



House of Commons
CANADA

Standing Committee on Government Operations and Estimates

OGGO • NUMBER 037 • 2nd SESSION • 39th PARLIAMENT

EVIDENCE

Thursday, June 19, 2008

—
Chair

The Honourable Diane Marleau

Also available on the Parliament of Canada Web Site at the following address:

<http://www.parl.gc.ca>

Standing Committee on Government Operations and Estimates

Thursday, June 19, 2008

• (0905)

[English]

The Chair (Hon. Diane Marleau (Sudbury, Lib.)): Ladies and gentlemen, today we're hosting this session to look into the disclosure of sensitive diplomatic information, which was of some concern to Ms. Clinton and then Mr. Obama.

We have before us a report on the investigation, and we have a number of people who have come before the committee.

I'm really pleased to welcome the Clerk of the Privy Council, Mr. Kevin Lynch. We're very pleased that you have decided to come before the committee to speak to this issue. As well, we have Mr. Yvan Roy, the deputy secretary to the cabinet, legislation and House planning and machinery of government and counsel to the Clerk of the Privy Council.

That's a very long title.

Mr. Yvan Roy (Deputy Secretary to the Cabinet, Legislation and House Planning and Machinery of Government and Counsel to the Clerk of the Privy Council, Privy Council Office): It's too long.

The Chair: Also with us today is Marc Tardif, director of security operations, and Gary Pinder, executive director of informatics and technical services division.

From BMCI Investigations & Securities Limited, we have Patrick Cummins, principal, and Allan Bird, principal. We have, from the Department of Foreign Affairs and International Trade, Paul Meyer, director general of the security and intelligence bureau.

Most of you are very familiar with the way this works. We are prepared to hear a statement of up to 10 minutes. I don't know if you all have statements, but we certainly will start with Mr. Lynch.

[Translation]

Mr. Kevin Lynch (Clerk of the Privy Council and Secretary to the Cabinet, Privy Council Office): Thank you, Madam Chair.

I am pleased to appear before this committee on the subject of the investigation the Privy Council Office recently conducted into unauthorized disclosures of sensitive diplomatic information. You have already introduced my colleagues, and better than I would have done.

On March 5, 2008, the Prime Minister asked me to launch an internal security investigation into allegations of unauthorized verbal disclosures by Mr. Brodie and Ambassador Wilson regarding the purported position of U.S. Democratic presidential candidates in relation to the North American Free Trade Agreement and the

unauthorized disclosure of the diplomatic report sent from the Canadian Consulate General in Chicago on February 13, 2008.

[English]

On May 22, 2008, I delivered to the Prime Minister the report on the investigation into unauthorized disclosure of sensitive diplomatic information, which contains our findings and conclusions. And we'll get into that today. This report was made public the next day and is available on the Privy Council website for everyone.

The purpose of the investigation, as the report sets out, was to determine the timeline of relative events leading up to and following the disclosure of information; to determine, to the extent possible, the source or sources of the disclosure; to report on the findings of the investigation; and to make recommendations to minimize the likelihood of a reoccurrence of similar events in the future.

The investigation was led by the director of security operations at the Privy Council Office, Mr. Tardif. Independent professional services were contracted from BMCI Investigations & Security. We have two of the principals here today. Due to the scope and complexity of the investigation and the volume of information to be examined, we engaged BMCI.

As the report describes, the investigation was carried out in a comprehensive, systematic, and impartial manner in accordance with established investigative standards. And I'm sure that both Mr. Tardif and our two principal investigators will describe what they are.

[Translation]

The investigative process that was followed included examining documentation; conducting comprehensive interviews of 36 individuals; compiling and analyzing reliable source data; and examining salient comments received from various secondary sources during meetings and briefings. The Department of Foreign Affairs and International Trade Security and Intelligence Bureau, represented here by Mr. Paul Meyer, PCO's Informatics and Technical Services, PCO's Telecommunications Services, also represented here, and departmental security officers of four other federal departments also provided assistance in this investigation.

The investigation was extensive and independent. It involved obtaining and analyzing a vast amount of information in a relatively short period of time. The 36 public servants and political staff interviewed consisted of officials from the Prime Minister's Office, the Privy Council Office, the Department of Foreign Affairs and International Trade Headquarters in Ottawa, the Embassy in Washington, the Consulate General in Chicago, and the Office of the Minister of Foreign Affairs. Several officials were interviewed twice.

[*English*]

In addition to the interviews, the investigation involved checking logs of telephone calls placed by these officials of interest on their office land lines and cellular telephones for the relevant time period. These were examined to determine if any contact had been made with the media or with other numbers of interest in either Canada or the United States. Transmission logs for fax machines used by officials of interest during the same timeframe were similarly examined. All e-mails of the same officials were checked to determine who had knowledge of the information and at what point in time, the extent of that knowledge, and whether any inappropriate transmission of information had occurred.

Finally, unclassified, classified, and BlackBerry electronic mailboxes of the federal officials and ministerial staff who received the original diplomatic report from Chicago were examined to determine whether the report was retransmitted to others, and, if so, who those addressees were and whether it was inappropriate for them to receive the report.

During the course of the investigation, the names of a few U.S. citizens surfaced as possibly having been in contact with Canadian officials with access to the report. This fact was clearly outlined in the report on page 8.

As no Canadian government investigator, including the RCMP, has jurisdiction on U.S. territory without the consent of the U.S. government or U.S. law enforcement agencies, the approach of the investigators was to focus on ministerial staff and officials employed by the Government of Canada who may have been in contact with them. This approach included extensive interviews with these Canadian individuals and examination of telephone, fax, and e-mail logs, as well as e-mail correspondence.

The report of the investigation describes the methodology and process employed by the investigators, establishes a timeline of significant events that happened over this period, summarizes the investigators' analysis and findings, and makes recommendations for further strengthening the safeguards for the protection of information. The conclusions of the report are based entirely on the findings of the independent investigative team working with the Privy Council Office, director of security operations. Section 5 in the report, Madam Chair, provides the conclusions of the investigation. These are as follows.

First, any comments that Mr. Brodie may have made during budget lock-up 2008 on February 26 did not reveal any information tied to the diplomatic report of which he was made aware only on February 28. That's the value of the timeline. There is no evidence that Mr. Brodie disclosed any classified information.

Second, there's no evidence that Ambassador Wilson revealed any information tied to the diplomatic report or to any U.S. presidential candidate's position with respect to NAFTA, although his comments likely helped lead the reporter to the Senator Obama campaign. There is no evidence that Ambassador Wilson disclosed any classified information.

Third, the investigation was unable to determine who leaked the report, to whom it was leaked, and whether there was only one leak.

Fourth, the original diplomatic report from Chicago was incorrectly classified. It was actually unclassified and had an inappropriately broad distribution list of 232 addressees.

● (0910)

[*Translation*]

Madam Chair, there you have an overview of the facts.

[*English*]

I would be pleased to take questions from the honourable members of the committee and my colleagues as well.

Merci. Thank you.

The Chair: Thank you very much.

Is there another statement by the investigative team?

Mr. Patrick Cummins (Principal, BMCI Investigations & Security Ltd.): I have no statement to make.

The Chair: Thank you.

We'll go directly to questions, then.

We'll start with Mr. Bains.

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Thank you very much, Chair.

I would like to thank the witnesses for coming. I greatly appreciate this.

As you know, this is a very important issue. This issue, this unauthorized disclosure of sensitive diplomatic information, has been dubbed "NAFTAgate" in the media.

We feel this is a very serious breach of security, which has damaged our international reputation. There are a lot of unanswered questions with respect to the mandate. The primary purpose of your coming before committee is to address some of the concerns and unanswered questions we have.

Mr. Lynch, you indicated that your mandate was really to look into the verbal leaks and specifically the leaked memo.

My first question is with regard to the CTV reporters who effectively reported this information. Why were they not directly contacted themselves? Why did you choose to go through CTV? Why weren't the reporters contacted directly? Obviously their testimony would be crucial to the process, especially with respect to what government officials were saying.

Mr. Kevin Lynch: Thank you.

I'll pass to my colleagues to clarify, but my understanding is that we did go directly to the three reporters. The reply back was in the negative, and it came from CTV News, from one of the senior officials in the news network.

[Translation]

Mr. Marc Tardif (Director, Security Operations, Privy Council Office): That is correct. We sent a fax to the reporters, but the same day, I received a call from the president of CTV who declined the offer to provide us with information.

[English]

Hon. Navdeep Bains: So it was the CTV president who declined, not the reporters, is that correct? I just want clarification.

Mr. Kevin Lynch: He declined on behalf of.

A witness: *C'est ça.*

Hon. Navdeep Bains: Okay, but did you make direct contact with the reporters initially, or was it through the CTV president?

• (0915)

Mr. Kevin Lynch: No, the direct contact went to the reporters. The only reply back was through the senior official at CTV News.

Hon. Navdeep Bains: The second question I had is with respect to the Associated Press and the fact that they had access to this memo that was eventually leaked. You indicated that consideration was given to contacting them, and you indicated in your opening remarks that there was an issue of jurisdiction.

Again, don't you think that for the sake of completing your mandate it was important to at least make the effort to contact them? If so, was the effort ever made? Obviously you have indicated that you decided not to, but why did you feel compelled not to make that contact with the Associated Press and ask them directly where the leaked memo came from?

Mr. Kevin Lynch: The reason was the same logic I gave you in terms of the officials. No Canadian government investigator, whether it's the RCMP or whether it's the individuals we engage, has jurisdiction on U.S. territory without the consent of U.S. government or law enforcement agencies. It's imperative that agents of the Government of Canada respect the domestic sovereignty of the United States in the same way that we would expect the same from the United States. In our discussions we believed that applied to how we should deal with the Associated Press as well.

Hon. Navdeep Bains: Did you make an effort to speak with the U.S. authorities to get their consent?

Mr. Kevin Lynch: I can actually take you through what it takes to go to the U.S. authorities. We have between Canada and the United States a mutual legal assistance treaty. I'll turn in a second to Monsieur Roy to take you through that.

That actually has to be implemented through the RCMP and it has to be in respect of a criminal investigation, not an administrative investigation. As you will see, the findings and conclusions of the extensive independent investigation that we undertook—and I would encourage you to ask the investigator—did not bring to light evidence of criminal behaviour. The investigators were unable to determine who leaked the report or to whom it was leaked, given its wide circulation and other factors; therefore, the findings of the

investigation led the investigators to conclude that there were no grounds to ask the RCMP to investigate the matter, and therefore there would be no way to actually implement the bilateral agreement with the United States.

Hon. Navdeep Bains: Doesn't this effectively damage...? Didn't this hold you back from completing your mandate, which was to look into the disclosure of the verbal leaks and of the diplomatic memo? If you can't call the Associated Press and you can't get in contact with them, doesn't this effectively limit your ability to complete your mandate?

Mr. Kevin Lynch: No, I think the... I'll turn it to my colleagues, but what I tried to do in my opening remarks and in the report is describe how we tried to deal with this, which was to spend an inordinate amount of time with the Canadian officials of interest—ministerial staff and public servants who had the document or possibly had access to it—in very structured interviews, examination of e-mails, and other things to see if there was any information or evidence from that side.

Hon. Navdeep Bains: I understand that very much, but it's the Associated Press that I'm concerned about—the fact that they had the memo and the fact that they actually had access to this memo. We want to know how they had access to the memo and who faxed them that memo. Effectively, that memo was reported.

That's really the issue here. That was part of the mandate, in my understanding. Part of the mandate was to find out the root cause of that leak and how they got access to that memo. Doesn't the fact that we can't even contact them, or that you chose not to—because you gave it consideration, but didn't follow through—limit your ability to complete your mandate?

Mr. Kevin Lynch: I'm going to turn to Mr. Cummins in a second, but we clearly spent a lot of time with the investigators to try to determine who actually may have provided the report to the Associated Press.

Mr. Cummins, would you comment?

Mr. Patrick Cummins: To begin with, the investigation did get considerable information from the Associated Press indirectly through its contacts and its e-mails that it reported to the Canadian officials who initially heard from the Associated Press. It was very clear that the Associated Press, as is standard practice among most journalists, never discloses its sources, so in a sense going to the Associated Press and asking them who sent it is a bit redundant. It's just not going to happen.

A second and more important aspect is that when the Canadian officials were inquiring as to the validity of the document and whether it was actually a real government document, they were told that the Associated Press had received a facsimile copy and had retyped the copy they received. Now they didn't say it was to protect their source, but it's self-evident that's exactly why they did it, so picking up the telephone and asking the Associated Press who sent the fax when they had already clearly indicated they had taken the time to retype it was a non-starter.

In effect, the Associated Press, at least to two different individuals, did indicate the source of the document to the extent they were going to.

• (0920)

The Chair: Thank you.

We will go to Madame Bourgeois.

[Translation]

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Thank you, Madam Chair.

Good morning, gentlemen.

Mr. Lynch, I want to fully understand your reply concerning your mandate. If I understood correctly, you could not execute it on American soil.

Is that correct?

[English]

Mr. Kevin Lynch: We could not interview American citizens on American soil.

[Translation]

Mr. Yvan Roy: Perhaps you want a rather brief explanation of the situation.

Ms. Diane Bourgeois: A very brief one then. The situation is strange. When the event occurred, I think that the Americans were in a position to understand that it could affect the election campaign. They may have been prepared to accept allowing you to go further in your research.

Mr. Yvan Roy: I will attempt to give you a brief explanation. As recently recognized by the Supreme Court of Canada, there is a right in principle under which within the boundaries of a country, the government of the country concerned has full jurisdiction over its citizens.

Let's look at the opposite example. If FBI agents were to come to Canada and they wanted to speak to you, I think that you would be rather unhappy and you would ask yourself if your government tolerated that. That is the principle that applies in this case. For us to be allowed to go there as representatives of the Government of Canada—which investigators would be—this principle requires an agreement between the countries authorizing us to do that. The agreement requires communication. Now, the agreement that exists between the two countries is a treaty stating that in criminal cases, we can communicate and have access to people in the United States, provided that they accept to speak to us. We cannot compel them to appear before us. But in this case, the investigation showed that there

was no indication or any proof of any crime. The treaty I mentioned was of no use to us.

Ms. Diane Bourgeois: Did you nevertheless approach the U. S. government in order to take your investigation farther, mainly with the Associated Press? A little earlier, you said that you did not have the mandate. Did you take these steps? Did you ask that of the U.S. government?

Mr. Yvan Roy: Ms. Bourgeois, I don't want to be outrageously technical, but I must say that the Americans are, like us, governed by the rule of law. If that does not fall within a treaty such as... In the same way we would have to tell them that we are not in a position to provide them access if they were to make a request that was inconsistent with the treaty governing our relationship, that is what would have happened with the Americans.

Ms. Diane Bourgeois: After reading the investigation report, which seemed, following a quick assessment, well done, I had the impression that you did not have time to do a full investigation, that it was done quickly and that you did not have much time. Moreover, Associated Press had a copy of the report that contained some typos.

Did you find typos, or mistakes in a similar copy elsewhere? If you had been in a position to go farther, you would have perhaps found those documents.

Mr. Yvan Roy: I will give the floor to the investigators.

Mr. Patrick Cummins: We conducted the exercise. I personally verified the document that was provided by the Associated Press. That is where we found six typographical errors. Those errors occur when a document is copied by typing it. We also examined the documentation that four other media published. All of the typographical errors, without exception, from the Associated Press's document were found in the others.

Personally, that almost leads me to conclude that a single document was sent and that the same document was subsequently passed onto the other media. There were not several documents. I admit that I did not examine all of the copies from all of the media, but we examined three or four. That was part of the investigation. One of the documents subsequently received by a departmental employee contained the same errors, but in a somewhat different format. It may have been redone in WordPerfect rather than in WordDoc. The typing and spelling errors, namely "to" that became "too", which were not in the original, were found in all of the other documents.

• (0925)

Ms. Diane Bourgeois: So it was the same document that was in circulation everywhere.

Mr. Patrick Cummins: That is my conclusion, yes.

Ms. Diane Bourgeois: The report says, and Mr. Lynch also said in his introduction, that you checked all of the fax machines and computer equipment, and that you never found the origin of the document.

M. Patrick Cummins: That is correct.

Ms. Diane Bourgeois: That is rather astonishing. Everything is saved on a hard drive.

Mr. Patrick Cummins: The document as such was found on several occasions in the data. What we are telling you and what the report says is that we did not establish the origin of nor the way in which the copy was sent to the Associated Press. It is clear that we found the copy in the data at the Department of Foreign Affairs and the Privy Council Office. We found it on several occasions. However, no examination of the data from all of the departments, the embassies and the missions enabled us to find the source, the person or the machine that could have sent the copy to the Associated Press. We did not establish that.

[English]

The Chair: *Merci, Madame Bourgeois.*

We'll go now to Mr. Moore.

Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC): Thank you all. I should note, by the way, that this committee passed the motion on this subject matter without a witness list less than 48 hours ago, and all the witnesses agreed to come before the committee on such short notice. We appreciate your time and the speed at which you responded to this committee and for coming before us and providing us with the documents.

The clerk has a copy of the report. It can be circulated to the committee members, I hope.

I guess I'll start some questions with Mr. Lynch. During the course of your review, did the Prime Minister or his chief of staff ever try to influence the outcome in any way, or contact you during the course of your review?

Mr. Kevin Lynch: Absolutely not. At the outset, the Prime Minister said he wanted it handled totally separately from him and to have no contact with him or his office. And that's how we set up the investigation.

Mr. James Moore: Did you feel you had all the necessary resources at your disposal to conduct the review?

Mr. Kevin Lynch: Very much so. Indeed, given the complexity of going through the logs, as Mr. Cummins was describing, that was the reason Mr. Tardif decided it was essential to engage independent investigators with huge experience in this field.

● (0930)

Mr. James Moore: Can you describe the scope of the mandate that was given to you by the Prime Minister in examining this?

Mr. Kevin Lynch: In essence, it was twofold: one, to look into the allegations of alleged verbal disclosures by the two individuals; secondly, to try to find out who leaked the document in question. Those two elements, which are kind of separate, were the focus of the investigation, both by Mr. Tardif directing it and the two investigators.

Mr. James Moore: Have you used BMCI before? What was the decision to use them as the investigators?

Mr. Kevin Lynch: I'll turn to Mr. Tardif for that, if it's okay. He engaged the investigators.

[Translation]

Mr. Marc Tardif: In December, I had only been in my position for a short while. I went to that firm because it had been

recommended to me. The firm had already done a study of the physical security of our facilities.

The answer to your question is yes, we had done business with that firm in the past, not necessarily with the two people sitting at this table, but with another person from BMCI.

Mr. James Moore: Was it the first time that this team was dealing with the Privy Council Office?

Mr. Marc Tardif: Possibly, but I cannot confirm that. Perhaps the investigators could do so.

[English]

Mr. James Moore: Given that BMCI did the investigation as part of this review on behalf of the Privy Council Office, can Mr. Cummins and Mr. Bird give us a bit of background on BMCI, your organization, and whether or not you've conducted similar reviews in the past, in terms of scope?

Mr. Allan Bird (Principal, BMCI Investigations & Security Ltd.): I've only worked for BMCI for a short period of time, and this was the first investigation I was engaged on, so I have not previously worked with the Privy Council Office. I rely on my past time with the RCMP and CSIS for my investigative abilities.

Mr. James Moore: Mr. Lynch, one of the things I did want to touch on for only a couple of minutes is that the time on television when most Canadians turn away, they have these things called panels, where each political party puts forward its spokesperson to debate each other but not listen to each other. In the course of a number of these panels, I've heard Liberal members and NDP members say that your report shouldn't be read and shouldn't be considered because this was.... I remember distinctly one member of a panel saying these are Conservatives investigating Conservatives, and the member has challenged this report. You obviously haven't had a chance to respond. You're before a parliamentary committee right now. Many people have attacked the integrity of the work you've done. I invite you to respond.

Mr. Kevin Lynch: Thank you for that.

First, the role of the Privy Council Office is to provide non-partisan advice to whatever government is in power. That's their job. That's the role of the clerk. That's the role of every single official in the Privy Council Office. And that applies to every aspect of our daily jobs, whether it's investigations of this sort or anything else.

Secondly, this was a very extensive, independent, comprehensive investigation. I believe—certainly in my time as the Clerk of the Privy Council Office—it's the first time we have engaged an outside firm with the depth and the experience of BMCI to do such a thing. In fact, it's exactly the kind of rigour that I believe the Prime Minister asked us to bring, and also the independence that I insisted on. Mr. Tardif ran the investigation, worked with the two investigators, and the investigators are here today to talk to you. They did the investigation without constraint. The scope was clear. There were no constraints. The findings and conclusions that are in my report, for which I'm accountable, are validated by the investigators.

Mr. James Moore: During your investigation, did you encounter any evidence at all to suggest that there existed a deliberate attempt among any individuals to compromise the democratic primary process?

Mr. Kevin Lynch: I go back to the conclusions of the report. With respect to the alleged verbal things, I would reiterate what I said in my opening remarks vis-à-vis Mr. Brodie and Ambassador Wilson. With respect to the document, the investigators—again, I would encourage you to ask them—were unable to determine who leaked the report, to whom it was leaked, and whether there was only one leak. But I think, as Mr. Cummins was replying to Madame Bourgeois, given the extent of the distribution list—232 addressees—and the fact that the report was not classified, it made the investigation very difficult.

• (0935)

Mr. Patrick Cummins: To answer your question specifically, was there any evidence that there was any deliberate interference—I think that was it, Mr. Moore—the answer is absolutely not.

Mr. James Moore: In the report you concluded, “The original diplomatic report was incorrectly classified and had an inappropriately broad distribution list.” Can you elaborate on that, Mr. Lynch?

Mr. Kevin Lynch: Certainly. Indeed, one of the immediate decisions that the Department of Foreign Affairs took was to clarify—and I'd ask Mr. Meyer, perhaps, to speak to this in a moment to kind of clarify—where there is sensitive information, where there is information that relates to bilateral conversations, those sorts of recordings should be appropriately classified, which is not at the non-classified kind of level, they should be marked “please protect”, they should be sent in a confidential e-mail, and they should not be sent to a very large distribution system. Unfortunately, none of those measures were taken in this case.

Mr. Paul Meyer (Director General, Security and Intelligence Bureau, Department of Foreign Affairs and International Trade): If I could supplement what the clerk has said, I'd like to put it in the context that one of the key functions of our missions in the United States is to report on significant political developments. This is our principal ally, trading partner, etc. So on one hand we have to balance that role of ensuring that the many and varied stakeholders who have an interest in developments in the United States are given the best advice and reporting with, clearly, the requirement to protect sensitive information and sources.

The wide distribution template had been developed by our embassy in Washington to facilitate the dissemination of the sorts of things like the South Carolina primary and that information. Obviously, there's a different quality about privileged diplomatic interchanges, and the officer concerned failed to recognize that. I can assure you that this lapse was brought to his attention, both by his head of mission and our assistant deputy minister for North America, and I suspect that as a young officer having those senior colleagues remind him of those requirements, you can be fairly confident that there won't be a repetition in the future.

We've also taken the steps, as recommended by the report, to ensure that the guidance that was given to missions in the United States on this question has been extended to all our missions around the world, a reminder about the importance of protecting sensitive information in their reporting duties.

Thank you.

Mr. James Moore: Thank you.

The Chair: Thank you.

Mr. Angus.

Mr. Charlie Angus (Timmins—James Bay, NDP): Thank you very much for coming today. As my colleague said, we asked you to come on short notice, and we certainly appreciate the fact that so many have managed to come on 48 hours' notice. I think it recognizes that we all take this issue very seriously.

I was concerned when I read the report, because I feel there are a number of important questions that still remain unanswered. You are unable to tell us who leaked the memo. Are you able to tell us who authorized this memo to be given to such a broad distribution list?

Mr. Kevin Lynch: Why not ask Mr. Meyer? The distribution list was established within the Ministry of Foreign Affairs.

Mr. Paul Meyer: Again, one of the mistakes here was that the officer didn't follow the standard procedure, which is that there should be an authorizing officer, a secure officer, who is indicated on the message. This, again, was a mistake and it was brought to his attention. The guidance that we've sent out to all the missions has underscored the importance of following those procedures, particularly when sensitive political reporting is concerned.

Mr. Charlie Angus: Thank you.

This issue really has to be put in context as to why it became such a firestorm, because I think it is beyond the fact that a functionary at an embassy made a mistake. The potential of a Democratic campaign that was raising issues of NAFTAgate certainly had major implications for a minority government here that was seen as very wedded to free trade. We had a campaign.... Mr. Obama, in particular, was seen as very much on the rise, surprising people; these primaries were coming down to the wire, and the issue of NAFTAgate was putting a great deal of pressure on this government here. In fact, on the domestic front, we saw that as of February 21, the government was doing damage control, saying the Democratic contenders weren't serious about this, not to worry, not to worry.

On February 25, Mr. Brodie goes to Washington. So right at the beginning of this he's meeting in Washington. On February 26, Mr. Brodie, in the lock-up, is telling reporters not to worry. He's basically giving them his word that this is not a serious issue because they know what the Obama and Clinton campaigns are doing; it's just a lot of talk. On February 27, the very next day, CTV is in discussions with Ambassador Wilson about whether or not they've spoken with the Obama and Clinton campaigns, and it's reported that it's been confirmed. And then on March 2, the Associated Press has a diplomatic report sent to them and we can't find the source of it.

It seems to me that each step of the way there's a pretty clear prima facie case that a government that was trying to derail a Democratic debate over NAFTAgate was doing what it could.... I can't see how you could tell us that Mr. Wilson, a man with that amount of political experience, knowing the sensitivity of speaking out in a primary that was so serious, could claim that he thought he was speaking off the record.

Do you expect us to just take it at face value that this was just a small cipher clerk who made a mistake, that there wasn't someone within the Prime Minister's Office who needs to be held accountable for what looks like a seeding of a story to influence the Democratic primaries and throw the NAFTAgate story on its heels?

● (0940)

Mr. Kevin Lynch: If I can, Mr. Angus, I think you pose an important question. As I said at the outset, there were two separate lines to the investigation. The first related to allegations of inappropriate verbal disclosures by Mr. Brodie and Ambassador Wilson. In the report I present the findings of the investigators, which were that any comments that Mr. Brodie may have made during the Budget 2008 lock-up on February 26 did not reveal any information tied to the diplomatic report because he was only made aware of it on February 28. So what he may or may not have said in the lock-up bore no relationship to a document he had not yet seen, according to all our investigations.

Mr. Charlie Angus: But he was in Washington the day before, for talks. He came back to Ottawa. He must have had some authority when he was speaking to reporters. They would have seen that this man would have known what he was talking about, whether or not he'd seen the diplomatic report out of Chicago.

Mr. Kevin Lynch: I guess I was just first trying to establish the separation between the issue of comments made, or not made, in the lock-up, and the nature of them, and the link to the report. You started off in your question about how this relates to how something was classified in the Washington embassy. I think there are two elements to it. First is the issue of comments made in the lock-up, alleged comments by Mr. Brodie. We've now established through the timeline, which I think was a very important finding by the investigators, that in fact he had not seen the report on the day he was in the lock-up, and indeed, didn't see a copy of the report until two days later. Therefore, there's no evidence that he disclosed any classified information, because he actually didn't have the report at that time.

For Mr. Wilson, the investigators interviewed a great number of people to look at what he did or didn't say. Their views—and I can turn to them—were that there's no evidence the investigators could find that Mr. Wilson revealed any information tied to the diplomatic report or to any U.S. presidential candidate's position with respect to NAFTA, although his comments to reporters likely helped lead the reporters to the Senator Obama campaign. And there's no evidence from the investigators that Ambassador Wilson disclosed any classified information.

That issue we were talking about vis-à-vis the document is that when you send a document with no classification to a large number of addressees, that actually raises the risk of either unauthorized or inadvertent disclosure.

Mr. Charlie Angus: Sir, I worked as an investigative journalist for a while, and I often didn't start out with the document; I started out with the source.

So Mr. Brodie returns from Washington, and he has a supposedly off-the-record comment saying not to worry, the Obama camp's not serious, and then Mr. Wilson, on February 27, has a conversation. Now the journalists are starting to look; they figure there is a story.

So then they start contacting all their contacts, and someone produces a memo.

So I think talking about Mr. Brodie's not having seen the report prior to having that conversation and Mr. Wilson's not seeing the report is a complete red herring. Mr. Wilson would have known much more about what was happening in terms of the Obama and Clinton campaign than what's in a briefing note coming out of Chicago.

The question we have to get back to is why conversations were held by Mr. Wilson and Mr. Brodie on an extremely sensitive area, which basically forced the story to break before we had any leak coming out of Chicago.

This brings me to the recommendations. I find these recommendations to be like being stoned to death by popcorn. The first is that recipients of diplomatic reporting should be reminded on a regular basis of the sensitivity of such documents. I don't know why we'd have to remind diplomats of that.

Second is that any future undertaking signed by media representatives for admission to budget lock-up should clearly indicate that comments made by government officials or ministerial staff are on a background, not-for-attribution basis only, and be treated accordingly. This is basically saying that Mr. Brodie completely blew it, but we're going to blame the media for doing their job. Mr. Brodie was speaking about something that had nothing to do with the budget. He was seeding a story to undermine a democratic campaign. That has nothing to do with the budget. He should be responsible for any of those comments he made, whether they were made in a budget lock-up or whether he was saying it in a bar or on an airplane.

This leads me to the last recommendation. You're suggesting the response to this is to make a new online training course available to all users in the diplomatic corps so they understand how to deal with such situations in the future. I don't really know how the Canadian public could be expected to think that this is a report that addresses the seriousness of having an ambassador and a spin doctor for the PMO seeding a story that interfered with and undermined—and potentially could have completely damaged—the campaign of Mr. Obama.

● (0945)

The Chair: Thank you, Mr. Angus.

We'll go to Mr. Silva.

Mr. Mario Silva (Davenport, Lib.): Thank you, Madam Chair. I also want to thank the witnesses.

Mr. Lynch, in the overview, the summary of your report, you basically concluded that the investigation was unable to determine who leaked the report, to whom it was leaked, or whether there was any one leak. In layman's terms, what you are saying is that the report was unable to get to the bottom of it.

The first four of your recommendations, as was already stated by my colleague, are extremely weak. They just remind everyone of their responsibilities and talk about training sessions.

Do you think that's acceptable for the public, given the fact that this is a serious issue here, a breach of confidential information and political interference in the U.S. democratic primaries? Do you not see that, given the nature of the scandal, the public was warranted, as were we, as parliamentarians, something much more substantial than asking people to be reminded of their responsibilities?

Mr. Kevin Lynch: If I may start, in the Privy Council Office and across government, as senior officials we take the protection of sensitive information extremely seriously. It's a complex process, how to do it.

There were two elements to this. First there was the issue of the report itself—who had access to it, who it could be made available to, what its classification was. Clearly, one of the recommendations and one of the learnings from this is that sensitive diplomatic reporting has to be better classified and better controlled. So the fact that it wasn't strikes me as making the recommendation rather valid for the future. I don't find that to be an invalid or invaluable recommendation, but given the circumstances, rather essential. People change jobs, circumstances change. In a sense, security and protection of documents is an issue of continually reminding folks of the value of what they have and how to deal with it.

Second, it would be nice if every investigation found all the objectives. That's not the case. I think it's true, and I'm sure our two investigators would say, that in any world we don't always succeed. That's not to say the investigation wasn't of a high quality, wasn't comprehensive, wasn't definitive. I believe that to be the case.

It was not, though, notwithstanding all the efforts that Mr. Cummins and Mr. Tardif describe in the report, able to determine who leaked it to whom or in how many cases.

● (0950)

Mr. Mario Silva: Do you not believe that in fact this particular leak did impact the U.S. primaries and did have, and will have, consequences for our relations with the U.S.?

Mr. Kevin Lynch: That is not really for me to form an opinion on. My role in this was to try to investigate the two issues on which the Prime Minister asked us to give our best possible advice.

Mr. Mario Silva: You have no opinion in that regard, yet we certainly raised it in the House many times and there certainly is a belief out there, and there was even a U.S. reporter who said that this had a serious impact on the U.S. primaries, particularly on Mr. Obama's campaign.

You don't have an opinion, or you do not wish to state an opinion, on that, yet your report basically states that they were unable to determine whether there was a leak. So you're not really stating anything much. I'm not sure what exactly your report comes to conclude, other than to remind people of their responsibilities and that you were unable to get to the bottom of it.

Would you not think there should at least be more of a public inquiry or more of an in-depth investigation? Why just put a stop to it there by saying, well, we were unable to get to the bottom of it and we are just going to remind everybody to do their job, and then expect the public, and we, as parliamentarians, to accept that conclusion?

I just don't get it.

Mr. Kevin Lynch: Let me go back to the nature of an investigation, actually. You can't operate on speculation; you can only operate on the basis of empirical evidence, and that's what the two investigators and Mr. Tardif were engaged in. We spent an enormous amount of effort to try to find who did the things.

As I indicated early on, there was no evidence of criminal wrongdoing that came forward after the two months of work by the two principal investigators, both of whom are very seasoned investigators in national police forces. That is a lot of effort.

Secondly, I think the report does give people a much greater sense of what the timeline and sequence of events was relative to the various views and perspectives that were around at the time.

Thirdly, we're able to determine, to the best of our knowledge, what Ambassador Wilson may or may not have said—and Mr. Brodie.

So I actually think that for an area that was complex with a lot of unknowns at the time, the report has carried us forward.

Mr. Mario Silva: I don't think it is speculation to say there was a leak. There certainly was a leak, so that's not speculation. It is also not speculation to say there was no interference in the U.S. primaries, because there certainly and clearly was interference. In fact, it was picked up by the U.S. media, and it did have an impact on Mr. Obama's campaign. So these are not speculations; these are actually reported stories out there in the public.

The other comment I would like to make is that it seems to me, in reading your chronology, that the fingers always point to Ian Brodie, the chief of staff to the Prime Minister, yet there is no conclusion here at all in that regard. All the attribution is toward him.

So how do you reconcile the fact that there is a pointing of the finger toward him, and yet there is nothing in your conclusions that would support that?

Mr. Kevin Lynch: First, let me start by saying that I indicated clearly that the purpose of this investigation was not to take a view of the impact of this, but to try to find out what was said. The Prime Minister, in the House of Commons, stated clearly that the leak of this particular document was not only regrettable—and our embassy in Washington has already said so—but also completely unacceptable to the government. So I think the Prime Minister, on behalf of the government and the House of Commons, indicated his concern about the impact.

My task was actually to investigate the alleged leak, but not to take a view on the impact in the United States.

The Chair: We will go to Madame Faille.

[*Translation*]

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Thank you, Madam Chair.

My committee colleagues have asked several questions. One thing appears to stand out, and I don't know if that happens at other committees. I am referring to the Privy Council Office's lack of credibility in this affair, in terms of the way it is managing it. I don't understand. I have worked in international affairs. Given all of the recommendations on management and the sensitivity of information managed by the embassy in the U.S., I believe that rigorous procedures are used to select staff. I find it shameful that we are being led to believe that the embassy was placed in a position of weakness.

When we read the report, we can't see how any conclusions can be drawn. There are so many "maybes". The text is written in the conditional tense. There are whole areas information that were not subject to the investigation. We cannot call this document an investigation. We can consider it a preliminary analysis of what occurred. It says here that you verified the distribution of the report, that you learned that reports may have found their way into the hands of many other people and that you needed more resources and time.

Did you ask for additional time to complete this report?

• (0955)

Mr. Kevin Lynch: I will ask Mr. Cummins to answer your question. As I said earlier, the investigation was conducted in a comprehensive fashion. If you have specific questions regarding the [*Editor's Note: Inaudible*], I think it would be helpful to obtain some answers. Perhaps Mr. Cummins could speak to you about the investigation.

Mr. Patrick Cummins: I don't know where in the report it says that we needed more time.

Ms. Meili Faille: It says:

In light of the diplomatic report's extensive distribution,...

Mr. Yvan Roy: What page are you on, Ms. Faille?

Ms. Meili Faille: I am on page 6, point 4.2.2. The paragraph continues this way:

...interviewing every recipient of the report would have required considerably greater resources and much more time than were available for the investigation. In the interests of conducting the investigation in a thorough yet timely and cost-effective manner, the Director, Security Operations, PCO, concluded that a comprehensive examination of electronic transmissions and telecommunications involving all report recipients within the Government of Canada constituted an efficient filtering mechanism.

So in order to save time, you did not investigate all of the recipients.

Mr. Patrick Cummins: That decision was made when the scope of the investigation was defined. For this very important investigation, the time factor was crucial. If we had had to verify 232 addresses—the number is perhaps higher, because some of them are general addresses—the investigation would have required more than two investigators, who could have conducted it in two or two and a half months.

Ms. Meili Faille: Thank you. I understand your limits regarding the investigation, but some of the information could have been obtained from the Privy Council Office, staff could have helped you target certain individuals. You said earlier that you could not

investigate Americans, but you are undoubtedly aware that Canadians are working on the Obama and the Clinton campaigns.

Do you have the names of these individuals? Did you raise the possibility of cross-referencing this information and investigating these people?

Mr. Patrick Cummins: I must admit that I do not see the relevance of going to see Canadians—we call them *crats*, among other things—who are working for Obama or Clinton. What could these people have told us about the memo that ended up at ABC? Our mandate was to investigate to determine who had disclosed the memo and what Mr. Brodie and Mr. Wilson allegedly told reporters in order to establish a—

Ms. Meili Faille: These people may have had friends among representatives at the embassy, and there may have been a specific interest there.

Mr. Patrick Cummins: Ms. Faille, you must—

Ms. Meili Faille: Did you go to the embassy?

Mr. Patrick Cummins: Yes, madam.

Ms. Meili Faille: To the embassies in Chicago and Washington?

Mr. Patrick Cummins: We met with the Chicago and Washington staff on Canadian soil.

Ms. Meili Faille: The ones who wrote the report?

Mr. Patrick Cummins: Yes.

Ms. Meili Faille: But you met with them on Canadian soil. Did you go on site to see how they managed unclassified documents?

Mr. Patrick Cummins: Yes, we went to Washington.

Ms. Meili Faille: Very well. How do you dispose of unclassified documents?

• (1000)

Mr. Kevin Lynch: I will ask Mr. Meyer to talk about documents at the Department of Foreign Affairs.

I want to add something to what Mr. Cummins said. Since the document was distributed to 232 people, we decided, at the time of the investigation, to investigate only a subset of those people, while carefully managing the risks in order to obtain the best results. Therefore, the people that Mr. Cummins and Mr. Bird—

Ms. Meili Faille: I understand what you are trying to do, but I am going to complete my remarks.

The Chair: Thank you, Ms. Faille. We will come back to you later.

We'll go to Mr. Kramp.

[*English*]

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): Thank you, Madam Chair. Welcome to our guests today.

I must say, when I was listening to Mr. Angus across the floor, with reference to his past history as a journalist, I thought maybe he was preparing for his next career as a novel writer, someone along the lines of a Grisham, with regard to *Conspiracy Theory* and *The Pelican Brief*, and I didn't know where we were going.

But Mr. Cummins, I just ask to be put on the record again, because I do believe it is absolutely crucial. You led this review, correct?

Mr. Patrick Cummins: With my colleague, Mr. Bird, yes.

Mr. Daryl Kramp: So the two of you either were the principal investigators and/or set the course and direction for the review. Is that correct?

Mr. Patrick Cummins: That would be correct.

Mr. Daryl Kramp: Then on the record, did you find any deliberate attempt to affect the Democratic primaries?

Mr. Patrick Cummins: As I previously responded to Mr. Moore, there was absolutely no evidence established to suggest in any way, shape, or form that that transpired.

Mr. Daryl Kramp: Thank you.

By the very nature of this motion, where it actually questions whether this review was appropriate, I think the opposition has really attempted to portray this review and your review as doubtful or inappropriate. So really I think what they are doing is putting in question the veracity and depth of your review. I think it's imperative that this committee should feel either confident or not confident in your abilities as an organization to conduct a review of this capacity.

I'd like to know a bit about your background. I understand we can't ask you for your list of clientele, due to the very nature of your business. But perhaps you could give us some background.

Mr. Patrick Cummins: I joined the RCMP in 1967. I retired in 2001. I have been working in various capacities since then.

I worked with Commissioner Roy Romanow on the health care commission.

I did an operational review of the RCMP international liaison and training program in 2002-03.

From 2003 to 2007, I was one of two investigators for the tribunal of inquiry into the An Garda Síochána with respect to certain misdeeds of the Gardai in the County of Donegal in the Republic of Ireland. My role was to conduct the interviews, do research, establish international best practices, advise the tribunal with respect to what these best practices were and where to find the subject matter, identify subject matter experts and where to get these subject matter experts, and arrange for them to attend in the Republic of Ireland. Among other things, the subject matter expertise was with respect to ballistics, handwriting, document examination, and, more importantly, interview techniques and interview questions as best practices from around the world. I arranged to have people from Canada, the United Kingdom, and New Zealand attend as expert witnesses before the tribunal.

In the RCMP, I had considerable experience as a detective inspector on a number of high-profile document leaks, including the constitutional document, and some of you might remember the more recent alleged budget leak, otherwise known as the Doug Small affair. I was an investigator on the constitutional document leak. At the point of the Small affair, I was the director of national security investigations responsible for those kinds of investigations that potentially involve the Official Secrets Act.

I've done a number of other politically sensitive investigations on behalf of the Speaker of the House of Commons and others.

So my expertise in many cases was essentially in breach of trust, the former section 118 of the Canadian Criminal Code. There's not much more I can tell you.

● (1005)

Mr. Daryl Kramp: Well, honestly, I think all of us are quite impressed. But I think a point that needs to be made is that obviously you have extensive experience—multi-discipline, multi-level—in dealing with matters of security and investigation and of review.

In this particular review you've just completed, were you directed to do anything untoward and/or different? Or did you follow the best practices that you have in previous investigations?

Mr. Patrick Cummins: It was very clear when we set out the scope of work and the nature of the work...the question was asked by the president of BMCI, because he was very concerned, with respect to the reputation of BMCI, that they be seen to be, and would be, given unfettered discretion. The question was asked and the answer was given, were there any places we could not go? We were assured by the project authority, on behalf of the clerk, that there were no places we could not go if the evidence was there to bring us there. That was actually quite reassuring.

Mr. Daryl Kramp: But obviously you found this case quite complex. Were there a variety of areas that concerned you deeply? Did you have to use any different strategies or tactics that you would ordinarily not use, or has this been a pattern that you have used successfully in the past?

Mr. Patrick Cummins: I would say it's a pattern that was governed by the general principles of audit and review, objective fact-finding. You set out a work plan, you agree to the work plan, and you follow it through.

There was no need or requirement to adopt specific strategies or subterfuge or anything like that. There was a limitation of scope with respect to the ability to investigate in the United States. And I will say personally to this committee that I would have refused to have conducted an investigation in the United States, because I will not put myself and my family in jeopardy of contravening a law of the United States for which I can end up in jail for two years. I wouldn't have done it as a member of the RCMP and I certainly won't do it as a private citizen or a private investigator.

Mr. Daryl Kramp: Were you inhibited in any way, or did you feel you had adequate resources to complete your review?

Mr. Patrick Cummins: With respect to the scope of the review that was set out, I believe we had adequate resources. It was time-sensitive. Time was of the essence; I'm not denying that. Was there was some pressure—I wouldn't say "pressure" in this sense, because that would be misstating it—or some desire to have it completed? Yes, there was a desire to have it completed, and we did complete it on time and according to work plan and as extensively as we might otherwise have done.

The Chair: Thank you.

Mr. Bains.

Hon. Navdeep Bains: Thank you very much, Chair.

Your report concludes that it is probable that Ian Brodie spoke to a reporter on the subject of NAFTA. In my opinion, I interpret that very clearly that he did speak to a reporter. And to the fact that he didn't reveal or convey any confidential information, he is a person who has sensitive diplomatic information, confidential information. He is the chief of staff for the Prime Minister. I don't think he needs to give specific memos or line items to convey a message. A simple comment from him carries a great deal of weight. So I think there is a bit of confusion here.

He might not have given a memo per se, but with even a comment made by him regarding this matter, it doesn't matter if he got the name "Clinton" or "Obama" wrong; the fact that he is a chief of staff who has confidential information...his indiscretion caused this leak, and I think that's a given from the report. That's the way I interpret it and many Canadians interpret it.

The motive is something I know, Mr. Lynch, you don't want to comment on, what the motive might be for the chief of staff of the Prime Minister, a Conservative chief of staff, with close ties to the Republican Party, to make this comment. Maybe that's an issue that can be discussed later.

Mr. Daryl Kramp: On a point of order, Madam Chair, my colleague obviously made a statement regarding association or ties to various other political entities in other countries.

Hon. Navdeep Bains: What's the point of order to the issue?

Mr. Daryl Kramp: I don't believe that is relevant to this—

The Chair: Mr. Kramp, that's not a point of order.

Continue, Mr. Bains.

Hon. Navdeep Bains: Thank you very much, Chair.

The issue of criminality has been raised a few times, and I think that's a red herring as well. I think this is a breach of trust. Confidential information was leaked, and damage was done to our international reputation. If we really wanted to, I genuinely believe we could have found the source of the leak.

One of the questions that comes to me—and, Mr. Lynch, perhaps you could speak to this—is the whole notion of a conflict of interest. You have a very close working relationship with the chief of staff, Ian Brodie, and you're asked to conduct an investigation that really looks at Mr. Brodie and his indiscretion as a person who actually started this, I would say, fiasco, or this international problem or incident. You're asked to conduct an investigation of a person with whom you work very closely. Does this pose a conflict of interest of any kind?

• (1010)

Mr. Kevin Lynch: Let me start with your last question: no, it does not. As I said earlier, my role is to be absolutely non-partisan in all my dealings with the Prime Minister and his office, including when the Prime Minister asks us to investigate.

What we did as well in this case was to ask Mr. Tardif to be the centre of this investigation, not me. I'm accountable for the results. I'm accountable for the report. I'm actually very pleased with the rigour of it. But it was a report that was done independently. We engaged a firm with, I think, a great reputation to do it. It was directed by Mr. Tardif. My instructions were that they should go

where the investigation took them. So that is the independence of the report.

I'd like to go back to your earlier question about Mr. Brodie and what we say in the report. If you think back to that point in time, I think there was a lot of uncertainty and questioning about what Mr. Brodie may or may not have said. In the conclusions of the report, I think the investigators have brought much greater clarity than was available at the time.

They indicate that although there are differing views, the best evidence we have is that it's probable that Mr. Brodie spoke to the reporter, in the lock-up, on the subject of NAFTA, and that he may have told them that there had been contact between Senator Clinton's campaign and the embassy in Washington. That's not Senator Obama's campaign and what's in the report, and I think that's a substantial difference. I think the work of the investigators has helped clarify that.

Hon. Navdeep Bains: No, I agree, Mr. Lynch, but in the context that... In terms of whether it was Clinton's campaign or Obama's campaign, our being unable even to get CTV reporters in to interview them has caused a bit of the ambiguity that exists. I think that would have been clarified.

The point is that he is the chief of staff, he has access to confidential information, and his indiscretion caused this incident to occur. That's the point I wanted to make.

Mr. Lynch, if you don't mind me asking, one of the names brought up by the media as a possible source of the leak—this was done after the report came out—was Frank Sensenbrenner. He's the son of a Republican Congressman.

Did this name ever come up in the investigation? Was he ever interviewed? Is this someone who was sought after, or were any questions asked, regarding his role in this investigation?

Mr. Kevin Lynch: I'll turn to the investigators in a moment, but first I can tell you that Mr. Sensenbrenner's name was not on the list of the 232 individuals who received the report.

In the report, as you'll note, not all the folks interviewed have been named. That's because of the privacy acts in Canada. We are not allowed, by law, to name the people who do not work for the Government of Canada. That applies to everyone not working for the government who was interviewed by the investigators.

Mr. Patrick Cummins: The extensive—and I mean extensive—review of electronic communications over a 24-month period was done with respect to exchanges that may have transpired between certain parties and certain ministerial officials and others. I can assure you that there is absolutely nothing—and I mean absolutely nothing—in those exchanges over that 24-month period that would suggest in any way, shape, or form that those individuals' connections with any official of the Government of Canada were anything other than legitimate political exchanges and activities.

I would go further to say that, if anything, the documentation would suggest that the individuals had nothing to do with the disclosure as alleged. It's been my approach, all through my career in the RCMP and elsewhere, that it is quite improper for somebody to be approached on speculation, on unfounded speculation. There was no evidence whatsoever to suggest that this gentleman was involved in the unauthorized disclosure.

Mr. Chair, I'm not disputing Mr. Bains' characterization of the confidential information, although I would invite the committee to consider that the comments made by Mr. Brodie were comments that were in the public domain. They were not confidential. It was not confidential diplomatic information.

The investigation established that those kinds of observations and comments were swirling around the Capitol in Washington at the time. It was a topic of conversation in the same way that the World Series would be, or the Stanley Cup would be in Canada, in terms of who was saying what. There were commentators on both sides of the spectrum making observations, whether it was serious or not.

So I'm not here to replace—

• (1015)

Hon. Navdeep Bains: No, I understand where you're coming from. In light of the time, I just want to say your point is well made, but when the chief of staff makes a comment, it carries a lot of weight, and that's my point.

The Chair: Thank you very much, Mr. Bains.

We'll now go to Mr. Albrecht.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Thank you, Madam Chair. In spite of your earlier ruling that the issue was pertinent to our committee's study today, I want to remind the committee that the committee is meeting to determine whether the scope of this review was appropriate.

In that vein, I want to follow up on an earlier question that Mr. Kramp offered in regard to the methodology that was used. Item 3 on page 2 of the report indicates the following:

The investigation was carried out in a comprehensive, systematic and impartial manner aimed at reaching the stated objectives, in accordance with standard practices of the Association of Certified Fraud Examiners, and with prescribed practices and procedures of the Institute of Internal Auditors. Generally accepted investigative standards were followed to ensure that sufficient and appropriate empirical evidence was obtained to determine the veracity of allegations that form the basis of this report.

That reminds me of the line at the end of my financial statements by my auditors, which says "This was done with generally accepted accounting procedures". I certainly believe that, and I value this statement.

Could you just give me, in maybe two to three minutes, a bit of a breakdown as to what those generally accepted practices are? I know that's asking a lot in a short time, but I think it would be helpful for a layperson like me to understand what that is.

Mr. Patrick Cummins: Am I allowed to refer to a document here?

It's standard practice that you clearly set out the scope of the activity, your mandate, what is being sought, and the direction your

activity is going to go. You agree in advance to the methodologies that are going to be used to determine how this is going to be done. You familiarize yourself with the work practices and the activities of the client. In this sense, since it was the Government of Canada, with which both Mr. Bird and I have considerable experience, it wasn't a question of learning about the operation of the machinery of government or international investigations. It was using the accepted practices with respect to ensuring the main objective and sticking to fact-based findings, avoiding speculation. In effect, you can substantiate with a

[*Translation*]

supporting document

[*English*]

one way or another.

I'm jumping ahead here, in effect. Then once you've actually gathered the information from all the different sources, whether those are open sources, data communications, fax logs, telephone logs, BlackBerry logs, or several thousand pages of electronic data, which is reviewed and analyzed and timelined, then you prepare your report.

I must say, sir, the easiest thing in the world is to prepare the report once the timeline is concluded. The timeline is the bugbear of everything. The timeline establishes what can be in the report.

You do that, and then in the case of BMCI, once we've done that, there's the quality assurance process during which the president makes sure that every statement we have in that document can be backed up by a primary source of one nature or another. It could be an interview note. It could be a newspaper article, Associated Press information, or whatever. But every statement in that report must be capable of being backed up by some substantiating document.

• (1020)

Mr. Harold Albrecht: Thank you.

I would like to proceed now to a question for Mr. Meyer, and again remind everyone that the purpose of this committee is to review the scope of the report and its conclusions.

Mr. Meyer, as the Department of Foreign Affairs representative here today, do you feel comfortable with the report that was tabled, and were the scope and the objectives that were set out met?

Mr. Paul Meyer: First, just to clarify, this was a PCO report and a PCO investigation. We weren't the project authority. We were facilitating the PCO-directed investigation.

But in regard to our assistance, we were led by the requirements of the investigators and tried to meet their needs as comprehensively and as fully as we could. We ourselves did not have a role in setting scope or objectives. Those were PCO's decisions.

Mr. Harold Albrecht: Could you comment on your comfort level with the report's recommendations?

Mr. Paul Meyer: I think it's a very solid report. Two of the recommendations are explicitly addressed to the Department of Foreign Affairs and International Trade. We fully concur with them, as well as the finding that the diplomatic report out of our consul general in Chicago had been inappropriately classified and distributed too broadly.

The Chair: Thank you.

We will go to Madame Bourgeois.

[*Translation*]

Ms. Diane Bourgeois: Thank you, Madam Chair.

Gentlemen, at the beginning I said that I could not correctly assess your report. Having listened to you for an hour and a half, I can, nevertheless, share with you my vision and my conclusions on this issue. I am going to make some comments, but you are not obliged to respond.

Mr. Lynch, in your opening remarks, you said that the investigation was comprehensive and independent. I believe that it was independent. However, I doubt that it was comprehensive, since as you said yourself, the deadlines were too short. Because you did not have enough time and there was not sufficient investment in this investigation, your report contains a great deal of "maybes".

For example, in the second-last paragraph on page 6, it says:

[...] there are indications that information about the meeting between Senator Obama's advisor and Consul General Rioux was known to the media prior to this date, possibly as early as February 28.

There it says "possibly". In the second-last paragraph on page 8 it says: "there are indications that". On page 9, it says, in paragraph 5.1: "it appears probable". There are a great deal of "may haves" and "it appears". Never does this report, except perhaps when it addresses the facts, mention that you have found such and such a piece of information, and never do you make definitive statements. I find that there are a great many "may haves", but that is an opinion.

Mr. Cummins, I do not think that you were given all of the necessary authority. The Canadian press at the time reported that representatives of the government had indicated that they were not looking to discover the source of the initial leak. Perhaps there could have been an agreement with the U.S. government to contact Associated Press. When you receive a fax, there is always a number that enables you to trace the origin. I don't think that you were given all of the necessary authority to conduct a comprehensive investigation which, in my view, was well done. I believe, like the journalists of the day and everyone else, that it was in the interest of someone somewhere to leak the information. History may perhaps reveal more about this.

The Department of Foreign Affairs, staff and officials seem to have made a considerable number of mistakes over the past few years. I find that very damaging and astonishing. I have travelled, and I have met these people. They seem to me to be highly competent and professional, but for some time now, they are always mixed up in situations that show some incompetence or lack of experience and professionalism. Moreover, the recommendations in the report are always made with reference to staff at the Department of Foreign Affairs. However, I am not convinced that these people

are responsible for all of the leaks and the mistakes made by the Department of Foreign Affairs that are currently in the news.

I will stop here, and I thank you for having appeared before us.

• (1025)

The Chair: Thank you, Ms. Bourgeois.

Do you want to respond?

Mr. Kevin Lynch: Perhaps I can respond.

[*English*]

There were four basic points that you made; first, that there was not enough time. I suspect investigators would always say they'd like more time, but I believe Mr. Cummins and Mr. Bird were absolutely definitive that they had found no evidence whatsoever to suggest criminal activity. The definitiveness of their conclusion in that timeframe to me suggests that the timeframe was adequate for them to arrive at their conclusions and the findings in the report.

Second, I think Mr. Cummins and Mr. Bird actually said quite the opposite concerning whether or not they had enough authority. They felt they were given complete independence, and indeed our instructions were that they could go wherever they thought the investigation should go, as seasoned, extremely experienced investigators.

Third, on the United States, I think we have described that it's not a matter of authority but a matter of law and treaty, and therefore it's not an issue that either the investigators or we could affect.

Fourth, may I say concerning the Department of Foreign Affairs that I think we have talked about the specifics, but I must say, I would not generalize this. I have just come back from Afghanistan, where I spent ten days with not just the Canadian Forces but with men and women of Foreign Affairs. I think they're doing some absolutely remarkable things around the world. In no way, shape, or form would I generalize from the specific instance here, for which I think we have a remedy plan.

Thank you.

The Chair: Thank you, Mr. Lynch.

Mr. Angus.

Mr. Charlie Angus: Thank you very much.

I want to say how much I appreciate the time you have taken here, gentlemen. When I'm asking questions, it's not that.... I think you have done a very thorough job, given the task at hand. My question is, are we looking for the same thing?

I think the issue of timelines is crucial here. There's a ten-day period when this story begins to take off, from February 21, when the government is doing damage control over the Democratic primaries, to March 1 or March 2, when AP says they have the memo. Now, you've chosen to focus on the memo, but I think the real issue here is the seeding of the story.

I'm a big fan of movies. I watched *Wag the Dog* I don't know how many times, and in *Wag the Dog* they bring in Robert De Niro to offset a politically damaging issue. He begins to seed the story. Of course, there's no such thing as a B-3 bomber; who said anything about a B-3 bomber? And the next thing we know, we're talking about the B-3 bomber, as opposed to the scandal.

So we have Mr. Brodie in Washington on February 25, at the same time as this issue of NAFTA and the Democratic primaries becomes a hot political issue, and he says he doesn't remember getting briefed on anything to do with NAFTA and says perhaps there was an informal discussion on NAFTA. So we're to take it that the Prime Minister sends Brodie to Washington to discuss everything under the sun but NAFTA, but maybe they discussed NAFTA.

On February 26 he spoke to a reporter in the lock-up. We know that. Either the reporter is lying or he just doesn't do his job.

On February 27, Ambassador Wilson gets a call from CTV and is asked to confirm whether it was Clinton's camp who was sending the messages not to worry about the position on NAFTA, and Mr. Wilson doesn't really give us a sense of what he told them, but CTV goes on the news that night saying that it was a top staff member from the Obama campaign who telephoned Michael Wilson and told him not to take this rhetoric seriously.

Now someone had to clarify that story. Someone had to clarify what Mr. Brodie said, and CTV is very clear that it was Michael Wilson who did it.

On February 28, Mr. Wilson speaks with them again. Of course, this time he has someone in the office with him when that phone call takes place. But CTV stands by their story—

• (1030)

The Chair: Mr. Angus, Mr. Kramp has a point of order.

Mr. Daryl Kramp: My point of order is that our motion, Madam Chair, said “the scope”. It did not detail the investigation itself.

If we're going to talk about the particular investigation, that is a different thing. We're talking about the scope of the investigation. So we are—

The Chair: Mr. Kramp—

Mr. Daryl Kramp: —not heading in the right direction.

The Chair: My understanding is that this is what Mr. Angus is questioning.

Mr. Daryl Kramp: Then let us get to that.

The Chair: Please, let's return to Mr. Angus.

Mr. Charlie Angus: Thank you, Madam Chair. I understand my colleague is getting a little rattled by the line of questioning because it's going back again to the role of the PMO in this.

So CTV stands by their story. It's a very serious thing when an ambassador for Canada says, “I wasn't quoted”, or “I was misquoted”, or “That's not true”, and CTV stands by the story and Michael Wilson says, “Oh, well, there may have been 'miscommunication'.” That, to me, is diplomatic jive for “I just shot my foot off.”

It's after this that someone produces the memo. The question here is why we are focused on the memo and not on the fact that there's a clear lineup of involvement of a PMO spin doctor and a PMO political appointee who have obviously spoken to the media to try to derail a story that affected the U.S. presidential primary but had to be derailed because it was threatening the credibility of a prime minister in a minority situation.

Why not look at that?

Mr. Kevin Lynch: I can start by saying what I said at the outset.

The scope was to look at both, to look at the allegations of alleged verbal disclosures, what they may or may not have been, who they may have been delivered to, and the issue of the unauthorized disclosure of a sensitive diplomatic report, both of which were important at the time and became the scope of what the Prime Minister asked us to look at.

If you look at our report, Mr. Angus, you'll see that in the timeline we and the investigators have tried to sort out, in a sense, the various kinds of interactions and now provide a much greater clarity about what people may or may not have said than was available as speculation at the time. I think that's why it's very important, as Mr. Cummins mentioned, to establish the timeline first and foremost.

Mr. Charlie Angus: Thank you for that.

I guess my concern is that in the recommendations, who gets the blame? It's the unknown staffers. There is nothing in this that says that there has to be responsibility taken by the Prime Minister's spin doctors and by political appointees who are ambassadors not to shoot their foot off and influence and interfere with the U.S. primary. That, to me, is the fundamental recommendation that's missing.

Speaking of recommendations, I was very interested when Mr. Cummins said very clearly—and I think he's correct—that Mr. Brodie hadn't done anything wrong. You said that his comments were in the public domain, that they weren't confidential, and that it was just as though people were talking about the World Series. He didn't leak anything. No, he didn't leak anything; he was seeding a story.

Yet the one recommendation that's very clear is that when people like Mr. Brodie seed stories to the media, they are not to be named. That's very clear in here. Mr. Brodie is to be exempted so that he can go into a lock-up or he can go anywhere and seed stories to influence a media story. Yet the media are being told to treat this as confidential when clearly the investigators didn't see Mr. Brodie's position as confidential. Why the contradiction?

Mr. Kevin Lynch: I'll turn to Mr. Cummins in a moment, but the comment on the budget lock-up speaks to the issue of clarity of the rules of the game. In a budget lock-up, you have complex budget documentation. You have a great number of officials from various departments and you have people from ministers' offices there.

Mr. Charlie Angus: He was not speaking about the budget. He was seeding a story about the U.S. Democratic primary, which is completely different. I think Mr. Cummins is correct. That wasn't confidential information.

Here was the Prime Minister's chief spin doctor, taking him aside and saying he had just been in Washington and not to worry because this NAFTA stuff was going to blow over, and we had it on good authority. The media should not be on the hook for keeping their mouth shut when they're told that.

Mr. Kevin Lynch: Mr. Angus, I guess the intent of the recommendation is not to put anybody on the hook, but to be absolutely clear about the rules of the game for everybody. If you want officials to provide the maximum amount of information of all sorts in budget lock-ups, then you'll have to be clear it wasn't directed at anyone, and it's actually just for the budget lock-ups to work around.

•(1035)

Mr. Charlie Angus: But it's directed at the media. You're protecting the ass of the PMO spin doctor. There is nothing in these recommendations that says that people like Ambassador Wilson need to go back and get trained on how to speak to the media on such a sensitive issue, or how Mr. Brodie has to actually take responsibility.

We see in these recommendations that we're going to do an online training course for diplomats, because they didn't somehow know their job. Mr. Brodie doesn't have to worry, because from now on if media are going to be allowed into a lock-up they have to keep their mouths shut about what stories are being seeded to them, or who is seeding them.

Mr. Kevin Lynch: I'll turn to Mr. Cummins, but I'll just reiterate that you raised the recommendation about the rules of the game for the lock-up. I was just being very clear that if everybody in a lock-up understands the rules, it works well. There is a lack of clarity. It's useful to have that clarity or else it will not work in the way it's worked for many years, which I think has been effectively.

Mr. Cummins.

Mr. Patrick Cummins: I wanted to bring a point of clarification. I believe Mr. Angus on two occasions indicated that Mr. Brodie doesn't remember speaking to the reporter, and that either the reporter is lying or Mr. Brodie is lying.

Maybe I misunderstood your characterization. You will hear from Mr. Brodie later himself, so he can speak for himself. But Mr. Brodie has never denied to us and I should say he has always recognized that he did speak to the reporter in lock-up. That's never been an issue. What he doesn't remember is speaking about NAFTA.

Mr. Charlie Angus: That's the issue we're talking about. We're not talking about the budget, and whether he spoke to them. It says he doesn't remember speaking to them about NAFTA.

Mr. Patrick Cummins: That's right. But he never denied speaking to reporters, actually, in the lock-up.

Secondly, my observation and characterization of the information he provided was that it was in the public domain. All I can tell you is that that was being talked about in the capital, and I can assure you that in the investigation there is no doubt that there was no briefing on NAFTA for the chief of staff by anybody at the embassy.

That was not the purpose of the trip, and it was incidental. It would have been a discussion, but only in the same vein that it's a

topic of conversation pertinent today around the Hill. That's all I'm saying.

The Chair: It appears there may be a vote. We will find out the length of the bells.

We will take a break to vote, and if we're finished with these particular witnesses, we will come back for the next witness. There are more questions.

I'm going to make a comment here. There are thousands and thousands of these diplomatic notes that float everywhere around the word every day. It's passing strange that somehow this one surfaced just at the right time.

Unfortunately for you, gentlemen, you made a report about the machinery of government. From what I can see, there's a lot more politics than machinery of government. You can only make comments on machinery of government. Therefore, your report is as complete as you can make it. As Mr. Cummins said, you cannot go and interrogate the Americans.

Politics has really been at play here rather than the machinery of government, and somehow the leak of the particular document happened at a very opportune time for some.

An hon. member: That's speculation.

The Chair: It is speculation on my part, but it's a fact that your report cannot go into politics; it's not your job.

Mr. Daryl Kramp: The chair is coming to conclusions on her own.

The Chair: It's not your job. So I thank you for your report.

Mr. Brown wishes to speak, I think. We can take a few more questions, and then we will break.

Mr. Patrick Brown (Barrie, CPC): Thank you, Madam Chair.

Part of the problem is that we have discussions like this and some people adopt the approach that if you say a false allegation ten times it becomes correct. A false allegation is a false allegation, and unfortunately some people on the other side of the table don't seem to comprehend that.

I have a few questions to help clarify the matter. The first one is to Mr. Lynch.

To be clear, can you assure the committee that there was no political influence before, during, or following the conclusion of the review?

Mr. Kevin Lynch: Absolutely.

Mr. Patrick Brown: Are you confident that this report reflects an accurate representation of the events as they occurred?

•(1040)

Mr. Kevin Lynch: This completely reflects the investigative findings of the investigators.

Mr. Patrick Brown: I have a question for Mr. Cummins.

In your opinion, how complex was this case?

Mr. Patrick Cummins: It was reasonably complex. I mean, you had missions around the world. The clerk has indicated that there were 232 recipients, literally around the world, so the complexity of recovering end data was... I'd have to defer, as I'm not a technical expert with respect to data recovery and what not. I have been involved in a number of investigations that have required it, and I always relied on experts to do it.

I can tell you that the Department of Foreign Affairs, through the PCO and the IT, managed to recover an incredible amount of all the data that was requested, which we had identified as we felt it was appropriate during the time period. Sometimes we'd go back and they'd have to reload. As far as the technicalities, I would leave it up to them. But we got that information.

At the same time, the PCO provided all the information we had requested with respect to the telephone logs and the fax logs from the embassies, the missions around the world. Everywhere that document had been sent or received, that information was recovered and analyzed. In that sense, you may not say it was complex, but it was quite complex from my perspective.

Plus, you have the distinction of the different roles between the embassies and the PCO, and the PCO and the PMO, and the information. But I can tell you that everybody, without exception, was incredibly cooperative. We did not meet a reluctant witness who wouldn't come forward. As far as Mr. Bird and I were concerned, they were open and honest and forthright with respect to what they knew and what they didn't know.

I think it's important to reflect that the embassy personnel, the consulate personnel, the PMO's office, the PCO's office, DFAIT, literally everybody we approached responded in an expeditious and forthright manner. We found no reluctant witnesses. We didn't find any flubbing. We did go back to some witnesses on more than one occasion. I think it's important, Madam Chair, to indicate that was not because they were suspected of anything; it's because as a result of subsequent interviews they were in a position to add clarity. I went back to one young staffer four times because he was in a position to provide me with additional details in certain matters.

They were very, very cooperative, and I might say extremely distressed over the consequences of this unauthorized disclosure.

Mr. Patrick Brown: It's certainly encouraging to hear that you had no reluctant witnesses. It certainly augments the credibility of your review that you were able to get such cooperation. It's certainly encouraging.

How lengthy was the list of the individuals you interviewed?

Mr. Patrick Cummins: As the report states, 36 individuals were interviewed. I think there were 52 or 53 interviews of 36 individuals.

Mr. Patrick Brown: What was the length of those interviews, to give us an idea of the thoroughness?

Mr. Patrick Cummins: They could vary.

I'll start from the back and go forward. Some of the return interviews could be as short as a minute. It would be a question of asking "By the way, what date was this?" or "Do you remember...?" They could be a minute.

The primary interviews are the 36. I don't believe there was an interview of less than a hour. There were a series of questions. In many instances they were an hour and a half to two hours, and sometimes they were two and a half hours.

Mr. Patrick Brown: I have a question for Mr. Meyer.

Now that we've moved on from the fantasyland conspiracy theories of political interference, one thing that I think would concern everyone on the committee would be how to avoid a situation like this in the future. If there was some carelessness in the foreign service, how do we avoid that happening? Are there any measures you're taking to avoid anything that could potentially repeat itself?

•(1045)

Mr. Paul Meyer: Of course we rapidly involved remedial measures.

I would like to underline that in context this is extremely rare. We have thousands of communications going daily, and a leak of this nature in diplomatic reporting is extremely rare.

That having been said, clearly we have a system based on individual responsibility and we can't have a policeman standing behind every diplomat who is originating a message. We rely on those individuals to show good judgment. Obviously they get initial training, but we need to have refresher training. We need to improve the recommendation regarding the online security course, for instance. We think it is a valid recommendation. We are looking at developing that. We already have one relating to our classified communication system, the so-called C-5 system; if you are entrusted with a C-5 account, you have to pass an online security course before that account is activated.

In April we had our two deputy ministers send a broadcast message out to all staff reminding them of the importance of protecting information, referring them to the detailed guidance available on our Internet sites for all employees, and reminding them of protection-of-information courses available to employees. Obviously it's an ongoing effort to ensure that all those who handle such information are using it in the appropriate way, using the appropriate systems, and exercising good judgment. Clearly human beings are not infallible, but I think we can ensure that a high standard is maintained through such an active training program.

The Chair: Thank you.

We'll give you one question, Mr. Bains, and then we'll suspend to go and vote. We are going to return to hear from another witness after the vote.

Hon. Navdeep Bains: Thank you very much, Madam Chair.

Mr. Brown makes his point that there's some sort of conspiracy that this interfered in the U.S. elections. Ambassador Wilkins very clearly stated that this was interference. So I wanted to make that point.

Secondly, with all due respect to you, Mr. Lynch, and to all your colleagues, who have done good work, this is not targeted at you. This is incredibly frustrating. The purpose and the mandate of this particular investigation was to find the leaked memo and the source of that leaked memo, and the fact that you were unable to contact or even call the Americans who had access to this information is very frustrating, incredibly frustrating. That's really one of the purposes of our sitting here today: it's to find out how we could have avoided it or what else we could have done to essentially.... You could just pick up the phone and call them and say, "Look, I know there is this jurisdictional issue, but because of the nature and the seriousness of the concerns raised by this investigation and the fact that you are our number one friend, trading partner, and ally...."

As you said, Mr. Cummins, many of the people you contacted and called and spoke with were very cooperative. I understand jurisdiction is an issue, but because of the nature of this investigation it would be very easy to pick up the phone and ask. If they chose not to respond, that's a separate issue, but the fact that an effort wasn't made.... Consideration was given, but actually nothing was done about it, and that's the frustrating part.

I say this with the utmost level of respect to you and your staff in the work that you've done.

My question is with regard to the point I made earlier with regard to Mr. Sensenbrenner. I'm not here to smear any individual's name. I mention it because it came up in the media report and it speaks to the question. The report states that the names of a few U.S. citizens were raised as having access to the report. I'm just putting out names that we think have come up. Can you speak to those names and to who those people were? That would help us with our committee work here.

Mr. Kevin Lynch: Mr. Bains, I can't because they're covered under the Privacy Act of Canada. The only names that I can make available under the law are those who were employees of the Government of Canada. So it's not a choice that I have; my behaviour in this regard is governed by the law.

Hon. Navdeep Bains: Okay.

The Chair: Thank you very much.

We will suspend, but before we suspend, I don't believe we need to keep these witnesses here. I think they've done very well.

We thank you very much for coming before us.

Mr. Bains.

Hon. Navdeep Bains: With all due respect, Chair, I do have another set of questions, and I don't know if my other colleagues do as well. I think that given the fact that they came on such short notice, and given the nature of the questioning and the importance of this issue and the fact that this particular vote has come up and taken up committee time, I would strongly urge that, if the witnesses don't mind, we come back and continue.

The Chair: Perhaps you can prepare your questions and send them to them in writing. I think they've done very well by staying here this time.

Hon. Navdeep Bains: Oh, no, this is not speaking to their ability to answer. It's talking about the fact that we're short on time.

• (1050)

The Chair: We are going to be receiving another witness.

I thank our guests.

We will welcome our other witness. I expect that we will return here five minutes after the vote.

This meeting is suspended.

•

_____ (Pause) _____

•

• (1120)

The Chair: I'm going to call this meeting back to order.

We have before us Mr. Ian Brodie, the chief of staff to the Prime Minister.

We thank you, Mr. Brodie, for making the time to come before us. I know you have a very busy schedule and were unable to come at an earlier time. But the vote made your timing perfect, so thank you.

You know how it works. We give you a chance to have your say and then we question you.

Mr. Brodie.

• (1125)

Mr. Ian Brodie (Chief of Staff to the Prime Minister, Office of the Chief of Staff, Office of the Prime Minister): Thank you, Madam Chairman.

My name is Ian Brodie. I'm the Prime Minister's chief of staff. I've been Mr. Harper's chief of staff for nearly three years now. Before that, I was executive director of the Conservative Party of Canada, and prior to that, assistant chief of staff in the opposition leader's office. I am also on leave from the University of Western Ontario, where I am an associate professor of political science.

Earlier this year there were allegations in the House of Commons that I had leaked a memorandum from our consulate general in Chicago relating a meeting between one of our diplomats and an adviser to Senator Barack Obama's presidential campaign. These allegations were and remain completely false.

In response to the allegations, the Prime Minister tasked the Clerk of the Privy Council with investigating the unauthorized disclosure of the sensitive information in question. His investigation was given free and full access to everyone in the Prime Minister's Office, as well as all email records, telephone logs, fax logs, and any other information the investigators wished to review.

I myself met on two occasions with the investigators for a total of several hours and answered all of their questions. Eight other PMO staffers also met with the investigators and answered all of their questions. We cooperated with the investigation fully.

The report on the investigation, as you know, was made public on May 22 and contains a full report of the facts and conclusions it was able to draw. I draw the attention of committee members to page 9 of the report, where it concludes there is no evidence that I disclosed any confidential information in regard to this issue.

I can confirm to this committee that the Prime Minister was furious about the leak of the report from Chicago and remains furious about it to this day.

The Chair: Thank you.

Mr. Bains.

Hon. Navdeep Bains: Thank you, Madam Chair.

Mr. Brodie, thank you very much for coming before the committee.

I have a few specific questions. If you can address them, it would be greatly appreciated.

The first question is, did you speak to a CTV reporter, specifically at the budget lock-up, regarding NAFTA?

Mr. Ian Brodie: I think this is confirmed in the report that Mr. Lynch spoke about earlier today, yes.

Hon. Navdeep Bains: Okay, but I'm asking you. Did you speak to a CTV reporter regarding NAFTA?

Mr. Ian Brodie: I told the investigators I spoke to a CTV reporter during the course of the lock-up. I recall some specifics about our discussion on the subject of some of the measures in the budget. I don't specifically recall speaking to him about NAFTA, but I don't recall one way or the other, and the investigators have drawn a conclusion about that in their report.

Hon. Navdeep Bains: So you don't remember any of the contents of this conversation that you might have had with regard to NAFTA.

Mr. Ian Brodie: No, I don't.

Hon. Navdeep Bains: Okay.

If you don't mind my asking, why in a budget lock-up would you...? Do you think that would be an appropriate setting for this kind of discussion of NAFTA? You don't remember the content of it, but do you think that even speaking about this would be deemed appropriate in that context?

Mr. Ian Brodie: I was at the budget lock-up for a bit more than an hour that day. I spoke to a number of reporters about a number of subjects and answered their questions to the best of my ability. Not all of those questions dealt with the budget. Some of them dealt with speculation about Liberal Party responses to various government initiatives and so forth, and I answered those questions as well.

Hon. Navdeep Bains: As the chief of staff to the Prime Minister, you obviously have access to very privileged and confidential information.

Mr. Ian Brodie: That's right.

Hon. Navdeep Bains: You have a lot of information at your disposal, so when you speak to anyone on any subject matter, you carry a great deal of weight because of the position you hold.

In light of that, do you understand the ramifications, the seriousness of this? Obviously, you're saying that you don't recollect the content of the discussion, but the report states that it's probable the discussion took place, and on that probability it caused this international incident to occur, whereby it impacted and interfered with the U.S. elections and caused this international incident. Do you understand the ramifications and the seriousness of that?

Mr. Ian Brodie: The Prime Minister has spoken about it on several occasions in the House of Commons, and I would stand by his comments.

Hon. Navdeep Bains: Do you agree with Ambassador Wilkins, who said that he deemed this to be interference?

Mr. Ian Brodie: I'm not familiar with his comments.

Hon. Navdeep Bains: In a CBC radio interview, Ambassador Wilkins was asked what he thought of this particular incident and the way it unfolded. He deemed this incident and entire event, called NAFTA-gate, to be interference, in his interpretation. I was asking you if you agree or disagree with that.

• (1130)

Mr. Ian Brodie: I'd have to look at the context and the full report of his comments, which I have never seen.

Hon. Navdeep Bains: The report identifies PMO officials 1 and 2. Do you know who these officials are in the report?

Mr. Ian Brodie: I don't. I wasn't part of the investigation, so I don't know.

Hon. Navdeep Bains: But you did read the report.

Mr. Ian Brodie: Yes.

Hon. Navdeep Bains: So do you know who they might be? You do work in that office and you have access to these individuals.

Mr. Ian Brodie: As I said, because of my position vis-à-vis the investigation, I never went around the office to find out who was speaking to whom and I don't know the details. I haven't discussed the conduct of the investigation with any of the investigators. There's a reference to PMO official number 1 and number 2, but I don't know who they're speaking about.

Hon. Navdeep Bains: Prior to the investigation, did you speak to PMO staff regarding this issue and how this might have happened?

Mr. Ian Brodie: When it became clear that the report from Chicago had been leaked to Associated Press in Washington, I gather, I did speak to a number of folks in the office about how the report arrived in our office. So the answer is yes.

Hon. Navdeep Bains: On your own initiative as chief of staff, understanding the seriousness of the issue, did you make an effort to try to find out the source of the leak before the investigation was conducted?

Mr. Ian Brodie: I would say I made inquiries, but the investigation was launched shortly after the finger was pointed back at the Prime Minister's Office in relation to the leak, so it quickly took over the course of action.

Hon. Navdeep Bains: What did those inquiries determine? What was the outcome of your questions to your staff members and officials?

Mr. Ian Brodie: I had a clear idea, I think, of how the report had arrived in the office—in the first instance, how it arrived on my desk, and then ceded the remainder of the investigation to the PCO folks who were involved.

Hon. Navdeep Bains: How am I on time?

The Chair: You have two more minutes.

Hon. Navdeep Bains: As the seriousness of the situation unfolded, did you contact any U.S. political parties, anyone from the embassy that you know of, who spoke to the parties to give clarification? Did you have any contact with any of your counterparts in the United States to give clarification, from your perspective, of how the story was unfolding and your position on it?

Mr. Ian Brodie: No.

Hon. Navdeep Bains: You had no contact with any U.S. officials after the leak and prior to the investigation.

Mr. Ian Brodie: No.

Hon. Navdeep Bains: Mr. Brodie, since you understand that unfortunately the way the investigation was conducted it was unable to contact the Associated Press, key American witnesses who had or might have had access to the report, and the fact that CTV reporters were unable to collaborate or give their perspective and viewpoint, do you feel that the report and the mandate that was given was value for money? In your opinion, did the investigation and the way the investigation took place achieve its mandate, and was it value for money? Because it did cost the taxpayers \$147,000.

Mr. Ian Brodie: I'm not sure I'm in a very good position to answer that question. Keep in mind that I did not task the investigation. The investigation did not report back to me.

As I mentioned in my opening statement, I had two meetings with the investigators from the private firm that was hired by PCO. I spent several hours with them, both during the course of those two meetings and during the follow-up later that they asked for. I spent many, many hours on this.

The question of whether there was, overall, value for money on this is a question I think you should probably ask the Prime Minister during question period, since he tasked the report.

Hon. Navdeep Bains: I appreciate that, but I'm taking this opportunity to ask you the question. It's up to you if you want to answer or not, but the question is directed to you for your opinion.

Mr. James Moore: That's a subjective question.

Mr. Navdeep Bains: That's why I'm asking him to respond. If he chooses not to, that's understandable.

Mr. Ian Brodie: I really don't think I'm in a position to provide an answer.

•(1135)

The Chair: Thank you very much, Mr. Bains.

We will go to Madame Bourgeois.

[*Translation*]

Ms. Diane Bourgeois: Madam Chair, I will be sharing my time with my colleague, Ms. Faillie.

Good morning, Mr. Brodie. Thank you for coming. I'm having trouble understanding. You appear to be a victim, in this situation. While you are still on staff at the Prime Minister's Office, you won't be there much longer. Everything seems to indicate that is due to the events that have occurred.

Is that true?

[*English*]

Mr. Ian Brodie: No.

[*Translation*]

Ms. Diane Bourgeois: In a short while, why will you no longer be part of the Prime Minister's Office?

[*English*]

Mr. Ian Brodie: Well, as I said in my opening remarks, I've been chief of staff for nearly three years. On May 2 I celebrated my fifth anniversary on the Hill. The job, as I think my predecessors in the job would be quite happy to testify, is a 24-hour-a-day, 365-days-a-year job. Even during time that may be labelled vacation, there isn't really vacation time during the course of the job. I think if you look at the practice of previous chiefs of staff, two years in office is not an uncommon time. And after two and a half years in government, I've decided I'd like to do something else.

[*Translation*]

Ms. Diane Bourgeois: So you are also a professor.

[*English*]

Mr. Ian Brodie: I have a young family. I'd like to see them.

[*Translation*]

Ms. Diane Bourgeois: I understand. The position you have as chief of staff sometimes involves travelling in the United States. When did you travel to the United States in conjunction with this particular file? Do you recall the exact date?

[*English*]

Mr. Ian Brodie: Yes. As I recall—and it's listed in the report—the budget this year was on Tuesday, February 26. I was in Washington for the day on Monday, February 25.

[*Translation*]

Ms. Diane Bourgeois: At that time, with whom did you meet exactly? What individuals did you meet?

[*English*]

Mr. Ian Brodie: That's an interesting question, actually. As was reported earlier that month, I had earlier that month travelled to Paris, at the request of the Prime Minister, with a group of government and military officials following up on the Manley panel's report on the mission in Afghanistan.

I was in Washington on February 25 as part of the continuing follow-up. A group of us had a series of briefings with folks from a number of U.S. government departments about the Manley panel and the future of the Canadian mission in Afghanistan. I was the only political staff member on that delegation.

[Translation]

The Chair: Ms. Faille, the floor is yours.

Ms. Meili Faille: I will continue with the same line of questioning. On February 25, you had a conversation about NAFTA. How did this subject come up?

[English]

Mr. Ian Brodie: Well, I canvassed this fully with the investigators who were hired by the Privy Council Office, and I think their findings would guide you. I imagine that they spoke to some of the other folks who were there. I think there was an implication in the report that they spoke to other people we were dealing with at the embassy that day.

When we arrived in the morning, our first stop was at the embassy to meet Ambassador Wilson, some of his senior staff in the political affairs and advocacy divisions of the embassy, and some staff from the defence liaison office in Washington. This was to get us focused on the embassy staff's view of the play-out in Washington of the Manley panel—an up-to-date view of where they thought the Americans were in absorbing the implications of Mr. Manley's report and the government's response to it.

That briefing wrapped up earlier than we had expected, and we still had some time before our first encounter with U.S. officials. So at that point there was a more general discussion of the political situation in the United States, particularly vis-à-vis the unfolding presidential nomination race.

• (1140)

[Translation]

Ms. Meili Faille: Could there have been a misunderstanding involving embassy representatives with respect to the content of the conversation between Mr. Wilson, Canada's ambassador in Washington, and CTV?

On February 27, CTV reportedly broadcast aspects of this confidential discussion with Mr. Wilson despite the promise made to him that he would not be quoted in the report. Could the information that Mr. Wilson allegedly provided to CTV have been the subject of a misunderstanding involving the Prime Minister's Office?

[English]

Mr. Ian Brodie: Let me just clarify this.

When I was in Washington on Monday, February 25, meeting with a number of people at the embassy and some of the folks who had come from Ottawa that day, none of this was on the horizon at that point. I hadn't spoken to anybody at CTV at that point about NAFTA, or anything else. From what I understand of the timeline reported in Mr. Lynch's report, neither had Mr. Wilson.

So let me just ask for clarification. Are we leaving behind here the meeting of the 25th, and turning to a future discussion?

I don't know what you would be referring to by a misunderstanding between the Prime Minister's Office and Ambassador Wilson. I did not speak with Ambassador Wilson during this time, so I'm not sure there was a misunderstanding.

[Translation]

Ms. Meili Faille: So there was no communication between the Prime Minister's Office and the embassy with respect to the information leaked about NAFTA?

[English]

Mr. Ian Brodie: I'm not sure I'm in a position to say that, but I had no conversation with Ambassador Wilson from the time I left Washington on the 25th, that Monday, until after this entire story became public.

[Translation]

Ms. Meili Faille: You told the investigators that you were there to provide information to reporters and not to be quoted. With respect to previous conversations or the diplomatic report on the meeting between the representative from Mr. Obama's office and the consul general, is it possible that there could have been some elements in the report that were not to your liking?

[English]

Mr. Ian Brodie: I think the timeline that's set out in Mr. Lynch's report is quite clear: there were conversations with people on Monday the 25th, and conversations in the budget lock-up on the 26th. I didn't receive the report from the Canadian consulate general in Chicago until later on that week. As a result, the investigators and Mr. Lynch drew the conclusions that they did about what I said at the lock-up, and what the basis was for that.

The Chair: Thank you very much.

We'll go to Mr. Moore.

Mr. James Moore: Thank you very much.

Thank you as well, Mr. Brodie, for coming before the committee again on less than 48 hours' notice.

I do think it's important, because it's been tabled but not yet read, because the epicentre or purpose of this entire discussion at this committee is the Privy Council report, section 5.1, which deals with Mr. Brodie on this subject. I think it's important. I will just take a very brief second to read this. It says in the concluding statements:

There is no evidence that Mr. Brodie disclosed any information related to Senator Obama or his campaign.

Any comments Mr. Brodie may have made during the lock-up did not reveal any information tied to the diplomatic report, of which he was made aware only on February 28. There is no evidence that Mr. Brodie disclosed any classified information.

So I ask the simple question that we heard a number of times in the House of Commons: have you in any way deliberately tried to help or harm Senator Barack Obama's campaign?

• (1145)

Mr. Ian Brodie: No.

Mr. James Moore: Senator Hillary Clinton's campaign?

Mr. Ian Brodie: No.

Mr. James Moore: Senator John McCain's campaign?

Mr. Ian Brodie: No.

Mr. James Moore: Governor Romney's campaign?

Mr. Ian Brodie: No.

Mr. James Moore: While we're at it, Ralph Nader's campaign?

Mr. Ian Brodie: No.

Mr. James Moore: All right.

With regard to the handling of secret and classified information that comes into your disposal as chief of staff, with regard to this matter and the U.S. presidential campaign, tell us, to the degree that you can, about the procedures and responsibilities you have with regard to that information.

Mr. Ian Brodie: Thank you for that question.

I did discuss this in some detail with the investigators during the course of our two meetings. From time to time, as a result of my responsibilities, the Department of Foreign Affairs or the foreign policy staff in the Privy Council Office do have occasion to share diplomatic reporting with me on a variety of issues, and I appreciate that.

I would say I have a good familiarity with the classification system that's used to protect different categories of diplomatic reporting that we get from our missions overseas. It has been my experience that information of the sort that was in the report that came from the Chicago consulate general to me on February 28 is typically classified at the confidential or secret level.

So on February 28, when I finally received the text of the Chicago consulate general's report, I must admit it was a busy day. As you'll recall, I think I spent that morning here at this committee, asking to be heard on the Soudas investigation, and the committee declined to hear from me at that point. But I had spent the morning sitting here watching that committee hearing unfold.

I received the report from Chicago. The date and time are listed in the appendix of Mr. Lynch's report. Although I read the text of the report carefully, I assumed that it was classified at the confidential or secret level. It wasn't marked that way, and I must admit, I guess I didn't read the top routing information on the message. I assumed it was like other diplomatic reports I had seen in the past on the same sorts of subjects.

I handled it as if it were a secret document, printed it, read it, and then disposed of it by putting it in the confidential information shred box in my office here in the Centre Block. It was later taken by the authorized folks from the office, shredded and pulverized, destroyed.

So I read the report. It took me probably five or ten minutes to read it over a couple of times and absorb the report, and before I had even put it down, I walked over to the shred box and disposed of it securely.

That's my normal practice in dealing with diplomatic reports.

Mr. James Moore: Whenever there's a transition in a foreign government, whether it's incoming Mr. Sarkozy or incoming Prime Minister Brown—they have a campaign coming up, of course, in Great Britain, and in the United States there will be a transition in power from President Bush to whoever succeeds him—of course there is research that's undertaken by governments in terms of the

impact of whoever the next head of government may be in different countries. Who does that research, and to whom is that research handed?

Mr. Ian Brodie: I think that's a question that might be more fully answered by officials from the Department of Foreign Affairs. However, as I'm told you heard from folks early this morning from the Privy Council Office, because of the important relationship between Canada and the United States there are a variety of diplomatic efforts going on in the United States to try to understand the context of the ongoing U.S. presidential election and to prepare for the transition.

From what I understood during my trip to Washington on February 25, it seemed to me that the political officers and the advocacy staff of the embassy and Ambassador Wilson were fully engaged in trying to track the results of the election. I had gathered that pretty much all the consulates were involved in this effort as well, including the staff in the Canada-U.S. and North American division here at the Department of Foreign Affairs.

Because of the importance of the relationship across the border, from what I gather, there's a substantial effort under way to try to understand and interpret the results of the election for us.

• (1150)

Mr. James Moore: Section 5.2 of the Privy Council's report addresses the issue of Ambassador Wilson. I remember that at the height of this, when we were debating, if it can be called a debate in question period, about Ambassador Wilson, people were calling for Ambassador Wilson to be fired.

The finding of the report, in the final sentence of section 5.2, is: "There is no evidence that Ambassador Wilson disclosed any classified information."

Does the government continue to have confidence in Ambassador Michael Wilson?

Mr. Ian Brodie: Again, that's a question best addressed to the Prime Minister or the Minister of Foreign Affairs during question period, but as far as I can understand, the answer is yes.

Mr. James Moore: Thank you.

The Chair: Thank you.

Mr. Angus.

Mr. Charlie Angus: Thank you, Mr. Brodie, for coming again on short notice. We certainly appreciate your diligence in coming before us and answering questions.

I was intrigued by your opening statement, because I thought it might be based a bit on a misunderstanding of what you're being asked to discuss here.

You said you deny anything to do with the leaked memo and that this was an investigation into your role in a leaked memo. In fact, the report is about the issue of alleged verbal disclosure.

Did you read the full report, Mr. Brodie?

Mr. Ian Brodie: I read the sections that involved allegations about me closely. I can't say that I read the other sections of the report, the sections about Ambassador Wilson, quite as carefully. I read the sections about me quite carefully, yes.

Mr. Charlie Angus: You didn't think the others were all that relevant?

Mr. Ian Brodie: I read the entire report, but as I say, I paid close attention to the sections about me.

Mr. Charlie Angus: Okay, I wasn't sure from your answer.

In this report, the investigation concluded that it is "probable" that you spoke with a reporter on the subject of NAFTA. Do you agree with that conclusion?

Mr. Ian Brodie: Yes.

Mr. Charlie Angus: Do you remember what you said?

Mr. Ian Brodie: No. As I said earlier, during the course of the lock-up I was there for more than an hour. I spoke to a number of reporters about issues, both issues related to the budget and a couple of issues not related to the budget. I recall speaking to the CTV news reporter in question about a couple of issues related to the budget. I don't recall having a conversation with him about NAFTA.

Mr. Charlie Angus: The day before, you were in Washington. Did you discuss the Obama and Clinton campaign with Mr. Wilson while you were at that meeting in Washington?

Mr. Ian Brodie: No.

Mr. Charlie Angus: Did you meet with Ambassador Wilson?

Mr. Ian Brodie: Yes.

Mr. Charlie Angus: Yes, you did, but you never talked at all about the issue that was becoming a political firestorm back in Canada about the renegotiating of NAFTA.

Mr. Ian Brodie: No. The discussions I had were with other folks in the embassy.

Mr. Charlie Angus: On February 29, ABC News was reporting that according to "a source close to the...Prime Minister's office... Wilson exaggerated the communication between the Obama campaign and the Canadian official during discussions this week with the Prime Minister's Chief of Staff, Ian Brodie, who leaked the story to CTV."

You don't remember Mr. Wilson talking about this?

Mr. Ian Brodie: Let me clarify what the context of the discussions was on the 25th. As I said, when we arrived in Washington in the morning, our first stop was at the embassy. That's where I first met Mr. Wilson that day. There was a discussion at a table, probably as big as the table here, with a number of his political officers and advocacy officers—

Mr. Charlie Angus: I'm sorry, but I don't have much time. Did you discuss it or did you not with Mr. Wilson? Is ABC News wrong?

Mr. Ian Brodie: I would say that Ambassador Wilson was in the room, but I think the discussion was with other folks from the embassy.

Mr. Charlie Angus: It may have been about the Obama and Clinton campaign?

Mr. Ian Brodie: It was about the ongoing presidential race.

Mr. Charlie Angus: On February 27, CTV phones Ambassador Wilson and says it's the Prime Minister's chief of staff who has told him directly that it was Clinton making the overtures. Then

someone, whether it was Mr. Wilson or someone else, clarifies the story, and it becomes the Obama story.

That same day, a PMO staffer told you there was a copy of the report. You received a copy of this report. Were you aware of its potential political significance? The very next day it was leaked; within 24 to 48 hours that report was leaked. Were you aware that it could potentially change the course of the story, when you read that report, or was it just another briefing report?

Mr. Ian Brodie: No, I don't think it ever occurred to me that if the report became public it would be controversial. If I had thought about the possibility of its becoming public, I guess I would have drawn that conclusion, but as I responded to Mr. Moore, when I received the report I handled it as if it were a classified diplomatic cable from a diplomatic post abroad and disposed of it.

• (1155)

Mr. Charlie Angus: Thank you.

February 29, ABC News.... Now we have CTV in this story, which is claiming that they've spoken with Ambassador Wilson and also with you. ABC News now steps into the story and says that a source close to the Canadian Prime Minister's Office told ABC News.... And then they go on to the issue of the original communication between Senator Obama and the Canadian consul general in Chicago. Who was that source in the Prime Minister's Office?

Mr. Ian Brodie: Let me clarify. From what I gather of the media reports, they called it a source close to the Prime Minister's Office. In my experience, a source close to the Prime Minister's Office could be anybody who lives in Ottawa or any of us you've ever known.

Mr. Charlie Angus: Well, I'm sorry, but you're in the war room. Did you do any investigation to find out who that person was, or did you just accept that as a perfectly reasonable situation in a story that was completely blowing right through your office? Did you investigate and try to find out who that person close to the PMO was?

Mr. Ian Brodie: As I answered in response to an earlier question, I made some inquiries about how the report came into the office and how it arrived on my desk. At that point there was a PCO investigation, and I turned this all over to the investigation at the the Privy Council Office.

Mr. Charlie Angus: We're not talking about the PCO investigation. We're talking about the fact that ABC News said they talked to someone very close to the Prime Minister who confirmed this story to them.

Mr. Ian Brodie: Right.

Mr. Charlie Angus: And you're saying that could be anywhere in the Ottawa-Gatineau region, and as the man whose job it is to shut these stories down, you turned it all over because it was now about the memo. The memo hadn't leaked at that point.

Mr. Ian Brodie: Sorry, we may have said—

Mr. Charlie Angus: February 29, ABC News reports... So at this point, the memo hasn't even been leaked, but you have a copy of the memo. They say they've spoken to someone close to the Canadian Prime Minister's Office who has confirmed it was Obama who told them there was nothing to worry about on the NAFTA front. So someone at the PMO told ABC, which basically confirmed the story that CTV had been told, perhaps by you and by Ambassador Wilson. Did you take the steps then to track who that leak was?

Mr. Ian Brodie: I spoke to a number of folks within the office, a number of my staff within the office, including anybody who had any familiarity with this issue, as far as I could tell, as well as our communications staff. And I quite quickly came to the conclusion that this had not come from anybody on the Prime Minister's Office staff.

Mr. Charlie Angus: I have one last question here. You said you didn't remember any statements by Ambassador Wilson about interference. I'm just interested. That was a front-page *Globe and Mail* story at the height of one of the biggest political storms the Prime Minister is facing. And you don't remember that? Do you read the morning papers when they come in, to check what the political hotspots are?

Mr. Ian Brodie: Not typically, no.

Mr. Charlie Angus: Interesting. Thank you.

The Chair: Mr. Bains, I think you want to share your time with Mr. Silva, because we are running quite late.

Hon. Navdeep Bains: Thank you, Madam Chair.

Mr. Brodie, on page 16 of the report, it indicates that at 14:35 PMO official 2 informs you he has a copy of a report about a meeting in Chicago involving the Obama campaign. Shortly thereafter, at 15:28, this PMO official provides a diplomatic report to you. Who is that PMO official, Mr. Brodie?

Mr. Ian Brodie: PMO official 2, I gather—well, I know—provided full cooperation to the investigators hired by the Privy Council Office.

Hon. Navdeep Bains: No, I understand the cooperation, but who is this person? That's what I'm asking.

Mr. Ian Brodie: I'm not in a position to be able to provide that information to you, since they have some Privacy Act rights and have not waived those.

Hon. Navdeep Bains: Okay. Do the names Keith Fountain or Daniel Reid ring a bell in terms of any discussions you might have had with them prior to the investigation about NAFTA and this particular issue? Do these names ring a bell, and do you recall any discussions you had with them prior to the investigation?

• (1200)

Mr. Ian Brodie: No.

Hon. Navdeep Bains: So you had no discussions with them prior to the investigation regarding NAFTA, the leak, the whole incident with the primaries in Ohio and Texas, no discussion whatsoever.

Mr. Ian Brodie: No.

Hon. Navdeep Bains: Thank you very much.

The Chair: Mr. Silva.

Mr. Mario Silva: Thank you.

Mr. Brodie, on February 25 you had a meeting where there were discussions about NAFTA. Was that meeting a confidential or private meeting, or a public meeting?

Mr. Ian Brodie: It was a meeting in a boardroom at the embassy with embassy officials, some military officers, and other public service officials we had brought with us as part of the delegation that day.

Mr. Mario Silva: I'm going to assume from your answer, and also from the report here, that the meeting was a private meeting, not a public meeting, and that it was confidential as well.

Mr. Ian Brodie: I'd accept that characterization.

Mr. Mario Silva: Now, you made some assumption that the information you were getting from the Democratic campaign was related to the Clinton campaign. Is that correct?

Mr. Ian Brodie: I don't recall that.

Mr. Mario Silva: So you don't recall whether you believed it was from the Obama campaign or from the Clinton campaign?

Mr. Ian Brodie: No.

Mr. Mario Silva: So you made no assumption at all at that time whether the information was coming from the Obama or the Clinton campaign?

Mr. Ian Brodie: I don't recall.

Mr. Mario Silva: Okay.

So regarding the information that you relayed to CTV during the lock-up, when you mentioned you believed there was possible mention of NAFTA, was that divulging information that you believed was confidential at that time?

Mr. Ian Brodie: Well, my disadvantage here is that although I recall the conversation I had with the CTV reporter during the lock-up in regard to two items related to the budget that was under discussion at that point, I don't recall a discussion with him about issues related to NAFTA. I can say that whatever conversation I would have had would have been in the context of a good Canada-U.S. relationship and in an effort to generally downplay or put into context disputes that might arise in the Canada-U.S. relationship.

Mr. Mario Silva: It's interesting, because the whole focus here has been about the leaked memo, but there is, I think, a much more interesting point to be made. I think something that is really disturbing is the fact that you had a private meeting in the embassy where there was discussion about NAFTA, and you went into a lock-up and there's a possibility that you may have talked about NAFTA. There's also a possibility you might have in fact talked about the Clinton campaign—we're not sure.

Were you trying to slam the Clinton campaign or the Obama campaign? What was going through your head at the time you had this discussion that arose from a very private, confidential discussion you had in the embassy?

Mr. Ian Brodie: I'm not sure I would accept the premise of your question, sir. I would refer you to page 9 of the PCO report, as I did in my opening remarks, and as Mr. Moore did earlier.

The conclusion of section 5.1 of the report says there was no evidence that I disclosed any classified information. That was in regard to discussions I had with a CTV reporter at the budget lock-up.

Mr. Mario Silva: Did you maybe get the facts wrong? Did you actually think you were—

The Chair: Thank you very much, Mr. Silva.

Mr. Mario Silva: —talking about the Clinton campaign when you really meant to talk about the Obama campaign?

The Chair: Mr. Silva, thank you very much.

We're going to end this meeting with Madame Faillie.

We're going to give you a very short question, Madame Faillie. It's noon, and we're already way past our time.

[*Translation*]

Ms. Meili Faillie: Thank you, Madam Chair.

I would like to go back to my previous question. You said that you were in Washington on February 25 to discuss the Manley report, one month after it was released. You also stated that you received the diplomatic report from the Associated Press on February 27.

When did you find out that such a meeting had been held in Chicago?

[*English*]

Mr. Ian Brodie: The timeline in the annex to the PCO report is important.

• (1205)

[*Translation*]

Ms. Meili Faillie: When did you know that there was a report and that a meeting had taken place on February 8?

The official report was published on February 13. So 14 days elapsed before you were informed about it. Now, you are trying to make us believe that the briefing binder prepared for you by the Privy Council Office for your visit to Washington made no mention of this meeting nor of the notes pertaining to this report when in fact

eight people from the Privy Council Office had a copy of this report in their hands as did 212 employees from the Department of Foreign Affairs.

[*English*]

Mr. Ian Brodie: Let me complete the answer that I was going to give you a moment ago.

The timeline in the annex to the PCO report is quite clear. It reports that on February 28, at about 2:35 in the afternoon, I was informed that the office had a copy of a report about a meeting in Chicago involving the Obama campaign. So I think that's clear.

[*Translation*]

Ms. Meili Faillie: I am not asking you when you got the report. When did you find out that there had been a meeting and that that had been discussed? Are you now maintaining that your briefing notes contained no information on NAFTA?

[*English*]

Mr. Ian Brodie: Let me be clear. I found out about the meeting between the diplomats in Chicago and someone from the Obama campaign on February 28. The briefing materials that we had to prepare for the trip on February 25 related to the purpose of the trip on February 25, which is in relation to follow-up to the Manley panel.

I know that some of these things get widely distributed at the Department of Foreign Affairs, and there are often hundreds of people at Foreign Affairs engaged on sometimes important files. For the most part, I'm completely unaware of the work they do until it becomes important that I become aware of what they're up to. And since the meeting on the 25th was not to discuss NAFTA or the ongoing presidential campaign, but the Manley panel report, all the briefing materials I had to prepare for the meeting on the 25th related to that.

The Chair: Thank you very much, Mr. Brodie.

Have a good summer, everybody.

The meeting is adjourned.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.