

*Supply*

**The Acting Speaker (Mrs. Barnes):** My list shows the member for Durham. We have just heard from one side and we are alternating government and opposition and we now have the government speaker.

**Mr. Alex Shepherd (Durham):** Madam Speaker, a clever motion has been put to the House that evokes a memory of transgressions from a bygone day. If approved, it would not serve the interest of Canadians or the lawful process that legislators designed to ensure their national security.

There are a large number of Canadians who are unclear about the role of the Canadian Security Intelligence Service. These are serious people. If they are confused it is because they have been brought up on the myths about what an intelligence organization does.

I want to dispel some of these myths. Today I want to talk about what CSIS does and what it does not do.

• (1255)

There is the issue of law, of accountability and of democracy. The point I want to make is that CSIS exists because of those things, not despite them.

Nearly 50 years ago Canadians discovered, courtesy of Igor Gouzenko, that the Soviet Union was operating an espionage network here. The RCMP was asked to counter it and for decades it did. It became clear over time that police work and intelligence work were different. Police work involved enforcing the law, catching criminals and prosecuting them. Intelligence work involved warning governments and protecting people from acts by foreigners or by Canadians who threaten the security of our country.

The role of warner is very different from the role of enforcer. By its nature good warning requires good information. There are many ways to get information and some of them can conflict with civil liberties and the law. For that reason, among others, the Mackenzie commission of the late 1960s followed by the McDonald commission in the late 1970s both recommended that Canada's intelligence service be civilian in nature and that it be governed by a strict regime of law and accountability of review.

Simply put, CSIS exists because the government found that the rights of Canadians had not been adequately protected. In other words, the purpose of CSIS is to protect rights, to work within the law to be accountable to the elected Government of Canada.

There is probably no intelligence organization in the world that functions with a law that is so strict and comprehensive and as clear. The legislation governing some intelligence organizations elsewhere is often a few general paragraphs in length. Sometimes legislation does not even exist. The CSIS act is 29 pages long. Nine of those pages are devoted to outlining how what CSIS does is to be monitored, reviewed and approved by

others outside. No other part of the federal bureaucracy is subject to such strict rules.

CSIS is under direct ministerial control and direction responsible to cabinet and responsible to Parliament. When CSIS engages in surveillance activities that are intrusive, such as electronic techniques, the director has to be personally satisfied in each case that the use of such techniques is necessary, that all other avenues have been exhausted and that the use of that technology is both lawful and within the mandate of the service. If it is not it does not happen. Even if the director thinks an action is justified, that is not good enough. The CSIS act requires him to secure the approval of the minister, the Solicitor General. If he does not approve, it does not happen. If he does, it does not end there. The case must be put to a judge on the Federal Court of Canada. There are no exceptions.

In addition, the law establishes two review agencies. One agency is internal with an independent auditor called the inspector general, with his own staff to report to the minister directly. He has complete access to literally everything that the service does.

The second review agency is external. We know it as the Security Intelligence Review Committee or, as some have mentioned, SIRC. It is independent both of CSIS and of government. SIRC also has its own staff. It has access to absolutely everything. It reports to Parliament annually. Its role, as it has described it, is to ensure that CSIS does things right and does the right things.

When CSIS was first created, SIRC found fault with some of what was done. It still does, but it stated in its 1991-92 report much has changed: "In the early years of this committee's mandate CSIS acted to a great extent as if it were simply a continuation of the RCMP security service. Despite public assertions to the contrary, SIRC felt that most CSIS targets, policies and procedures were virtually unchanged from those of a security service and that the CSIS preferred source of recruits was still the RCMP. It took over three years for this state of affairs to change significantly. CSIS is now virtually a new organization, hardly recognizable any more as the direct descendant of the security service of the RCMP. The number and type of CSIS targets, the rigorous justification required before anyone or any group is designated as a target, the lucidity, logic and balance of warrant affidavits submitted to the Federal Court, and the tone and content of reports by intelligence officers on target files have all changed significantly for the better. We still have criticisms to make, but our criticisms are no longer based upon strong and fundamental disagreement with the CSIS view of the world".

• (1300)

CSIS is a better organization because of that review process, but the mechanism of review and reporting have extended well beyond the work of that committee.