

**The Canadian Security Intelligence Service:
Squaring the Demands of National Security
with Canadian Democracy***

by
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*Political truth is always
precious in a democracy
for it always makes up the
first element of justice.*

*Political truth is always
suspect in a dictatorship,
for it usually makes up
the first element of treason.*

Anon.

INTRODUCTION

This article is historical in methodology, descriptive/analytic in focus. It was written to offer a primarily European readership an understanding of the origins, development, structure, and functions of the new Canadian Security Intelligence Service (CSIS). Canadians who are, naturally, more familiar with the history and building of the CSIS will find it somewhat basic. Persons knowledgeable in security intelligence affairs will find little new or exciting in it. Yet, it is important that this case study of how a democratic state faced a scandal in its security intelligence functions, and came out of the scandal with a new, legal and democratic security intelligence process, be examined and explained. There are few state systems on earth today which have had the ability and the political will to do what Canada did: to confront an intelligence/security scandal and turn it into a strengthening of democracy.

The Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police, more popularly known as the McDonald Commission, was established in July 1977. The proximate cause for its establishment was an official statement by the then Commissioner of the RCMP that allegations of participation by the force in illegal acts (including the break-in at a Quebec press agency office) might have some basis in fact.¹ The Commission acknowledged that some members of the force might have been using methods and procedures not sanctioned by law in the performance of their duties for some time, particularly those duties associated with national defense and counterespionage or counter-terrorism. The McDonald Commission was established by an Order-in-Council "to determine the extent and prevalence of investigative practices or other activities involving members of the RCMP that are not authorized or provided for by law..."² As well, the Commission was given a mandate to go beyond mere establishment of the facts, and was, more importantly, asked to make detailed recommendations to the government regarding the reorganization and restructuring

of the entire security intelligence apparatus of the Canadian state and to offer such changes in the law as might be necessary and in keeping with Canadian democracy. It was charged with examining past mistakes or illegalities, along with distilling the lessons to be learned and changes to be made for the future from these unhappy events.

Three respected Canadians were appointed to serve upon the Commission: Mr. Justice David C. McDonald from Edmonton, Alberta; Donald S. Rickerd from Toronto, Ontario; and Guy Gilbert from Montreal, Quebec. The focus of the McDonald Commission *Report* was the security of Canada. A former Royal Commission on Security which reported in 1968 on the operation of Canadian security methods and procedures stated its understanding of the concept of security as the "in-disputable duty of the state" in that the state, meaning the government of the day, had to

... protect its secrets from espionage, its information from unauthorized disclosure, its institutions from subversion and its policies from clandestine influence.³

This earlier Royal Commission, under M.W. Mackenzie, had recommended the establishment of a separate security intelligence force, an organization outside of and unassociated with the Royal Canadian Mounted Police. The recommendation of the Mackenzie Commission was not followed, though whether or not this failure to implement the recommendation led to the illegalities and mistakes of the 1970s is open to question.

It was the sensitivity of the McDonald Commission to the impact of security intelligence procedures that stands out in the *Report*. The members were well aware of the need to square the demands of national security with the imperatives of Canadian democracy, or, more accurately, with the demands of Canadian law. They noted that:

Liberal democracies face a unique challenge in maintaining the security of the state. Put very simply, that challenge is to secure democracy against both its internal and external enemies, without destroying democracy in the process. Authoritarian and totalitarian states do not have to face this challenge. In such countries there is no need to ensure that security agencies, whose techniques inevitably involve a great deal of secrecy, be accountable to an elected legislature. Nor is there a requirement in such states that all of their security measures be authorized or provided for by law and that none of their officials be above the law. Only liberal democratic states are expected to make sure that the investigation of subversive activity does not interfere with the freedoms of political dissent and association which are essential ingredients of a free society.⁴

Concurrently, a second theme wove its way through the fabric of the *Report*. "Canada must have an effective security. Security measures have the basic objective of securing our democratic system." Thus, the

security intelligence and counterespionage system must work, else it not only fails in its duty but causes danger for and damage to the very freedom that it is designed to protect. Effectiveness of the security intelligence system is, then, to be just as important, when judging the merits of such intelligence, as its adherence to the norms of law. This effective security intelligence system must work within "a democratic framework," meaning that it must stay within what is defined as legal. The McDonald Commission summed up its analysis in these terms:

Effective security within a democratic framework — that is the fundamental precept which has guided our diagnosis of past failures and wrongdoings in Canada's security system, as well as our prescription for reform of the system.⁷

It is that prescription for reform which is the focus of this paper.

HISTORICAL BACKGROUND

The security intelligence function of the Canadian government is not new. Indeed, it can be traced back directly to pre-Confederation days. In 1864, a rebel American military unit in Confederate uniform struck south across the border from Quebec and raided the town of St. Albans, Vermont. Canadian (and British) neutrality in the American Civil War was seriously jeopardized. To put a stop to this kind of dangerous activity in the future, the Premier and Attorney General West for the United Province of Canada, Sir John A. Macdonald, organized the Western Frontier Constabulary. Although it bore a name indicative of a police patrol function, in fact it was an intelligence organization. This force was made up of detectives under the command of Gilbert McMicken, a local stipendiary magistrate. The purpose of this intelligence organization was to "collect and report information" concerning "any plot, conspiracy, or organization whereby peace would be endangered, the Queen's Majesty insulted, or her proclamation of neutrality infringed."⁸ Within the decade, McMicken's operatives found themselves investigating, infiltrating, and reporting upon Fenian operations both within and without Canada. In 1868, with the establishment of the Dominion Police Force, this intelligence function was carried into the DPF with McMicken who became a Commissioner of the new force. In this manner the intelligence and security functions were housed, willy-nilly, in the police structure of the new federal government. The new Dominion Police Force started out as a body charged only with the protection of public buildings in Ottawa, with an original force of twelve constables. However, in order to keep his security intelligence operations alive, Commissioner McMicken continued to run and supervise a network of undercover agents operating under DPF authority on both sides of the Canada-U.S. border.⁹ These agents were primarily concerned with the Fenian threat. At the same time Charles Joseph Coursol, a Montreal Sessions Court Judge, and a fellow Commissioner of the Dominion Police Force, was running his own network of detective/agents against the Fenians. As a result the Prime Minister usually knew more about the plans of the Fenians than the Fenians did themselves.¹⁰

These were the first security intelligence operations in Canada. They were secret. They involved the infiltration of undercover agents into target groups or areas, and often they involved the virtual takeover of a group by Canadian agents who patiently worked their way into positions of influence. Mail and telegrams were intercepted, opened, and scrutinized. Secret reports regularly were sent to the Prime Minister and often to other ministers. Dossiers were established, files were maintained, secret reports on individuals were made available to their superiors. A "Secret Service Fund" was established, although no explicit statutory authorization for these secret DPF intelligence activities existed. In the eight years between 1866 and 1873, \$133,000 (a huge sum by contemporary standards) was spent from the Secret Service Fund. These expenditures were not subject to audit. Ultimately, a simmering scandal concerning the use of some of these monies caused the House of Commons in 1877 to debate the report of the Select Standing Committee on Public Accounts. That Committee brought forward the first resolution calling for a confidential committee of the House to review Secret Service matters. The resolution failed.¹¹

The intelligence and security function remained with the DPF even after the North-West Mounted Police came into existence. It was not until the NWMP found themselves alone in the policing of the Yukon Territory during the gold rush of the 1890s and early 1900s that they were, perforce, shoved into the security intelligence field by Clifford Sifton, Minister of the Interior. Sifton, in company with NWMP Comptroller Fred White, jointly took over the investigation of alleged American plans to annex the Yukon Territory. Strangely, Pinkerton Detective agents (from an American firm) were hired in the United States to cover that end of the investigation (whether from a sensitivity to American feelings about Canadian agents, or lack of personnel, is not clear) while NWMP agents conducted investigations and infiltrated such organizations as the Order of the Midnight Sun in the Yukon.¹² The intelligence reports based on these operations were an important factor in enabling the Canadian government to gauge the seriousness of the threat and take appropriate precautionary measures. In other words, the intelligence operation was effective. It worked.

On February 1, 1920, the old Dominion Police Force was absorbed into a new body with the Royal North West Mounted Police. This new organization became the Royal Canadian Mounted Police. Along with its regular patrol and detective duties, this new federal force now became the sole inheritor of the security intelligence function in Canada. Unfortunately, the inheritance came about in the same willy-nilly fashion as it had to the old Dominion Police Force, that is, without a clear mandate in law, with no clear statements of responsibility and reportage, without legal briefs concerning powers or prerogatives, and with no structural basis except tradition from the days of Gilbert McMicken and Clifford Sifton.

World War II and the following Cold War period greatly expanded the security intelligence operations of the RCMP, leading to the establishment of a separate Special Branch in 1946. This was followed by the

establishment of the Directorate of Security and Intelligence (or "I" Division) in 1956 and finally by the formal establishment of the Security Service *within* the RCMP in 1970.¹³ This took place, however, only after the 1968 Royal Commission on Security had strongly recommended such an agency be established *outside of and separate from* the national police force. The Royal Canadian Mounted Police, however, and the politicians who supported it, were not about to see the force deprived of a prestige operation. It is this RCMP/Security Service which, during the 1970s, got itself into such trouble. Nonetheless, the practices and operations it followed and mounted were based upon the actions and attitudes of the older "I" Division, and of the special Branch before it. Indeed, the McDonald Commission found itself involved in the job of untangling a twisted skein of deeds and misdeeds, attitudes and assumptions, secrets, lies and deceptions that ran all the way back to McMicken's and Coursol's secret agents and secret operations. As with the old Secret Service Fund, there was as often as not extra-legality or illegality involved, and scandal was sure to result.

This brief account of the historical evolution of the security function of the Canadian government is instructive. It shows that there never had been a clear and comprehensive mandate stating the purpose, methods, and structures of security intelligence in Canada through all the years from Sir John A. Macdonald to the present. As the Commissioners stated in their *Report*, "We think that this basic fact may have a good deal to do with the events that have prompted the establishment of our Commission."¹⁴

FINDINGS OF THE McDONALD COMMISSION

It is not necessary to detail all of the problems examined by the McDonald Commission, all the aspects of the unfolding scandal. However, an exposition of a few of the problems faced may allow the reader to understand why the formation of a new, separate Service was recommended by the Commission. The list includes the following major charges of illegal or improper activities:

- 1) A willingness to engage in acts "not authorized...by law."¹⁵
- 2) A willingness on the part of some members of the RCMP to "deceive those outside the Force who have some sort of constitutional authority ... over them or their activities."¹⁶
- 3) Surreptitious entries "without consent or warrant."¹⁷
- 4) Electronic surveillance, where knowledge of this practice and information gained from it was "withheld from senior officers of the Force" who were at the same time "assuring Parliamentary Committees that there was no wiretapping for criminal purposes" going on.¹⁸
- 5) Mail cover and opening operations involving the "widespread incidence of unlawful opening of mail by RCMP members on both the criminal investigation and security sides of the Force or by Post Office employees aided and abetted by RCMP members."¹⁹ This was known as Operation CATHEDRAL within the Security Service.

- 6) Unauthorized access to and use of confidential information, including income tax records, medical records, etc., as well as the deception of Ministers and Parliament about this longstanding practice.²⁰
- 7) "Countering activities" of which the Commission specifically noted that Operations ODDBALL and CHECKMATE were specifically designed not to gather intelligence (passive activity) but to counter those perceived by the RCMP and other police agencies as "threats" to the security of Canada (active countering). No such activity was authorized in law.²¹
- 8) Physical surveillance including illegal trespass, violation of privacy, harassment, gross violation of traffic laws, use of false or forged papers, misrepresentations and abuse of the police power.²² The super-secret 'E Special' unit was particularly active in these areas.
- 9) Undercover operations, sometimes involving "forebearance" or the continued willingness to allow some criminals or subversives to ply their criminal trade or engage in illegal acts almost 'under license,' as it were, in order to use them as both informers and as a means of placing operatives in criminal or subversive circles.²³
- 10) Abuses of the power of police interrogation and arrest, including unlawful confinement and physical or psychological abuse of those questioned or detained.²⁴

In addition to the wrongs cited above, the Commission made detailed examination of other activities, including surveillance programs on Canadian university campuses, institutionalized surveillance of legitimate political parties, and similar activities not authorized by law.²⁵

Of all of these illegal and improper activities the most consistently serious was the willingness of the RCMP/Security Service to lie to and deceive their governmental superiors and thus the people of Canada. The Commission detected a "common thread" running through all these activities, that is, a willingness on the part of some members of the RCMP to practice deception. The Commission came to the reluctant and regretful conclusion that this was the most serious charge that could be leveled against any force supposed to protect democracy and democratic government. Nevertheless, the evidence was overwhelming that the practice existed, and existed in an institutionalized manner.²⁶

Why did it happen? How could it happen? What caused part of the Royal Canadian Mounted Police Force, a symbol of Canada, to develop a program of consistent law-breaking or law-bending? Two well-established, traditional, accepted, but seriously "misguided" notions greased the slide down the slippery slope of increasing illegality. The first was the old saw of parliamentary government that "the Minister responsible should not be fully informed" in order that he may maintain "deniability." Thus, the power of ultimate decision, concerning any questionable activity, should reside in the force so as to allow the government to deny any knowledge of that activity with strict honesty. This, of course, was a facile and unacceptable concept in light of the doctrine of ministerial responsibility but very appealing to those in the force who

saw Ministers come and Ministers go. It may also have had a certain appeal, as well, to politicians of a temporizing nature.

The second idea that grew, over time, into a principle of high policy within the RCMP generally and the Security Service in particular, was the concept of "the good of the Force."

The other notion which has given rise to the practice of deception is that exposure to the Minister, and then perhaps publicly, of any questionable activity on the part of its members would inflict damage to the good reputation of the Force and that this concern is of greater weight than any need for candour, truth, and forthrightness. This notion arises in part from the fact that the Force has become a national symbol ... the RCMP, through its recruiting, training and management practices, engulfs its members in an ethos akin to that found in a monastery or religious order. Extreme loyalty ... has contributed to ... the practice of deception²⁷

Ultimately, it was the absence of a legal mandate setting out, in detail, the tasks, and the means to be used in accomplishing those tasks, that created the policy vacuum which allowed for the growth of powerful but pernicious concepts. The great accomplishment of the McDonald Commission was the recommendation of a framework for such a mandated agent, the prescription for reform that led to the creation of the Canadian Security Intelligence Service.

ESTABLISHING THE SERVICE

Following the recommendations of the McDonald Commission the then Solicitor General announced, in August 1981, that the Security Service of the RCMP would be separated from that organization and that a new agency would be established, a civilian security intelligence agency. A transitional group was set up to study the detailed recommendations of the McDonald Commission and to develop specific plans for creating the new agency. Participating in extensive consultations, including consultations with departments and agencies in other countries, the transitional group gave paramount consideration to five basic principles which were endorsed by the government in 1981. According to these principles, the new agency must: (1) provide effective security intelligence, essential to the security of Canada; (2) have a legal framework within which to operate under the rule of law, recognizing and protecting the democratic rights of Canadians; (3) have an effective management system, ensuring responsible direction and respect for law; (4) be effectively accountable to ministers who would be responsible to Parliament; and, (5) be open to a satisfactory external review process, ensuring that the agency did not abuse its powers and that it was not misused by government.

The first legislation to establish the Canadian Security Intelligence Service was introduced in Parliament in May 1983. The then Solicitor General, Robert Kaplan, tabled Bill C-157, an *Act to Establish the*

*Canadian Security Intelligence Service (CSIS).*²⁸ The legislation provided a significant new direction for security intelligence operations; for the first time in history, the security intelligence service would have a clear legislative mandate. Secondly, the powers needed by the CSIS to fulfil its mandate would be established by an act of the Parliament. Thirdly, approval of a federal court judge would be required for warrants which would allow CSIS agents to use certain intrusive investigative techniques. Fourthly, a system of control would be established over security intelligence operations culminating in the office of an Inspector General of the service who would provide a continuing, independent examination of CSIS operational activities. The Inspector General would report to the Deputy Solicitor General providing an *ex post facto* review of the operational activities of the CSIS. In addition, he would receive and review the CSIS Director's periodic reports to the Solicitor General. His findings, comments on and certification of the Director's reports, as well as the Director's reports themselves, would be forwarded automatically by the Solicitor General to the Security Intelligence Review Committee.

This committee, consisting of three Privy Councillors who were not sitting members of either House of Parliament, would be appointed by an order-in-council after the Prime Minister had consulted with the Leader of the Opposition and the leader of each party in the House of Commons. With full access to detailed information concerning the Service, this committee would review the performance of the CSIS.

Their review was designed to be wide-ranging, covering but not limited to the reports of the Director and the certifications of the Inspector General, security clearance decisions, complaints concerning the Service, the Solicitor General's directions to the Service, and internal management. As well, the Review Committee would carry out such enquiries as they considered appropriate, using the Inspector General, CSIS officials or their own staff. This committee would interact with the Director of the CSIS on an on-going basis and its annual report would be tabled in Parliament by the Solicitor General. The report would go to the appropriate Parliamentary standing committee(s) which meant that, at long last, the Parliament of Canada had both the opportunity and the clear responsibility to review and assess the activities of the nation's security intelligence service.

Bill C-157 represented an historic step, and was a fresh approach to the issue of the guarding of the security of Canada. But it met with an outburst of opposition in the House of Commons. The revelations of wrong-doing in the old RCMP/Security Service had left their mark and parliamentarians, especially on the opposition benches, were not well-disposed to a new agency with similar — if more controlled — powers and purposes. This was especially true among members of the most left-wing party in the House, the New Democratic Party. One NDP member denounced the proposed CSIS bill as “this Orwellian legislation.”²⁹ Other parliamentarians, including some from the then Conservative Party opposition, damned the bill as an opening to a police state.³⁰ As well, some Conservative opposition was founded upon support for the RCMP

as an institution and an unwillingness to see the security intelligence task taken away from it.

C-157's most provocative provisions were those that gave the proposed CSIS the power to wiretap, to listen electronically to conversations in buildings or elsewhere, to enter buildings clandestinely, and either to open mail or to operate a mail-cover operation wherein the return addresses and probable contents are recorded. These seemed the very abuses that had led to the recommendation of the McDonald Commission. If Bill C-157 was doomed from the beginning as a piece of legislation it did serve the purpose of familiarizing the Parliament and the nation with the idea of a new and different civilian security intelligence service. As well, it served to break the ice in the discussion of just what such a service must be and must become. It revitalized and encouraged the process of public and parliamentary debate on security intelligence. The outcome of this process of review and debate was the ultimate establishment of a Special Committee of the Senate charged with the examination of the subject matter of the bill.³¹ The Senate Committee, after hearing representations from a broad range of Canadian groups and individuals having a special interest in security matters, reported its findings and recommendations in November 1983.

The Senate Committee report was well received. It offered measured and reasoned recommendations aimed at improving the provisions of Bill C-157, recommendations which sought to strike a balance between national security and individual rights. Although the Senate Committee concluded that the main structural elements of Bill C-157 were generally sound, recommendations were proposed to narrow the mandate of the CSIS, to increase ministerial responsibility, and to enhance the provisions for control and review. With these recommendations spelled out in detail in its report, the Senate Committee concluded that the *status quo* as of late 1983 was unacceptable, and that a new bill "is necessary and should be enacted in the near future."³² The government brought forth this amended legislation in the form of Bill C-9, which was tabled in the House of Commons in January 1984.

BILL C-9

Bill C-9 was entitled "An Act to establish the Canadian Security Intelligence Service, to enact An Act respecting enforcement in relation to certain security and related offenses and to amend certain Acts in consequence thereof or in relation thereto." It was given legislative approval in early July 1984, and received immediate Royal assent. On July 16, 1984, the CSIS began formal existence with the swearing-in of the first Director, Thomas D'Arcy (Ted) Finn, the 44-year-old Privy Council official who oversaw the formative period of the Service with the Transitional Group, succeeding Fred Gibson, who was the first Transitional Group chief. A lawyer by training, Finn now had before him the task of building the CSIS and fulfilling the mandate contained in Bill C-9.

That mandate defines the functions that the Service is to perform. It provides the guiding principles by which the CSIS officer or employee

must conduct his intelligence gathering operations and by which his work is to be measured for its effectiveness. The primary function of the new Service is to collect and analyze information on activities that are suspected of constituting threats to the security of Canada, and to report this intelligence to the government. The four basic categories that constitute such threats are: (1) *espionage and sabotage*, specifically activity that threatens the security of Canada but also such activities directed toward other powers which take place upon Canadian soil; (2) *foreign influenced activities*, constituting interference in Canadian affairs which affects the security of Canada, such as attempts to interfere with or manipulate Canadian political life in pursuit of foreign interests; (3) *political violence or terrorism*, generally defined as the actual or threatened use of violence in an attempt to force the Government of Canada to certain actions, or to interfere with or force certain actions among specific Canadian population groups or the authorities in another country; and, (4) *subversive activities* which threaten the security of Canada, defined in the legislation to include covert, unlawful acts which may undermine the constitutionally established system of government and/or activities which are directed toward the destruction or overthrow of the constitutionally established system of government by unlawful or unconstitutional measures.

In addition to these mandated activities the CSIS is to perform three related functions under the legislation. First, it undertakes *security screening*, usually directed toward governmental employees who are to have access to classified information. This security screening will involve not only CSIS personnel, but also personnel of the Communications Security Establishment (CSE) and some security assessment of persons applying for immigrant or citizenship status. The CSE is the communications and signals intelligence and security agency of Canada. Among its other functions it is a full participant in the UK-USA compact which structures electronic intelligence ('elint') sharing among the United Kingdom, the United States, Australia, Canada, and, of late, New Zealand. A second responsibility of the CSIS is the providing of assistance in Canada in *the collection of foreign intelligence*, usually information about the capabilities, intentions, and activities of foreign states, entities, or persons on Canadian soil. Third, in the course of its investigations the CSIS may obtain information not directly related to its mandate. In most cases the legislation prohibits the Service from disclosing such non-specific information to other authorities, including law enforcement authorities. However, situations will arise where such information is of great and even essential value, particularly to the enforcement of the law and the protection of public order and safety. It is not part of the CSIS legislative mandate to seek out such information but, if it is obtained in the normal course of its operations, such essential information may be released to the proper officials. The management of the Service may release information to designated officials only if that information is to be used in a criminal investigation, relates to Canada's international relations, is relevant to Canada's national defense, or if it is essential to the public interest that it be released to proper authorities in a specific case

where such release clearly outweighs the invasion of personal privacy (such as a planned assassination or a well-founded suspicion of narcotics smuggling). Any such release and forwarding of information must be reported to the Inspector General, and reported to and reviewed by the Security Intelligence Review Committee.

Operating under its legislative mandate, the CSIS is charged with collecting, analyzing, and reporting information and intelligence to the proper consumers. Yet, how is such to be gained, within the law? Most information will come from open or semi-open sources, such as publications, meetings, conferences, etc. But other techniques must be used, including the more intrusive methods of investigation. The simpler methods of intrusive investigation — interviews of neighbors, simple surveillance — will be utilized at the discretion of the Service. They are at all times subject to legislative and management control and guidelines. If, however, any investigation becomes more intensive, tighter controls are placed upon the more intrusive methods required and utilized. For the first time the exercise of the truly intrusive techniques is subject to judicial control. Security intelligence officers and technicians may not use these methods without a warrant issued by a federal court judge. That judge must be satisfied that the investigation falls within the legislative mandate and that such intrusive methods are actually required in the particular circumstances of the investigation. The warrant process covers: (1) electronic surveillance, including wire-tapping;³³ (2) the interception of communications, including mail and telecommunications, as well as stored information such as that in a computer memory bank;³⁴ (3) access to confidential personal information, such as income tax returns and social insurance records;³⁵ (4) surreptitious searches, including the covert entry and exit from a premises or a residence;³⁶ and, (5) so-called “related activities” defined as activities not specifically authorized by statute and which may appear to constitute incidental breaches of other legislation.³⁷ Some of these related activities may involve only exceeding the speed limit, making an illegal turn in traffic or trespassing on or damaging private property. Other acts may be perceived as more serious, such as the technical “theft” of papers or materials. These acts are seen as incidental to the pursuit of the mandated activity, the protection of the security of Canada. The legislation provides that a Service officer or employee may take such action, but only such actions as are reasonable and necessary for the performance of his mandated duties under the circumstances involved.³⁸ It is important to note that while CSIS officers and employees are not police agents, and do not have constabulary power, under the legislation the director and all officers and employees have, in the performance of their duties and functions, the same protection under the law of Canada as peace officers possess in the performance of their duties and functions.³⁹

Among the most urgent tasks facing the Service and its first Director is that of attracting new persons, mostly intelligence and security outsiders, who are otherwise qualified to the ranks of the CSIS. The transitional phase is now completed, with members of the former RCMP/Security Service being among the largest pool of new CSIS personnel. They were

offered the opportunity, generally, to leave the RCMP and join the new Service or to remain in the ranks of their original organization. As well, most of the agents/employees of the old Security Service have been incorporated into the CSIS, as "watchers," technical experts, etc. The CSIS Transitional Group, working out of the office of the Solicitor General, oversaw and directed the start-up phase through July 1984.

The former RCMP/Security Service personnel now form a majority among the officers and technicians of the new Service. But, increasingly, personnel will have to come from other sources, from academe, from business, from the armed forces, from government, and often right out of university into the junior ranks of the Service. Among the requirements for appointment (as recommended by the McDonald Commission) are the following: governmental and managerial experience; usually a university degree; wide academic and life experience including foreign language capabilities; patience, discretion, emotional stability, maturity, tolerance, no exploitable character weaknesses, a keen sense of and support for democratic principles, political acumen; and, the ability to work in an organization about which little is said publicly and through which one will gain little or no public recognition or reward.⁴⁰

Since it is a secret organization it is difficult for the outside observer to know how well the CSIS has met its mandate and has met the expectations of two different governments since its founding. It appears to be working rather well as an organization. Over the past year it has been reported that the CSIS has established good relations with the FBI in the United States⁴¹ and with the CSE in Canada. The only spot of trouble seems to be the temporarily fouled relationship of the former RCMP/Security Service officers, now CSIS personnel, with some of their former colleagues in the ranks and management of the RCMP. Evidently some doors have been shut, so to speak, to those who are now outside of the Force. Old values die hard.

Relations with the Communication Security Establishment (CSE) were placed on a better footing when Bill C-9 made it clear that the CSIS would not possess a monopoly upon intelligence and information gathering and analysis in Canada. This legislative protection for the CSE in the CSIS legislation allowed for a more cooperative relationship from the inception of the Service. This relationship seems now to be a productive one, as best an outsider can tell. The CSE has an important electronic intelligence role to play, a role that is vital to the work of the CSIS.

CONCLUSION

Out of the shambles of the "Canadian Watergate" of the 1970s — the RCMP/Security Service scandal — has emerged a new, legal, mandated, and controlled security intelligence agency, the first in the history of Canada. Canadians can be proud that they were so well served by the McDonald Commission, the Transitional Group, and even by most of the RCMP/Security Service and all its predecessors back to Gilbert McMicken and the Western Frontier Constabulary. The Canadian Security Intelligence Service bears the best of that tradition, under law, in the defense of Canadian democracy. It now must meet that challenge

that proves so difficult; it must secure democracy against both its internal and external enemies, without destroying democracy in the process. If the legislative mandate as put forth in Bill C-9 is followed, and if the spirit of the love of democracy is nurtured, it will meet the challenge. Canada will be the better for all the turmoil and scandal of the past decade.

Author's Note

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Footnotes

1. Canada. Royal Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police. Chairman: The Hon. Mr. Justice D.C. McDonald. *Second Report: Freedom and Security Under the Law*. Ottawa: Department of Supply and Services, August 1981, p. 14, paragraph no. 27.
2. *Ibid.*
3. Canada. Royal Commission on Security. Chairman: Mr. W.W. MacKenzie. *Report of the Royal Commission on Security*. Ottawa: Government Printer, 1969, paragraph no. 28.
4. McDonald Commission. *Law*, p. 40, paragraph no. 16.
5. *Ibid.*, p. 47, paragraph no. 24.
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*, p. 54, paragraph no. 23 (as originally found in the Macdonald Papers, Volume 234, pp. 100852-4).
9. *Ibid.*, p. 54, paragraph no. 24.
10. Donald Creighton, *John A. Macdonald: The Young Politician* (Toronto: Macmillan of Canada, Ltd., 1952), p. 439.
11. McDonald Commission, p. 55, paragraph nos. 25-28.
12. *Ibid.*, p. 56, paragraph no. 31.
13. *Ibid.*, pp. 56-69, paragraph nos. 32-76. See also: Reginald Whitaker, "Origins of the Canadian Government's Internal Security System 1946-1952," *Canadian Historical Review*, Vol. 6, No. 2 (1984), pp. 154-183.
14. McDonald Commission, p. 54, paragraph no. 22.
15. McDonald Commission, p. 99, paragraph no. 12.
16. *Ibid.*, p. 101, paragraph no. 16.
17. McDonald Commission, Chapter 2, pp. 103-147.
18. *Ibid.*, Chapter 3, pp. 149-199.
19. *Ibid.*, Chapter 4, pp. 201-219.
20. *Ibid.*, Chapter 5, pp. 221-251, and, Chapter 6, pp. 253-265.
21. *Ibid.*, Chapter 7, pp. 267-275.
22. *Ibid.*, Chapter 8, pp. 277-293.
23. *Ibid.*, Chapter 9, pp. 295-328.
24. *Ibid.*, Chapter 10, pp. 329-340.
25. *Ibid.*, Chapter 11, pp. 341-358.
26. *Ibid.*, p. 101, paragraph no. 16.

27. *Ibid.*, p. 102, paragraph no. 18.
28. Canada. House of Commons. *An Act to establish the Canadian Security Intelligence Service, to enact An Act respecting enforcement in relation to certain security and related offenses and to amend certain Acts in consequence thereof or in relation thereto*. Second Session, Thirty-second Parliament, 32 Elizabeth II, 1983-84. First reading, January 18, 1984, Bill C-9.
29. *Macleans*, May 30, 1983, p. 14. The speaker was Mr. Svend Robinson of the New Democratic Party (NDP).
30. *Ibid.* The speaker was Mr. Leonard Gustafson of the Conservative Party, then the official opposition party in the House of Commons.
31. Canada. Senate. *Report of the Special Committee of the Senate on the Canadian Security Intelligence Service* (Ottawa: Senate of Canada), November 1983. See also: *The Government's Response to the Report of the Special Committee of the Senate on the Canadian Security Intelligence Service* (Ottawa: Solicitor General of Canada), January 1984.
32. *Ibid.*
33. Bill C-9, Section 21, (1)-(4); Section 22, Section 23, (1) and (2); and Sections 24-28. See also: *The Government's Response to the Report of the Special Committee of the Senate on the Canadian Security Intelligence Service*, Sections 22-35.
34. *Ibid.*
35. *Ibid.*
36. *Ibid.*
37. *Ibid.*
38. *Ibid.*
39. *Ibid.* See especially *The Government's Response...*, Section 21 accepting the Senate's recommendations that CSIS employees be deemed peace officers for the purpose of Section 25 of the *Criminal Code* and the common law when acting in the performance of their duties and functions under the Act.
40. McDonald Commission, p. 279, paragraph no. 118, Rec. no. 74.
41. *Globe and Mail*, (Toronto), October 16, 17, 1984.