRCUMSTANCES HUMAN SOCIETIES RECOGNIZE DIFFERENT RIGHTS AND ORDER THOSE SO RECOGNIZED ACCORDING TO QUITE DIFFERENT PRIORITIES, AND THAT THE RIGHTS WON IN ONE GENERATION OFTEN BECOME IN QUITE UNINTENDED WAYS THE BASTIONS OF REACTION AND PRIVILEGE IN THE NEXT "⁽²⁾

HAVING EXAMINED AND ILLUSTRATED THE IMPORTANCE OF THE INDIVIDUAL CANADIAN'S RIGHTS AND FREEDOMS, IT IS NOW NECESSARY TO EXAMINE THE COMPETING REQUIREMENTS OF THE PEOPLE COLLECTIVELY, WHICH IS THE CANADIAN STATE. THE STATE IS NOT A SEPARATE ENTITY, IT IS THE SUM OF THE NEEDS AND THE DESIRES OF ALL CITIZENS. IT ATTEMPTS TO PROTECT INDIVIDUAL CITIZENS FROM EACH OTHER, AND INDIVIDUAL CITIZENS AND SMALL GROUPS FROM ILL-CONSIDERED MAJORITY ACTION BUT MUST ALSO CONSIDER THAT THE STATE AS A WHOLE, MUST BE PROTECTED FROM HARM BY INDIVIDUALS. THE CANADIAN

1. C.A. REICH, "THE NEW PROPERTY," YALE LAW JOURNAL, VOL. 73, NO. 5, APRIL 1964.

2. DONALD V. SMILEY, "THE CASE AGAINST THE CANADIAN CHARTER OF HUMAN RIGHTS," POLITICS: CANADA, ED. PAUL W. FOX, 3RD ED., (TORONTO: MCGRAW-HILL, 1970), P. 485.

SYSTEM ATTEMPTS TO MAXIMIZE THE COMMON GOOD BY SATISFYING THE NEEDS OF THE MAXIMUM NUMBER OF CITIZENS.⁽¹⁾

THE DAY-TO-DAY ACTIONS OF THE STATE ARE CONTROLLED IN A GREATER OR LESSER DEGREE BY THE ELECTED PARLIAMENT, MAINLY THROUGH THE EXECUTIVE ACTIONS OF THE CABINET. RELATIONS AMONG CITIZENS AND BETWEEN THE CITIZENS AND THE STATE ARE CONTROLLED BY LEGISLATED RULES, WHETHER IN THE FORM OF STATUTES, ORDERS-IN-COUNCIL OR REGULATIONS ARISING FROM STATUTES. INDIVIDUAL RIGHTS ARE CREATED BY ENACTMENTS OF POSITIVE LAW WHILE FREEDOMS ARE RESIDUAL AREAS OF ACTION LEFT TO AN INDIVIDUAL AFTER ALL POSITIVE LAWS ARE SUBTRACTED FROM IT.⁽²⁾ CANADIAN LAW DEFINES LIMITS TO OUR FREEDOMS BY POSITIVE ACTION, HENCE, WE ARE FREE TO DO EVERYTHING EXCEPT THAT WHICH THE LAW SPECIFICALLY SAYS WE CANNOT DO,⁽³⁾ OR WHAT THE LAW SAYS WE MUST DO.⁽⁴⁾

IT IS GRANTED THAT FREEDOM OF EXPRESSION IS ONE OF THE FUNDAMENTAL FREEDOMS OF THE INDIVIDUAL,⁽⁵⁾ BUT THIS FREEDOM MUST BE LIMITED BOTH TO PROTECT THE RIGHTS AND FREEDOM OF OTHER INDIVIDUALS AND TO PROTECT THE

1. RICHARD J. VAN LOON AND MICHAEL S. WHITTINGTON, THE CANADIAN POLITICAL SYSTEM: ENVIRONMENT, STRUCTURE & PROCESS, (TORONTO: MCGRAW-HILL, 1971), P. 108.

2. VAN LOON AND WHITTINGTON, THE CANADIAN POLITICAL SYSTEM, P. 112.

3. H. STREET, FREEDOM, THE INDIVIDUAL AND THE LAW, 2ND ED. (HAMMONDSWORTH, ENGLAND: PENGUIN BOOKS, 1967), P. 10. SEE ALSO: ONTARIO, INQUIRY INTO CIVIL RIGHTS, P. 1494.

4. STATUTES OF CANADA, 1970, c.34, s.202 (1)(b).

5. STATUTES OF CANADA, 1960, c.44.

CANADIAN BILL OF RIGHTS (1960)

"1. (D) FREEDOM OF SPEECH"

TRUDEAU, A CANADIAN CHARTER OF HUMAN RIGHTS, P. 90.

UNIVERSAL DECLARATION OF HUMAN RIGHTS. ARTICLE 19.

"EVERYONE HAS THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION; THIS RIGHT INCLUDES FREEDOM TO HOLD OPINIONS WITHOUT INTERFERENCE AND TO SEEK, RECEIVE AND IMPART INFORMATION AND IDEAS THROUGH ANY MEDIA AND REGARDLESS OF FRONTIERS."

STATE. RESTRICTIONS OF THIS FREEDOM ARE ILLUSTRATED IN ARTICLE 10(2) OF THE EUROPEAN CONVENTION OF HUMAN RIGHTS:

"THE EXERCISE OF THESE FREEDOMS (EXPRESSION), SINCE IT CARRIES WITH IT DUTIES AND RESPONSIBILITIES, MAY BE SUBJECT TO SUCH FORMALITIES, CONDITIONS, RESTRICTIONS OR PENALTIES AS ARE PRESCRIBED BY LAW AND ARE NECESSARY IN A DEMOCRATIC SOCIETY IN THE INTERESTS OF NATIONAL SECURITY, TERRITORIAL INTEGRITY OR PUBLIC SAFETY, FOR THE PREVENTION OF DISORDER OR CRIME, FOR THE PROTECTION OF HEALTH OR MORALS, FOR THE PROTECTION OF THE REPUTATION OF RIGHTS OF OTHERS, FOR PREVENTING THE DISCLOSURE OF INFORMATION RECEIVED IN CONFIDENCE, OR FOR MAINTAINING THE AUTHORITY AND IMPARTIALITY OF THE JUDICIARY."⁽¹⁾

WITHIN CANADA, THE FREEDOM OF EXPRESSION IS LIMITED BY SUCH ACTS AS THE CRIMINAL CODE,⁽²⁾ SECTIONS 60 TO 63, COVERING SEDITION, SECTIONS 159 TO 161, COVERING OBSCENITY, THE OFFICIAL SECRETS ACT⁽³⁾ AND PROVINCIAL LEGISLATION SUCH AS THE B.C. PRIVACY ACT.⁽⁴⁾

THE STATE, IN ORDER TO FULFILL ITS OBLIGATIONS TO PROTECT ALL CITIZENS, MUST PLACE LIMITS ON THE BASIC RIGHTS OF EACH INDIVIDUAL. J.C. MCURER, WHILE SUPPORTING THESE LIMITATIONS, INDICATES THAT A PROPER BALANCE MUST BE ESTABLISHED WHEN HE STATES:

"PEACE AND ORDER IN THE MODERN STATE (AND IN THE MODERN WORLD) ARE ONLY ATTAINABLE WHEN THE TERMS ON WHICH CONSTITUTED AUTHORITIES SEEK TO MAINTAIN PEACE AND ORDER ARE FAIR, JUST AND REASONABLE TO A DEGREE THAT ATTRACTS ACQUIESCENCE AND LOYALTY MOST OF THE TIME FROM MOST OF THE PEOPLE."⁽⁵⁾

1. TRUDEAU, A CANADIAN CHARTER OF HUMAN RIGHTS, P. 144.
2. STATUTES OF CANADA, 1970, S.34.
3. STATUTES OF CANADA, 1939, C.49, S.1.
4. STATUTES OF BRITISH COLUMBIA, 1968, C.39, S.1.
5. ONTARIO, INQUIRY INTO CIVIL RIGHTS, VOL. 4, P. 1476.

THE OPERATION OF OUR DEMOCRATIC GOVERNMENT REQUIRES THIS CONTINUOUS BALANCE BETWEEN PROTECTION OF THE RIGHTS OF EACH INDIVIDUAL AND THE MAINTENANCE OF THE INTEGRITY OF THE STATE, WITH FURTHER COMPLICATIONS DUE TO THE REQUIREMENT THAT THE STATE MUST PROTECT INDIVIDUALS FROM EACH OTHER. JOHN TURNER HAS CLAIMED THAT DETERMINING THE CORRECT BALANCE BETWEEN PERSONAL RIGHTS AND FREEDOMS AND THE SECURITY OF THE STATE REQUIRES THE MOST DIFFICULT HUMAN JUDGMENTS THAT MEN AND WOMEN ARE CALLED UPON TO MAKE.⁽¹⁾

THE ROYAL COMMISSION ON SECURITY ACKNOWLEDGED THAT THE STATE'S DEFENCE AGAINST THREATS TO SECURITY TOUCHED CLOSELY UPON THE FUNDAMENTAL FREEDOMS OF INDIVIDUALS WHEN IT ARGUED THAT SECURITY PROCEDURES MUST BE SHOWN TO BE NECESSARY, MUST BE CAREFULLY FORMULATED AND MUST BE CONSISTENTLY ENFORCED.⁽²⁾ INDIVIDUALS DO NOT HAVE A BLANKET "RIGHT TO PRIVACY" NOR A RIGHT TO BE IN THE CONFIDENCE OF THE STATE BUT THEY DO HAVE A RIGHT TO EXPECT CAREFUL, EXPERT TREATMENT AND PROCEDURAL FAIRNESS WITHIN A CONSISTENT AND EQUITABLE POLICY.⁽³⁾ FORMER PRIME MINISTER, L.B. PEARSON HAS SUMMARIZED THE DILEMMA AS FOLLOWS:

"IF OUR SECURITY POLICIES IGNORED, OR DID NOT TAKE SUFFICIENTLY INTO ACCOUNT, THE BASIC RIGHTS OF THE INDIVIDUAL, THEY COULD OPERATE NOT TO DEFEND BUT TO DESTROY THE LIBERTIES WHICH ARE OUR FIRST CONCERN. THE RECONCILIATION OF THESE COMPETING RESPONSIBILITIES AND THESE COMPETING OBLIGATIONS IS NOT EASY THERE IS NO SOLUTION THAT DOES NOT ENTAIL SOME RISKS, RISKS TO SECURITY OR RISKS TO INDIVIDUAL RIGHTS, OR RISKS TO BOTH."⁽⁴⁾

1. TURNER, FREEDOM UNDER LAW AND THE RESPONSE TO VIOLENCE.
2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 1.
SEE ALSO: TORONTO DAILY STAR, MARCH 9TH, 1966.
3. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 28.
4. HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 25TH, 1963), P. 4043.

THE BACKGROUND TO VIOLENT PROTEST

THE CONTEMPORARY CONCERN WITH THE USE OF VIOLENCE IS BASED ON A NUMBER OF FACTORS WHICH HAVE AFFECTED OUR MODERN SOCIETY. THE GROWTH OF TECHNOLOGY WHICH HAS BEEN THE BASE OF OUR MODERN POSTINDUSTRIAL SOCIETY HAS GIVEN US MASSIVE URBAN GROWTH,⁽¹⁾ MAJOR NEW SERVICE INDUSTRIES,⁽²⁾ AN EXPANDED ROLE FOR EDUCATION⁽³⁾ AND A RISE IN THE EXPECTATIONS OF MOST CANADIAN CITIZENS.⁽⁴⁾ NOW WE ARE ON THE VERGE OF PLANNING OUR FUTURE, BUT RECENT HISTORY INDICATES THAT WE HAVE NOT ALWAYS BEEN ABLE TO PROTECT SOCIETY FROM THE NEGATIVE SIDE EFFECTS OF SCIENCE AND TECHNOLOGY, SUCH AS POLLUTION.⁽⁵⁾

THE CHANGES BROUGHT IN OUR SOCIETY BY TECHNOLOGICAL CHANGE, SUCH AS THE CONCENTRATION OF PEOPLE IN URBAN CENTRES, THE NARROW, SPECIALIZED NATURE OF MODERN OCCUPATIONS⁽⁶⁾ AND EVEN THE INCREASING RATE OF CHANGE ITSELF,⁽⁷⁾ HAVE ALL COMBINED TO CREATE A CONDITION OF GREATLY INCREASED INTERDEPENDENCE. THE COMPLEX NATURE OF THE ORGANIZATIONS NECESSARY TO

1. PETER F. DRUCKER, TECHNOLOGY, MANAGEMENT AND SOCIETY, (LONDON: PAN BOOKS, 1972), p. 24.
2. JOHN PORTER, THE VERTICAL MOSAIC, (TORONTO: UNIVERSITY OF TORONTO PRESS, 1965), p. 151. SEE ALSO: DRUCKER, TECHNOLOGY, MANAGEMENT AND SOCIETY, p. 83. CANADA, A SCIENCE POLICY FOR CANADA, VOL. 2, (OTTAWA: INFORMATION CANADA, 1972), p. 346.
3. WARREN BENNIS, "BEYOND BUREAUCRACY," READINGS ON MODERN ORGANIZATIONS, ED. AMITRAI ELZONI, (ENGLEWOOD CLIFFS: PRENTICE-HALL, 1969), p. 5. DRUCKER, THE AGE OF DISCONTINUITY, p. 311.
4. TED GURR, "URBAN DISORDER: PERSPECTIVES FROM THE COMPARATIVE STUDY OF CIVIL STRIFE", THE AMERICAN BEHAVIORAL SCIENTIST, MARCH-APRIL, 1968, p. 51.
5. CANADA, A SCIENCE POLICY FOR CANADA, p. 365.
6. ROBERT PRESTHUS, THE ORGANIZATIONAL SOCIETY: AN ANALYSIS AND A THEORY, (NEW YORK: RANDOM HOUSE, 1962), p. 29.
7. WARREN G. BENNIS, CHANGING ORGANIZATIONS, (NEW YORK: MCGRAW-HILL, 1966), p. 19. SEE ALSO: ONTARIO, INQUIRY INTO CIVIL RIGHTS, VOL. 4, p. 1477.

SUPPORT MODERN SOCIETY, ALONG WITH THE INABILITY OF THE INDIVIDUAL TO EXIST WITHOUT RELIABLE SUPPORT, HAS FOSTERED THE GROWTH OF A MASSIVE GOVERNMENT BUREAUCRACY.⁽¹⁾ THE INTERACTION AND FRICTION WHICH HAS DEVELOPED BETWEEN INDIVIDUALS AND BOTH MASSIVE ORGANIZATIONS AND GOVERNMENTS HAS RESULTED IN CHANGES IN OUR CONCEPTS OF SOCIAL INSTITUTIONS SUCH AS PRIVATE PROPERTY⁽²⁾ AND EDUCATION.⁽³⁾

OUR POSTINDUSTRIAL SOCIETY IS A COMPLEX MIXTURE OF CHANGING ORGANIZATIONS AND INDIVIDUALS WITH BOTH ORGANIZATIONS AND INDIVIDUALS BECOMING INCREASINGLY INTERDEPENDENT. GOVERNMENT CANNOT EXIST WITHOUT THE UNIVERSITY NOR CAN THE ENGINEER EXIST WITHOUT THE FARMER. EDUCATION IS BECOMING OF CRITICAL SIGNIFICANCE BUT WE CANNOT AS YET PREDICT HOW WE CAN BEST EDUCATE OUR CHILDREN TO BE PREPARED FOR SOCIAL CONDITIONS FIFTEEN TO TWENTY YEARS IN THE FUTURE. OUR TRADITIONAL ORGANIZATIONS ARE PROVING TO BE INADEQUATE FOR MODERN AND FUTURE TASKS, AND OUR TRADITIONAL FUNCTIONAL SPECIALIZATION IS PRODUCING CONFLICTS WITHIN ORGANIZATIONS, WITH THE RESULT THAT WE ARE EXAMINING OTHER ORGANIZATIONAL METHODS TO ASSIST IN SOLVING COMPLEX, MODERN PROBLEMS. THIS IS FUTURE SHOCK!⁽⁴⁾

1. J.E. HODGETTS AND O.P. DWIVEDI, "THE GROWTH OF GOVERNMENT EMPLOYMENT IN CANADA," CONTEMPORARY ISSUES IN CANADIAN POLITICS, ED. FREDERICH VAUGHAN, PATRICK KYBA, O.P. DWIVEDI, (SCARBOROUGH: PRENTICE-HALL, 1970), P. 216.

2. REICH, "THE NEW PROPERTY," YALE LAW JOURNAL, P. 733. SEE ALSO: JACK MCLEOD, "POST-CAPITALIST SOCIETY," AGENDA 1970: PROPOSALS FOR A CREATIVE POLITICS, ED. TREVOR LLOYD AND JACK MCLEOD, (TORONTO: UNIVERSITY OF TORONTO PRESS, 1968), P. 67.

3. BENNIS, READINGS ON MODERN ORGANIZATIONS, ED., ETZIONI, P. 5. SEE ALSO: PORTER, THE VERTICAL MOSAIC, P. 74, P. 184. MCLEOD, AGENDA 1970, ED. LLOYD AND MCLEOD, P. 70.

4. ALVIN TOFFLER, FUTURE SHOCK, (NEW YORK: RANDOM HOUSE, 1970). SEE ALSO: LARRY KIRKHART, "TOWARDS A THEORY OF PUBLIC ADMINISTRATION," ED. FRANK MARINI, TOWARDS A NEW PUBLIC ADMINISTRATION, (SCRANTON: CHANDLER PUBLISHING, 1971), P. 127.

THE NUMBER OF POINTS WHERE THERE IS CONFLICT BETWEEN ORGANIZATIONS, OR CONFLICT BETWEEN AN INDIVIDUAL AND AN ORGANIZATION IS INCREASING. ADDITIONALLY, CASES WHERE INDIVIDUALS ARE IN CONFLICT WITH EACH OTHER ARE INCREASING, BUT IN MOST CASES OUR TRADITIONAL METHODS OF RESOLUTION ARE SUFFICIENT TO RESOLVE THE PROBLEMS OR, ALTERNATIVELY, ONE OR MORE OF THE INDIVIDUALS ENLIST SUPPORT FROM AN ORGANIZATION. BECAUSE OF THE MUCH LARGER RESOURCES AN ORGANIZATION CAN BRING TO BEAR IN A CONFLICT, THE INDIVIDUAL OPPOSING THE ORGANIZATION TENDS TO SEEK SOME SUPPORT, EITHER FROM TRADITIONAL ORGANIZATIONS SUCH AS THE COURTS, UNIONS OR CONSUMER ASSOCIATIONS OR FROM OTHER INDIVIDUALS IN CONFLICT WITH THE SAME OR SIMILAR ORGANIZATIONS.

THE INDIVIDUAL ALONE, HAS VERY LITTLE CHANCE OF MATERIALLY AFFECTING SOCIAL POLICY, BUT AN ORGANIZED GROUPING OF INDIVIDUALS WITH SIMILAR PROBLEMS OR SIMILAR OBJECTIVES IS MUCH MORE LIKELY TO FIND AUTHORITIES AT LEAST LISTENING TO THEIR VIEWS. THE TRADITIONAL ORGANIZATIONS WHICH HAVE EXISTED TO EXERT PRESSURE ON THE GOVERNMENT FOR SOCIAL CHANGE, INCLUDE POLITICAL PARTIES, LABOUR UNIONS, BUSINESS ASSOCIATIONS, PROFESSIONAL ASSOCIATIONS, FARM GROUPS AND ETHNIC ASSOCIATIONS. WITH THE DIVERGING POLITICAL VIEWS COMMON TODAY, WE ARE EXPERIENCING THE GROWTH OF AN HETEROGENEOUS ARRAY OF POLITICAL PARTIES OR ASSOCIATIONS, LABOUR UNIONS AND ETHNIC GROUPS. SOMETIMES THE COMMON THREAD IN THE GROUP IS A POLITICAL IDEOLOGY, SOMETIMES AN INTEREST IN COLLECTIVE BARGAINING, AND SOMETIMES THE DESIRE TO RESOLVE A PARTICULAR SOCIAL PROBLEM. IN ATTEMPTING TO ACHIEVE THE SOCIAL CHANGE THEY DESIRE, SOME GROUPS ACCIDENTLY OR DELIBERATELY CHOOSE A COURSE OF ACTION WHICH BRINGS THEM INTO DIRECT CONFRONTATION WITH THE STATE, PERHAPS VIOLENTLY.

PETER MERKL LINKS DRASTIC SOCIAL CHANGE TO YOUTH SINCE YOUTH CAN LEARN NOVEL IDEAS RAPIDLY, ADJUST EASILY TO TOTALLY NEW CIRCUMSTANCES AND TEND TO BE RECKLESS AND TO LOVE ADVENTURE.⁽¹⁾ THUS MANY OF THE GROUPS WHICH ESPOUSE VIOLENT CONFRONTATION APPEAR TO BE COMPOSED OF RELATIVELY YOUNG MEMBERS OF SOCIETY, AND IN PARTICULAR, YOUTHS WHO HAVE REJECTED MANY OF SOCIETY'S STANDARDS AND WHO MAY LIVE IN SEPARATE COMMUNITIES.

JOHN L. HORN AND PAUL D. KNOTT HAVE PRODUCED AN INTERESTING STUDY OF "ACTIVIST" YOUTH, IN PARTICULAR THOSE YOUTH WHO TOOK A LEADING ROLE IN NOTABLE YOUTH DEMONSTRATIONS IN THE U.S.A. DURING THE 1960'S AND ESPECIALLY THOSE YOUTH WHO WERE ORIENTED TOWARDS THE LEFT.⁽²⁾ ACTIVISTS ARE DEFINED AS "PEOPLE WHO PARTICIPATE IN SIT-INS, MARCHES OR SIMILAR PROTEST ACTION" AND THIS GROUP IS, THEREFORE, NOT NECESSARILY PARTICIPATING IN VIOLENT ACTION ALTHOUGH THEY ARE PARTICIPATING IN DIRECT CONFRONTATIONS.

YOUTH ACTIVISM IS ASSOCIATED WITH BROAD CULTURAL FACTORS SUCH AS AN INCREASING TECHNOLOGICAL SOCIETY, INDIVIDUAL AND FAMILY MOBILITY, URBANIZATION AND THE GROWTH OF UNIVERSITIES. THE FAMILY BACKGROUND OF MOST STUDENT ACTIVISTS SHOWED AN OVER-REPRESENTATION OF SUCH OCCUPATIONS AS TEACHING, CLERGYMAN, SOCIAL WORKER AND AN OVER-REPRESENTATION FROM THOSE OCCUPATIONS REQUIRING A PH.D RATHER THAN A PROFESSIONAL DEGREE. FAMILY INCOME WAS, GENERALLY, WELL ABOVE AVERAGE. THE STUDY DOES NOT ALLOW US TO DIFFERENTIATE BETWEEN THOSE YOUTH CONTENT TO PROTEST BUT

1. MERKL, POLITICAL CONTINUITY AND CHANGE, P. 355.

2. DRUCKER, THE AGE OF DISCONTINUITY, P. 243. THE RELATIONSHIP OF YOUTH ACTIVISTS TO THE ORGANIZATION IS DISCUSSED.

WORK WITHIN THE SYSTEM AND THOSE YOUTH WHO ADVOCATE REVOLUTION. THE ACTIVIST YOUTH WERE GENERALLY ABOVE AVERAGE, BUT NOT BRILLIANT STUDENTS, WERE PRAGMATIC AND WERE MILDLY ANTAGONISTIC TO THE INTELLIGENTSIA. HORN AND KNOTT CONCLUDE:

"IN ALL, THEN, WE SEE IN THE YOUNG ACTIVIST A PERSON OF MANY STRENGTHS AND COMMENDABLE CHARACTERISTICS. BUT THE PERSON WE SEE IS TRULY YOUNG: HE HAS LITTLE PRACTICAL EXPERIENCE AND LITTLE OF THE WISDOM THAT EXPERIENCE CAN PRODUCE ... HE MUST COME TO RECOGNIZE MORE CLEARLY THE DIFFERENCE BETWEEN FAILING TO SOLVE A COMPLEX PROBLEM AND DESIRING TO RETAIN THE PROBLEM AND HE MUST GAIN A MUCH BETTER UNDERSTANDING OF THE VIRTUES OF THE WORKINGS OF THE PRESENT SYSTEM. FOR THIS TO OCCUR, IT SEEMS THAT THERE MUST BE NOTABLE INCREASES IN YOUTH INVOLVEMENT IN THE SYSTEM - IMPROVEMENT IN THE APPRENTICESHIP TRAINING FOR WORK IN THE SYSTEM."⁽¹⁾

THE ACTIVIST IS DEFINITELY A REFORMER WHO IS ATTEMPTING TO PRODUCE SOCIAL CHANGE BY DRAMATIC BUT NOT ILLEGAL MEANS. IT IS THE INTRODUCTION OF VIOLENCE WHICH CHANGES THE NATURE OF DEMOCRATIC PROTEST FROM THAT OF THE ACTIVIST TO A FORM UNACCEPTABLE TO MOST CITIZENS.

TERRY NARDIN POINTS OUT THE DIFFICULTIES OF EVEN DEFINING VIOLENCE WHEN HE OBSERVES:

"ONE PROBLEM WITH DEFINING VIOLENCE IN TERMS OF THE VIOLATION OF IDEALS, OR OF THE RULES WHICH IN ANY SOCIETY SERVE TO DEFINE AND REGULATE ACTION, IS THAT PEOPLE DO NOT ALL ACCEPT THE SAME IDEALS OR RULES. ESPECIALLY IN SITUATIONS OF CONFLICT, THERE MAY EXIST LITTLE CONSENSUS ABOUT EITHER IDEALS OR RULES, AND IT SOMETIMES HAPPENS THAT PEOPLE COME TO LIVE IN SEPARATE MORAL AND CONCEPTUAL COMMUNITIES WITHIN WHICH THE ACTIONS OF THOSE OUTSIDE APPEAR DEVIANT AND INCOMPREHENSIBLE."⁽²⁾

1. JOHN L. HORN AND PAUL D. KNOTT, "ACTIVIST YOUTH OF THE 1960's: SUMMARY AND PROGNOSIS," SCIENCE, VOL. 171, No. 3975, MARCH 12TH, 1971, P. 977.

2. NARDIN, VIOLENCE AND THE STATE, P. 9.

AS INDICATED EARLIER, FOR PURPOSES OF THIS DISCUSSION, VIOLENCE WILL BE DEFINED AS CAUSING PHYSICAL HARM.⁽¹⁾

ROBERT ANDREY ARGUES THAT MAN IS A VIOLENT ANIMAL.⁽²⁾ VIOLENCE IS NOT NEW TO CANADIAN POLITICS AS IS ILLUSTRATED BY THE ASSASSINATION OF D'ARCY MCGEE⁽³⁾, THE CONSCRIPTION CRISIS OF 1917⁽⁴⁾, AND THE WINNIPEG RIOT OF 1919.⁽⁵⁾ WITH THE MODERN RAPID DISSEMINATION OF NEWS AND WITH OUR GREAT INTERDEPENDENCE, VIOLENT POLITICAL AGITATION APPEARS TO HAVE A MORE DIRECT AFFECT ON ALL CITIZENS.

NATIONALISM IN FRENCH CANADA

IN RECENT YEARS, OUTSIDE OF QUEBEC, THERE HAS BEEN LITTLE POLITICAL OR POPULAR SUPPORT FOR ANY REGION OF CANADA TO LEAVE CONFEDERATION.⁽⁶⁾ QUEBEC, HOWEVER, IS DIFFERENT. THE RECENT OUTBREAK OF VIOLENCE ORIGINATING IN THE CLEAVAGE BETWEEN ENGLISH AND FRENCH ETHNIC GROUPS WAS NOT THE FIRST VIOLENT CONFRONTATION WHERE CANADA WAS SPLIT ALONG ETHNIC LINES.⁽⁷⁾

IN 1885, A FORCE OF MILITARY AND POLICE HAD TO SUPPRESS AN INSURRECTION IN WESTERN CANADA.⁽⁸⁾ A SERIES OF COMPLAINTS INVOLVING TARIFFS,

1. MERKL, POLITICAL CONTINUITY AND CHANGE, P. 355.
 2. ROBERT ANDREY, THE SOCIAL CONTRACT, (NEW YORK: DELL PUBLISHING, 1970), P. 253.
 3. SEE ABOVE, P. 4.
 4. VAN LOON AND WHITTINGTON, THE CANADIAN POLITICAL SYSTEM, P. 59.
- SEE ALSO: E.M. CORBETT, QUEBEC CONFRONTS CANADA, (BALTIMORE: JOHN HOPKINS PRESS, 1967), P. 29.
5. PHILLIPS, THE LIVING LEGEND, P. 87.
 6. JOHN BARR AND OWEN ANDERSON, ED., THE UNFINISHED REVOLT, (TORONTO: MCCLELLAND & STEWART, 1971). SEE ALSO: FOX, ED., POLITICS CANADA, P. 32.
 7. FERNAND OUELLET, "THE HISTORIC BACKGROUND OF SEPARATISM IN QUEBEC," FRENCH-CANADIAN NATIONALISM, RAMSAY COOK, ED., (TORONTO: MACMILLAN, 1969), P. 49.
 8. KITSON, LOW INTENSITY OPERATIONS, P. 3. AN INSURRECTION IS DEFINED AS THE USE OF ARMED FORCE BY A SECTION OF THE PEOPLE AGAINST THE GOVERNMENT TO OVERTHROW THOSE GOVERNING THE COUNTRY AT THE TIME OR TO FORCE THEM TO DO THINGS WHICH THEY DO NOT WANT TO DO.

PARLIAMENTARY REPRESENTATION, RAILWAYS AND LAND DISTRIBUTION LED TO CO-ORDINATED ACTION OF SEVERAL GROUPS LED BY LOUIS RIEL. THE NORTH WEST MOUNTED POLICE WERE DEFEATED BY A BAND OF METIS AND INDIANS AT DUCK LAKE ON MARCH 26TH, 1885, BUT ON MAY 12TH, 1885, RIEL WAS DEFEATED AT BATOCHÉ AND THE REBELLION WAS CRUSHED.⁽¹⁾

SINCE CONFEDERATION THERE HAS BEEN A CONTINUING DIALOGUE BETWEEN ENGLISH AND FRENCH CANADA IN AN ATTEMPT TO FIND A NATIONAL AGREEMENT WHICH SATISFIES BOTH CULTURAL GROUPS. SINCE FRENCH CANADA HAS BEEN IN THE POSITION OF HAVING THE SMALLER POPULATION FOR THE WHOLE PERIOD,⁽²⁾ ITS VIEWS AND DESIRES ON CONTENTIOUS PROBLEMS HAVE GENERALLY BEEN OVER- RULED, AND FRENCH CANADA CAN LIST A SERIES OF PAST AND CURRENT PROBLEMS WHERE ITS ASPIRATIONS WERE NOT SATISFIED.

WHILE CURRENT SOURCES OF DISAGREEMENT MAY BE NEW, THE FACT THAT PROBLEMS EXIST BETWEEN ENGLISH AND FRENCH CANADA IS NOT NEW, NOR IS THE USE OF CONFRONTATIONS AND VIOLENCE AS DURING THE FALL OF 1970, SINCE THE CONSCRIPTION CRISIS OF 1917 PRODUCED EVEN A GREATER RECOURSE TO VIOLENCE. PAST DIFFERENCES WHICH PRODUCED CONFRONTATIONS INCLUDE LOUIS-JOSEPH

1. GEORGE F.S. STANLEY, LOUIS RIEL, (TORONTO: RYERSON PRESS, 1963), P. 338. SEE ALSO: GEORGE F.G. STANLEY, THE BIRTH OF WESTERN CANADA, (TORONTO: UNIVERSITY OF TORONTO PRESS, 1960).

2. CANADA, REPORT OF THE ROYAL COMMISSION ON BILINGUALISM AND BICULTURALISM, BOOK 1, (OTTAWA: QUEEN'S PRINTER, 1967), P. 20.

	1881	1921	1961
TOTAL CANADIAN POPULATION	4,324,810	8,878,949	18,128,247
FRENCH ETHNIC ORIGIN	1,298,929	2,452,743	5,540,346
ENGLISH ETHNIC ORIGIN	2,548,514	4,868,738	7,996,669

PAPINEAU'S GRIEVANCES OF 1834 WHICH DETERIORATED INTO A REVOLT IN 1837.⁽¹⁾
 ALSO, A SERIES OF PROVINCIAL CRISES REGARDING FRENCH LANGUAGE OR
 EDUCATIONAL RIGHTS IN WHICH THE FEDERAL GOVERNMENT REFUSED TO INTERFERE
 AND THE COURTS TENDED TO PROTECT EDUCATIONAL RIGHTS ON THE BASIS OF
 RELIGION RATHER THAN LANGUAGE, CONTINUED FOR MANY YEARS.⁽²⁾ DURING BOTH
 WORLD WARS, THE ISSUE OF CONSCRIPTION WAS THE SOURCE OF BITTER DIFFER-
 ENCES BETWEEN OUR TWO CULTURES.⁽³⁾

THE QUIET REVOLUTION, BEGINNING IN APPROXIMATELY 1959, RESULTED
 FROM THE EMERGENCE OF A FRESH AND VIGOROUS POLITICAL CONSCIOUSNESS ON
 THE PART OF QUEBEC POLITICIANS AND FROM THE CORPS OF ABLE, YOUNG, CIVIL
 SERVANTS THAT THEY RECRUITED. USING THE WIDE CONSTITUTIONAL AUTHORITY
 AVAILABLE TO THEM, THEY HAVE GIVEN A NEW AND MEANINGFUL SIGNIFICANCE TO
 QUEBEC AUTONOMY. THIS CHANGE HAS PRODUCED A SERIES OF DISAGREEMENTS AND

1. CORBETT, QUEBEC CONFRONTS CANADA, P. 28. SEE ALSO: CREIGHTON, TOWARDS THE DISCOVERY OF CANADA, P. 103. IN 1834, PAPINEAU PRESENTED A LIST OF NINETY-TWO RESOLUTIONS, A "BILL OF RIGHTS", TO THE LEGISLATURE OF LOWER CANADA. WHEN CONDITIONS DETERIORATED BY 1837, PAPINEAU'S FOLLOWERS REVOLTED. A DIFFERENT POLITICAL STRUGGLE HAVING A BASE IN THE SAME ECONOMIC PROBLEMS LED RADICALS UNDER WILLIAM LYON MACKENZIE IN UPPER CANADA TO REVOLT AT THE SAME TIME. IN EARLY 1837, LORD JOHN GEORGE LAMBTON DURHAM ARRIVED TO MAKE RECOMMENDATION FOR A VIABLE SOLUTION. CREIGHTON INDICATES THAT THE TWO GREAT RECOMMENDATIONS WERE RESPONSIBLE GOVERNMENT AND UNION. THE RECOMMENDATION FOR UNION OF UPPER AND LOWER CANADA ALSO ENVISIONED THE INTEGRATION OF FRENCH CANADA INTO THE ENGLISH MILIEU.

2. CORBETT, QUEBEC CONFRONTS CANADA, P. 28. SEE ALSO: VAN LOON AND WHITTINGTON, THE CANADIAN POLITICAL SYSTEM, P. 57.

3. VAN LOON AND WHITTINGTON, THE CANADIAN POLITICAL SYSTEM, P. 59. SEE ALSO: CORBETT, QUEBEC CONFRONTS CANADA, P. 29. AT THE FEDERAL ELECTION IN 1918, WITH CONSCRIPTION BEING THE MAJOR ISSUE, THE LIBERALS IN QUEBEC WON 84% OF THE VOTE AND 62 OF QUEBEC'S 65 SEATS, WHILE THE UNION PARTY, A COALITION OF LIBERALS AND CONSERVATIVES, WON 150 SEATS IN ENGLISH CANADA AGAINST THE LIBERALS' 20. FORTUNATELY, THE WAR ENDED AND THE CRISIS DISAPPEARED.

CONFRONTATIONS BETWEEN THE QUEBEC PROVINCIAL GOVERNMENT AND THE FEDERAL GOVERNMENT, BETWEEN SOCIAL GROUPS WITHIN QUEBEC AND BETWEEN FRENCH CANADA AND ENGLISH CANADA ON AN EVEN WIDER BASIS.⁽¹⁾

THE MORE AGGRESSIVE PROVINCIAL POLITICAL STANCE HAS RESULTED IN THE SUGGESTION OF THREE POSSIBLE SOLUTIONS FOR OUR DIFFERENCES: THE FIRST, SEPARATISM FOR QUEBEC AS FAVOURED BY THE MORE RADICAL AND MORE NATIONALISTIC QUEBECOIS; THE SECOND, A DIFFERENT AND UNIQUE STATUS FOR FRENCH CANADA WITH QUEBEC PLAYING A KEY ROLE; AND THE THIRD, AS REPRESENTED BY OUR PRIME MINISTER, PIERRE E. TRUDEAU, IN WHICH QUEBEC WOULD ACHIEVE ITS DESTINY WITHIN CONFEDERATION WITH RELATIVELY MINOR CONSTITUTIONAL CHANGES. TO DATE, WE HAVE CHOSEN THE THIRD POSSIBILITY WITH A LARGE MINORITY IN QUEBEC Banded TOGETHER AS THE PARTY QUEBECOIS⁽²⁾ STRIVING HARD, IN OPPOSITION, FOR SEPARATISM.⁽³⁾ WHILE THE MAJORITY OF QUEBECOIS FAVOURING SEPARATISM ARE CONTENT TO WORK FOR THIS END PEACEFULLY, A MINORITY, ILLUSTRATED BY THE ACTS OF VIOLENCE OF THE F.L.Q., HAVE NOT BEEN CONTENT TO SETTLE THESE PROBLEMS BY DEMOCRATIC MEANS AND HAVE ADOPTED A COURSE OF VIOLENT CONFRONTATION. IT IS WITH THIS MINORITY THAT THE CANADIAN SECURITY AUTHORITIES ARE MOST CONCERNED.⁽⁴⁾

1. ALEXANDER BRADY, "THE TRANSFORMATION OF QUEBEC," POLITICS: CANADA, ED. FOX, P. 27. SEE ALSO: DONALD V. SMILEY, CANADA IN QUESTION: FEDERALISM IN THE SEVENTIES, (TORONTO: MCGRAW-HILL RYERSON, 1972), P. 145.

2. FOX, ED., POLITICS: CANADA, P. 60.
PARTI QUEBECOIS - 23% OF POPULAR VOTE, 7 SEATS OUT OF 108.
LIBERALS - 45% OF POPULAR VOTE, 72 SEATS.

3. RENE LEVESQUE, AN OPTION FOR QUEBEC, (TORONTO: MCCLELLAND AND STEWART, 1968), P. 125. LEVESQUE SUMMARIZES THE POSITION OF THE PARTI QUEBECOIS: "IT IS THE INDISPENSABLE CHANGE THAT WE AS QUEBECOIS OWE OURSELVES, FOLLOWING THE EXAMPLE OF SO MANY OTHER PEOPLES, TO BUILD BY AND FOR OURSELVES THE KIND OF COUNTRY WE WANT TO HAVE. WE BELIEVE IN THE NECESSITY OF SEIZING THIS ENORMOUS AND CHALLENGING OPPORTUNITY, FOR WE ARE FIRMLY CONVINCED THAT THIS QUEBEC WE BUILD WILL BE INFINITELY MORE EFFICIENT, PROSPEROUS, JUST, OPEN TO OTHERS, AND SURE OF ITSELF THAN THE QUEBEC OF TODAY. AND WE BELIEVE THAT ALL THESE CHANGES WILL NEVER COME ABOUT UNDER THE PRESENT REGIME.

4. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 8.

MANY SUB-CULTURES HAVE DEVELOPED AND ARE AT LEAST IN PARTIAL DISAGREEMENT WITH CURRENT CANADIAN SOCIAL POLICY, AND MOST ARE PROPOSING CHANGES TO OUR CURRENT POLICIES. OUR GOVERNMENTAL INSTITUTIONS WERE DESIGNED BEFORE THE CURRENT PERIOD OF ACCELERATED CHANGE AND WERE ADEQUATE FOR A PERIOD THAT COULD TOLERATE SLOWER POLITICAL ACTION. NOT ONLY DO WE NOW REQUIRE ACCELERATED POLITICAL ACTION, WE REQUIRE MODIFIED INSTITUTIONS WHICH CAN REACT TO CHANGING SOCIAL CONDITIONS AND REQUIREMENTS WITHIN A REASONABLE PERIOD OF TIME.⁽¹⁾ WHEN POLITICAL CHANGE IS NOT FAST ENOUGH AND WHEN THERE IS EVEN OPPOSITION TO REVISING POLITICAL INSTITUTIONS TO ENABLE THEM TO CONSIDER CHANGE WITHIN A REALISTIC TIME FRAME, MEMBERS OF SOME SUB-CULTURES RESORT TO CONFRONTATIONS AND VIOLENT DISSENT. FOR INSTANCE, THE QUEBEC TEACHERS CORPORATION, IN A POLICY STATEMENT, SAID: "WE MUST, IF WE WISH TO TAKE CONTROL OF OUR DESTINY, TAKE POSSESSION OF THE FACTORY AND THE SCHOOL."⁽²⁾ PIERRE VALLIERES HAS EXPRESSED SIMILAR VIEWS, WHEN FRUSTRATED AT AN INABILITY TO OBTAIN SOCIAL CHANGE, HE WROTE:

"THE FIRST STAGE OF THE STRUGGLE IS ESSENTIALLY POLITICAL. THE BOMBINGS LIKE THE DEMONSTRATIONS, THE SPORADIC OCCUPATIONS OF SCHOOLS AND FACTORIES, THE STRIKES, ARE PART OF A POLITICAL ACTION AND NOT A MILITARY ACTION AGAINST THE SYSTEM."⁽³⁾

DR. WILDER PENFIELD HAS SUMMARIZED THE POSITION OF THE MAJORITY OF CANADIAN SOCIETY, WHO, WHILE THEY WILL DEBATE DETAILS, ARE COMMITTED TO IMPROVING OUR SOCIETY THROUGH CURRENT INSTITUTIONS:

1. DRUCKER, THE AGE OF DISCONTINUITY, P. 188.
2. OTTAWA CITIZEN, DECEMBER 28TH, 1971.
3. PIERRE VALLIERES, WHITE NIGGERS OF AMERICA, TRANS. JOAN PINKHAM, (TORONTO: MCCLELLAND AND STEWART, 1971), P. 322.

"IN CANADA, WE ARE COMMITTED TO MAKE OUR DEMOCRACY WORK. WE WILL NOT CLOSE OUR UNIVERSITIES NOR WILL WE ALLOW OUR OTHER ESTABLISHMENTS TO BE OVERTHROWN BY VIOLENCE. WE HAVE CHOSEN FREEDOM, NOT SOCIALIST DICTATORSHIP AND NOT UNDISCIPLINED LICENCE. DEMOCRATIC FREEDOM ALLOWS FOR CHANGE. IT WELCOMES REFORM FROM WITHIN AND HOPES FOR HELP FROM EACH SUCCEEDING GENERATION."⁽¹⁾

IT IS AT THE POINT WHERE REFORM BY CONSTITUTIONAL DEMOCRATIC MEANS STOPS AND ESPIONAGE AND SUBVERSION COMMENCE THAT THE ACTIVITIES OF INDIVIDUALS OR ORGANIZATIONS BECOME OF INTEREST TO THE CANADIAN SECURITY SERVICE. AS THE ROYAL COMMISSION ON SECURITY HAS STATED, THE ACTS OR ACTIVITIES MAY NOT ALWAYS BE ILLEGAL BUT IF THEY ARE "CLOAKS FOR UN-DEMOCRATIC INTENTIONS OR ACTIVITIES",⁽²⁾ INVOLVING DECEIT OR VIOLENCE, THEY ARE THE CONCERN OF THE CANADIAN GOVERNMENT; IN THIS CASE THE SECURITY SERVICE.

1. R.P. BOWLES, J.L. HANLEY, B.W. HODGINS, G.A. RAWLYK, PROTEST, VIOLENCE AND SOCIAL CHANGE, (SCARBOROUGH: PRENTICE-HALL, 1972), P. 1.
2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 2.

3: FUNCTIONS OF A SECURITY SERVICE

OUR CANADIAN SOCIETY COMBATS ANTISOCIAL BEHAVIOUR THROUGH A COMPREHENSIVE SYSTEM OF LAW ENFORCEMENT. ALTHOUGH THIS SYSTEM DOES NOT HAVE THE ABILITY TO CONTROL THE SOCIAL AND PSYCHOLOGICAL CAUSES OF ANTISOCIAL BEHAVIOUR, IT DOES MEET THE IMMEDIATE PERIL OF CRIME AS IT OCCURS.⁽¹⁾ FURTHERMORE, SINCE THE LAW ENFORCEMENT SYSTEM IS, AFTER THE SOCIALIZATION PROCESS, ONE OF SOCIETY'S FIRST DEFENCES AGAINST UNACCEPTABLE SOCIAL BEHAVIOUR, IT IS THE SYSTEM IN WHICH SOCIETY AND THE INDIVIDUAL MEET IN CONFLICT.

THE CONFLICT BETWEEN THE INDIVIDUAL AND THE STATE HAS TWO RELATED, BUT CONCEPTUALLY DIFFERENT ASPECTS. THE FIRST, THE BALANCE OF INDIVIDUAL RIGHTS AND FREEDOMS AGAINST THE MAINTENANCE OF A GENERAL STATE OF PEACE AND ORDER HAS BEEN DISCUSSED PREVIOUSLY. IN ADDITION, THERE IS THE ACTUAL INTERFACE OR POINT OF DIRECT CONTACT BETWEEN THE INDIVIDUAL AND AUTHORITY.⁽²⁾ IF AN INDIVIDUAL HAS BROKEN OR IS SUSPECTED OF BREAKING A LAW, HE BECOMES EMBROILED IN AN ADVERSARY PROCEDURE WHICH PLACES HIM IN DIRECT CONFLICT WITH THE STATE, AS REPRESENTED BY MEMBERS OF THE LAW ENFORCEMENT SYSTEM.

THIS COMPLEX LAW ENFORCEMENT SYSTEM IS COMPOSED OF THE POLICE, CROWN PROSECUTORS, THE COURTS AND PENAL INSTITUTIONS, WITH THE POLICE USUALLY BEING THE FIRST ELEMENT TO MAKE CONTACT WITH THE INDIVIDUAL.

1. RAMSEY CLARK, CRIME IN AMERICA, (RICHMOND HILL: SIMON & SCHUSTER, 1970), P. 99.

2. HARRY STREET, FREEDOM, THE INDIVIDUAL AND THE LAW, P. 12.

IT IS AT THIS POINT THAT THE CONFLICT BETWEEN CITIZEN AND STATE IS THE MOST FIERCE; THE POINT AT WHICH AUTHORITY NO LONGER OBTAINS AUTOMATIC SUPPORT AND IN FACT, WHERE IT IS OFTEN BEING QUESTIONED.⁽¹⁾

WITHIN THE BROAD SPECTRUM OF LAW ENFORCEMENT, THE CANADIAN SECURITY SERVICE,⁽²⁾ WHICH WAS ESTABLISHED SOLELY FOR DEFENSIVE PURPOSES, IS RESPONSIBLE TO THE COMMISSIONER OF THE ROYAL CANADIAN MOUNTED POLICE AND THROUGH THE COMMISSIONER TO THE CABINET FOR THE INVESTIGATION OF OFFENCES OR ACTIVITIES IN THE FIELD OF NATIONAL SECURITY. POLICE OR INVESTIGATIVE ACTIVITY WITHIN THIS FIELD IS PARTICULARLY DELICATE BECAUSE IT INVOLVES NOT ONLY THE RIGHTS AND RESPONSIBILITIES OF THE INDIVIDUAL IN A DIRECT WAY, BUT ALSO THE RELATIONSHIP OF THE INDIVIDUAL TO THE POLITICAL SYSTEM AT A SYMBOLIC LEVEL. THE STATE MUST INTERFERE, NEVER MIND HOW DELICATELY IT DOES SO, IN THE POLITICAL THOUGHTS AND EXPRESSIONS OF ANY INDIVIDUAL WHO APPEARS TO BE INVOLVED IN ESPIONAGE OR IN ANY ANTI-DEMOCRATIC POLITICAL ACTIVITY. THE INVOLVEMENT OF ANY STATE AGENCY IN PERSONAL POLITICAL ACTIVITY IS A CONTENTIOUS ACTION IN A DEMOCRACY, BUT THE STATE MUST PROTECT ITSELF FROM INDIVIDUALS WHO ATTEMPT TO CHANGE OR DESTROY ACCEPTED POLITICAL INSTITUTIONS THROUGH CLANDESTINE, UNDEMOCRATIC ACTIVITY.⁽³⁾

LORD DENNING HAS STATED THAT THE CARDINAL PRINCIPLE FOR THE OPERATION OF A SECURITY SERVICE IS THAT IT SHOULD BE USED FOR ONE PURPOSE, AND ONE PURPOSE ONLY, THE DEFENCE OF THE REALM. A SECURITY

1. W.H. KELLY, SOME CURRENT POLICE PROBLEMS.

2. SEE BELOW, P. 70. OTHER ORGANIZATIONS HAVING RELATED RESPONSIBILITIES WILL BE DESCRIBED.

3. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 5.

SERVICE MUST NOT EXAMINE AN INDIVIDUAL'S PRIVATE CONDUCT, BUSINESS AFFAIRS OR POLITICAL OPINIONS EXCEPT IN SO FAR AS THEY ARE SUBVERSIVE.⁽¹⁾

THE ROYAL COMMISSION ON SECURITY HAS STATED:

"DEFENCE AGAINST THREATS TO SECURITY IS A DUTY AND RESPONSIBILITY OF A STATE COMPARABLE IN MEANING AND RELEVANCE WITH DEFENCE AGAINST ARMED ATTACK AND INSURRECTION. SECURITY PROCEDURES HOWEVER MAY TOUCH CLOSELY UPON THE FUNDAMENTAL FREEDOMS OF INDIVIDUALS; IN A DEMOCRATIC SOCIETY THEY MUST BE SHOWN TO BE NECESSARY AND MUST OPERATE WITHIN THE FRAMEWORK OF A SCRUPULOUSLY FORMULATED AND CONSISTENTLY ENFORCED POLICY."⁽²⁾

THE SECURITY SERVICE IS RESPONSIBLE FOR:

"THE DIRECTION AND CORRELATION OF ACTIVITIES IN RESPECT TO COUNTER-ESPIONAGE AND SUBVERSIVE ACTIVITIES AGAINST THE STATE; FOR SECURITY INVESTIGATIONS REGARDING PERSONNEL EMPLOYED BY THE GOVERNMENT AND OTHERS AS REQUIRED, FOR CO-OPERATION WITH COMMONWEALTH COUNTRIES AND FOREIGN NATIONS IN MATTERS CONCERNING THE INTERNAL SECURITY OF THE STATE, CO-OPERATION WITH THE INTERNAL INTELLIGENCE ORGANIZATIONS BOTH SERVICE AND CIVILIAN, AND FOR THE DIRECTION OF SECURITY AND INTELLIGENCE INVESTIGATIONS GENERALLY."⁽³⁾

AS THIS SUMMARY OF THE RESPONSIBILITIES AND ACTIVITIES OF THE SECURITY SERVICE INDICATES, THE ACTIVITIES CAN BE GROUPED INTO THREE BROAD FUNCTIONS, COUNTER-ESPIONAGE, THE INVESTIGATION OF SUBVERSION AND PROTECTIVE SECURITY⁽⁴⁾ ALTHOUGH IN PRACTICE THE THREE FUNCTIONS TEND TO MERGE.

1. BRITAIN, LORD DENNING'S REPORT, (LONDON: HER MAJESTY'S STATIONERY OFFICE, 1963), P. 77.
2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 1.
3. CANADA, REGULATIONS AND ORDERS FOR THE GOVERNMENT AND GUIDANCE OF THE ROYAL CANADIAN MOUNTED POLICE, (OTTAWA: 1960), REGULATION #1364 AS ISSUED 1-10-71. SEE ALSO: CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 15.
4. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 5.

COUNTER-ESPIONAGE

ESPIONAGE, THE CLANDESTINE COLLECTION OF INTELLIGENCE, IS AN ESSENTIAL AND BASIC ACTIVITY OF AN INTELLIGENCE SERVICE. TO PROTECT CLASSIFIED CANADIAN INFORMATION FROM DISCLOSURE TO FOREIGN GOVERNMENTS THROUGH COLLECTION BY THEIR INTELLIGENCE SERVICES, THE SECURITY SERVICE MUST UNDERTAKE COUNTER-ESPIONAGE. IN GENERAL, SUCH ACTIVITY INVOLVES THE DETECTION AND DISRUPTION OF FOREIGN INTELLIGENCE OPERATIONS AND IS EXTERNALLY ORIENTED AND CONDUCTED WITHIN CANADA TO PROTECT CANADIAN CLASSIFIED INFORMATION AND POLICY FROM OTHER NATIONAL GOVERNMENTS. COUNTER-ESPIONAGE MUST BE A CONTINUOUS PROCESS, WHICH PERSISTS IN TIME OF PEACE AS WELL AS IN TIME OF WAR, AND FURTHERMORE, IT IS AN ACTIVITY WHICH IS DIRECTED AGAINST ANY POWER WHICH INDULGES IN ESPIONAGE WHETHER IT BE FRIEND OR FOE.⁽¹⁾ EXPERIENCE IN CANADA HAS SHOWN THAT ESPIONAGE ACTIVITY ACTUALLY INCREASES IN A PERIOD OF DETENTE.⁽²⁾

ALL OF THE MAJOR POWERS AND MANY MEDIUM-SIZED POWERS OPERATE ONE OR MORE INTELLIGENCE ORGANIZATIONS TO OBTAIN SECRETS FROM OTHER NATIONS, TO ENGAGE IN CLANDESTINE POLITICAL ACTION, TO INCITE REVOLT, TO ATTEMPT TO OVERTHROW GOVERNMENTS, AND IN GENERAL, SEEK TO EFFECT POLITICAL CHANGE BENEFICIAL TO THEIR OWN GOVERNMENT.⁽³⁾ RUSSIA MAINTAINS TWO

1. J.C. MASTERMAN, THE DOUBLE-CROSS SYSTEM, (NEW HAVEN: YALE UNIVERSITY PRESS, 1972), P. 34.

2. DISCUSSIONS WITH W.H. KELLY, FORMER DEPUTY COMMISSIONER (OPERATIONS) OF THE RCMP. SEE ALSO: CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 7.

3. DAVID WISE AND THOMAS B. ROSS, THE ESPIONAGE ESTABLISHMENT, (NEW YORK: RANDOM HOUSE, 1967), P. 3.

MAJOR INTELLIGENCE ORGANIZATIONS, THE KOMITET GOSUDARSTVENNOI
 BEZOPASNOSTI (KGB)⁽¹⁾ RESPONSIBLE FOR EXTERNAL ESPIONAGE AND HIGH-LEVEL
 INTERNAL SECURITY⁽²⁾ AND THE GLAVNOYE RAZVEDYVATELNOYE UPRAVLENIE (GRU),
 THE MILITARY INTELLIGENCE SERVICE.⁽³⁾ THE UNITED STATES MAINTAINS THE
 CENTRAL INTELLIGENCE AGENCY (CIA), WHICH COMBINES BOTH THE OVERT TASK
 OF INTELLIGENCE ANALYSIS WITH CLANDESTINE INTELLIGENCE COLLECTION
 ACTIVITIES,⁽⁴⁾ AND BRITAIN HAS MAINTAINED THE SECRET INTELLIGENCE
 SERVICE (SIS), ALSO KNOWN AS M16, FOR THE SAME PURPOSE.⁽⁵⁾ IN ADDITION,
 TO THESE MAJOR INTELLIGENCE SERVICES, MANY OTHER COUNTRIES, LARGE AND

1. RICHARD DEACON, A HISTORY OF THE RUSSIAN SECRET SERVICE,
 (LONDON: FREDERICH MULLER, 1972), P. 424. SEE ALSO: WISE AND ROSS,
THE ESPIONAGE ESTABLISHMENT, P. 7. RONALD HINGLEY, THE RUSSIAN SECRET
POLICE, (LONDON: HUTCHINSON & CO., 1970), P. 224. THE CANADIAN
 SEPTEMBER 17TH, 1966.

2. DULLES, THE CRAFT OF INTELLIGENCE, P. 89.

3. DULLES, THE CRAFT OF INTELLIGENCE, P. 85. SEE ALSO: WISE
 AND ROSS, THE ESPIONAGE ESTABLISHMENT, P. 63. HINGLEY, THE RUSSIAN
SECRET POLICE, P. 235. CANADA, REPORT OF ROYAL COMMISSION ON ESPIONAGE
(1946), P. 12. AUSTRALIA, REPORT OF THE ROYAL COMMISSION ON ESPIONAGE,
 (SYDNEY: GOVERNMENT PRINTER, 1955), P. 16.

4. DULLES, THE CRAFT OF INTELLIGENCE, P. 45. SEE ALSO: WISE
 AND ROSS, THE ESPIONAGE ESTABLISHMENT, P. 132. C.I.A. WAS ESTABLISHED
 BY THE NATIONAL SECURITY ACT OF 1947. AS WELL AS OPERATING ITSELF, IT
 COORDINATES THE INTELLIGENCE ACTIVITIES OF OTHER AGENCIES SUCH AS THE
 DEFENCE INTELLIGENCE AGENCY. TED GREENWOOD, "RECONNAISSANCE AND ARMS
 CONTROL," SCIENTIFIC AMERICAN, VOL. 228, NO. 2, FEBRUARY 1973.

5. WISE AND ROSS, THE ESPIONAGE ESTABLISHMENT, P. 78. SEE ALSO:
 MASTERMAN, THE DOUBLE-CROSS SYSTEM, P. IX. BRUCE PAGE, DAVID LEITCH,
 PHILLIP KNIGHTLEY, THE PHILBY CONSPIRACY, (TORONTO: FONTANA BOOKS,
 1968), P. 95.

SMALL, MAINTAIN INTELLIGENCE ORGANIZATIONS, INCLUDING FRANCE,⁽¹⁾ CHINA,⁽²⁾ WEST GERMANY,⁽³⁾ AND POLAND.⁽⁴⁾

THE ROYAL COMMISSION ON SECURITY INDICATED THAT ESPIONAGE ACTIVITIES ARE BEING CONDUCTED AGAINST CANADA WITH THE OBJECTIVE OF OBTAINING MILITARY, SCIENTIFIC, TECHNICAL, ECONOMIC AND POLITICAL INFORMATION. AS WELL AS CANADIAN INFORMATION, CLASSIFIED INFORMATION OF THE UNITED STATES, BRITAIN AND THE NORTH ATLANTIC TREATY ORGANIZATION (NATO) IS HELD IN CANADA. RECENT RELAXATIONS IN INTERNATIONAL TENSION HAVE NOT SIGNIFICANTLY AFFECTED COMMUNIST ACTIVITIES IN THE INTELLIGENCE FIELD.⁽⁵⁾ CANADA HAS BEEN THE TARGET OF ESPIONAGE OPERATIONS IN THE PAST AND CONTINUES TO BE A TARGET, A FACT BORNE OUT BY A FEW SELECTED EXAMPLES.

ON THE AFTERNOON OF NOVEMBER 9TH, 1942, A THIRTY-EIGHT YEAR OLD GERMAN AGENT WHO HAD BEEN LANDED FROM A SUBMARINE TWELVE HOURS EARLIER, WAS CAPTURED BY THE QUEBEC PROVINCIAL POLICE AT NEW CARLISLE, QUEBEC. WERNER ALFRED WALDERMAN VON JANOWSKI, HAD SPENT THREE YEARS IN CANADA DURING THE EARLY 1930'S, DURING WHICH TIME HE HAD MARRIED A CANADIAN FROM WHOM HE HAD LATER SEPARATED AND WHOM HE INTENDED TO USE AS COVER.

1. P.L. PHYRAND DE VOSJOLI, LAMIA, (BOSTON: LITTLE, BROWN AND CO. 1970), P. 134. SERVICE DE DOCUMENTATION EXTERIEURE ET DE CONTRE-ESPIONAGE.

2. DULLES, THE CRAFT OF INTELLIGENCE, P. 92. SEE ALSO: WISE AND ROSS, THE ESPIONAGE ESTABLISHMENT, P. 176.

3. E.H. COOKRIDGE, GEHLEN: SPY OF THE CENTURY, (LONDON: CORGI, 1971), SEE ALSO: REINHARD GEHLEN, THE SERVICE: THE MEMOIRS OF GENERAL REINHARD GEHLEN, TRANSLATED BY DAVID IRVING, (NEW YORK: POPULAR LIBRARY, 1972).

4. DULLES, THE CRAFT OF INTELLIGENCE, P. 93.

5. CANADA, REPORT OF THE ROYAL COMMISSION ON SECURITY (1969), P. 7.

AFTER HIS CAPTURE, AN ATTEMPT WAS MADE TO DECEIVE THE GERMANS BY ALLOWING VON JANOWSKI TO OPERATE UNDER CONTROL, BUT THE OPERATION EVENTUALLY FAILED AND WAS CONCLUDED DURING THE SUMMER OF 1943.⁽¹⁾ WHILE THIS INCIDENT OCCURRED DURING TIME OF WAR, THE PRINCIPLES OF ESPIONAGE INVOLVED ARE NOT LIMITED TO WARTIME OPERATIONS.

THE DEFECTION OF IGOR GOUZENKO FROM THE SOVIET EMBASSY IN OTTAWA ON SEPTEMBER 5TH, 1945, RESULTED IN CANADA'S LARGEST ESPIONAGE TRIAL. A SUMMARY OF THE CASE AND THE RELATED ROYAL COMMISSION ON ESPIONAGE WILL BE INCLUDED LATER.⁽²⁾

ON APRIL 10TH, 1961, TOMASZ BIERNACKI WAS CHARGED IN MONTREAL WITH FIVE COUNTS UNDER THE OFFICIAL SECRETS ACT, THE FIFTH COUNT BEING:

"TOMASZ BIERNACKI, IN MONTREAL, DISTRICT OF MONTREAL, BETWEEN THE 16TH DAY OF MAY, 1960 AND THE 7TH DAY OF APRIL, 1961, DID ACTS PREPARATORY TO THE COMMISSION OF AN OFFENCE AGAINST THE OFFICIAL SECRETS ACT, IN THAT HE COLLECTED INFORMATION PREPARATORY TO THE SETTING UP OF AN ESPIONAGE OR INTELLIGENCE RING, WHICH RING WAS INTENDED FOR A PURPOSE PREJUDICIAL TO THE SAFETY OR INTERESTS OF THE STATE TO COLLECT INFORMATION CALCULATED TO BE, OR WHICH MIGHT BE, OR INTENDED TO BE DIRECTLY OR INDIRECTLY, USEFUL TO A FOREIGN POWER, CONTRARY TO SECTIONS 3 AND 9 OF THE OFFICIAL SECRETS ACT "⁽³⁾

1. MASTERMAN, THE DOUBLE-CROSS SYSTEM, P. 212. SEE ALSO: TORONTO DAILY STAR, MAY 12TH, 1945. OTTAWA EVENING JOURNAL, MAY 14TH, 1945. OTTAWA EVENING CITIZEN, MAY 14TH, 1945. C. J. HARVISON, THE HORSEMEN, P. 105.

2. SEE BELOW, P. 116.

3. CANADA, DECISION OF THE COURT OF PRELIMINARY INQUIRY, MONTREAL, QUEBEC, #5626, P. 2. SEE ALSO: OTTAWA CITIZEN, APRIL 10TH, 1961. MONTREAL STAR, APRIL 10TH, 1961. MONTREAL GAZETTE, APRIL 11TH, 1961. PETER DEMPSON, "SEARCH FOR SPY RECRUITS," TORONTO TELEGRAM, APRIL 11TH, 1961.

THE RCMP WAS ACCUSING BIERNACKI OF BEING AN AGENT OF THE POLISH INTELLIGENCE SERVICE GATHERING PREPARATORY INFORMATION TO BE USED IN ESTABLISHING AN ESPIONAGE NETWORK. JUDGE PETER SHORTENO, ON THE BASIS OF A CAREFUL ANALYSIS OF THE WORDING OF THE OFFICIAL SECRETS ACT, AND ON FINDING THAT THE EVIDENCE, "WITHOUT THE 'WINDOW-DRESSING' OF RECOGNITION SIGNALS, TELEPHONE NUMBER IN WARSAW, CRYPTIC PHRASES AND GOLDEN RULES", COLLECTED BY BIERNACKI WAS NOT UNEQUIVOCALLY DESTINED TO BE USED FOR THE SETTING UP OF AN INTELLIGENCE RING, DISMISSED THE COMPLAINT AND DISCHARGED THE ACCUSED.⁽¹⁾ ALTHOUGH FREED AT THIS PRELIMINARY INQUIRY, BIERNACKI WAS AGAIN ARRAIGNED ON A PREFERRED INDICTMENT AND A SECOND TRIAL COMMENCED ON OCTOBER 31ST, 1961, BUT ENDED EARLY IN 1962 WITH JUDGE EMILE TROTTIER RULING THE PROCEDURE INVALID.⁽²⁾ THIS CASE RAISES THE QUESTION WHETHER OR NOT THE DEFINITION OF OFFICIAL SECRETS, AS CONTAINED IN THE OFFICIAL SECRETS ACT, SUITS MODERN ESPIONAGE.⁽³⁾

AT 9:00 AM ON FEBRUARY 13TH, 1966, EUGENI I. KOURIANOV, AN ATTACHE IN THE CONSULAR DIVISION OF THE SOVIET EMBASSY, OTTAWA, WAS SEEN DRIVING HIS CAR NEAR BELLS CORNERS, AND FOR TWO HOURS WAS FOLLOWED AS HE DROVE, AND THEN PARKED HIS CAR ON THE OUTSKIRTS OF OTTAWA. HE THEN TRAVELLED

1. CANADA, DECISION OF COURT OF PRELIMINARY INQUIRY, P. 41. SEE ALSO: MONTREAL GAZETTE, MAY 10TH, 1961, MONTREAL STAR, MAY 9TH, 1961. TORONTO DAILY STAR, MAY 24TH, 1961. OTTAWA JOURNAL, MAY 25TH, 1961. MONTREAL STAR, MAY 25TH, 1961. MONTREAL GAZETTE, MAY 26TH, 1961.

2. MONTREAL STAR, MAY 25TH, 1961. SEE ALSO: OTTAWA CITIZEN, JANUARY 25TH, 1962. MONTREAL GAZETTE, NOVEMBER 2ND, 1961. MONTREAL GAZETTE, NOVEMBER 3RD, 1961. MONTREAL STAR, JANUARY 24TH, 1962. MONTREAL STAR, JANUARY 25TH, 1962.

3. MONTREAL GAZETTE, JANUARY 30TH, 1962. SEE ALSO: CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 74.

BY BUS, WALKED AND THEN BOARDED ANOTHER BUS UNTIL HE ARRIVED AT THE ELMVALE SHOPPING CENTRE IN SOUTHEAST OTTAWA, WHERE HE MET AN INDIVIDUAL LATER IDENTIFIED AS BOWER FEATHERSTONE AT 11:30 AM.⁽¹⁾ KOURIANOV AND FEATHERSTONE WALKED AND TALKED IN THE GENERAL AREA FOR APPROXIMATELY FORTY MINUTES WITH KOURIANOV PASSING OVER SOME OBJECT, POSSIBLY MONEY, AND GENERALLY DOMINATING THE CONVERSATION.

THE SECURITY SERVICE LATER INQUIRED INTO THE IDENTITY AND BACKGROUND OF THE UNKNOWN INDIVIDUAL INVOLVED. BOWER FEATHERSTONE WAS A PUBLIC SERVANT, A LITHOGRAPHER WITH THE MAPPING BRANCH OF THE DEPARTMENT OF ENERGY, MINES AND RESOURCES. A SEARCH OF HIS LOCKER PRODUCED COPIES OF TWO CLASSIFIED NAVAL CHARTS,⁽²⁾ WHICH NAVAL OFFICERS LATER TESTIFIED COULD BE USED TO LOCATE SHIPWRECKS ON THE SEA BOTTOM WHICH WOULD ALLOW SOVIET SUBMARINES, PARTICULARLY IN TIME OF WAR, TO PARK ALONG SIDE OF THEM AND TO AVOID DETECTION BY SONAR EQUIPMENT ON CANADIAN NAVAL VESSELS ON THE SURFACE.⁽³⁾

FEATHERSTONE WAS RECRUITED AS A SOVIET AGENT BY A SOVIET INTELLIGENCE OFFICER WHO LIVED IN AN ADJACENT APARTMENT, AND AFTER THIS OFFICER WAS RECALLED TO RUSSIA DURING EARLY 1966, FEATHERSTONE MET WITH KOURIANOV, WHO IN TURN RETURNED HOME ON SEPTEMBER 14TH, 1966. ON NOVEMBER 19TH, 1966, BOWER FEATHERSTONE WAS ARRESTED,⁽⁴⁾ AND ON MARCH 30,

1. THE OTTAWA JOURNAL, MARCH 8TH, 1967. SEE ALSO: TORONTO DAILY STAR, MARCH 8TH, 1967. OTTAWA CITIZEN, MARCH 7TH, 1967. PETERBOROUGH EXAMINER, OCTOBER 29TH, 1969. TIME, APRIL 21ST, 1967.

2. TORONTO GLOBE AND MAIL, APRIL 6TH, 1967. SEE ALSO: OTTAWA CITIZEN, APRIL 6TH, 1967.

3. THE TORONTO DAILY STAR, MARCH 8TH, 1967. SEE ALSO: VANCOUVER SUN, APRIL 6TH, 1967. OTTAWA CITIZEN, APRIL 7TH, 1967. TORONTO DAILY STAR, APRIL 8TH, 1967. OTTAWA CITIZEN, APRIL 8TH, 1967.

4. OTTAWA CITIZEN, MARCH 7TH, 1967.

1967, WAS FORMALLY COMMITTED TO STAND TRIAL ON TWO CHARGES UNDER THE OFFICIAL SECRETS ACT.⁽¹⁾ ON APRIL 11TH, HE WAS FOUND GUILTY⁽²⁾ WITH THE RESULT THAT ON APRIL 24TH, HE WAS SENTENCED TO TWO AND A HALF YEARS IN A FEDERAL PENITENTIARY.⁽³⁾ BY FEBRUARY 28TH, 1968, FEATHERSTONE HAD BEEN RELEASED ON PAROLE.⁽⁴⁾

ON MARCH 26TH, 1972, THE NEWS OF THE WORLD, A BRITISH SUNDAY NEWSPAPER, PUBLISHED A GARBLED VERSION OF THE STORY OF "ANTON SOBOTKA" AS CONTAINED IN AN RCMP RESTRICTED TRAINING MANUAL.⁽⁵⁾ IT WAS NOT UNTIL SOME MONTHS LATER THAT TOM HAZLITT, IN THE TORONTO STAR, CLAIMED TO HAVE IDENTIFIED AND LOCATED THIS CZECH IMMIGRANT.⁽⁶⁾

"ANTON" WAS BORN IN MONTREAL IN 1931 AND ACCOMPANIED HIS FAMILY WHEN THEY RETURNED TO CZECHOSLOVAKIA IN 1949. WHILE IN CZECHOSLOVAKIA, "ANTON" BECAME AN INFORMER FOR THE CZECH SECURITY SERVICE, AND LATER WAS APPROACHED DIRECTLY BY THE KGB. AFTER A LONG SERIES OF TRAINING SESSIONS AND PRACTICE OPERATIONS, "ANTON" WAS GROOMED FOR A RETURN TO CANADA AS A MEMBER OF A SOVIET SABOTAGE AND ASSASSINATION NETWORK. DURING MAY, 1961, "ANTON" PASSED THROUGH MONTREAL CARRYING HIS CYPHER PADS,⁽⁷⁾ CAMERA,

1. OTTAWA CITIZEN, MARCH 30TH, 1967.
2. OTTAWA CITIZEN, APRIL 12TH, 1967.
3. TORONTO GLOBE AND MAIL, APRIL 25TH, 1967.
4. TORONTO TELEGRAM, FEBRUARY 29TH, 1968.
5. MONTREAL GAZETTE, MARCH 27TH, 1972. SEE ALSO: TORONTO STAR, MARCH 27TH, 1972. OTTAWA CITIZEN, MARCH 27TH, 1972. OTTAWA CITIZEN, MARCH 28TH, 1972. OTTAWA JOURNAL, MARCH 28TH, 1972.
6. TOM HAZLITT, "SOVIET SPY REVEALS CAREER OF BLUNDERS IN CANADA", TORONTO STAR, SEPTEMBER 11TH, 1972.
7. DAVID KAHN, THE CODEBREAKERS: THE STORY OF SECRET WRITING, (NEW YORK: MACMILLAN, 1967), P. XIII. A CIPHER IS A SYSTEM OF LETTER SUBSTITUTION OR TRANSPOSITION USED TO RENDER A MESSAGE UNINTELLIGIBLE TO OUTSIDERS. A MODERN CIPHER IS VIRTUALLY UNBREAKABLE. SEE ALSO: WISE AND ROSS, THE ESPIONAGE ESTABLISHMENT, P. 34.

SECRET WRITING EQUIPMENT⁽¹⁾ AND SOME DETAILED INSTRUCTIONS, AND WAS ACCOMPANIED BY HIS WIFE AND CHILDREN.

ALMOST IMMEDIATELY, "ANTON" BEGAN TO DISOBEY INSTRUCTIONS, FIRST BY TAKING UP RESIDENCE IN A CITY SOME DISTANCE FROM WHERE HE HAD BEEN INSTRUCTED TO GO, AND EVEN AFTER MOVING TO "WINNIPEG", KEPT ONLY IN SPORADIC CONTACT WITH THE KGB. DIRECT CONTACT WAS RE-ESTABLISHED IN 1965 AND A RADIO SCHEDULE WAS ESTABLISHED THROUGH WHICH THE KGB COULD TRANSMIT INSTRUCTIONS DIRECTLY TO "ANTON". THE RETURN COMMUNICATIONS CONTINUED TO BE THROUGH SECRET WRITING AND MICRODOTS⁽²⁾ IN PERSONAL MAIL SENT BY HIM TO CZECHOSLOVAKIA. SEVERAL CLANDESTINE MEETINGS WITH MEMBERS OF THE STAFF OF THE SOVIET EMBASSY, OTTAWA, ENSUED IN BROCKVILLE AND MONTREAL WHILE THE SOVIETS ATTEMPTED UNSUCCESSFULLY TO REGAIN CONTROL OVER THEIR AGENT. SINCE APRIL 17TH, 1971, "ANTON" HAS BEEN ACTIVELY CO-OPERATING WITH THE CANADIAN SECURITY SERVICE.⁽³⁾

THE REVELATIONS OF IGOR GOUZENKO, THE UNUSUAL ACTIVITIES OF TOMASZ BIERNACKI, THE UNUSUAL MEETING OF EUGENI KOURIANOV AND BOWER FEATHERSTONE

1. LAUDIBLAS FARAGO, THE GAME OF FOXES, (NEW YORK: DAVID MCKAY & Co., 1971), P. 315. THE USE OF SPECIAL CHEMICALS TO PRODUCE A HIDDEN MESSAGE ON AN OTHERWISE NORMAL LETTER. THIS "SECRET WRITING" IS VERY DIFFICULT TO DETECT. SEE ALSO: KAHN, THE CODEBREAKERS, P. 522.

2. LADISLAS FARAGO, THE GAME OF FOXES, P. 315. A MICRODOT IS A PHOTOGRAPHIC PROCESS WHICH ALLOWS A SHEET OF PAPER TO BE REPRODUCED IN A DOT OF EXTREMELY SMALL SIZE. SEE ALSO: WISE AND ROSS, THE ESPIONAGE ESTABLISHMENT, P. 32. KAHN, THE CODEBREAKERS, P. 525, 666.

3. TORONTO GLOBE AND MAIL, MARCH 27TH, 1972. SEE ALSO: OTTAWA JOURNAL, MARCH 29TH, 1972.

AND THE TALE OF "ANTON SOBOTKA" ILLUSTRATE THE CONTINUING ESPIONAGE INTEREST OF THE SOVIET BLOC INTELLIGENCE SERVICES IN CANADA. WHAT, ONE MAY ASK, JUSTIFIES THE CONTINUING SOVIET ACTIVITY DIRECTED AGAINST CANADA?

INTELLIGENCE OPERATIONS ARE TRADITIONALLY INFORMATION GATHERING OPERATIONS. CANADA IS A MEMBER OF NATO AND AN ALLY OF THE UNITED STATES IN CONTINENTAL DEFENCE, AND EVEN THOUGH CANADA'S MILITARY STRENGTH IS LOW, WE DO HOLD CLASSIFIED INFORMATION BELONGING, PRIMARILY, TO OUR ALLIES.⁽¹⁾ ADDITIONALLY, CANADA IS AN INFLUENTIAL MIDDLE POWER AND OUR "ATTITUDES, POLICIES, CAPABILITIES AND INTENTIONS" ARE OF SOME SIGNIFICANCE AND INTEREST TO RUSSIA.⁽²⁾ THE ACTIVITIES OF FEATHERSTONE AND THE PLANNED ACTIVITIES OF "ANTON SOBOTKA" MAY BE PLACED IN THIS CATEGORY.

IN ADDITION TO GATHERING POLITICAL, ECONOMIC, SCIENTIFIC AND MILITARY INFORMATION ABOUT CANADA, THE SOVIET INTELLIGENCE SERVICES ARE INTERESTED IN AFFECTING CANADIAN POLICY THROUGH THE JUDICIOUS PLACEMENT OF AGENTS. THE CASE OF GERDA MUNSINGER, A CONFESSED FORMER WORKER FOR SOVIET INTELLIGENCE, AND FORMER ASSOCIATE MINISTER OF NATIONAL DEFENCE, PIERRE SEVIGNY, MAY HAVE BEEN INTENDED TO BE OF THIS TYPE;⁽³⁾ AS MIGHT THE BRITISH CASE INVOLVING CHRISTINE KEELER, EUGENE IVANOV AND FORMER SECRETARY OF STATE FOR WAR, MR. J.D. PROFUMO.⁽⁴⁾ ALTERNATIVELY, AS IS SUGGESTED BY ALLEN DULLES, BOTH MAY HAVE BEEN OPERATIONS DESIGNED TO SHAKE AND DISRUPT GOVERNMENTS NOT PARTICULARLY FRIENDLY TO THE SOVIETS.⁽⁵⁾

1. DEACON, A HISTORY OF THE RUSSIAN SECRET SERVICE, P. 511.
2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 7.
3. CANADA, REPORT OF THE COMMISSION OF INQUIRY INTO MATTERS RELATING TO ONE GERDA MUNSINGER, (OTTAWA: QUEEN'S PRINTER, 1966). SEE ALSO: WISE AND ROSS, THE ESPIONAGE ESTABLISHMENT, P. 29. SEE BELOW, P. 127.
4. BRITAIN, LORD DENNING'S REPORT. SEE ALSO: WISE AND ROSS, THE ESPIONAGE ESTABLISHMENT, P. 87. WEST, THE NEW MEANING OF TREASON, P. 337.
5. DULLES, THE CRAFT OF INTELLIGENCE, P. 200.

THIRDLY, THE SOVIETS MAY ESTABLISH AN ESPIONAGE NETWORK IN CANADA TO WORK AGAINST A THIRD COUNTRY. THE NETWORK MAY OPERATE IN CANADA CONTINUOUSLY OR MAY USE CANADA AS A STAGING AREA BEFORE MOVING ON TO THE COUNTRY WHERE IT WILL FINALLY OPERATE. IN 1961, CONON MOLODY, ALIAS GORDON LONSDALE, WAS ARRESTED IN BRITAIN AND WAS SUBSEQUENTLY CONVICTED OF ESPIONAGE. MOLODY, WHO CARRIED CANADIAN IDENTIFICATION AND HAD SPENT SOME TIME IN CANADA BEFORE ESTABLISHING HIMSELF IN BRITAIN, WAS IN REALITY A RUSSIAN.⁽¹⁾ SIMILARLY, EMIL GOLOFUS, ALIAS RUDOLF ABEL, A DEDICATED RUSSIAN AGENT, ENTERED THE U.S.A. FROM CANADA IN 1948 AND OPERATED THERE SUCCESSFULLY FOR NINE YEARS, BEFORE BEING ARRESTED.⁽²⁾ THE EFFORTS BY BIERNACKI AND GEORGE VICTOR SPENCER TO GATHER INFORMATION, WHICH WHILE NOT "OFFICIAL SECRETS," WOULD ALLOW HOSTILE INTELLIGENCE AGENTS TO ADOPT CANADIAN IDENTITIES, MAY REVEAL A CONTINUING TREND TO UTILIZE CANADA AS A STAGING AREA.⁽³⁾

THE SOVIET CLOAC INTELLIGENCE SERVICES ARE CONTINUING TO OPERATE AGAINST CANADA. TO COUNTER THIS THREAT, CANADA MUST, IN ADDITION TO PROVIDING BASIC PROTECTIVE SECURITY FOR CLASSIFIED INFORMATION AND SENSITIVE INSTALLATIONS, CONTINUE TO DETERMINE THE INTENT, NATURE AND SCOPE OF HOSTILE OPERATIONS AND TO NEUTRALIZE THESE OPERATIONS.⁽⁴⁾

1. DULLES, THE CRAFT OF INTELLIGENCE, P. 102. SEE ALSO: WEST, THE NEW MEANING OF TREASON, P. 277. DEACON, A HISTORY OF THE RUSSIAN SECRET SERVICE, P. 466.

2. WEST, THE NEW MEANING OF TREASON, P. 263. SEE ALSO: WISE AND ROSS, THE ESPIONAGE ESTABLISHMENT, P. 24.

3. CANADA, REPORT OF THE COMMISSION OF INQUIRY INTO COMPLAINTS MADE BY GEORGE VICTOR SPENCER, (OTTAWA: QUEEN'S PRINTER, 1966), SEE BELOW, P. 122.

4. DULLES, THE CRAFT OF INTELLIGENCE, P. 121.

INVESTIGATION OF SUBVERSION

SUBVERSION HAS BEEN DEFINED AND DISCUSSED VERY BRIEFLY EARLIER AND HAS BEEN SHOWN TO INCLUDE THE USE OF PRESSURE AND INFLUENCE, EITHER OVERT OR CLANDESTINE, TO CREATE A CLIMATE OF FEAR AND DESPONDENCY IN ORDER THAT A MINORITY MAY ACCOMPLISH BY DECEIT OR FORCE, A POLITICAL CHANGE NOT FAVOURED BY THE GOVERNMENT AND BY A MAJORITY OF THE POPULATION.⁽¹⁾ AYN RAND RIGHTLY EXPRESSES THE VIEW THAT AN INDIVIDUAL HAS THE RIGHT TO HOLD AND TO PROPAGATE ANY IDEA HE CHOOSES WITHOUT THE GOVERNMENT INFRINGING ON THIS RIGHT, WITH THE EFFECT THAT IN A WESTERN DEMOCRACY, THERE IS NO SUCH THING AS A POLITICAL CRIME. IT IS ONLY BY THE USE OF VIOLENCE OR FRAUD AGAINST OTHER MEN THAT A CRIME IS CONSTITUTED.⁽²⁾ IF IDEAS ARE EXPRESSED OPENLY AND FREELY, WITHOUT ADVOCATING CRIMINAL ACTION SUCH AS ADVOCATING THE OVERTHROW OF THE GOVERNMENT BY FORCE, WHETHER OR NOT THE VIEWS EXPRESSED ARE PALATABLE TO THE GOVERNMENT, THE INDIVIDUAL SHOULD NOT HAVE ANYTHING TO FEAR FROM THE GOVERNMENT NOR FROM THE SECURITY SERVICE. SUBVERSION IS APPARENT WHEN THE POLITICAL IDEAS ARE IN ESSENCE A FRAUD, DECEIVING LISTENERS AS TO THE TRUE INTENTIONS OF THE INDIVIDUAL OR GROUPS OR ARE A PRELUDE TO CRIMINAL ACTION; THEN THE SITUATION WARRANTS INVESTIGATION BY THE SECURITY SERVICE. EVEN WHEN INVESTIGATION IS UNDERTAKEN, IN MOST CASES NO CRIME IS ACTUALLY COMMITTED ALTHOUGH THE SITUATION MAY WARRANT CONTINUING OBSERVATIONS BY THE AUTHORITIES TO ENSURE LONG-TERM COMPLIANCE WITH CANADIAN LAW. SUBVERSION ITSELF IS USUALLY NOT A CRIME; IN FACT, SUBVERSION IS MOST DIFFICULT TO ADAQUATELY DEFINE.⁽³⁾

1. SEE ABOVE, P. 2.

2. AYN RAND, THE NEW LEFT: THE ANTI-INDUSTRIAL REVOLUTION, (NEW YORK: NEW AMERICAN LIBRARY, 1971), P. 99.

3. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 3.

SINCE THERE IS NO ACCEPTED DEFINITIVE FOR SUBVERSION, FOR THE PURPOSES OF THIS PAPER THE TERM WILL BE DEFINED AS ALL ILLEGAL, VIOLENT OR DECEITFUL MEASURES SHORT OF THE USE OF ARMED FORCE TAKEN BY ONE SECTION OF THE PEOPLE OF CANADA TO OVERTHROW THOSE GOVERNING THE COUNTRY AT A PARTICULAR TIME, OR TO FORCE THEM TO UNDERTAKE POLICIES OR MEASURES WHICH THEY DO NOT WANT TO UNDERTAKE. WHILE BASED ON KITSON'S DEFINITION⁽¹⁾, THIS ONE IS MORE RESTRICTIVE BUT IS STILL REALLY INADEQUATE. SEDITION, ONE ASPECT OF SUBVERSION, HAS BEEN DEFINED IN THE CANADIAN CRIMINAL LAW, BUT IS DIFFICULT TO PROVE.⁽²⁾

OUR SOCIETY MUST CHANGE; WE CANNOT AFFORD TO REMAIN STATIO. HOWEVER, IN MAKING THESE CHANGES WE MUST EMPLOY DEMOCRATIC PROCEDURES AND MUST NOT ALLOW OUR DISSATISFACTION WITH CURRENTLY UNSATISFACTORY GOVERNMENT PROCEDURES OR GOVERNMENT INSTITUTIONS TO FORCE US INTO A POSITION WHERE WE ADVOCATE THE DESTRUCTION OF OUR CURRENT SOCIETY. RADICALS ARE NECESSARY IF OUR SOCIETY IS TO SURVIVE; REVOLUTIONARIES, WHO DESTROY INSTITUTIONS WITHOUT HAVING POWER TO REPLACE THEM, ARE AN UNDESIRABLE BUT PREVALENT CHARACTERISTIC OF MODERN SOCIETY.⁽³⁾ JOHN TURNER, FORMER MINISTER OF JUSTICE, COMPARED REFORM AND SUBVERSION AS FOLLOWS:

1. SEE ABOVE, P. 3.
2. STREET, FREEDOM, THE INDIVIDUAL AND THE LAW, P. 208. SEE ABOVE, P. 4. FOR A DISCUSSION OF SEDITION SEE REX V. TRAINOR, 33 DOMINION LAW REPORTS, P. 658. THE KING V. RUSSELL, 51 DOMINION LAW REPORTS, P. 1. BOUCHER V. THE KING, (1951) 2 DOMINION LAW REPORTS, P. 369.
3. HANNAH ARENDT, ON REVOLUTION, (NEW YORK: VIKING PRESS, 1965), P. 21. REVOLUTIONS INVOLVE THE IDEA OF FREEDOM AND THE EXPERIENCE OF A NEW BEGINNING. FOR A DISCUSSION OF MODERN TERRORISM, SEE: JAMES ATWATER, "TIME TO GET TOUGH WITH TERRORISTS," READER'S DIGEST, APRIL 1973, P.29.

"REFORM WE MUST HAVE. BUT SOME WOULD GO FURTHER AND DESTROY, WE HEAR THE DISTRAUGHT VOICES OF THOSE WHO WOULD TEAR DOWN ALL THAT WE HAVE BUILT. SOME WOULD CORRUPT THE LEGITIMATE URGE FOR REFORM BY THE CALL FOR ANARCHY. IT IS ALL TOO EASY FOR DEMANDS FOR DIALOGUE TO GIVE WAY TO DISRUPTION, AND FOR PARTICIPATION TO YIELD TO PROVOCATION. SLOGANS REPLACE SOLUTIONS. DISSENT BECOMES DESTRUCTION."⁽¹⁾

NOT ONLY DO MEMBERS OF THE GOVERNMENT SUPPORT THIS POINT OF VIEW, BUT MR. T. DOUGLAS, WHILE NATIONAL LEADER OF THE NEW DEMOCRATIC PARTY, HAS STATED:

"... THE GOVERNMENT IS CHARGED WITH THE RESPONSIBILITY OF MAINTAINING THE SECURITY AND INTEGRITY OF THE STATE AGAINST SUBVERSION, AND ANY EFFORTS ON THE PART OF THOSE WHO SEEK TO CHANGE OUR SOCIETY BY RESORTING TO FORCE."⁽²⁾

SUBVERSION IS MUCH WIDER IN MEANING THAN VIOLENT DISSENT, ALTHOUGH VIOLENT DISSENT IS THAT ASPECT OF SUBVERSION WHICH IS MOST PROMINENT IN OUR CURRENT SOCIETY. SUBVERSIVE ACTIVITIES MAY OR MAY NOT BE INSTIGATED BY A FOREIGN GOVERNMENT OR A FORMAL POLITICAL GROUP OR ORGANIZATION BUT THE AIMS ARE IMPLEMENTED BY MEANS SUCH AS THE CALCULATED CREATION OF FEAR, DOUBT AND DESPONDENCY, OR BY ASSASSINATION, WHICH THE MAJORITY WOULD CONSIDER TO CONSTITUTE A THREAT TO THE CANADIAN POLITICAL SYSTEM.⁽³⁾

THE CONCEPT OF SUBVERSION PRESUPPOSES THE EXISTENCE OF A LEGITIMATE GOVERNMENT, THAT IS, OF AUTHORITY. TERRY NARDIN HAS EXPLORED OUR CONCEPT OF AUTHORITY AND THE RELATIONSHIPS BETWEEN POWER, AUTHORITY AND VIOLENCE.⁽⁴⁾ NARDIN SEES AUTHORITY BREAKING DOWN IN OUR EXISTING SOCIETY DUE TO A CHANGE FROM A SOCIETY WHERE MEMBERS WERE BOUND TOGETHER IN ACCEPTING A COMMON MORAL AND CONCEPTUAL FRAMEWORK TO A SOCIETY DIVIDED INTO COMMUNITIES ACCEPTING DIVERGENT MORAL STANDARDS. IN THIS CASE,

1. TURNER, FREEDOM UNDER LAW AND THE RESPONSE TO VIOLENCE.
2. HOUSE OF COMMONS, DEBATES, (CANADA: JUNE 26TH, 1969), P.10640.
3. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 2.
4. NARDIN, VIOLENCE AND THE STATE, P. 34.

AUTHORITY EXISTS ONLY WITHIN EACH SMALLER COMMUNITY, AND EVEN HERE, DUE TO CHANGING RELATIONSHIPS, AUTHORITY WILL BE UNSTABLE. THIS BREAKDOWN IN AUTHORITY RESULTS IN A LOSS OF POWER, THE CAPACITY OF A GROUP TO ACT COLLECTIVELY. NARDIN FURTHER SUGGESTS THAT DIFFERENT SPHERES OF AUTHORITY WITHIN OUR SOCIETY HAVE DIVERGING VIEWS OF SOCIAL LIFE, WITH THE RESULT THAT PEOPLE COME TO VIEW OUR SOCIETY IN TERMS OF DIVERGENT BELIEFS, CONCEPTS AND THEORIES.⁽¹⁾

NARDIN CONTINUES AND EXAMINES THE ROLE OF THE STATE AS A MANAGER OF CONFLICT. HE BELIEVES OUR CONCEPTS OF WHETHER OR NOT THE STATE IS PERCEIVED TO BE OUTSIDE THE CONFLICT OR TO BE POSSIBLY A PARTY TO THE CONFLICT TO BE OF KEY IMPORTANCE. IN HIS VIEW: "CONFLICT MANAGEMENT IS THE RESTRAINT OF VIOLENCE COMMITTED BY ANY PARTY IN A SITUATION OF CONFLICT, REGARDLESS OF ITS IDENTITY, PURPOSES, OR JUSTIFICATIONS"⁽²⁾ HE ARGUES THAT VIOLENCE CAN ARISE WHEN POLITICAL INSTITUTIONS LOSE THEIR AUTHORITY AND RESORT TO MANIPULATION AND ULTIMATELY VIOLENCE OR WHEN GROUPS WITHIN THE SOCIETY REJECT THE AUTHORITY OF THE STATE AND FEEL JUSTIFIED IN USING FORCE AGAINST THE STATE ITSELF.⁽³⁾ EXAMINING THE POSSIBILITY OF MANAGING CONFLICT, OR VIOLENCE, WHEN THE STATE IS CON-
CEIVED AS POSSIBLY BEING A PARTY TO THE CONFLICT, NARDIN BELIEVES THAT RULES MUST BE ACCEPTED BY ALL PARTIES, WITH THESE RULES BEING BASED ON

1. NARDIN, VIOLENCE AND THE STATE, P. 41. SEE ALSO: TED ROBERT GURR AND MURIEL MCCLELLAND, POLITICAL PERFORMANCE: A TWELVE-NATION STUDY, (BEVERLY HILLS: SAGE PUBLICATIONS, 1971). THIS STUDY FINDS AN INTERRELATIONSHIP BETWEEN THE DURABILITY OF A STATE AND SUCH FACTORS AS CIVIL ORDER, LEGITIMACY OF THE POLITY, EFFICIENCY AND AUTHORITY MAINTENANCE.

2. NARDIN, VIOLENCE AND THE STATE, P. 33.

3. NARDIN, VIOLENCE AND THE STATE, P. 40.

IDEALS SUCH AS TOLERANCE, FAIRNESS AND COMPROMISE RATHER THAN ON BASIC ENDS OR VALUES OF LIFE.⁽¹⁾ GRANTING THE DIFFICULTIES OF GENERATING ACCEPTABLE RULES, HE BELIEVES THAT THEY WILL ARISE IN ANY SITUATION WHERE THERE IS SOME MUTUAL INCENTIVE, AND WILL BE AIMED TOWARD STABLE, PREDICTABLE AND SATISFACTORY INTERACTION, BUT THESE RULES MUST BE WIDELY ACCEPTED BY MUTUAL AGREEMENT AND NOT ENFORCED UPON UNWILLING BUT WEAKER PARTIES.⁽²⁾

A SPECIAL CASE OF CONFRONTATION BETWEEN THE STATE AND GROUPS ADVOCATING SOCIAL CHANGE IS CIVIL DISOBEDIENCE. THIS TYPE OF ACTION MAY BE VIEWED AS A CITIZEN WHO CHALLENGES THE LEGALITY OF A LAW, SUPPORTING HIS VIEW BY LEGAL ACTION AND BY REFUSING TO OBEY THE LAWS WHICH HE BELIEVES TO BE ILLEGAL AND TAKING THE RISK THAT HE WILL BE PROVED TO BE WRONG.⁽³⁾ CIVIL DISOBEDIENCE HAS BEEN DEFINED AS:

"A NON VIOLENT, PUBLIC VIOLATION OF A SPECIFIC LAW OR SET OF LAWS, OR OF A POLICY OF GOVERNMENT HAVING THE EFFECT OF LAW, WHICH EXPRESSES A SENSE OF JUSTICE IN A CIVIL SOCIETY OF CO-OPERATION AMONG EQUALS AND WHICH IS GENERALLY UNDERTAKEN IN THE NAME OF A PRESUMED HIGHER AUTHORITY THAN THE LAW IN QUESTION AS A LAST RESORT FOR THE PURPOSE OF CHANGING THE LAW AND WITH THE INTENTION OF ACCEPTING THE PENALTY WHICH THE PREVAILING LAW IMPOSES."⁽⁴⁾

THE CITIZEN DOES EVERYTHING POSSIBLE TO OBTAIN A LEGAL CHANGE IN A LAW, BUT, AS A LAST RESORT, BREAKS THE LAW AND ACCEPTS THE PENALTY IN ORDER TO DRAW ATTENTION TO THE LAW WHICH IS PERCEIVED TO BE UNJUST.

1. NARDIN, VIOLENCE AND THE STATE, P. 52.
2. NARDIN, VIOLENCE AND THE STATE, P. 56.
3. WOLFGANG FRIEDMAN, LAW IN A CHANGING SOCIETY, 2ND ED., (HARMONDSWORTH, ENGLAND: PENGUIN BOOKS, 1971), P. 38.
4. J.L. ADAMS AS QUOTED IN FRIEDMAN, LAW IN A CHANGING SOCIETY, P. 39.

THE DISTINCTION BETWEEN CIVIL DISOBEDIENCE AND ACTS OF A MORE REVOLUTIONARY CHARACTER IS VERY BLURRED BUT IN GENERAL THE CIVIL DISOBEDIENCE IS MOTIVATED BY A MORAL CONVICTION THAT A LAW IS WRONG AND A DESIRE TO HAVE THE LAW CHANGED TO BE MORE MORALLY ACCEPTABLE. FORMER JUSTICE MINISTER JOHN TURNER HAS SUMMARIZED THESE ARGUMENTS:

"IT IS ONE THING TO SAY THAT A SOCIETY HAS UNDEMOCRATIC FEATURES, TO PROTEST LEGALLY AGAINST THEM, AND IN RARE INSTANCES TO COMMIT CIVIL DISOBEDIENCE. BUT IT IS QUITE ANOTHER TO ARGUE THAT SOCIETY ITSELF IS UNDEMOCRATIC OR TOTALITARIAN AND THAT IT MUST BE DESTROYED, THAT AN ILLEGALITY IS SOMEHOW LEGAL, AND THAT CIVIL DISOBEDIENCE IS THEREFORE JUSTIFIABLE."⁽¹⁾

ONE CURRENT ASPECT OF THE CANADIAN POLITICAL SCENE, QUEBEC SEPARATISM, HAS BEEN EXAMINED BY THE 1969 ROYAL COMMISSION ON SECURITY, WHICH HAS CLASSED SOME ELEMENTS OF THE MOVEMENT AS SUBVERSIVE. SEPARATISTS, IF THEY SEEK THEIR POLITICAL ENDS BY LEGAL AND DEMOCRATIC MEANS ARE PART OF A LEGAL POLITICAL MOVEMENT AND MUST BE DEALT WITH BY POLITICAL INSTITUTIONS. IF, HOWEVER, THEY ENGAGE IN SUBVERSIVE OR SEDITIONARY ACTIVITIES, OR IF THERE IS ANY FOREIGN INFLUENCE, IT WAS RECOMMENDED THAT THE FEDERAL GOVERNMENT TAKE ACTION TO PROTECT THE INTEGRITY OF THE STATE. GOING SOMEWHAT FURTHER, THE COMMISSIONERS RECOMMENDED THAT AT A VERY MINIMUM THE GOVERNMENT KEEP INFORMED OF SUBVERSIVE THREATS AND COLLECT FULL INFORMATION ABOUT THE INTENTIONS AND CAPABILITIES OF INDIVIDUALS AND ORGANIZATIONS.⁽²⁾ IN ANSWER TO A QUESTION IN THE HOUSE BY MR. DOUGLAS FISHER CONCERNING THIS POINT, MR. MACDONALD, THEN PARLIAMENTARY SECRETARY TO THE MINISTER OF JUSTICE ANSWERED:

1. BOWLES, HANLEY, HODGINS, RAWLYK, PROTEST, VIOLENCE AND SOCIAL CHANGE, P. 104.

2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 8.

"THE DEPARTMENT OF JUSTICE DOES NOT DEFINE OR CLASSIFY ORGANIZATIONS, AS SUBVERSIVE OR OTHERWISE, BUT ANY ORGANIZATION WHICH EMPLOYS VIOLENCE FOR THE PURPOSES INDICATED BY THE F.L.Q. IS REGARDED AS SUBVERSIVE BY THE RCM, POLICE AND KEPT UNDER SURVEILLANCE AS SUCH."⁽¹⁾

THE ROYAL COMMISSION ALSO NOTED THE INVOLVEMENT OF COMMUNISTS AND TROTSKYISTS IN QUEBEC SEPARATIST ORGANIZATIONS AND SUGGESTED THAT THIS ALONE WARRANTED THE INTEREST OF SECURITY AUTHORITIES.⁽²⁾ GERARD PELLETIER, THEN SECRETARY OF STATE, CLAIMS THAT THE F.L.Q. HAS TURNED PROGRESSIVELY TOWARDS A MARXIST-LENINIST IDEOLOGY AND IS ATTEMPTING TO ESTABLISH, IN QUEBEC, A SOCIETY IN WHICH POWER WOULD BE COMPLETELY DIFFUSED AND ENTRUSTED TO THE PROLETARIAT. THEY ARE ATTEMPTING TO DESTROY THE EXISTING AUTHORITY AND TO FORM A NEW SOCIETY WITH A DIFFERENT DISTRIBUTION OF POWER.⁽³⁾ THE VIOLENT ACTIONS OF A SMALL GROUP OF QUEBEC SEPARATISTS SINCE 1963 CULMINATING IN THE KIDNAPPING AND MURDER IN OCTOBER 1970, HAS SHAKEN THE STRUCTURE OF THE WHOLE CANADIAN FEDERATION AND THE SOLUTION TO THE PROBLEMS WHICH GAVE RISE TO THEIR ACTION IS STILL ONE WHICH IS HIGH ON THE LIST OF CANADIAN NATIONAL PRIORITIES.⁽⁴⁾

A FEW EXAMPLES OF SUBVERSIVE ACTIVITY WILL BE GIVEN TO MORE FULLY ILLUSTRATE THE FULL RANGE OF CLANDESTINE AND VIOLENT ACTION TO WHICH WE ARE BEING SUBJECTED. MUCH OF THE CURRENT VIOLENCE IS PROPAGATED BY LEFT WING ORGANIZATIONS. THIS INCLUDES, AS ARGUED BY GERARD PELLETIER, THE F.L.Q.

ON APRIL 25TH, 1972, FRED FERDMAN, WHO CLAIMED TO BE A MEMBER OF THE COMMUNIST PARTY OF CANADA (MARXIST-LENINIST), HURLED LEAFLETS FROM THE PUBLIC GALLERY ONTO THE FLOOR OF THE HOUSE OF COMMONS. FERDMAN, WHO

1. HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 21ST, 1963), P.3802.
2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 8.
3. PELLETIER, THE OCTOBER CRISIS, P. 55.
4. SEE BELOW, P.136. SEE ALSO: OTTAWA CITIZEN, JUNE 28TH, 1969.

WAS A POST-GRADUATE STUDENT AND TEACHING ASSISTANT AT THE UNIVERSITY OF BRITISH COLUMBIA, WAS PROTESTING A DEPORTATION ORDER BASED ON RESTRICTED SECURITY INTELLIGENCE REPORTS.⁽¹⁾ THE GENERAL PROGRAMME OF THE MARXIST-LENINIST PARTY INCLUDES THE STATEMENT:

"THE ENTIRE PARTY MUST ENGAGE IN CONSTANT PROPAGANDA AS TO WHAT IS THE BASIS OF CHANGE, DEVELOPMENT AND MOTION IN SOCIETY BY TAKING UP CONCRETE STRUGGLES AS EXAMPLES, CRITICIZE AND REPUDIATE ALL IMPERIALIST REVISIONIST AND REACTIONARY THEORIES"⁽²⁾

ON MAY 30TH, 1972, TWENTY-FOUR CIVILIANS WERE KILLED AT LOD AIR-PORT IN TEL AVIV BY THREE JAPANESE TERRORISTS WHO WERE WORKING ON BEHALF OF THE PALESTINE LIBERATION FRONT.⁽³⁾ IT HAS BEEN DETERMINED THAT KOZO OKAMOTO, ONE OF THE TERRORISTS, SPENT SOME TIME IN MONTREAL PRIOR TO THE ATTACK AT LOD.⁽⁴⁾ THE EXTREME VIOLENCE INITIATED BY THESE THREE TERRORISTS, WHO WERE NOT THEMSELVES INVOLVED IN THE CONTINUING DISAGREEMENT BETWEEN ISRAEL AND THE PALESTINIAN ARABS, WAS PART OF THE OPENING ROUND OF A WAVE OF INTERNATIONAL TERRORISM.⁽⁵⁾

THE NEW PARTY, THE COMMUNIST PARTY OF CANADA (MARXIST-LENINIST) IS A COMMUNIST ORIENTED PARTY DEDICATED TO THE TOTAL OVER-THROW OF OUR DEMOCRATIC GOVERNMENT BY FORCE, IF NECESSARY, AND TO THE ESTABLISHMENT OF A DICTATORSHIP OF THE PROLETARIAT, WITH THE PARTY ALSO BEING DEDICATED TO THE USE OF VIOLENCE TO FURTHER THEIR AIMS. THEIR CONSTITUTION READS IN PART:

1. OTTAWA CITIZEN, APRIL 25TH, 1972.
2. MASS LINE, VOL. 2, NO. 45, JUNE 13TH, 1971, P. 4.
3. DONALD C. HODGES AND ROBERT ELIAS ABU SHANAB, ED., NATIONAL LIBERATION FRONTS 1960/1970, (NEW YORK: WILLIAM MORROW & CO., 1972), P.101.
4. OTTAWA CITIZEN, JUNE 6TH, 1972. MONTREAL STAR, JUNE 7TH, 1972.
5. OTTAWA CITIZEN, JUNE 10TH, 1972. SEE ALSO: JIM HOAGLAND, "BLACK SEPTEMBER TIES WITH FATAH HINTED BY ARAFAT", MONTREAL STAR, MARCH 15TH, 1973.

"DEVELOPED MASS DEMOCRACY MEETINGS, INITIATED THE RESISTANCE MOVEMENT TO DEFEND BY ARMED FORCE THE RIGHT TO POLITICALLY ORGANIZE AND DISSEMINATE MAO TSE TUNG THOUGHT, AND PARTICIPATED IN MANY REVOLUTIONARY STRUGGLES AT THE PLACE OF WORK, IN THE EDUCATIONAL INSTITUTES AND IN THE COMMUNITY AGAINST THE CLASS ENEMY." AND " ... IT (THE PARTY) WILL BE TEMPERED IN THE COURSE OF DEFEATING IMPERIALISM, SOCIAL IMPERIALISM AND ALL REACTION, AND IN ITS HISTORIC STRUGGLE TOWARDS THE SEIZURE OF STATE POWER BY ARMED FORCE." (1)

THE CONSTITUTION ESTABLISHES THE BASIC UNIT AS THE PRIMARY ORGANIZATION OF THE PARTY WITH THE BASIC UNIT BEING A SMALL, WELL-DISCIPLINED AND CONSCIOUS CONTINGENT OF COMMUNIST REVOLUTIONARIES WHICH CARRIES ON ITS POLITICAL AND IDEOLOGICAL WORK IN THE OPEN AND ITS ORGANIZATIONAL WORK UNDERGROUND. (2)

DR. JAMES ENDICOTT CLAIMED PUBLICLY THAT PRESSURES FROM THE COMMUNIST PARTY OF CANADA AND THE SOVIET EMBASSY IN OTTAWA FORCED HIM TO RESIGN AS CHAIRMAN OF THE CANADIAN PEACE CONGRESS. DR. ENDICOTT, WHO WAS ONE OF THE ORIGINAL ORGANIZERS OF THE CONGRESS IN 1949, CLAIMED THAT IDEOLOGICAL DIFFERENCES, BASED ON HIS SUPPORT OF THE CHINESE POSITION, CAUSED THE DISPUTE. (3)

THE RIGHT WING ORGANIZATIONS ARE ALSO QUITE CAPABLE OF RESORTING TO VIOLENT ACTION TO FURTHER THEIR POLITICAL ENDS, AS WAS ILLUSTRATED ON OCTOBER 18TH, 1971, WHEN A HUNGARIAN BORN NATIONALIST, GEZA MATRAI, ATTACKED SOVIET PREMIER ALEXEI KOSYGIN IN OTTAWA. (4) MATRAI WAS PRESIDENT OF THE HUNGARIAN FREEDOM FIGHTERS YOUTH GROUP IN EDMONTON PRIOR TO THE ATTACK AND WAS ELECTED SECRETARY-GENERAL OF THE HUNGARIAN FREEDOM FIGHTERS OF CANADA AFTER THE ATTACK. (5) ON OCTOBER 19TH, 1971,

1. "THE CONSTITUTION OF THE COMMUNIST PARTY OF CANADA (MARXIST-LENINIST)", MASS LINE, VOL. 2, NO. 45, JUNE 13TH, 1971.
2. MASS LINE, VOL. 2, NO. 45, P. 3.
3. THE OTTAWA JOURNAL, JANUARY 12TH, 1972.
4. THE OTTAWA CITIZEN, DECEMBER 23RD, 1971.
5. THE OTTAWA CITIZEN, NOVEMBER 15TH, 1971.

VICTORIA ANDREWS OF THE EDMUND BURKE SOCIETY IS QUOTED AS SAYING THAT SOCIETY MEMBERS ARE "ALL VERY PROUD OF THEIR COLLEAGUE, GEZA MATRAI."⁽¹⁾

IN SOME CASES, THE SUBVERSIVE OR VIOLENT ACTION ARISES NEITHER FROM THE LEFT NOR RIGHT BUT FROM AN INDIVIDUAL'S DISILLUSIONMENT WITH POLITICAL INSTITUTIONS. ON APRIL 14TH, 1972, AN OTTAWA NEWSPAPER WAS ABLE TO REPORT:

"FROM A SECURITY STANDPOINT THE ARRIVAL IN OTTAWA, THURSDAY NIGHT OF UNITED STATES PRESIDENT NIXON RAN LIKE A WELL-OILED WATCH ... THE CHANCES OF TROUBLE ... WERE VIRTUALLY NON-EXISTING."⁽²⁾

ON MAY 26TH, 1972, THE SAME PAPER REPORTED THAT ARTHUR BREMER, AN AMERICAN CONVICTED OF SHOOTING ALABAMA GOVERNOR GEORGE WALLACE, WAS IN OTTAWA DURING NIXON'S APRIL VISIT, AND EVIDENCE WAS PRODUCED THAT BREMER PLANNED TO ASSASSINATE NIXON ON THE THURSDAY EVENING WHEN HE ARRIVED, AS WELL AS AT LATER PUBLIC APPEARANCES.⁽³⁾

SUBVERSION THEN MAY TAKE THE FORM OF LONG TERM CLANDESTINE POLITICAL ACTIVITY AS UNDERTAKEN BY THE COMMUNIST PARTY OF CANADA,⁽⁴⁾ COORDINATED ACTS OF VIOLENCE TO FORCE POLITICAL CHANGE SUCH AS THE F.L.Q.,⁽⁵⁾ OR SEEMINGLY ISOLATED ACTS OF VIOLENCE SUCH AS THE MASSACRE AT LOD AIRPORT.⁽⁶⁾ IN ALL CASES, HOWEVER, IT INCLUDES, AS KITSON HAS

1. THE OTTAWA CITIZEN, OCTOBER 19TH, 1971.

2. DAVID SMITHERS AND ELEANOR DUNN, "SECURITY TOO TIGHT FOR ANY INCIDENT," THE OTTAWA CITIZEN, APRIL 14TH, 1972.

3. THE OTTAWA CITIZEN, MAY 26TH, 1972. TORONTO DAILY STAR, MAY 25TH, 1972. HOUSE OF COMMONS, DEBATES, (CANADA: JUNE 1ST, 1972), P.2752. TORONTO DAILY STAR, MAY 26TH, 1972. THE OTTAWA CITIZEN, AUGUST 11TH, 1972. ROSS H. MUNRO, "ARTHUR BREMER DREAMS OF ACQUITTAL AND FAME", TORONTO GLOBE AND MAIL, AUGUST 3RD, 1972.

4. SEE BELOW, P. 113.

5. SEE BELOW, P. 136.

6. SEE ABOVE, P. 50.

STATED, ALL MEASURES SHORT OF ARMED FORCE BY A MINORITY OF THE POPULATION EITHER TO OVERTHROW THE GOVERNMENT OR TO FORCE IT TO TAKE ACTION BENEFICIAL TO THE MINORITY,⁽¹⁾ OR TO SOME FOREIGN POWER.

PROTECTIVE SECURITY

THE THIRD FUNCTION OF THE SECURITY SERVICE IS TO PROVIDE ADVICE AND TO ASSIST THE GOVERNMENT TO IMPLEMENT A PLAN OF DEFENSIVE ACTION TO PROTECT CLASSIFIED INFORMATION FROM DISCLOSURE TO UNAUTHORIZED INDIVIDUALS OR ORGANIZATIONS, AND TO ENSURE THAT GOVERNMENTAL POLICY IS NOT INFLUENCED OR SUBVERTED BY INDIVIDUALS OWING THEIR PRIMARY ALLEGIANCE TO SOME GROUP OTHER THAN THE CANADIAN STATE. THE 1969 ROYAL COMMISSION ON SECURITY MAINTAINED THAT THE CANADIAN GOVERNMENT HAD A CLEAR RIGHT AND AN OBLIGATION TO PROTECT CERTAIN INFORMATION, SUCH AS SOME DEFENCE INFORMATION, THE DISCLOSURE OF WHICH WOULD ENDANGER THE STATE. THE COMMISSION WENT FURTHER AND INDICATED THAT IN SOME CASES THE GOVERNMENT MUST BE CONCERNED WITH INFORMATION WHICH IS IN THE PUBLIC DOMAIN WHEN THIS INFORMATION IS COLLECTED, COLLATED AND COMMUNICATED BY PERSONS HAVING AN INTEREST PREJUDICIAL TO THE INTEREST OF THE STATE EVEN THOUGH THE ACTIVITIES ARE NOT THEMSELVES ILLEGAL.⁽²⁾

IT IS NOT MY INTENTION TO ARGUE FOR OR AGAINST THE PRINCIPLE OF ADMINISTRATIVE SECRECY, A SUBJECT WHICH, WHILE RELATED TO THE PROTECTION OF CLASSIFIED INFORMATION, IS IN REALITY AN ADMINISTRATIVE REGULATION SERVING AN ENTIRELY DIFFERENT PURPOSE. ADMINISTRATIVE SECRECY IS THE PRINCIPLE, ADOPTED IN CANADA AND IN MOST OTHER PARLIAMENTARY DEMOCRACIES, THAT, AS D.C. ROWAT HAS STATED: "ALL ADMINISTRATIVE ACTIVITIES AND

1. KITSON, LOW INTENSITY OPERATIONS, P. 3.
2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 2.

DOCUMENTS SHALL BE SECRET UNLESS AND UNTIL THE GOVERNMENT CHOOSES TO REVEAL THEM."⁽¹⁾ ON THE OTHER HAND, CLASSIFIED MATERIAL IS INFORMATION OR ACTIVITIES WHICH ARE GIVEN EXTRAORDINARY PROTECTION SPECIFICALLY BECAUSE REVELATION COULD ADVERSELY EFFECT THE SECURITY OF THE STATE. THESE TWO TYPES OF SECRECY HAVE BEEN CONFUSED REPEATEDLY IN THE LITERATURE BOTH BECAUSE ADMINISTRATIVE INFORMATION HAS BEEN DELIBERATELY CLASSIFIED AS NATIONAL SECURITY INFORMATION TO EMPHASIZE THE NEED FOR PROTECTION AND BECAUSE THE TWO FUNCTIONS ARE OFTEN CONFUSED BY GOVERNMENT OFFICIALS, THEMSELVES, WHEN THEY DO NOT DIFFERENTIATE BETWEEN THE TWO REASONS FOR SECRECY.⁽²⁾ WHILE MANY WILL DEBATE THE NECESSITY OF ADMINISTRATIVE SECRECY AS WE NOW UNDERSTAND IT, MOST WOULD AGREE WITH GORDON ROBERTSON WHEN HE STATES:

"IT IS PRETTY GENERALLY AGREED THERE ARE CERTAIN CLASSES OF INFORMATION WHICH SHOULD AND MUST BE WITHHELD FROM PUBLIC ACCESS, AT LEAST FOR A TIME. THE FIRST OF THESE IS INFORMATION OR RECORDS THAT MIGHT PREJUDICE THE SECURITY OF THE STATE. WHILE THE LIMITS OF THESE CANNOT ALWAYS BE PRECISELY DEFINED AND WHILE SPECIAL CASES FROM TIME TO TIME REQUIRE INDIVIDUAL JUDGEMENTS, THE NATURE OF THE MATTER IS REASONABLY CLEAR AND THE NECESSITY FOR SECRECY IS GENERALLY ACCEPTED."⁽³⁾

1. A.M. WILHMS AND W.D.K. KERNAGHAN, ED., PUBLIC ADMINISTRATION IN CANADA: SELECTED READINGS, (TORONTO: METHUEN, 1968), P. 455. SEE ALSO: H.W.R. WADE, ADMINISTRATIVE LAW, 3RD EDITION, (OXFORD: CLARENDON PRESS, 1971), P. 19. CANADA, TO KNOW AND BE KNOWN, VOL. II, (OTTAWA: QUEEN'S PRINTER, 1969), P. 25.

2. GORDON ROBERTSON, OFFICIAL RESPONSIBILITY, PRIVATE CONSCIENCE AND PUBLIC INFORMATION, ADDRESS TO THE ROYAL SOCIETY OF CANADA, ST. JOHN'S, Nfld., JUNE 6TH, 1972. ROBERTSON CONFUSED NATIONAL SECURITY WITH ADMINISTRATIVE SECRECY. SEE ALSO: CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 69. THE EXAMPLES OF THE APPLICATION OF CLASSIFICATION CONTAIN CONFUSION BETWEEN NATIONAL SECURITY AND ADMINISTRATIVE SECRECY. J.S. HODGSON, PUBLIC ADMINISTRATION, (NEW YORK: MCGRAW-HILL, 1969), P. 273. THE TWO FUNCTIONS ARE RECOGNIZED AND THE DIFFERENCES ILLUSTRATED. BRITAIN, DEPARTMENTAL COMMITTEE ON SECURITY OF THE OFFICIAL SECRETS ACT 1911, (LONDON: HER MAJESTY'S STATIONERY OFFICE, 1972).

3. ROBERTSON, OFFICIAL RESPONSIBILITY, PRIVATE CONSCIENCE AND PUBLIC INFORMATION. SEE ALSO: DISCUSSIONS BY ELMER DAVIS IN DONALD C. ROWAT, BASIC ISSUES IN PUBLIC ADMINISTRATION, (TORONTO: MACMILLAN CO., 1969), P. 403.

IN VIEW OF THE DIFFERING FUNCTIONS OF ADMINISTRATIVE SECURITY AND NATIONAL SECURITY, IT IS CONTENDED THAT THE ROYAL COMMISSION ON SECURITY DID NOT ADEQUATELY RECOGNIZE THE DIFFERENCES WHEN THEY CONCLUDED THAT NATIONAL SECURITY, ADMINISTRATIVE SECURITY AND PRIVACY SHOULD USE A COMMON CLASSIFICATION SYSTEM.⁽¹⁾

PROTECTIVE SECURITY IS SUB-DIVIDED INTO TWO SPECIALIST FIELDS; PERSONNEL SECURITY, WHICH IS CONCERNED WITH THE SELECTION OF RELIABLE PERSONNEL, AND PHYSICAL SECURITY, WHICH INCLUDES THE DEVISING, SPECIFYING AND INSPECTION OF METHODS FOR HANDLING, STORING AND TRANSMITTING CLASSIFIED INFORMATION. PROTECTIVE SECURITY IS THE RESPONSIBILITY OF EACH DEPARTMENT AND AGENCY OF THE GOVERNMENT AND THIS FACT HAS BEEN REPEATEDLY ACKNOWLEDGED BY THE CANADIAN GOVERNMENT.⁽²⁾ CONTRASTED WITH THIS, THE RESPONSIBILITY OF A SECURITY SERVICE IS TO SUPPLY THE GOVERNMENT AND THE DEPARTMENTS AND AGENCIES WITH INFORMATION AND WITH ADVICE CONCERNING THE NATURE AND SCALE OF THE THREAT WHICH EXISTS TO THE SECURITY OF THE STATE AND TO ADVISE ON THE DEFENSIVE MEASURES WHICH SHOULD BE UNDERTAKEN.⁽³⁾

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 72.

2. HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 25TH, 1963), P. 4044, 4047. SEE ALSO: HOUSE OF COMMONS, DEBATES, (CANADA: DECEMBER 11TH, 1963), P. 5686. HOUSE OF COMMONS, DEBATES, (CANADA: JUNE 26TH, 1969), P. 10637. HOUSE OF COMMONS, DEBATES, (CANADA, MARCH 24TH, 1954), P. 3285. J.E. HODGETTS AND D.C. CORBETT, CANADIAN PUBLIC ADMINISTRATION, (TORONTO: MACMILLAN, 1960), P. 423.

3. GREAT BRITAIN, SECURITY PROCEDURES IN THE PUBLIC SERVICE, P. 4.

PERSONNEL SECURITY

THE BASIC SECURITY PROCEDURE IN THE PERSONNEL SECURITY FIELD IS THE GOVERNMENT'S POLICY ON THE SECURITY SCREENING OF ALL PERSONNEL HAVING ACCESS TO CLASSIFIED INFORMATION. THIS GOVERNMENT PROGRAM WAS INSTITUTED IN 1947, BASED ON A RECOMMENDATION OF THE 1946 ROYAL COMMISSION ON ESPIONAGE, THAT IS:

"THAT CONSIDERATION BE GIVEN TO ANY ADDITIONAL SECURITY MEASURES WHICH WOULD BE PRACTICAL TO PREVENT THE INFILTRATION INTO POSITIONS OF TRUST UNDER THE GOVERNMENT OF PERSONS LIKELY TO COMMIT ACTS SUCH AS THOSE DESCRIBED IN THIS REPORT."⁽¹⁾

AUTHORITY FOR THIS PROGRAM, OR FOR ACTION WHICH MIGHT BE TAKEN UNDER THIS PROGRAM, IS DERIVED FROM SEVERAL RELATED ACTS; THE FINANCIAL ADMINISTRATION ACT,⁽²⁾ THE PUBLIC SERVICE STAFF RELATIONS ACT,⁽³⁾ AND TO A LESSER

1. CANADA, ROYAL COMMISSION ON ESPIONAGE (1946), P. 689.

2. STATUTES OF CANADA, R.S., 1970 C.F.-10 AS AMENDED BY 1970-71, CO-42, 55.

7(7) NOTHING IN THIS OR ANY OTHER ACT SHALL BE CONSTRUED TO LIMIT OR AFFECT THE RIGHT OR POWER OF THE GOVERNOR IN COUNCIL, IN THE INTERESTS OF THE SAFETY OR SECURITY OF CANADA OR ANY STATE ALLIED OR ASSOCIATED WITH CANADA, TO SUSPEND ANY PERSON EMPLOYED IN THE PUBLIC SERVICE, OR, AFTER AN INQUIRY CONDUCTED IN ACCORDANCE WITH REGULATIONS OF THE GOVERNOR IN COUNCIL BY A PERSON APPOINTED BY THE GOVERNOR IN COUNCIL AT WHICH THE PERSON CONCERNED HAS BEEN GIVEN AN OPPORTUNITY OF BEING HEARD, TO DISMISS ANY SUCH PERSON.

(8) FOR THE PURPOSE OF SUB-SECTION (7), ANY ORDER MADE BY THE GOVERNOR IN COUNCIL IS CONCLUSIVE PROOF OF THE MATTERS STATED THEREIN IN RELATION TO THE SUSPENSION OR DISMISSAL OF ANY PERSON IN THE INTEREST OF THE SAFETY OR SECURITY OF CANADA OR ANY STATE ALLIED OR ASSOCIATED WITH CANADA.

3. STATUTES OF CANADA, 1966-67, O.72, S.1.

112(1) NOTHING IN THIS OR ANY OTHER ACT SHALL BE CONSTRUED TO REQUIRE THE EMPLOYER TO DO OR REFRAIN FROM DOING ANYTHING CONTRARY TO ANY INSTRUCTION, DIRECTION OR REGULATION GIVEN OR MADE BY OR ON BEHALF OF THE GOVERNMENT OF CANADA IN THE INTEREST OF THE SAFETY OR SECURITY OF CANADA OR ANY STATE ALLIED OR ASSOCIATED WITH CANADA.

(2) FOR THE PURPOSE OF SUB-SECTION (1), ANY ORDER MADE BY THE GOVERNOR IN COUNCIL IS CONCLUSIVE PROOF OF THE MATTERS STATED THEREIN IN RELATION TO THE GIVING OR MAKING OF ANY INSTRUCTION, DIRECTION OR REGULATION BY OR ON BEHALF OF THE GOVERNMENT OF CANADA IN THE INTEREST OF THE SAFETY OR SECURITY OF CANADA OR ANY STATE ALLIED OR ASSOCIATED WITH CANADA.

EXTENT BY SECTIONS 28 AND 31 OF THE PUBLIC SERVICE EMPLOYMENT ACT.⁽¹⁾

THE GOVERNMENT DOES NOT DERIVE ANY AUTHORITY FOR THIS PROGRAM FROM THE OFFICIAL SECRETS ACT.⁽²⁾ THE TREASURY BOARD HAS INCORPORATED EXTRACTS FROM THESE ACTS INTO THE COLLECTIVE AGREEMENTS REACHED BETWEEN TREASURY BOARD AND VARIOUS PUBLIC SERVICE UNIONS.⁽³⁾

THE CANADIAN GOVERNMENT'S SECURITY SCREENING PROGRAM HAS BEEN DESCRIBED AT LEAST TWICE IN CONSIDERABLE DETAIL; THE FIRST TIME BY FORMER PRIME MINISTER, L.B. PEARSON AND FORMER JUSTICE MINISTER, L. CHEVRIER DURING SPEECHES IN 1963 IN THE HOUSE OF COMMONS, AND THEN AGAIN IN 1969 BY THE ROYAL COMMISSION ON SECURITY.⁽⁴⁾ ON BOTH OCCASIONS IT WAS MADE CLEAR THAT THE AIM OF THE PROGRAM WAS THE PREVENTION OF THE LOSS OF CLASSIFIED INFORMATION AND NOT THE DETECTION AND PROSECUTION OF ILLEGAL ACTIONS, SUCH AS ESPIONAGE OR EVEN THE THEFT OF PRIVATE GOVERNMENT MEMORANDA.

1. STATUTES OF CANADA, 1966-67, c. 71, s. 1.

2. STATUTES OF CANADA, 1939, c. 49, s. 1.

3. CANADA, AGREEMENT BETWEEN THE TREASURY BOARD AND THE PUBLIC SERVICE ALLIANCE OF CANADA: GROUP: SECRETARIAL, STENOGRAPHIC, TYPING (ALL EMPLOYEES), (OTTAWA: INFORMATION CANADA, 1971), p. 4.

ARTICLE 4 STATE SECURITY

NOTHING IN THIS AGREEMENT SHALL BE CONSTRUED TO REQUIRE THE EMPLOYER TO DO OR REFRAIN FROM DOING ANYTHING CONTRARY TO ANY INSTRUCTION, DIRECTION OR REGULATIONS GIVEN OR MADE BY OR ON BEHALF OF THE GOVERNMENT OF CANADA IN THE INTEREST OF THE SAFETY OR SECURITY OF CANADA OR ANY STATE ALLIED OR ASSOCIATED WITH CANADA.

4. HODGSON, PUBLIC ADMINISTRATION, p. 228.

A PERSON WHO IS TO BE APPOINTED TO A PUBLIC SERVICE POSITION IS NOT NORMALLY SECURITY SCREENED BUT IS SCREENED ONLY WHEN THE DUTIES OF THE POSITION WHICH HE IS TO OCCUPY, AS DESIGNATED BY THE DEPUTY HEAD, REQUIRE HIM TO HAVE ACCESS TO CLASSIFIED INFORMATION.⁽¹⁾ THE REQUIREMENT FOR SECURITY SCREENING IS MADE PART OF THE FORMAL JOB DESCRIPTION, WITH EACH APPLICANT BEING AWARE OF THIS REQUIREMENT IN ADVANCE, AND DEPARTMENTS ARE REQUIRED TO ADVISE PUBLIC SERVANTS OF THE FULL REASONS FOR THE SECURITY SCREENING INVESTIGATIONS, WHICH PROTECT THE INDIVIDUAL AGAINST POSSIBLE FUTURE COMPROMISE AND BLACKMAIL, AS WELL AS PROTECTING CLASSIFIED INFORMATION.

THE APPLICANTS TO THE PUBLIC SERVICE ARE REQUESTED TO PROVIDE BASIC INFORMATION ABOUT THEMSELVES AND THEIR CLOSE RELATIVES AS WELL AS PROVIDING THE NAMES OF CHARACTER REFERENCES. THEY ARE REQUIRED TO BE FINGERPRINTED, TO ALLOW A SEARCH TO BE MADE OF THE ROYAL CANADIAN MOUNTED POLICE CRIMINAL RECORDS, ALTHOUGH AFTER THIS SEARCH THE FINGERPRINTS WILL BE RETURNED TO THE APPLICANT IF HE REQUESTS THEIR RETURN. MOST OF THIS INFORMATION IS SUPPLIED ON A DOCUMENT KNOWN AS A PERSONAL HISTORY FORM (PHF), AND WHEN COMPLETED, THIS DOCUMENT, WHICH CONTAINS A BRIEF HISTORY OF THE APPLICANT, IS CONSIDERED CLASSIFIED, TO PROTECT THE APPLICANT HIMSELF.

THE SUBSEQUENT INVESTIGATION, MADE ON THE BASIS OF INFORMATION SUPPLIED BY THE APPLICANT AT THE REQUEST OF THE EMPLOYING GOVERNMENT DEPARTMENT, IS CONDUCTED BY A FEDERAL INVESTIGATIVE AGENCY, NORMALLY THE SECURITY SERVICE. THE EXTENT OF THE INVESTIGATION DEPENDS ON THE

1. HOUSE OF COMMONS, DEBATES, (CANADA: DECEMBER 11TH, 1963) P. 5685.

TYPE AND DEPTH OF ACCESS TO CLASSIFIED INFORMATION, WITH THE DECISION ON THE CLEARANCE WITHIN GOVERNMENTAL GUIDELINES WHICH WILL BE DESCRIBED BRIEFLY LATER, BEING MADE BY THE DEPARTMENT. FOR ALL LEVELS OF CLEARANCE, A COMPREHENSIVE CHECK IS MADE AGAINST THE SECURITY SERVICE SUBVERSIVE RECORDS, RCMP CRIMINAL RECORDS, ALL RELEVANT FEDERAL DEPARTMENTAL RECORDS, CREDIT BUREAU RECORDS AND FOREIGN RECORDS WHERE NECESSARY AND POSSIBLE.⁽¹⁾ WRITTEN ENQUIRIES ARE MADE TO THE NOMINATED REFEREES AND TO PREVIOUS EMPLOYERS IF THIS HAS NOT ALREADY BEEN DONE AS PART OF THE NORMAL PERSONNEL SELECTION PROCESS.⁽²⁾ A FINGERPRINT CHECK IS MADE AS PART OF THE CRIMINAL RECORDS CHECK. IF NO ADVERSE INFORMATION IS UNCOVERED, THE DEPARTMENT WILL NORMALLY ISSUE A CLEARANCE ON THE BASIS OF THESE CHECKS AT THE CONFIDENTIAL OR SECRET LEVEL. IF ADVERSE INFORMATION IS UNCOVERED DURING THIS CHECK, THE DEPARTMENT MAY REQUEST THE SECURITY SERVICE TO UNDERTAKE A FIELD INVESTIGATION AS DESCRIBED BELOW.

FOR CLEARANCE TO THE TOP SECRET LEVEL, AN ADDITIONAL FIELD INVESTIGATION USUALLY COVERING THE PREVIOUS TEN YEAR PERIOD, IS NORMALLY REQUIRED. THIS INVESTIGATION, IN MOST CASES UNDERTAKEN BY THE SECURITY SERVICE, INVOLVES THE CONFIRMATION OF ALL INFORMATION SUPPLIED BY THE APPLICANT. THE CONFIRMATION IS OBTAINED THROUGH PERSONAL INTERVIEWS WITH FORMER EMPLOYERS, ASSOCIATES, SCHOOL OR COLLEGE TEACHERS, SUPERVISORS, NEIGHBOURS AND APPROPRIATE LOCAL AGENCIES. THESE INTERVIEWS ALSO ALLOW

1. HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 25TH, 1963), P. 4047.

2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 32.

THE INVESTIGATOR "TO ELICIT INFORMATION CONCERNING CHARACTER, HABITS, MORALS, REPUTATION OR ASSOCIATIONS, AS WELL AS 'LEADS' FOR FURTHER INTERVIEWS."⁽¹⁾ IF AT ANY TIME DURING THIS INVESTIGATION, ADVERSE INFORMATION IS OBTAINED, AN EFFORT IS MADE BY THE INVESTIGATIVE AGENCY TO CONFIRM, DENY OR EXPAND THE INFORMATION. THE SECURITY SERVICE REPORTS THE RESULTS OF ITS CHECKS AND INVESTIGATIONS TO THE DEPARTMENT OR AGENCY CONCERNED. UNTIL RECENTLY, THE SECURITY SERVICE MADE NO COMMENT NOR DREW ANY CONCLUSIONS FROM THE INFORMATION BUT THEY PROVIDED, WHERE POSSIBLE, AN ASSESSMENT OF THE RELIABILITY OF THE SOURCES OF INFORMATION. IN LINE WITH GOVERNMENTAL POLICY, THE DEPARTMENT WAS SOLELY RESPONSIBLE FOR REACHING A DECISION ON THE RELEVANCE OF THE INFORMATION AND THE WEIGHT TO BE GIVEN TO IT.⁽²⁾ THIS POSITION OF THE SECURITY SERVICE, OF FAILING TO COMMENT OR ADVISE ON FACTUAL REPORTS, WAS CRITICIZED BY THE ROYAL COMMISSION ON SECURITY. IT WAS ARGUED THAT THE STEREOTYPED BRIEFS TO DEPARTMENTS GAVE INSUFFICIENT INFORMATION AND THAT THE DEPARTMENTS WERE DEPRIVED OF ADVICE FROM THE SOLE PROFESSIONAL SOURCE. IT WAS FURTHER ARGUED THAT THE SECURITY SERVICE OF THE RCMP SHOULD BEAR SOME RESPONSIBILITY FOR THE IMPLICATIONS AND SIGNIFICANCE OF THE DATA PROVIDED BUT THAT THE FINAL DECISION SHOULD STILL BE MADE BY THE DEPARTMENT.⁽³⁾

THE GUIDELINES TO BE USED BOTH BY THE RCMP IN CONDUCTING THEIR RECORDS CHECK AND THEIR FIELD INVESTIGATIONS AND BY THE DEPARTMENT IN REACHING THEIR DECISION HAVE BEEN OUTLINED IN CLASSIFIED GOVERNMENT

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 30.
2. HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 25TH, 1963), P. 4047.
3. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 34.

PUBLICATIONS WITH MINIMUM STANDARDS BEING SPECIFIED.⁽¹⁾ THE THEN PRIME MINISTER, L.B. PEARSON REFERRED TO THE GOVERNMENT'S INTENTION TO FORMULATE WRITTEN REGULATIONS IN REPLY TO A QUESTION IN THE HOUSE DURING 1963.⁽²⁾ THE GUIDELINES ARE BASED ON THE NEED TO PROJECT THE INDIVIDUAL'S FUTURE LOYALTY AND RELIABILITY BASED ON HIS PAST HISTORY. LOYALTY IS JUDGED ON THE BASIS OF WHETHER OR NOT THE INDIVIDUAL IS AN OPEN OR CLANDESTINE SYMPATHIZER WITH COMMUNIST OR FASCIST IDEOLOGY. RELIABILITY IS JUDGED ON WHETHER OR NOT THE INDIVIDUAL CAN BE EXPLOITED DUE TO HUMAN WEAKNESS SUCH AS GREED, DEBT, ILLICIT SEXUAL BEHAVIOUR OR MENTAL IMBALANCE.⁽³⁾

IF NO ADVERSE INFORMATION IS OBTAINED, THE DEPARTMENT OR AGENCY CONCERNED WILL NORMALLY GRANT THE SECURITY CLEARANCE AND THE MATTER IS PROMPTLY FORGOTTEN BY THE PUBLIC SERVANT CONCERNED, ALTHOUGH IT IS NOT NECESSARILY FORGOTTEN BY THE DEPARTMENT. THE ROYAL COMMISSION RECOMMENDED THAT CLEARANCES BE FORMALLY UPDATED AT REGULAR INTERVALS, NORMALLY FIVE YEARS. DEPARTMENTS ARE ALSO CAUTIONED TO BE WATCHFUL AND TO INVESTIGATE ANY DOUBTS WHICH ARISE CONCERNING EMPLOYEES HANDLING CLASSIFIED INFORMATION AT ANY TIME BETWEEN THE REGULAR CLEARANCE UP-DATINGS.⁽⁴⁾

1. CANADA, REPORT OF THE COMMISSION OF INQUIRY INTO MATTERS RELATING TO ONE GERDA MUNSINGER, P. 16, 74. CABINET DIRECTIVE #29, ISSUED DECEMBER 21ST, 1955, WAS ONE OF THESE GUIDELINES AS WAS CABINET DIRECTIVE #35 ISSUED SOMEWHAT LATER.

2. HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 28TH, 1963), P. 4087.

3. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 35.

4. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 33.

THE PROBLEM BECOMES SERIOUS, HOWEVER, IF ADVERSE INFORMATION ON AN APPLICANT OR ON A PUBLIC SERVANT IS UNCOVERED AND IS NOT SATISFACTORILY REFUTED IN SUBSEQUENT INVESTIGATIONS. THE PERSON INVOLVED IS ADVISED OF THE DOUBT WHICH HAS BEEN RAISED REGARDING HIS LOYALTY OR RELIABILITY. HE IS TOLD EVERYTHING POSSIBLE REGARDING THE ADVERSE INFORMATION, ALTHOUGH IT IS ACKNOWLEDGED THAT IN SOME CASES THE IDENTITIES OF SOURCES OF INFORMATION MUST BE PROTECTED AND THAT LITTLE OR NOTHING CAN BE TOLD THE INDIVIDUAL CONCERNED OF THE REASONS FOR DOUBT.⁽¹⁾ THE INDIVIDUAL IS GIVEN EVERY OPPORTUNITY, WITHOUT JEOPARDIZING SECURITY, TO RESOLVE THE DOUBT THAT HAS BEEN RAISED, AND IN THE CASE WHERE THE PUBLIC SERVANT OR APPLICANT CANNOT BE GIVEN ALL INFORMATION, THE DEPARTMENT HAS INCREASED RESPONSIBILITY TO ENSURE THAT THERE IS NO UNFAIR TREATMENT. THE DEPARTMENT MAY REQUEST THE SECURITY SERVICE TO UNDERTAKE FURTHER INVESTIGATION BASED ON ADDITIONAL INFORMATION SUPPLIED BY THE INDIVIDUAL IN AN ATTEMPT TO RESOLVE THE DOUBT. IF THE DOUBT CANNOT BE RESOLVED THROUGH THE INTERVIEW WITH THE INDIVIDUAL OR THROUGH FURTHER INVESTIGATION, THE DEPARTMENT IS OBLIGED TO CONSULT WITH AN INTERDEPARTMENTAL COMMITTEE, WHICH UNTIL 1972, WAS THE SECURITY PANEL.⁽²⁾

AFTER CONSULTATION, AND IF THE DOUBT WAS NOT RESOLVED, THE PUBLIC SERVANT CONCERNED IS TRANSFERRED TO A LESS SENSITIVE POSITION, OR IF A SUITABLE POSITION CANNOT BE FOUND, HE WILL BE ASKED TO RESIGN. IN THE CASE OF AN APPLICANT NOT ALREADY IN THE PUBLIC SERVICE, HE WILL BE REJECTED FOR THE PARTICULAR POSITION FOR WHICH HE HAS APPLIED. WHILE THE

1. HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 25TH, 1963), P. 4044.

2. SEE BELOW, P. 71.

PROBLEM CAN BE SERIOUS WHEN ADVERSE INFORMATION IS DISCOVERED REGARDING A NEW APPLICANT FOR THE PUBLIC SERVICE, THE REAL PROBLEM ARISES WHEN ADVERSE INFORMATION IS LOCATED ON AN INDIVIDUAL WHO IS CURRENTLY A PUBLIC SERVANT. IF THE PUBLIC SERVANT CANNOT BE TRANSFERRED AND REFUSES TO RESIGN, THE CASE IS PERSONALLY REVIEWED BY THE DEPUTY MINISTER OF THE DEPARTMENT CONCERNED. THE REVIEW INCLUDES AN INTERVIEW BY THE DEPUTY MINISTER DIRECTLY WITH THE PUBLIC SERVANT INVOLVED, AT WHICH A FURTHER ATTEMPT IS MADE TO ELICIT ADDITIONAL OR CLARIFYING INFORMATION. IF AFTER THIS STAGE THE DOUBT STILL EXISTS, THE SECURITY PANEL APPOINTS A BOARD OF REVIEW OF THREE SENIOR PUBLIC SERVANTS AT OR NEAR THE DEPUTY MINISTER LEVEL, BUT WHO HAVE SOME KNOWLEDGE OF SECURITY AND WHO ARE NOT DIRECTLY INVOLVED IN THE CASE.

"THE BOARD OF REVIEW WILL PROVIDE ITS VIEWS ON EACH CASE WHERE DISMISSAL IS RECOMMENDED. IT WILL THEN BE FOR THE RESPONSIBLE MINISTERS, IN THE LIGHT OF ALL THE INFORMATION AND STUDY, TO DECIDE WHETHER OR NOT TO RECOMMEND DISMISSAL TO THE GOVERNOR IN COUNCIL.⁽¹⁾

THUS THE FINAL DECISION IS MADE BY THE CABINET ON THE RECOMMENDATION OF THE MINISTER RESPONSIBLE FOR THE DEPARTMENT OR AGENCY CONCERNED. THE MINISTER IS GUIDED BY A DEPARTMENTAL REVIEW, CONSULTATION WITH THE SECURITY PANEL, A PERSONAL REVIEW BY HIS DEPUTY MINISTER, AND AN INDEPENDENT REVIEW BY A TRIBUNAL OF THREE SENIOR OFFICIALS.

BASED ON THE AUTHORITY OF THE FINANCIAL ADMINISTRATION ACT, THE PUBLIC SERVICE STAFF RELATIONS ACT AND THE PUBLIC SERVICE EMPLOYMENT ACT, THE EXECUTIVE HAS EXTENSIVE POWERS TO CONTROL PUBLIC SERVANTS WHERE SECURITY IS A FACTOR. THE METHODS OF EMPLOYING THESE POWERS ARE ONLY

1. HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 25TH, 1963), P. 4045.

VERY GENERALLY OUTLINED IN THE STATUTES AND THE GOVERNMENT THEREFORE HAS VERY WIDE DISCRETION. IT IS ARGUED THAT THIS DISCRETION HAS BEEN CAREFULLY CONSIDERED AND A COMPREHENSIVE SYSTEM OF EXERCISING THE POWER HAS BEEN DEVELOPED AND, WITHIN DEFINITE LIMITS IMPOSED BY SECURITY ITSELF, THIS ADEQUATELY CONTROLLED.

ACCORDING TO THE ROYAL COMMISSION ON SECURITY, THE SYSTEM WAS NOT OPERATING COMPLETELY SATISFACTORILY AT THE TIME IT ISSUED ITS REPORT IN 1969. THE COMMISSION RECOMMENDED AREAS FOR IMPROVEMENT, SUCH AS THE SECURITY SERVICE MAKING A MORE SIGNIFICANT REPORT AND RECOMMENDATION AT THE CONCLUSION OF ITS INVESTIGATIONS.⁽¹⁾ FURTHER, IT WAS RECOMMENDED THAT ALL PERSONS TO BE EMPLOYED IN THE PUBLIC SERVICE, WHETHER OR NOT THEY WOULD HAVE ACCESS TO CLASSIFIED INFORMATION, BE SUBJECTED TO A SUBVERSIVE RECORDS CHECK AND A FINGERPRINT CHECK, BUT THAT ADVERSE INFORMATION WOULD NOT NECESSARILY RESULT IN THEIR REJECTION FOR THE POSITION.⁽²⁾ A MAJOR RECOMMENDATION WHICH THE GOVERNMENT ADOPTED IMMEDIATELY, WAS THE ESTABLISHMENT OF A SECURITY REVIEW BOARD. TO DATE THERE HAS BEEN NO APPARENT PROGRESS IN IMPLEMENTING THIS REVISED REVIEW PROCEDURE.⁽³⁾

THE COMMISSIONERS SUGGESTED THAT THE NEW SECURITY REVIEW BOARD SHOULD HAVE A NUMBER OF RESPONSIBILITIES, THAT IT SHOULD BE COMPOSED OF THREE MEMBERS AND SHOULD BE INDEPENDENT OF ALL GOVERNMENT DEPARTMENTS AND AGENCIES. THIS BOARD WAS EXPECTED TO HAVE THE CONFIDENCE OF THE GENERAL PUBLIC AND HENCE ALLEVIATE MANY OF THE MINOR SECURITY PROBLEMS

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), p. 33, 107.

2. CANADA, ROYAL COMMISSION ON SECURITY (1969), p. 32, 106.

3. CANADA, ROYAL COMMISSION ON SECURITY (1969), p. 109. SEE ALSO: HOUSE OF COMMONS, DEBATES, (CANADA: JUNE 26TH, 1969), p. 10637.

WHICH PLAQUED THE GOVERNMENT THROUGHOUT THE 1960'S. THE COMMISSION
REPORT STATES:

"THE GENERAL RESPONSIBILITY OF THIS BOARD WOULD BE TO
REVIEW DECISIONS MADE IN THE AREA OF SECURITY IN ORDER
TO ENSURE THAT THE RIGHTS OF INDIVIDUALS HAD NOT BEEN
UNNECESSARILY ABROGATED OR RESTRICTED IN THE INTERESTS
OF THE SECURITY OF THE STATE AND ITS ALLIES, AND THAT
NO UNNECESSARY DISTRESS HAD BEEN CAUSED TO INDIVIDUALS."⁽¹⁾

THE BOARD'S RESPONSIBILITIES WOULD INCLUDE THE APPEALS OF PUBLIC
SERVANTS AND INDUSTRIAL EMPLOYEES AGAINST DECISIONS TO TRANSFER OR
DISMISS THEM ON SECURITY GROUNDS. SIMILARLY, SPONSORS OR NOMINATORS
OF PROSPECTIVE IMMIGRANTS COULD APPEAL TO THE BOARD IF REFUSAL TO
ADMIT OR GRANT LANDED STATUS TO THE IMMIGRANT WAS BASED ON SECURITY
GROUNDS. IT WAS ARGUED, HOWEVER, THAT PROSPECTIVE IMMIGRANTS THEM-
SELVES SHOULD NOT HAVE THIS RIGHT OF APPEAL. ALONG SIMILAR LINES,
APPLICANTS FOR CITIZENSHIP WHO WERE REFUSED ON SECURITY GROUNDS COULD
APPEAL.⁽²⁾ A FOURTH RESPONSIBILITY OF THIS BOARD WOULD BE TO ACCEPT
PERIODIC REPORTS FROM THE SECURITY SERVICE AND TO DRAW TO THE ATTENTION
OF THE PRIME MINISTER ALL MATTERS WHICH IT CONSIDERED APPROPRIATE.⁽³⁾
THE GOVERNMENT DID NOT, HOWEVER, ACCEPT THIS PARTICULAR SUGGESTION.⁽⁴⁾

PHYSICAL SECURITY

THE SECOND FIELD OF CONCERN OF PROTECTIVE SECURITY IS PHYSICAL
SECURITY, THE PROTECTION OF CLASSIFIED MATERIAL BY SUCH THINGS AS DOORS,
LOOKS, ALARMS AND GUARDS, FROM LOSS OR THEFT. THE 1969 ROYAL COMMISSION

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 41.
2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 41, 109.
3. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 24, 106.
4. HOUSE OF COMMONS, DEBATES, (CANADA: JUNE 26TH, 1969), P.10638.

ON SECURITY COMMENTED CRITICALLY ON THE POOR STANDARDS OF PHYSICAL SECURITY IT FOUND IN GOVERNMENT BUILDINGS IN OTTAWA, DRAWING PARTICULAR ATTENTION TO THE EAST BLOCK ON PARLIAMENT HILL.⁽¹⁾ AS IN PERSONNEL SECURITY, EACH DEPARTMENT IS RESPONSIBLE FOR MAINTAINING ITS OWN PHYSICAL SECURITY TO PROTECT CLASSIFIED INFORMATION BUT, BECAUSE A PARTICULAR BUILDING MAY BE OCCUPIED BY MANY DEPARTMENTS, THE OVERALL BUILDING SECURITY MAY BECOME THE RESPONSIBILITY OF THE RCMP. IN GENERAL, THE RCMP COULD BE CALLED UPON FOR ADVICE ON PHYSICAL SECURITY AND WOULD CONDUCT A SECURITY SURVEY WHEN REQUESTED TO DO SO BY THE DEPARTMENT.

PHYSICAL SECURITY, IN ADDITION TO THE PROTECTION OF DOCUMENTS FROM LOSS OR THEFT, IS CLOSELY RELATED TO THE PROTECTION OF INFORMATION FROM ELECTRONIC EAVESDROPPING AND FROM TELEPHONE INTERCEPTION, REFERRED TO AS TECHNICAL SECURITY BY THE 1969 ROYAL COMMISSION. WITH OUR MODERN SOCIETY REQUIRING A CONSTANT, RAPID FLOW OF INFORMATION, THE PROTECTION OF INFORMATION WHILE IT IS BEING TRANSMITTED BY TELEGRAPHIC, TELEPHONIC OR RADIO MEANS IS CLOSELY RELATED TO PHYSICAL SECURITY AND IS CALLED COMMUNICATIONS SECURITY.⁽²⁾ THE GROWING USE OF ELECTRONIC DATA PROCESSING IS VASTLY COMPOUNDING THE PROBLEMS OF BOTH TRADITIONAL PHYSICAL SECURITY AND COMMUNICATIONS SECURITY.⁽³⁾

THE INTERCEPTION OF COMMUNICATIONS HAS LONG BEEN A TECHNIQUE OF INTELLIGENCE GATHERING. ALAN DULLES STATES: "WHEN THE FATE OF A NATION

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 81.
2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 82.
3. DENNIS VANTASSEL, COMPUTER SECURITY MANAGEMENT, (ENGLEWOOD CLIFFS, N.J.: PRENTICE-HALL, 1972). A COMPREHENSIVE DISCUSSION OF THE PROBLEMS OF COMPUTER SECURITY. SEE ALSO: HORST FEISTEL, "CRYPTOGRAPHY AND COMPUTER PRIVACY," SCIENTIFIC AMERICAN, VOL. 228, No. 5, MAY, 1973.

AND THE LIVES OF ITS SOLDIERS ARE AT STAKE, GENTLEMEN DO READ EACH OTHER'S MAIL - IF THEY CAN GET THEIR HANDS ON IT."⁽¹⁾ NOT ONLY DO INTELLIGENCE SERVICES ATTEMPT TO READ MAIL, THEY ATTEMPT TO OVERHEAR DISCUSSIONS OF CLASSIFIED MATERIAL OR OF INFORMATION WHICH CAN LATER BE USED TO BLACKMAIL AN INDIVIDUAL HAVING ACCESS TO CLASSIFIED INFORMATION, WHETHER THESE ARE PRIVATE, DIRECT DISCUSSIONS BETWEEN INDIVIDUALS OR ARE CARRIED ON SOME COMMUNICATIONS MEDIA. EAVESDROPPING TECHNIQUES ARE DISCUSSED IN SOME DETAIL BY ALAN F. WESTIN,⁽²⁾ AND COMMUNICATIONS INTERCEPTION TECHNIQUES ARE ADEQUATELY COVERED BY DAVID KAHN.⁽³⁾ PHYSICAL SECURITY IN ITS BROADEST CONTEXT MUST RECOGNIZE ALL THESE DANGERS AND MUST BUILD IN PROTECTION TO ENSURE THAT THE DANGERS ARE MINIMIZED.

THE ROYAL COMMISSION ON SECURITY RECOMMENDED A MORE AGGRESSIVE STANCE ON THE PART OF THE SECURITY SERVICE FOR THE WHOLE FIELD OF PHYSICAL SECURITY WHILE NOTING AT THE SAME TIME SOME SATISFACTION WITH THE COMMUNICATIONS SECURITY TECHNIQUES OTHER THAN THOSE INVOLVING THE USE OF TELEPHONE. THE COMMISSION RECOMMENDED THAT ALL TECHNICAL SECURITY FUNCTIONS, AT THAT TIME SPREAD THROUGHOUT THE GOVERNMENT, BE COMBINED AND FORM PART OF THE SECURITY SERVICE. THE SECURITY SERVICE SHOULD BE ORGANIZED TO PROVIDE EXPERT ADVICE TO DEPARTMENTS, TO INSPECT

1. DULLES, THE CRAFT OF INTELLIGENCE, P. 71.
2. ALAN F. WESTIN, PRIVACY AND FREEDOM, (NEW YORK: ATHENEUM, 1970), P. 69. SEE ALSO: DULLES, THE CRAFT OF INTELLIGENCE, P. 68.
3. DAVID KAHN, THE CODE BREAKERS, (NEW YORK: MACMILLAN, 1967). SEE ALSO: DULLES, THE CRAFT OF INTELLIGENCE, P. 71. BARBARA W. TUOKMAN, THE ZIMMERMAN TELEGRAM, (NEW YORK: MACMILLAN, 1958).

AND AUDIT DEPARTMENTAL SECURITY PROCEDURES AND TO TRAIN DEPARTMENTAL SECURITY OFFICERS.⁽¹⁾ MANY OF THE DETAILED RECOMMENDATIONS ARE NOW BEING CONSIDERED WITH THE CONCEPT OF DEPARTMENTAL RESPONSIBILITY BEING RETAINED.

BRIEF EXPLANATIONS AND ILLUSTRATIONS HAVE BEEN GIVEN OF THE THREE FUNCTIONS OF A SECURITY SERVICE; COUNTER-ESPIONAGE, THE INVESTIGATION OF SUBVERSION AND PROTECTIVE SECURITY. IN REALITY THESE FUNCTIONS MERGE, AS WAS ILLUSTRATED WHEN MEMBERS OF THE COMMUNIST PARTY OF CANADA, ONE A MEMBER OF PARLIAMENT, ENGAGED IN ESPIONAGE FOR THE SOVIET UNION.⁽²⁾ LIKEWISE, ONE OBJECTIVE OF PROTECTIVE SECURITY IS TO PREVENT BOTH ESPIONAGE AGENTS AND SUBVERSIVE INDIVIDUALS FROM GAINING ACCESS TO CLASSIFIED CANADIAN INFORMATION AND ESTABLISHMENTS. SIMILARLY, AS ESPIONAGE AGENTS OR SUBVERSIVE INDIVIDUALS ENGAGE IN CONCRETE ACTS WHICH CONTRAVENE CANADIAN CRIMINAL LEGISLATION, THE ACTIVITIES OF THE SECURITY SERVICE MERGE WITH NORMAL POLICE ACTIVITIES. THE INVESTIGATION OF EUGENI KOURIANOV, A SUSPECTED SOVIET INTELLIGENCE OFFICER, BY THE SECURITY SERVICE, LED TO THE DETECTION OF THE SPY, BOWER FEATHERSTONE, AND SUBSEQUENT CRIMINAL CHARGES BY THE RCMP.⁽³⁾ HENCE, THE SECURITY SERVICE IS ONE SMALL SECTION IN THE OVERALL LAW ENFORCEMENT SYSTEM, BUT IT IS THE SECTION WHICH DEALS WITH ILLEGAL, CLANDESTINE, CONSPIRATORIAL OR VIOLENT ACTION DIRECTED AGAINST OUR POLITICAL INSTITUTIONS.

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 66.
2. SEE BELOW, P. 120.
3. SEE ABOVE, P. 37.

4: ORGANIZATION OF THE CANADIAN SECURITY COMMUNITY

SECURITY AND INTELLIGENCE ARE CLOSELY RELATED FUNCTIONS. A SECURITY SERVICE FUNCTIONS BY GATHERING INTELLIGENCE ON INTERNAL SECURITY MATTERS WHILE INTELLIGENCE ORGANIZATIONS EXIST TO GATHER INFORMATION, USUALLY ON FOREIGN POLITICAL, SCIENTIFIC, ECONOMIC OR MILITARY MATTERS. WHILE THE FUNCTION TENDS TO BE THE INVERSE OF THE OTHER, THEY ALSO TEND TO COMPLEMENT EACH OTHER; FOR EXAMPLE, AN INTELLIGENCE SERVICE MAY COLLECT INFORMATION ON FOREIGN ESPIONAGE OPERATIONS AND HENCE SUPPORT THE DOMESTIC SECURITY SERVICE. ALLEN DULLES, IN DISCUSSING METHODS OF COUNTERESPIONAGE, STATES:

" ... ITS METHODS ARE ESSENTIALLY OFFENSIVE. ITS IDEAL GOAL IS TO DISCOVER HOSTILE INTELLIGENCE PLANS IN THEIR EARLIEST STAGES RATHER THAN AFTER THEY HAVE BEGUN TO DO THEIR DAMAGE. TO DO THIS, IT TRIED TO PENETRATE THE INNER CIRCLES OF HOSTILE SERVICES AT THE HIGHEST POSSIBLE LEVEL WHERE THE PLANS ARE MADE AND THE AGENTS SELECTED AND TRAINED ... "(1)

WHILE CANADA DOES NOT HAVE AN INTELLIGENCE SERVICE,⁽²⁾ VARIOUS DEPARTMENTS AND AGENCIES DO PERFORM INTELLIGENCE FUNCTIONS AND HENCE HAVE SOME RELATIONSHIP TO THE SECURITY COMMUNITY. THESE WILL BE DISCUSSED BRIEFLY BELOW AS PART OF THE TOTAL CANADIAN SECURITY APPARATUS.

1. DULLES, THE CRAFT OF INTELLIGENCE, P. 123.
2. SEE ABOVE, P. 33.

CANADIAN SECURITY COMMUNITY

THE CANADIAN SECURITY COMMUNITY IS COMPOSED OF A COMPLEX NETWORK OF ORGANIZATIONS AND SECTIONS OF ORGANIZATIONS WHICH IN TOTAL REFLECTS THE COMPLEXITIES OF THE CANADIAN GOVERNMENT ORGANIZATION. TO COMPLETE THE DESCRIPTION OF THIS COMMUNITY, A MAJOR REORGANIZATION WAS UNDERTAKEN DURING 1972 AND INFORMATION ON SOME ASPECTS OF THE CHANGES HAS NOT BEEN PUBLISHED IN UNCLASSIFIED FORM SINCE THE REORGANIZATION. THEREFORE, THE DESCRIPTION WILL REFLECT AN ORGANIZATION WHICH HAS NOW CHANGED BUT, WHERE POSSIBLE, RECENT CHANGES WILL BE NOTED.

THE COMMUNITY IS CONTROLLED BY A CABINET SPECIAL COMMITTEE ON SECURITY AND INTELLIGENCE WHICH MEETS IRREGULARLY UNDER THE CHAIRMANSHIP OF THE PRIME MINISTER.⁽¹⁾ MEMBERS OF THIS COMMITTEE INCLUDE THE MINISTER OF EXTERNAL AFFAIRS, MINISTER OF JUSTICE, MINISTER OF NATIONAL DEFENCE AND THE SOLICITOR GENERAL. THE COMMITTEE HAS BEEN IN EXISTENCE SINCE 1963, ORIGINALLY MEETING INFREQUENTLY, BUT HAS BEEN MORE VIGOROUS AND MORE EFFECTIVE UNDER OUR PRESENT PRIME MINISTER.

WITHIN THE PRIVY COUNCIL OFFICE, TWO POSITIONS EXIST WHICH ARE DEVOTED TO THE FORMULATION OF SECURITY AND INTELLIGENCE POLICY, THE MOST SENIOR POSITION BEING AT THE LEVEL OF AN ASSISTANT SECRETARY TO THE CABINET.⁽²⁾ THE INCUMBENTS OF THESE POSITIONS PROVIDED COORDINATION,

1. CANADA. ROYAL COMMISSION ON SECURITY (1969), P. 13.
SEE ALSO: DAWSON, THE GOVERNMENT OF CANADA, 5TH ED., P. 227.
GORDON ROBERTSON, "THE CHANGING ROLE OF THE PRIVY COUNCIL OFFICE,"
CANADIAN PUBLIC ADMINISTRATION, WINTER 1971, P. 492.

2. RONALD BLAIR, "ORGANIZATION OF TRUDEAU CABINET", FOX, ED.,
POLITICS: CANADA, P. 337. SEE ALSO: G. ROBERTSON, "THE CHANGING ROLE
OF THE PRIVY COUNCIL OFFICE," CANADIAN PUBLIC ADMINISTRATION, WINTER,
1971, P. 494.

ADVICE AND DIRECTION FOR DEPARTMENTS ON SECURITY POLICY.⁽¹⁾ THE MAIN ROLE OF COORDINATION WAS UNDERTAKEN THROUGH THE INTERDEPARTMENTAL COMMITTEE STRUCTURE, WHICH WILL BE DESCRIBED.

THE SECURITY PANEL WAS A SENIOR COMMITTEE AT THE DEPUTY MINISTERIAL LEVEL WHICH WAS FORMED IN 1946, RECONSTITUTED IN 1963 AND FINALLY DISBANDED IN 1972. THIS COMMITTEE, UNDER THE CHAIRMANSHIP OF THE SECRETARY TO THE CABINET, WAS THE SENIOR INTERDEPARTMENTAL COMMITTEE ON SECURITY.⁽²⁾ FORMER PRIME MINISTER, MR. L. ST. LAURENT, STATED IN THE HOUSE, IN REPLY TO A QUESTION:

"THE SECURITY PANEL HAS BEEN ESTABLISHED AS AN INTER-DEPARTMENTAL COMMITTEE FOR CONSULTATION BETWEEN OFFICIALS WHOSE DUTY IT IS TO ASSIST MINISTERS ON SECURITY MATTERS, AND FOR THE PREPARATION OF GENERAL QUESTIONS IN THIS FIELD FOR THE CONSIDERATION OF THE GOVERNMENT."⁽³⁾

GOVERNMENT DEPARTMENTS REPRESENTED ON THE SECURITY PANEL IN 1954, WERE THE DEPARTMENT OF NATIONAL DEFENCE, THE DEPARTMENT OF EXTERNAL AFFAIRS, THE DEPARTMENT OF DEFENCE PRODUCTION, THE DEPARTMENT OF CITIZENSHIP AND IMMIGRATION, THE DEPARTMENT OF NORTHERN AFFAIRS AND NATIONAL RESOURCES, THE ROYAL CANADIAN MOUNTED POLICE AND THE PRIVY COUNCIL OFFICE. PROVISION WAS ALSO MADE FOR OTHER DEPARTMENTS AND AGENCIES TO ATTEND MEETINGS DURING WHICH SUBJECT MATTER OF DIRECT INTEREST TO THEM WOULD BE DISCUSSED.⁽⁴⁾ IN PRACTICE, THIS PANEL MET INFREQUENTLY, AND ITS

1. GERARD McNEIL, "EAST BLOCK SECURITY MAN 'A BRAIN'", OTTAWA CITIZEN, JANUARY 20TH, 1972. THE SENIOR POSITION WAS OCCUPIED FOR MANY YEARS BY MR. D.F. WALL, ALTHOUGH IN EARLY 1972, HE WAS REPLACED BY MR. WALTER LUYENOK.

2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 14. SEE ALSO: HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 25TH, 1963), P. 4045. MONTREAL STAR, MAY 22ND, 1969.

3. HOUSE OF COMMONS, DEBATES, (CANADA: MARCH 24TH, 1954), P. 3285.

4. HOUSE OF COMMONS, DEBATES, (CANADA: MARCH 24TH, 1954), P. 3281.

MAIN FUNCTIONS WERE PERFORMED BY THE TWO MEMBERS OF THE PRIVY COUNCIL OFFICE, THROUGH INFORMAL CONSULTATION BETWEEN COMMITTEE MEMBERS AND THROUGH A SUB-COMMITTEE OF THE SECURITY PANEL, THE SECURITY SUB-PANEL, WHICH EXISTED AND MET SOMEWHAT MORE OFTEN. THIS SUBORDINATE COMMITTEE WAS UNDER THE CHAIRMANSHIP OF THE ASSISTANT SECRETARY TO THE CABINET AND DEPARTMENTAL MEMBERSHIP ROUGHLY CORRESPONDED TO THAT OF THE SECURITY PANEL ITSELF.

THE AGENCY RESPONSIBLE FOR ALL SECURITY INVESTIGATIONS AND FOR PROVIDING EXPERT SECURITY ADVICE IS THE ROYAL CANADIAN MOUNTED POLICE. THE ROYAL COMMISSION ON SECURITY (1969) INDICATED THAT THE RCMP WAS THE MAIN FEDERAL OPERATIONAL AND INVESTIGATIVE BODY IN THE FIELD OF SECURITY.⁽¹⁾

EACH GOVERNMENT DEPARTMENT IS RESPONSIBLE FOR ITS OWN SECURITY. FORMER PRIME MINISTER, L.B. PEARSON HAS STATED IN PARLIAMENT:

"EVERY MINISTER AND AGENCY OF GOVERNMENT IS ACCOUNTABLE FOR THE SECURITY OF THEIR OPERATIONS WHILE IT IS THE RESPONSIBILITY OF DEPARTMENTS AND MINISTERS TO TAKE THE ULTIMATE DECISION ON THE SECURITY OF THEIR PERSONNEL, THIS IS OF COURSE DONE WITHIN DIRECTIONS AS TO POLICY LAID DOWN BY THE GOVERNMENT."⁽²⁾

THE REQUIREMENTS FOR SECURITY IN THE CONTEXT OF NATIONAL SECURITY VARY WIDELY AMONG DEPARTMENTS FROM THE VERY SENSITIVE SUCH AS THE DEPARTMENTS OF NATIONAL DEFENCE, EXTERNAL AFFAIRS AND THE PRIVY COUNCIL OFFICE, TO OTHER DEPARTMENTS SUCH AS THE DEPARTMENT OF NATIONAL REVENUE, WHERE THE REQUIREMENT IS PRIVACY, NOT SECURITY.⁽³⁾ EACH DEPARTMENT HAS A SECURITY OFFICER WHO IS RESPONSIBLE FOR DEPARTMENTAL COMPLIANCE WITH

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 14.
2. HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 25TH, 1963), P. 4044.
3. HOUSE OF COMMONS, DEBATES, (CANADA: DECEMBER 11TH, 1963), P. 5686.

GOVERNMENT SECURITY POLICY AND FOR ENSURING THAT THE DEPARTMENT OR AGENCY DEVISES ITS OWN DETAILED SECURITY GUIDELINES.

IN SOME DEPARTMENTS AND AGENCIES THE SECURITY OFFICER REPORTS DIRECTLY TO THE DEPUTY HEAD, BUT IN OTHERS HE REPORTS TO THE DEPUTY HEAD THROUGH AN APPROPRIATE SENIOR OFFICIAL.⁽¹⁾ THE RELATIVE LEVEL OF THE SECURITY OFFICER VARIES DEPENDING ON THE RELATIVE NEEDS OF THE DEPARTMENT FOR EXPERT SECURITY ADVICE. IN THE DEPARTMENT OF EXTERNAL AFFAIRS, RESPONSIBILITY RESTS WITH THE HEAD OF SECURITY AND INTELLIGENCE LIAISON, BUT IN SOME SMALL DEPARTMENTS WHERE VERY LITTLE CLASSIFIED MATERIAL IS UTILIZED, IT MIGHT REST AS A PART-TIME RESPONSIBILITY OF AN ADMINISTRATIVE OFFICER OR PERSONNEL OFFICER. THE INTER-RELATIONSHIP BETWEEN THE DEPARTMENTAL SECURITY OFFICERS, THE SECURITY PANEL AND THE RCMP HAS BEEN DESCRIBED AS FOLLOWS:

"BASIC POLICY AND INSTRUCTIONS RELATING TO SECURITY ARE GIVEN TO DEPARTMENTS AND AGENCIES BY THE GOVERNMENT IN ORDER TO ENSURE THAT MINIMUM STANDARDS ARE MAINTAINED. ON THE BASIS OF THESE INSTRUCTIONS EACH DEPARTMENT AND AGENCY IS RESPONSIBLE FOR PREPARING DETAILED SECURITY REGULATIONS INTENDED TO MEET ITS OWN PARTICULAR SECURITY REQUIREMENTS. IN ADDITION TO THESE INSTRUCTIONS, DEPARTMENTS AND AGENCIES ARE PROVIDED FROM TIME TO TIME WITH A NUMBER OF MEMORANDA OF GUIDANCE AND ADVICE PREPARED BY THE SECURITY PANEL RESULTING FROM ITS STUDIES OF SPECIFIC MATTERS RELATING TO SECURITY DEPARTMENTAL AND AGENCY SECURITY OFFICERS CONSULT REGULARLY WITH APPROPRIATE OFFICERS OF THE CIVIL SERVICE COMMISSION AND OF THE SECURITY AND INTELLIGENCE DIRECTORATE OF THE R.C.M. POLICE ON MATTERS RELATING TO SECURITY IN WHICH THEY HAVE MUTUAL INTERESTS AND RESPONSIBILITIES."⁽²⁾

1. HOUSE OF COMMONS, DEBATES, (CANADA: DECEMBER 11TH, 1963), P. 5686.
2. HOUSE OF COMMONS, DEBATES, (CANADA: DECEMBER 11TH, 1963), P. 5686. QUESTION IN THE HOUSE OF COMMONS BY MR. ORLIKOW, ANSWERED BY FORMER PRIME MINISTER, L.B. PEARSON.

TO REITERATE, THEN, THE GOVERNMENT SECURITY STRUCTURE UNTIL VERY RECENTLY CONSISTED OF A CABINET SPECIAL COMMITTEE WHICH MADE BROAD POLICY DECISIONS, AN INTERDEPARTMENTAL SECURITY PANEL WHICH ATTEMPTED TO RESOLVE MORE DETAILED PROBLEMS AND COORDINATE SECURITY ACTIVITY THROUGHOUT ALL DEPARTMENTS AND AGENCIES, THE CENTRALIZED OPERATIONAL AGENCY, THE RCMP, AND A NETWORK OF DEPARTMENTAL SECURITY OFFICERS, EACH RESPONSIBLE FOR HIS OWN DEPARTMENT OR AGENCY. THIS ORGANIZATION WOULD APPEAR TO MEET THE REQUIREMENTS OF THE BRITISH COMMITTEE ON SECURITY PROCEDURES IN THE PUBLIC SERVICE FOR AN EFFECTIVE SYSTEM OF DEPARTMENTAL RESPONSIBILITY FOR SECURITY:

- "(I) ACCESS TO THE CENTRAL POOL OF SECURITY INTELLIGENCE AND EXPERTISE IN THE SECURITY SERVICE;
- (II) ARRANGEMENTS FOR DEPARTMENTS TO KEEP IN TOUCH WITH EACH OTHER ON SECURITY QUESTIONS OF COMMON INTEREST;
- (III) AN EFFECTIVE SECURITY ORGANIZATION WITHIN EACH DEPARTMENT.⁽¹⁾"

THE REPORT OF THE ROYAL COMMISSION ON SECURITY (1969) INCLUDED REFERENCES TO SHORTCOMINGS IN THIS ORGANIZATION AND RECOMMENDED CHANGES TO IMPROVE THE OVERALL OPERATION. THE REPORT INDICATED THAT THE INDIVIDUALS IN THE PRIVY COUNCIL OFFICE HAD INADEQUATE RESOURCES, NO EXECUTIVE AUTHORITY AND ADOPTED AN APPROACH BASED ON VOLUNTARY COMPLIANCE WITH DIRECTIVES BY DEPARTMENTS. GOING FURTHER, THE REPORT INDICATED THAT THE SENIOR POLITICAL LEVEL COMMITTEE OFTEN RECEIVED ADVICE BASED ON AN INTER-DEPARTMENTAL CONSENSUS FROM A COMMITTEE WHERE THE SECURITY PROFESSIONALS WERE OFTEN OUTNUMBERED BY REPRESENTATIVES FROM OPERATING DEPARTMENTS. EVEN WHEN CABINET DIRECTIVES WERE ISSUED, NO MACHINERY EXISTED TO AUDIT COMPLIANCE AND THE NET RESULT WAS THAT SUCH DIRECTIVES

1. BRITAIN, SECURITY PROCEDURES IN THE PUBLIC SERVICE, P. 4.

WERE CONSIDERED BY SOME DEPARTMENTS TO BE MERELY ADVISORY.⁽¹⁾

THE COMMISSION RECOMMENDED THE ESTABLISHMENT OF AN ADEQUATELY STAFFED SECURITY SECRETARIAT IN THE PRIVY COUNCIL OFFICE. THIS SECRETARIAT WOULD FORMULATE SECURITY POLICY AND PROCEDURES WITHIN THE BROADER CONTEXT OF GOVERNMENT POLICY AND WOULD HAVE AUTHORITY TO AUDIT COMPLIANCE WITH THESE POLICIES. THE SECRETARIAT WOULD BE ADVISED BY AN INTERDEPARTMENTAL SECURITY COMMITTEE, BUT THIS COMMITTEE WOULD BE FOR PURPOSES OF CONSULTATION AND ADVICE, NOT FOR MAKING DECISIONS. IN THE PREPARATION, COORDINATION AND ENFORCEMENT OF SECURITY REGULATIONS, THE SECRETARIAT WOULD RELY ON THE ADVICE AND ASSISTANCE OF THE SECURITY SERVICE.⁽²⁾

ARISING FROM THIS REPORT AND ALSO FROM SEPARATE INTERNAL STUDIES, THE STRUCTURE OF THE SECURITY COMMUNITY HAS RECENTLY BEEN OVERHAULED AND MODIFIED. THE SECURITY PANEL HAS BEEN REPLACED BY THE INTERDEPARTMENTAL COMMITTEE ON SECURITY AND INTELLIGENCE (ICSI), CHAIRED BY THE SECRETARY TO THE CABINET.⁽³⁾ REPORTING TO THIS COMMITTEE IS THE SECURITY ADVISORY COMMITTEE (SAC) UNDER THE CHAIRMANSHIP OF MR. ROBIN BOURNE, AN ASSISTANT DEPUTY SOLICITOR GENERAL WHO IS ALSO HEAD OF THE POLICE AND SECURITY PLANNING AND ANALYSIS GROUP (PSPG).⁽⁴⁾ THE SAC MEETS REGULARLY AND FREQUENTLY, RESULTING IN CLOSER COLLABORATION BETWEEN DEPARTMENTS AND A MUCH MORE TIMELY DISCUSSION OF SECURITY PROBLEMS. WHILE NOT OFFICIALLY DESIGNED AS THE SECRETARIAT RECOMMENDED

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 17.

2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 18.

3. OTTAWA CITIZEN, APRIL 4TH, 1973. SEE ALSO: HOUSE OF COMMONS, ORDER OF BUSINESS AND NOTICES, (CANADA: APRIL 4TH, 1973), P. V.

4. HOUSE OF COMMONS, DEBATES, (CANADA: SEPTEMBER 8TH, 1971), P. 7624. THIS GROUP WAS ORIGINALLY FORMED AS THE SECURITY PLANNING AND RESEARCH GROUP (SPARG) BUT ITS NAME WAS CHANGED TO POLICE AND SECURITY PLANNING AND ANALYSIS GROUP (PSPG) ON JANUARY 5TH, 1973.

BY THE ROYAL COMMISSION, PSPG, IN EFFECT APPEARS TO BE AN ALTERNATIVE TO THAT PROPOSED GROUP.

ON MAY 1ST, 1972, LT.-GEN. MICHAEL DARE, FORMERLY VICE-CHIEF OF DEFENCE STAFF WAS SECONDED TO THE PRIVY COUNCIL OFFICE TO CONDUCT A STUDY ON CRISIS MANAGEMENT, THE PLANNING OF GOVERNMENT RESPONSE TO NATIONAL EMERGENCIES AND TO NATURAL DISASTERS. WHILE THE STUDY IS NOT SPECIFICALLY RELATED TO NATIONAL SECURITY, THE DECISION TO INITIATE THIS STUDY AND POSSIBLY THE CHOICE OF THE INDIVIDUAL TO LEAD THE STUDY AT LEAST PARTIALLY ARISE OUT OF THE QUEBEC KIDNAPPING CRISIS OF OCTOBER 1970. THE REPORT, RECENTLY COMPLETED, RECOMMENDS THE ESTABLISHMENT OF A COORDINATING GROUP TO PROVIDE A MECHANISM FOR THE FEDERAL GOVERNMENT TO PREDICT FORTHCOMING CRISES AND TO COORDINATE AND CONTROL FEDERAL GOVERNMENT ACTION RELATING TO ANY CRISIS. THE FINDINGS OF THIS STUDY SHOULD BETTER PREPARE THE GOVERNMENT AND THE SECURITY ORGANIZATIONS TO HANDLE A SIMILAR EMERGENCY IN THE FUTURE.⁽¹⁾

THE DEPARTMENT OF EXTERNAL AFFAIRS PLAYS AN IMPORTANT ROLE ON TWO COUNTS; IT IS RESPONSIBLE FOR RELATIONS WITH FOREIGN COUNTRIES, SOME OF WHICH POSE A SIGNIFICANT THREAT AND, SECONDLY, IT CONTROLS ALL CANADIAN PREMISES AND PERSONNEL ABROAD. THE DEPARTMENT MUST PROVIDE PHYSICAL PROTECTION FOR CANADIAN MISSIONS AND RESIDENCES AND MUST BE AWARE OF CONTINUING PERSONNEL SECURITY PROBLEMS. AT THE SAME TIME, THIS DEPARTMENT GENERATES AND UTILIZES MUCH CLASSIFIED INFORMATION. THE GENERAL OBJECTIVE OF THE DEPARTMENT TO GENERATE IMPROVED FOREIGN RELATIONS IS

1. OTTAWA CITIZEN, JUNE 30TH, 1972. SEE ALSO: TORONTO GLOBE & MAIL, DECEMBER 21ST, 1972. OTTAWA CITIZEN, DECEMBER 21ST, 1972. OTTAWA CITIZEN, FEBRUARY 22ND, 1973.

IN SOME RESPECTS IN DIRECT CONFLICT WITH THE FUNCTIONS OF THE SECURITY SERVICE, IN PARTICULAR, AND THE SECURITY COMMUNITY GENERALLY.⁽¹⁾

AS PART OF ITS OVERALL RESPONSIBILITY FOR ADMINISTERING CLASSIFIED DEFENCE CONTRACTS, THE DEPARTMENT OF SUPPLY AND SERVICES IS RESPONSIBLE FOR INDUSTRIAL SECURITY; THAT IS, FOR THE PROTECTION OF INFORMATION AND MATERIAL THAT IS CONSIDERED CLASSIFIED BY THE GOVERNMENT OF CANADA OR AN ALLIED GOVERNMENT, WHILE THAT INFORMATION IS BEING USED BY A CONTRACTOR.⁽²⁾ AS PART OF THE DEPARTMENT'S RESPONSIBILITY, IT MUST OVERSEE AN INDUSTRIAL SECURITY SCREENING PROGRAM, SIMILAR TO THE PROGRAM DESCRIBED EARLIER FOR PUBLIC SERVANTS, OPERATING IN CONJUNCTION WITH THE PUBLIC SERVICE PROGRAM AND HAVING THE SAME BASIC OBJECTIVE.⁽³⁾ WHILE THE PRODUCTION OF CLASSIFIED MATERIALS IN CANADIAN INDUSTRY HAS DECLINED OVER THE LAST DECADE, THE GROWTH OF VIOLENCE-PRONE GROUPS HAS CREATED A NEED FOR EXPERT SECURITY ADVICE, PARTICULARLY IN THE FIELD OF PHYSICAL PROTECTION OF PEOPLE AND PROPERTY, IN MANY INDUSTRIAL ORGANIZATIONS SUCH AS AIRLINES. THE PROVISION OF EXPERT ADVICE IN THIS FIELD CAN BE A HIGHLY CONTROVERSIAL SUBJECT AS WAS RECENTLY DEMONSTRATED IN OTTAWA.⁽⁴⁾

1. CANADA, REPORT OF THE ROYAL COMMISSION ON SECURITY (1969), P.83.
2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 91. SEE ALSO: HOUSE OF COMMONS, DEBATES, (CANADA: JUNE 26TH, 1969), P. 10638.
3. SEE ABOVE, P.56. SEE ALSO: HOUSE OF COMMONS, DEBATES, (CANADA: DECEMBER 3RD, 1951), P. 1504. OTTAWA CITIZEN, APRIL 4TH,
4. TORONTO GLOBE AND MAIL, APRIL 11TH, 1973. ASSISTANT COMMISSIONER H. DRAPER OF THE SECURITY SERVICE WAS SEVERELY CRITICIZED BY BOTH AN OPPOSITION MEMBER OF PARLIAMENT AND BY THE NEWS MEDIA FOR PROVIDING A PRIVATE BRIEFING ON SECURITY PROBLEMS TO A CONFERENCE OF INDUSTRIAL SECURITY OFFICERS.

THE DEPARTMENT OF NATIONAL DEFENCE AND ITS CANADIAN FORCES ALSO PRESENT A LARGE AND UNUSUAL RESOURCE IN THIS FIELD. THE DEPARTMENT, BY ITS VERY NATURE, GENERATES AND UTILIZES VAST AMOUNTS OF CLASSIFIED INFORMATION. IN ADDITION, THE CANADIAN FORCES REPRESENT A LARGE POOL OF TRAINED AND DISCIPLINED MANPOWER WHICH CAN BE USED TO SUPPORT CIVIL AUTHORITIES DURING A PERIOD OF CRISIS.⁽¹⁾ THIS SUPPORT WAS UTILIZED IN THE FALL OF 1970 DURING THE CRISIS IN QUEBEC.⁽²⁾

THE SECURITY SERVICE OF THE RCMP

THE RCMP IS THE FEDERAL INVESTIGATIVE AND ENFORCEMENT ORGANIZATION. IT WAS ESTABLISHED AS THE NORTH WEST MOUNTED POLICE IN 1873 AND IN 1920 ITS JURISDICTION WAS EXPANDED TO ENFORCE FEDERAL LEGISLATION THROUGHOUT CANADA, AND THE NAME WAS CHANGED TO THE ROYAL CANADIAN MOUNTED POLICE.⁽³⁾ THE RCMP ASSUMED ITS FIRST ROLE AS THE FEDERAL OPERATIONAL AND INVESTIGATIVE BODY IN THE FIELD OF SECURITY DURING WORLD WAR I, AND THIS WAS EXTENDED AFTER 1920 WHEN THE DOMINION POLICE FORCE WAS MERGED WITH THE ROYAL NORTHWEST MOUNTED POLICE.⁽⁴⁾

AS NOTED BY THE ROYAL COMMISSION, THERE IS NO EXPLICIT STATUTORY AUTHORITY FOR THE SECURITY FUNCTIONS OF THE RCMP.⁽⁵⁾ AUTHORIZATION FOR

1. CANADA, ESTIMATES FOR THE FISCAL YEAR ENDING MARCH 31ST, 1973, P. 15-16. OBJECTIVE - TO ENSURE THE SECURITY OF CANADA AND TO CONTRIBUTE TO THE MAINTENANCE OF WORLD PEACE. SUB-OBJECTIVE - TO SUPPLEMENT AND SUPPORT THE CIVILIAN AUTHORITIES IN MAINTAINING SURVEILLANCE AND PRESERVING CONTROL OVER THE SECURITY WITHIN THE NATIONAL TERRITORY OF CANADA AND AREAS OF CANADIAN JURISDICTION. KELLY, THE MEN OF THE MOUNTED, P. 207.

2. SEE BELOW, P. 141.

3. CANADA, ORGANIZATION OF THE GOVERNMENT OF CANADA, (OTTAWA: QUEEN'S PRINTER, 1966), P. 286 (AS REVISED JANUARY 1967). SEE ALSO: NORA KELLY, "THE EVOLUTION OF THE RCMP", CANADIAN GEOGRAPHICAL JOURNAL, VOL. LXXXVI, NO. 5, MAY, 1973, P. 168.

4. SEE ABOVE, P. 4.

5. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 14.

THE RCMP TO UNDERTAKE SECURITY OPERATIONS IS DERIVED FROM GENERAL SECTIONS OF THE RCMP ACT.⁽¹⁾ PURSUANT TO THESE BROAD SECTIONS, THE GOVERNOR IN COUNCIL HAS MADE REGULATIONS REQUIRING THE RCMP TO MAINTAIN AND OPERATE SECURITY AND INTELLIGENCE SERVICES AS SPECIFIED BY THE SOLICITOR-GENERAL.⁽²⁾ UNDER THE AUTHORITY OF THIS REGULATION, THE

1. STATUTES OF CANADA, 1959, c. 54.

17(3) EVERY OFFICER, AND EVERY PERSON APPOINTED BY THE COMMISSIONER UNDER THIS ACT TO BE A PEACE OFFICER, IS A PEACE OFFICER IN EVERY PART OF CANADA AND HAS ALL THE POWERS, AUTHORITY, PROTECTION AND PRIVILEGES THAT A PEACE OFFICER HAS BY LAW.

18. IT IS THE DUTY OF MEMBERS OF THE FORCE WHO ARE PEACE OFFICERS, SUBJECT TO THE ORDERS OF THE COMMISSIONER,

(A) TO PERFORM ALL DUTIES THAT ARE ASSIGNED TO PEACE OFFICERS IN RELATION TO THE PRESERVATION OF THE PEACE, THE PREVENTION OF CRIME, AND OF OFFENCES AGAINST THE LAWS OF CANADA AND THE LAWS IN FORCE IN ANY PROVINCE IN WHICH THEY MAY BE EMPLOYED, AND THE APPREHENSION OF CRIMINALS AND OFFENDERS AND OTHERS WHO MAY BE LAWFULLY TAKEN INTO CUSTODY.

(D) TO PERFORM SUCH OTHER DUTIES AND FUNCTIONS AS ARE PRESCRIBED BY THE GOVERNOR IN COUNCIL OR THE COMMISSIONER.

21(1) THE GOVERNOR IN COUNCIL MAY MAKE REGULATIONS FOR THE ORGANIZATION, TRAINING, DISCIPLINE, EFFICIENCY, ADMINISTRATION AND GOOD GOVERNMENT OF THE FORCE AND GENERALLY FOR CARRYING THE PURPOSES AND PROVISIONS OF THIS ACT INTO EFFECT.

(2) SUBJECT TO THE PROVISIONS OF THIS ACT AND THE REGULATIONS MADE UNDER SUB-SECTION (1), THE COMMISSIONER MAY MAKE RULES, TO BE KNOWN AS STANDING ORDERS, FOR THE ORGANIZATION, TRAINING, DISCIPLINE, EFFICIENCY, ADMINISTRATION AND GOOD GOVERNMENT OF THE FORCE.

2. CANADA, REGULATIONS AND ORDERS FOR GOVERNMENT AND GUIDANCE OF THE ROYAL CANADIAN MOUNTED POLICE (1960).

44. IN ADDITION TO THE DUTIES PRESCRIBED BY THE ACT, IT IS THE DUTY OF THE FORCE

(E) TO MAINTAIN AND OPERATE SUCH SECURITY AND INTELLIGENCE SERVICES AS MAY BE REQUIRED BY THE MINISTER.

SEE ALSO: CANADA, ROYAL COMMISSION ON SECURITY (1969), p. 14.

COMMISSIONER HAS ISSUED STANDING ORDERS WHICH DETAIL THE ORGANIZATION AND RESPONSIBILITIES OF THE DIRECTOR GENERAL OF SECURITY.⁽¹⁾

SECURITY FUNCTIONS WITHIN THE RCMP WERE ORGANIZED ORIGINALLY AS THE SPECIAL BRANCH, A SECTION OF THE CRIMINAL INVESTIGATION BRANCH. THIS SPECIAL BRANCH EXISTED AS EARLY AS 1917⁽²⁾ BUT WAS RELATIVELY SMALL. THE SIZE AND COMPLEXITY INCREASED GREATLY DURING WORLD WAR II, BUT IT VIRTUALLY DISBANDED AT THE END OF THE WAR. HOWEVER, WITH THE GOUZENKO REVELATIONS OF 1945, THE BRANCH WAS REORGANIZED AND ENLARGED,⁽³⁾ AND AS THE NEED FOR INCREASED SPECIALIZATION BECAME EVIDENT, THE SPECIAL BRANCH WAS SPLIT OUT OF THE CRIMINAL INVESTIGATION BRANCH AND RECONSTITUTED AS THE DIRECTORATE OF SECURITY AND INTELLIGENCE IN 1956.⁽⁴⁾ IN RESPONSE TO RECOMMENDATIONS OF THE ROYAL COMMISSION ON SECURITY (1969), THE CANADIAN SECURITY SERVICE OF THE RCMP WAS FORMED DURING 1971.⁽⁵⁾ THE BUDGET FOR

1. CANADA, REGULATIONS AND ORDERS FOR GOVERNMENT AND GUIDANCE OF THE ROYAL CANADIAN MOUNTED POLICE (1960). 1364 ... RESPONSIBLE FOR THE DIRECTION AND CORRELATION OF ACTIVITIES IN RESPECT TO COUNTERESPIONAGE AND SUBVERSIVE ACTIVITIES AGAINST THE STATE; FOR SECURITY INVESTIGATIONS REGARDING PERSONNEL EMPLOYED BY THE GOVERNMENT AND OTHERS AS REQUIRED, FOR COOPERATION WITH COMMONWEALTH COUNTRIES AND FOREIGN NATIONS IN MATTERS CONCERNING THE INTERNAL SECURITY OF THE STATE, COOPERATION WITH THE INTERNAL INTELLIGENCE ORGANIZATIONS BOTH SERVICE AND CIVILIAN, AND FOR THE DIRECTION OF SECURITY AND INTELLIGENCE INVESTIGATIONS GENERALLY. SEE ALSO: CANADA, ROYAL COMMISSION ON SECURITY, (1969), P. 15.
2. HARVISON, THE HORSEMEN, P. 86. SEE ALSO: PHILLIPS, THE LIVING LEGEND, P. 85.
3. SEE BELOW, P. 116. SEE ALSO: KELLY, CANADIAN GEOGRAPHICAL JOURNAL, MAY, 1973, P. 176.
4. MONTREAL GAZETTE, MAY 12TH, 1966. SEE ALSO: MCLEAN'S, APRIL 20TH, 1963, CANADIAN WEEKLY, SEPTEMBER 20TH, 1963, STAR WEEKLY, OCTOBER 2ND, 1965.
5. TORONTO DAILY STAR, JANUARY 9TH, 1971.

THE SECURITY SERVICE IS PART OF THE RCMP FEDERAL LAW ENFORCEMENT PROGRAMME, BUT NO DETAILS OF THE ACTUAL SECURITY BUDGET ARE SHOWN.⁽¹⁾
 ONE OF THE SUB-OBJECTIVES INCLUDED IN RCMP ESTIMATES IS: "TO MAINTAIN AND OPERATE FOR CANADA A SECURITY AND INTELLIGENCE SERVICE."⁽²⁾

THE RCMP IS CONTROLLED BY A COMMISSIONER, UNDER THE POLICY DIRECTION OF THE SOLICITOR GENERAL.⁽³⁾ THE COMMISSIONER HOLDS AN APPOINTMENT AT THE LEVEL OF A DEPUTY MINISTER. THE ORGANIZATION OF THE RCMP IS FUNCTIONAL, WITH EACH OF THE FOUR INDIVIDUALS HOLDING POSITIONS AT THE DEPUTY COMMISSIONER LEVEL BEING RESPONSIBLE FOR A SINGLE, BROAD RCMP FUNCTION; CRIMINAL OPERATIONS, ADMINISTRATION, POLICE SERVICES AND

1. CANADA, ESTIMATES FOR THE FISCAL YEAR ENDING MARCH 31ST, 1973.
 (OTTAWA: INFORMATION CANADA, 1972.), P. 25-18. ENFORCEMENT OF FEDERAL STATUTES AND EXECUTIVE ORDERS.

MAN - YEARS AUTHORIZED	1972-73	4215
TOTAL ESTIMATES	1972-73	\$60,356,000.
TOTAL FORECAST	1971-72	51,046,000
TOTAL EXPENDITURE	1970-71	40,346,000

2. CANADA, ESTIMATES FOR THE FISCAL YEAR ENDING MARCH 31ST, 1972.
 (OTTAWA: INFORMATION CANADA, 1971), P. 24-18.

3. STATUTES OF CANADA, 1959, c.54.

5. THE GOVERNOR IN COUNCIL MAY APPOINT AN OFFICER TO BE KNOWN AS THE COMMISSIONER OF THE ROYAL CANADIAN MOUNTED POLICE, WHO, UNDER THE DIRECTION OF THE MINISTER, HAS THE CONTROL AND MANAGEMENT OF THE FORCE AND ALL MATTERS CONNECTED THEREWITH.

STATUTES OF CANADA, 1966, c.25, s.4.

THE DUTIES AND FUNCTION OF THE SOLICITOR GENERAL INCLUDE ALL MATTERS WITHIN THE JURISDICTION OF PARLIAMENT, NOT BY LAW ASSIGNED TO OTHER DEPARTMENTS, BRANCHES OR AGENCIES RELATING TO THE ROYAL CANADIAN MOUNTED POLICE. SEE ALSO: ROYAL COMMISSION ON SECURITY (1969), P. 16.
 THE CURRENT COMMISSIONER IS WILLIAM LEONARD HIGGITT.

THE SECURITY SERVICE.⁽¹⁾ THE FIRST DIRECTOR GENERAL OF SECURITY WAS MR. JOHN STARNES, FORMERLY A SENIOR MEMBER OF THE DEPARTMENT OF EXTERNAL AFFAIRS, WHOSE APPOINTMENT WAS EFFECTIVE JANUARY 1ST, 1970.⁽²⁾ THE DIRECTOR GENERAL IS ASSISTED BY THREE DEPUTY DIRECTORS GENERAL WITH RESPONSIBILITIES FOR OPERATIONS, OPERATIONS SERVICES, AND ADMINISTRATION AND PERSONNEL. ONLY TWO OF THESE THREE POSITIONS ARE CURRENTLY FILLED, BOTH WITH OFFICERS AT THE ASSISTANT COMMISSIONER LEVEL.

THE HEADQUARTERS OPERATION OF THE SECURITY SERVICE IS FURTHER SUBDIVIDED ON A FUNCTIONAL BASIS TO UNITS KNOWN AS OPERATIONS, EACH OF WHICH IS NORMALLY RESPONSIBLE FOR A PARTICULAR FUNCTION SUCH AS COUNTER-ESPIONAGE, SUBVERSION, PERSONNEL SECURITY OR PHYSICAL SECURITY. EACH OPERATION IS UNDER THE CONTROL OF AN OFFICER, WITH THE RANK VARYING FROM THAT OF INSPECTOR TO THAT OF CHIEF SUPERINTENDENT DEPENDING ON THE SIZE, COMPLEXITY AND RESPONSIBILITIES WITHIN THE PARTICULAR OPERATION. SOME OPERATIONS ARE CONTROLLED BY CIVILIANS OF EQUIVALENT RANK.

THE SECURITY SERVICE MAINTAINS FIELD OPERATIONAL BRANCHES AT RCMP REGIONAL (DIVISIONAL) HEADQUARTERS AND AT CERTAIN RCMP DETACHMENTS THROUGHOUT CANADA WITH THE ORGANIZATION OF THESE FIELD OPERATIONS REFLECTING THE HEADQUARTERS ORGANIZATION, AS MODIFIED TO SUIT LOCAL CONDITIONS.⁽³⁾ THE OFFICER IN CHARGE OF SECURITY SERVICE IN A REGIONAL

1. UNTIL JANUARY 1973, THERE WERE ONLY THREE INDIVIDUALS HOLDING APPOINTMENTS AT THE DEPUTY COMMISSIONER LEVEL. THE FOURTH POSITION, POLICE SERVICES, WAS THEN ADDED. SEE ALSO: KELLY, CANADIAN GEOGRAPHICAL JOURNAL, MAY, 1973, P. 181.

2. TORONTO DAILY STAR, JANUARY 9TH, 1971. SEE ALSO: CLAIR BALFOUR, "STARNES WILL RETIRE AS SECURITY CHIEF, DARE TO TAKE POST," TORONTO GLOBE AND MAIL, MARCH 8TH, 1973. ON APRIL 15TH, 1973, MR. J. STARNES WILL RETIRE AND BE REPLACED BY LT.GEN. MICHAEL DARE WHO HAS RECENTLY BEEN ENGAGED ON CRISIS STUDIES IN THE PRIVY COUNCIL OFFICE.

3. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 15.

ORGANIZATION

OF THE

ROYAL CANADIAN MOUNTED POLICE

HEADQUARTERS, SUCH AS MONTREAL, IS CONTROLLED FUNCTIONALLY BY THE DIRECTOR GENERAL OF SECURITY AND ADMINISTRATIVELY BY THE RCMP COMMANDING OFFICER OF THE REGION. EACH FIELD OPERATION IS CONTROLLED BY A SECURITY SERVICE MEMBER, NORMALLY AT A RANK BETWEEN INSPECTOR AND CHIEF SUPERINTENDENT. IN CERTAIN SMALLER REGIONS OR DETACHMENTS, THE SECURITY SERVICE OPERATIONS ARE USUALLY UNDER THE CONTROL OF SENIOR NONCOMMISSIONED OFFICERS REPORTING FORMALLY THROUGH THE CRIMINAL INVESTIGATION BRANCH (CIB) BUT CONTROLLED FUNCTIONALLY BY THE DIRECTOR GENERAL.⁽¹⁾

THE SECURITY SERVICE IS STAFFED BY BOTH REGULAR MEMBERS OF THE RCMP AND CIVILIANS. THE ROYAL COMMISSION NOTED THAT MOST SENIOR POSITIONS WERE OCCUPIED BY REGULAR MEMBERS AS WERE NEARLY 60% OF THE OPERATING POSITIONS. IT FURTHER NOTED THAT THE RCMP EMPLOYED SOME SPECIAL CONSTABLES ON SURVEILLANCE DUTIES, SOME CIVILIAN MEMBERS AS TRANSLATORS, TECHNICIANS OR RESEARCHERS AND SOME PUBLIC SERVANTS ON CLERICAL DUTIES.⁽²⁾ SPECIAL CONSTABLES ARE BASICALLY CIVILIANS, WHO ARE ENGAGED, GIVEN SPECIALIZED TRAINING AND PERFORM DUTIES REQUIRING THEIR APPOINTMENT AS PEACE OFFICERS. CIVILIAN MEMBERS ARE CIVILIANS HAVING

1. TO RELATE LEVELS, PAY SCALES FOR A RANGE OF RCMP POSITIONS ARE GIVEN BELOW - THESE PAY LEVELS WERE EFFECTIVE APRIL 1ST, 1972.

ASSISTANT COMMISSIONER	\$27,100
CHIEF SUPERINTENDENT	23,750
SUPERINTENDENT	19,750 TO \$21,300
INSPECTOR	17,200 TO 18,400
SUB-INSPECTOR	16,000 TO 16,600
STAFF SERGEANT	14,535 TO 13,860
SERGEANT	13,440 TO 13,860
CORPORAL	12,340 TO 12,700
CONSTABLE	7,600 TO 11,550

SEE ALSO: THE CANADIAN MAGAZINE, JANUARY 27TH, 1973, P. 18.

2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 15.

SPECIAL SKILLS OR TRAINING WHO WORK WITH REGULAR OFFICERS ON LAW ENFORCEMENT DUTIES BUT WHO ARE NOT APPOINTED TO BE PEACE OFFICERS. THESE TWO CATEGORIES ARE ENGAGED UNDER THE RCMP ACT RATHER THAN THE PUBLIC SERVICE EMPLOYMENT ACT. SPECIAL CONSTABLES AND CIVILIAN MEMBERS, AS WELL AS REGULAR MEMBERS, ARE ALL MEMBERS OF THE RCMP.⁽¹⁾

THE ROYAL COMMISSION RECOMMENDED THAT THE GOVERNMENT FORM A NEW SECURITY SERVICE, BASED AT FIRST ON THE DIRECTORATE OF SECURITY AND INTELLIGENCE OF THE RCMP, BUT EVENTUALLY SEPARATING COMPLETELY FROM THE RCMP.⁽²⁾ THE ROYAL COMMISSION BASED THIS RECOMMENDATION ON THEIR CONCLUSION THAT THE RCMP TRAINING METHODS IN THE SECURITY FIELD WERE INADEQUATE, THAT INSUFFICIENT USE WAS MADE OF UNIVERSITY GRADUATES AND THAT THE NATURE OF THE DUTIES (PREVENTIVE ACTIVITIES AND INTELLIGENCE COLLECTION), DIFFERED WIDELY FROM LAW ENFORCEMENT. THEY ALSO STRESSED THE INFLEXIBLE NATURE OF A PARA-MILITARY POLICE FORCE, AS ILLUSTRATED BY THE TYPE OF BRIEF PREPARED IN SECURITY SCREENING CASES. ADDITIONALLY,

1. PAY LEVELS FOR CIVILIAN MEMBERS AND SPECIAL CONSTABLES OF THE RCMP, EFFECTIVE APRIL 1ST, 1972.

GRADE 17	\$24,624 TO \$27,240
GRADE 16	21,888 TO 23,592
GRADE 15	19,380 TO 21,060
GRADE 14	16,284 TO 17,700
GRADE 13	15,996
GRADE 12	14,690 TO 15,960
GRADE 11	13,764 TO 14,304
GRADE 10	12,624 TO 13,296
GRADE 9	11,544 TO 11,880
GRADE 8	10,380 TO 10,620
GRADE 7	9,504 TO 9,984
GRADE 6	8,712 TO 9,984
GRADE 5	6,708 TO 8,400
GRADE 4	5,532 TO 6,600

2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 22, 105.
SEE ALSO: TORONTO TELEGRAM, JUNE 3RD, 1965.

THEY BELIEVED THAT THE INCOMPATIBILITY OF THE OFTEN CLANDESTINE AND SOMETIMES IMMORAL ACTIVITIES OF A SECURITY SERVICE WITH THE ACTIVITIES OF LAW ENFORCEMENT, DICTATED THAT THE TWO TYPES OF DUTIES SHOULD NOT BE ASSOCIATED.⁽¹⁾

THE GOVERNMENT FORMALLY REJECTED THIS RECOMMENDATION AND PRIME MINISTER P.E. TRUDEAU STATED THE GOVERNMENT POSITION FIRMLY:

"AFTER CAREFUL STUDY OF THE CONSIDERATIONS PUT FORWARD BY THE COMMISSIONERS IN SUPPORT OF THEIR RECOMMENDATIONS, WE HAVE COME TO THE CONCLUSION THAT CURRENT AND FORESEEABLE SECURITY PROBLEMS IN CANADA CAN BE BETTER DEALT WITH WITHIN THE R.C.M. POLICE THROUGH APPROPRIATE MODIFICATIONS IN THEIR EXISTING STRUCTURE THAN BY ATTEMPTING TO CREATE A WHOLLY NEW AND SEPARATE SERVICE."⁽²⁾

THE PRIME MINISTER CONTINUED AND SPECIFIED THAT THE DIRECTORATE OF SECURITY AND INTELLIGENCE WOULD DEVELOP AS A "DISTINCT AND IDENTIFIABLE ELEMENT" WITHIN THE RCMP STRUCTURE. THE SECURITY ORGANIZATION WOULD DRAW ON THE RCMP FOR PERSONNEL AND FOR ADMINISTRATIVE AND RESEARCH SERVICE, BUT WOULD TEND TO BECOME STRUCTURALLY SEPARATE AND MORE CIVILIAN IN NATURE.⁽³⁾

SINCE 1969, THE CIVILIAN ELEMENT HAS INCREASED UNTIL BY MARCH 31ST, 1971, CIVILIANS OCCUPIED 48% OF THE POSITIONS WITHIN THE SECURITY SERVICE. BY DRAWING MEMBERS FROM THE LAW ENFORCEMENT FIELD OF THE RCMP, THE SECURITY SERVICE HAS ACCESS TO A SKILLED POOL OF INVESTIGATIVE PERSONNEL WHOSE ABILITY IS PROVEN AND DOCUMENTED. SINCE INVESTIGATIVE ABILITIES ARE REQUIRED BY A MAJOR PORTION OF SECURITY SERVICE PERSONNEL,

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 18.
2. HOUSE OF COMMONS, DEBATES, (CANADA: JUNE 26TH, 1969), P.10636.
3. HOUSE OF COMMONS, DEBATES, (CANADA: JUNE 26TH, 1969), P.10637.

THIS POOL WILL LIKELY REMAIN THE MAJOR SOURCE OF MANPOWER, BEING SUPPLEMENTED BY INDIVIDUALS WITH SPECIALIZED SKILLS AND TRAINING ENTERING THE SECURITY SERVICE DIRECTLY AS CIVILIANS. CURRENTLY, ALL MEMBERS OF THE SECURITY SERVICE WORK IN CIVILIAN CLOTHES AND MOST REGULAR MEMBERS NO LONGER EVEN POSSESS UNIFORMS.

POLICE AND SECURITY PLANNING AND ANALYSIS GROUP

ONE GROUP IN THE MODIFIED SECURITY COMMUNITY WHICH HAS BEEN PUBLICLY IDENTIFIED AND DESCRIBED IS THE POLICE SECURITY PLANNING AND ANALYSIS GROUP (PSPG) IN THE SOLICITOR GENERAL'S DEPARTMENT. THE ESTABLISHMENT OF THE GROUP WAS ANNOUNCED ON AUGUST 27TH, 1971, WITH AN INITIAL STAFF OF THREE AND A PROPOSED EVENTUAL STAFF OF TWENTY.⁽¹⁾ IN A STATEMENT IN THE HOUSE ON SEPTEMBER 21ST, 1971, FORMER SOLICITOR GENERAL GOYER STATED THAT THE FUNCTIONS OF THE GROUP WERE:

- "1. TO STUDY THE NATURE, ORIGIN AND CAUSES OF SUBVERSIVE AND REVOLUTIONARY ACTION, ITS OBJECTIVES AND TECHNIQUES AS WELL AS THE MEASURES NECESSARY TO PROTECT CANADIANS FROM INTERNAL THREATS:
2. TO COMPILE AND ANALYSE INFORMATION COLLECTED ON SUBVERSIVE AND REVOLUTIONARY GROUPS AND THEIR ACTIVITIES, TO ESTIMATE THE NATURE AND SCOPE OF INTERNAL THREATS TO CANADIANS AND TO PLAN FOR MEASURES TO COUNTER THESE THREATS:
3. TO ADVISE ME (SOLICITOR GENERAL) ON THESE MATTERS."⁽²⁾

THE FUNCTIONS OF THIS GROUP, ON INITIAL EXAMINATION, APPEAR TO OVERLAP WITH THE FUNCTIONS OF THE SECURITY SERVICE AND IT WAS DUE TO

1. OTTAWA CITIZEN, AUGUST 27TH, 1971. SEE ALSO: HOUSE OF COMMONS, DEBATES, (CANADA: DECEMBER 2ND, 1971), P. 10115. HOUSE OF COMMONS, DEBATES, (CANADA: MAY 1ST, 1972), P. 1758. HOUSE OF COMMONS, ORDER OF BUSINESS AND NOTICES, (CANADA: APRIL 4TH, 1973), P. IV.

2. HOUSE OF COMMONS, DEBATES, (CANADA: SEPTEMBER 21ST, 1971), P. 8026.

THESE APPARENT OVERLAPS THAT THE SOLICITOR GENERAL WAS FORCED INTO EXTENDED PUBLIC DISCUSSION OF THE DUTIES OF THE PERSONNEL ASSIGNED TO PSPG. SUBVERSION HAS ITS ROOTS IN SOCIAL UNREST AND INVESTIGATION OF THE RESULTING SUBVERSIVE ACTIVITY IS A LEGITIMATE OPERATION OF THE SECURITY SERVICE. JEAN-PIERRE GOYER INDICATED THAT AN ORGANIZATION, AT THE COORDINATING AND POLICY LEVEL, WAS REQUIRED TO INTEGRATE SECURITY SERVICE REPORTS WITH INFORMATION FROM OTHER DEPARTMENTS AND AGENCIES TO PRESENT THE CABINET WITH AN OVERVIEW OF THE PROBLEM AREAS.⁽¹⁾ PSPG IS THIS COORDINATING AND ADVISORY BODY WITH NO OPERATIONAL RESPONSIBILITY.⁽²⁾ PSPG CAN REQUEST OTHER AGENCIES TO DEVELOP THE INFORMATION IT REQUIRES; IT DOES NOT HAVE TO EXIST SOLELY ON THE INFORMATION INITIALLY PROVIDED. ADDITIONALLY, THE FORMER SOLICITOR GENERAL INDICATED THAT PSPG WILL DERIVE THE INFORMATION WITH WHICH IT OPERATES MAINLY FROM THE RCMP BUT WILL ALSO WORK FROM INFORMATION SUPPLIED BY OTHER DEPARTMENTS AS WELL AS BY PROVINCIAL GOVERNMENTS. IT WILL CONSIDER SOCIAL, ECONOMIC AND POLITICAL FACTORS AS WELL AS SECURITY. THE FINAL SOLUTION TO THE PROBLEMS OF SOCIAL UNREST IS TO REMOVE THE CAUSES, AND THE INVESTIGATION AND ANALYSIS OF THESE CAUSES IS NOT THE CONCERN OF THE SECURITY SERVICE, ALTHOUGH IT IS DEFINITELY THE RESPONSIBILITY OF THE GOVERNMENT.⁽³⁾

1. BEN MALKIN, "NEW GOVERNMENT 'SPY' AGENCY WON'T BE DOING POLICEMEN'S JOB," OTTAWA CITIZEN, SEPTEMBER 3RD, 1971. SEE ALSO: HOUSE OF COMMONS, DEBATES, (CANADA: SEPTEMBER 8TH, 1971), P. 7624. OTTAWA CITIZEN, SEPTEMBER 9TH, 1971. HOUSE OF COMMONS, DEBATES, (CANADA: SEPTEMBER 21ST, 1971), P. 8026. OTTAWA CITIZEN, OCTOBER 29TH, 1971.

2. OTTAWA CITIZEN, SEPTEMBER 3RD, 1973.

3. HOUSE OF COMMONS, DEBATES, (CANADA: SEPTEMBER 9TH, 1971), P. 7699.

THE ROLE OF PSPG, AS RELATED TO THE ROYAL COMMISSION RECOMMENDATION OF A SECURITY SECRETARIAT IN THE PRIVY COUNCIL OFFICE, HAS NOT BEEN FULLY RESOLVED. ROBIN BOURNE, HEAD OF PSPG, HAS BEEN QUOTED AS STATING THAT PSPG WAS SPECIFICALLY NOT ESTABLISHED IN THE PRIVY COUNCIL OFFICE, SINCE TO DO SO WOULD MEAN THAT THE PRIME MINISTER PERSONALLY WOULD ASSUME RESPONSIBILITY FOR ITS OPERATION. IT WAS DECIDED THAT THIS RESPONSIBILITY SHOULD REST WITH SOME OTHER MINISTER AND THE SOLICITOR GENERAL WAS DESIGNATED. IN ANSWER TO QUERIES INDICATING THAT THE SOLICITOR GENERAL COULD THEREFORE CONTROL WHAT INFORMATION THE CABINET RECEIVED FROM EITHER PSPG OR THE RCMP, MR. BOURNE DREW ATTENTION TO THE FACT THAT THE DIRECTOR GENERAL OF THE SECURITY SERVICE (AND THE COMMISSIONER) HAVE DIRECT ACCESS TO THE PRIME MINISTER.⁽¹⁾ IT APPEARS, IN EFFECT, THAT PSPG WILL REPLACE THE PROPOSED SECURITY SECRETARIAT BUT THAT THE PRIVY COUNCIL OFFICE WILL STILL HAVE AN IMPORTANT VOICE IN SECURITY POLICY THROUGH AN ASSISTANT SECRETARY TO THE CABINET.⁽²⁾

1. GERARD McNEIL, "FIRST CASE FOR SECURITY FORCE," OTTAWA CITIZEN, SEPTEMBER 11TH, 1971. SEE ALSO: HOUSE OF COMMONS, DEBATES, (CANADA: SEPTEMBER 21ST, 1971), P. 8027. CANADA, ROYAL COMMISSION ON SECURITY, (1969), P. 23. GREG CONNOLLEY, "SECURITY GROUP'S AIM TO COUNTER SUBVERSION: GOYER," OTTAWA CITIZEN, SEPTEMBER 22ND, 1971. THIS POINT HAS BEEN CONFIRMED BY FORMER SOLICITOR GENERAL JEAN-PIERRE GOYER.

2. GERARD McNEIL, "EAST BLOOM SECURITY MAN 'A BRAIN'", OTTAWA CITIZEN, JANUARY 20TH, 1972. SEE ABOVE, P. 70. THE PRESENT INCUMBENT IS MR. WALTER LUYENDYK.

**ORGANIZATION OF SECURITY COMMUNITY
(Pre - 1969)**

INTERNATIONAL RELATIONSHIPS

THE COMMISSIONER'S STANDING ORDERS WHICH OUTLINE THE RESPONSIBILITIES OF THE SECURITY SERVICE INCLUDE THE STATEMENT " ... FOR COOPERATION WITH COMMONWEALTH COUNTRIES AND FOREIGN NATIONS IN MATTERS CONCERNING THE INTERNAL SECURITY OF THE STATE, ... "(1) ADDITIONALLY, THE RCMP ACT STATES THAT THE FORCE MAY BE EMPLOYED WITHIN OR OUTSIDE CANADA.(2) THE ROYAL COMMISSION ON SECURITY NOTED THAT THE RCMP HAD BUILT UP OVER A PERIOD OF YEARS, A CLOSE RELATIONSHIP WITH SECURITY SERVICES AND POLICE FORCES IN MANY OTHER COUNTRIES.(3)

THE PRACTICE OF SOVIET INTELLIGENCE AGENTS TO USE CANADA AS A STAGING AREA HAS ALREADY BEEN DESCRIBED BUT THE REVERSE SITUATION WHERE SOME OTHER COUNTRY IS USED AS A STAGING AREA FOR AN AGENT DESTINED FOR CANADA MUST ALSO BE CONSIDERED.(4) HENCE, CLOSE COOPERATION IN THE FIELD OF INTERNAL SECURITY AMONG ALLIED NATIONS IS EVIDENT BOTH FOR PROTECTION AGAINST ESPIONAGE, FOR CONCERTED ACTION AGAINST INTERNATIONAL SUBVERSION AND FOR IMPROVED PROTECTIVE SECURITY MEASURES.

TWO CASES PROVIDE GRAPHIC ILLUSTRATIONS OF THIS SECURITY PROBLEM. KONON TROFIMOVICH MOLODY WAS BORN IN RUSSIA IN 1923 BUT SPENT SEVERAL YEARS IN THE UNITED STATES BEFORE RETURNING TO RUSSIA IN 1938. WHEN ARRESTED IN LONDON IN 1961, MOLODY WAS POSING AS GORDON LONSDALE, A CANADIAN BORN IN COBALT, ONTARIO IN 1924, TAKEN TO FINLAND BY HIS MOTHER

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 15. SEE ABOVE, P. 80.

2. STATUTES OF CANADA, 1959, C.54.

4. THE FORCE MAY BE EMPLOYED IN SUCH PLACES WITHIN OR OUTSIDE CANADA AS THE GOVERNOR IN COUNCIL PRESCRIBES.

3. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 22.

4. SEE ABOVE, P. 42.

IN 1932 AND WHO SUBSEQUENTLY DISAPPEARED. THUS MOLODY RECEIVED ENGLISH LANGUAGE TRAINING AS A YOUNGSTER IN THE U.S.A., BUILT UP AN IDENTITY, AND ENTERED THE WESTERN ENVIRONMENT IN CANADA AND OPERATED AS AN AGENT IN BRITAIN WHERE HE WOULD NOT NORMALLY BE CLOSELY QUESTIONED ABOUT HIS CANADIAN BACKGROUND.⁽¹⁾ ASSOCIATED WITH MOLODY WHEN HE WAS ARRESTED WAS A COUPLE POSING AS PETER J. AND HELEN KROGER WHO LATER PROVED TO BE MORRIS AND LONA COHEN, AMERICANS, ALREADY BOUGHT BY THE FEDERAL BUREAU OF INVESTIGATIONS (FBI) BECAUSE OF POSSIBLE INVOLVEMENT IN AN AMERICAN ESPIONAGE INVESTIGATION AND WHO HAD MOVED TO BRITAIN THROUGH NEW ZEALAND.⁽²⁾

THE INTERCHANGE OF MILITARY AND SCIENTIFIC INFORMATION AND THE RESULTING MOVEMENT OF SPECIALIZED PERSONNEL CREATES ANOTHER DANGER WHICH MAKES EXTENSIVE COOPERATION NECESSARY. WHEN IGOR GOUZENKO DEFECTED, THE DOCUMENTS WHICH HE BROUGHT WITH HIM IDENTIFIED DR. ALLAN NUNN MAY, A BRITISH CIVIL SERVANT, TEMPORARILY WORKING IN CANADA, AS A RUSSIAN SPY. MAY WAS SUBSEQUENTLY ARRESTED IN BRITAIN AND CONVICTED OF ESPIONAGE.⁽³⁾

THESE TWO EXAMPLES OF SOVIET ESPIONAGE OPERATIONS INVOLVING SEVERAL WESTERN DEMOCRACIES, ILLUSTRATE THE NEED FOR COOPERATION AND COORDINATION IN THE FIELD OF ESPIONAGE. THEY FURTHER ILLUSTRATE THE NEED FOR COOPERATION IN THE PROTECTIVE SECURITY FIELD. IF THE BRITISH GOVERNMENT HAD ATTEMPTED TO SECURITY SCREEN LONSDALE (MOLODY), THEY

1. DEACON, THE RUSSIAN SECRET SERVICE, P. 466. SEE ABOVE, P. 42.
 2. DEACON, THE RUSSIAN SECRET SERVICE, P. 468. SEE ALSO: DULLES, THE CRAFT OF INTELLIGENCE, P. 210.
 3. CANADA, ROYAL COMMISSION ON ESPIONAGE (1946), P. 447.
- SEE ALSO: DEACON, THE RUSSIAN SECRET SERVICE, P. 386.

WOULD HAVE REQUIRED THE COOPERATION OF AT LEAST THE CANADIAN SECURITY SERVICE. WITH THE RELATIVELY FREE MOVEMENT OF PEOPLE, CHECKING OF BACKGROUND INFORMATION INCREASINGLY INVOLVES INTERNATIONAL COOPERATION.⁽¹⁾

IN THE FIELD OF SUBVERSION, THE NECESSITY FOR INTERNATIONAL CO-OPERATION IS ALSO GROWING RAPIDLY. THE PASSAGE OF KOZO OKAMOTO THROUGH CANADA PRIOR TO HIS PARTICIPATION IN THE MASSAORE AT LOD AIRPORT, TEL AVIV⁽²⁾ AND THE PLANNED ASSASSINATION OF PRESIDENT NIXON IN OTTAWA ON APRIL 14TH, 1972⁽³⁾, ILLUSTRATE THE INCREASING NEED FOR RAPID EXCHANGE OF INFORMATION ON PERSONS WHO MAY BE PRONE TO TAKE VIOLENT ACTION. AS THE PHENOMENON OF TERRORISM BREAKS FREE OF NATIONAL BOUNDARIES, MORE AND FASTER COOPERATION IS ESSENTIAL.

COOPERATION WITH THE BRITISH SECURITY SERVICE, COMMONLY KNOWN AS MI5, HAS BEEN OF LONG STANDING.⁽⁴⁾ SIMILARLY, THERE IS A LONG HISTORY OF LIAISON AND COOPERATION BETWEEN THE RCMP AND S.I.S.⁽⁵⁾ THERE IS A LONG HISTORY OF COOPERATION BETWEEN THE FEDERAL BUREAU OF INVESTIGATIONS (FBI), THE UNITED STATES AGENCY CHARGED WITH RESPONSIBILITIES FOR INTERNAL SECURITY, AND THE RCMP, INITIALLY IN THE FIELD OF CRIMINAL

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 37.

2. SEE ABOVE, P. 50.

3. SEE ABOVE, P. 52.

4. MASTERMAN, THE DOUBLE-CROSS SYSTEM, P. 121. SEE ALSO: HARVISON, THE HORSEMEN, P. 113. TORONTO DAILY STAR, AUGUST 27TH, 1966.

5. H. MONTGOMERY HYDE, THE QUIET CANADIAN: THE SECRET SERVICE STORY OF SIR WILLIAM STEPHENSON, (LONDON: HAMISH HAMILTON, 1962). THE BRITISH SECURITY CO-ORDINATOR, WAS ESTABLISHED IN THE U.S.A. DURING WORLD WAR II TO FURTHER THE ACTIVITIES OF THE SECRET INTELLIGENCE SERVICE (SIS). LABORATORIES AND TRAINING SCHOOLS FOR THIS ORGANIZATION WERE ESTABLISHED IN CANADA THROUGH THE COOPERATION WITH THE RCMP. THE ORGANIZATION WAS STAFFED PARTIALLY BY CANADIANS. STEPHENSON WAS ADVISED OF GOUSENKO'S DEFECTION ON THE EVENING OF SEPTEMBER 6TH, 1945.

INVESTIGATION BUT NOW ALSO IN THE FIELD OF SECURITY.

THE RCMP MAINTAINS PERMANENT LIAISON OFFICERS IN LONDON, WASHINGTON, PARIS AND ROME, WHILE THE FBI MAINTAINS LIAISON OFFICERS IN OTTAWA. LIAISON DUTIES INCLUDE THE INTERCHANGE OF OPERATIONAL INFORMATION NECESSARY FOR EFFICIENT POLICE AND SECURITY DUTIES. THE SECURITY SERVICE COORDINATES ITS OWN LIAISON OPERATIONS THROUGH A FOREIGN LIAISON BRANCH AT OTTAWA, WHICH IS RESPONSIBLE FOR ALL NON-OPERATIONAL ASPECTS OF LIAISON FUNCTIONS.

ADDITIONALLY, THE RCMP MAINTAINS VISA CONTROL OFFICERS IN SUPPORT OF THE DEPARTMENT OF MANPOWER AND IMMIGRATION AT KEY POINTS THROUGHOUT THE WORLD TO ASSIST IN CONDUCTING A SECURITY SCREENING PROGRAMME FOR PROSPECTIVE IMMIGRANTS. THE PROGRAMME WAS ESTABLISHED IN 1947, DERIVES AUTHORITY FROM THE IMMIGRATION ACT⁽¹⁾ AND HAS THE OBJECTIVE:

"TO DENY ADMISSION TO ANY PERSONS WHO FROM THEIR KNOWN HISTORY AND BACKGROUND, WOULD BE UNLIKELY TO ADAPT THEMSELVES TO THE CANADIAN WAY OF LIFE AND TO OUR DEMOCRATIC FORM OF GOVERNMENT."⁽²⁾

THE ROYAL COMMISSION ON SECURITY (1969) INVESTIGATED AND COMMENTED EXTENSIVELY ON THIS WHOLE PROGRAMME, AGREEING IN PRINCIPLE THAT CANADA'S

1. STATUTES OF CANADA, 1952, C.325, S.1, SECTION 5 (L), (M), (N) (Q) AND (R).
5. NO PERSON, OTHER THAN A PERSON REFERRED TO IN SUB-SECTION 2(2), SHALL BE ADMITTED TO CANADA IF HE IS A MEMBER OF ANY OF THE FOLLOWING CLASSES OF PERSONS:
 - (M) PERSONS WHO HAVE ENGAGED IN OR ADVOCATED OR CONCERNING WHOM THERE ARE REASONABLE GROUNDS FOR BELIEVING THEY ARE LIKELY TO ENGAGE IN OR ADVOCATE SUBVERSION BY FORCE OR OTHER MEANS OF DEMOCRATIC GOVERNMENT, INSTITUTIONS OR PROCESSES, AS THEY ARE UNDERSTOOD IN CANADA;
 - (N) PERSONS CONCERNING WHOM THERE ARE REASONABLE GROUNDS FOR BELIEVING THEY ARE LIKELY TO ENGAGE IN ESPIONAGE, SABOTAGE OR ANY OTHER SUBVERSIVE ACTIVITY DIRECTED AGAINST CANADA OR DETRIMENTAL TO THE SECURITY OF CANADA.
2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 47. SEE ALSO: KELLY, CANADIAN GEOGRAPHICAL JOURNAL, MAY, 1973, P. 181.

REQUIREMENT FOR IMMIGRANTS MUST BE BALANCED AGAINST THE NEED TO PROTECT THE SECURITY OF THE STATE AND NOTING THAT ONLY A VERY SMALL PROPORTION OF POTENTIAL IMMIGRANTS WERE EXCLUDED FROM CANADA ON SECURITY GROUNDS. THE COMMISSION CONCLUDED THAT RESPONSIBILITY FOR THIS FIELD MUST REMAIN WITH THE DEPARTMENT OF MANPOWER AND IMMIGRATION BUT THAT SIGNIFICANCE OF ADVERSE SECURITY INFORMATION MUST BE EVALUATED IN CONJUNCTION WITH THE SECURITY SERVICE, WITH THE PROPOSED SECURITY SECRETARIAT AUDITING AND REVIEWING THE DECISIONS REACHED.⁽¹⁾

THE COMMISSION NOTED THAT ONE SOURCE OF INFORMATION ON WHICH A DECISION ON A PROSPECTIVE IMMIGRANT COULD BE BASED WAS THE AUTHORITIES OF THE IMMIGRANT'S COUNTRY OF ORIGIN. THEY FOUND THAT THE QUALITY OF INFORMATION AVAILABLE VARIED WIDELY, SOMETIMES THROUGH NO FAULT OF THE SUPPLYING AUTHORITIES, AND IN SOME CASES, SUCH AS COMMUNIST BLOC COUNTRIES, NO INFORMATION OF ANY TYPE WAS AVAILABLE.⁽²⁾ IT IS THE RESPONSIBILITY OF THE SECURITY SERVICE TO DEVELOP AS MUCH INFORMATION FROM THESE SOURCES AS IS POSSIBLE AND TO ASSIST CANADIAN IMMIGRATION OFFICIALS IN THE COUNTRY CONCERNED TO REACH AN INITIAL DECISION ON THE SUITABILITY OF THE PROSPECTIVE IMMIGRANT.⁽³⁾

UNTIL RECENTLY, THE VISA CONTROL OPERATIONS WERE CONDUCTED QUITE SEPARATELY FROM NORMAL LIAISON OPERATIONS DUE TO THE SPECIALIZED NATURE

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 45. SEE ALSO: OTTAWA CITIZEN, OCTOBER 25TH, 1972. AZHAR ALI KHAN, "IMMIGRATION RULES ARE MISTAKEN," OTTAWA CITIZEN, NOVEMBER 8TH, 1972.

2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 48.

3. FRED A. HAWKINS, CANADA AND IMMIGRATION: PUBLIC POLICY AND PUBLIC CONCERN, (MONTREAL: MCGILL-QUEEN'S UNIVERSITY PRESS, 1972), P. 329.

OF INFORMATION REQUIRED. THE VISA CONTROL OPERATIONS WERE SUPERVISED BY TWO SUPERVISING OFFICERS; ONE AT COLOGNE BEING RESPONSIBLE FOR EUROPE AND THE MIDDLE EAST AND ONE AT HONG KONG BEING RESPONSIBLE FOR THE FAR EAST. MORE RECENTLY THERE HAS BEEN A MOVEMENT TOWARDS A CO-ORDINATED LIAISON AND VISA CONTROL OPERATION DUE TO THE INCREASING NEED FOR GENERAL EXCHANGES OF INFORMATION AND THE DECREASING NUMBER OF IMMIGRANTS. THE HEADQUARTERS SECTIONS COORDINATING THESE OPERATIONS HAVE BEEN AMALGAMATED AS A RESULT OF THIS TREND.

RELATIONSHIPS TO INTELLIGENCE COMMUNITY

FROM THE POINT OF VIEW OF SECURITY, AN OFFENSIVE INTELLIGENCE SERVICE (WHICH CANADA HAS NEVER ESTABLISHED) CAN PROVIDE VITAL INFORMATION ON THE ORGANIZATION, PERSONNEL, OBJECTIVES, PRIORITIES AND EVEN AGENTS OF AN HOSTILE INTELLIGENCE ORGANIZATION.⁽¹⁾ SIMILARLY, IF AN OFFENSIVE INTELLIGENCE SERVICE IS TO OPERATE EFFICIENTLY IT MUST DISSEMINATE THE INFORMATION IT COLLECTS WIDELY TO PERTINENT GOVERNMENT DEPARTMENTS, BUT WIDE DISSEMINATION WILL JEOPARDIZE THE SOURCE UNLESS AN EFFICIENT SECURITY SERVICE IS OPERATING TO NEUTRALIZE OPERATIONS OF ANY HOSTILE INTELLIGENCE SERVICES.⁽²⁾

COUNTERESPIONAGE IS A DEFENSIVE TYPE OF OPERATION, WITH THE PURPOSE OF PREVENTING IMPORTANT INFORMATION REACHING A HOSTILE COUNTRY. THE METHODS, HOWEVER, ARE ESSENTIALLY OFFENSIVE, AND INCLUDE OPERATIONS DESIGNED TO PENETRATE THE HOSTILE INTELLIGENCE SERVICE WHEREVER CONTACT

1. SEE ABOVE, P.33 AND 69 . SEE ALSO: AUSTRALIA, ROYAL COMMISSION ON ESPIONAGE, P. 225.

2. DULLES, THE CRAFT OF INTELLIGENCE, P. 172.

CAN BE MADE. PENETRATION OF THE HOSTILE SERVICE AT THE HIGHEST POSSIBLE LEVEL IS LIKELY TO PRODUCE THE BEST INFORMATION ON THE OVERALL HOSTILE INTELLIGENCE OPERATIONS AS DISTINCT FROM LOW LEVEL PENETRATION WHICH MIGHT ONLY PRODUCE INFORMATION ON THE ACTIVITIES OF ONE INTELLIGENCE OFFICER OR ONE AGENT, ALTHOUGH EVEN THIS LOW LEVEL PENETRATION PRODUCES IMPORTANT SECURITY INFORMATION. HIGH LEVEL PENETRATION IS USUALLY ONLY POSSIBLE BY AN INTELLIGENCE SERVICE PREPARED TO WORK IN AN HOSTILE ENVIRONMENT, SUCH AS THE HOME COUNTRY OF THE HOSTILE INTELLIGENCE AGENCY.⁽¹⁾ FOR INSTANCE, THE SOVIETS WAITED PATIENTLY FOR YEARS WHILE KIM PHILBY SLOWLY BUILT UP A COVER, COMMENCING IN 1936 AND WORKING HIS WAY INTO THE BRITISH SECRET INTELLIGENCE SERVICE BY 1940. THEY RECEIVED DETAILED INFORMATION ON A BROAD RANGE OF BRITISH INTELLIGENCE OPERATIONS UNTIL PHILBY'S LOYALTY BECAME SUSPECT IN 1951, AND THEY EVEN CONTINUED TO GAIN SOME ADDITIONAL INFORMATION UNTIL PHILBY FINALLY DEFECTED TO RUSSIA IN 1963.⁽²⁾ SIMILARLY, THE SECRET INTELLIGENCE SERVICE DEVELOPED OLEG PENKOVSKY, A SENIOR OFFICIAL OF THE RUSSIAN GRU, AND OBTAINED EXTENSIVE INFORMATION ON RUSSIAN MILITARY INTELLIGENCE OPERATIONS BETWEEN APRIL 1961 AND AUGUST 1962.⁽³⁾

SOME PEOPLE REFUSE TO BELIEVE THAT CANADA DOES NOT MAINTAIN AN INTELLIGENCE SERVICE. MOST MAJOR POWERS AND MANY SECONDARY POWERS HAVING ESTABLISHED SUCH A SERVICE, OBVIOUSLY BELIEVE SUCH A SERVICE

1. DULLES, THE CRAFT OF INTELLIGENCE, P. 123.
2. BRUCE PAGE, DAVID LEITCH, PHILBY'S KNIGHTLEY, THE PHILBY CONSPIRACY.
3. GRENVILLE WYNNE, CONTACT ON GORKY STREET, (NEW YORK: ATHENEUM, 1968, SEE ALSO: OLEG PENKOVSKIY, THE PENKOVSKIY PAPERS, TRANS. BY PETER DERIABIN, (NEW YORK: AVON BOOKS, 1965), P. 37.

IS NECESSARY.⁽¹⁾ THIS IS NOT TO SAY, HOWEVER, THAT CANADA DOES NOT COLLECT INTELLIGENCE. INTELLIGENCE IS INFORMATION, AND MANY CANADIAN GOVERNMENT DEPARTMENTS COLLECT INFORMATION ABOUT FOREIGN ACTIVITY AND PROCESS AND ANALYSE THE INFORMATION THEY COLLECT. FOR THE MOST PART THE INFORMATION COLLECTED IS OVERT, THAT IS INFORMATION DERIVED FROM NEWSPAPERS, BOOKS, SCIENTIFIC PUBLICATIONS, GOVERNMENT PUBLICATIONS OR RADIO OR TELEVISION.⁽²⁾ THIS TYPE OF ACTIVITY IS ACCEPTABLE, IT IS THE CLANDESTINE, CONSPIRATORIAL AND SUBVERSIVE ACTIVITY WHICH IS CONSIDERED OBJECTIONABLE. MANY CANADIAN AGENCIES, SUCH AS THE NATIONAL RESEARCH COUNCIL AND DEPARTMENT OF HEALTH AND WELFARE, PARTICIPATE IN THIS COLLECTION FOR A VARIETY OF PURPOSES SUCH AS TO BE AWARE OF SCIENTIFIC ACTIVITIES AND TO KEEP TRACK OF POSSIBLE HEALTH HAZARDS TO CANADA.

THE DEPARTMENT OF EXTERNAL AFFAIRS COLLECTS QUANTITIES OF INFORMATION THROUGH THE CONSTANT DISCUSSIONS OF THEIR OFFICIALS WITH THE OFFICIALS OF OTHER COUNTRIES. THIS INFORMATION CONTAINS MUCH MATERIAL NOT AVAILABLE TO THE GENERAL PUBLIC AND WHICH MUST BE CONSIDERED WHEN ARRIVING AT A WHOLE RANGE OF GOVERNMENT POLICY DECISIONS. CANADIAN OFFICIALS ABROAD WHO ARE EXPOSED TO A WIDE RANGE OF STIMULI AND HAVE WIDE EXPERIENCE MAY BE ABLE TO ANALYZE AND PROJECT THE TOTAL SUM OF THEIR OBSERVATIONS INTO A VALUABLE ESTIMATE OF THE POLICY OR

1. SEE ABOVE, P. 33.

2. DULLES, THE CRAFT OF INTELLIGENCE, P. 55.

OBJECTIVES OF SOME FOREIGN COUNTRY.⁽¹⁾ THIS, IN FACT, IS ONE REASON FOR ESTABLISHING AN EMBASSY. SIMILARLY, CANADIAN MILITARY PERSONNEL ABROAD, WHILE NOT ENGAGING IN COVERT OPERATIONS, GATHER MANY PIECES OF NOMINALLY OVERT INFORMATION WHICH, WHEN ALL ADDED TOGETHER, PRODUCE INTELLIGENCE. MILITARY ATTACHES ARE OPENLY POSTED TO CANADIAN EMBASSIES IN SOME COUNTRIES FOR THIS PURPOSE, BUT TO A LARGE EXTENT THE INFORMATION MADE AVAILABLE TO THEM IS CONTROLLED BY THE HOST COUNTRY.

TO HANDLE THE MASS OF INFORMATION AVAILABLE AND TO COORDINATE LIAISON WITH OTHER ALLIED INTELLIGENCE SERVICES, THE CANADIAN GOVERNMENT DOES HAVE THE NUCLEUS OF AN INTELLIGENCE PROCESSING AND ANALYSIS OPERATION. FOR INSTANCE, THE DEPARTMENT OF EXTERNAL AFFAIRS CONTAINS THE SECURITY AND INTELLIGENCE LIAISON DIVISION (SIL DIVISION) FORMERLY DEFENCE LIAISON (2) DIVISION.⁽²⁾ SIMILARLY, THE CANADIAN FORCES ORGANIZATION REVEALS THE EXISTENCE OF THE DEPUTY CHIEF INTELLIGENCE AND

1. CANADA, ORGANIZATION OF THE GOVERNMENT OF CANADA, (OTTAWA: QUEEN'S PRINTER, 1970), P. 3-E-5. THE SPECIAL RESEARCH BUREAU IS CHARGED WITH THE COLLECTION AND ANALYSIS OF INFORMATION ABOUT THE ECONOMIC AFFAIRS OF FOREIGN COUNTRIES.

2. CANADA, ORGANIZATION OF THE GOVERNMENT OF CANADA, (1966), P. 172. THE DEFENCE LIAISON (1) DIVISION IS RESPONSIBLE FOR DEALING, IN COOPERATION WITH THE DEPARTMENT OF NATIONAL DEFENCE AND OTHER DEPARTMENTS CONCERNED, WITH THE FOREIGN POLICY ASPECTS OF DEFENCE MATTERS, PARTICULARLY THOSE ARISING FROM CANADA'S MEMBERSHIP IN NORTH ATLANTIC TREATY ORGANIZATION AND CANADA-UNITED STATES DEFENCE ARRANGEMENTS. THE DEFENCE LIAISON (2) DIVISION DEALS WITH THE INTELLIGENCE ASPECTS OF THOSE MATTERS, IN WHICH CONNECTION THE DEPARTMENT PROVIDES THE CHAIRMAN OF THE JOINT INTELLIGENCE COMMITTEE, AND WITH THE SECURITY ASPECTS OF THE DEPARTMENT'S OPERATIONS. SEE ALSO: CANADA, ORGANIZATION OF THE GOVERNMENT OF CANADA (1970), P. 3-E-5. THE SECURITY AND INTELLIGENCE LIAISON DIVISION DEALS WITH THE SECURITY ASPECTS OF THE DEPARTMENT'S OPERATIONS AND IS RESPONSIBLE FOR THE CONDUCT OF LIAISON ON SECURITY AND INTELLIGENCE MATTERS. SEE ALSO: HOUSE OF COMMONS, ORDER OF BUSINESS AND NOTICES, (CANADA: APRIL 4TH, 1973), P. IX.

AND SECURITY WHO HAS RESPONSIBILITY FOR INTELLIGENCE ANALYSIS AND THE SECURITY OF THE CANADIAN FORCES. AS NOTED EARLIER, COMMISSIONER'S STANDING ORDERS CHARGE THE SECURITY SERVICE OF THE RCMP WITH "CO-OPERATION WITH THE INTERNAL INTELLIGENCE ORGANIZATIONS, BOTH SERVICE AND CIVILIAN,"⁽¹⁾

THE JOINT INTELLIGENCE COMMITTEE (JIC) WAS UNTIL RECENTLY THE INTERDEPARTMENTAL COORDINATING COMMITTEE IN THE INTELLIGENCE FIELD, THE EQUIVALENT OF THE SECURITY PANEL. RECENT MODIFICATIONS TO THE CONTROL AND COORDINATING STRUCTURE HAVE CREATED THE INTELLIGENCE ADVISORY COMMITTEE (IAC) TO REPLACE THE JIC AS A WORKING LEVEL SUB-COMMITTEE OF INTERDEPARTMENTAL COMMITTEE ON SECURITY AND INTELLIGENCE.⁽²⁾ CHAIRMANSHIP OF THE IAC IS VESTED IN THE HEAD OF SIL DIVISION OF THE DEPARTMENT OF EXTERNAL AFFAIRS WITH MEMBERSHIP ON THE COMMITTEE FROM THE DEPARTMENT OF NATIONAL DEFENCE, THE SECURITY SERVICE OF THE RCMP, THE POLICE AND SECURITY PLANNING AND ANALYSIS GROUP AND OTHER DEPARTMENTS WHICH PRODUCE OR USE INTELLIGENCE INFORMATION. THE IAC MEETS REGULARLY AND FREQUENTLY TO ENSURE THE RAPID DISSEMINATION AND ASSESSMENT OF SIGNIFICANT INTELLIGENCE INFORMATION. OVERALL DIRECTION OF ALL INTELLIGENCE ACTIVITIES IS THE RESPONSIBILITY OF THE CABINET COMMITTEE ON SECURITY AND INTELLIGENCE.

SINCE CANADA HAS NO ACTIVE INTELLIGENCE SERVICE, THE CANADIAN SECURITY SERVICE IS EXCESSIVELY DEPENDENT ON OTHER ALLIED INTELLIGENCE

1. SEE ABOVE, P. 80.

2. OTTAWA CITIZEN, APRIL 4TH, 1973. SEE ALSO: HOUSE OF COMMONS, ORDER OF BUSINESS AND NOTICES, (CANADA: APRIL 4TH, 1973), P. IX.

SERVICES, IN PARTICULAR THE AMERICAN CENTRAL INTELLIGENCE AGENCY (CIA) AND THE BRITISH SECRET INTELLIGENCE SERVICE (SIS). ONLY THROUGH INFORMATION PRODUCED BY THESE ORGANIZATIONS CAN THE SECURITY SERVICE OBTAIN DETAILED INFORMATION ON THE ORGANIZATION AND ACTIVITIES OF HOSTILE INTELLIGENCE SERVICES. TO PROTECT THEIR SOURCES, BOTH CIA AND SIS MUST BE MOST CAREFUL TO CONTROL RELEASE OF THIS TYPE OF INFORMATION. ONLY BY PRODUCING INFORMATION OF INTEREST AND IMPORTANCE TO THESE ALLIED AGENCIES AND THROUGH THE NECESSITY OF PROVIDING BLANKET PROTECTION TO ALL ALLIES, DOES CANADA GAIN ACCESS TO THIS VITAL AID TO COUNTER-ESPIONAGE OPERATIONS.

SOURCES OF INFORMATION

THE ROYAL COMMISSION ON SECURITY (1969) NOTED THAT ALL SECURITY ACTIVITY DEPENDS ON INFORMATION AND THAT JUDGEMENTS THAT ARE MADE CAN BE NO BETTER THAN THE INFORMATION AVAILABLE. ACCURATE AND FULL INFORMATION IS REQUIRED BY BOTH THE SECURITY SERVICE, IN ORDER TO ADVISE OTHER GOVERNMENT AGENCIES, AND ULTIMATELY, BY THE GOVERNMENT ITSELF IN ORDER TO ADEQUATELY DEVISE OVERALL POLICY.⁽¹⁾

THE VITAL INFORMATION IN THE SECURITY FIELD IS OFTEN NOT READILY AVAILABLE. THOSE WHO POSSESS THE INFORMATION, WHETHER THEY BE FOREIGN INTELLIGENCE OFFICERS, VIOLENT REVOLUTIONARIES OR EVEN MENTALLY DISTURBED INDIVIDUALS, TAKE MEASURES TO PREVENT ITS ACQUISITION BY SECURITY SERVICE. THIS CONCEALMENT FORCES THE SECURITY SERVICE TO TAKE SPECIAL STEPS IN AN ATTEMPT TO ACQUIRE THE DESIRED INFORMATION.⁽²⁾

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 101.
2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 101.

THE USEFULNESS OF INTELLIGENCE INFORMATION COLLECTED WITH A VIEW TO ASSISTING COUNTERESPIONAGE OPERATIONS HAS ALREADY BEEN DISCUSSED,⁽¹⁾ AS HAS THE IMPORTANCE OF INFORMATION EXCHANGES WITH ALLIED SECURITY SERVICES IN THE FIELDS OF COUNTERESPIONAGE, COUNTERSUBVERSION AND PROTECTIVE SECURITY.⁽²⁾ WHETHER ANOTHER SECURITY SERVICE IS FRIENDLY OR HOSTILE OFTEN DEPENDS ON CIRCUMSTANCES AT THE TIME AND THE SUBJECT IN QUESTION. FOR INSTANCE, THE RCMP AND KGB ARE HOSTILE SERVICES IN MOST CONTEXTS BUT COOPERATE AT TIMES, SUCH AS IN THE PROTECTIVE SECURITY OF SOVIET PREMIER ALEXEI KOSYGIN DURING OCTOBER 1971.⁽³⁾

MUCH INFORMATION NECESSARY TO A SECURITY SERVICE IS AVAILABLE FROM OVERT SOURCES SUCH AS NEWSPAPERS, PRESS RELEASES, BOOKS, SPEECHES AND OPEN DOCUMENTS. WHILE MUCH OF THIS IS NOT THE VITAL INFORMATION WHICH IS REQUIRED, IT IS WHAT POLITICALLY ORIENTED ORGANIZATIONS WANT PEOPLE TO BELIEVE IS THEIR INTENTION. ALTHOUGH IT IS NOT NECESSARILY THEIR ACTUAL INTENTION, IT MUST BE COLLECTED AND ANALYZED TO PLACE OTHER INFORMATION IN THE CORRECT CONTEXT. FURTHER INFORMATION IS AVAILABLE THROUGH NORMAL INVESTIGATION FROM CASUAL SOURCES SUCH AS NEIGHBOURS, EMPLOYERS, BUSINESS ASSOCIATES AND PUBLIC RECORDS SUCH AS VEHICLE REGISTRATION, PASSPORT RECORDS, AND BIRTH AND MARRIAGE REGISTRATIONS. WHILE ALL THESE SOURCES ARE IMPORTANT AND ARE CONSULTED REPEATEDLY THROUGHOUT SECURITY INVESTIGATIONS, THEY CANNOT NORMALLY PROVIDE ACCURATE DATA ON ESPIONAGE AND SUBVERSIVE ORGANIZATIONS AND

1. SEE ABOVE, P. 99.

2. SEE ABOVE, P. 94.

3. CHARLES LYNCH, "UNHAPPY MOUNTIE DAYS", OTTAWA CITIZEN, NOVEMBER 4TH, 1971.

OPERATIONS.

ONE OF THE TRADITIONAL SOURCES OF SECURITY INFORMATION IS THE HUMAN AGENT. A SECURITY SERVICE DEPENDS TO A LARGE EXTENT ON A NETWORK OF AGENTS, ON THE SCALE OF PENETRATION OF THESE AGENTS AND ON THE RELIABILITY OF THE AGENTS.⁽¹⁾ HUMAN SOURCES CAN BE DEVELOPED EITHER BY INTRODUCING A TRUSTED INDIVIDUAL INTO A TARGET ORGANIZATION OR BY DEVELOPING A MEMBER OF THE TARGET ORGANIZATION TO WORK FOR THE SECURITY SERVICE. FOR INSTANCE, THE SOVIETS INTRODUCED KIM PHILBY INTO THE SECRET INTELLIGENCE SERVICE BY YEARS OF PATIENT DEVELOPMENT.⁽²⁾ ON THE OTHER HAND THE RCMP APPROACHED ANTON SOBOTKA, A TRAINED SOVIET AGENT AND PERSUADED HIM TO WORK AS AN AGENT OF THE RCMP.⁽³⁾ SOBOTKA BECAME A "DOUBLE AGENT", OSTENSIBLY SERVING TWO MASTERS AT THE SAME TIME. THE CONTROL OF AGENTS INVOLVES SOPHISTICATED HANDLING BY HIGHLY TRAINED, EXPERIENCED MEN. THIS IS PARTICULARLY TRUE WHEN DOUBLE-AGENTS ARE INVOLVED, SINCE BY DEFINITION THEY ARE IN CONTACT WITH TWO ORGANIZATIONS AND IT IS SOMETIMES DIFFICULT TO DETERMINE WHO IN REALITY IS EXERCISING CONTROL AND WHETHER OR NOT THE AGENT CAN BE DEPENDED UPON.

ONE ASPECT OF TECHNOLOGY WHICH REQUIRES SPECIAL MENTION IS THE INCREASING CAPABILITY OF SURVEILLANCE OF AN INDIVIDUAL FROM A DISTANCE. A.F. WESTIN BELIEVES SURVEILLANCE IS A FUNDAMENTAL MEANS OF SOCIAL CONTROL. HE ILLUSTRATES THIS BY THE FACT PARENTS WATCH THEIR CHILDREN, NEIGHBOURS WATCH NEIGHBOURS, SUPERVISORS WATCH EMPLOYEES AND POLICEMEN

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 101.
2. SEE ABOVE, P. 100.
3. SEE ABOVE, P. 39.

WATCH PUBLIC PLACES. THROUGH SUCH SURVEILLANCE, SOCIETY ENFORCES SOCIAL NORMS. RULES HAVE EVOLVED TO LIMIT THE SURVEILLANCE POWER OF ALL ORGANIZATIONS IN ORDER TO PROTECT HUMAN RIGHTS AND FREEDOMS.⁽¹⁾

WESTIN DEFINES THREE TYPES OF MODERN SURVEILLANCE; BY OBSERVATION, BY EXTRACTION AND BY REPRODUCIBILITY OF COMMUNICATIONS. SURVEILLANCE BY OBSERVATION INCLUDES LISTENING TO OR WATCHING THE INDIVIDUAL WHETHER OR NOT HE KNOWS THAT HE IS UNDER SURVEILLANCE. SURVEILLANCE BY EXTRACTION REQUIRES THE INDIVIDUAL TO REVEAL PRIVATE PARTS OF HIS MEMORY OR PERSONALITY BY TESTS SUCH AS THE POLYGRAPH OR PERSONALITY TESTING. SURVEILLANCE BY REPRODUCIBILITY OF COMMUNICATIONS INCLUDES THE PERMANENT PICTORIAL AND SOUND RECORDINGS OF INDIVIDUALS WITHOUT THEIR KNOWLEDGE.⁽²⁾

TECHNOLOGICAL DEVELOPMENTS, MANY HAVING OTHER, MORE NORMAL USES, HAVE ALLOWED SURVEILLANCE TO BE CONDUCTED FROM A CONSIDERABLE DISTANCE. SUCH DEVELOPMENTS INCLUDE CAMERAS WITH TELEPHOTO LENSES, MICROPHONES, RADIO TRANSMITTERS, TV CAMERAS AND TELEPHONE EQUIPMENT.⁽³⁾

THE ROYAL COMMISSION ON SECURITY (1969) RECOMMENDED THAT THE SECURITY SERVICE SHOULD BE ALLOWED TO UTILIZE BOTH WIRETAPPING AND EAVESDROPPING. WIRETAPPING IS THE INTERCEPTION OF TELEPHONE CONVERSATIONS AND EAVESDROPPING IS THE USE OF ELECTRONIC DEVICES TO OVERHEAR CONVER-

1. A.F. WESTIN, PRIVACY AND FREEDOM, P. 57.
2. WESTIN, PRIVACY AND FREEDOM, P. 57-63.
3. E.V. LONG, THE INTRUDERS, (NEW YORK: FREDERICH A. PRAEGER, 1967), P. 64-78. SEE ALSO: WESTIN, PRIVACY AND FREEDOM, P. 67-89.

SATIONS. IN BOTH CASES, THE ROYAL COMMISSION RECOMMENDED THAT THE OPERATIONS BE CLOSELY CONTROLLED BY A MINISTER OR BY THE HEAD OF THE SECURITY SERVICE.⁽¹⁾ THE COMMISSIONERS SPECIFICALLY AGREED WITH THE CONCLUSIONS VOICED IN 1957 BY A BRITISH COMMITTEE OF PRIVY COUNCILLORS THAT:

"ESPIONAGE IS CARRIED OUT BY HIGHLY TRAINED PEOPLE WHO TAKE EXTREME PRECAUTIONS. COMMUNICATIONS ARE THE WEAKEST LINK IN THEIR ORGANIZATION, AND, WITHOUT PENETRATION OF THESE COMMUNICATIONS, IT WOULD OFTEN BE IMPOSSIBLE TO DETECT MAJOR ESPIONAGE AT ALL."⁽²⁾

AND

"WE ARE QUITE SATISFIED THAT THE PROBLEMS OF NATIONAL SECURITY ARE SUCH THAT NO REASONABLE WEAPON SHOULD BE TAKEN FROM THE HANDS OF THOSE WHOSE DUTY IT IS TO WATCH OVER ALL SUBVERSIVE ACTIVITIES IN THE SAFEGUARDING OF BRITISH INTERESTS."⁽³⁾

A SOUTH AFRICAN COMMISSION OF INQUIRY MADE SIMILAR COMMENTS AND RECOMMENDED THAT THEIR SECURITY SERVICE BE AUTHORIZED TO USE THIS TYPE OF SOURCE.⁽⁴⁾

THE USE OF TECHNICAL SOURCES BY THE SECURITY SERVICE IS A BALANCE BETWEEN THE INDIVIDUAL'S RIGHT TO PRIVACY AND THE GOVERNMENT'S DUTY TO PROTECT NATIONAL SECURITY. IN BRITAIN, SOUTH AFRICA AND CANADA, COMMISSIONS HAVE EXAMINED THIS BALANCE AND HAVE CONCLUDED THAT THE SECURITY SERVICE SHOULD BE AUTHORIZED TO UTILIZE TECHNICAL SOURCES, SUBJECT TO POLITICAL CONTROL.

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 106, 116.
SEE ALSO: TORONTO TELEGRAM, FEBRUARY 23RD, 1967.

2. BRITAIN, REPORT OF THE COMMITTEE OF PRIVY COUNCILLORS APPOINTED TO INQUIRE INTO THE INTERCEPTION OF COMMUNICATIONS, (LONDON: HER MAJESTY'S STATIONERY OFFICE, 1957), P. 24.

3. BRITAIN, REPORT OF THE COMMITTEE OF PRIVY COUNCILLORS, P. 32.

4. SOUTH AFRICA, REPORT OF THE COMMISSION OF INQUIRY INTO MATTERS RELATING TO THE SECURITY OF THE STATE, (ABRIDGED), (PRETORIA: THE GOVERNMENT PRINTER, 1971), P. 62.

IN THE WORLD-WIDE ESPIONAGE PICTURE, THE USE OF TECHNICAL SOURCES BY THE CANADIAN SECURITY SERVICE IS OF LITTLE SIGNIFICANCE. DAVID KAHN DESCRIBES IN CONSIDERABLE DETAIL THE COMMUNICATIONS INTERCEPTION CAPABILITIES OF THE UNITED STATES.⁽¹⁾ THE IMPORTANCE OF THIS SOURCE HAS BEEN ILLUSTRATED BY BARBARA TUCHMAN,⁽²⁾ WITH ALAN DULLES SUMMARIZING THE POSITION OF MOST MAJOR GOVERNMENTS:

"EVERY GOVERNMENT TAKES INFINITE PAINS TO INVENT UNBREAKABLE SYSTEMS OF COMMUNICATIONS AND TO PROTECT THESE SYSTEMS AND THE PERSONNEL NEEDED TO RUN THEM. AT THE SAME TIME, IT WILL DO EVERYTHING IN ITS POWER TO GAIN ACCESS OR INSIGHT INTO THE COMMUNICATIONS OF OTHER GOVERNMENTS WHOSE POLICIES OR ACTIONS MAY BE OF REAL CONCERN TO IT."⁽³⁾

WHILE THE USE OF TECHNICAL SOURCES IN CANADA IS OF MAJOR CONCERN, SINCE A DEMOCRACY MUST PROTECT INDIVIDUAL RIGHTS, IN THE INTERNATIONAL ESPIONAGE SCENE, COMMUNICATIONS INTERCEPTION IS AN IMPORTANT CONTRIBUTOR TO INTELLIGENCE COLLECTION.

ON FEBRUARY 21ST, 1972, BILL C-6 WAS GIVEN FIRST READING IN THE PARLIAMENT OF CANADA. THIS PROPOSED BILL, THE PROTECTION OF PRIVACY ACT, WHICH LATER DIED BEFORE FINAL READING, ATTEMPTED TO CREATE OFFENCES RELATED TO "THE INTERCEPTION OF PRIVATE COMMUNICATIONS BY THE USE OF ANY DEVICE OR APPARATUS DEFINED TO BE AN ELECTRO-MAGNETIC, ACOUSTIC, MECHANICAL OR OTHER DEVICE." THE SAME BILL WOULD HAVE AMENDED THE OFFICIAL SECRETS ACT

1. KAHN, THE CODE BREAKERS, P. 672-733. SEE ALSO: RAMPART'S MAGAZINE, AUGUST 1972, P. 35-56. TORONTO GLOBE AND MAIL, FEBRUARY 16TH, 1973.

2. TUCHMAN, THE ZIMMERMAN TELEGRAM.

3. DULLES, THE CRAFT OF INTELLIGENCE, P. 71. SEE ALSO: L.M. BUCHER, MY STORY, (NEW YORK: DOUBLEDAY & CO., 1970).

"TO PROVIDE FOR THE INTERCEPTION OR SEIZURE OF COMMUNICATIONS WHERE THE INTERCEPTION OR SEIZURE IS DIRECTED TOWARDS PREVENTION OR DETECTION OF ESPIONAGE, SABOTAGE OR ANY OTHER SUBVERSIVE ACTIVITY AGAINST CANADA OR DETRIMENTAL TO THE SECURITY OF CANADA AND WHERE SUCH INTERCEPTION OR SEIZURE IS NECESSARY IN THE PUBLIC INTEREST."(1)

PROVISION WAS MADE IN THE BILL THAT WARRANTS AUTHORIZING THE INTERCEPTION OF COMMUNICATIONS WOULD HAVE TO BE AUTHORIZED BY THE SOLICITOR GENERAL. THIS BILL IN THE MAIN REFLECTED THE POSITION OF THE ROYAL COMMISSION ON SECURITY. BILL C-176, SIMILAR IN INTENT, WAS INTRODUCED IN PARLIAMENT ON APRIL 13TH, 1973.(2) WHILE PARLIAMENT HAS NOT YET PASSED ANY LEGISLATION AUTHORIZING COMMUNICATIONS INTERCEPTION BY THE SECURITY SERVICE, IT APPEARS FROM THE WORDING OF BILL C-6 THAT THE CABINET, AT LEAST, HAS ACCEPTED THE RECOMMENDATIONS OF THE ROYAL COMMISSION.

THE CANADIAN SECURITY SERVICE IS ORGANIZED TO SERVE A WIDE RANGE OF CUSTOMERS INCLUDING THE PRIME MINISTER AND THE CABINET, THE DEPARTMENTS OF THE CANADIAN GOVERNMENT, LAW ENFORCEMENT ORGANIZATIONS THROUGHOUT CANADA AND ALLIED SECURITY AND INTELLIGENCE AGENCIES THROUGHOUT THE WORLD. THE RANGE OF CUSTOMERS CHANGE AS POLITICAL AND ECONOMIC CONDITIONS IN CANADA CHANGE AND AS THE RELATIVE IMPORTANCE OF THE THREE FUNCTIONS OF THE SECURITY SERVICE, COUNTERESPIONAGE, THE INVESTIGATION OF SUBVERSION AND PROTECTIVE SECURITY, CHANGE.

1. CANADA, HOUSE OF COMMONS, BILL C-6, FEBRUARY 21ST, 1972.
2. CANADA, HOUSE OF COMMONS, BILL C-176, APRIL 13TH, 1973.

5: A HISTORY OF SECURITY WORK IN CANADA

CANADA HAS REQUIRED SOME TYPE OF NATIONAL SECURITY ORGANIZATION SINCE 1868 BUT ONLY DURING THE LAST THIRTY YEARS HAS THIS REQUIREMENT BEEN OF A HIGH PRIORITY.⁽¹⁾ THE THREAT FROM COMMUNIST SUBVERSION GREW RAPIDLY AFTER WORLD WAR I, AND THE RCMP WAS ACTIVE IN INVESTIGATING THE NATURE AND EXTENT OF THE THREAT AND IN ASSISTING THE CANADIAN GOVERNMENT TO COUNTER THE THREAT THROUGH POLICE ACTION. DURING THE MIDDLE AND LATE 1930'S THE THREAT OF FASCIST (ITALIAN AND GERMAN) SUBVERSION AND LATER GERMAN ESPIONAGE OVERSHADOWED THE EARLIER LEFT WING THREATS, BUT THESE RIGHT WING DANGERS DECREASED RAPIDLY AFTER WORLD WAR II. BY LATE 1945, COMMUNIST SUBVERSION AND SOVIET ESPIONAGE, LATER DIRECTLY LINKED BY THE REVELATIONS OF THE 1946 ROYAL COMMISSION ON SECURITY, WERE ESTABLISHED AS THE CRITICAL DANGER TO CANADIAN INTERNAL SECURITY. THROUGHOUT THE 1960'S POLITICAL INSTABILITY WITHIN CANADA CREATED A SITUATION WHICH OVEREMPHASIZED THE IMPORTANCE OF SECURITY CASES AND CAUSED A SERIES OF NATIONAL CRISES ARISING FROM NATIONAL SECURITY INVESTIGATIONS; CULMINATING IN 1966 IN THE ESTABLISHMENT OF A SECOND ROYAL COMMISSION.

THE REPORT OF THIS SECOND CANADIAN ROYAL COMMISSION WAS RELEASED IN 1969. SINCE THAT TIME THERE HAS BEEN A CONTINUOUS CLAMOUR OF OPPOSITION QUESTIONS AND A NUMBER OF GOVERNMENT POLICY STATEMENTS AS THE CANADIAN GOVERNMENT HAS ATTEMPTED TO ESTABLISH AN

1. SEE ABOVE, P. 4.

EFFICIENT SECURITY ORGANIZATION WITHOUT ENDANGERING THE DEMOCRATIC NATURE OF CANADA. THE ROLE OF THE SECURITY SERVICE HAS BEEN AFFECTED BY MANY EVENTS, SUCH AS THE 1970 CRISIS IN QUEBEC. A NUMBER OF THESE OCCURRENCES WILL BE EXAMINED IN SOME DETAIL AND THEIR EFFECTS ON NATIONAL SECURITY ASSESSED.

PRE-1945

THE SPECIAL BRANCH OF THE RCMP WAS CONCERNED MAINLY WITH COMMUNIST SUBVERSION FROM 1917, WHEN IT WAS FORMED, UNTIL THE THREAT OF FASCIST ESPIONAGE AND SUBVERSION BECAME MORE IMPORTANT IN 1936.⁽¹⁾ THE RADICAL LEFT POLITICAL ORGANIZATION IN CANADA GREW OUT OF EARLY ORGANIZATIONS OF THE SOCIALIST PARTY OF CANADA AND THE INDUSTRIAL WORKERS OF THE WORLD WHO INFLUENCED SLAV ETHNIC GROUPS IN WESTERN CANADA IN THE EARLY YEARS OF THIS CENTURY.⁽²⁾ THE THEORIES OF KARL MARX WERE TAUGHT AND INTERPRETED BY RADICALS FROM EUROPE AND THE UNITED STATES AS EARLY AS 1914.⁽³⁾ AFTER THE RUSSIAN REVOLUTION, THE IMPETUS OF THE CANADIAN COMMUNIST MOVEMENT, DESPITE A LACK OF DIRECT CONTACT, CAME FROM RUSSIA.⁽⁴⁾

THE COMMUNIST PARTY OF CANADA GREW OUT OF A SURREPTITIOUS ORGANIZATIONAL MEETING AT GUELPH, ONTARIO ON MAY 21ST, 1921. THE CONSTITUTION LEFT NO DOUBT THAT THE PARTY WOULD FUNCTION AS AN UNDERGROUND, ILLEGAL GROUP WITH COMPLETE LOYALTY PLEDGED TO THE MOSCOW CONTROLLED INTERNATIONAL.⁽⁵⁾ SPECIAL BRANCH INTEREST IN THE PARTY IS EVIDENT

1. HARVISON, THE HORSEMEN, P. 86.
2. RODNEY, A HISTORY OF THE COMMUNIST PARTY OF CANADA, 1919-1929, P. 13.
3. RODNEY, A HISTORY OF THE COMMUNIST PARTY OF CANADA, 1919-1929, P. 21.
4. RODNEY, A HISTORY OF THE COMMUNIST PARTY OF CANADA, 1919-1929, P. 31.
5. SEE ABOVE, P. 4. SEE ALSO: RODNEY, A HISTORY OF THE COMMUNIST PARTY OF CANADA, 1919-1929, P. 76.

ALMOST FROM THE BEGINNING WITH JACK W. ESSELWEIN, AN UNDERCOVER AGENT, ASSISTING ORGANIZATIONAL WORK IN REGINA AS EARLY AS DECEMBER 1921.⁽¹⁾ EVEN EARLIER, MEMBERS OF THE SPECIAL BRANCH HAD PENETRATED ONE BIG UNION, AN EARLY RADICAL LABOUR ORGANIZATION, AND HELPED TO CONVICT SEVEN LEADERS OF SEDITION AFTER THE WINNIPEG STRIKE OF 1919.⁽²⁾

W. RODNEY HAS GIVEN A DETAILED DESCRIPTION OF THE EARLY, CLANDESTINE ORGANIZATION OF THE PARTY.⁽³⁾ THE ROYAL COMMISSION ON ESPIONAGE (1946) REPORTED THAT A RUSSIAN CONTROLLED COMMUNIST ORGANIZATION HAD EXISTED IN CANADA SINCE 1924,⁽⁴⁾ AND ALSO INDICATED THAT IN EVERY CASE, BUT ONE, OF THE RUSSIAN SPY RING EXPOSED IN 1945, THE CANADIAN ESPIONAGE AGENTS WERE MEMBERS OF OR SYMPATHIZERS WITH THE COMMUNIST PARTY.⁽⁵⁾ THIS PARTY HAS BEEN ENGAGED IN SUBVERSIVE ACTIVITIES AGAINST THE CANADIAN STATE SINCE THE PARTY'S INCEPTION, ALTHOUGH IT DOES HAVE A LEGITIMATE FUNCTION IN PROMOTING COMMUNIST POLITICAL DOCTRINES.⁽⁶⁾ THE ROYAL COMMISSION ON SECURITY (1969) FOUND THE SAME SITUATION AND REPORTED:

1. SEE ABOVE, P. 4. SEE ALSO: PHILLIPS, THE LIVING LEGEND, P. 99. KELLY, THE MEN OF THE MOUNTED, P. 157. RODNEY, A HISTORY OF THE COMMUNIST PARTY OF CANADA, 1919-1929, P. 87.
2. PHILLIPS, THE LIVING LEGEND, P. 87. SEE ALSO: BOWLES, HANLEY, HODGINS AND RWALYK, PROTEST, VIOLENCE AND SOCIAL CHANGE, P. 161. THE KING V. RUSSELL, 51 DOMINION LAW REPORTS, P. 27, GIVES A SHORT DESCRIPTION OF THE STRIKE. MR. JUSTICE CAMERON ON P. 20 DESCRIBED THE SITUATION AS FOLLOWS: "A WIDESPREAD SYSTEM OF ESPIONAGE, INTIMIDATION AND TERRORISM WAS ORGANIZED AND EXECUTED WITH RELENTLESS VIGILANCE AND ACTIVITY IT WAS A BOLD ATTEMPT TO USURP THE POWERS OF THE DULY CONSTITUTED AUTHORITIES AND TO FORCE THE PUBLIC INTO SUBMISSION THROUGH FINANCIAL LOSS, STARVATION, WANT AND BY EVERY POSSIBLE MEANS THAT AN AUTOCRATIC JUNTA DEEMED ADVISEABLE." KELLY, THE MEN OF THE MOUNTED, P. 199. KELLY, CANADIAN GEOGRAPHICAL JOURNAL, MAY, 1973, P. 170.
3. RODNEY, A HISTORY OF THE COMMUNIST PARTY OF CANADA, 1919-1929, P. 111.
4. CANADA, ROYAL COMMISSION ON ESPIONAGE (1946), P. 14.
5. CANADA, ROYAL COMMISSION ON ESPIONAGE (1946), P. 44.
6. TORONTO GLOBE AND MAIL, MARCH 14TH, 1973.

"THE FORMS OF COMMUNIST SUBVERSIVE ACTIVITY IN CANADA ARE VARIED, RANGING FROM EFFORTS TO DEVELOP FRONT ORGANIZATIONS TO ATTEMPTS TO SUBVERT INDIVIDUALS IN GOVERNMENT, THE MASS MEDIA, THE UNIVERSITIES, THE TRADE UNIONS, EMIGRE AND ETHNIC GROUPS AND POLITICAL PARTIES. SUCH ACTIVITIES ARE ASSISTED BY THE FACT THAT THE COMMUNISTS ARE ABLE TO EXPLOIT AND EXAGGERATE EXISTING ELEMENTS OF SOCIAL UNREST AND DISSENT CONCERNED WITH A VARIETY OF APPEALING CAUSES."⁽¹⁾

THROUGHOUT THE 1920'S AND 1930'S COMMUNIST RADICALS CLASHED REPEATEDLY WITH POLICE.⁽²⁾ NOT ALL THE DEMONSTRATORS WERE COMMUNISTS AND OFTEN THERE WAS CAUSE FOR LEGITIMATE COMPLAINT. THE GOVERNMENT AND THE POLICE WERE LESS TOLERANT OF ACTIVE OPPOSITION THAN THEY ARE TODAY, AND VIOLENT CONFRONTATIONS OCCURRED IN WINNIPEG IN JUNE 1919, NIAGARA FALLS ON AUGUST 1ST, 1930, PORT ARTHUR ON OCTOBER 28TH, 1930, ESTEVAN ON SEPTEMBER 29TH, 1931, AND REGINA DURING JULY 1935.

ARISING OUT OF THE WINNIPEG GENERAL STRIKE OF 1919, THE FEDERAL GOVERNMENT PASSED AN AMENDMENT TO THE CRIMINAL CODE, SECTION 98, REPEATED IN 1936, IN AN ATTEMPT TO CONTROL SEDITION BEHAVIOUR.⁽³⁾

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 6.

2. BOWLES, HANLEY, HODGINS & RAWLYK, PROTEST, VIOLENCE, AND SOCIAL CHANGE, P. 138. SEE ALSO: KELLY, THE MEN OF THE MOUNTED, P. 259.

3. BOWLES, HANLEY, HODGINS & RAWLYK, PROTEST, VIOLENCE AND SOCIAL CHANGE, P. 171. STATUTES OF CANADA, 9-10 GEORGE V, c.46.

1. ANY ASSOCIATION, ORGANIZATION, SOCIETY OR CORPORATION, WHOSE PROFESSED PURPOSE OR ONE OF WHOSE PURPOSES IS TO BRING ABOUT ANY GOVERNMENTAL, INDUSTRIAL OR ECONOMIC CHANGE WITHIN CANADA BY USE OF FORCE, VIOLENCE OR PHYSICAL INJURY TO PERSONS OR PROPERTY, OR BY THREATS OF SUCH INJURY, OR WHICH TEACHES, ADVOCATES, ADVISES OR DEFENDS THE USE OF FORCE, VIOLENCE, TERRORISM OR PHYSICAL INJURY TO PERSONS OR PROPERTY, OR THREATS OF SUCH INJURY, IN ORDER TO ACCOMPLISH SUCH CHANGE, OR FOR ANY OTHER PURPOSE, OR WHICH SHALL BY ANY MEANS PROSECUTE OR PURSUE SUCH PURPOSE OR PROFESSED PURPOSE, OR SHALL SO TEACH, ADVOCATE, ADVISE OR DEFEND, SHALL BE AN UNLAWFUL ASSOCIATION ...

4. IN ANY PROSECUTION UNDER THIS SECTION, IF IT BE PROVED THAT THE PERSON CHARGED HAS, -

(A) ATTENDED MEETINGS OF AN UNLAWFUL ASSOCIATION OR
(B) SPOKE PUBLICLY IN ADVOCACY OF AN UNLAWFUL ASSOCIATION; OR
(C) DISTRIBUTED LITERATURE OF AN UNLAWFUL ASSOCIATION BY CIRCULATION THROUGH THE POST OFFICE MAILS OF CANADA, OR OTHERWISE;
IT SHALL BE PRESUMED IN THE ABSENCE OF PROOF TO THE CONTRARY THAT HE IS A MEMBER OF SUCH UNLAWFUL ASSOCIATION.
SEE ABOVE, P. 4.

THIS SECTION OF THE CRIMINAL CODE WAS USED AS A BASIS OF ACTION AGAINST VIOLENT DEMONSTRATORS THROUGH MUCH OF THIS PERIOD OF TIME.

AS ECONOMIC CONDITIONS SLOWLY IMPROVED DURING THE LATE 1930'S, THE DANGERS TO NATIONAL SECURITY FROM RIGHT WING POLITICAL ACTIVITY SLOWLY BECAME GREATER AND MORE IMMINENT THAN THOSE FROM THE LEFT. THE ACTIVITIES OF THE SPECIAL BRANCH, REINFORMED TO MEET THE NEW THREAT, WERE DIRECTED AGAINST GERMAN AND ITALIAN ORGANIZATIONS AND THE CANADIAN FASCIST PARTIES.⁽¹⁾ THESE ORGANIZATIONS WERE SUCCESSFULLY PENETRATED, WITH THE RESULT THAT ON THE OUTBREAK OF WAR ON SEPTEMBER 10TH, 1939, ALL KEY LEADERS WERE ARRESTED AND BROUGHT BEFORE INTERNMENT COURTS, AND THE GERMAN SUBVERSIVE AND ESPIONAGE APPARATUS IN CANADA WAS DESTROYED.⁽²⁾ BOTH THE GERMANS AND ITALIANS HAD ORGANIZED EXTENSIVE SUBVERSIVE AND ESPIONAGE OPERATIONS IN CANADA, MAINLY BASED ON INDIVIDUALS OF GERMAN AND ITALIAN EXTRACTION OR THOSE WITH EXTREME RIGHT WING POLITICAL INTERESTS.⁽³⁾ UNTIL THE ENTRY OF RUSSIA INTO THE WAR ON THE ALLIED SIDE, MANY COMMUNIST LEADERS SUPPORTED GERMANY AND WERE THEREFORE, ALSO INTERNED.⁽⁴⁾

IN ADDITION TO THE PENETRATION OF RIGHT WING POLITICAL GROUPS, THE RCMP WAS MADE RESPONSIBLE FOR THE PROTECTIVE SECURITY OF CANADIAN

1. HARVISON, THE HORSEMEN, P. 86. KELLY, THE MEN OF THE MOUNTED, P. 299.

2. HARVISON, THE HORSEMEN, P. 101. SEE ALSO: PHILLIPS, THE LIVING LEGEND, P. 104.

3. LADISLAS FARAGO, THE GAME OF FOXES. SIMILAR ACTIVITIES WERE UNDERTAKEN, BY GERMANY, IN BOTH BRITAIN AND THE U.S.A. SEE ALSO: J.C. CAMERON, "MISTER X", RCMP QUARTERLY VOL. 37, NO. 4, OCTOBER, 1972. MASTERMAN, THE DOUBLE-CROSS SYSTEM.

4. LESTER B. PEARSON, MIKE, VOL. 1, (TORONTO: UNIVERSITY OF TORONTO PRESS, 1972), P. 198. SEE ALSO: TORONTO GLOBE AND MAIL, MARCH 14TH, 1973. KELLY, THE MEN OF THE MOUNTED, P. 302.

INDUSTRY AND OTHER VITAL POINTS SUCH AS HARBOUR INSTALLATIONS AND POWER STATIONS. NOT ONLY WERE THESE VITAL POINTS TO BE GUARDED IN CASE OF WAR, BUT THEY HAD TO BE IDENTIFIED INITIALLY AND AS FAR AS POSSIBLE ADVANCE PROTECTIVE SECURITY MEASURES HAD TO BE IMPLEMENTED.⁽¹⁾

ON NOVEMBER 9TH, 1942, THE GERMANS UNSUCCESSFULLY ATTEMPTED TO LAND A SPY FROM A SUBMARINE IN GASPE,⁽²⁾ AND WHILE SEVERAL OTHER GERMAN OPERATIONS ARE MENTIONED BRIEFLY BY HARVISON, NONE DEVELOPED INTO A SERIOUS ESPIONAGE THREAT TO CANADA.⁽³⁾ IN FACT, THERE IS NO INDICATION THAT EITHER THE GERMANS OR THE ITALIANS WERE SUCCESSFUL IN ANY OF THEIR ESPIONAGE OPERATIONS AGAINST CANADA.⁽⁴⁾

ROYAL COMMISSION ON SECURITY - 1946

THE FIRST MAJOR POST-WAR REVELATION OF SOVIET ESPIONAGE WAS MADE PUBLIC WHEN IGOR GOUZENKO, DEFECTED FROM THE SOVIET EMBASSY IN OTTAWA.⁽⁵⁾ GOUZENKO WAS A CIPHER CLERK SERVING THE GRU IN OTTAWA AND HENCE HAD ACCESS TO ALL CIPHERED COMMUNICATIONS BETWEEN THE HEAD OF THE GRU NETWORK, COLONEL ZABOTIN, AND THE GRU HEADQUARTERS IN MOSCOW. AS WAS LATER LEARNED, ZABOTIN, THE SOVIET MILITARY ATTACHE IN OTTAWA, OPERATED A GRU INTELLIGENCE NETWORK WITH THE AID OF FOURTEEN RUSSIAN INTELLIGENCE OFFICERS AND WITH NINETEEN AGENTS IN CANADA.⁽⁶⁾ ON THE NIGHT OF

1. HARVISON, THE HORSEMEN, P. 88, 94. SEE ALSO KELLY, THE MEN OF THE MOUNTED, P. 371.

2. SEE ABOVE, P. 35.

3. HARVISON, THE HORSEMEN, P. 117, 138.

4. HARVISON, THE HORSEMEN, P. 146.

5. OTTAWA CITIZEN, FEBRUARY 18TH, 1946. FOR AN OUTLINE OF A MORE RECENT DEFINITION, SEE DR. M.A. KLOOMKO, "MY ESCAPE FROM TYRANNY," READER'S DIGEST, MARCH 1973, P. 104.

6. CANADA, ROYAL COMMISSION ON ESPIONAGE (1946), P. 13, 685.

SEPTEMBER 5TH, 1945, GOUZENKO REMOVED A QUANTITY OF DOCUMENTS WHICH HE HAD EARLIER MARKED, FROM THE GRU CLASSIFIED FILES AND LEFT THE EMBASSY.⁽¹⁾ GOUZENKO HAD ARRIVED IN OTTAWA IN JUNE 1943, AND WHEN RECALLED IN AUGUST 1945 DECIDED THAT HE PREFERRED THE INDIVIDUAL FREEDOM AND THE ECONOMIC CONDITIONS IN CANADA TO WHAT HE WOULD EXPERIENCE ON HIS RETURN TO RUSSIA.⁽²⁾

GOUZENKO ATTEMPTED, INITIALLY, TO MAKE HIS HOARD OF DOCUMENTS AVAILABLE TO AN OTTAWA NEWSPAPER, THE JOURNAL, AND WHEN THIS WAS UNSUCCESSFUL HE APPROACHED VARIOUS CANADIAN GOVERNMENT OFFICES, ALL TO NO AVAIL.⁽³⁾ NO ONE WOULD BELIEVE HIS STORY. IT TOOK A SERIES OF CRUDE ATTEMPTS, BY INTELLIGENCE OFFICERS OF THE KGB, TO FORCE GOUZENKO'S RETURN TO THE SOVIET EMBASSY AND ACTION BY THE OTTAWA CITY POLICE TO CONVINCE CANADIAN AUTHORITIES THAT GOUZENKO WAS A GENUINE DEFECTOR FROM A SOVIET INTELLIGENCE SERVICE.⁽⁴⁾

GOUZENKO AND HIS FAMILY WERE GIVEN PERSONAL PROTECTION FOR FOUR MONTHS WHILE THE CANADIAN GOVERNMENT DEBATED ITS POSSIBLE COURSES OF ACTION. DURING THAT TIME THE AUTHENTICITY OF GOUZENKO'S DOCUMENTS WERE VERIFIED BY CHECKING AGAINST INDEPENDENT AND KNOWN FACTS, HAND-WRITING ANALYSIS, TYPEWRITER ANALYSIS AND CHECKING AGAINST THE ORIGINAL DOCUMENTS AND FILES. EX-COMMISSIONER HARVISON OF THE RCMP HAS STATED:

1. CANADA, ROYAL COMMISSION ON ESPIONAGE (1946), P. 641.
SEE ALSO: OTTAWA JOURNAL, JANUARY 25TH, 1969.
2. CANADA, ROYAL COMMISSION ON ESPIONAGE (1946), P. 637.
SEE ALSO: IGOR GOUZENKO, THE IRON CURTAIN, (NEW YORK: E.P. DUTTON & Co., 1948), P. 220.
3. WISE AND ROSS, THE ESPIONAGE ESTABLISHMENT, P. 68. SEE ALSO: GOUZENKO, THE IRON CURTAIN, P. 262. OTTAWA CITIZEN, MARCH 19TH, 1946.
4. PICKERSGILL AND FORSTER, THE MACKENZIE KING RECORD, VOL. III, P.7.

"BEYOND QUESTION, THEY (THE DOCUMENTS) ESTABLISHED A CONSPIRACY THAT HAD BEEN CONTROLLED FROM MOSCOW THROUGH ITS DIPLOMATIC REPRESENTATIVES IN CANADA AND WITH THE CONNIVANCE AND WILLING SUPPORT OF AT LEAST SOME OF THE LEADERS OF THE COMMUNIST MOVEMENT IN CANADA."(1)

AS THE INVESTIGATION PROGRESSED, FIRST IN CANADA, AND THEN IN BRITAIN AND THE UNITED STATES, IT BECAME INCREASINGLY DIFFICULT TO MAINTAIN THE SECRECY. ON FEBRUARY 5TH, 1946, AN ORDER IN COUNCIL WAS PASSED APPOINTING A ROYAL COMMISSION COMPOSED OF TWO SUPREME COURT OF CANADA JUDGES, MR. JUSTICE R. TASCHEREAU AND MR. JUSTICE R.L. KELLOCK TO INQUIRE INTO THE COMMUNICATION OF CLASSIFIED INFORMATION TO THE SOVIETS.(2)

EARLIER, ON OCTOBER 6TH, 1945, ORDER IN COUNCIL P.C. 6444 HAD BEEN PASSED, AUTHORIZING THE DETENTION OF SUSPECTS TO PREVENT THE COMMUNICATION OF CLASSIFIED INFORMATION, UPON MINISTERIAL AUTHORIZATION.(3) ON FEBRUARY 14TH, 1946, COUNSEL FOR THE ROYAL COMMISSION RECOMMENDED TO THE MINISTER OF JUSTICE, THEN MR. LOUIS ST. LAURENT, THAT TWELVE PERSONS BE DETAINED UNDER P.C. 6444.(4) DURING THE EARLY HOURS OF FEBRUARY 16TH, 1946, ACTING UNDER MINISTERIAL ORDERS, THE TWELVE PEOPLE WERE DETAINED

1. HARVISON, THE HORSEMEN, P. 151.
2. CANADA, ROYAL COMMISSION ON ESPIONAGE (1946), P. 7 FOR TEXT OF ORDER IN COUNCIL P.C. 411 OF FEBRUARY 5TH, 1946. SEE ALSO: OTTAWA CITIZEN, FEBRUARY 16TH, 1946. OTTAWA CITIZEN, FEBRUARY 18TH, 1946. OTTAWA CITIZEN, MAY 20TH, 1947. PICKERSGILL & FORSTER, THE MACKENZIE KING RECORD, VOL. III, P. 133.
3. CANADA, ROYAL COMMISSION ON ESPIONAGE (1946), P. 649. THE ACTING PRIME MINISTER OR THE MINISTER OF JUSTICE, IF SATISFIED THAT WITH A VIEW TO PREVENTING ANY PARTICULAR PERSON FROM COMMUNICATING SECRET AND CONFIDENTIAL INFORMATION TO AN AGENT OF A FOREIGN POWER OR OTHERWISE ACTING IN ANY MANNER PREJUDICIAL TO THE PUBLIC SAFETY OR THE SAFETY OF THE STATE IT IS NECESSARY SO TO DO, MAY MAKE AN ORDER THAT ANY SUCH PERSON BE INTERROGATED AND/OR DETAINED IN SUCH PLACE AND UNDER SUCH CONDITIONS AS HE MAY FROM TIME TO TIME DETERMINE. SEE ALSO: OTTAWA CITIZEN, MARCH 22ND, 1946.
4. CANADA, ROYAL COMMISSION ON ESPIONAGE (1946), P. 666.

BY THE RCMP AND HOUSED AT THE ROCKCLIFFE TRAINING DIVISION FOR INTERRO-
GATION.⁽¹⁾

INITIAL INTERVIEWS OF THE SUSPECTS WERE UNDERTAKEN BY MEMBERS OF
THE RCMP, AND FORMAL EVIDENCE WAS TAKEN BY THE ROYAL COMMISSION FROM
FEBRUARY 13TH, 1946 TO JUNE 27TH, 1946.⁽²⁾ THE COMMISSION REPORT
INDICATED THAT FOURTEEN IDENTIFIED PUBLIC OFFICIALS HAD DISCLOSED
INFORMATION OF A CLASSIFIED NATURE TO AGENTS OF A FOREIGN POWER.
ADDITIONALLY, FIVE UNIDENTIFIED PERSONS WERE FOUND TO BE MEMBERS OF THE
ESPIONAGE NETWORK, TWO IDENTIFIED PRIVATE INDIVIDUALS WERE ASSISTING THE
NETWORK AND FOUR INDIVIDUALS ASSISTED THE NETWORK AS ORGANIZERS OR WITH
COMMUNICATIONS.⁽³⁾

BASED ON THE EVIDENCE COLLECTED FROM THE DOCUMENTS AND INFORMATION
SUPPLIED BY IGOR GOUZENKO INCLUDING THAT WHICH WAS UNCOVERED DURING THE
SUBSEQUENT INVESTIGATION, AND ALSO UPON THE FINDINGS OF THE ROYAL
COMMISSION, CRIMINAL CHARGES WERE LAID AGAINST TWENTY INDIVIDUALS.⁽⁴⁾
IN THIS CASE THE INVESTIGATION WAS UNDERTAKEN AFTER THE SOVIETS AND THE
SUSPECTS WERE WARNED AND WITH ALL SOVIET INFORMATION BEING UNAVAILABLE.

1. HARVISON, THE HORSEMEN, P. 155. SEE ALSO: OTTAWA CITIZEN,
FEBRUARY 16TH, 1946. OTTAWA CITIZEN, FEBRUARY 20TH, 1946. OTTAWA
CITIZEN, MARCH 1ST, 1946. OTTAWA CITIZEN, MARCH 8TH, 1946. PICKERBELL
& FORSTER, THE MACKENZIE KING RECORD, VOL. III, P. 137. KELLY, THE MEN
OF THE MOUNTED, P. 375.

2. CANADA, ROYAL COMMISSION ON ESPIONAGE(1946), P. 9. SEE ALSO:
HARVISON, THE HORSEMEN, P. 157. OTTAWA CITIZEN, MARCH 4TH, 1946.
OTTAWA CITIZEN, MARCH 15TH, 1946. OTTAWA CITIZEN, MARCH 29TH, 1946.
OTTAWA CITIZEN, JULY 16TH, 1946.

3. CANADA, ROYAL COMMISSION ON ESPIONAGE(1946), P. 685.

4. OTTAWA CITIZEN, MARCH 11TH, 1946. SEE ALSO: OTTAWA CITIZEN,
MARCH 13TH, 1946. OTTAWA CITIZEN, MARCH 15TH, 1946. OTTAWA CITIZEN,
MARCH 20TH, 1946.

FRED ROSE, THE MEMBER OF PARLIAMENT INVOLVED, WAS THE FIRST TO APPEAR BEFORE THE COURT, WITH THE STAR WITNESS FOR THE PROSECUTION BEING GOUZENKO HIMSELF. SOME MEMBERS OF THE ESPIONAGE NETWORK, THEMSELVES ALSO FACING CRIMINAL CHARGES, REFUSED TO TESTIFY. IN THE END, FRED ROSE WAS CONVICTED AND SENTENCED TO SIX YEARS IMPRISONMENT.⁽¹⁾ ADDITIONALLY, NINE OTHERS OF THOSE CHARGED WERE CONVICTED⁽²⁾ AND DR. ALLAN NUNN MAY, CHARGED IN BRITAIN, WAS ALSO CONVICTED AND SENTENCED TO TEN YEARS IMPRISONMENT.⁽³⁾

THE UNUSUAL PROCEDURE OF HAVING A ROYAL COMMISSION HEAR EVIDENCE IN THE MATTER AND THE UNUSUAL DETENTION OF THE PEOPLE INVOLVED, WELL BEFORE CRIMINAL CHARGES WERE LAID, DISTURBED MANY CANADIANS INTERESTED IN PERSONAL FREEDOM. R. MACGREGOR DAWSON SAW IT AS A SIGN OF A WEAKENING CONCERN BY THE DOMINION GOVERNMENT FOR PERSONAL RIGHTS AND LIBERTIES.⁽⁴⁾ MR. JUSTICE TASHIEREAU AND MR. JUSTICE KELLOCK EXAMINED THE LEGAL BASE FOR THE COMMISSION AND FOR THE ACTION TAKEN UNDER ORDERS

1. CANADA, ROYAL COMMISSION ON ESPIONAGE (1946), P. 11, 686. SEE ALSO: HARVISON, THE HORSEMEN, P. 163. KELLY, THE MEN OF THE MOUNTED, P. 376. OTTAWA CITIZEN, MARCH 15TH, 1946. OTTAWA CITIZEN, MARCH 16TH, 1946, OTTAWA CITIZEN, MARCH 23RD, 1946. OTTAWA CITIZEN, MARCH 25TH, 1946. OTTAWA CITIZEN, MARCH 29TH, 1946. OTTAWA CITIZEN, MAY 20TH, 1946. OTTAWA CITIZEN, JANUARY 31ST, 1946. DOUGLAS HOW, "SPY PROBE WAS TOP CANADIAN STORY 1946", OTTAWA CITIZEN, DECEMBER 26TH, 1946.
2. HARVISON, THE HORSEMEN, P. 165. SEE ALSO: PICKERSGILL & FORSTER, THE MACKENZIE KING RECORD, VOL. III, P. 283.
3. WEST, THE NEW MEANING OF TREASON, P. 140, 164. SEE ALSO: DEACON, A HISTORY OF THE RUSSIAN SECRET SERVICE, P. 688. GOUZENKO, THE IRON CURTAIN, P. 235. OTTAWA CITIZEN, MARCH 19TH, 1946. CANADA, ROYAL COMMISSION ON ESPIONAGE (1946), P. 447, 617.
4. DAWSON, THE GOVERNMENT OF CANADA, 5TH ED., P. 71. SEE ALSO: HARVISON, THE HORSEMEN, P. 154. OTTAWA CITIZEN, MARCH 20TH, 1946. OTTAWA CITIZEN, MAY 9TH, 1946.

IN COUNCIL P.C. 411 AND P.C. 6444 AND IN THEIR REPORT INDICATE THAT THEY FOUND THE ACTION TAKEN WAS LEGITIMATE AND JUSTIFIED.⁽¹⁾

THE ACTIONS FOUND NECESSARY IN THIS CASE WERE CAUSED BY THE PRIOR INADEQUATE CONCEPT OF SECURITY. WORK AGAINST GERMAN, ITALIAN AND JAPANESE ESPIONAGE AND SUBVERSIVE ACTIVITIES HAD BEEN VIRTUALLY DISCONTINUED, AND MUCH OF THE WARTIME SECURITY APPARATUS HAD BEEN DISBANDED. THE SMALL NUCLEUS OF A SPECIAL BRANCH WITHIN THE RCMP WAS MORE CONCERNED WITH INTERNAL COMMUNIST SUBVERSION THAN WITH SOVIET ESPIONAGE ALTHOUGH HARVISON CLAIMS THAT THE RCMP HAD SOME KNOWLEDGE OF SOVIET CLANDESTINE ACTIVITIES.⁽²⁾ SECURITY PROCEDURES THROUGHOUT ALL THE WESTERN DEMOCRACIES WERE POOR, BASED ON THE SUPPOSITION THAT RUSSIA WAS THEN AN ALLY AND NOT AN ESPIONAGE THREAT.⁽³⁾ THE CANADIAN ORGANIZATION TO PROTECT NATIONAL SECURITY FROM ENEMIES OUTSIDE CANADA WAS VIRTUALLY NON-EXISTENT AND WARTIME SECURITY PROCEDURES HAD NEARLY TOTALLY LAPSED. WHILE THE RCMP HAD WARNED OF SOVIET ESPIONAGE ACTIVITIES, THE GOVERNMENT HAD IGNORED THE WARNING.⁽⁴⁾ WHEN A CRISIS DEVELOPED, EXTRAORDINARY ACTION WAS NECESSARY BOTH TO ADVISE THE CANADIAN PUBLIC OF THE THREAT AND TO COUNTER THE THREAT. THE ROYAL COMMISSION, UNDER TWO SUPREME COURT JUDGES, WAS USED BECAUSE THE CANADIAN PUBLIC WOULD HOPEFULLY ACCEPT ITS REPORT AS UNBIASED. THE RCMP WAS ARMED WITH UNUSUAL POWERS TO COMPENSATE FOR THE

1. CANADA, ROYAL COMMISSION ON ESPIONAGE (1946), P. 649. SEE ALSO: TORONTO GLOBE AND MAIL, APRIL 16TH, 1946.

2. HARVISON, THE HORSEMEN, P. 151.

3. DEACON, A HISTORY OF THE RUSSIAN SECRET SERVICE, P. 386. SEE ALSO: J. EDGAR HOOVER, A STUDY OF COMMUNISM, (NEW YORK: HOLT, RINEHART AND WINSTON, 1962), P. 122.

4. DISCUSSIONS WITH W.H. KELLY, FORMER DEPUTY COMMISSIONER (OPERATIONS) OF THE RCMP. SEE ALSO: HARVISON, THE HORSEMEN, P. 151. KELLY, CANADIAN GEOGRAPHICAL JOURNAL, MAY, 1973, P. 176.

POOR STATE OF PREPAREDNESS IN AN EFFORT TO IDENTIFY AND CONTAIN THE THREAT. WHILE THE SOVIET ESPIONAGE ORGANIZATIONS WERE SHAKEN BY THESE REVELATIONS, SOVIET DETERMINATION TO CONDUCT ESPIONAGE OPERATIONS AGAINST CANADA DID NOT WANE, AND IN FACT A SECOND NETWORK CONTROLLED BY PAVLOV, A SECOND SECRETARY AT THE SOVIET EMBASSY, APPARENTLY CONTINUED TO OPERATE.⁽¹⁾

THE SPENCER CASE

ON MAY 4TH, 1965, TWO RUSSIAN DIPLOMATS, V.N. POLUCHKIN AND ANATOLI E BYTCHKOV, BOTH KGB INTELLIGENCE OFFICERS, WERE EXPELLED FROM CANADA FOR ESPIONAGE ACTIVITIES. THE PRESS RELEASE ANNOUNCING THIS EXPULSION MADE A PASSING REFERENCE TO A PUBLIC SERVANT WHO HAD ASSISTED THE RUSSIANS AND WHO HAD BEEN PAID SEVERAL THOUSAND DOLLARS BY THEM.⁽²⁾ QUESTIONS ABOUT THE CASE WERE RAISED IN THE HOUSE OF COMMONS AS WERE DEMANDS THAT THE PUBLIC SERVANT BE PROSECUTED. INTEREST IN THE AFFAIR

1. CANADA, ROYAL COMMISSION ON ESPIONAGE (1946), P. 21. THE KGB IS THE CURRENT DESCENDANT OF THE N.K.V.D. TWO OTHER NETWORKS WERE MENTIONED BY THE ROYAL COMMISSION AS POSSIBILITIES; A NAVAL NETWORK (P. 26) WHICH WAS PROBABLY ASSOCIATED WITH THE UNIDENTIFIED GRU NETWORK (MY DISCUSSIONS WITH W.H. KELLY, FORMER DEPUTY COMMISSIONER OF THE RCMP) AND A POLITICAL NETWORK (P. 27) LATER BETTER CLARIFIED BY THE AUSTRALIAN ROYAL COMMISSION ON ESPIONAGE (P. 18) AS AN S.K. (SOVIET KOLONY) WHOSE DUTY IT IS TO WATCH AND REPORT ON THE CONDUCT AND POLITICAL RELIABILITY OF MEMBERS OF THE STAFF OF SOVIET EMBASSIES; A SECURITY FUNCTION, NOT INTELLIGENCE OPERATIONS.

2. TORONTO GLOBE AND MAIL, MAY 10TH, 1965. SEE ALSO: TORONTO GLOBE AND MAIL, MAY 13TH, 1965. HOUSE OF COMMONS, DEBATES, (CANADA: MAY 10TH, 1965.), P. 1088.

WAS ALL BUT DEAD WHEN TOM HAZLITT, THEN A REPORTER FOR THE VANCOUVER PROVINCE, AFTER THE LEAKAGE OF INFORMATION IN OTTAWA, AND AFTER SOME SHREWD SPECULATIONS AND GOOD INVESTIGATION, WAS ABLE BY EARLY NOVEMBER TO IDENTIFY THE SPY AS GEORGE VICTOR SPENDER, A POSTAL CLERK IN VANCOUVER, B.C.⁽¹⁾

LUCIEN CARDIN, THEN MINISTER OF JUSTICE, WHEN INTERVIEWED ON A CBC TELEVISION PROGRAM, CONFIRMED THE IDENTIFICATION AND AT THE SAME TIME INDICATED THAT SPENDER, WHILE NOT CHARGED OR CONVICTED OF ANY CRIMINAL OFFENCE, HAD BEEN FIRED FROM HIS PUBLIC SERVICE POSITION. THE APPARENTLY CONTRADICTIONARY POSITION WHERE A PUBLIC SERVANT IS PUNISHED WITHOUT A TRIAL OR HEARING OF ANY TYPE BECAME A NATIONAL POLITICAL ISSUE. THE CONSERVATIVES AND NDP PRESSED THE MINORITY LIBERAL GOVERNMENT FOR AN INQUIRY, BUT THE LIBERALS ADAMANTLY REFUSED THROUGHOUT JANUARY AND FEBRUARY 1966. LUCIEN CARDIN, ADVISED BY THE RCMP THAT AN INQUIRY WOULD JEOPARDIZE RCMP ESPIONAGE INVESTIGATIONS, LED THE LIBERALS IN OPPOSING THE INQUIRY. ON MARCH 2ND, 1966, SPENDER, THROUGH A NEUTRAL LAWYER, ASKED FOR AN INQUIRY, PARTICULARLY INTO HIS LOSS OF PENSION BENEFITS. BY MARCH 4TH, WITH SOME INFLUENTIAL LIBERALS PREPARED TO SIDE WITH THE CONSERVATIVES, PRIME MINISTER L.B. PEARSON AGREED TO SPENDER'S REQUEST FOR AN INQUIRY, AND SUBSEQUENTLY APPOINTED MR. JUSTICE DALTON C. WELLS OF THE SUPREME COURT OF ONTARIO TO CONSIDER SPENDER'S

1. CANADA, REPORT OF COMMISSION ON INQUIRY INTO COMPLAINTS MADE BY GEORGE VICTOR SPENDER, SEE ALSO: PETER C. NEWMAN, THE DISTEMPER OF OUR TIMES, (TORONTO: MCCLELLAN AND STEWART, 1968), P. 390. HARVISON, THE HORSEMEN, P. 246. WISE AND ROSS, THE ESPIONAGE ESTABLISHMENT, P. 26. TORONTO GLOBE AND MAIL, MAY 12TH, 1965. OTTAWA JOURNAL, MAY 17TH, 1965. VANCOUVER PROVINCE, NOVEMBER 11TH, 1965. VANCOUVER PROVINCE, NOVEMBER 3RD, 1965. VANCOUVER SUN, NOVEMBER 4TH, 1965. JUDY LAMARSH, MEMOIRS OF A BIRD IN A GILDED CAGE, (CANADA: POCKET BOOK, 1970), P. 165.

COMPLAINTS. DURING THE STRAINED DEBATE ON THIS ISSUE, THE SEEDS WERE SOWN BY LUCIEN CARDIN FOR THE SUBSEQUENT MUNSINGER INQUIRY.⁽¹⁾

THE MAIN FACTS OF THE SPENCER CASE WERE DISCLOSED DURING THE HEARING, CONFIRMING EARLIER NEWSPAPER ACCOUNTS. THE RCMP FIRST KNEW OF SPENCER AS A MEMBER OF THE COMMUNIST PARTY OF CANADA FROM WHICH HE WAS EXPELLED IN 1946 AFTER BEING A MEMBER FOR TEN YEARS. IN 1956, SPENCER WAS IN CONTACT WITH AFANASIEV, A SOVIET INTELLIGENCE OFFICER, BUT HIS INTELLIGENCE ACTIVITIES DID NOT BEGIN IN EARNEST UNTIL HE MET LEV BURDIUKOV AND REM KRABBILNIKOV, BOTH KGB INTELLIGENCE OFFICERS, ON OCTOBER 8TH, 1960.⁽²⁾

OVER A PERIOD OF TWO AND A HALF YEARS, SPENCER SUPPLIED HIS SOVIET CONTACTS WITH INFORMATION ON THE OPERATION OF THE CANADIAN POST OFFICE, INFORMATION ON ETHNIC GROUPS IN VANCOUVER, PHOTOGRAPHS OF VANCOUVER, MAPS OF BRITISH COLUMBIA, DATA ON COMPANIES, BUILDINGS AND SCHOOLS WHICH

1. SEE BELOW, P. 127. SEE ALSO: TORONTO GLOBE AND MAIL, NOVEMBER 24TH, 1965. GEORGE BAIN, "A SPY IN THE POST OFFICE," TORONTO GLOBE AND MAIL, NOVEMBER 25TH, 1965. GEORGE BAIN, "SPYING ON A PUZZLING CASE," TORONTO GLOBE AND MAIL, NOVEMBER 30TH, 1965. OTTAWA CITIZEN, DECEMBER 1ST, 1965. VANCOUVER SUN, DECEMBER 31ST, 1965. VANCOUVER PROVINCE, JANUARY 7TH, 1966. TORONTO GLOBE AND MAIL, JANUARY 22ND, 1966. VANCOUVER PROVINCE, JANUARY 24TH, 1966. HOUSE OF COMMONS, DEBATES, (CANADA: JANUARY 31ST, 1966), P. 425. MONTREAL GAZETTE, FEBRUARY 2ND, 1966, OTTAWA JOURNAL, FEBRUARY 24TH, 1966. VANCOUVER SUN, MARCH 1ST, 1966, OTTAWA JOURNAL, MARCH 4TH, 1966. TORONTO DAILY STAR, MARCH 5TH, 1966, OTTAWA JOURNAL, MARCH 7TH, 1966.
2. HARVISON, THE HORSEMEN, P. 246. VANCOUVER SUN, MAY 5TH, 1966. VANCOUVER PROVINCE, MAY 6TH, 1966.

WERE NO LONGER IN EXISTENCE AND BIOGRAPHIC DATA FROM CEMETERIES.⁽¹⁾

ADDITIONALLY, HE COLLECTED INFORMATION AND PHOTOGRAPHS OF THE TRANS-MOUNTAIN PIPELINE.⁽²⁾

NONE OF THE INFORMATION SUPPLIED TO THE SOVIETS BY SPENCER WAS CLASSIFIED IN THE NATIONAL SECURITY CONTEXT. HOWEVER, MUCH OF THE INFORMATION WAS DETAIL THAT THE SOVIETS REQUIRED TO TRAIN AND OPERATE ILLEGAL⁽³⁾ AGENTS IN THE VANCOUVER AREA. FOR INSTANCE, A SOVIET ILLEGAL COULD ASSUME THE NAME OF AN INDIVIDUAL WHO HAD ACTUALLY DIED WHILE A YOUTH, CLAIM TO HAVE GONE TO A SCHOOL WHICH NO LONGER EXISTED AND TO HAVE WORKED FOR BUSINESSES WHICH NO LONGER EXISTED. CHECKING THE STORY WOULD BE A DIFFICULT PROBLEM AND WOULD PROBABLY NOT EVEN BE ATTEMPTED DURING ANY NORMAL BUSINESS OR PERSONAL TRANSACTIONS. SOME OF THE INFORMATION WAS RELATED TO ECONOMIC AND POSSIBLE SABOTAGE TASKS, AS ILLUSTRATED BY THE DATA REQUESTED ON TRANS-MOUNTAIN PIPELINE. IN SUMMARY, THE SOVIETS USED SPENCER TO COLLECT OVERT INFORMATION, BUT SPECIFICALLY INFORMATION THAT THEY COULD NOT READILY COLLECT THEMSELVES WITHOUT CREATING SUSPICIONS. THEY REQUIRED THIS DATA IN ORDER.

1. CANADA, COMMISSION OF INQUIRY (SPENCER), P. 34.
2. CANADA, COMMISSION OF INQUIRY (SPENCER), P. 46.
3. DULLES, THE CRAFT OF INTELLIGENCE, P. 61. SEE ALSO: CANADA, COMMISSION OF INQUIRY (SPENCER), P. 31. AN ILLEGAL IS AN INTELLIGENCE OFFICER WHO HAS BEEN COMPLETELY TRAINED AND DOCUMENTED AS ANOTHER PERSON AND USUALLY OPERATES COMPLETELY UNDER THIS COVER WITH NO OVERT CONTACT WITH HIS HOME COUNTRY NOR PERSONNEL FROM ITS DIPLOMATIC MISSION. FOR INSTANCE SOVIET INTELLIGENCE OFFICER CONON TROFINOVICH MOLODY OPERATED AS AN ILLEGAL IN BRITAIN UNDER THE NAME OF A CANADIAN, GORDON ARNOLD LONSDALE. WISE AND ROSS, THE ESPIONAGE ESTABLISHMENT, P. 108.

TO CONSTRUCT COVERS FOR ILLEGALS WHO COULD SUBSEQUENTLY WORK IN CANADA, OR ELSEWHERE WHERE ENGLISH WAS THE WORKING LANGUAGE.⁽¹⁾

THE COMMISSION OF INQUIRY VINDICATED THE GOVERNMENT'S ACTIONS. IT FOUND THAT SPENCER HAD NOT BROKEN ANY CANADIAN LAWS ALTHOUGH HE HAD COME CLOSE TO THE LINE. MR. JUSTICE WELLS FOUND, HOWEVER, THAT SPENCER HAD COMMITTED GROSS MISCONDUCT IN BEING UNFAITHFUL TO HIS OATH OF ALLEGIANCE AND HIS OATH OF SECRECY AND THEREFORE HIS DISMISSAL WAS JUSTIFIED.⁽²⁾ SPENCER WAS SERIOUSLY ILL, AND IN FACT DIED APRIL 7TH, 1966, DURING THE INQUIRY. THE INQUIRY FURTHER FOUND THAT SPENCER WAS TREATED WITH KINDNESS AND CONSIDERATION BY THE AUTHORITIES THROUGHOUT THE INVESTIGATION, BUT WAS HOUNDED PERPETUALLY BY MEMBERS OF THE PRESS ONCE HIS IDENTITY WAS MADE KNOWN.⁽³⁾

THIS WHOLE EPISODE, ALTHOUGH HIGH IN POLITICAL CONTENT, WAS IN REALITY A LOW GRADE ESPIONAGE INVESTIGATION. ITS IMPORTANCE TO THE SECURITY SERVICE WAS MAINLY IN TERMS OF POSSIBLE FUTURE LEADS TO THE IDENTITY AND OPERATIONS OF ILLEGAL AGENTS WHO WOULD USE THE INFORMATION SUPPLIED BY SPENCER WITHOUT KNOWING IT HAD BEEN COMPROMISED. ONCE THE SOVIETS LOST CONFIDENCE IN SPENCER, AS HAPPENED IN 1963, THE CASE WAS TERMINATED BY THE RCMP INTERVIEWING SPENCER AND THE EXPULSION OF THE SOVIET INTELLIGENCE OFFICER INVOLVED. UNFORTUNATELY, IN THE POLITICAL

1. VANCOUVER SUN, MAY 5TH, 1966. IAN MACDONALD, "MOUSY LITTLE MAN STIRRED SPY OUTCRY," VANCOUVER SUN, JULY 26TH, 1966.

2. CANADA, COMMISSION OF INQUIRY (SPENCER), P. 56. SEE ALSO: VANCOUVER SUN, MAY 6TH, 1966. VANCOUVER SUN, MAY 5TH, 1966. MACDONALD, VANCOUVER SUN, JULY 26TH, 1966.

3. CANADA, COMMISSION OF INQUIRY (SPENCER), P. 60. SEE ALSO: VANCOUVER PROVINCE, APRIL 11TH, 1966. TORONTO GLOBE AND MAIL, APRIL 15TH, 1966.

ATMOSPHERE WHICH EXISTED IN 1965, THE ANTAGONISM BETWEEN THE LIBERALS AND CONSERVATIVES CREATED A CONDITION WHERE ALL APPARENT DISCREPANCIES WERE SEIZED UPON FOR POSSIBLE POLITICAL GAIN. THE LOW GRADE ESPIONAGE INVESTIGATION WAS BLOWN INTO A NATIONAL CAUSE CELEBRE RESULTING IN THE INQUIRY, AND IN THE PROCESS PRODUCING A SECOND JUDICIAL INQUIRY, INTO THE MUNSINGER AFFAIR.⁽¹⁾

THE MUNSINGER AFFAIR

GERDA HEBELER, AN EAST GERMAN, WAS A LOW LEVEL RUSSIAN ESPIONAGE AGENT WHO WAS CAUGHT BY THE WEST GERMAN SECURITY AUTHORITIES IN 1949.⁽²⁾ SHE APPLIED FOR A VISA TO ENTER CANADA AS AN IMMIGRANT IN 1952 BUT WAS REJECTED WHEN IT WAS DISCOVERED THAT SHE WAS A KNOWN RUSSIAN AGENT. SOON AFTER, GERDA MARRIED MICHAEL MUNSINGER, AT THAT TIME AN AMERICAN SERVICEMAN, AND LATER DIVORCED HIM IN 1954 AFTER HAVING BEEN REFUSED ENTRY TO THE U.S.A. GERDA MUNSINGER WAS ADMITTED TO CANADA IN AUGUST 1955 UNDER HER MARRIED NAME, AND BECAME A PROSTITUTE IN MONTREAL. THE SECURITY SERVICE, WHILE MAKING A ROUTINE INVESTIGATION FOR CITIZENSHIP PURPOSES DURING 1960, DISCOVERED HER MAIDEN NAME AND HER PRESENCE IN MONTREAL. SINCE FROM HER PAST BACKGROUND SHE WAS A SECURITY RISK, AN INVESTIGATION INTO HER ACTIVITIES WAS UNDERTAKEN.⁽³⁾

1. TORONTO TELEGRAM, AUGUST 2ND, 1966.
2. NEWMAN, THE DISTEMPER OF OUR TIMES, P. 405. SEE ALSO: WISE AND ROSS, THE ESPIONAGE ESTABLISHMENT, P. 29. CANADA, COMMISSION OF INQUIRY (GERDA MUNSINGER), P. 3.
3. VANCOUVER SUN, MARCH 12TH, 1966. SEE ALSO: OTTAWA CITIZEN, MARCH 14TH, 1966. TORONTO GLOBE AND MAIL, APRIL 26TH, 1966. ANTHONY WESTELL, "PARLIAMENT FELL IN THE MUD OVER MUNSINGER SCANDAL," OTTAWA JOURNAL, MARCH 18TH, 1969.

DURING THE COURSE OF THE INVESTIGATION, IT WAS FOUND THAT SHE HAD CONTACT WITH THREE MINISTERS IN THE DIEFENBAKER CABINET, AND IT WAS DISCOVERED THAT SHE WAS ENGAGED IN AN ILLICIT SEXUAL RELATIONSHIP WITH ONE, PIERRE SEVIGNY, AT THAT TIME THE ASSOCIATE MINISTER OF NATIONAL DEFENCE.⁽¹⁾

DURING THE SAME PERIOD, GERDA WAS ALSO SEEN IN THE COMPANY OF GEORGE HEES, THEN MINISTER OF TRADE AND COMMERCE. THESE FACTS WERE REPORTED VERBALLY TO E. DAVIE FULTON, THE MINISTER OF JUSTICE, ON DECEMBER 7TH, 1960, BY RCMP COMMISSIONER CLIFFORD HARVISON BECAUSE OF THE POSSIBLE SECURITY IMPLICATIONS, AND THIS REPORT WAS FOLLOWED UP ON DECEMBER 12TH BY A DETAILED REPORT WHICH FULTON IMMEDIATELY PASSED ON TO THE PRIME MINISTER, JOHN G. DIEFENBAKER.⁽²⁾ JOHN DIEFENBAKER ALMOST IMMEDIATELY CONFRONTED HIS ASSOCIATE DEFENCE MINISTER WITH THE RCMP INFORMATION. PIERRE SEVIGNY DENIED ANY IMPROPER RELATIONSHIP WITH GERDA MUNSINGER, DENIED THAT SHE HAD BEEN HIS "MISTRESS" BUT INDICATED THAT HE WAS PREPARED TO ACCEPT THE PRIME MINISTER'S INSTRUCTIONS TO DISCONTINUE ANY RELATIONSHIP.⁽³⁾ GERDA MUNSINGER'S FINAL DEPARTURE FROM CANADA FOR GERMANY WAS REPORTED TO THE

1. CANADA. ORGANIZATIONS OF THE GOVERNMENT OF CANADA (1966), P.227. THE MINISTER OF NATIONAL DEFENCE HAS THE CONTROL AND MANAGEMENT OF CANADA'S THREE ARMED FORCES, THE DEFENCE RESEARCH BOARD AND ALL MATTERS PERTAINING TO NATIONAL DEFENCE, AND IS RESPONSIBLE FOR THE CONSTRUCTION AND OPERATION OF ALL DEFENCE ESTABLISHMENTS AND WORKS FOR THE DEFENCE OF CANADA. HE IS SUPPORTED BY THE ASSOCIATE MINISTER WHO HAS EQUAL STATUS AND WHO HAS ASSUMED RESPONSIBILITY FOR ADMINISTRATIVE MATTERS AFFECTING THE DEPARTMENT. SEE ALSO: BRITAIN, LORD DENNING'S REPORT, P. 7. THERE ARE MARKED SIMILARITIES BETWEEN THE MUNSINGER CASE AND THE RELATIONSHIP BETWEEN CHRISTINE KEELER AND JOHN D. PROFUMO.

2. NEWMAN, THE DISTEMPER OF OUR TIMES, P. 404. SEE ALSO: CANADA, COMMISSION OF INQUIRY (G. MUNSINGER), P. 9. VANCOUVER SUN, MARCH 14TH, 1966. OTTAWA JOURNAL, APRIL 28TH, 1966.

3. NEWMAN, THE DISTEMPER OF OUR TIMES, P. 404. SEE ALSO: CANADA, COMMISSION OF INQUIRY (G. MUNSINGER), P. 10.

PRIME MINISTER DURING FEBRUARY, 1961. AT THIS POINT, THE INVESTIGATION WAS TERMINATED AND THE INCIDENT APPEARED TO BE ENDED.

DURING 1964, IN THE WAKE OF THE REVELATIONS IN PARLIAMENT OF THE RIVARD SCANDAL,⁽¹⁾ L.B. PEARSON, THEN PRIME MINISTER, SUMMONED RCMP COMMISSIONER GEORGE MCCLELLAN AND ASKED MCCLELLAN FOR DETAILS OF ANY SCANDAL OR IMPROPRIETY INVOLVING A MEMBER OF PARLIAMENT OF ANY PARTY DURING THE LAST TEN YEARS. MCCLELLAN BRIEFED MR. PEARSON ON ON THE MUNSBINGER CASE AND LATER SUBMITTED A RESUME TO PEARSON THROUGH THE MINISTER OF JUSTICE, GUY FAVREAU.⁽²⁾ PEARSON WAS DISTURBED AT THE APPARENT BREACH OF SECURITY AND WROTE TO JOHN DIEFENBAKER, THEN LEADER OF THE OPPOSITION, ASKING TO BE ADVISED OF "THE ENQUIRIES THAT WERE PURSUED AND THE SAFEGUARDS THAT WERE TAKEN."⁽³⁾ DIEFENBAKER DID NOT REPLY TO THE LETTER BUT DID DISCUSS THE CASE WITH MR. PEARSON SOME DAYS LATER. AGAIN, THE INCIDENT APPEARED TO HAVE BEEN FORGOTTEN, ALTHOUGH ON AT LEAST TWO OCCASIONS THE LIBERALS CONSIDERED USING THE INFORMATION AS A WEAPON AGAINST THE CONSERVATIVES, AND THE RESUME WAS NEVER RETURNED TO THE RCMP.⁽⁴⁾

1. CANADA, COMMISSION OF INQUIRY (G. MUNSBINGER), P. 10. SEE ALSO: NEWMAN, THE DISTEMPER OF OUR TIMES, P. 265. HARVISON, THE HORSEMEN, P. 252.
2. NEWMAN, THE DISTEMPER OF OUR TIMES, P. 393. SEE ALSO: MONTREAL GAZETTE, APRIL 29TH, 1966. TORONTO GLOBE AND MAIL, APRIL 29TH, 1966. OTTAWA JOURNAL, MAY 3RD, 1966. DALTON K. CAMP, "A SAVAGE IMPROPRIETY," TORONTO TELEGRAM, MAY 4TH, 1966.
3. NEWMAN, THE DISTEMPER OF OUR TIMES, P. 509. SEE ALSO: VANCOUVER SUN, MAY 4TH, 1966.
4. NEWMAN, THE DISTEMPER OF OUR TIMES, P. 394.

ON MARCH 4TH, 1966, OPPOSITION LEADER JOHN DIEFENBAKER ATTACKED JUSTICE MINISTER LUCIEN CARDIN RELENTLESSLY OVER HIS HANDLING OF THE SPENCER CASE,⁽¹⁾ UNTIL ULTIMATELY CARDIN ACCUSED DIEFENBAKER OF BEING THE LAST PERSON CAPABLE OF GIVING ADVICE ON CANADIAN SECURITY CASES AND FINALLY MENTIONED A CORRUPTED VERSION OF MUNSINGER. THE PRESS WAS ORIGINALLY GIVEN A FEW SPARSE FACTS, BUT BY MARCH 11TH, THE TORONTO STAR HAD UNCOVERED THE MAJOR FACTS AND HAD FOUND AND INTERVIEWED GERDA MUNSINGER IN GERMANY.⁽²⁾ THEN PRIME MINISTER PEARSON DECIDED ON A JUDICIAL INQUIRY INTO THE MUNSINGER AFFAIR ON MARCH 14TH, 1966, AND APPOINTED MR. JUSTICE W.F. SPENCE OF THE SUPREME COURT AS COMMISSIONER. THE REPORT WAS SUBMITTED BY MR. JUSTICE SPENCE DURING SEPTEMBER 1966.⁽³⁾

THE INQUIRY ITSELF RESEMBLED A CIRCUS IN SPITE OF THE ATTEMPTS BY MR. JUSTICE SPENCE TO MAINTAIN A SOLEMN, JUDICIAL ATMOSPHERE. THE PURPOSE OF THE INQUIRY WAS INTERPRETED BOTH BY THE POLITICAL PARTICIPANTS AND BY THE NEWS MEDIA TO SUIT THEIR OWN INDIVIDUAL POLITICAL BIASES AND

1. SEE ABOVE, P. 122. SEE ALSO: CANADA, COMMISSION OF INQUIRY (GEORGE VICTOR SPENCER). NEWMAN, THE DISTEMPER OF OUR TIMES, P. 390.

2. NEWMAN, THE DISTEMPER OF OUR TIMES, P. 400. SEE ALSO: VANCOUVER SUN, MARCH 5TH, 1966. TORONTO TELEGRAM, MARCH 5TH, 1966. GEORGE BAIN, "THE BRUTAL MR. DIEFENBAKER AND A BIG BLUNDER," TORONTO GLOBE AND MAIL, MARCH 8TH, 1966. TORONTO TELEGRAM, MARCH 10TH, 1966. GEORGE BAIN, "THE MUNSINGER ACCUSATION; AN ACT OF REPRISAL AGAINST THE TORIERS?" TORONTO GLOBE AND MAIL, MARCH 11TH, 1966. TORONTO DAILY STAR, MARCH 11TH, 1966. LAMARSH, MEMOIRS OF A BIRD IN A GILDED CAGE, P. 167.

3. GREG CONNOLLEY, "HOUSE REELS, BUSINESS HALTED BY GERDA CASE," OTTAWA CITIZEN, MARCH 12TH, 1966. SEE ALSO: TORONTO TELEGRAM, MARCH 12TH, 1966. OTTAWA JOURNAL, MARCH 12TH, 1966. OTTAWA CITIZEN, MARCH 14TH, 1966. TORONTO GLOBE AND MAIL, MARCH 15TH, 1966. VANCOUVER SUN, MARCH 14TH, 1966. GEORGE BRIMMEL, "MUNSINGER INQUIRY UNDER WAY," OTTAWA CITIZEN, MARCH 18TH, 1966. TORONTO TELEGRAM, SEPTEMBER 23RD, 1966.

PERSONAL PREFERENCES. THE INQUIRY WAS IGNORED BY SOME, INCLUDING FORMER PRIME MINISTER Diefenbaker. IT WAS A TRIAL OF RCMP SECURITY PROCEDURES, AN INQUIRY INTO THE POLITICAL DECISIONS OF A FORMER PRIME MINISTER AND AN AIRING OF THE POLITICAL MANOEUVERING OF BOTH MAJOR POLITICAL PARTIES. (1)

MR. JUSTICE SPENCE, IN HIS REPORT, FOUND NO BLAME ON THE DEPARTMENT OF CITIZENSHIP AND IMMIGRATION FOR ALLOWING MRS. MUNSINGER INTO CANADA. THE IMMIGRATION AUTHORITIES DO NOT REQUIRE A MARRIED WOMAN TO SUBMIT A MAIDEN NAME AND MRS. MUNSINGER STATED HER MAIDEN NAME AS HAGER ON ASSOCIATED DOCUMENTATION. NEITHER THE RCMP NOR THE DEPARTMENT OF CITIZENSHIP AND IMMIGRATION COULD HAVE ASSOCIATED GERDA MUNSINGER WITH GERDA HEBELER. (2)

MR. JUSTICE SPENCE REPORTED THAT THE RCMP MADE REPRESENTATION AGAINST GERDA HEBELER BEING ADMITTED AS AN IMMIGRANT IN 1952. UPON GERDA MUNSINGER APPLYING FOR CITIZENSHIP IN 1960, THE RCMP DISCOVERED THAT SHE HAD BEEN ADMITTED IN 1955 USING HER MARRIED NAME. THE SUBSEQUENT INVESTIGATION REVEALED MUNSINGER'S LIAISON WITH PIERRE SEVIGNY AND THIS LIAISON WAS REPORTED TO THE MINISTER OF JUSTICE AS A POSSIBLE SECURITY HAZARD DURING DECEMBER 1960. THE COMMISSIONER STATED: "INsofar AS THE

1. JAN MACDONALD, "UNEASY CALM PREVAILS IN HOUSE," VANCOUVER SUN, MARCH 26TH, 1966. SEE ALSO: OTTAWA JOURNAL, MARCH 29TH, 1966. OTTAWA JOURNAL, APRIL 2ND, 1966. MONTREAL GAZETTE, APRIL 8TH, 1966. MONTREAL GAZETTE, APRIL 9TH, 1966. TORONTO TELEGRAM, APRIL 27TH, 1966. TORONTO TELEGRAM, MAY 12TH, 1966. TORONTO GLOBE AND MAIL, MAY 19TH, 1966, TORONTO TELEGRAM, MAY 20TH, 1966.

2. CANADA, COMMISSION OF INQUIRY (G. MUNSINGER), P. 65.

MUNSINGER CASE IS CONCERNED, I CAN FIND NO CRITICISM WHATSOEVER OF THE RCMP. THE ACTION OF THE FORCE WAS EFFICIENT, PROMPT AND DISCREET "(1)

THE COMMISSIONER CRITICIZED FORMER PRIME MINISTER JOHN Diefenbaker FOR DOING NOTHING ACTIVELY ABOUT THE INDISCRETION OF PIERRE SEVIGNY AND FOR NOT CONSULTING HIS CABINET COLLEAGUES. (2) HE ALSO CRITICIZED THE THEN JUSTICE MINISTER, E. DAVIE FULTON, FOR NOT ACTIVELY CONTINUING TO ANALYZE THE REPORTS OF SEVIGNY'S ACTIVITIES. AT THE SAME TIME, THE COMMISSIONER INDICATED THAT THE RCMP COULD NOT CONTINUE TO CONDUCT SUCH A POLITICALLY ASSOCIATED INVESTIGATION WITHOUT SPECIFIC INSTRUCTIONS. (3) THE COMMISSIONER ALSO FOUND THAT THE HONOURABLE GEORGE H. HEES HAD BEEN SLIGHTLY INDISCREET (4) AND THAT PIERRE SEVIGNY WAS UNSUITABLE TO HOLD ANY PORTFOLIO IN THE CABINET. (5)

THE COMMISSIONER DID NOT HAVE SEVERE CRITICISM FOR EITHER CARDIN, WHO WAS GOADED INTO REVEALING THE CASE, OR FOR L.B. PEARSON, WHO HAD ORIGINALLY ASKED FOR INFORMATION OF THIS TYPE AND WHO HAD HELD THE INFORMATION FOR AN EXTENDED PERIOD OF TIME. (6)

IN RETROSPECT, THIS CASE WAS A ROUTING PROTECTIVE SECURITY INVESTIGATION EXCEPT THAT IT INVOLVED A FORMER SOVIET SPY AND A CABINET

1. CANADA, COMMISSION OF INQUIRY (G. MUNSINGER), P. 73.
2. CANADA, COMMISSION OF INQUIRY (G. MUNSINGER), P. 25. SEE ALSO: TORONTO GLOBE AND MAIL, MAY 26TH, 1966. TORONTO DAILY STAR, SEPTEMBER 23RD, 1966. VANCOUVER SUN, SEPTEMBER 23RD, 1966.
3. CANADA, COMMISSION OF INQUIRY (G. MUNSINGER), P. 28. SEE ALSO: TORONTO GLOBE AND MAIL, MAY 10TH, 1966.
4. CANADA, COMMISSION OF INQUIRY (G. MUNSINGER), P. 37. SEE ALSO: OTTAWA CITIZEN, APRIL 29TH, 1966. TORONTO GLOBE AND MAIL, APRIL 30TH, 1966.
5. CANADA, COMMISSION OF INQUIRY (G. MUNSINGER), P. 47. SEE ALSO: TORONTO TELEGRAM, MAY 9TH, 1966. TORONTO GLOBE AND MAIL, MAY 11TH, 1966. TORONTO GLOBE AND MAIL, SEPTEMBER 24TH, 1966.
6. NEWMAN, THE DISTEMPER OF OUR TIMES, P. 405.

MINISTER IN A SENSITIVE PORTFOLIO, AND HENCE INVOKED POLITICAL AS WELL AS SECURITY CONSIDERATIONS.

THE TYPE OF CASE IS ADEQUATELY COVERED BY CABINET DIRECTIVES WHICH, WHILE NOT DIRECTED AT CABINET MINISTERS, ARE DIRECTED AT EVERYONE HAVING ACCESS TO CLASSIFIED INFORMATION. THE DIRECTIVES ARE CLEAR, AND STATE THAT ALL DOUBT IN NATIONAL SECURITY CASES MUST BE RESOLVED IN FAVOUR OF THE STATE.⁽¹⁾ THE OUTSTANDING ASPECTS OF THIS CASE ARE THE ACTIONS OR INACTIONS OF POLITICIANS OF BOTH MAJOR PARTIES AS THEY ATTEMPTED TO MANIPULATE THE SITUATION TO OBTAIN THE MAXIMUM BENEFIT FOR THEIR OWN PARTY.

ROYAL COMMISSION ON SECURITY - 1969

ON MARCH 7TH, 1966, FORMER PRIME MINISTER L.B. PEARSON ANNOUNCED THE GOVERNMENT'S DECISION TO HOLD A GENERAL INQUIRY INTO NATIONAL SECURITY.⁽²⁾ THE DECISION WAS MADE BETWEEN THE DATE, MARCH 2ND, 1966, WHEN THE SPENCER INQUIRY WAS ANNOUNCED⁽³⁾ AND MARCH 14TH, 1966, WHEN A DECISION WAS REACHED TO HOLD THE MUNSINGER INQUIRY.⁽⁴⁾ THE THREE

1. CANADA, COMMISSION OF INQUIRY (G. MUNSINGER), P. 75. SEE ALSO: CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 2.

2. TORONTO TELEGRAM, MARCH 8TH, 1966. SEE ALSO: OTTAWA JOURNAL, MARCH 8TH, 1966. NEWMAN, THE DISTEMPER OF OUR TIMES, P. 398. CHRISTOPHER YOUNG, "ESPIONAGE AND JUSTICE: NEW PROCEDURES NEEDED," OTTAWA CITIZEN, MARCH 5TH, 1966.

3. SEE ABOVE, P. 122.

4. SEE ABOVE, P. 127.

COMMISSIONERS APPOINTED UNDER P.C. 1966-2148,⁽¹⁾ WERE MAXWELL WEIR MACKENZIE, A MONTREAL INDUSTRIALIST, YVES PRATTE, A QUEBEC CITY LAWYER AND JAMES WILLIAM (M.J.) COLDWELL, A FORMER CCF (FORERUNNER OF THE NEW DEMOCRATIC PARTY) FEDERAL PARTY LEADER.⁽²⁾

THE INQUIRY AROSE FROM THE BITTER LIBERAL AND CONSERVATIVE FEUDS PREVALENT DURING 1965 AND 1966. THE SPENCER AND MUNSINGER INQUIRIES WERE SHORT TERM SKIRMISHES, CONSIDERING LITTLE AND RESOLVING LITTLE EXCEPT THE IMMEDIATE POLITICAL INTRIGUES.⁽³⁾ THE ROYAL COMMISSION ON SECURITY WAS FOUNDED IN THIS ATMOSPHERE BUT TOOK A SERIOUS LOOK AT THE CANADIAN SECURITY SCENE AND MADE SERIOUS RECOMMENDATIONS FOR IMPROVEMENT, MANY OF WHICH WERE BASED ON SUBMISSIONS BY THE DIRECTORATE OF SECURITY AND INTELLIGENCE OF THE RCMP.⁽⁴⁾ THIS COMMISSION LAID THE BASE FOR MUCH-NEEDED REFORMS AND WHILE MANY OF ITS DETAILED RECOMMENDATIONS WERE NOT ACCEPTED THE INTENT OF ITS PROPOSED CHANGES IS EVIDENT IN MANY OF THE REFORMS WHICH HAVE TAKEN PLACE SINCE 1969.

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. III, 118. SEE ALSO: OTTAWA CITIZEN, SEPTEMBER 19TH, 1968. MONTREAL GAZETTE, JANUARY 22ND, 1969. TORONTO GLOBE AND MAIL, MAY 22ND, 1969. TORONTO TELEGRAM, JUNE 27TH, 1969. OTTAWA CITIZEN, JUNE 27TH, 1969.

2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 117. SEE ALSO: TORONTO GLOBE AND MAIL, APRIL 6TH, 1966. OTTAWA JOURNAL, APRIL 22ND, 1966. GEORGE BAIN, "THE UNWILLING ONES," TORONTO GLOBE AND MAIL, JUNE 10TH, 1966. OTTAWA JOURNAL, JULY 27TH, 1966. OTTAWA JOURNAL, NOVEMBER 17TH, 1966. M.W. MACKENZIE, "THE MEN WHO'LL STUDY OUR SECRETS -- IN SECRET," TORONTO DAILY STAR, NOVEMBER 17TH, 1966.

3. W.H. KELLY, "THE MOUNTIES VS. CIVILIAN SECURITY," TORONTO TELEGRAM, FEBRUARY 16TH, 1971. SEE ALSO: DOUGLAS FISHER, "A DOBBIER ON BUNGLING BY THE S & I," TORONTO TELEGRAM, MARCH 19TH, 1966.

4. DISCUSSIONS WITH W.H. KELLY, FORMER DEPUTY COMMISSIONER (OPERATIONS) OF THE RCMP.

THE ROYAL COMMISSION HELD A LONG SERIES OF INFORMAL MEETINGS WITH KNOWLEDGEABLE INDIVIDUALS RATHER THAN QUASI-JUDICIAL HEARINGS. A TOTAL OF 175 MEETINGS WERE HELD AND 250 PEOPLE WERE CONSULTED. BRIEFS WERE RECEIVED FROM INTERESTED INDIVIDUALS AND ORGANIZATIONS AND SOME SPECIAL STUDIES WERE UNDERTAKEN.⁽¹⁾ THE COMMISSION WAS DIRECTED BY ORDER-IN-COUNCIL TO HOLD THE PROCEEDINGS OF THE INQUIRY IN CAMERA AND TO INQUIRE INTO:

- "(A) THE SECURITY OF CANADA AS A NATION;
AND
- (B) THE RIGHTS AND RESPONSIBILITIES OF INDIVIDUAL PERSONS."⁽²⁾

IN CONDUCTING THE INQUIRY THE COMMISSION WAS ALSO INSTRUCTED TO FOLLOW ESTABLISHED SECURITY PROCEDURES IN THE PROTECTIVE SECURITY FIELD.

MANY OF THE RECOMMENDATIONS OF THE ROYAL COMMISSION ON SECURITY HAVE BEEN OUTLINED ABOVE. AS MENTIONED BEFORE, THE REPORT WAS CRITICAL OF SOME ASPECTS OF SECURITY OPERATIONS WITHIN THE RCMP, AND PARTICULARLY OF THE FACT THAT MANY RCMP POLICIES WERE AIMED AT POLICE OPERATIONS, A FIELD WHICH DIFFERS CONSIDERABLY FROM THAT OF NATIONAL SECURITY. IN COMMENTING ON THE REPORT OF THIS ROYAL COMMISSION, THE PRIME MINISTER STATED: "SOME OF THE COMMENTS IN THE REPORT WHICH REFER TO THE R.C.M. POLICE ARE MORE PROPERLY DIRECTED AT ASPECTS OF GOVERNMENT POLICY."⁽³⁾ THIS STATEMENT INDICATES THAT SOME CRITICISM OF THE RCMP WAS BASED ON THE FORCE'S COMPLIANCE WITH GOVERNMENT POLICY RATHER THAN ON FACTORS

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 3.
 2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 120.
 3. HOUSE OF COMMONS, DEBATES, (CANADA: JUNE 26TH, 1969), P.10637.
- A COPY OF ORDER-IN-COUNCIL P.C. 1966-2148.

WHICH THE RCMP ITSELF COULD CONTROL. THESE CRITICISMS ARE CURRENTLY BEING MET BY CHANGES IN GOVERNMENT ORGANIZATION AND BY ORGANIZATIONAL AND PROCEDURAL CHANGES WITHIN THE RCMP, AN ALTERNATIVE WHICH THE COMMISSION EXAMINED BUT REJECTED BECAUSE THEY FOUND DIFFICULTY IN BELIEVING THAT "IT WOULD BE ORGANIZATIONALLY SATISFACTORY OR STABLE."⁽¹⁾

THE ROYAL COMMISSION ON SECURITY WAS INITIATED IN 1966 IN AN ATMOSPHERE OF BITTER PARTY CONFLICT. THE REPORT WAS SUBMITTED IN 1969, IN A CONSIDERABLY IMPROVED ATMOSPHERE. MANY OF THE COMBATANTS OF 1966 WERE NO LONGER PART OF THE FEDERAL POLITICAL SCENE, OR IF THEY WERE, THEIR ROLES HAD SUBSTANTIALLY CHANGED. THE MINORITY GOVERNMENTS WERE REPLACED BY A MAJORITY LIBERAL GOVERNMENT. ADDITIONALLY, THE PARTICIPATION OF MR. M.J. COLDWELL IN THE COMMISSION DID MUCH TO PACIFY CIVIL RIGHTS ADVOCATES.⁽²⁾ THESE CHANGES HAVE CREATED AN ATMOSPHERE WHERE THE GOVERNMENT CAN QUIETLY INTRODUCE THE REQUIRED IMPROVEMENTS, WITH SHORT, SHARP PERIODS OF NOISY DEBATE AS THE GOVERNMENT APPEARS TO OVERSTEP THE BOUNDARIES OF PROPRIETY. THIS REPORT HAS BEEN THE CATALYST FOR IMPLEMENTING A STRONGER POLICY, INCLUDING MANY NEEDED IMPROVEMENTS WITHIN THE SECURITY COMMUNITY, AND HAS LAID THE GROUNDWORK WHICH HAS MADE MANY OF THESE CHANGES POLITICALLY POSSIBLE.

QUEBEC CRISIS - 1970

THE ROYAL COMMISSION REPORT COULD WELL HAVE LAID ON A SHELF AND GATHERED DUST IF THERE HAD NOT BEEN AN URGENT NEED FOR IMPROVEMENT. THIS NEED BECAME EVIDENT DURING AND SOON AFTER THE FLQ CRISIS IN QUEBEC

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 21.
2. MONTREAL GAZETTE, JULY 4TH, 1969.

DURING THE FALL OF 1970. AS EVENTS UNFOLDED, IT BECAME EVIDENT THAT NEITHER THE PROVINCIAL GOVERNMENT, UNDER PRIME MINISTER ROBERT BOURASSA, NOR THE FEDERAL GOVERNMENT, UNDER PRIME MINISTER PIERRE-ELLIOTT TRUDEAU, WERE PREPARED TO DEAL WITH A CRISIS OF THIS UNUSUAL NATURE.

COMMENCING IN MARCH 1963, CONSECUTIVE PERIODS OF PLANNED VIOLENCE HAVE SWEEPED QUEBEC, EACH BEING EVENTUALLY DISRUPTED AND BROKEN BY LAW ENFORCEMENT ACTION.⁽¹⁾ EACH WAVE APPEARED TO CENTRE ON MONTREAL BUT VIOLENT INCIDENTS, MAINLY BOMBINGS, ARMS THEFTS, AND BANK ROBBERIES INCLUDED SUCH PLACES AS SHAWINIGAN, QUEBEC CITY, SHERBROOKE AND OTTAWA.⁽²⁾ AS WELL AS THESE SPORADIC, UNCOORDINATED ACTS OF VIOLENCE, THE F.L.Q. WAS SUPPORTED BY A SMALL INTELLECTUAL ELITE, THE OUTSTANDING INDIVIDUALS BEING CHARLES GAGNON AND PIERRE VALLIERES.⁽³⁾ THE PURPOSE OF THE F.L.Q. ACTS OF VIOLENCE WAS TO DRAW ATTENTION TO UNDESIRABLE SOCIAL CONDITIONS AND THEIR PROPOSED SOLUTION, SEPARATION. IN ADDITION TO THIS VIOLENCE-PRONE FRINGE, THERE EXISTED A RELATIVELY LARGE MASS OF THE POPULATION OF QUEBEC WHO SAW SEPARATION FROM CANADA AS A VIABLE ALTERNATIVE TO OUR FEDERAL SYSTEM, AND WHO AT LEAST MIGHT SUPPORT A POLITICAL PARTY DEDICATED TO SEPARATE, IN AN EFFORT TO ACHIEVE SOCIAL CHANGE AND IMPROVEMENT.⁽⁴⁾ SOCIAL INJUSTICE DOES EXIST IN QUEBEC, AS IT EXISTS IN OTHER POCKETS THROUGHOUT CANADA, AND REFORM IS NEEDED.⁽⁵⁾ IT IS THE METHODS EMPLOYED

1. GUSTAVE MORF, TERROR IN QUEBEC: CASE STUDIES OF THE F.L.Q., (TORONTO: CLARKE, IRWIN & CO., 1970), P. 1.

2. GERARD PELLETIER, THE OCTOBER CRISIS, TRANS. JOYCE MARSHALL, (TORONTO: MCCLELLAND AND STEWART, 1971), P. 77.

3. VALLIERES, WHITE NIGGERS OF AMERICA. MORF, TERROR IN QUEBEC, P. 80. BOB HILL, "SPLIT IN F.L.Q.," OTTAWA CITIZEN, SEPTEMBER 17TH, 1971.

4. FOX, ED., POLITICS: CANADA, P. 60. THE PARTI QUEBECOIS, UNDER RENE LEVESQUE, GAINED 23% OF THE POPULAR VOTE IN THE PROVINCIAL ELECTION OF APRIL 29TH, 1970 BUT WON ONLY 7 OF 108 SEATS. THE RULING LIBERALS WON 72 SEATS WITH 45% OF THE POPULAR VOTE.

5. PELLETIER, THE OCTOBER CRISIS, P. 63.

BY THE F.L.Q. TO ACHIEVE REFORM WHICH MUST BE QUESTIONED AND, BECAUSE OF THE METHODS, THE WHOLE PROGRAM OF THE F.L.Q. MUST BE FIRMLY OPPOSED.⁽¹⁾

UNDER THE GUISE OF DELIVERING A BELATED BIRTHDAY PRESENT, FOUR MEN, LATER IDENTIFIED AS MARC CARBONNEAU, JACQUES LANCTOT, PIERRE SEGUIN AND JACQUES COBSETTE-TRUDEL, ASSISTED BY JACQUES LARUE-LANGLOIS, KIDNAPPED JAMES CROSS, BRITISH TRADE COMMISSIONER IN MONTREAL, ON OCTOBER 5TH. CROSS WAS PICKED UP AT HIS HOME, DRIVEN IN A STOLEN TAXI AND CONFINED TO A SMALL ROOM IN MONTREAL NORTH FOR FIFTY-NINE DAYS UNTIL HE WAS FINALLY RELEASED.⁽²⁾ LANGUAGE DIFFICULTIES, HYSTERIA AND A WELL PLANNED ESCAPE COMBINED TO ENSURE THE KIDNAPPERS A SAFE PASSAGE TO THEIR HIDEAWAY.

ALMOST IMMEDIATELY A LONG AND INVOLVED EXCHANGE OF COMMUNIQUEs, DEMANDS AND GOVERNMENT OFFERS BEGAN.⁽³⁾ IN ESSENCE, THE GOVERNMENT REFUSED THE LIST OF DEMANDS BUT OFFERED TO NEGOTIATE, AND ON OCTOBER 8TH,

1. PELLETIER, THE OCTOBER CRISIS, P. 59.

2. RON HAGGART AND AUBREY E. GOLDEN, RUMOURS OF WAR, (TORONTO: NEW PRESS, 1971), P. 1. SEE ALSO: GEORGE RADWASKI AND KENDAL WINDEYER, NO MANDATE BUT TERROR, (RICHMOND HILL: SIMON & SCHUSTER, 1971), P. 7, 107. HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 5TH, 1970), P. 8709. HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 6TH, 1970), P. 8801. JOHN SAYWELL, QUEBEC 70, (TORONTO: UNIVERSITY OF TORONTO PRESS, 1971), P. 28.

3. HAGGART & GOLDEN, RUMOURS OF WAR, P. 6. THE FIRST DEMANDS WERE -

(1) AN END TO POLICE INVESTIGATION.
 (2) WIDE PUBLICITY BY PRESS AND RADIO FOR THE F.L.Q. POLITICAL MANIFESTO.
 (3) THE RELEASE OF TWENTY POLITICAL PRISONERS.
 (4) AIR TRANSPORTATION FOR THE POLITICAL PRISONERS TO ALGERIA OR CUBA.
 (5) THE REHIRING OF POSTAL TRUCK DRIVERS IN MONTREAL.
 (6) \$500,000 IN GOLD BARS.
 (7) PUBLIC DISCLOSURE OF AN ALLEGED REFORMER.
 SEE ALSO: SMITH, BLEEDING HEARTS ... BLEEDING COUNTRY, P. 7. HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 6TH, 1970), P. 8835.

RADIO-CANADA TELEVISED THE MANIFESTO OF THE F.L.Q.⁽¹⁾ COMMUNIQUEES FROM THE F.L.Q. REACHED THE GOVERNMENT NORMALLY VIA THE NEWS MEDIA, OFTEN REACHING THE POPULATION AT LARGE AT LEAST AS SOON AS THEY REACHED THE FEDERAL OR PROVINCIAL GOVERNMENT. THE KIDNAPPING OF MR. CROSS WAS A BREACH OF THE CRIMINAL CODE, IN QUEBEC, AND HENCE PRIMARILY THE RESPONSIBILITY OF THE PROVINCIAL GOVERNMENT. HOWEVER, CROSS WAS A DIPLOMAT AND HIS SAFETY WAS THE RESPONSIBILITY OF THE FEDERAL GOVERNMENT, A SITUATION WHICH COMPLICATED GOVERNMENT ACTION IN THIS CASE AT BOTH LEVELS.

AFTER A CONTINUOUS, SLOW EXCHANGE WITH NO APPARENT PROGRESS, A SECOND F.L.Q. CELL KIDNAPPED PIERRE LAPORTE, QUEBEC MINISTER OF LABOUR AND IMMIGRATION ON OCTOBER 10TH, 1970. THIS SECOND KIDNAPPING PLACED GREATER STRESS ON THE QUEBEC GOVERNMENT SINCE THERE WAS TECHNICALLY NO FEDERAL INVOLVEMENT. FEDERAL INVOLVEMENT, WHILE NECESSARY, BECAME POLITICALLY MORE SENSITIVE. NEGOTIATIONS WERE UNDERTAKEN BY ROBERT DEMERS ON BEHALF OF THE PROVINCIAL GOVERNMENT AND ROBERT LEMIEUX ACTING FOR THE F.L.Q., BUT NO AGREEMENT COULD BE REACHED.⁽²⁾ FINALLY, ON OCTOBER 17TH, THE BODY OF PIERRE LAPORTE WAS FOUND IN THE TRUNK OF A CAR IN A PARKING LOT AT ST. HUBERT AIR BASE.⁽³⁾

1. HAGGART & GOLDEN, RUMOURS OF WAR, P. 11.

2. SMITH, BLEEDING HEARTS ... BLEEDING COUNTRY, P. 27. SEE ALSO: RADWANSKI & WINDEYER, NO MANDATE BUT TERROR, P. 48.

3. RADWANSKI & WINDEYER, NO MANDATE BUT TERROR, P. 81. SEE ALSO: HAGGART & GOLDEN, RUMOURS OF WAR, P. 54. OTTAWA CITIZEN, SEPTEMBER 8TH, 1971. DETAILS OF EVENTUAL MURDER TRIALS. SAYWELL, QUEBEC 70, P. 55.

A DAY EARLIER, THE FEDERAL GOVERNMENT HAD INVOKED THE WAR MEASURES ACT⁽¹⁾ AFTER RECEIVING REQUESTS TO DO SO FROM BOTH QUEBEC AND THE CITY OF MONTREAL. WHILE THE ACT COULD BE INVOKED BY PROCLAMATION, THE GOVERNMENT CHOSE TO OBTAIN PRIOR PARLIAMENTARY APPROVAL FOR THE USE OF THE ACT FROM OCTOBER 16TH TO APRIL 30TH, 1971.⁽²⁾ THE ACT ITSELF WAS USED AS THE LEGAL BASE TO ISSUE SPECIFIC REGULATIONS, THE PUBLIC ORDER REGULATIONS, 1970, WHICH APPLIED DIRECTLY TO THE F.L.Q. AND TO THE PROBLEM AREA IN QUEBEC.⁽³⁾ THE REGULATIONS MADE LE FRONT DE LIBERATION DU QUEBEC (F.L.Q.) AN UNLAWFUL ASSOCIATION AND MEMBERSHIP IN OR ASSIST-

1. STATUTES OF CANADA, 1970, c.288, s.1.

6.(1) SECTIONS 3,4 AND 5 COME INTO FORCE ONLY UPON THE ISSUE OF A PROCLAMATION OF THE GOVERNOR IN COUNCIL DECLARING THAT WAR, INVASION OR INSURRECTION, REAL OR APPREHENDED, EXISTS.

(2) A PROCLAMATION DECLARING THAT WAR, INVASION OR INSURRECTION, REAL OR APPREHENDED, EXISTS SHALL BE LAID BEFORE PARLIAMENT FORTHWITH AFTER ITS ISSUE, OR, IF PARLIAMENT IS THEN NOT SITTING, WITHIN THE FIRST FIFTEEN DAYS NEXT THEREAFTER THAT PARLIAMENT IS SITTING.

(5) ANY ACT OR THING DONE OR AUTHORIZED OR ANY ORDER OR REGULATION MADE UNDER THE AUTHORITY OF THIS ACT, SHALL BE DEEMED NOT TO BE AN ABROGATION, ABRIDGEMENT OR INFRINGEMENT OF ANY RIGHT OR FREEDOM RECOGNIZED BY THE CANADIAN BILL OF RIGHTS, 1960, c.44, s.6.

2. SMITH, BLEEDING HEARTS ... BLEEDING COUNTRY, P. 38, 82, 159. THE GOVERNMENT RESOLUTION WAS ADOPTED BY A VOTE OF 190 TO 16. SEE ALSO: HAGGART & GOLDEN, RUMOURS OF WAR, P. 304 FOR COPIES OF CORRESPONDENCE FROM THE PROVINCIAL AND MUNICIPAL GOVERNMENTS. HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 16TH, 1970), P. 193. HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 17TH, 1970), P. 248. HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 19TH, 1970), P. 335. HOUSE OF COMMONS, DEBATES, (CANADA: JUNE 7TH, 1972), P. 2926. OTTAWA CITIZEN, OCTOBER 5TH, 1971.

3. HAGGART & GOLDEN, RUMOURS OF WAR, P. 283. SEE ALSO: SMITH, BLEEDING HEARTS ... BLEEDING COUNTRY, P. 40. OTTAWA CITIZEN, NOVEMBER 10TH, 1971. HOUSE OF COMMONS, DEBATES, (CANADA: NOVEMBER 4TH, 1970), P. 870. SMILEY, CANADA IN QUESTION: FEDERALISM IN THE SEVENTIES, P. 12.

ANCE TO THE F.L.Q. AN INDICTABLE OFFENCE, AND PROVIDED FOR PEACE OFFICERS TO ARREST WITHOUT WARRANT AND FOR PROLONGED DETENTION IN CUSTODY BEFORE TRIAL. THE RETROACTIVE ASPECT OF THE REGULATIONS INVOKED SOME PROTEST THROUGHOUT CANADA.

SOME DAYS EARLIER, MILITARY PERSONNEL HAD BEEN CALLED IN, BOTH IN THE PROVINCE OF QUEBEC AND IN OTTAWA TO ASSIST POLICE IN STATIC GUARD DUTY ON VITAL BUILDINGS AND FOR IMPORTANT PEOPLE, AND IN ACTIVE SEARCH OPERATIONS.⁽¹⁾ NEARLY SIMULTANEOUSLY, PRIME MINISTER BOURRASSA INVOKED THE POLICE ACT IN QUEBEC, PLACING ALL POLICE AND THE ARMED FORCES PERSONNEL ASSISTING THEM UNDER THE COMMAND OF DIRECTOR MAURICE ST. PIERRE OF THE QUEBEC POLICE FORCE.⁽²⁾

THE SEARCH FOR CROSS AND FOR THE F.L.Q. MEMBERS OF BOTH CELLS INVOLVED, APPEARED TO CONTINUE ENDLESSLY. FINALLY ON NOVEMBER 6TH, 1970, BERNARD LORTIE, ONE OF LAPORTE'S KIDNAPPERS, WAS CAPTURED BUT DUE TO A WELL DISGUISED HIDING PLACE, THREE OTHERS, PAUL ROSE, JACQUES ROSE AND FRANCIS SIMARD ESCAPED AND CAUSED THE POLICE GREAT EMBARRASSMENT.⁽³⁾ NOT UNTIL DECEMBER 28TH, WERE THESE THREE KIDNAPPERS FINALLY CAPTURED. MEANWHILE, ON DECEMBER 2ND, POLICE FINALLY LOCATED THE APARTMENT WHERE

1. HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 13TH, 1970), P.55. SEE ALSO: SAYWELL, QUEBEC 70, P. 76.

2. HAGGART & GOLDEN, RUMOURS OF WAR, P. 21. SEE ALSO: RADWANSKI & WINDEYER, NO MANDATE BUT TERROR, P. 60. OTTAWA CITIZEN, OCTOBER 14TH, 1971. THE COST OF THE MILITARY FORCES WAS \$2,717,101.

3. RADWANSKI & WINDEYER, NO MANDATE BUT TERROR, P. 103. SEE ALSO: HAGGART AND GOLDEN, RUMOURS OF WAR, P. 240. JACQUES ROSE HAS BEEN FOUND NOT GUILTY TO CHARGES OF THE MURDER AND KIDNAPPING OF LAPORTE.

CROSS WAS BEING HELD AND, AFTER BRIEF NEGOTIATION, THE KIDNAPPERS TRADED A FLIGHT TO CUBA FOR THEMSELVES AND THEIR IMMEDIATE FAMILIES FOR CROSS' LIFE.⁽¹⁾

ON DECEMBER 3RD, 1970, THE PUBLIC ORDER ACT BECAME LAW, REPLACING THE WAR MEASURES ACT AS THE SOURCE OF EXTRAORDINARY POWERS FOR THE POLICE IN QUEBEC. THIS ACT MODIFIED THE SPECIAL PROVISIONS OF THE REGULATIONS, AND EXPIRED AUTOMATICALLY ON APRIL 30TH, 1971.⁽²⁾ SINCE THAT DATE, THE FEDERAL GOVERNMENT HAS NOT INDICATED THAT A MORE PERMANENT ACT WOULD BE INTRODUCED TO ASSIST POLICE DURING CRISIS SITUATIONS.

THE TWO F.L.Q. CELLS INVOLVED IN THESE OPERATIONS WERE SUBVERSIVE IN THAT THEY ATTEMPTED, THROUGH ACTS OF VIOLENCE, TO FORCE THE GOVERNMENTS, BOTH FEDERAL AND PROVINCIAL, TO TAKE ACTION THEY DID NOT WANT TO TAKE.⁽³⁾ SINCE THE FEDERAL GOVERNMENT WAS INVOLVED, THE SECURITY SERVICE HAD SOME RESPONSIBILITIES. ONCE THE CELLS PLANNED OR ACTUALLY TOOK ACTION, THEY BREACHED THE CRIMINAL CODE, AND HENCE THEIR ACTIONS CAME WITHIN NORMAL POLICE RESPONSIBILITIES. THE ENFORCEMENT OF THE CRIMINAL CODE IS A PROVINCIAL RESPONSIBILITY AND IS JEALOUSLY GUARDED BY THE LAW ENFORCEMENT AUTHORITIES OF QUEBEC, AND THEREFORE LAW ENFORCEMENT ACTION WAS THE RESPONSIBILITY OF THE MONTREAL CITY POLICE SUPPORTED

1. OTTAWA JOURNAL, NOVEMBER 8TH, 1971.
2. HAGGART & GOLDEN, RUMOURS OF WAR, P. 287. SEE ALSO: HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 19TH, 1970), P. 333. HOUSE OF COMMONS, DEBATES, (CANADA, NOVEMBER 4TH, 1970), P. 878. SAYWELL, QUEBEC 70, P. 125. SMILEY, CANADA IN QUESTION: FEDERALISM IN THE SEVENTIES, P. 14.
3. SEE ABOVE, P. 138 FOR A SUMMARY OF F.L.Q. DEMANDS.

BY THE QUEBEC POLICE FORCE. ON THE INVOKING OF THE QUEBEC POLICE ACT, RESPONSIBILITY FOR LAW ENFORCEMENT RESTED SOLELY WITH THE QUEBEC POLICE FORCE. THE FEDERAL GOVERNMENT HAD RESPONSIBILITY FOR THE SAFETY OF MR. CROSS BUT JURISDICTION FOR POLICE ACTION RESTED DIRECTLY ON THE PROVINCE.⁽¹⁾ THE RCMP WAS INVOLVED BECAUSE OF NATIONAL SECURITY CONSIDERATION AND TO ASSIST AND SUPPORT THE QUEBEC POLICE FORCE. THE INVOKING OF THE QUEBEC POLICE ACT DID NOT MATERIALLY AFFECT THE RCMP SINCE IT IS A FEDERAL AGENCY.

THERE HAS BEEN MUCH CRITICISM OF THE LACK OF PRIOR INTELLIGENCE ON THESE VIOLENT ACTS AND THE APPARENT CONFUSION OF BOTH THE FEDERAL AND PROVINCIAL GOVERNMENT. BOTH GOVERNMENTS HAD TO BALANCE THEIR LEGAL POSITION AS THE GOVERNING BODIES OF CANADA AND OF QUEBEC AGAINST SYMPATHY FOR TWO INDIVIDUALS INVOLVED. WHILE WISHING TO PROTECT THE INDIVIDUALS AND THEREFORE BEING READY TO NEGOTIATE, THEY COULD NOT ALLOW A SMALL GROUP OF VIOLENCE-PRONE PEOPLE TO CONTROL EVEN SOME ASPECTS OF THE RESPECTIVE GOVERNMENTS. PRIME MINISTER P.E. TRUDEAU HAS BEEN QUOTED AS SAYING THAT HE WOULD NOT BE BLACKMAILED POLITICALLY BY SEPARATISTS AND THAT SOCIETY MUST NOT BE BLACKMAILED BY SEPARATIST VIOLENCE.⁽²⁾

SINCE THE CRISIS, IT HAS BEEN STATED THAT THE RCMP SUPPLIED THE PRIVY COUNCIL OFFICE WITH INFORMATION ON THE DEVELOPMENT OF THE QUEBEC SEPARATIST MOVEMENT.⁽³⁾ PROCEDURES FOR PROCESSING THE INFORMATION AT

1. HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 30TH, 1970), P.735.
2. OTTAWA CITIZEN, JUNE 28TH, 1969.
3. DISCUSSIONS WITH W.H. KELLY, FORMER DEPUTY COMMISSIONER (OPERATIONS) OF THE RCMP.

SENIOR LEVELS OF GOVERNMENT APPARENTLY WERE INADEQUATE.⁽¹⁾ THE CREATION OF PSPG⁽²⁾ AND THE STUDIES BEING UNDERTAKEN BY LT.-GEN. DARE ON CRISIS MANAGEMENT⁽³⁾ ARE RELATED TO THIS APPARENT DEFECT.

THE PRECEDING OUTLINES ILLUSTRATE THE WORK OF THE SECURITY SERVICE OVER THE LAST TWENTY-FIVE YEAR SPAN. IN PARTICULAR, THOSE ASPECTS WHICH RECEIVED PUBLIC SCRUTINY WERE DISCUSSED. SOME CASES, WHICH WERE THE SUBJECT OF ADVERSE COMMENT IN THE NEWS MEDIA AND WHICH PARTICULARLY INVOLVED PERSONNEL SECURITY FACTORS, HAVE NOT BEEN COMMENTED UPON DUE TO THE DIFFICULTY OF PRESENTING A BALANCED OUTLINE. AN EXAMPLE IS THE CASE OF ERIC CLIFFORD PETERSEN WHO WAS DISCHARGED FROM THE ROYAL CANADIAN NAVY ALLEGEDLY BECAUSE HIS FATHER-IN-LAW HAD BEEN A MEMBER OF THE COMMUNIST PARTY OF CANADA.⁽⁴⁾ HOWEVER, IN DISCUSSING THIS FIELD

1. OTTAWA CITIZEN, AUGUST 27TH, 1971. SEE ALSO: GERARD McNEIL, "FIRST CASE FOR SECURITY FORCE," OTTAWA CITIZEN, SEPTEMBER 11TH, 1971. MONTREAL STAR, MAY 22ND, 1969. OTTAWA JOURNAL, NOVEMBER 29TH, 1971.

2. SEE ABOVE, P. 88.

3. SEE ABOVE, P. 76.

4. DOUGLAS FISHER, "A DOSSIER ON BUNGLING BY THE S & I," TORONTO TELEGRAM, MARCH 19TH, 1966. SEE ALSO: WALTER STEWART, "HERE'S HOW THE MOUNTIES GET THEIR MAN," CANADIAN WEEKLY, SEPTEMBER 20TH, 1973.

NOTE: IN THE CASE OF GORDON HARVEY KNOTT, THE COMMISSIONER OF THE RCMP ADMITTED PUBLICALLY TO MAKING AN ERROR. SEE: ROBERT MACDONALD, "THE RCMP S & I: TO CATCH A SPY," TORONTO TELEGRAM, JUNE 3RD, 1965.

THE ROYAL COMMISSION ON SECURITY STATED:

" ... VERY FEW ERRORS OF FACT OR MISTAKES HAVE COME TO LIGHT - MOST OF THE APPARENTLY CONTENTIOUS CASES THAT HAVE BEEN MADE PUBLIC HAVE ARISEN FROM MISUNDERSTANDING OF ONE KIND OR ANOTHER, OR HAVE BEEN THE RESULT OF IMPROPER COMMENT BY DEPARTMENTAL OFFICIALS WHO HAVE STATED, OR IMPLIED TO A CONCERNED INDIVIDUAL THAT 'SECURITY' WAS THE REASON FOR SOME ADMINISTRATIVE ACTION WHEN THIS WAS IN FACT NOT SO."⁽¹⁾

THIS STATEMENT, IT MUST BE REMEMBERED, WAS ENDORSED BY MR. M.J. COLDWELL, A LONG TERM ADVOCATE AND DEFENDER OF CIVIL RIGHTS.

THESE MAJOR CASES AND EVENTS ILLUSTRATE THE THREE ACTIVITIES OF A SECURITY SERVICE. THE EARLY WORK AGAINST LEFT WING EXTREMISTS DURING THE 1920'S AND 1930'S, THE INVESTIGATION OF RIGHT WING ELEMENTS DURING THE LATE 1930'S AND THE INVESTIGATION OF COMMUNIST ACTIVITIES AFTER 1946 AND OF SEPARATIST ACTIVITIES FROM 1963 ONWARDS ILLUSTRATES THE DIVERSE NATURE OF SUBVERSIVE ACTIVITIES. THE REVELATIONS OF IGOR GOUZENKO AND THE ANTICS OF GEORGE VICTOR SPENCER ARE OUTWARD SIGNS OF THE CONTINUING ESPIONAGE ACTIVITY. ADDITIONALLY, PROTECTIVE SECURITY FORMED THE BACKGROUND TO THE MUNSINGER INQUIRY. IN FACT DATA FROM ALL THESE CASES COMBINE TO FORM THE INFORMATION BASE UPON WHICH AN EFFECTIVE PROTECTIVE SECURITY PROGRAM MUST OPERATE.

THESE CASES ALSO ILLUSTRATE THE CLOSE CONNECTION BETWEEN A SECURITY SERVICE AND PARTY POLITICS. SINCE, BY DEFINITION, POLITICS MUST BE INVOLVED BEFORE ANY ACTIVITY FALLS WITHIN THE TERMS OF REFERENCE OF A SECURITY SERVICE, THIS CLOSE LINK SHOULD NOT BE SURPRISING.

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 20. SEE ALSO: TORONTO TELEGRAM, MARCH 19TH, 1966.

ALL POLITICIANS APPEAR TO BE ANXIOUS TO PROTECT INDIVIDUAL RIGHTS AND FREEDOMS, AND IF THEY CAN EMBARRASS THEIR OPPOSITION WHILE SO DOING, SO MUCH THE BETTER. THE SECURITY SERVICE MUST ALWAYS WORK CLOSE TO THE POLITICAL ENVIRONMENT AND MUST BE CONSCIOUS OF IT. ON THE OTHER HAND, THE SECURITY SERVICE MUST BE SCRUPULOUSLY NON-PARTISAN.

6: FUTURE PROJECTIONS

THREATS TO CANADIAN SECURITY

SOME INDIVIDUALS WHO HAVE LOST FAITH IN THE EFFECTIVENESS OF LEGITIMATE MECHANISMS OF SOCIAL CHANGE, HAVE BECOME INCREASINGLY WILLING TO USE UNDEMOCRATIC AND EVEN VIOLENT MEANS TO IMPOSE THEIR VIEWS ON THE MAJORITY. IT CAN BE ARGUED THAT MANY OF OUR PROCEDURES ARE SLOW AND INDEED UNSUITED TO MODERN SOCIETY AND THAT MANY OF THE SUBSTANTIVE CHANGES ADVOCATED BY RADICALS WOULD ULTIMATELY BE OF BENEFIT. HOWEVER, WHILE CHANGES MUST BE MADE AND WHILE RADICAL IDEAS MUST BE CONSIDERED AND SOMETIMES ADOPTED, OUR SYSTEM CAN ONLY SURVIVE WHEN A MAJORITY AGREES ON THE COURSE WE ARE TO FOLLOW AND THE RATE AT WHICH THE CHANGES SHOULD OCCUR. INDIVIDUALS AND SMALL MINORITY GROUPS MUST NOT BE ALLOWED TO FORCE SOCIETY TO ADOPT MEASURES CONTRARY TO THE GENERAL WILL BY CLANDESTINE THREAT OR BY VIOLENCE.

SUBVERSION IN CANADA IN THE PAST HAS COME MAINLY FROM LEFT WING POLITICAL GROUPS AND THE DANGER TODAY IS STILL GREATEST FROM THIS DIRECTION.⁽¹⁾ WHILE RIGHT WING GROUPS HAVE ATTEMPTED TO SUBVERT OUR POLITICAL INSTITUTIONS IN THE PAST, CURRENTLY THEY ARE MUCH QUIETER AND ARE FEWER IN NUMBER THAN THOSE OF THE LEFT.⁽²⁾ OF GREATER CONCERN TODAY,

1. SEE ABOVE, P. 49.

2. SEE ABOVE, P. 51, . SEE ALSO: TORONTO GLOBE AND MAIL, AUGUST 16TH, 1972. OTTAWA CITIZEN, APRIL 4TH, 1972.

HOWEVER, ARE THE VIOLENT NATIONALIST GROUPS, PREDOMINANTLY IN QUEBEC, WHICH ADVOCATE THE FORCEFUL SEPARATION OF THAT PROVINCE FROM CANADA.⁽¹⁾

THE APPARENT INCREASE IN THE USE OF CIVIL DISOBEDIENCE AND VIOLENCE AS TOOLS TO FORCE POLITICAL CONCESSIONS HAS BROUGHT THE WHOLE SUBJECT OF SUBVERSION TO PUBLIC ATTENTION. STARTING WITH DEMONSTRATIONS, SIT-INS, STUDENT STRIKES AND EVENTUALLY RIOTS DURING THE 1960'S THE CURRENT WAVE OF VIOLENCE NOW INCLUDES BOMBINGS, KIDNAPPINGS AND ASSAULTS. WHILE THERE HAVE BEEN RELATIVELY FEW AIRCRAFT HIJACKERS IN CANADA AND FEW BOMBS PLACED ABOARD AIRCRAFT HERE, THE RECENT IMPROVEMENTS IN SECURITY ANNOUNCED FOR CANADIAN AIRPORTS SHOULD REDUCE THIS NUMBER EVEN FURTHER.⁽²⁾ THE PUBLICITY ADVANTAGE TO THE SUCCESSFUL HIJACKERS OR BOMBERS, HOWEVER, MAKE THIS STILL AN ATTRACTIVE TECHNIQUE, AND AIRCRAFT HIJACKING AND BOMBING WILL BE A CONTINUING DANGER THROUGHOUT THE WORLD. THE MAJOR INTERNAL INCIDENT OF THE USE OF VIOLENCE OCCURRED IN QUEBEC DURING THE FALL OF 1970,⁽³⁾ WHERE NATIONALISTIC SENTIMENTS MIXED WITH LEFT WING POLITICAL VIEWS TO FORM AN EXPLOSIVE MIXTURE WHICH ENDED IN TRAGEDY.

THERE HAVE BEEN OTHER OCCASIONS WHEN INDIVIDUALS OR GROUPS HAVE RESORTED TO VIOLENCE IN CANADA, SUCH AS THE RIOT AT MCGILL UNIVERSITY IN 1969,⁽⁴⁾ THE BURNING OF THE COMPUTER CENTER AT SIR GEORGE WILLIAMS

1. SEE ABOVE, P. 136.

2. OTTAWA CITIZEN, JANUARY 23RD, 1973.

3. SEE ABOVE, P. 138.

4. TORONTO GLOBE AND MAIL, MARCH 25TH, 1969. SEE ALSO: MCGILL REPORTER, MARCH 27TH, 1969. MONTREAL GAZETTE, MARCH 28TH, 1969. OTTAWA CITIZEN, MARCH 29TH, 1969. MONTREAL STAR, MARCH 29TH, 1969.

UNIVERSITY, ALSO IN 1969,⁽¹⁾ THE DEMONSTRATION AT THE ONTARIO SCIENCE CENTER DURING SOVIET PREMIER KOSYGIN'S VISIT DURING OCTOBER 1971,⁽²⁾ THE HIJACKING OF AN AIR CANADA FLIGHT AT CALGARY ON NOVEMBER 13TH, 1971,⁽³⁾ AND THE RECENT SPATE OF LETTER BOMBS MAILED TO INDIVIDUALS IN CANADA.⁽⁴⁾

THE ROYAL COMMISSION ON SECURITY (1969) RECOGNIZED THE THREAT TO THE STABILITY OF THE STATE THAT IS POSED BY LARGE-SCALE, ORGANIZED CRIME, ALTHOUGH THEY DID NOT CONSIDER THIS TO BE A PROBLEM OF NATIONAL SECURITY.⁽⁵⁾ WHILE IN DISCUSSING THE GOVERNMENT'S VIEWS OF THE REPORT OF THE ROYAL COMMISSION, PRIME MINISTER TRUDEAU LINKED ORGANIZED CRIME AND NATIONAL SECURITY, ORGANIZED CRIME IS A COMPLETELY SEPARATE PROBLEM.⁽⁶⁾ THE PROBLEM OF ORGANIZED CRIME IS RELATED TO THE PROBLEM OF SUBVERSION IN THAT IT ALSO SUBVERTS OUR DEMOCRATIC INSTITUTIONS AND BECAUSE THE LAW ENFORCEMENT FIGHT AGAINST ORGANIZED CRIME MUST USE MANY TECHNIQUES ALSO USED BY A SECURITY SERVICE.

THE CONTINUED GROWTH OF INTERNATIONAL VIOLENCE IS A DISTINCT POSSIBILITY AND CAN BE VIEWED AS A MAJOR DIMENSION OF THE PROBLEM OF

1. TORONTO GLOBE AND MAIL, JANUARY 29TH, 1969. SEE ALSO: MONTREAL GAZETTE, FEBRUARY 5TH, 1969. OTTAWA CITIZEN, FEBRUARY 11TH, 1969. MONTREAL GAZETTE, FEBRUARY 12TH, 1969. MONTREAL GAZETTE, FEBRUARY 13TH, 1969. TORONTO GLOBE AND MAIL, FEBRUARY 20TH, 1969. TORONTO GLOBE AND MAIL, FEBRUARY 22ND, 1969.
2. OTTAWA CITIZEN, OCTOBER 26TH, 1971. SEE ALSO: OTTAWA CITIZEN, JANUARY 15TH, 1972. OTTAWA CITIZEN, MARCH 1ST, 1972.
3. OTTAWA CITIZEN, NOVEMBER 13TH, 1971. SEE ALSO: OTTAWA CITIZEN, NOVEMBER 15TH, 1971.
4. OTTAWA CITIZEN, JANUARY 26TH, 1973.
5. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 3.
6. HOUSE OF COMMONS, DEBATES, (CANADA: JUNE 26TH, 1969), P. 10637.

NATIONAL SECURITY.⁽¹⁾ FIRST ARISING IN A MAJOR WAY IN 1969, IT SPREAD THROUGH A SERIES OF COORDINATED AIRCRAFT HIJACKINGS, INCLUDES THE MASSACRES AT LOD AIRPORT⁽²⁾ AND MUNICH,⁽³⁾ AND TO THE CURRENT WAVE OF LETTER BOMBINGS.⁽⁴⁾ MANY ACTS HAVE BEEN COMMITTED BY OR IN THE NAME OF THE PALESTINE LIBERATION FRONT (BLACK SEPTEMBER) TO SUPPORT THE DIS-PLACED PALESTINIANS IN THE MIDDLE-EAST, AND THE TARGET HAS OFTEN BEEN ISRAELIS OR PEOPLE OF JEWISH ANCESTRY. HOWEVER, MANY COMPLETELY INNOCENT BYSTANDERS OF ALL NATIONALITIES HAVE BEEN KILLED OR INJURED DURING THESE ENCOUNTERS. ISRAEL HAS RETALIATED WITH MILITARY ATTACKS

1. UNPUBLISHED MATERIAL.

A STUDY BASED ON CASES OF ASSASSINATION, ASSAULT, BOMBING, KIDNAPPING AND HIJACKING WHICH WERE POLITICALLY MOTIVATED AND INVOLVED THE TERRITORY OR CITIZENS OF THREE COUNTRIES IN A DISPUTE WITH EXTRA-TERRITORIAL IMPLICATIONS WAS UNDERTAKEN BASED ON THE NEW YORK TIMES. THE PERIOD UNDER STUDY WAS FROM JANUARY 1968 TO OCTOBER 1972. A TOTAL OF 320 INCIDENTS ARE INCLUDED.

	1968	1969	1970	1971	1972
(1) NUMBER OF INCIDENTS	38	76	78	30	92
(2) NUMBER OF DEATHS AND INJURIES	9	80	134	50	284
(3) NUMBER OF PERSONS AFFECTED	458	3214	2943	859	1318
(4) ORGANIZED TERRORIST ACTS	29	12	23	8	19
(5) ISOLATED TERRORIST ACTS	7	50	38	11	12
(6) ALL INCIDENTS ATTRIBUTABLE - MIDDLE EAST CONFLICT	2	16	18	13	58
(7) KIDNAPPING	-	2	17	4	4
(8) BOMBING	23	12	6	10	60
(9) HIJACKING	9	53	52	12	20
(10) ASSASSINATION	4	3	3	2	6
(11) ASSAULT	2	8	3	3	2

SEE ALSO: ATWATER, THE READER'S DIGEST, APRIL 1973, P. 29.

2. SEE ABOVE, P. 50.

3. SEE ABOVE, P. 1. SEE ALSO: TIME, SEPTEMBER 18TH, 1972.

4. OTTAWA CITIZEN, SEPTEMBER 19TH, 1972. SEE ALSO: OTTAWA CITIZEN, SEPTEMBER 21ST, 1972.

AGAINST PALESTINIAN GUERRILLA CAMPS IN NEIGHBOURING ARAB COUNTRIES, AND UNDOUBTEDLY INNOCENT CIVILIANS HAVE BEEN INJURED OR KILLED IN THESE ATTACKS. THE PALESTINIAN ARABS DO APPEAR TO HAVE JUSTIFIABLE GROUNDS FOR COMPLAINT, BEING BUT PAWNS TOSSSED BETWEEN ISRAEL AND HER ARAB NEIGHBOURS WITH NEITHER SIDE INTERESTED IN PROVIDING SOCIAL JUSTICE. HOWEVER, THE RESULTING INDISCRIMINATE MURDER OF INNOCENT CIVILIANS MANY MILES FROM THE SCENE OF CONFLICT IS INTOLERABLE.

THE FACT THAT THIS BLACK SEPTEMBER⁽¹⁾ GROUP HAS BEEN SUCCESSFUL IN SOME OF THESE EXPLOITS AND THE FACT THAT IT HAS RECEIVED ASSISTANCE FROM AN UNRELATED JAPANESE TERRORIST GROUP,⁽²⁾ MAY CAUSE OTHER GROUPS WHO HAVE BEEN UNSUCCESSFUL IN ATTRACTING ATTENTION TO THEIR CLAIMED GRIEVANCES TO TURN TO VIOLENCE AS WELL. IT WILL REQUIRE A MARKED EFFORT TO PREVENT A GROWTH IN INTERNATIONAL VIOLENCE, AND WHILE MANY DISCUSSIONS AIMED AT CONTROLLING INTERNATIONAL TERRORISM HAVE BEEN HELD, MULTILATERAL INTERNATIONAL COOPERATION IS ALWAYS DIFFICULT TO OBTAIN.⁽³⁾

INTERNALLY, VIOLENCE HAS BEEN USED IN THE RECENT PAST IN A NUMBER OF DIFFERENT VENUES. FREQUENTLY, IT HAS ARISEN IN CONFRONTATIONS BETWEEN UNIVERSITY STUDENTS AND AUTHORITIES WHEN DEMONSTRATIONS AND SIT-INS ACROSS THE COUNTRY HAVE GONE OUT OF CONTROL.⁽⁴⁾ THIS PROBLEM GREW DURING THE LATE 1960'S BUT WITH THE GAINS MADE BY LESS RADICAL STUDENT

1. GORDON PAPE, "SQUAD TAKES ONLY THE ELITE," OTTAWA CITIZEN, SEPTEMBER 13TH, 1972. BLACK SEPTEMBER IS A VIOLENCE-PRONE ORGANIZATION ASSOCIATED WITH THE PALESTINE LIBERATION FRONT. SEE ALSO: JIM HOAGLAND, "BLACK SEPTEMBER TIES WITH FATAH HINTED BY ARAFAT," MONTREAL STAR, MARCH 15TH, 1973. OTTAWA CITIZEN, APRIL 17TH, 1973.

2. SEE ABOVE, P. 50.

3. OTTAWA CITIZEN, SEPTEMBER 21ST, 1972. OTTAWA CITIZEN, DECEMBER 13TH, 1972. DUART FARQUHARSON, "PROBLEMS OUTLINED IN FRAMING INTERNATIONAL TERRORISM LAW," OTTAWA CITIZEN, SEPTEMBER 19TH, 1972. TORONTO GLOBE AND MAIL, DECEMBER 12TH, 1972.

4. BOWLES, HANLEY, HODGINGS, & RAWLYK, PROTEST, VIOLENCE AND SOCIAL CHANGE, P. 5.

ORGANIZATIONS AT THAT TIME, AND WITH BETTER UNIVERSITY MANAGEMENT AND BETTER COORDINATED UNIVERSITY RESPONSES, RECENT DEMONSTRATIONS HAVE TENDED TO BE MORE PEACEFUL. WHILE POTENTIALLY A SOURCE OF TROUBLE, A MARKED RECOURSE TO VIOLENCE IN CONFRONTATIONS INVOLVING UNIVERSITY STUDENTS IS NOT TO BE EXPECTED IN THE IMMEDIATE FUTURE.

OPINION ON THE CONTINUATION OF VIOLENCE IN QUEBEC VARIES EXTREMELY WIDELY. ON THE ONE HAND PRIME MINISTER TRUDEAU CLAIMED, IN A SPEECH IN CALGARY DURING OCTOBER, 1972, THAT SEPARATISM WAS FINISHED IN QUEBEC, THE FEDERAL GOVERNMENT'S BILINGUAL POLICY BEING THE WINNING ALTERNATIVE.⁽¹⁾ SIMILARLY, DURING JANUARY, 1972, PIERRE VALLIERES SURRENDERED TO POLICE AFTER DENOUNCING THE CONTINUATION OF VIOLENCE AND AFTER TRANSFERRING HIS ALLEGIANCE TO THE PARTI QUEBECOIS AND TO THE LEGITIMATE POLITICAL ROAD TO SEPARATISM.⁽²⁾ ON THE OTHER HAND, PIERRE BOURGALT, A LEADER OF THE PARTI QUEBECOIS, HAS RECENTLY PREDICTED THAT THERE WILL BE VIOLENCE DURING THE 1976 OLYMPIOS UNLESS QUEBEC IS ON THE ROAD TO INDEPENDENCE BY THAT TIME.⁽³⁾

THE POPULARITY OF THE PARTI QUEBECOIS MAY BE, AT LEAST TEMPORARILY, ON THE DECLINE AS INDICATED BY THEIR POOR SHOWING AT TWO 1972 QUEBEC BY-ELECTIONS.⁽⁴⁾ HOWEVER, THE SOCIAL AND ECONOMIC PROBLEMS WHICH PLAQUED QUEBEC IN THE LATE 1960'S HAVE NOT BEEN SOLVED, ALTHOUGH SOME PROGRESS

1. OTTAWA CITIZEN, OCTOBER 24TH, 1972. SEE ALSO: OTTAWA JOURNAL, DECEMBER 29TH, 1971. OTTAWA CITIZEN, DECEMBER 18TH, 1972.

2. OTTAWA CITIZEN, JANUARY 25TH, 1972. SEE ALSO: OTTAWA CITIZEN, JANUARY 26TH, 1972. BOWLES, HANLEY, HODGINGS & RAWLYK, PROTEST, VIOLENCE, AND SOCIAL CHANGE, P. 87. BOB HILL, "SPLIT IN F.L.Q.", OTTAWA CITIZEN, SEPTEMBER 17TH, 1971. OTTAWA CITIZEN, DECEMBER 13TH, 1971. PIERRE VALLIERES, CHOOSE, TRANSLATED BY PENELOPE WILLIAMS, (TORONTO: NEW PRESS, 1972). FINANCIAL POST, DECEMBER 25TH, 1971.

3. OTTAWA CITIZEN, SEPTEMBER 15TH, 1972.

4. OTTAWA CITIZEN, OCTOBER 13TH, 1972.

HAS BEEN MADE IN THE SOCIAL AREAS. ECONOMIC PROBLEMS ARE STILL SEVERE AND SOLUTIONS WILL TAKE A CONSIDERABLE AND EXTENDED EXPENDITURE OF RESOURCES AND CONTINUING JOINT ACTION BY THE FEDERAL AND PROVINCIAL GOVERNMENTS.⁽¹⁾ HENCE, BECAUSE MAJOR PROBLEMS STILL EXIST IN QUEBEC AND BECAUSE THERE ARE INDIVIDUALS STILL WILLING TO RESORT TO VIOLENCE, A REPEAT OF THE TRAGEDY OF OCTOBER 1970 IS NOT IMPOSSIBLE. THE ONLY SURE WAY TO PREVENT THIS IS TO ELIMINATE THE SOCIAL AND ECONOMIC PROBLEMS THAT CAUSE THE DISCONTENT.

THE VARIOUS ORGANIZATIONS OF THE "NEW LEFT" IN CANADA SUCH AS THE NEW COMMUNIST PARTY OF CANADA (MARXIST-LENINIST)⁽²⁾ ARE TENDING TO BE SOMEWHAT MORE SUBDUED THAN IN THE PAST. THEY ARE STILL EXTREMELY VOCAL, PARTICIPATE IN MANY CONFRONTATIONS AND UNDERTAKE CONSIDERABLE AGITATION. A NUMBER OF THEIR MEMBERS HAVE BEEN CHARGED DURING THESE CONFRONTATIONS AND SEVERAL HAVE SPENT CONSIDERABLE TIME IN JAIL. AS YET, HOWEVER, NONE OF THESE GROUPS HAS FOUND A CAUSE TO SUPPORT WHICH ELICITS ENOUGH PUBLIC SUPPORT TO SUSTAIN THE TYPE OF VIOLENT CONFRONTATION THEY VERBALLY ADVOCATE. THESE ORGANIZATIONS, IF AROUSED, ARE POTENTIALLY VIOLENTLY DISRUPTIVE AND SINCE MANY TEND TO BE REGIONALLY RATHER THAN NATIONALLY ORIENTED, THEY COULD POTENTIALLY WORK WITH GROUPS ADVOCATING SEPARATION OF SOME REGION. WHILE INDIVIDUALS IN THESE ORGANIZATIONS ARE TRAINED AND CLAIM TO BE PREPARED TO ENGAGE IN GUERRILLA WARFARE, ON THE WHOLE THIS FACET OF THE RADICAL COMMUNITY IS QUIETER THAN IT WAS A FEW YEARS AGO.⁽³⁾

1. OTTAWA CITIZEN, NOVEMBER 5TH, 1971.

2. SEE ABOVE, P. 50. SEE ALSO: BOWLES, HANLEY, HODGINS & RAWLYK, PROTEST, VIOLENCE AND SOCIAL CHANGE, P. 52.

3. ROBERT MOSS, URBAN GUERRILLA WARFARE, (LONDON: INTERNATIONAL INSTITUTE FOR STRATEGIC STUDIES, 1971). SEE ALSO: JOSEPH F. COATES, "GUERRILLA WARFARE IN THE UNITED STATES: NEW MYTHS AND OLD REALITIES," S.J. COHN AND W.B. McMAHON, ED., PROCEEDINGS OF THE THIRD NATIONAL SYMPOSIUM ON LAW ENFORCEMENT SCIENCE AND TECHNOLOGY, VOL 3, (ITT RESEARCH INSTITUTE, 1970), P. 311.

THERE IS CONTINUING AGITATION TO UNITE MINORITY GROUPS WHO HAVE LEGITIMATE GRIEVANCES WITH FEDERAL OR PROVINCIAL AUTHORITIES, IN AN EFFORT TO REDRESS THOSE GRIEVANCES. FOR INSTANCE, EFFORTS TO FORM BLACK POWER⁽¹⁾ AND RED POWER⁽²⁾ GROUPS IN CANADA ARE CONTINUING, BUT WHILE BOTH THESE RACIAL GROUPS DO SUFFER FROM SERIOUS SOCIAL PROBLEMS, ONLY A RADICAL FRINGE IS READY TO RESORT TO VIOLENCE AT THIS TIME. IF PROGRESS IN SOLVING THEIR PROBLEMS THROUGH LEGITIMATE POLITICAL ACTIVITIES IS FORTHCOMING, THESE POTENTIAL SOURCES OF VIOLENCE SHOULD BE OF MINOR CONCERN.

ONE UNUSUAL AND UNCONTROLLABLE FACTOR WHICH AFFECTS MANY OF THESE POTENTIAL THREATS TO CANADIAN INSTITUTIONS IS OUR GEOGRAPHICAL LOCATION ADJACENT TO THE UNITED STATES. THE UNITED STATES HAS PROBLEMS WITH UNIVERSITY STUDENTS, THE NEW LEFT, BLACK POWER AND RED POWER. WHILE SECURITY AUTHORITIES COOPERATE, MEMBERS OF THESE GROUPS WORK TOGETHER ALSO, AND ANY SERIOUS CONFRONTATION IN THE UNITED STATES COULD WELL REFLECT INTO CANADA.⁽³⁾ TO A LESSER, BUT STILL DISTURBING LEVEL, CO-OPERATION AND SUPPORT ARE GIVEN TO EXTREME RADICAL GROUPS IN CANADA FROM ORGANIZATIONS WITH SIMILAR AIMS ABROAD. FOR INSTANCE, IT IS CLAIMED THAT MEMBERS OF THE F.L.Q. RECEIVE GUERRILLA TRAINING IN ALGERIA.⁽⁴⁾

1. BOWLES, HANLEY, HODGINGS & RAWLYK, PROTEST, VIOLENCE AND SOCIAL CHANGE, P. 42. SEE ALSO: THEODORE DRAPER, THE REDISCOVERY OF BLACK NATIONALISM, (NEW YORK: VIKING PRESS, 1970). TORONTO GLOBE AND MAIL, MARCH 1ST, 1973.

2. BOWLES HANLEY, HODGINGS, & RAWLYK, PROTEST, VIOLENCE AND SOCIAL CHANGE, P. 32.

3. STOKELY CARMICHAEL, STOKELY SPEAKS, (NEW YORK: VINTAGE BOOKS, 1971). SEE ALSO: JERRY RUBIN, DO IT, (NEW YORK: SIMON & SCHUSTER, 1970).

4. HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 15TH, 1970), P. 143. SEE ALSO: OTTAWA CITIZEN, JUNE 28TH, 1972. HOUSE OF COMMONS, DEBATES, (CANADA: JUNE 26TH, 1972), P. 3488.

THE CONTINUING ESPIONAGE THREAT TO CANADA AND THE NEED TO COUNTER THIS THREAT HAVE BEEN DISCUSSED EARLIER.⁽¹⁾ AS INDICATED BY THE ROYAL COMMISSION ON SECURITY (1969), THIS THREAT HAS NOT DIMINISHED AS INTERNATIONAL POLITICAL RELATIONSHIPS HAVE IMPROVED.⁽²⁾ ADDITIONALLY, THE USE OF SUBVERSION AND VIOLENCE AS A TOOL OF INTELLIGENCE ORGANIZATIONS MUST NOT BE DISCOUNTED.⁽³⁾ THE DEFECTION OF NIKOLAI KHOKHLOV, A SOVIET AGENT ASSIGNED TO ASSASSINATE GEORGI SERGEYEVICH OKOLOVICH, A RUSSIAN ANTI-COMMUNIST LEADER, LIVING IN GERMANY, ILLUSTRATES THIS POINT.⁽⁴⁾

AS WELL AS COLLECTING INFORMATION, AN INTELLIGENCE SERVICE CAN, THROUGH WELL PLACED AGENTS, AFFECT THE POLICIES OF SOME FOREIGN POWER IN A MANNER BENEFICIAL TO THE INTELLIGENCE SERVICE'S HOME COUNTRY. THE CHANGES IN POLICY AT ANY ONE TIME MAY BE MINIMAL BUT OVER A LONG PERIOD, CONSIDERABLE BENEFIT CAN BE OBTAINED BY THE HOSTILE INTELLIGENCE SERVICE, AND IN MANY CASES THE AGENT DOES NOT BREAK ANY LAW. FORMER DEPUTY COMMISSIONER KELLY OF THE RCMP HAS STATED THAT THE SOVIET INTELLIGENCE SERVICE EMPLOYS, AS THEY CALL IT, "DISINFORMATION", A TERM WHICH MEANS PLANTED AND FAKE INFORMATION, TO CREATE DIFFICULTIES FOR GOVERNMENTS WHO DO NOT COOPERATE WITH THEIR VIEWS.⁽⁵⁾

1. SEE ABOVE, P. 41.
2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 7.
3. WISE AND ROSS, THE ESPIONAGE ESTABLISHMENT, P. 3. SEE ALSO: DULLES, THE CRAFT OF INTELLIGENCE, P. 53.
4. NIKOLAI KHOKHLOV, IN THE NAME OF CONSCIENCE, TRANSLATED BY EMILY KINGSBERRY, (NEW YORK: DAVID MCKAY CO., 1959). SEE ALSO: DEACON, A HISTORY OF THE RUSSIAN SECRET SERVICE, P. 435. DULLES, THE CRAFT OF INTELLIGENCE, P. 142. WISE AND ROSS, THE ESPIONAGE ESTABLISHMENT, P. 60.
5. DURING RADIO FREE FRIDAY ON CBC RADIO ON AUGUST 27TH, 1971, W.H. KELLY DESCRIBED A DEPARTMENT OF THE KGB WHICH SPECIALIZED IN DISTRIBUTING INCORRECT AND MISLEADING INFORMATION TO EMBARRASS OTHER GOVERNMENTS. SEE ALSO: WISE AND ROSS, THE ESPIONAGE ESTABLISHMENT, P. 61. DEACON, A HISTORY OF THE RUSSIAN SECRET SERVICE, P. 511.

WHILE THE MAJOR THREAT TO CANADA FROM ESPIONAGE ARISES FROM THE SOVIET UNION AND FROM THE SOVIET SATELLITES SUCH AS POLAND AND CZECHOSLOVAKIA, AN ADDITIONAL THREAT AROSE FROM THE RECOGNITION OF CHINA DURING 1970.⁽¹⁾ CURRENTLY, ALSO, CONSIDERATION IS BEING GIVEN TO THE RECOGNITION OF EAST GERMANY, AND THIS DECISION WILL BE BASED ON A WIDE RANGE OF POLITICAL FACTORS OF WHICH NATIONAL SECURITY WILL BE ONE. IF EAST GERMANY IS RECOGNIZED AND ESTABLISHES A MISSION IN CANADA, UNDOUBTEDLY THERE WILL BE AN INCREASED DANGER FROM ESPIONAGE.⁽²⁾ THE THREATS ARE NOT LIMITED TO THESE CURRENT ADVERSARIES, HOWEVER, AND INCLUDE ALL COUNTRIES WHO SEEK TO GAIN INFORMATION OR TO OPERATE CLANDESTINELY IN CANADA.⁽³⁾

POSSIBLE ORGANIZATIONAL CHANGES

THE ROYAL COMMISSION ON SECURITY, IN 1969, RECOMMENDED THAT THE SECURITY SERVICE BE ESTABLISHED AS A SEPARATE AGENCY OF THE GOVERNMENT AND THAT ALTHOUGH IT SHOULD BE BASED ON THE THEN DIRECTORATE OF SECURITY AND INTELLIGENCE OF THE RCMP, IT SHOULD SEPARATE FROM THE RCMP. ALTHOUGH PRIME MINISTER TRUDEAU DEFINITELY AFFIRMED THE GOVERNMENT'S POSITION NOT TO ACCEPT THIS RECOMMENDATION, THE SAME POSITION WAS NOT ADOPTED BY THE TWO MAJOR OPPOSITION PARTIES. THERE HAS BEEN CONTINUOUS PRESSURE FROM BOTH PARTIES TO ESTABLISH THE SECURITY SERVICE AS A SEPARATE AGENCY. IT MAY BE THAT THE GOVERNMENT'S DECISION TO RETAIN THE SECURITY SERVICE IN THE

1. TORONTO GLOBE AND MAIL, OCTOBER 7TH, 1969.
2. OTTAWA CITIZEN, NOVEMBER 1ST, 1971. OTTAWA JOURNAL, NOVEMBER 11TH, 1971. SEE ALSO: HOUSE OF COMMONS, DEBATES, (CANADA: OCTOBER 13TH, 1970), P. 49.
3. SEE ABOVE, P. 33.

RCMP WAS MERELY A POLITICAL MANOEUVRE, THAT THE GOVERNMENT AGREES WITH THE ROYAL COMMISSION THAT SUCH AN ORGANIZATION IS UNSTABLE, AND THAT SEPARATION WILL ULTIMATELY TAKE PLACE WITHOUT A FORMAL, AND POSSIBLY UNPOPULAR, GOVERNMENT DECISION.

THE SECURITY SERVICE IS NOW FIRMLY ESTABLISHED AS AN OPERATING FUNCTION OF THE RCMP. MANY OF THE CHANGES IN STRUCTURE AND TRAINING THAT WERE RECOMMENDED BY THE ROYAL COMMISSION HAVE BEEN OR ARE BEING IMPLEMENTED. AS OUTLINED EARLIER, THE PROPORTION OF CIVILIAN STAFF HAS INCREASED.⁽¹⁾ THE ORGANIZATION HAS BEEN MODIFIED, AND A METHOD OF CONTROL SEPARATE FROM THAT USED IN CRIMINAL OPERATIONS HAS BEEN ESTABLISHED. RECRUITMENT POLICIES ARE MORE FLEXIBLE AND THE GENERAL BACKGROUND OF MEMBERS OF THE SECURITY SERVICE HAS BEEN UPGRADED BY BETTER SELECTION AND BY MORE EXTENSIVE TRAINING. THE SECURITY SERVICE HAS RETAINED, AMONG OTHER BENEFITS, THE RIGHT TO OPERATE UNDER THE NAME OF THE RCMP, WHICH BECAUSE OF THE TRADITION OF INDEPENDENCE OF THE FORCE, HAS IMMENSE SYMBOLIC VALUE BOTH IN CANADA AND ABROAD. SIMILARLY, THE SECURITY SERVICE HAS MAINTAINED ITS ACCESS TO THE RCMP'S VAST POOL OF WELL TRAINED, SKILLED, TRUSTWORTHY INVESTIGATIVE MANPOWER. ACCESS TO THE RCMP'S EXTENSIVE NATIONAL CRIMINAL FILES IS ANOTHER IMPORTANT ASSET, AS IS THE RIGHT OF ACCESS TO ANY MEMBER OF THE RCMP TO ASSIST IN AN URGENT INVESTIGATION AT SOME REMOTE POINT WHERE MEMBERS OF THE SECURITY SERVICE ARE NOT STATIONED.

THERE ARE EXTENSIVE DIFFERENCES IN PHILOSOPHY AND APPROACH BETWEEN NORMAL LAW ENFORCEMENT AND NATIONAL SECURITY INVESTIGATIONS. THE SECURITY

1. SEE ABOVE, P. 85, 87.

SERVICE MUST OPERATE IN A MANNER DIFFERENT FROM THAT OF A PARAMILITARY POLICE ORGANIZATION.⁽¹⁾ THE MOST IMPORTANT DIFFERENCE IS THAT THE SECURITY SERVICE, TO OPERATE, MUST CONDUCT CLANDESTINE OPERATIONS WHICH MAY INFRINGE ON AN INDIVIDUAL'S RIGHTS AND WHICH FROM TIME TO TIME MAY CONTRAVENE THE SPIRIT OF CANADIAN LAW. THIS TYPE OF ACTIVITY IS CLEARLY ANTITHETICAL TO THE VERY NATURE OF A LAW ENFORCEMENT AGENCY.

THE DIFFERENCE BETWEEN THE SECURITY SERVICE OF A MODERN WESTERN DEMOCRACY AND THE SECRET POLICE OF MODERN DICTATORSHIP MUST ALSO BE CONSIDERED.⁽²⁾ THE SECRET POLICE COMBINE THE CLANDESTINE INVESTIGATIVE METHODS OF A SECURITY SERVICE WITH THE EXECUTIVE ACTION OF A LAW ENFORCEMENT AGENCY AND HENCE THE DIRECTOR OF THE SECRET POLICE ACQUIRES IMMENSE POWERS WHICH ARE NOT EASILY COUNTERBALANCED. ADDITIONALLY, THE SECRET POLICE OFTEN OWE THEIR ALLEGIANCE TO A POLITICAL PARTY RATHER THAN TO THE NATION WITH THE RESULT THAT THE PARTY HAS NO EFFECTIVE OPPOSITION.

THE RCMP, COMBINING BOTH A SECURITY SERVICE AND AN EXTENSIVE LAW ENFORCEMENT RESPONSIBILITY, APPEARS TO HAVE AN UNDESIRABLE COMBINATION OF POWER. THIS TOTAL POWER COULD, HOWEVER, ONLY BE CONTROLLED BY THE COMMISSIONER, FOR THE ORGANIZATIONAL STRUCTURE DIVIDES THE POTENTIAL POWER IMMEDIATELY BELOW THAT LEVEL. MUCH OF THE DIRECTION OF RCMP LAW ENFORCEMENT POWERS IS, IN REALITY, UNDER THE CONTROL OF PROVINCIAL ATTORNEYS GENERAL. ALSO, IT IS SAFER TO HAVE THIS POTENTIAL FOR THE MISUSE OF POWER IN AN ORGANIZATION WITH A LONG TRADITION OF NATIONAL

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 20.
2. OTTAWA CITIZEN, MAY 10TH, 1972.

SERVICE AND UNDER SPECIFIC LEGAL CONTROLS THAN TO HAVE THE SAME POTENTIAL FOR MISUSE VESTED IN A MINISTER, WHO IS ONLY UNDER THE LOOSE CONTROL OF CABINET COLLEAGUES. THE CHECKS AND BALANCES ON THE COMMISSIONER OF THE RCMP, SUCH AS THOSE EXERCISED BY THE CABINET, TREASURY BOARD AND THE SECURITY COMMITTEE STRUCTURE ARE GREATER THAN THOSE WHICH LIMIT A MINISTER.

IN A WESTERN DEMOCRACY THE SECURITY SERVICE AND THE LAW ENFORCEMENT AGENCIES ARE LIKELY TO BALANCE EACH OTHER IF PROPERLY ORGANIZED. THE EXTENSIVE AND GROWING LAW ENFORCEMENT POWER CAN BE USED AS A BALANCE FOR THE SMALLER, CLANDESTINE INVESTIGATIVE POWER OF THE SECURITY SERVICE TO ENSURE THAT NEITHER ORGANIZATION CAN EXERCISE CONTROL OVER THE GOVERNMENT. AUSTRALIA IS CURRENTLY USING ITS FEDERAL LAW ENFORCEMENT AGENCY TO COUNTER-BALANCE WHAT A NEW GOVERNMENT PERCEIVES TO BE AN UNDESIRABLE CONCENTRATION OF POWER IN THE AUSTRALIAN SECURITY-INTELLIGENCE ORGANIZATION (ASIO).⁽¹⁾

THE PRESENT ORGANIZATION OF THE SECURITY SERVICE, WITHIN THE RCMP, APPEARS TO BE STABLE AND MANAGEABLE. UNDOUBTEDLY, ORGANIZATIONAL AND STRUCTURAL CHANGES WILL TAKE PLACE TO IMPROVE THE STABILITY AND TO COMPENSATE FOR CHANGING CONDITIONS. IT IS PREDICTED, HOWEVER, THAT THERE WILL NOT BE A SERIOUS MOVE TOWARDS COMPLETE SEPARATION.

WHEN PSPG WAS FORMED DURING THE LATE SUMMER OF 1971, MANY CRITICS

1. OTTAWA CITIZEN, MARCH 17TH, 1973. SEE ALSO: SUNDAY TIMES, LONDON: MARCH 18TH, 1973. NATIONAL TIMES, AUSTRALIA: MARCH 20TH, 1973. THE AUSTRALIAN, MARCH 19-24, 1973.

OF THE GOVERNMENT IMPLIED THAT IT WAS A MOVE TOWARDS THE SEPARATION OF THE SECURITY SERVICE OF THE RCMP.⁽¹⁾ THE FORMATION OF A SEPARATE, CIVILIAN ORGANIZATION TO BE CONCERNED WITH SECURITY PROBLEMS WAS BOUND TO RAISE THESE QUESTIONS. PSPG, HOWEVER, IS A SMALL SKILLED ANALYSIS AND COORDINATION GROUP DESIGNED TO PROVIDE MINISTERS WITH INFORMATION AND ADVICE IN THE FORM THAT THEY CAN HANDLE EXPEDITIOUSLY.⁽²⁾ WHILE PSPG HAS NEITHER THE ORGANIZATIONAL STRUCTURE NOR THE EXPERTISE TO FUNCTION AS A SECURITY SERVICE, IT IS, HOWEVER, AN ORGANIZATIONAL CORE WHICH COULD ULTIMATELY BE EXPANDED INTO A SECURITY SERVICE, IF THE CURRENT ORGANIZATION WERE TO BECOME INEFFECTIVE. AT THIS POINT IN TIME, PSPG AND THE SECURITY SERVICE COOPERATE EXTREMELY CLOSELY, COMPLEMENTING EACH OTHER TO THEIR MUTUAL BENEFIT AND TO THE BENEFIT OF THE GOVERNMENT. IT IS THEREFORE UNLIKELY THAT THERE WILL BE MAJOR MODIFICATIONS IN THE RESPONSIBILITIES OR ORGANIZATION OF PSPG.

THE SUDDEN GROWTH OF THE REQUIREMENT FOR PREVENTIVE POLICING HAS FORCED MUCH CLOSER COOPERATION BETWEEN THE SECURITY SERVICE AND THE LAW ENFORCEMENT AGENCIES. THIS FACTOR IS ALSO REFLECTED IN THE RECENT CHANGE IN THE NAME OF PSPG.⁽³⁾ SINCE SOME VIOLENT CRIMES ARE POLITICALLY MOTIVATED, THE SECURITY SERVICE MAY HAVE A DIRECT INVOLVEMENT. HOWEVER, AS TECHNIQUES ARE DEVELOPED TO COMBAT THIS CATEGORY OF EVENTS, THE INVOLVEMENT OF THE SECURITY SERVICE SHOULD DECREASE AND A MUCH LARGER

1. HOUSE OF COMMONS, DEBATES, (CANADA: SEPTEMBER 9TH, 1971), P. 7698. SEE ALSO: HOUSE OF COMMONS, DEBATES, (CANADA: SEPTEMBER 8TH, 1971), P. 7624. OTTAWA CITIZEN, SEPTEMBER 3RD, 1971. OTTAWA CITIZEN, OCTOBER 2ND, 1971.

2. SEE ABOVE, P. 88.

3. SEE ABOVE, P. 75.

PROPORTION OF THE PROBLEM SHOULD BE THE RESPONSIBILITY OF LAW ENFORCEMENT AGENCIES. SOLUTIONS TO MANY PROBLEMS IN THIS FIELD ARE COMPLICATED BY JURISDICTIONAL PROBLEMS WHICH ARISE FROM THE DISTRIBUTION OF POWERS BETWEEN FEDERAL AND PROVINCIAL GOVERNMENTS, ESPECIALLY WHEN THE NEED FOR FAST, COORDINATED ACTION BASED ON SENSITIVE INFORMATION, IS RECOGNIZED. SINCE THE POLITICAL OBJECTIVE OF SUCH CRIME WILL STILL EXIST, THE SECURITY SERVICE WILL UNDOUBTEDLY HAVE A CONTINUING RESPONSIBILITY TO GENERATE INTELLIGENCE TO ASSIST LAW ENFORCEMENT AGENCIES, PARTICULARLY IN THE INTERNATIONAL FIELD.

THE OBJECTIVES OF ALL ORGANIZATIONS IN THE FIELD OF NATIONAL SECURITY SHOULD BE TO PROVIDE A FLEXIBLE STRUCTURE TO ENABLE THE GOVERNMENT TO OBTAIN INFORMATION ON THREATS TO THE SOVEREIGNTY OF THE STATE AND TO ASSIST THE GOVERNMENT IN COUNTERING THESE THREATS. AT THE SAME TIME THE SECURITY COMMUNITY MUST NEITHER BE HAMPERED IN ITS METHODS BY TOO CLOSE A TIE TO NORMAL LAW ENFORCEMENT OR MILITARY ORGANIZATIONS, NOR MUST THE REQUIREMENTS FOR CLANDESTINE, BORDERLINE ACTIVITY OF THE SECURITY SERVICE BE ALLOWED TO ADVERSELY AFFECT THE REPUTATION OR OPERATION OF LAW ENFORCEMENT AGENCIES.

OBJECTIVES OF THE SECURITY SERVICE

THE CANADIAN STATE AND THE CANADIAN POPULATION GENERALLY MUST BE PROTECTED AGAINST THE THREAT TO CANADIAN INTERNAL SECURITY, DESCRIBED ABOVE. WHILE IT IS ONLY ONE AGENCY IN THE LAW ENFORCEMENT FIELD HELPING TO PROVIDE THIS PROTECTION, BECAUSE OF ITS PARTICULAR RESPONSIBILITIES THE SECURITY SERVICE ALSO MUST CONSIDER, CONTINUALLY, THE PROTECTION OF

THE RIGHTS AND FREEDOMS OF THE INDIVIDUAL.

WHILE ONE OBJECTIVE OF CONFEDERATION MAY BE TO MAINTAIN A DEMOCRATIC SOCIETY IN CANADA, A SECOND OBJECTIVE CLEARLY IS TO ENSURE THAT THESE RIGHTS AND FREEDOMS ARE RESPECTED.⁽¹⁾ BY MAINTAINING A DEMOCRATIC SOCIETY, MANY OF OUR BASIC RIGHTS AND FREEDOMS ARE AUTOMATICALLY PROTECTED. BEFORE WESTERN CIVILIZATION THOUGHT IT NECESSARY TO DEFINE AND PROTECT SUCH RIGHTS AS PERSONAL PRIVACY AND FREEDOM OF INFORMATION, THE BASIC FORM OF OUR GOVERNMENT HAD BEEN ESTABLISHED AND INSULATED FROM IMPETUOUS CHANGE. THUS BY PROTECTING THE FORM OF GOVERNMENT ALONE, THE STATE IS PROVIDING MUCH OF THE REQUIRED INDIVIDUAL FREEDOM. WHILE OTHER RIGHTS AND FREEDOMS ARE IMPORTANT AND MUST BE PROTECTED, THEY CAN ONLY BE PROTECTED BY A HEALTHY STATE.

THIS, HOWEVER, IS NOT IN ITSELF SUFFICIENT FOR PROGRESS; A SYSTEM MUST BE PERMITTED TO CHANGE AND, IN CHANGING, RIGHTS AND FREEDOMS MUST BE REDEFINED. THE NUMBER OF RIGHTS BEING DEMANDED BY THE CANADIAN PUBLIC IS INCREASING AND, SINCE ALL RIGHTS ARE RELATIVE TO ALL OTHER RIGHTS, IT IS BECOMING INCREASINGLY IMPORTANT TO ESTABLISH BOTH THE PRIORITY OF RIGHTS NOW AND A METHOD OF CHANGING THE PRIORITIES AS SOCIAL CONDITIONS CHANGE. A BALANCE MUST BE MAINTAINED BETWEEN ALL RIGHTS AND FREEDOMS AND TO DO THIS, EACH ONE MUST BE CONSIDERED ON ITS RELATIVE MERITS. IT APPEARS THEREFORE, THAT THE BASIC PROBLEM IS TO ACHIEVE A BALANCE BETWEEN THE RIGHTS OF THE STATE AND THE RIGHTS AND FREEDOMS OF THE INDIVIDUAL.

1. SEE ABOVE, P. 12. SEE ALSO: TRUDEAU, THE CONSTITUTION AND THE PEOPLE OF CANADA, P. 18.

WHILE THE SECURITY SERVICE ITSELF MUST NOT ATTEMPT TO DEFINE EITHER THE RIGHTS AND FREEDOMS OR THEIR RELATIVE PRIORITIES, IT MUST BE AWARE CONSTANTLY OF PREVAILING PUBLIC OPINIONS. WITHIN ITS OWN AREA OF RESPONSIBILITY THE SECURITY SERVICE MUST BE CONSCIOUS OF THIS BALANCE. EVEN WHEN THE RIGHTS OF A PARTICULAR INDIVIDUAL ARE JEOPARDIZED FOR THE GREATER GOOD OF ALL CITIZENS, THE INDIVIDUAL CONCERNED MUST BE ASSURED THAT DECISIONS ARE BASED ON CONSISTENT AND EQUITABLE PROCEDURES WHICH ARE, IN TURN, BASED BOTH ON CONCEPTS OF NATURAL JUSTICE AND ON NATIONAL TRADITION.⁽¹⁾

SECURITY INVESTIGATIONS DO INVOLVE METHODS AND TECHNIQUES WHICH IN OTHER SPHERES WOULD BE CONSIDERED IMMORAL AND POSSIBLY EVEN ILLEGAL. THE ROYAL COMMISSION (1969) HAS INDICATED THAT:

"A SECURITY SERVICE WILL INEVITABLY BE INVOLVED IN ACTIONS THAT MAY CONTRAVENE THE SPIRIT IF NOT THE LETTER OF THE LAW, AND WITH CLANDESTINE AND OTHER ACTIVITIES WHICH MAY SOMETIMES SEEM TO INFRINGE ON INDIVIDUALS' RIGHTS: ..."⁽²⁾

THE SECURITY SERVICE CAN ONLY WORK WITH INFORMATION, AND IN THIS SPHERE, THE INDIVIDUALS CONCERNED TAKE EXTREME PRECAUTIONS TO ENSURE THAT INFORMATION ON THEIR PROJECTED ACTIVITIES, DESIRED BY THE SECURITY SERVICE, IS CLOSELY CONTROLLED. THE SECURITY SERVICE MUST, THROUGH THE DEVELOPMENT OF SUITABLE SOURCES, OBTAIN THIS PROTECTED INFORMATION. WHETHER THE SOURCE BE A HUMAN AGENT, SURVEILLANCE OR AUDIO INTRUSION DEVICES, THE VERY NATURE OF THE TECHNIQUES IMPLIES THAT THEY WILL HAVE AN IMPACT ON AN INDIVIDUAL'S RIGHTS AND FREEDOMS AND MIGHT EVEN INVOLVE

1. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 28.
2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 21.

ILLEGAL ACTIVITY. FOR INSTANCE A HUMAN AGENT, BEFORE HE CAN PENETRATE A SUBVERSIVE GROUP, MIGHT WELL HAVE TO PARTICIPATE IN MINOR CRIMINAL ACTS. ONLY THEN IS HE TRUSTED FAR ENOUGH TO BE GIVEN INFORMATION ON MAJOR VIOLENT CONFRONTATIONS WHICH ARE BEING PLANNED AND WHICH IS THE INFORMATION BEING SOUGHT.

THUS THE REQUIREMENTS FOR ADVANCE, HIGH-GRADE INFORMATION ON PLANNED VIOLENT CONFRONTATIONS MAY PUSH THE SECURITY SERVICE INTO A POSITION OF INFRINGEMENT ON INDIVIDUAL RIGHTS. WHILE THE STATE MUST BE PROTECTED AGAINST BOTH SUBVERSION AND ESPIONAGE, IT IS ALSO UNDESIRABLE TO HINDER IN ANY WAY RADICAL POLITICAL CHANGE AS LONG AS IT UTILIZES DEMOCRATIC MEANS. RADICALS MUST BE ALLOWED TO PRESENT THEIR ALTERNATIVE PROGRAMS, AND CHANGE MUST NOT ONLY BE ALLOWED BUT MUST BE ENCOURAGED. THE DIFFERENCE BETWEEN RADICALS WORKING THROUGH DEMOCRATIC MEANS AND THOSE WHO ARE PREPARED TO RESORT TO VIOLENCE AND SUBVERSION IS NOT CLEARLY DEFINED, AND IT IS THIS GREY AREA WHICH NECESSITATES CAREFUL EVALUATION, NOT ONLY BY THE SECURITY SERVICE BUT BY ALL GOVERNMENT OFFICIALS CONCERNED WITH NATIONAL SECURITY.⁽¹⁾

THE TASK OF THE SECURITY SERVICE IS TO HELP PRESERVE THE INTEGRITY OF THE STATE BUT THIS TASK MUST NOT BE CONFUSED WITH PRESERVING THE ELEMENTS AND AGENCIES OF THE STATE IN THE PARTICULAR FORM WE KNOW THEM TODAY. FORMER PRIME MINISTER L.B. PEARSON STATED, IN DISCUSSING REVISIONS TO THE CANADIAN CONSTITUTION:

1. SMILEY, "THE CASE AGAINST THE CANADIAN CHARTER OF HUMAN RIGHTS," FOX, ED., POLITICS: CANADA, P. 485.

"WE MUST BE PREPARED FOR INNOVATIONS IN THE MACHINERY OF GOVERNMENT WHICH WILL ENABLE US TO PRESERVE THE ESSENCE OF CANADA'S TWO GREAT GOVERNMENTAL TRADITIONS - FEDERALISM AND PARLIAMENTARY GOVERNMENT."⁽¹⁾

IT IS NOT THE JOB OF THE SECURITY SERVICE TO PRESERVE IN OFFICE A PARTICULAR INDIVIDUAL OR A PARTICULAR POLITICAL PARTY NOR IS IT THEIR JOB TO PRESERVE OR PROTECT AN INDIVIDUAL LAW OR AGENCY OF GOVERNMENT. CHANGE IN OUR INSTITUTIONS IS DESIRABLE AND PROBABLY EVEN ESSENTIAL; DESTRUCTION OF OUR INSTITUTIONS WITHOUT THOUGHT OF REPLACEMENT OR IMPROVEMENT, AND PARTICULARLY THROUGH VIOLENT MEANS, IS WHAT MUST BE PREVENTED.

IT IS NOT ENOUGH THAT THE SECURITY SERVICE HAVE AND MAINTAIN THIS AIM. THE SECURITY SERVICE MUST ALSO BE PERCEIVED BY THE MAJORITY OF THE CANADIAN PUBLIC AS BEING INDEPENDENT, IMPARTIAL AND PROGRESSIVE. IN RUSSIA, THE KGB, WHICH HAS BOTH A SECURITY AND AN INTELLIGENCE ROLE, IS CONTROLLED BASICALLY BY THE COMMUNIST PARTY AND NOT NECESSARILY BY THE STATE.⁽²⁾ SIMILARLY, IN GERMANY THE SICHERHEITSDIENST (SD) WAS A SECURITY ORGANIZATION UNDER NAZI PARTY CONTROL.⁽³⁾ WHILE BOTH ORGANIZATIONS ORIGINALLY HAD SOME RESPONSIBILITY TO THE STATE, THEIR FIRST LOYALTY RESTED WITH THE PARTY. WHILE IT CAN BE ARGUED THAT THE PARTY CONTROLS THE STATE AND HENCE THE SECURITY SERVICE SERVES THE STATE, THIS IS NOT TOTALLY TRUE SINCE GROWTH OF AN OPPOSITION IS OFTEN PREVENTED.

1. PEARSON, FEDERALISM FOR THE FUTURE, P. 44.

2. DEACON, THE RUSSIAN SECRET SERVICE, P. 425. SEE ALSO: DULLES, THE CRAFT OF INTELLIGENCE, P. 88. WISE AND ROSS, THE ESPIONAGE ESTABLISHMENT, P. 72.

3. FARAGO, THE GAME OF FOXES, P. 653. SEE ALSO: ALBERT SPEER, INSIDE THE THIRD REICH, TRANSLATED BY RICHARD AND CLARA WINSTON, (NEW YORK: MACMILLAN, 1970), P. 542.

AT LEAST A THEORETICAL OBJECTIVE OF A SECURITY SERVICE SHOULD BE TO REDUCE DOMESTIC ESPIONAGE AND SUBVERSION PROBLEMS TO THE POINT WHERE A SECURITY SERVICE IS NO LONGER REQUIRED. SINCE MANY OF THE FACTORS AFFECTING THIS, PARTICULARLY CONCERNING ESPIONAGE, ARE DECIDED IN OTHER NATIONS AND MANY OF THE FACTORS AFFECTING SUBVERSION ARE BASED ON SOCIAL AND ECONOMIC FACTORS WHICH THE SECURITY SERVICE CANNOT CONTROL, THIS WILL REMAIN A THEORETICAL OBJECTIVE. ON A NATIONAL BASIS, HOWEVER, IT CERTAINLY IS A WORTHWHILE OBJECTIVE. AS FAR AS PROBLEMS IN SUBVERSION ARE CONCERNED, THEY CAN BE EXAMINED AND COUNTERED INTERNALLY. BECAUSE SUCH SUBVERSIVE ACTIVITY IS A REFLECTION OF SERIOUS NATIONAL ECONOMIC AND SOCIAL PROBLEMS, THE REDUCTION OR ELIMINATION OF THESE PROBLEMS IS POSSIBLY THE MOST EFFECTIVE MEANS OF REDUCING SUBVERSION IN CANADA.

THE NATURE OF THE PROBLEMS IN THE NATIONAL SECURITY FIELD IS CHANGING EXTENSIVELY. THE VERY NATURE OF ESPIONAGE AND THE OBJECTIVES OF ESPIONAGE ARE CHANGING⁽¹⁾. THE LAW COVERING ESPIONAGE, THE OFFICIAL SECRETS ACT,⁽²⁾ IS BADLY OUT OF DATE AND IN URGENT NEED OF OVERHAUL.⁽³⁾ ESPIONAGE TAKES MANY FORMS, ALWAYS INVOLVING CLANDESTINE ASSISTANCE TO SOME FOREIGN POWER BUT NOT ALWAYS INVOLVING THE DISCLOSURE OF OFFICIAL SECRETS. AN ACT IS REQUIRED WHICH DEFINES THE VARIOUS PROHIBITED TYPES OF ASSISTANCE TO FOREIGN COUNTRIES AND PROVIDES REASONABLE PENALTIES FOR

1. SEE ABOVE, P. 36, 122.

2. STATUTES OF CANADA, 1939, C.49, S.1.

3. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 78, 116.

SEE ALSO: BRITAIN, DEPARTMENTAL COMMITTEE ON SECTION 2 OF THE OFFICIAL SECRETS ACT 1911.

ANYONE PROVEN TO HAVE BROKEN THE LAW. THE ACT MUST CAREFULLY DEFINE NATIONAL SECURITY INFORMATION AND MUST NOT BE USED TO PROTECT ORDINARY GOVERNMENT INFORMATION, WHICH, IF IT NEEDS PROTECTION AT ALL, SHOULD BE PROTECTED BY AN APPROPRIATE ACT.⁽¹⁾ ONLY IN PERIODS OF EXTREME CRISIS, SUCH AS DURING WARTIME, SHOULD THE FEATURES OF THE PRESENT OFFICIAL SECRETS ACT, WHICH PLACE THE ONUS OF PROOF ON THE DEFENDANT, BE RETAINED. THESE PROVISIONS EFFECTIVELY RENDER THE ACT VIRTUALLY USELESS AS ONLY THE MOST FLAGRANT VIOLATIONS JUSTIFY ITS USE.

THE INCLUSION OF SOME ASPECTS OF NATIONAL SECURITY IN THE CRIMINAL CODE HAS BEEN DISCUSSED BY THE ROYAL COMMISSION ON SECURITY.⁽²⁾ ONE ASPECT OF THIS PROBLEM WHICH WAS NOT DISCUSSED BUT REQUIRES CAREFUL CONSIDERATION, IS THE FACT THAT THE CRIMINAL CODE OFFENCES ARE ADMINISTERED BY PROVINCIAL AUTHORITIES WHILE OFFICIAL SECRETS ACT OFFENCES ARE A FEDERAL RESPONSIBILITY. CAREFUL CONSIDERATION SHOULD BE GIVEN TO ALL OFFENCES INVOLVING NATIONAL SECURITY AND THE SECURITY OF PROVINCIAL INSTITUTIONS TO DETERMINE WHETHER FEDERAL OR PROVINCIAL AUTHORITIES SHOULD BE RESPONSIBLE FOR ENFORCEMENT.

THE ROYAL COMMISSION ON SECURITY RECOMMENDED IN 1969 THAT THE SECURITY SERVICE SHOULD BE GIVEN ACCESS TO TECHNICAL SOURCES OF INFORMATION SUCH AS MAIL INTERCEPTION, WIRETAPPING AND EAVESDROPPING.⁽³⁾ A BILL WAS INTRODUCED AT THE LAST SESSION WHICH AMENDED THE OFFICIAL SECRETS ACT TO PROVIDE PORTIONS OF THIS ACCESS AND INCORPORATED THE SYSTEM OF CONTROL RECOMMENDED BY THE COMMISSIONERS.⁽⁴⁾ IT IS APPARENTLY THE INTENTION OF THE GOVERNMENT TO INTRODUCE A SIMILAR BILL DURING THE

1. SEE ABOVE, P. 53.

2. CANADA, ROYAL COMMISSION ON SECURITY (1969), P. 78.

3. SEE ABOVE, P. 104.

4. SEE ABOVE, P. 109.

CURRENT SESSION AND HENCE ELIMINATE A WEAKNESS IN THE CANADIAN SECURITY SYSTEM. WHILE THE RISK OF GREATER INTRUSION INTO THE AREA OF INDIVIDUAL RIGHTS AND FREEDOMS MUST BE CONSIDERED, APPROPRIATE, PRACTICAL CONTROLS CAN MAINTAIN THE PROPER BALANCE.⁽¹⁾

THE FIELD OF NATIONAL SECURITY IN CANADA HAS SUFFERED FROM THE GENERAL INABILITY TO ADEQUATELY DEFINE SUBVERSION; FOR INSTANCE, TO ADEQUATELY DEFINE THE BOUNDARY BETWEEN SEPARATISM AS SUBVERSIVE AND SEPARATISM AS A LEGAL POLITICAL OPTION. IT IS IMPORTANT THAT THESE DEFINITIONS BE MADE AND THAT GOVERNMENT POLICY ON THE INVESTIGATION AND COUNTERING OF SUBVERSION AND ON THE SUBVERSIVE ASPECTS OF ALL POLITICAL MOVEMENTS BE STATED PUBLICLY. THE SECURITY SERVICE MUST KNOW THE LIMITS OF ITS AREA OF JURISDICTION AND THE CANADIAN PUBLIC MUST KNOW THE LIMITS AT WHICH PARLIAMENT CONSIDERS THAT ONE PASSES FROM SIMPLE POLITICAL RADICALISM TO SUBVERSION. WITHOUT A STATED DEFINITION, INDIVIDUALS AND GOVERNMENT AUTHORITIES ARE USING DIFFERENT STANDARDS TO JUDGE THE ACCEPTABILITY OF THE SAME ACT OR STATEMENT. SERIOUS DIFFERENCES AND ULTIMATELY INJUSTICE ARE BOUND TO RESULT. THERE MAY ALSO BE SERIOUS DIFFERENCES IN THE CRITERIA FOR ESTABLISHING THE DEFINITIONS BUT THESE DIFFERENCES CAN BE ARGUED AND EVENTUALLY RESOLVED IN PUBLIC VIEW BY PARLIAMENT.

THE SECURITY SERVICE IS AN AGENCY OF THE GOVERNMENT CHARGED WITH HELPING TO MAINTAIN THE INTEGRITY OF THE STATE. THE READINESS OF SOME INDIVIDUALS TO AMEND, DILUTE OR DESTROY OUR DEMOCRATIC INSTITUTIONS IS ILLUSTRATED BY THE SUGGESTION OF MR. CLAUDE RYAN DURING THE 1970 QUEBEC CRISIS, THAT MEMBERSHIP IN THE QUEBEC CABINET BE BROADENED BY BRINGING

1. CANADA, HOUSE OF COMMONS, BILL C-176, APRIL 13TH, 1973. BILL C-176 WAS INTRODUCED AND IS SIMILAR IN FORM TO THE FORMER BILL C-6.

IN A NUMBER OF UNELECTED, INFLUENTIAL QUEBECERS.⁽¹⁾ WHILE INTENDED ONLY TO STRENGTHEN THE PROVINCIAL GOVERNMENT DURING THE CRISIS, THIS PROPOSAL, IF IMPLEMENTED, WOULD HAVE WARPED THIS INSTITUTION. NOT ONLY WERE THE F.L.Q. PREPARED TO DESTROY OUR INSTITUTIONS THROUGH THE USE OF INTIMIDATION AND VIOLENCE, BUT OTHERS WERE PREPARED TO WARP THEM TO ASSIST IN SOLVING THE CRISIS. OUR DEMOCRATIC INSTITUTIONS ARE NOT SACRED; CHANGING SOCIAL CONDITIONS MAY WELL DICTATE THAT OUR INSTITUTIONS MUST BE MODIFIED OR REPLACED, BUT THESE CHANGES SHOULD BE MADE DELIBERATELY, DEMOCRATICALLY AND OPENLY AND NOT AS THE RESULT OF PANIC.

CANADIAN SOVEREIGNTY CAN BE DESTROYED BY AN ADHERENCE EITHER TO A PERMANENT RIGID STRUCTURE OR TO RADICAL, UNPLANNED CHANGE. THE SECURITY SERVICE MUST CONTRIBUTE TO THE PRESERVATION OF A SYSTEM WHICH IS CONDUCIVE TO CHANGE MADE BY OUR ELECTED REPRESENTATIVES, BUT WHICH SUBJECTS VIOLENT EXTREMISTS TO CONTINUED CONTROL UNDER OUR LAWS. THE STATE INSTITUTIONS THEMSELVES MUST BE HEALTHY AND FUNCTIONING PROPERLY IN ORDER THAT THEY USE THE SECURITY SERVICE IN A MANNER WHERE IT CAN ASSIST THE GOVERNMENT WITHOUT UNDULY INFRINGING UPON THE RIGHTS AND FREEDOMS OF INDIVIDUALS. WHILE THE SECURITY SERVICE CANNOT SOLVE ANY FUNDAMENTAL SOCIAL PROBLEMS, IT CAN KEEP THE GOVERNMENT ADVISED OF POSSIBLE SECURITY PROBLEMS ARISING FROM THEM AND CAN ASSIST IN DEVISING AND IMPLEMENTING TEMPORARY SECURITY SOLUTIONS SO THAT THE GOVERNMENT HAS AN OPPORTUNITY TO INSTITUTE THE LONGER TERM SOCIAL AND ECONOMIC CHANGES WHICH WILL BE NECESSARY TO PERMANENTLY ALLEVIATE THE SITUATION.

1. SMITH, BLEEDING HEARTS ... BLEEDING COUNTRY, P. 49, 90.
SEE ALSO: HAGGART & GOLDEN, RUMOURS OF WAR, P. 173. PELLETIER, THE OCTOBER CRISIS, P. 45.

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