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# Standing Committee on Public Safety and National Security

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EVIDENCE

**Tuesday, June 10, 2008**

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**Chair**

**Mr. Garry Breitkreuz**

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Tuesday, June 10, 2008

• (1540)

[English]

**The Chair (Mr. Garry Breitkreuz (Yorkton—Melville, CPC)):** I'd like to bring this meeting to order.

This is the Standing Committee on Public Safety and National Security, meeting 36, and we're studying security issues raised by the former Minister of Foreign Affairs.

I will give an opportunity for the cameras to be removed from the room.

I'd like to welcome to our committee Mr. Michel Juneau-Katsuya, a former senior intelligence officer at the Canadian Security Intelligence Service.

The usual practice at this committee, sir, is to allow you an opening statement of approximately ten minutes, and then I'm sure there'll be some questions and comments.

We have a slightly abbreviated session because of the votes. I hope you understand.

We won't waste any more time. We'll let you go ahead, and if there's any other introduction of yourself that you think I've omitted, please do that at the beginning.

**Mr. Michel Juneau-Katsuya (Former Senior Intelligence Officer at the Canadian Security Intelligence Service, As an Individual):** Perfect. Thank you very much, Mr. Chairman.

I think copies of my introductory comments have been distributed. They are in both English and French. Please allow me to read them to keep a coherent line in my discourse.

[Translation]

Mr. Chairman, committee members, good afternoon.

First of all, I want to thank you for inviting me to share my experience and expertise with the members of the committee. I also want to emphasize that I have not prepared a brief, in view of the fact that I have come to testify today at the committee's request.

I therefore put myself at your disposal to share with you my observations, based on my experience of over 30 years now in the security and intelligence field, 21 years of which I spent with the RCMP and CSIS.

[English]

Since I am appearing at your request and on short notice, I was unable to prepare a suitable translation of my initial comments. I

hope you will forgive me for that shortcoming and allow me to continue mainly in French for the introduction. I will, of course, be totally comfortable in answering any questions in English as needed.

[Translation]

In the hope of helping you determine the situation more quickly, I'd like to present an initial summary assessment, as I see it. Note that my review is based on information made public in the media, and at no time have I had access to privileged or classified information from any governmental department or agency.

My study is based on my knowledge of the field and of federal government policies that I used and applied over more than two decades. To that, I add my knowledge of the constraints, often unknown to the public, facing government investigators responsible for security clearance investigations.

[English]

From a point of view of security, and strictly security, I regret having to say that the unfortunate situation of Mr. Bernier does not strictly concern his private life. The epicentre of this case questioned the integrity and measures put in place to protect classified information and the individual handling of it, as well as the reputation and credibility of the Canadian government.

To that end, it is necessary to recognize that for several decades and well before Sept. 11, 2001, tireless work was carried out by security specialists of the Canadian government to establish and set up a system aimed at ensuring the protection of not only information, but also the individuals who are in possession or in contact with this information. With this intention, a combination of actions was implemented, from the use of technology to investigation and routine monitoring.

[Translation]

For individuals, everything starts with an investigation and monitoring of the private lives of persons cleared to have access to our national secrets. It goes without saying that there are limits to the demands on and intrusions into the private lives of federal employees and our elected representatives. However, it must be recognized that it is necessary to take the searches and questions to a certain level, one moreover that is reached with the permission and consent of the individuals who have sought to obtain security clearance.

The purpose of the first investigation is to determine and judge their integrity, reliability and vulnerability. As a Canadian, I am pleased and proud to know from experience that a balance has been established in recent years. The system's integrity is based on three components that evolve between the need for government investigators to know, institutional interference and individual responsibility. The RCMP or CSIS cannot be asked to monitor employees 24 hours a day, seven days a week, even less to monitor our elected representatives or persons holding ministerial positions.

The contrary could lead us into a system such as that which the United States experienced at the time of J. Edgar Hoover, where the management of a country's security was dominated by suspicion and paranoia. Even worse, the excesses in the name of security could result in an affair similar to Watergate. However, when these institutions are solicited, it is their duty to inform authorities of a potential or immediate threat that has been detected.

● (1545)

[English]

This is where there is a balance between the need for the government to obtain more information from its employees and the right of these individuals to privacy.

It is necessary to remember that when an individual receives a security clearance there is a contractual agreement. I will be coming back to this notion of contractual agreements, because it is the epicentre of the notion of responsibility, which is carried by the individual as well.

This contractual agreement between the person and his or her department could translate roughly, if I can paraphrase, into: "We will not search continuously in your private life; we will not watch you constantly. But in return, you must report to us any situation that could, according to you or any reasonable person, be exploited against you and possibly drive you to act in such a way as would endanger national security or your life."

The concept of contractual agreement is very important in this case in order to understand the limits that the system has self-imposed to prevent abuses of an inquisitive nature.

[Translation]

That said, I sincerely believe that we have in place one of the most sophisticated and professional systems in the world. It is constantly reviewed and improved by government experts. Is it perfect? Probably not. As Montesquieu said, as long as there is man, there will be manipulation. In security, the human factor is always the weakest link.

With your permission, I would like to briefly provide you with some more specific observations on Mr. Bernier's unfortunate situation. This matter is essentially two matters in one. From a national security standpoint, there are two central components and a number of subcomponents and subsequent ramifications.

The leaving of documents classified "Secret" in an unauthorized place and in the possession of an unauthorized person is the first aspect; then there is Mr. Bernier's relationship with a person who by the admission of that person, has had relations with influential members of organized crime.

I'm going to start with the leaving of classified documents.

[English]

According to the information obtained, and in light of Mr. Bernier's confession, it is obvious that there was a breach of security. Such a situation is clearly identified in the federal government's policies concerning handling classified information and is regarded as being a serious incident that can lead, according to the circumstances and the documents involved, to dismissal of the employee.

In this case, however, important questions remain. Once again, strictly from the point of view of national security, an investigation by the RCMP is required. It is essential at this point to determine the extent of any damage and to try to circumvent the negative effect.

This responsibility is all the more important because the information left at Ms. Julie Couillard's residence related to NATO and was therefore received from our allies. There are thus three groups concerned that now need to know the range of the damages.

[Translation]

They are government officials, be they employees of the Department of Foreign Affairs, the Prime Minister of Canada or security officers; our international partners, both our NATO allies and all the other countries sharing confidential and privileged information regarding military, security, trade or other matters; and the Canadian people, who every day confide personal and confidential information in the expectation that it will be protected.

With respect to the first group, it is imperative that we get to the bottom of the matter in order to estimate the damage, but especially to determine improvements that can be made to Canadian protection policies and to the management of classified information and documents in order to ensure the system's integrity.

For our international partners, it is fundamentally important to know whether this situation is exceptional or whether it represents a systemic problem. The sharing of privileged information is crucially important in the context of our relations with allied governments, and the leaking of classified information can have a significant impact on Canada's reputation and the present or future trust that is placed in us.

With your permission, I would like to make an incidental remark here. With respect to Canada's reputation regarding security, we are lucky that we have an excellent track record. It is well known internationally; and that is why many people will view this situation as extraordinary, in the strict sense of that word, that is to say that it is not normal. As a serious-minded country with an excellent system and highly professional officials, Canadian is known and indeed envied. I do not believe it is hard to restore the situation with our allies, but somewhat embarrassing explanations will be necessary.

The Canadian people, like the other two groups, need to know that this situation is not the norm, but especially to rebuild the confidence it must have in the integrity and professionalism of the people who work for the government, among both elected representatives and officials.

I now turn to the second aspect of this matter: Mr. Bernier's relationship with a person linked to organized crime.

•(1550)

[English]

As I mentioned earlier, the management system for classified and significant information starts with establishing a system based on shared responsibilities between few parties. For the purposes of our discussion today, I would like to regroup them as follows: the management; the individual who receives the security clearance; and the agencies responsible for security, including DFAIT, PCO, the Prime Minister's Office, and any official agency responsible for investigating or protecting the information. Each one has a role and well-established responsibilities, which are defined in various policies of the public office.

Obtaining a security clearance is not a right, but a privilege, a privilege that is sealed by a contractual agreement between the individual who receives it and the Canadian government. When a person is in a job that requires them to read or handle classified information, this person must initially qualify to obtain a security clearance. A request from management, via the department's security officer, will be sent to CSIS, who will perform the necessary investigation.

In this case, because of Mr. Bernier's high-profile position, he was to receive a top secret, special access security clearance, the highest within the federal government. This level three clearance requires an investigation of that person's last twenty years. A form must be completed and submitted that lists biographical data, including names, date of birth, and the current addresses of all members of his or her family and immediate in-laws; additionally, his or her old residence; schools, when needed; former employers; and two references are also included. Thereafter, a specialized CSIS investigator will go to these various places and interview the neighbours, former employers, landlords, and any other people deemed necessary. This is the standard for federal employees.

[Translation]

The answer to the question whether spouses of elected representatives are investigated is yes. They are indirectly. Here I mean that it goes without saying that that person is not the main subject of the investigation, but, in certain aspects of the interviews conducted in the field, the investigator will seek to learn a little about that person.

For example, he will investigate present and past neighbours to gain a better understanding of the couple's profile and character. He will definitely seek to know what kind of relations he had with them, their general conduct and, as necessary, will ask questions about the quality of their personal relationship or of their personality. Once again, the purpose of these questions is to determine the main points of the investigation involved in ascertaining the individual's integrity, reliability and vulnerability.

Once the investigation is complete, the results and recommendations are forwarded to the department concerned. If a delicate point has been determined in the investigation, which does not result in the automatic rejection of the application but is a problem, the entire matter is discussed with the manager responsible who, in a number of cases, will have the prerogative to decide whether he can live with the situation. In other words, he is responsible for managing the risk.

When the person is accepted, the contract is signed with him or her. That person must undertake to protect the information presented to him or her. There are also awareness and information sessions on how to manage that information. The person must also undertake to disclose, at his or her initiative, any change to that individual's personal or professional situation and any situation that could place that individual in any kind of vulnerable position. It is precisely to this shared responsibility and balance that I was referring earlier.

In conclusion, I would emphasize that the measures I have just listed are valid for all federal employees. What changes in this matter is its political and public character. I would dare say that this is probably the system's Achilles' heel. Not that it is inherent to the government in power; the measures or constraints have always existed. It's more the very nature of the animal, the political animal. However, it has never sat well with security, which requires a certain rigour.

I suspect that all elected members, particularly high-placed ministers, receive different treatment. The process is much less rigorous in their case. That's what I would call confrontation between security policy and "real policy".

Challenged by the demands of a highly mediatized public life, in which image management is just as important as the message, this situation can undermine the work of security officers. Can we imagine a CSIS investigator putting questions to the current minister's former employer or past or present neighbours?

We don't want to see the RCMP or CSIS rummaging around in the private lives of our elected members 24 hours a day, seven days a week. We can't do it either. That goes without saying, but, on the other hand, it is necessary that those elected members cooperate and, especially, show judgment in managing their personal affairs.

From the outset, the system intuitively introduced control points. For example, in some cases, the officials of a political party will conduct a certain review before endorsing a candidate. That at least is what is desired. Let's say that there is a lot of flexibility in most cases, but a certain amount of screening is done.

However, when it comes to choosing from among the newly elected members those individuals who will occupy ministerial positions, the situation changes because the policies established by the federal government come into play. How is it all reconciled? Who has to let go in favour of the other? Must the Privy Council play a more important role and be required to notify the RCMP of new individuals in the circle of ministers? That's the system's Achilles' heel.

•(1555)

[English]

In light of the information that was revealed and from my experience as a federal investigator, I believe you are dealing with a situation of double standards, in which elected officials are exempt from submitting themselves to the same security standard imposed on federal employees.

In all fairness, it is also important to add that the current government is not responsible for this situation. Unfortunately this situation has prevailed for decades, and all previous governments have enjoyed the same loophole.

So these are the questions. Should one re-examine this approach? Can one ensure there is no other situation like Mr. Bernier's, as we speak? To ask less of our elected officials is inevitably a substantial weakening of the system, threatening its integrity.

• (1600)

[Translation]

From the investigator standpoint, a number of questions remain unanswered.

Thank you.

[English]

**The Chair:** Thank you.

Without any delay we'll go immediately to the Liberal Party. Mr. Dosanjh, are you going to lead off?

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** Thank you.

**The Chair:** I must tell you we're going to have a slightly abbreviated session for questions. You'll probably have a minute less than normal—five or six minutes.

**Hon. Ujjal Dosanjh:** Will we have one round or two rounds?

**The Chair:** We'll have one round.

**Hon. Ujjal Dosanjh:** Only one round?

**The Chair:** Barely one, yes.

**Hon. Ujjal Dosanjh:** Okay. I will split my time with my colleague.

**The Chair:** Sure.

**Hon. Ujjal Dosanjh:** Mr. Juneau-Katsuya, thank you very much.

Without any preface, here are a couple of questions I want you to reaffirm.

You have said that clearly, from what we know, the unclassified documents were left at an insecure location. Rules were breached, a national security breach occurred, and you believe that an RCMP investigation is required to clear the air for NATO and other allies and friends, for our own government leaders, and for the individuals who provide information to the government so that they are assured the information is appropriately protected.

Am I correct?

**Mr. Michel Juneau-Katsuya:** Yes, you are correct.

**Hon. Ujjal Dosanjh:** To your knowledge and to my knowledge, there is no RCMP investigation at this point, correct?

**Mr. Michel Juneau-Katsuya:** Not to my knowledge.

**Hon. Ujjal Dosanjh:** Okay.

The second question you raised is with respect to the security clearance. I have a very brief question.

Do you know if, when Mr. Bernier was cleared for the industry minister's portfolio, there had to be a second clearance, a second

review? Is the standard of clearance different between the Department of Industry and the Department of Foreign Affairs?

**Mr. Michel Juneau-Katsuya:** No. The various security clearances, the three main levels that exist, are basically standard across the board. If Mr. Bernier had a top secret special access clearance when he was the industry minister, it would have been allowed to pass along with him when he left.

The only thing that would have changed is the special access. The special access limits you to a need-to-know basis to see certain information that others might not see. In this particular case it might be possible—and again, this is to be confirmed—that somebody in the Department of Industry would be allowed to see certain information that is not allowed to be seen by someone in the Department of Foreign Affairs, and vice versa.

**Hon. Ujjal Dosanjh:** I have just one more question.

In fact the RCMP, we understand, had Madam Couillard under surveillance back in 1998. According to the information that's available, she had very deep connections with organized crime—the mob and the bikers.

Do you think, under those circumstances, CSIS and/or the RCMP would look into her background and these matters if it came to their attention that she was associating with the foreign affairs minister on a regular basis?

**Mr. Michel Juneau-Katsuya:** I think the key words that you just mentioned are “if it came to their attention”. That's the key element here.

As I mentioned in my introductory comments, we do not advocate for 24/7 surveillance or monitoring of our elected officials. That would be an almost repressive regime, to a certain extent.

What we are saying is that if the information came somehow to the knowledge of the RCMP and CSIS in that perspective, they would certainly act on the mandate to investigate and then report directly to the PMO.

**Hon. Ujjal Dosanjh:** Thank you.

**The Chair:** There's about a minute left.

[Translation]

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Thank you, Mr. Chairman.

Thank you, Mr. Juneau-Katsuya.

You clearly stated at the start of your presentation that Mr. Bernier's situation was not strictly a privacy situation. Later on in your presentation, you talked about an investigation to determine and judge the integrity, reliability and vulnerability of an elected member or someone seeking a security clearance.

You also said that, if the relationship that Mr. Bernier had with Ms. Couillard had come to the attention of the RCMP or intelligence services, there should normally have been an investigation.

• (1605)

**Mr. Michel Juneau-Katsuya:** It would have been logical, in the context of the currently established system, for a more in-depth investigation to be done.

**Hon. Marlene Jennings:** During the interviews that she granted me, Ms. Couillard said she had informed Mr. Bernier, shortly after meeting him, of her relations with organized crime. If Mr. Bernier had shown any judgment, he would have immediately disclosed that information to the deputy minister of Foreign Affairs, to someone who subsequently would normally have informed the Canadian Security Intelligence Service and the RCMP.

**Mr. Michel Juneau-Katsuya:** That is precisely the procedure under the policies established by the federal government.

**Hon. Marlene Jennings:** Do I have any time left?  
[English]

**The Chair:** Your time is up.

Mr. Ménard.

[Translation]

**Hon. Marlene Jennings:** Thank you, Mr. Chairman.

Thank you, Mr. Juneau-Katsuya.

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Mr. Juneau-Katsuya, to facilitate investigations, we have, over the years, constituted in Canada what are called criminal intelligence data bases, haven't we?

Your nods aren't recorded. You'll therefore have to answer.

**Mr. Michel Juneau-Katsuya:** Pardon me. Yes, that is the case.

**Mr. Serge Ménard:** Only certain police officers are authorized to consult those criminal intelligence data bases.

**Mr. Michel Juneau-Katsuya:** It's on a need-to-know basis.

**Mr. Serge Ménard:** That's correct. There are some at the RCMP, and it's available in the context of this type of investigation.

Am I to understand that these criminal intelligence data bases only concern people who have been convicted? Otherwise, do they concern all those who, for one reason or another, we think belong to a criminal organization?

**Mr. Michel Juneau-Katsuya:** There are various data bases. Depending on the one you consult, you will get one type of information or another. For example, there is that of the Canadian Police Information Centre, or CPIC, and that of the CRPQ. Those two data bases in particular concern the convictions of people convicted of indictable offences.

**Mr. Serge Ménard:** Are they accessible to all police officers?

**Mr. Michel Juneau-Katsuya:** All mandated police departments can access them.

**Mr. Serge Ménard:** What about the other data bases?

**Mr. Michel Juneau-Katsuya:** They are much more restricted. They contain information on inter-associations, activities and other more sensitive information that the investigators need.

**Mr. Serge Ménard:** What about individuals who, although they do not have a criminal record, have close relations with members of organized crime?

**Mr. Michel Juneau-Katsuya:** Their names should normally appear in those data bases.

**Mr. Serge Ménard:** In investigations on people around the minister, even about the minister's spouse, is it a complicated matter to consult those data bases?

**Mr. Michel Juneau-Katsuya:** The system involves a little red tape, if I can put it that way. All police departments, even those that can access confidential or highly confidential information, do not necessarily have access to the data of another police department. For example, CSIS doesn't have direct access to CRPQ or to the Sûreté du Québec data bases. They have to go through liaison officers who are appointed in each of those organizations. An official request is required in order to check whether there is any information on the individuals in question that might discredit them.

**Mr. Serge Ménard:** In any case, once you have those authorizations or qualifications, you need only type in the name on the keyboard. It's an automated consultation, isn't it?

**Mr. Michel Juneau-Katsuya:** Yes, if agreements have been reached between police departments or the institutions involved.

**Mr. Serge Ménard:** In recent years in Quebec, data bases have been amalgamated in the struggle against organized crime, haven't they?

**Mr. Michel Juneau-Katsuya:** Absolutely.

**Mr. Serge Ménard:** Here we're talking about the RCMP, Sûreté du Québec and the Montreal police department. That moreover was the main characteristic of the Carcajou squad, wasn't it?

**Mr. Michel Juneau-Katsuya:** Yes, but once again, access to that information is restricted to certain members who have obtained that security clearance. As I'm sure you'll understand, moles could unfortunately manage to penetrate the police systems and access information, which would undermine police investigations. Within a single police organization, access to these data bases is therefore reserved for pre-qualified individuals.

**Mr. Serge Ménard:** Since we have so little time, I would like you to comment on the pattern in the way Julie Couillard proceeds.

● (1610)

**Mr. Michel Juneau-Katsuya:** Based on the information that appeared in the media, and strictly from a security standpoint, all the information revealed would indeed lead an investigator to take a much closer look at the situation. The ongoing relations with a number of members of organized crime inevitably pose a serious problem, particularly because the organization in question—here we're talking about the Hells Angels and their associated clubs—is a sufficiently sophisticated organization to have, in the past, triggered infiltration operations into various provincial and federal departments, even law enforcement agencies. So it's ultimately quite a sophisticated organization.

Here you see a lady who has repeated relationships with a number of members of organized crime, which in itself is highly problematical. Any investigator would take the matter much further.

The information that she herself revealed about how she approached Mr. Bernier also raises major questions. At her own initiative, she told the media that she had selected an event attended by Mr. Bernier, that she managed to be at his table that evening, that she had dined with him and that she had been nice to him all evening. She even revealed that that evening she wore the same dress that she had on at Mr. Bernier's swearing in because it showed off all her assets. They even spent a great evening together, and she said they finished off the evening at the bar in Mr. Bernier's hotel.

In my field, intelligence and police work, this is a classic recruitment operation.

**Mr. Serge Ménard:** Is this something that should have been taken seriously in high places?

[English]

**The Chair:** Thank you. We're going to have to move over to Ms. Priddy.

[Translation]

**Mr. Michel Juneau-Katsuya:** Yes, that's what should have been done immediately.

[English]

**The Chair:** Ms. Priddy, please.

**Ms. Penny Priddy (Surrey North, NDP):** Thank you.

Thank you for being here.

I will do my questions as quickly as I can.

I was pleased to hear you say you think the RCMP should be investigating this, because it is the position the federal New Democrats have taken since the beginning, that there should be an RCMP investigation. From what you have said, we can conclude that Mr. Bernier broke his contractual agreement that he signed, by not revealing that information to the Prime Minister.

**Mr. Michel Juneau-Katsuya:** I agree.

**Ms. Penny Priddy:** Second, would all cabinet ministers be at the same level of security?

**Mr. Michel Juneau-Katsuya:** Yes, likely so, because the information within the cabinet is some of the most sensitive information the government holds.

**Ms. Penny Priddy:** Right, because they would all have access to classified information of some kind—

**Mr. Michel Juneau-Katsuya:** Top secret.

**Ms. Penny Priddy:** —although perhaps other ministers are of an even higher level.

If people were to change positions in cabinet, given that they already have a security level three, would there be any further investigation done of them if they were taking on what is an even more highly sensitive portfolio, or is level three as high as you can go?

**Mr. Michel Juneau-Katsuya:** It's the ceiling.

**Ms. Penny Priddy:** I think I recall reading that Ms. Couillard and Mr. Bernier were at a reception with President Bush. If you have any experience with this, can you tell us if everybody who was at the

reception with President Bush had to have some security clearance to be there?

**Mr. Michel Juneau-Katsuya:** From my experience, what would happen is that the American authority would rely on the Canadian authority to have conducted the security clearance and the background check in advance. Therefore, when the Canadian authorities vouch for that person, the green light is given.

**Ms. Penny Priddy:** Then the American authorities could safely expect that the Canadian authorities had checked the background of Ms. Couillard and approved it, if she was there with Mr. Bernier.

**Mr. Michel Juneau-Katsuya:** Indeed yes.

**Ms. Penny Priddy:** Should all cabinet ministers then be—because you are saying it is a double standard, and you also said it's the weak link—subject to the same level of at least initial scrutiny that a federal employee would be?

**Mr. Michel Juneau-Katsuya:** In my humble opinion, yes.

**Ms. Penny Priddy:** Should partners of cabinet ministers be subject to some kind of security check?

• (1615)

**Mr. Michel Juneau-Katsuya:** No more or less than what is currently conducted for any federal employee. Basically, as in the example I shared with you, when we are investigating the person, we will unavoidably ask questions about the relationship of the couple, relationship of the spouse.

**Ms. Penny Priddy:** That's the indirect way—

**Mr. Michel Juneau-Katsuya:** That's right.

**Ms. Penny Priddy:** —that you spoke of.

**Mr. Michel Juneau-Katsuya:** To go any further may not be necessary and is also costly, so there is a sort of trade-off here.

**Ms. Penny Priddy:** My last point would be, based on your experience—and partially based on mine, after spending ten years in a provincial cabinet—very classified information would be numbered, would be signed out to individuals. Then if it were not returned, somebody would be knocking on my door, asking, “Where is the classified information you have possession of?” Is that a tracking system that has ever been in place?

**Mr. Michel Juneau-Katsuya:** This is what the federal policy dictates as well.

**Ms. Penny Priddy:** That it is signed out to a particular individual and somebody tracks that?

**Mr. Michel Juneau-Katsuya:** The security officer must keep the log. The documents are numbered, or at least identified, the date and time it is taken out and the date and time it is returned, and who has it.

**Ms. Penny Priddy:** In your experience, can you see any reason there would be documents missing for five weeks and no one would notice?

**Mr. Michel Juneau-Katsuya:** That would be considered a security breach as well, and a breach in the policies.



**Ms. Penny Priddy:** Not to take issue with you necessarily, but simply because governments have always done it that way doesn't mean they have to keep doing it that way.

Thank you, Mr. Chair.

**Mr. Michel Juneau-Katsuya:** I agree.

**The Chair:** Mr. MacKenzie, please.

**Mr. Dave MacKenzie (Oxford, CPC):** Thank you, Chair.

I want to thank the witness for being here today. I think you bring some insight into the matter.

I listened very closely to your introduction and to many of your answers, and what I find most interesting is that some of what you've told us I think is the way it is, and some of what you've suggested to us is maybe the way it should be. In fact, if I understood you correctly, and I'm certainly open for you to tell me otherwise, the practices that are taking place today are no different from the practices that took place five years ago with respect to individuals filling those positions and the background checks that take place. That being the case, is there any difference in this situation from any other minister in the last several governments, in the background checks that would have applied to them?

Perhaps more importantly, in this case, when that minister was appointed to that position, in the background check, his friends and acquaintances have changed in that length of time. Would there have been any change in that position from previously to today?

**Mr. Michel Juneau-Katsuya:** Thank you very much.

Technically, it's difficult for me to be capable of comparing information that I don't have on hand currently to see if there were any changes. As much as I can say, and as much as I can assess from the information that was publicly released, there is no reason to believe that there were any changes that occurred between previous practices and the current practices.

What I tried to stress in my introductory comments was the fact that unfortunately we are confronted with having a set of policies in place and the constraints or difficulties in implementing some of those policies, because, respectfully, the people in positions like Mr. Bernier's have a very, very public perspective.

**Mr. Dave MacKenzie:** Yes, but if I might suggest, there are policies that we have, and perhaps policies that we wish we had—whatever the case may be—but in fact those policies that are in place today are the same as they were.

**Mr. Michel Juneau-Katsuya:** To the best of my knowledge, yes.

**Mr. Dave MacKenzie:** Then when we get to the supposition about who knew what when, would it also be your opinion that if there's discussion taking place in places like beauty shops with other MPs or people in this House who claim to have a great deal of knowledge of the pasts of some people, they would still have some obligation to bring those issues forward? It's not only authorities like the RCMP or CSIS. If someone else knows that information, they may very well bring that information forward so it is known, as opposed to sitting on it.

**Mr. Michel Juneau-Katsuya:** I agree. It is the responsibility of the individual to reveal such information when they assess that it can be dangerous. If somebody comes in contact or in possession of

information that could reveal that there is maybe a weakness within the system, it is also the responsibility of that individual to share that information with the proper authorities. This information should be transmitted and shared by anybody who receives a security clearance, at the time they receive their security clearance and when they are indoctrinated with such a thing.

• (1620)

**Mr. Dave MacKenzie:** Okay.

The issue we're dealing with here is the documents being left in an inappropriate place, which have now been returned. And now the review is being conducted by that ministry to determine the process of handling documents. Is that appropriate?

**Mr. Michel Juneau-Katsuya:** Here I might have difficulty that the people of the department are conducting an investigation that obviously is tainted by allegations of links to organized crime, at least in the past. I suspect they might not necessarily have the experience to investigate, and they are unlikely to have the access that a similar police department, such as the RCMP, would have when it talks to a counterpart such as the Sûreté du Québec.

**Mr. Dave MacKenzie:** But if they have the authority to contact other government agencies to assist in that process, that would then be appropriate?

**Mr. Michel Juneau-Katsuya:** Potentially.

**Mr. Dave MacKenzie:** Thank you.

**The Chair:** Thank you very much.

We'll suspend for a moment to bring in our next witnesses. Thank you.

• (1620)

(Pause)

• (1620)

**The Chair:** We're pressed for time, so we'll reconvene. Let's clear the room and begin the second part of our meeting, please.

We'd like to welcome the RCMP. I will ask the assistant commissioner to introduce himself.

We welcome you all to the panel, and maybe you can introduce the people who are with you.

We have a slightly abbreviated session. Because of votes in the House, unfortunately we have to quit at 5:30.

If you have an opening statement of approximately ten minutes, we would welcome that, and then we will go to questions and comments.

Thank you very much for coming, sir. Any time you're ready, you may begin.

**Assistant Commissioner Raf Souccar (Assistant Commissioner, Federal and International Operations, Royal Canadian Mounted Police):** Thank you very much, Mr. Chairman.

Good afternoon, Mr. Chairman, honourable members. My name is Raf Souccar. I am responsible for federal policing in the RCMP. With me today is Mr. Bob Paulson, who has recently taken over as the assistant commissioner for national security criminal investigations, and Mr. Christian Roy, with the RCMP legal services.

At the invitation of the committee, we're here to outline the RCMP's role in conducting pre-appointment background checks on candidates for ministerial office.

• (1625)

[*Translation*]

I'm going to provide information to the committee and answer committee members' questions to the best of my knowledge.

For a number of considerations, including the privacy of individuals, the RCMP's comments will be limited. As you'll understand, the RCMP does not generally comment on cases or individuals, and does not disclose the content of its files on named persons. The purpose of that measure is to protect the integrity of the investigation process and the privacy of individuals who are not being charged and who have not been convicted.

[*English*]

You will understand that the RCMP does not generally comment on specific files or cases or otherwise disclose the contents of its files in relation to specific individuals. This is to protect the integrity of our processes and to protect the privacy of those individuals, including those against whom no charges have been laid. Therefore I will not discuss the results of any specific pre-appointment background check today.

The RCMP is involved in two types of background check processes, and it is important to distinguish between them. The first is pre-appointment background checks on candidates for certain public offices that take place in advance of an appointment to senior government office, and the second is the security clearance process. Our role in each is different.

It is also important to identify the specific roles that the RCMP plays in each of these two separate processes. In support of the Privy Council Office, the RCMP conducts pre-appointment background checks on a variety of senior public officials in advancement of their appointment, including ministers, senators, privy councillors, heads of agencies, heads of crown corporations, heads of Canadian missions, and directors of the Bank of Canada.

[*Translation*]

The entire process is defined by guidelines issued by the clerk of the council and managed by the Director of Security Operations at the Privy Council Office. Requests for checks are directed by the Director of Security Operations of the Privy Council Office to the RCMP Commissioner on behalf of the Clerk of the Privy Council.

[*English*]

These pre-appointment checks are held in utmost confidence and are conducted on the names provided by the director of security operations only, and not on any spouse, partner, immediate family member, or associate of those individuals named.

These checks are limited to database checks only, such as criminal record checks and criminal intelligence files. They would include, where applicable, checks with other provincial and municipal police forces. But these checks do not include additional investigative measures, such as neighbourhood inquiries.

Each check is dealt with on a case-by-case basis. In the event that information suggests the possibility of criminal activity or involvement in a current or past investigation, the RCMP will analyze that information for accuracy, reliability, or relevance and will communicate this information to the PCO.

The general procedure for reporting the result of a check that identifies information or intelligence that may be of concern is to forward that information to the director of security operations at the Privy Council Office.

[*Translation*]

All additional questions of pre-appointment background checks are directed by the Office of the Privy Council, which directs and manages the process.

Security clearances are separate from the pre-appointment background check process. The security clearance determines an individual's reliability and loyalty before that individual is given access to classified information.

[*English*]

The security clearance process includes a number of additional steps. For example, in addition to a police record check, a security clearance also includes a reliability check of an individual's degrees, professional qualifications, and employment. Depending on the level of security clearance, it may also involve interviews with an individual's family members, friends, acquaintances, colleagues, former employers, and/or neighbours.

Security clearances are governed by the government security policy issued by Treasury Board, and each federal department is responsible for its own security clearances. This includes assessing the appropriate level of security clearance required for each position within each separate department.

• (1630)

[*Translation*]

Ladies and gentlemen members of the committee, that completes my preliminary remarks, and I am prepared to answer your questions.

[*English*]

Thank you, Mr. Chairman.

**The Chair:** Thank you very much.

We will now move over to the Liberal Party for the opening round of questions. We'll go to Mr. Dosanjh.

**Hon. Ujjal Dosanjh:** Thank you, sir, for appearing before us.

Let me first deal with a misapprehension you may have. It was not my understanding, nor that of my colleagues here, that you are simply here to answer questions on the pre-appointment checks for security clearances. You are to answer questions on the Couillard and Bernier matter.

In that context, let me ask you the first question. Did you make yourself familiar, from all the RCMP information and files you may have, with any matters relevant to or related to the Couillard and Bernier matter before you came here?

**A/Commr Raf Souccar:** I am familiar with this matter. I am familiar with Ms. Couillard. However, it would be inappropriate for me to be talking about a specific case before this committee.

**Hon. Ujjal Dosanjh:** I appreciate that. Here is the question. You say that you are familiar with Ms. Couillard. Can you then confirm, in the usual police language, that she was known to the RCMP?

**A/Commr Raf Souccar:** You say known to the RCMP. Could you perhaps define a little more what you mean by known to the RCMP?

**Hon. Ujjal Dosanjh:** I think I would like you to define what you mean when you say that someone is known to the RCMP.

**A/Commr Raf Souccar:** My answer to the initial question was that I am familiar with this matter. I am familiar with Ms. Couillard. However, to talk about what exactly I am familiar with, the content of my familiarity—

**Hon. Ujjal Dosanjh:** I'm not asking you to tell me why you're familiar with her. I'm asking you to answer the question of whether, before this matter broke in the news, she was known to the RCMP.

**A/Commr Raf Souccar:** Yes, she was.

**Hon. Ujjal Dosanjh:** Thank you.

I will not ask you how much the RCMP knew about her. With all of what's now in the public domain, whether or not she was under surveillance at some point, whether or not she had links with organized crime, the mob, the bikers, did it raise any red flags with the RCMP when she publicly began to associate with the Minister of Foreign Affairs?

**A/Commr Raf Souccar:** Once again, to tell you whether or not this raised red flags, individuals, especially ministers, associate with a number of people by virtue of their job: constituents, etc. What we do when something of concern comes to us is we check for relevancy, reliability, and accuracy, and determine what, if anything, needs to be done at that point.

**Hon. Ujjal Dosanjh:** Would you agree that it would be relevant for Canadians for you to look into the Couillard-Bernier matter if you knew that she was associating with him and she had, at least in the past, recent past, links with the mob or the bikers? Would you think that would be relevant?

**A/Commr Raf Souccar:** Yes, that would be relevant.

**Hon. Ujjal Dosanjh:** Let me ask you another question.

You now know, at least I know from the public domain, and some of the allegations may be true or not true—you may have heard Mr. Juneau-Katsuya—that there has been a national security breach with respect to the secret documents.

I have two questions for you. One, having learned that from the CSIS expert and having known all the facts, would the RCMP conduct an investigation to determine whether or not a criminal offence occurred in this matter?

**A/Commr Raf Souccar:** Again, whether or not we conduct a criminal investigation would be inappropriate for me to talk about at

this point. To tell you whether or not we would conduct a criminal investigation, whether we have, whether we are, or whether we will in the future, could compromise the integrity of anything that we have done or will do.

**Chief Superintendent Bob Paulson (Chief Superintendent and Acting Assistant Commissioner, National Security Criminal Investigations, Royal Canadian Mounted Police):** Might I add something to that? I think it's important to point out, without speaking to the specific incident case, that where the RCMP becomes aware, either through the complaints of civilians or members of the community, or anybody else for that matter, that there is a possible infraction, a criminal infraction, where there is reason to suspect that a criminal offence has taken place, we would investigate that and report our findings to a court, ultimately, for disposition. But we would not want to speak, because as the deputy pointed out, we would not want to compromise that investigation or any investigation in the future.

●(1635)

**Hon. Ujjal Dosanjh:** No, I understand.

Let me ask you, then, to follow up on that, do you now believe, based on what you may know from your own files and from the public domain, that there are reasonable grounds to conduct a criminal investigation in this matter, that an offence may have occurred?

**C/Supt Bob Paulson:** If I might—

**Hon. Ujjal Dosanjh:** And I have one more question.

**C/Supt Bob Paulson:** —I just want to direct your mind back to the preamble in your last question, where you talked about getting to know all the facts. It's important to have a full understanding of what all the facts are.

With respect, I wasn't here when the previous witness spoke. I saw some of it on TV. I think he went to some lengths to try to condition his responses based on the public reporting of some of these things that have gone on. So it's very important for us in the police to be mindful of the facts, to respect the notion of evidence, and to proceed in that manner.

**Hon. Ujjal Dosanjh:** I have one more question.

Has the RCMP had any role in the Couillard-Bernier matter to date, including the handling of the secret documents?

**A/Commr Raf Souccar:** Once again, you're specifically asking us with respect to our role on a very specific matter. What I'm suggesting to you, Mr. Dosanjh, is that whether or not we've had any role to date would be inappropriate for me to comment on, as it may affect the integrity of what it is that we may have or will be doing.

**Hon. Ujjal Dosanjh:** Let me narrow it for you.

**The Chair:** That will be your final question.

**Hon. Ujjal Dosanjh:** Have you had any role in the handling of the secret documents once someone became aware that they were in the possession of Ms. Couillard? Were you involved in bringing them back to the Department of Foreign Affairs? Were you involved in looking at them? Were you involved in taking them to the PCO-PMO?

**A/Commr Raf Souccar:** No.

**Hon. Ujjal Dosanjh:** To all those questions the answer is no?

**A/Commr Raf Souccar:** That's correct.

**Hon. Ujjal Dosanjh:** Thank you.

**C/Supt Bob Paulson:** I'd like to add something, if I may. There again you suggested that they were secret documents. The actual classification level of those documents is not entirely clear at this point, and that needs to be understood.

I just want to put that condition on the answer.

**Hon. Ujjal Dosanjh:** Can you tell us what they are?

**C/Supt Bob Paulson:** No, I cannot, but I'm suggesting to you that neither can you tell us what they are.

**Hon. Ujjal Dosanjh:** That's why I used the word "secret" rather than level one, level two, or level three.

**C/Supt Bob Paulson:** Right. Well, "secret" has a number of connotations in terms of the security clearance on a document, with respect, sir.

**Hon. Ujjal Dosanjh:** I appreciate that.

Thank you.

**The Chair:** Monsieur Ménard.

[*Translation*]

**Mr. Serge Ménard:** If I understand correctly, since you are responsible for security at the highest level, if a security risk arose and was relevant enough, as you said, you would consider it your duty to notify the Prime Minister's Office. Is that correct?

**A/Commr Raf Souccar:** Not the Prime Minister's Office, the Privy Council Office.

**Mr. Serge Ménard:** That's where you would go.

**A/Commr Raf Souccar:** That's correct.

**Mr. Serge Ménard:** A number of types of relationships can be established between politicians and all kinds of people, the most intimate being equivalent of a matrimonial relationship.

**A/Commr Raf Souccar:** Yes, exactly.

**Mr. Serge Ménard:** Ministers are definitely called upon to work at home or in hotel rooms that they share, and they necessarily have conversations without thinking about security, don't they?

**A/Commr Raf Souccar:** I follow you.

**Mr. Serge Ménard:** Let's admit that someone has had ongoing and significant relationships over a number of years with members of organized crime. Do you think that, if a minister who is not aware of that begins to have intimate relations with that person, he should be informed of the risk he might be running?

**A/Commr Raf Souccar:** Mr. Ménard, if a situation such as the one you're describing is brought to my attention, the first thing that

should be done is... I'm going to continue in English, if that doesn't bother you, so I can respond more precisely.

• (1640)

[*English*]

I would want first to check for the relevancy of what it is that has come to my attention, the accuracy and reliability of what it is. I will not be guided simply by media reports or innuendos. I would do my own research, if you will, and if it were relevant, if it were reliable, if it were accurate, yes, I would bring it to the attention of PCO.

[*Translation*]

**Mr. Serge Ménard:** That's exactly what I wanted to get at. For that purpose, you can consult criminal intelligence data bases, can't you?

**A/Commr Raf Souccar:** Yes, absolutely.

**Mr. Serge Ménard:** Particularly in the case of bikers in Quebec, the criminal intelligence data bases on bikers and their relations include the intelligence of the Sûreté du Québec, the RCMP and the Montreal police. That's what enabled the Carcajou squad to achieve the results it did. Isn't that correct?

**A/Commr Raf Souccar:** That's correct.

**Mr. Serge Ménard:** Now—

**C/Supt Bob Paulson:** I'd like to add something else. As the deputy commissioner said a few minutes ago, a number of options are open to us when we are given information. We can conduct an investigation, notify the Privy Council Office, monitor the situation or do nothing at all, based on our assessment of the information—

**Mr. Serge Ménard:** Pardon me, Mr. Paulson, but we don't have the time to examine hypothetical situations.

But we do have one clear case. We're talking about someone who had sustained intimate relationships over a long period of time with various members of organized crime, as you know. A minister who starts a relationship with that person runs certain risks. Do you agree with me?

**C/Supt Bob Paulson:** We shouldn't make any comments on that case.

[*English*]

It wouldn't be appropriate and it wouldn't be fair to make comments on the particular facts—

[*Translation*]

**Mr. Serge Ménard:** Then let's talk about hypotheses, despite the lack of time we have. Supposing you come to the conclusion that this person may indeed be a mole or that there may be other risks, such as blackmail, do you think that type of risk is serious enough to inform the Privy Council Office?

[English]

**A/Commr Raf Souccar:** Let me tell you this, Monsieur Ménard. We are alive to what organized crime does. We're alive to what terrorist organizations may do. Organized crime and terrorism has been a priority for the RCMP for a number of years. We would look at every case with that in mind and we would use whatever resources are available to us in order to be able to determine whether or not there is a threat either to the government or to individuals. The checks that are requested of us to do at the outset, the pre-appointment checks, are only on the individual, not the individual's associates. In the case of a minister, it would be on the minister alone.

Knowing that, and with the hypothetical situation that you have put forward, if it were to come to our attention, and knowing what we know based on what we do, we would conduct all those checks. There are many options. As Commissioner Paulson said, there are many options. It could be that we do nothing. It could be that we do something. So we go from doing nothing to notifying PCO as to the results of our investigation, if you will.

[Translation]

**Mr. Serge Ménard:** Can we agree that, apart from these three extreme situations, the greater the risk, the more you will tend to inform the Privy Council?

**A/Commr Raf Souccar:** Absolutely.

**Mr. Serge Ménard:** Obviously, that must also depend on the number, duration and quality of relationships that the individual has had with organized crime.

**C/Supt Bob Paulson:** That depends on the nature of the threat and the nature of the relationship.

**Mr. Serge Ménard:** In that case, did you inform the Privy Council?

[English]

**A/Commr Raf Souccar:** It would not be appropriate for me to speak about this specific case, as it would put the integrity of any action that we take in jeopardy.

•(1645)

**The Chair:** You'll have to pose your final question. Do you have another short question? No?

Ms. Priddy, please.

**Ms. Penny Priddy:** Thank you, Mr. Chair.

First, let me ask about the criminal intelligence file. Does it include people who have not had convictions but have been under surveillance because of who they are acquainted with, who they are spending time with, etc.?

I know there's a bank of people who've been put in CPIC and they have a criminal conviction, etc. Does the other criminal intelligence bank have people who simply have, if you will, a watching brief on them?

**A/Commr Raf Souccar:** Yes.

**Ms. Penny Priddy:** Okay, thank you.

Secondly, it was mentioned earlier "if it is brought to the attention of the RCMP". Could you tell me what "brought to the attention"

means? I'm trying to think about whether somebody has to make a phone call to bring it to the attention, or a written complaint. Or what about an RCMP officer who knows who Ms. Couillard is quite well and sees the front page of the paper with Mr. Bernier being sworn in? Or what about somebody—moving it along, not on that story—who sees someone in a public environment with someone who they know is part of a criminal intelligence file they have information on? Do they have a responsibility, and would that be bringing it to someone's attention? Or would someone simply wait until it had taken a couple steps forward in terms of a more formal "brought to the attention of police"?

**A/Commr Raf Souccar:** I think the answer is pretty well yes to all. We all have a responsibility for public safety, public security, and it could come to our attention in a number of ways. It could come to our attention through a media article that could be completely false and we could check it out and discount it. It could come from human sources that we have. It could come from individuals such as yourselves, complainants, from an officer observing it. It could come from a variety of ways.

**Ms. Penny Priddy:** In your description of the security clearance process, you say that it may also involve interviews with an individual's family members, friends, etc. What does the "may" depend on?

**C/Supt Bob Paulson:** I think you're referring to, if I may use the term, the full-blown security clearance. We distinguish between the pre-appointment background checks—

**Ms. Penny Priddy:** Yes, I understand.

**C/Supt Bob Paulson:** —and then the security clearance at the top-secret level, for example, which would feature the most robust canvassing of the associates of the person in question to include field interviews perhaps with neighbours, with associates, with former employers, with references. So that's what it refers to.

**A/Commr Raf Souccar:** As a background investigation unfolds and you scratch and something comes up, you may decide to look a little deeper and interview a second or third person until the person conducting the interview is satisfied that he or she has canvassed all possibilities. The "may" may also depend on this.

**Ms. Penny Priddy:** Would ministers who have access to an even higher level of security documents—the Minister of Public Safety, Foreign Affairs, etc.—be subject to a security check higher than the pre-appointment one?

**A/Commr Raf Souccar:** I'm not aware of that. You'd have to ask either PCO or the Department of Public Safety.

**Ms. Penny Priddy:** Do you have any feelings about whether partners of politicians or cabinet ministers should be checked out?

**A/Commr Raf Souccar:** This is a matter of government machinery, government policy. It is something that PCO might be better able to answer. All of you might have a say in whether this is something you would want to expose yourself to.

**Ms. Penny Priddy:** Do you have an opinion?

**A/Commr Raf Souccar:** I don't think it would be appropriate for me to give an opinion. Every process can be improved, and improving on a process would have to balance confidentiality, security, public policy, public machinery, and so on.

**Ms. Penny Priddy:** My understanding is that Ms. Couillard and Mr. Bernier were at a reception with the President of the United States, and that the Americans would expect that anybody who was part of a Canadian delegation would have been checked here, obviating the need for a check on the American side. Who would do the checking here if it was somebody taking a partner with them? Would it be you, CSIS, or who?

• (1650)

**A/Commr Raf Souccar:** I don't believe it's us. Our job during such events would be to provide physical security for ministers who require it.

**Ms. Penny Priddy:** You would not be doing any of the checking of other people who were going?

**A/Commr Raf Souccar:** Not to my knowledge.

**C/Supt Bob Paulson:** I think it's important for each department to have a departmental security officer and for that officer to be responsible for looking at the background and reliability of people accompanying dignitaries. As the deputy said, we look after the security and the site security.

**Ms. Penny Priddy:** What is the process? Does this information work its way up to you from whoever has brought it to the RCMP? Does it then go from you up to the Privy Council? What does the chain look like?

**A/Commr Raf Souccar:** I'm sorry, I don't follow your question. Which information?

**Ms. Penny Priddy:** I mean information that you think might need to be passed on to government because there might be a risk. Are there designations of people in the RCMP who would receive the information and decide that it should move on to the commissioner and then on to the Privy Council?

**A/Commr Raf Souccar:** If it was something that would go back to Privy Council, it would go through the commissioner's office. However, it could come in at any level. Any member of the public could complain to any member of the RCMP and it could work its way up. Once a decision is made that PCO needs to be notified, it would go through the commissioner's office.

**Ms. Penny Priddy:** Thank you.

**The Chair:** Mr. MacKenzie.

**Mr. Dave MacKenzie:** I want to thank the panel for being here. I think you bring a very important view to this committee. I couldn't agree more with what you had to say about people making decisions based on a little bit of information instead of all of it. Certainly we're seeing some people jumping to some conclusions both around this place and in the media. So I think all of our panel and all the people who are watching this appreciate the tenor of what you presented to us today.

There are always people who don't want to look at the law as it is but look at the law as it should be. In the last five or ten years, has

anything changed with respect to what your organization does with security checks for cabinet ministers?

**A/Commr Raf Souccar:** No. In fact, I believe it goes much further back than that. That's been the process in place, and that's what's been asked of us.

**Mr. Dave MacKenzie:** The other thing I have a serious problem trying to comprehend is that we have a number of people, particularly around this House, who talk about having had the information for some time, having heard things in different places, and they didn't bring that information forward. If they'd had that concern, they could have brought that information forward. You tell me if I'm wrong, but I'm sure in my mind that they could have brought that information forward to the RCMP, who could have evaluated that information and then, based on the strength of the information and the evaluation, acted upon it.

**A/Commr Raf Souccar:** Absolutely, and that was my initial point. We're more than willing to look into any situation that could cause a security concern; what we have to do, though, is not simply accept it, but verify its accuracy, reliability, and validity, and deal with it from that point on.

**Mr. Dave MacKenzie:** My friends have talked about intelligence information, and some of us on this side are not totally devoid of some practices. A great deal of intelligence information is developed from innocent gossip or conversations that take place in places like restaurants and beauty salons and get passed to the police. The information is then verified and becomes something that's workable for the police agency.

• (1655)

**A/Commr Raf Souccar:** Correct, and that's basically the difference between information and intelligence; it's whether it's verified as accurate. There is an objectivity process that it goes through, and then it becomes actual intelligence.

**Mr. Dave MacKenzie:** Just to be final on it, there is a process: if somebody has a legitimate concern—if they think they know, if they believe they know, or if they've only heard—they have that ability to pass it on and then have the information verified one way or another.

**A/Commr Raf Souccar:** We rely on that to some extent in our day-to-day work.

**Mr. Dave MacKenzie:** Okay.

The other part is, when these checks take place for the PCO, it hasn't been a practice to go back in six months and redo them. When you talked about spouses, I'm not sure if that involved friends or acquaintances, but nothing has changed with respect to that whole process in a number of years.

**A/Commr Raf Souccar:** Nothing has changed as far back as I remember. I believe it goes back to sometime in the mid-1980s. The name of only the individual who is subject to the background check is provided to us, and we do our criminal record check, we do our database checks, we do checks with municipal and provincial police forces only on the individual—not on spouses, not on children, not on friends, not on neighbours.

**Mr. Dave MacKenzie:** Very good. Thank you.

**The Chair:** Are you sharing your time?

**Mr. Dave MacKenzie:** Do you want some time?

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** No. I have no questions.

**The Chair:** Okay.

We will now begin the second round. Please go ahead, Ms. Jennings.

[*Translation*]

**Hon. Marlene Jennings:** Thank you. I'm going to share my time with Ms. Barnes.

You say that the pre-appointment checks may include ministers, senators and so on, and that not only the candidate is investigated.

You also say that there is what you call a security check, a reliability check. Mr. Juneau-Katsuya talked about reliability, integrity and loyalty. That check is much broader and may include the spouse, neighbours, children, relatives and so on.

Do you conduct security checks on ministers on a regular basis?

**A/Commr Raf Souccar:** No, absolutely not. We don't submit ministers' families to security checks.

**Hon. Marlene Jennings:** Then regardless of the security level involved, ministers are never regularly subjected to security checks?

**A/Commr Raf Souccar:** A security check of a minister is up to his department itself.

**Hon. Marlene Jennings:** You're saying that it may be much more than the mere fact of checking to see whether the person has a criminal record.

That means that the department will, at some point, have to request the help of the RCMP in order to access truly protected information to which no one at the department has access without RCMP intervention.

**A/Commr Raf Souccar:** That's correct. Sometimes there are agreements between departments and us so that we can conduct checks.

**Hon. Marlene Jennings:** Perfect.

Do you have an agreement with the Department of Foreign Affairs to conduct security checks? I'm not talking about a specific case. You're saying that the regulations and the process have been around since the 1980s. Since the 1980s, has the RCMP ever had to conduct a security check on a minister of Foreign Affairs or of that department under a former name? Yes or no?

**C/Supt Bob Paulson:** I'm going to answer in English because I want to be precise.

[*English*]

The departments that have conduct of the security clearance process would, in the normal course of the clearance process, submit the background checks of those individuals who are identified in the application for the particular clearance of the individual who is seeking the clearance. In that respect, we would do those background checks.

As to your yes-or-no proposition as to whether we have done that for a Minister of Foreign Affairs, I cannot give you an answer to that.

• (1700)

**Hon. Marlene Jennings:** I'm taking directly from your statement. You say security clearances are separate from the pre-appointment background check process. Now you're talking about security clearance and background check. You just said here it's two different things.

**C/Supt Bob Paulson:** Right.

**Hon. Marlene Jennings:** Right.

I'm asking you this. In the current system, which according to Mr. Souccar has been followed since the 1980s, has the RCMP ever been asked to do a security clearance beyond the pre-appointment background check on a minister?

**A/Commr Raf Souccar:** Just to go back, the security clearances are done—

**Hon. Marlene Jennings:** This would involve assessing the reliability and loyalty of the minister before he or she was given access to classified information. It's a simple question.

**A/Commr Raf Souccar:** I'll try to answer it to the best of my ability and to the best of my knowledge.

Every department is responsible for its own security clearance process. That's separate from the pre-appointment checks from PCO. Any department will do its own security clearance and its own security background checks. They have their own department security operations officer.

**Hon. Marlene Jennings:** I understand that.

**A/Commr Raf Souccar:** There may be, depending on the department, an agreement to conduct perhaps a CPIC inquiry on an individual. We would then respond back to the department and it would carry on with its own background checks. It would do its own interviews. It would do everything else that remains to be done on the security clearance. Every department has its own department security operations officer.

**Hon. Marlene Jennings:** I'm asking about the Department of Foreign Affairs, specifically.

**The Chair:** Okay.

We'll have to move over to the Bloc now. Mr. Ménard.

**Hon. Marlene Jennings:** I apologize, Ms. Barnes.

**The Chair:** Mr. Ménard, go ahead, sir.

[*Translation*]

**Mr. Serge Ménard:** I would like to clarify one point. If you have information to give the Prime Minister, you give it to the Privy Council. Did I understand correctly?

**A/Commr Raf Souccar:** Yes. We won't call the Prime Minister, but rather the Privy Council.

**Mr. Serge Ménard:** I understand perfectly.

You won't call his chief of staff; you'll just call the Privy Council.

**A/Commr Raf Souccar:** Absolutely, because the Privy Council is at the base of this entire process. It asks us to conduct the checks. So we report to the Privy Council, which made the request in the first place.

**Mr. Serge Ménard:** I understand that you essentially think you must tell us nothing about the individual case of Minister Bernier and his relationship with Ms. Couillard.

**A/Commr Raf Souccar:** That's correct.

**Mr. Serge Ménard:** However, do you ever realize that a situation is developing in a minister's office that may present a security risk? In those cases, do you stop investigating? Do you inform the Privy Council that such a situation is developing in the minister's office?

**A/Commr Raf Souccar:** From the moment something is brought to our attention, we start by checking to see whether that information —

**Mr. Serge Ménard:** I understood that.

**A/Commr Raf Souccar:** —is correct or not. If the information is correct and if it continues to concern us, we communicate with the Privy Council.

**Mr. Serge Ménard:** You've now said that five times; we've understood.

However, let's take it for granted that you're given some information, that it is correct, and that you think, based on your investigation, that it does indeed present a security risk. Are you going to inform the Privy Council of it?

**A/Commr Raf Souccar:** Yes, absolutely; we'll inform the Privy Council.

**Mr. Serge Ménard:** Good. Now, if you realize that a relationship is developing in the minister's personal life that may constitute a breach of security, if you are satisfied with that information, if you have checked it in your data base, and so on, and if you are of the view that it is a security risk, will you inform the Privy Council of it?

**A/Commr Raf Souccar:** Yes, absolutely, if we think it can cause a concern, we will inform the Privy Council.

• (1705)

**Mr. Serge Ménard:** You're very familiar with the criminal organizations in Canada, particularly those of the bikers, aren't you?

**A/Commr Raf Souccar:** Yes.

**Mr. Serge Ménard:** Like the witnesses who preceded you, and perhaps better than he, you are aware of the regular attempts by those organizations to place moles wherever they can. You know that, don't you?

**A/Commr Raf Souccar:** Yes.

**Mr. Serge Ménard:** Good. If you have information that you have checked in your data bases and that you think is reliable as to whether there is a reasonable chance that a minister, perhaps without his knowledge, is starting a relationship with a mole, do you think the Privy Council should be informed of that?

**A/Commr Raf Souccar:** Yes, if the situation causes concerns for us, absolutely.

**Mr. Serge Ménard:** Does a person who has had sustained intimate relationships with members of organized crime over a number of years present a security risk?

**A/Commr Raf Souccar:** That's possible.

**Mr. Serge Ménard:** If that person may come into contact with highly confidential documents in the minister's bedroom, at her home, at his home or during conversations, do you think that presents a security risk that it is worth the trouble to make the Privy Council aware of?

**A/Commr Raf Souccar:** Secure documents must not be shared with anyone, whether it's a person associated with organized crime or not. If that person has no qualification to see those documents, then they must not be shared.

**Mr. Serge Ménard:** I read in Margaret Trudeau's book that she hated those black books that Mr. Trudeau brought home at night. As you'll understand, he must not have been the only Prime Minister who worked at home, and, as you can well imagine, a number of ministers work at home as well. Consequently, they don't always have their eyes on the documents. A mole can indeed open documents and see them.

In that sense, are you prepared, in the case of an unusual relationship, to enter that person's name in your data bases to see whether there are any reliable indications on the relationships that he or she has had with organized crime?

[English]

**The Chair:** That will have to be the final question.

[Translation]

**A/Commr Raf Souccar:** Once again, Mr. Ménard, if such a situation is brought to our attention and causes us concerns, we will inform the Privy Council.

[English]

**The Chair:** I'll go to Mr. Norlock.

**Mr. Rick Norlock:** Thank you very much for coming today, gentlemen. I know you're being asked a lot of hypothetical questions about hypothetical situations so those can hypothetically be turned into advantageous political ammunition. However, I know that you will answer, and have answered, and I appreciate your answers coming forth in a very forthright manner.

The question I have to ask is based on some of the questioning at the beginning of today's proceedings and on your being here. It's on the fine line, in the job that you have, whether it be national security or just straight law enforcement, between respecting the personal lives of individuals and what I believe is referred to as "white intelligence"—that's the stuff you get out in the community from the newspapers—which can sometimes be salacious gossip from different forums.

I was listening intently when you were talking about obtaining information from various sources. I'd like you to confirm for me that some of those sources could actually be newspapers. One of those sources could actually be someone who says something to somebody who thought you should know about it. Would I be correct in saying that could be a source of information?

• (1710)

**A/Commr Raf Souccar:** Absolutely, yes.



**Mr. Rick Norlock:** I believe the important part of your answer—I think it's necessary to remind people who are watching this, so that they know exactly what you were referring to—is that it could be in the newspaper, but if the impression is that the police didn't do something about it, it's because they actually did do a threat assessment on the information, or an assessment as to its criminality, and made a determination that in this particular case, and we're talking hypothetically, there would be insufficient grounds to begin an investigation, and that, at the same time, having regard for the individual you may be investigating, the investigation itself could be construed in some quarters as a sign of something having been done wrong.

Would I be correct?

**A/Commr Raf Souccar:** You would. Reacting to newspapers or gossip by unleashing a massive investigation is not what we do. We verify what it is we do.

Information comes in. We accept any type of information that comes in. As I said earlier, we depend on everybody, on the general public. Public security is something that rests with all of us. We encourage people to come and talk to us. If anyone has any information that could be of concern to us, we would welcome that information. But we don't accept it and unleash an investigation right away. We need to verify its accuracy, its reliability. That's how we differentiate between gossip or unreliable information versus reliable information that is worthy of the next step, which is investigation.

**C/Supt Bob Paulson:** Perhaps I could add something here.

I think it's important for the committee to understand the level of complexity that attaches to investigations in today's environment. There's a need to respect the various statutes, the most important ones being the Charter of Rights and Freedoms and the Privacy Act. All of those provisions give us the level of living we like here.

I'm not complaining; I'm just illustrating for you that it is a complex legal and process environment that we have to manage, and it's not well managed in the public arena.

**Mr. Rick Norlock:** That's exactly the direction my question was going in. I was going to bring up those two very important acts that every citizen, from the highest position in the land down to.... Well, we're all equal. We all have a responsibility, number one, to each other, to make sure that we respect each other's rights. Even more so, as police officers and holders of the authority to arrest and detain, you have to ensure that anything you do doesn't do more harm than the accusation or the potential information.

Going down that line—I was just asked a question by one of my colleagues—it's the responsibility of every one of us, if we know something, to bring that information forward. But when we do realize that we have crossed the line, when we do realize that we may have exceeded our authority or that we have made a mistake, we have to do the responsible thing. We have to take responsibility for it. We have to take it upon our shoulders to right the wrong.

I think one of the things we need to talk about, since we can't talk about the specifics, is that some of the individuals in this case have.... I mean, the minister has resigned his position and done the right thing. But I think it's necessary for every citizen to realize that we have to take responsibility and do the right thing.

**The Chair:** I didn't detect a question there.

Ms. Barnes.

**Hon. Sue Barnes (London West, Lib.):** Thank you very much, Chair.

Thank you very much for appearing today.

I understand the difficulty behind what you can say and what you can't say, but maybe you can answer this in general.

We're talking about security clearances, but that's not the only way in which the RCMP interacts with the minister. For instance, can you tell me whether or not the RCMP would accompany a minister on international travel, say, or in his functions even inside the country, on a one-on-one basis?

• (1715)

**A/Commr Raf Souccar:** Not generally. It depends on the minister, and it depends on any threat assessment that may be conducted on the particular minister, as to whether or not they require any type of security. If that threat assessment is conducted and security is required, it's then assessed at what level it's required, and they would be provided with a security package commensurate with that assessment.

**Hon. Sue Barnes:** Assuming that the RCMP has a threat assessment and there is an accompanying RCMP officer, would that RCMP officer be fully briefed about the minister he is with, and the people you anticipate being around that minister?

**A/Commr Raf Souccar:** The security team would be briefed on the nature of the threat assessment, not on the minister's personal life. If he's accompanied by someone, certainly that person would be known to the security detail.

**Hon. Sue Barnes:** And if there was any concern about that person, what would be the procedure that you would expect of your RCMP officer in passing on that information?

**A/Commr Raf Souccar:** What type of concern are we talking about—a security concern, a threat?

**Hon. Sue Barnes:** If the RCMP officer who was accompanying the minister was aware of, say, some interaction with people that would raise a level of concern, what would you expect, in your normal protocol, for that officer to do with that information?

**A/Commr Raf Souccar:** I just want to make sure I follow your question. If there is a concern that the person with the minister—

**Hon. Sue Barnes:** I don't want to get into the hypotheticals, but say the RCMP officer saw people who would have been known to you, and be of interest to you, from a security point of view—whether it was organized crime, whether it was other individuals. What would you expect that RCMP officer who was with the minister to do with that information in your normal procedure or protocol?

**A/Commr Raf Souccar:** I think—exactly as I detailed earlier—if that concern was known to one of our officers, the potential security threat would be assessed to see the validity of it, how it relates to the activity taking place, such as travel, and how it relates to security issues, whether it's the classification of documents, as we talked about earlier.... Whatever the nature of the threat is, it's assessed. Based on that, a determination is made whether or not to notify PCO.

**Hon. Sue Barnes:** You said earlier that if you had information, you would go from the range of doing nothing to turning the information over to the proper source.

Is there any other instance, other than you not seeing a security threat, in which you would do nothing? In other words, you would have to be assured, yourselves, that there is no threat; that would be the one and only reason that you would do nothing with the information.

**A/Commr Raf Souccar:** I'm not sure I follow the question.

**C/Supt Bob Paulson:** Let me take a crack it, because it's important that we understand the protective function of the officers accompanying those ministers for whom there has been a threat identified—the protective function that they must perform.

If, in the course of those duties, they observe behaviour which is criminal, it doesn't matter who's doing that, they're duty-bound to uphold the law. If they observe conduct of people around the dignitary, that's not altogether uncommon, because in those travels the dignitaries often interact with wide cross-sections of our communities, which unfortunately sometimes contain criminals. We agree with Mr. Ménard that organized crimes and terrorist groups try to access influence, try to access our institutions, so there's that component.

But we shouldn't confuse the protective duties of the officers on the road, apart from their natural sort of basic police responsibilities, with this other interaction with people on the road. We would expect that if officers observe suspicious conduct that would raise their suspicions, if perhaps organized crime or a terrorist group is trying to influence our institutions, they would raise that with us. And as the deputy said, we would engage in an investigation.

**Hon. Sue Barnes:** Thank you.

I don't think you quite answered my question. What I was trying to get at—

**C/Supt Bob Paulson:** It's not for lack of trying.

**Hon. Sue Barnes:** Yes, I realize, so I'll try to rephrase it one more time.

You said that you would go from doing nothing with the information to moving it along.

• (1720)

**C/Supt Bob Paulson:** What I was talking about there was the range. When I said doing nothing, we would perhaps assess the information as being “so what” information—it's none of our business and we've got to let that go.

**Hon. Sue Barnes:** And that's the only reason. I just wanted you to put on the record that there would be no other reason that you would do nothing.

**C/Supt Bob Paulson:** No. I'll let the deputy talk about that, but we may do nothing because we want to protect an investigation. We may do nothing in terms of advising people, because that would infringe upon the integrity of such an investigation or an investigation in the future. That may be a condition too.

**Hon. Sue Barnes:** That's good. Thank you.

**The Chair:** No other comments? It's clear. Okay.

Thank you very much.

Next on our list is Mr. Mayes, please.

**Mr. Colin Mayes (Okanagan—Shuswap, CPC):** I just want to say to the witnesses that I appreciate the sensitivity to the individual rights of the people who are involved in this inquiry. I really appreciate the way you've handled the questions.

I just wanted to know what the appropriate response is. If the rules and procedures for handling of classified documents are broken and the PMO is notified, is the appropriate response from the PMO (1) to contact the individual who broke the security procedures; (2) to accept the resignation of the individual if the report is true; (3) to ask those responsible for those documents—the department or the ministry—to confirm the classification of the documents and also assess the severity of the breach? Would that be an appropriate response?

**A/Commr Raf Souccar:** I think you've covered the range of possible responses from the extreme—I suppose, a resignation—to an investigation as to the nature of the documents and the facts surrounding the “misuse,” as I think you put it, of the documents.

**Mr. Colin Mayes:** Would you say that if the department were to exhaust their ability to investigate the severity of the breach, the next step would likely be to engage the RCMP and ask the RCMP to assist them in that investigation?

**A/Commr Raf Souccar:** Typically that would be the nature of the course of business, yes.

**Mr. Colin Mayes:** So you haven't been asked currently to engage in that investigation?

**A/Commr Raf Souccar:** Again, it would be inappropriate for me to comment as to whether or not we have commenced anything or are planning on commencing something.

**C/Supt Bob Paulson:** Perhaps I could add, sir, that I think it's important in terms of talking about the handling of classified material. Again, the range of activity that could occur there in terms of misconduct around that material could be in the ordinary course of business of government employee acts—negligence, inattentiveness—which doesn't hit the criminal conduct threshold, and then there is the intentional distribution, espionage-type activity at the other spectrum. So you don't always need a bulldozer to clean out your backyard, and there needs to be an assessment as to what indeed is happening and what are the circumstances that are going on there. But if there's evidence of criminality, we are obligated and duty-bound to investigate that once we have that suggestion.

**Mr. Colin Mayes:** Thank you.

**The Chair:** Are you sharing the time, Mr. MacKenzie?

**Mr. Dave MacKenzie:** Thank you again.

I'd just like to revisit something, and I think it's where Ms. Brown was going here.

I guess it's very difficult to determine, but security people do not necessarily know everybody in Canada who has been associated with or has been involved with organized crime or terrorist groups, or whatever. It would be a big jump in an assumption to know that members of the RCMP, who are very knowledgeable people.... It's impossible for all of them to know and recognize by face who the people are. Is that a fair assessment?

**A/Commr Raf Souccar:** Yes, and I would not confine it only to protective officers but to any police officer, whether that officer works in the sphere of organized crime or not, to know everyone involved in that sphere of activity.

**Mr. Dave MacKenzie:** Typically, intelligence files are built by unknowns, but ultimately they go nowhere if we don't know a name and have a name to associate it with. Whether it's security or drug files, or whatever it might be, there's an awful lot of information that sits in files and nobody has a name. You can't associate it to anybody and you can't verify backwards who it is.

•(1725)

**A/Commr Raf Souccar:** Sometimes that happens, yes.

**Mr. Dave MacKenzie:** And I think it's only fair to say that's true of all police officers involved in intelligence, that to know all the names and all the people, all the players, is a virtual impossibility.

**A/Commr Raf Souccar:** I would agree with that, yes.

**Mr. Dave MacKenzie:** Okay.

My other question deals with who you report your information to. I know there have been a lot of questions, particularly in the House, about whether so-and-so knew and whether it was reported by authorities, but the RCMP reports its information to the PCO. Is that the appropriate channel for...?

**A/Commr Raf Souccar:** It goes from RCMP to PCO, yes.

**Mr. Dave MacKenzie:** Yes, but it's not to go around the Hill to different senior levels and report; it's to the PCO, and they then handle the information and do as they are mandated through rules and regulations to follow.

**A/Commr Raf Souccar:** Absolutely. That's where the request originates, and that's where our response goes.

**Mr. Dave MacKenzie:** Okay.

How are we doing for time, Chair?

**The Chair:** I was distracted here. I wasn't listening. Are you just about done?

**Mr. Dave MacKenzie:** Is there somebody else?

**The Chair:** Yes. Mr. Dosanjh had a question.

**Hon. Ujjal Dosanjh:** I have a question.

The last time we checked, Mr. MacKenzie, PCO was at the centre of the government.

Let me just ask the question, though: when did the RCMP become aware of Madame Couillard's relationship with the then foreign affairs minister?

I can tell you there is no security breach or prejudicing of the investigation that you might be carrying on by simply answering that question.

**An hon. member:** [*Inaudible—Editor*].

**Hon. Ujjal Dosanjh:** Yes, we can. The public can be the judge sometimes.

**A/Commr Raf Souccar:** I don't have any knowledge....

**C/Supt Bob Paulson:** Well, I can say that I saw Madame Couillard accompany the minister to Rideau Hall for his swearing-in ceremony when he was appointed the Minister of Foreign Affairs.

**Hon. Ujjal Dosanjh:** You knew of Ms. Couillard at that point, in the sense that she was known to the police.

**C/Supt Bob Paulson:** No. I personally did not know her, although I think, as the deputy has indicated, the RCMP knows Madame Couillard.

**Hon. Ujjal Dosanjh:** And it was known to the RCMP, at least that day, that it was Madame Couillard with Mr. Bernier.

**C/Supt Bob Paulson:** Oh. Well, no, I didn't—

**Hon. Ujjal Dosanjh:** But that's the question I'm asking. When did the RCMP come to know that it was Madame Couillard who was walking with him, and it was Madame Couillard who had a relationship with the then foreign affairs minister?

**A/Commr Raf Souccar:** I have no idea as to exactly at what point. As I said at the outset, we know who Ms. Couillard is, but at what point a connection was made as to what I, like Assistant Commissioner Paulson, saw during the swearing-in ceremony.... In terms of anything greater than that, I—

**Hon. Ujjal Dosanjh:** I would like to know. I would like to ask you to provide that information to us.

**C/Supt Bob Paulson:** Okay.

**Hon. Ujjal Dosanjh:** Check your files. I would like to know when the RCMP knew that it was Madame Couillard, with vast connections to organized crime, who was in a relationship with the foreign affairs minister.

Thank you.

**The Chair:** Please go ahead, Mr. Brown.

**Mr. Gord Brown (Leeds—Grenville, CPC):** Thank you, Mr. Chairman.

I know we've only got a minute or two left, so I really have just one question.

In retrospect, do you think it would be advisable for ministers to be re-vetted in anything additional that might be of interest in terms of security concerns about any other ongoing relationships when they are moved from one cabinet post to another? Do you think they should get re-vetted at that point?

**A/Commr Raf Souccar:** I believe that they do, when they go from one post to another, with the process that's in place right now. That's a background check on the individual alone. As they move from the Minister of Public Safety to Minister of Justice, or whatever it may be—from one post to another—I believe they go through the

process again, but once again, it's only on the individual; it's not on spouses, friends, children, parents, and so on.

• (1730)

**Mr. Gord Brown:** Right.

Was that done when that cabinet shuffle happened? Were ministers who moved re-vetted at that point?

**A/Commr Raf Souccar:** Yes.

**Mr. Gord Brown:** Okay. Thank you.

**The Chair:** Thank you very much.

I would like to thank our witnesses for coming here. You have given us a good outline of the procedures that you have in regard to security. We appreciate it very much.

This meeting stands adjourned.

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