

CHAPTER ONE

Introduction

1.1 A Unique Canadian Model

The *Canadian Security Intelligence Service Act (CSIS Act)*¹ and the *Security Offences Act*,² adopted in 1984, established a uniquely Canadian model in the security and intelligence area. The security intelligence agency is given a legislative mandate in which its powers are defined, provision is made for control and direction, and review structures are put in place. Direction of the Canadian Security Intelligence Service (CSIS) is the responsibility of the Solicitor General, while judicial control of recourse to intrusive means of investigation is exercised by the Federal Court. The Inspector General of CSIS acts as the Solicitor General's agent in relation to the Service, while the Security Intelligence Review Committee (SIRC) acts in a dual role as both a review body and a complaints tribunal. Parliament performs a limited role in this area by its consideration of Estimates and SIRC's Annual Report. In relation to security offences, the Attorney General of Canada is enabled to exercise prosecutorial authority, while the RCMP is empowered with primary investigatory authority. This uniquely Canadian model will be described in greater detail later in this Report. But first, the historical context from which the present security and intelligence model emerged will be set out.

1.2 Some History

The review conducted by this Committee is the most recent of a series of inquiries concerning security and intelligence conducted in Canada during the Post-World War II era. The first was the 1946 Royal Commission on Espionage, presided over by Justices Kellock and Taschereau of the Supreme Court of Canada, set up as a result of the Gouzenko revelations of a Soviet spy ring in Canada. A number of prosecutions and convictions under the *Criminal Code* and the *Official Secrets Act* for conspiracy and espionage resulted from this early series of events in what later became the Cold War.

In 1966, Commissions of Inquiry concerning the Spencer and Munsinger affairs examined possible violations of the *Official Secrets Act*. They concluded there was no such violation in either instance, although each case had certain security implications. Also established in 1966, the Royal Commission on Security (Mackenzie Commission) issued its report in 1969. It made a number of recommendations in relation to the security of assets and vetting of personnel. It also recommended the creation of a civilian security agency, but its recommendation was not accepted by the government of the day, which decided instead to increase the number of civilian members of the RCMP's Special Branch (Security Service).