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—
Chair

Mr. Garry Breitkreuz

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Wednesday, June 18, 2008

• (1535)

[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.

Before we continue our study in relation to matters concerning the former Minister of Foreign Affairs, I want to tell the committee that I was a little late because I tabled the taser report. So that is now public. I apologize for the inconvenience.

We'd like to welcome, again, the Royal Canadian Mounted Police. I see we have more members than are on my list here, so I'll maybe turn it over to Mr. Paulson.

Who is speaking, Mr. Souccar or Mr. Paulson?

Assistant Commissioner Raf Souccar (Assistant Commissioner, Federal Policing, Royal Canadian Mounted Police): We will forgo any opening comments, Mr. Chairman.

The Chair: Okay. Would you please introduce yourselves, then? If you do not have an opening statement, we will then go immediately to questions and comments.

Monsieur Ménard.

[Translation]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): On a point of order, Mr. Chairman. I would like to the witnesses to testify under oath.

[English]

The Chair: I'm not sure that's necessary. Anything that is presented at committee is under oath, whenever we have witnesses.

Mr. Thomas Mulcair (Outremont, NDP): That's not true.

The Chair: Would you like to formalize that, Monsieur Ménard? Do you want them to individually swear each one?

What is your point? What would you like to do?

[Translation]

Mr. Serge Ménard: I'm asking that the witnesses be sworn in.

[English]

The Chair: We'll suspend for a few minutes.

We were not expecting this. I don't think you informed us in time, so we'll have to wait for a bit until we're ready.

• (1535)

(Pause)

• (1545)

The Chair: We'll go back into session now.

Mr. Cullen, on a point of order.

Hon. Roy Cullen (Etobicoke North, Lib.): Mr. Chair, I'm just inquiring why we deem it necessary to have sworn statements by members of the Royal Canadian Mounted Police. If we can't believe their testimony, I think we're all in deep trouble.

An hon. member: Hear, hear!

The Chair: Ms. Jennings, did you have any further comments?

[Translation]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): I'd like to comment on this request. We Liberals have never had any reason to assume that RCMP members were not telling the truth when they testified before a House committee. We don't agree with Mr. Ménard's request. We assume that RCMP members will be telling the truth and answering our questions to the best of their ability. Mr. Ménard is entitled to press his point, but I think I speak for my Liberal colleagues when I say that we do not believe RCMP members should be compelled to swear an oath before giving testimony to this committee.

[English]

The Chair: Thank you.

Mr. MacKenzie.

Mr. Dave MacKenzie (Oxford, CPC): Mr. Chair, the Conservative side certainly agrees with what we've heard from the Liberals. We're quite appalled that somebody would ask the RCMP members present at this committee to take an oath.

I don't know the reason. I just think it's an appalling thing to ask them to take an oath before the committee. I think Canadians would wonder why, all of a sudden.... Why wouldn't we ask the members of this committee to take an oath and tell the truth after we've left? It's the same kind of scenario in a different way.

I have all the respect in the world for the members of the RCMP who are here, as do our members. We're certainly in concurrence with the Liberal members that we've heard. We don't think it's necessary, and just inappropriate.

The Chair: Mr. Dosanjh, is this on the same point of order?

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Yes, I just want to concur with the sentiment expressed. Thank you.

The Chair: Thank you.

Mr. Ménard.

[*Translation*]

Mr. Serge Ménard: Mr. Chairman, I insist that the witnesses should swear an oath. Besides, one of the reasons why they are here is because some news releases seem to contradict some of the statements they made when they last testified before the committee. They are back here today to explain the discrepancies between their releases and their testimony.

To my knowledge, I don't need to justify my request. I insist that they be sworn in. If I must give a reason, then it is because they are here to explain the discrepancies between their testimony and the news releases that we subsequently received.

• (1550)

[*English*]

The Chair: Mr. Brown, do you have a point of order?

Mr. Gord Brown (Leeds—Grenville, CPC): Yes. Thank you, Mr. Chair.

If Mr. Mulcair or Mr. Ménard want to have our witnesses sworn, they have the opportunity to put that motion forward. If they don't, then they don't need to. If they want that to happen, I would like an opportunity to vote on that.

The Chair: We'll just suspend for a moment. I'm not sure that has to be a motion. I think it's a member's right to do that. We're going to check the Standing Orders here.

• (1550)

(Pause)

• (1550)

The Chair: I've just been informed that we need to have the majority of the committee agree to this. So you'll need to make a motion, sir. Then we'll vote on it.

[*Translation*]

Mr. Serge Ménard: Therefore, I would like to move that the three witnesses we are about to hear from be sworn in.

[*English*]

The Chair: You've all heard the motion. Is there any further discussion? No discussion. We'll take the vote then.

(Motion negatived)

• (1555)

The Chair: The motion is defeated, so we will continue with our hearing.

It being five minutes to four o'clock, we'll try to continue on until five minutes to five o'clock. We'll allow one hour for our witnesses. I should have checked with our witnesses. Are you ladies and gentlemen able to stay a little beyond the projected time of 4:30?

A/Commr Raf Souccar: Yes, Mr. Chair.

The Chair: You are. Thank you very much.

As you don't have an opening statement, we will go over to the Liberal Party first of all.

Mr. Dosanjh, you are first on my list.

Hon. Ujjal Dosanjh: Thank you.

Thank you for appearing again before us. I got the impression last time when we were discussing this matter that you did not want to tell us whether or not you spoke to the PCO with respect to the Couillard-Bernier matter, under the rubric that these kinds of conversations might jeopardize what you may have done in the past or may be doing currently or in future investigations. Therefore, nobody pressed you on that particular issue in a specific fashion.

So I would like to know what changed between then and the time PCO spoke to you. I would like to know what changed in terms of your being specific.

A/Commr Raf Souccar: Can you be more specific with your question? Relative to what, specific relative to what?

Hon. Ujjal Dosanjh: Well, I understand PCO had a conversation with you and that in the conversation they advised you they were going to go public with the fact that the RCMP had not contacted them in this regard. I have known in the past that when RCMP are conducting serious investigations or something might be jeopardized, they have been known to tell government agencies, particularly those that deal with the central government functions—national security and the like—not to say certain things.

If you were too reluctant to share the no-contact information with us—I understood you said nothing to the individual who was speaking to you when you were advised they were going to go public with the no-contact information—I would like to know what changed when you did not express your reservations to the person speaking to you.

A/Commr Raf Souccar: Thank you for your question, Mr. Dosanjh.

Nothing changed. I did have a telephone conversation with Ms. Rennie Marcoux, and during that telephone conversation I was advised that PCO would go public with a statement indicating we had not advised them.

We discussed it. I failed to understand at the time why there was a need to do that, given that I had neither confirmed nor denied whether or not I had advised them of anything. All the questions I had answered were hypothetical questions that were posed to me, and therefore I had some difficulty understanding the need to go public with a statement indicating we had not contacted them. They nevertheless chose to do that, and that's their right.

Then the RCMP, with that in mind, had a very clear idea that our phones were going to ring the next day with the media asking questions about this statement, so we had media lines prepared simply to answer. With PCO having gone public with the fact that we had not contacted them, we were left with really very little choice. It was either to get into a he-said-she-said situation or to simply confirm that. We took the avenue of confirming it. That's simply it.

Hon. Ujjal Dosanjh: If it was as easy as that, why could you not confirm to the committee when the committee was wanting to ask you specific questions and when that was an important aspect we were all pursuing?

A/Commr Raf Souccar: My preference would have been not to confirm or deny whether we had contacted PCO. This is our position, and should we appear on another matter in a year, that will continue to be my position. I have no control over what PCO does. They chose to do that. We can live with the results.

Hon. Ujjal Dosanjh: You chose to confirm.

A/Commr Raf Souccar: Correct.

Hon. Ujjal Dosanjh: Why couldn't you live with non-confirmation?

A/Commr Raf Souccar: We could have taken that avenue, but we chose not to.

• (1600)

Hon. Ujjal Dosanjh: You could have chosen to tell us, but you chose not to.

A/Commr Raf Souccar: At that point—

Hon. Ujjal Dosanjh: If I may, sir, I'm actually somewhat incensed. Obviously there was nothing at stake when you were not being forthright with us. If something was at stake, you would have told the PCO not to go public with that information. Using that logic, you could have told us. You had the choice to tell us and you chose not to.

A/Commr Raf Souccar: First, conversations I have with PCO in private are, I think, very different from conversations that we have in a public televised forum. Second, I didn't have much choice in whether or not PCO... If I may finish, Mr. Dosanjh, I didn't have much choice. This wasn't a question that was put to me—would you like us to do it or would you like us not to do it? It was a decision made by PCO.

Hon. Ujjal Dosanjh: But you could have told them. You had a choice to tell them that it could jeopardize what we might have done in the investigation, currently or in the future. You told us that. Why could you not tell PCO that? That's an arm of government.

A/Commr Raf Souccar: PCO is well aware of our policy not to confirm or deny and the reasons behind it. That decision was made, and you would have to ask them why.

Hon. Ujjal Dosanjh: So you could actually, in a sense, not be forthright with the committee—and there's no risk involved in being forthright with the committee, as I now gather—but you would not prevent the PCO from saying something publicly that might jeopardize an investigation, whether past, current, or future.

What I'm now left with is that there was absolutely no investigation, past, current, or future, but you didn't tell us. You didn't tell us that you didn't contact PCO.

A/Commr Raf Souccar: Mr. Chairman, this may be a conclusion that the committee wishes to draw, or that Mr. Dosanjh wishes to draw. I had a whole bunch of hypotheticals put to me, which I have responded to.

Let me please finish, Mr. Dosanjh. I let you speak.

I made it very clear that I was not, and am still not, willing to talk about this particular case.

When you talk about not being forthright, I think you're implying that I intentionally misled the committee. I've been a police officer,

Mr. Chairman, for 30 years. I've testified in court hundreds of times, and I've never been accused of not being forthright. Everything that I gave you, Mr. Dosanjh, and everything that I answered before this committee was said to the best of my knowledge at the time. Anything that I was not willing to answer, I was not willing to answer for RCMP policy reasons. The RCMP has a policy of not talking about anything we may or will be doing that could be compromised by what we might say. It doesn't necessarily mean that if I speak about something it will compromise; it may mean that it has the potential to compromise, so we try to stay away from it.

It is not accurate for you to suggest that because I followed that policy I was not being forthright with the committee.

The Chair: I will allow a brief follow-up, as quickly as possible.

Hon. Ujjal Dosanjh: Let me reiterate. You chose silence before the committee. You chose to answer only hypothetical questions. You also chose silence with PCO when they were doing the opposite of what you would have done. That's my concern.

The Chair: Do you have a brief response?

A/Commr Raf Souccar: My brief response is that this was a decision made by PCO. I had no control over it.

The Chair: Monsieur Ménard.

[*Translation*]

Mr. Serge Ménard: Thank you, Mr. Chairman.

I will get straight to the point. First of all, if we did ask some hypothetical questions, surely it was because you did not wish to answer any direct questions. I will go over some of the questions that I asked. These appear on page 29 of the blues of the meeting of Tuesday, June 10, 2008. To put things in context, I will ask you a question.

I see that you're ready for me. Good.

On page 29, I put this second question to you:

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?

Answer:

Yes, absolutely; we'll inform the Privy Council.

Question:

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?

Answer:

Yes, absolutely, if we think it can cause a concern, we will inform the Privy Council.

Question:

You're very familiar with the criminal organizations in Canada, particularly those of the bikers, aren't you?

Answer:

Yes.

Question:

Like the witness 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?

Answer:

Yes.

Question:

Good. If you have information that you have checked in your data bases and that you think is reliable as to where 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?

Answer:

Yes, if the situation causes concerns for us, absolutely.

Question:

Does a person who has had sustained intimate relationships with members of organized crime over a number of years present a security risk?

Answer:

That's possible.

Question:

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?

Answer:

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.

Question:

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?

And then the Chair broke in to say:

That will have to be the final question.

And you answered as follows:

Once again, Mr. Ménard, if such a situation is brought to our attention and causes us concerns, we will inform the Privy Council.

So then, as I understand it, you did not inform the Privy Council because you felt the situation was not cause for concern.

• (1605)

A/Commr Raf Souccar: Thank you for your question, Mr. Ménard.

[English]

I have to caution everybody that hypothetical questions have their own set of facts. The matter about which we are appearing before the committee has its own set of facts. Two plus two doesn't equal five. If you take facts from a hypothetical case and try to apply it to a specific case, you may not come out with the same results.

I had very clearly said that when information comes to our attention, we check the information for accuracy, reliability, and relevance. Should all these factors come into play, as well as other

external factors that may come into a very specific case, we would then take action. If necessary because it's reliable, accurate, relevant, and causes us concern based on the facts, we would notify PCO.

[Translation]

Mr. Serge Ménard: In terms of what's already public knowledge—I hope you can discuss what's public knowledge—it's common knowledge that the minister had a relationship with Ms. Couillard, and it's common knowledge that Ms. Couillard had been involved in the past with several organized crime members. These facts were reported then, and continue to be reported today. You have the means to verify if in fact this information, which is public knowledge, is accurate.

Do you consider, if in fact this information exists, that this situation poses a security risk and that therefore the Privy Council should be informed?

• (1610)

[English]

A/Commr Raf Souccar: First of all, again I would caution you about newspaper articles that come out in the media. Some are accurate—

[Translation]

Mr. Serge Ménard: I am talking about your data bases.

[English]

A/Commr Raf Souccar:—and some are not very accurate. I'm not prepared to speak about this specific case or the accuracy, reliability, or relevance of the facts surrounding this case as they appeared in the media.

I caution you, again, do not simply take what you read in the media and project that into some sort of conclusion.

[Translation]

Mr. Serge Ménard: Let me present another hypothetical situation, one that was not mentioned by the media. If a minister starts up a relationship with a woman who in the past was associated with terrorist organizations, do you feel the situation warrants informing the Privy Council?

[English]

The Chair: That will have to be your final question.

A/Commr Raf Souccar: I would follow the same procedure, Monsieur Ménard. I would follow the procedure of accuracy, relevancy, and reliability and formulate a position at that point.

The Chair: Ms. Priddy, please.

Ms. Penny Priddy (Surrey North, NDP): Thank you, Mr. Chair. I'm actually going to give my time to Mr. Mulcair today.

The Chair: Sorry, he's not sworn into the committee.

Ms. Penny Priddy: But can he not—

The Chair: He can't do that. He has to be substituted legally for you at the committee.

In fact, he voted—against the rules of the committee.

Mr. Thomas Mulcair: I am substituted in.

The Chair: I was told that the form was not here, but we'll check that.

I won't count this against your time, Ms. Priddy.

Ms. Penny Priddy: Thank you.

The Chair: Yes, it's okay; Ms. Priddy can't speak today, but Mr. Mulcair can.

Mr. Thomas Mulcair: I accept your apology, Mr. Chair.

The Chair: Thank you.

[*Translation*]

Mr. Thomas Mulcair: Commissioner Soucar, I'd like to come back to the question you raised earlier in response to a question from Mr. Ménard. Ms. Bloodworth has issued a statement maintaining that she never heard from you.

A/Commr Raf Souccar: That she never...

Mr. Thomas Mulcair: ...she never heard from you. Yesterday, my colleague asked her if, assuming the media reports were true, she would have expected to be contacted by the RCMP. She responded in the affirmative.

You should said that we shouldn't believe everything we read in the newspapers. There are those who have professed their faith in you today. Generally speaking, I for one prefer to think that the media do a good job. I'll leave it up to you to analyse the job they do.

I'd like to put to you the same question that my colleague did. Assuming the reports were accurate, would you have informed the Privy Council?

A/Commr Raf Souccar: Once again, Mr. Mulcair, I would prefer not to answer that question, because it directly relates to the matter under investigation.

Mr. Thomas Mulcair: It's a direct question. If you had assumed that the media reports were true, would you have informed the Privy Council Office?

[*English*]

A/Commr Raf Souccar: Mr. Chairman, as I said at the outset, I will not be answering any questions specific to this case.

[*Translation*]

Mr. Thomas Mulcair: Let me steer you back into more comfortable territory. Let's talk about the Security of Information Act. No doubt you're familiar with the case of Juliet O'Neill. Ms. Couillard has invoked section 4 of this act to justify her refusal to testify before the committee. She says she is worried that pursuant to this provision, she could be prosecuted for having in her possession documents belonging to former Minister Bernier.

Given that this provision was invalidated in 2006 in the wake of the O'Neill affair, do you think the Security of Information Act is relevant to this case?

• (1615)

[*English*]

Chief Superintendent Bob Paulson (Chief Superintendent and Acting Assistant Commissioner, National Security Criminal Investigations, Royal Canadian Mounted Police): I'll just say something on the Security of Information Act, section 4, which you

spoke of, which was struck down in the constitutional challenge on the Juliet O'Neill case. Again, as the deputy said...and we're not going to speak to the specific case, but it seems to me and it seems to my program that the Security of Information Act remains a valid and appropriate instrument with which to assess criminal intentional misconduct around the handling and distribution of secret material.

[*Translation*]

Mr. Thomas Mulcair: Thank you.

Commissioner Soucar, I'd like to get back to you. Earlier, you gave a rather emotional statement in which you talked about your 30 years in the RCMP. You couched your statement very carefully. You said:

[*English*]

“to the best of my knowledge at the time”.

So those are two conditions. The first condition is that it was to the best of your knowledge. The second is that it was at that time. Then you came on with three other conditions. You talked about RCMP policies. You talked hypothetically, about things that had a potential for compromise.

So I'd like to give you the chance now, with the time you've had to look at it...because you made a distinction between today and what you knew at the time. Is there anything you know today that you didn't know the last time you testified before us?

A/Commr Raf Souccar: I didn't know the last time that the PCO was going to go public with its statement.

Mr. Thomas Mulcair: That's the future.

I'm talking about things that had already happened, things that have appeared in the paper since then, things that the RCMP would have known from its own investigations, things that you testified on. Or do you maintain the testimony that you gave before us at that time?

A/Commr Raf Souccar: Nothing comes to mind. I may have greater knowledge about the facts surrounding the matter that we're here to testify about, which I'm not, unfortunately, at liberty—I understand your frustration—to talk about.

Mr. Thomas Mulcair: I'm far from frustrated.

A/Commr Raf Souccar: But I may have greater knowledge today than I did last week.

Mr. Thomas Mulcair: What's the source of that greater knowledge, Mr. Souccar?

A/Commr Raf Souccar: Discussion with colleagues, perhaps some research that's been done.

Mr. Thomas Mulcair: What was the nature of that research?

A/Commr Raf Souccar: Now, you see, we're getting into what it is that we may or may not be doing with respect to this matter, and I'm not prepared to do that.

Mr. Thomas Mulcair: Who are the colleagues you had conversations with?

A/Commr Raf Souccar: Mr. Paulson.

Mr. Thomas Mulcair: Were there others?

A/Commr Raf Souccar: People within my office.

Mr. Thomas Mulcair: Have you taken notes since the beginning of this affair?

A/Commr Raf Souccar: Yes, I probably would have taken notes.

Mr. Thomas Mulcair: Are you willing to share them with the members of this committee?

A/Commr Raf Souccar: I may be willing to share some of them. We'd have to look through the notes with respect to what I may and may not share with you.

Mr. Thomas Mulcair: What types of things would you not share with us, and why?

A/Commr Raf Souccar: At this point, anything specific to the investigation I would not be willing to share with you.

Mr. Thomas Mulcair: Which investigation?

A/Commr Raf Souccar: Anything that we're here before the committee on.

Mr. Thomas Mulcair: That doesn't make any sense. Would you mind clarifying that?

A/Commr Raf Souccar: Anything that we're here testifying about. What we are, may, or will be doing with respect to the reason for which you have called me to testify, with respect to the Bernier-Couillard affair, I would not be prepared to share with you at this point.

Mr. Thomas Mulcair: Do you still find it offensive that we find you're not being fulsome in your answers to this committee?

A/Commr Raf Souccar: As I said, I understand your frustration, but I would also think, with the understanding and knowledge base that members of the committee have, that you would understand why I cannot share this information with you.

Mr. Thomas Mulcair: Let's go back to that knowledge base—and a lot of it's based on what you've already told this committee.

What is it in this file, when you talked to us before about the newspapers not being accurate...? And Madam Bloodworth has come before this committee and said that if they were accurate, she should have been warned by you. You're maintaining that it was normal not to warn based on the fact that some of the things that have appeared are not true, obviously. Otherwise there's a disjunct between PCO and the RCMP on this.

So what are the types of things that are not true in the newspaper reports?

The Chair: That will have to be your final question.

A/Commr Raf Souccar: Mr. Chairman, that's not what I said. I said that I caution you about believing everything you read in the media—it may not all be true—and that I caution you about taking hypothetical situations that you are asking me about and applying the facts of those hypothetical situations to the case before us and drawing conclusions

• (1620)

The Chair: Mr. MacKenzie, please.

Mr. Dave MacKenzie: Mr. Chair, I have very few questions to ask, because I think the officers were forthright when they were here before. I think they're forthright while they're here now. They've made it very clear that this whole issue the committee is looking at

has been done with due diligence and that PCO has done their due diligence. Sometimes, somebody here simply can't understand that they've operated with what the rules are, not what members opposite wish the rules were.

It's a little bit over the top, I think, that we've cross-examined and have almost held an inquisition with witnesses today, and even yesterday with Mrs. Bloodworth. The witnesses have made it very clear. These questions were raised. The whole issue was when did the Prime Minister know. Well, it's been very clear that the Prime Minister never knew—and I think for good reason, because all of the agents quite properly followed the rules that are in place. They've done what was expected of them. They've done what was expected of them in this case and for the last twenty years. All of a sudden, people have 20/20 hindsight, when they think they know something or they believe they know something, and they've never passed it on. Some of these folks have indicated that they've known this stuff for years. Well, if they've known it for years and then, later on, they've seen pictures in the paper and they've read articles, I think it's not a fair statement to criticize the officials, who have done their job, to show up here and try to make some sort of a political message.

Quite frankly, Mr. Chair, if we want to change the rules, that's something we can do, but I don't think we should be haranguing people for having followed the rules, for having done what was appropriate, because it doesn't fit what you want it to fit.

Quite frankly, I have no questions.

The Chair: Okay. I presume, then, there would not be any answers.

Thank you.

Ms. Jennings, please.

Hon. Marlene Jennings: Thank you.

An hon. member: It's a lot like question period.

The Chair: Now, now.

[Translation]

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

I see that sometimes the rules change from one investigation to the next. Indeed, the RCMP followed a different set of rules or procedures when it investigated income trusts and the former finance minister.

I'd like to thank you and your colleagues for coming here today, Commissioner Soucar.

When you testified before the committee, you stated, in response to several questions, that if the RCMP were to learn that a minister was having a relationship with a person with ties to organized crime, then that would warrant informing the Privy Council Office. I realize that you were speaking hypothetically, but you also have to understand that this hypothetical situation was based on allegations and facts that Ms. Couillard herself had confirmed. This hypothetical case was therefore based on the relationship between Ms. Couillard and Mr. Bernier.

You answered that you would have a valid reason for informing the Privy Council Office. Yet, according to Ms. Tremblay and now, according to your own testimony, you apparently did not inform the Privy Council Office. So then, I have to ask myself this question: does this mean that the situation did not present any kind of national security risk? If someone can have such intimate relations over such an extended period of time with biker gangs and with organized crime, I can't help but ask myself that question. People are wondering if perhaps she was mole for the police.

Frankly, that's all I can think, given what we know and given your statement that the RCMP was aware of the fact that Ms. Couillard was known to police and given your response to the hypothetical case presented. Am I wrong here? I would be happy to learn that I'm wrong. I hope that these facts, the testimony you gave when you were here last, the statements and testimony of Privy Council officials—in short, this body of evidence—will not lead us to the conclusion that Ms. Couillard was quite possibly a police mole.

• (1625)

[English]

The Chair: Go ahead.

[Translation]

A/Commr Raf Souccar: Thank you for your question, Ms. Jennings. With all due respect...

Hon. Marlene Jennings: Yes.

[English]

A/Commr Raf Souccar: You're again drawing conclusions based on information that you have read in the papers, that you have obtained in the public domain, and are not armed with all of the necessary information. Again it's hypothetical, and I understand the conclusions that you are drawn towards concluding, as a result of the information base you have.

Take, for example, my statement about being “known to the police”, or “the RCMP knows who she is”—I can't remember the words I used exactly. When I made that statement, the media and, I think, some of you automatically concluded that because somebody is known by the police the person is automatically a criminal.

Hon. Marlene Jennings: No.

A/Commr Raf Souccar: We come into contact with more than 10,000 people a day.

Hon. Marlene Jennings: I can stop you right there. That was not my conclusion, nor was it the conclusion, I believe, of anyone around this table. It meant that you knew of the person. The person had come to your attention and could have been a witness in a case, could have been a complainant in a case, could have been someone who was related, but the person was known.

The Chair: Actually, your time is up, Ms. Jennings. I'm sorry.

Do you want to give a brief response before we go to Mr. Ménard or Ms. Thi Lac?

A/Commr Raf Souccar: No, I think Madame Jennings gave my answer.

Thank you.

The Chair: Thank you.

Mr. Ménard.

[Translation]

Mr. Serge Ménard: You say that you cannot answer the direct questions we have for you as part of our investigation because it could compromise other investigations under way. As far as I know, there are only two investigations under way at this time. One is being conducted by Foreign Affairs and focuses on the fact that the Minister left classified documents in an unsecured location. The second investigation is the one being carried out by this committee.

I don't see how the Foreign Affairs investigation prevents you from shedding light on the inquiry we are conducting to ascertain if the Prime Minister in fact chose to run the risk of seeing one of his ministers develop an intimate relationship with a person who over an extended period of time, had close, ongoing ties with organized crime members.

Which investigation is stopping you from answering the questions that we want answers to?

[English]

A/Commr Raf Souccar: Mr. Chairman, I did not at any time say that we are either investigating or not investigating. There are other reasons also why we would not want to be specific about either Mr. Bernier or Madame Couillard. There are privacy-related issues. There are conclusions that get drawn from half answers. There are conclusions that get drawn from things I may say or may omit saying, and it's just not fair. These people are not here to represent themselves.

I believe that everyone here understands our process and fairness, and for me to start either giving you half statements or statements that may lead you to conclude or may suggest that I'm not being forthright would just not be right.

• (1630)

[Translation]

Mr. Serge Ménard: But we ask nothing more than to get complete answers. You say that we might draw the wrong conclusions from half-answers. Maybe that's true now: since we're only getting half-answers, maybe we are drawing the wrong conclusions, or so you say.

A/Commr Raf Souccar: Unfortunately, as you know, Mr. Ménard, I cannot give complete answers.

Mr. Serge Ménard: I don't see why not. The only investigations under way at this time are this one, and the one being conducted by Foreign Affairs, which is quite specific. Clearly, the Prime Minister wanted that investigation to be very specific.

[English]

C/Supt Bob Paulson: Can I address that, sir, to talk...not about this case, but perhaps there is a need to understand the principle of not talking about investigations, the lack of an investigation, the existence of an investigation, or the intention to have an investigation. There's a pretty good principle at play there in terms of why that would be so, and again, I'm not talking about this case.

Hypothetically, if we were to have an ongoing investigation and come here to render some account to you folks as to what point it is at or what we're doing.... Part of the objective of the investigation is to collect evidence that is exposed at a trial, which can be challenged by those accused, consistent with the presumption of innocence. We would disadvantage not just the police but the justice system in terms of how we conduct our investigations.

I think it's a very important principle, not just for our investigations—

[*Translation*]

Mr. Serge Ménard: I know you're an expert at using up time.

[*English*]

C/Supt Bob Paulson: —but for the persons we investigate, and for the results that we seek in these investigations.

[*Translation*]

Mr. Serge Ménard: Our time is relatively limited.

The fact is that there are no other investigations under way.

C/Supt Bob Paulson: I didn't catch that, sir.

Mr. Serge Ménard: The fact is that there are no other investigations under way into this matter.

A/Commr Raf Souccar: Mr. Ménard...

Mr. Serge Ménard: It's been quite clear to you since the outset what exactly it is we want to investigate. We want to know if indeed this country's law enforcement and security officials are capable of spotting a security risk when a minister carries on an intimate relationship with a person with close ties to organized crime.

[*English*]

A/Commr Raf Souccar: Mr. Chairman, once again, I never said that we were investigating or we were not investigating.

The Chair: Let's go over to Mr. Norlock, please.

[*Translation*]

A/Commr Raf Souccar: That's precisely the case, Mr. Ménard.

[*English*]

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Thank you very much, Mr. Chairman.

I just want to go back to something Ms. Jennings referred to. There seems to be a difference in interpretation as far as investigative protocols go in how you do one investigation compared to how you do another.

I'd like to think I have enough faith in our national police force to say they don't play favourites with any political party. However, if that's what you want to say, and if that's what you want to get out, just plain say it that way. Don't hint at it.

I think we need to realize that the police officers before us aren't providing us with the political information we'd really like to have out there, that salacious information, that stuff that maybe makes it through the polls. Maybe, just maybe, they're doing the best job they can, and they're trying to answer the questions as best they can, but they just don't fit our political requests. We can play Perry Mason with them all you want, and they may just not answer the question, but we may be able to make them stumble.

Here's the thing. If it's politics, bring it up in the right forum, but don't blame the civil servants. Don't blame those who are doing their best to provide us with the best service. I just hope we're not looking for some salacious information that we can turn to our advantage. Let's just let them do their job, and if there is a complaint as far as their investigative fairness and their ability to do their job go, bring it up in the proper place. But hoping to provide the press with some really good nuggets that will get our point across I don't think does us any good.

I just wanted to make a statement to say thank you.

•(1635)

The Chair: Okay.

Hon. Marlene Jennings: Mr. Norlock, would you share your time with me so I can respond?

The Chair: We're now going to go over to—

Hon. Marlene Jennings: Give me one minute.

The Chair: You're out of order, Ms. Jennings.

Mr. Cullen, please.

Hon. Roy Cullen: Thank you, Mr. Chair, and thank you to Assistant Commissioner Souccar, Chief Superintendent Paulson and his colleagues.

I can understand why you can't talk about the specifics of this case, but I'd like to understand better the process involved with background checks. As we were told by the Privy Council Office, when there is a prospective minister, there is a background check by you and perhaps CSIS and others, and it goes through the Privy Council Office. There's an automatic update every two years that, again, is reported to the Privy Council Office.

I think it's been clear that—

C/Supt Bob Paulson: Can I interrupt you there for a second?

I just take exception, perhaps, to the term “automatic update”. From our perspective it may appear automatic, but we respond to the request. It's a PCO process, so if it's automatic for the PCO, it shows up on our request list.

Hon. Roy Cullen: Thank you for that clarification.

When you do that background check, are there any circumstances in which someone's spouse or significant partner or companion falls within the realm that there might be a security risk? Or is a spouse or partner or companion or significant other—whatever you want to call this person—outside the scope of the background check you do?

A/Commr Raf Souccar: The only one who's subject to the background check is the individual who is subject to the pre-appointment checks. So if it's a minister, it would be just the minister; it wouldn't be a wife, a husband, children, parents. No neighbourhood checks would be done. A full-blown security clearance would include spouses, children, neighbourhood, and so on.

C/Supt Bob Paulson: Can I add something? It may be helpful, and I think it goes to the spirit of your question.

In instances where, when Individual X is checked, a nexus—a criminal nexus or some sort of clear criminal association with someone else—comes up in the course of checking him or her, if that person happens to be a spouse or happens to be a brother-in-law or happens to be a lover or happens to be who knows what, then that is reflected in that person's background check.

Hon. Roy Cullen: So someone's spouse, a husband or wife or significant other, is not outside the scope necessarily of the background check. In other words, if Mr. Bernier, for example, or any minister were married to or had a significant spouse who was a known criminal—just hypothetically—would that be flagged in the background report?

A/Commr Raf Souccar: The check is conducted on the individual only. If, in the process of conducting the check on that individual, an association comes up that is criminal in nature or that causes us concern, but it would come out as a result of the check on the individual, we would not do a separate check on their spouse. If it comes out as a result of the check on the individual, then it would become part of the checks that are conducted.

C/Supt Bob Paulson: Let's say I'm out in the park here and I'm injecting heroin; my wife is with me, and she's injecting heroin; and we get arrested by the police for injecting heroin in the park. That clear association would be reflected in that joint criminality, if I can use that example—a very poor one, perhaps.

Hon. Roy Cullen: It sounds as though the background check process is quite prescribed now. It doesn't seem to have a lot of flexibility.

I'm wondering also about the portfolio aspect. I mean, there are some portfolios within the government where national security risks could be more of an issue. So let's say you're looking at the Minister of National Defence, and the minister's spouse or significant other had known connections to the underworld or to terrorist groups; and when I say "known", I mean they may not have been arrested but they were persons of interest that you were tracking. You didn't have enough evidence, let's say, but you were pretty sure they were terrorists or criminal people.

So the fact that it was a Minister of National Defence would have no bearing on that. If it were the Minister of Veterans Affairs, there'd be no differentiation made. Is that correct?

• (1640)

A/Commr Raf Souccar: There would be no differentiation made with respect to the pre-appointment background check. But the department for which the minister or the individual works would then be responsible for doing the security clearance check. That is very different from the pre-appointment check. The pre-appointment check is only on the individual. With the security clearance, depending on what that individual's role is within the department, they may have a different level of security clearance. Different levels of security clearance require different checks to be conducted.

So the security clearance checks are much more robust, if you will, than the pre-appointment background checks to the extent that they include checks on family members, spouses, children, brothers, sisters, neighbourhood checks, and so on. It's a much more complete

background check. But that's the responsibility of the department itself.

Hon. Roy Cullen: Thank you.

The Chair: Unfortunately, time is up.

Go ahead, Mr. MacKenzie, please.

Mr. Dave MacKenzie: Talking about the background checks and the policy, I've already indicated that my knowledge from what we've heard from witnesses is that the same process has been in place and that the checks done with Mr. Bernier would have been the same for all cabinet ministers appointed in 2006. Even if I use my good colleague across the floor, when Mr. Dosanjh was appointed to cabinet in the previous government, the same checks were done at that time and the same reports that would have been submitted to PCO were done at that time. Is that correct?

A/Commr Raf Souccar: That would be correct.

Mr. Dave MacKenzie: Nothing has changed.

A/Commr Raf Souccar: Nothing has changed, no.

Mr. Dave MacKenzie: It's fair to say—and I'm the first to tell you—that Mr. Dosanjh is an honourable man. I didn't want to cast any aspersions. My point is that there's nothing different today from what there was two years ago or ten years ago, as a matter of fact.

A/Commr Raf Souccar: I think the only change that may have taken place since 2006, if I'm not mistaken—and I stand to be corrected, because these are the PCO's guidelines—is that prior to 2006, I believe that when a minister changed portfolios, he or she would be subject to another pre-appointment background check, whereas today it's every two years.

Mr. Dave MacKenzie: I think Mrs. Bloodworth told us that in her evidence.

What we have been looking for is that the background check is on the individual who is being appointed and not a large body of people. In this case that large body of people, which some would like, includes friends. Some might be closer than others or whatever. But the difficulty is.... Again, it's almost that you can't answer the question; I understand that, but there are people who now think that we should have checked the backgrounds of people who would have become associated with a minister after they're appointed. Those are other than the two-year checks that are now done by PCO, but they don't involve others.

Is that what I am to understand? That's a long way around, but....

A/Commr Raf Souccar: I think I understand your question. If your question is whether it includes anybody other than the person subject to the pre-appointment check, the answer is no. That's the process that is currently in place.

Mr. Dave MacKenzie: It wouldn't matter whether it's a friend or a spouse. It would not initially, nor would it later.

A/Commr Raf Souccar: That's correct. It's only the person subject to the appointment.

Mr. Dave MacKenzie: Okay. I think that's perfectly clear, and I would hope that anybody who is watching understands that's exactly what happened. It was done and it was appropriate. If somebody wants or thinks there should be something different, then they have to change the rules.

A/Commr Raf Souccar: That's correct. Thank you.

Mr. Dave MacKenzie: Thank you, Chair.

The Chair: Thank you very much.

Ms. Brown, you are next on the list.

Ms. Bonnie Brown (Oakville, Lib.): Thank you, Mr. Chairman.

I was going to ask you what a candidate for the ministry would have to do for a red flag to go up, taking out of the equation anything about bankruptcy or questionable financial dealings or anything like that, but Mr. Paulson did answer that question. He used the example of injecting heroin in the park and being accosted by the police, who then would be witnesses to the fact.

Something you said also disturbed me, in that you said nothing has changed for ten years. You'll follow my point when I tell you what I am concerned about with the case before us or any similar case.

Less than ten years ago we had 9/11, and we're into this global problem that involves what some people call the war on terror. I don't call it that, but that's what some people call it. We happen to know that state information, particularly in the Middle East, is one of the most expensive commodities to be traded. Now, I think to myself that I define organized crime as a group of people who make their money, and make piles of money, by operating outside the law. They are essentially against the law. They make lots of money doing that. This whole thing about the exchange of secret information is a very lucrative business in the Middle East and other places in the world, and I don't think it would be something organized crime would refuse to participate in, if they had access to some of that state information. That's why I'm dismayed when you use shooting heroin in the park as the example of what a ministerial candidate would have to do. It would seem to me that since 9/11 you should be very carefully looking at people from the perspective of their ability to keep the state secrets that they swear to keep, and how they might be compromised.

•(1645)

A/Commr Raf Souccar: Thank you for your question. You make an excellent point. This is why organized crime and terrorism are both strategic priorities of the RCMP. They're two areas that we focus on and put much of our attention toward.

The process that is in place is what it is. It's a question of government machinery, government policy. As for whether it's the best process or not, I'm sure every process can be improved upon. Can this one be improved? I'm sure it can. To what extent? It's going to be a question of balance, and a question of the extent to which individuals subject to pre-appointment checks—ministers, cabinet ministers and so on—are willing to expose themselves.

We don't go around and do spot checks on ministers, or anybody who is subject to a pre-appointment check, to determine whether or not they have anybody in their lives—whether it's a child, husband,

wife, girlfriend, boyfriend, whoever that may be—who has had a questionable past. Perhaps if we did that, we'd come up with things, perhaps not. I hope not.

The process is what it is. If it's not the right process, then it needs to be changed, and government has to make that decision. I take your point. We are alive to what organized crime does; we are alive to what terrorist groups do. As I said, this is the reason they are both strategic priorities for the RCMP.

C/Supt Bob Paulson: Can I take my heroin example back?

Ms. Bonnie Brown: Yes, please do.

C/Supt Bob Paulson: I was using it to illustrate how the connection would be made in our indices, but it shouldn't be construed as the threshold that one should shoot for to come to our notice.

I should probably apologize to my wife as well.

Some hon. members: Oh, oh!

C/Supt Bob Paulson: There are any number of things that could attract attention. Based on our experience and, as the deputy explained, based on our assessment of the information that comes to our attention, we would, in the course of our reviews and background checks, be alive to the kind of situation that you described in respect to the terrorism concern.

Ms. Bonnie Brown: In your earlier testimony, somebody from the RCMP said that they had noticed Madame Couillard at the time of the swearing-in of cabinet, and that she was a person known to you. Now, I don't want to cast aspersions on Madame Couillard, because I believe everybody has the right to move up, to improve their life, etc. But it still surprises me that, with a second background check done about nine months after she first appeared on the arm of the minister, and knowing of her background as you do, that would not cause the exact red flags to go up, even just on a cautionary note. Maybe you've got nothing serious, but just a cautionary note. It seems surprising to me that there was absolutely nothing in that minister's second check to describe somewhat of a change of circumstance in his life and a liaison with someone you know.

•(1650)

The Chair: Let's allow for a brief response, if you wish to have a response.

Ms. Bonnie Brown: Please do.

C/Supt Bob Paulson: I think I was the person who said that I saw her at the swearing-in ceremony. I think the deputy said, and explained already, what "known to us" was, the institutional knowledge. At the time that I saw her at the swearing-in ceremony, I had none of that knowledge and didn't make that connection.

The Chair: We have come to the end of our list. So we'll start again from the top.

Mr. Dosanjh, I think you will, for the second day in a row, be batting cleanup. I hope I don't get cleaned up here.

Some hon. members: Oh, oh!

Hon. Ujjal Dosanjh: I'm a gentle guy.

The Chair: Yes, yes. I remember yesterday.

Go ahead.

Hon. Ujjal Dosanjh: I'm a lawyer, which means that I'll fight and argue, and then we're friends.

Mr. Souccar, first of all, let me dispel any notion in your mind that by saying that you weren't forthright I meant that you were less than honest. That was not my intent. Maybe I misused the term.

I was left with the impression, after today and the other day, that you were simply pursuing and following a particular policy, regardless of whether or not any damage might have been done, for disclosing to us that you had not gone to PCO. That's the impression I'm now left with. But when push came to shove, and PCO, an arm of government, said to you that they were going to actually confirm that you did not contact them with respect to any concerns in this matter, you weren't concerned at all about any damage you might be doing vis-à-vis this matter. I'm not asking whether you are or not.

As a former Attorney General, I can tell you that when the RCMP were pursuing important matters of state or were dealing with issues with government, they would come to the Attorney General and say quietly, "Get your premier off this issue", or "Get that particular minister off this issue. We don't want you to talk about it. There is something sensitive going on."

If you had something serious going on, you could have told PCO. That's what I'm puzzled about. Obviously there was nothing serious going on. You were simply pursuing a policy and following the policy to the letter. That left me with the impression that you weren't prepared to level with us. That's not an accusation; that's the impression I gained. I'm not looking for a comment, and I absolutely didn't mean that you were less than honest. I just felt that you felt compelled to not share with us that information that you confirmed after PCO went out.

A/Commr Raf Souccar: Let me say, then, that I appreciate your clarification, Mr. Dosanjh. Thank you.

Hon. Ujjal Dosanjh: Thank you.

I don't want to put you on the spot. The RCMP has been known to veer from that policy of its own volition. Is this a recent directive, that you are to follow that policy come what may?

•(1655)

A/Commr Raf Souccar: It's not. There were lessons learned, I suppose.

Hon. Ujjal Dosanjh: Those were the words Mr. Elliott used in appearing before us at another time.

A/Commr Raf Souccar: I was not aware of that.

Our policy is our policy. If it is veered away from sometimes, it's not done intentionally. Sometimes it may be out of our control, as in

this case. But certainly our policy not to talk when something is before the courts—

Hon. Ujjal Dosanjh: I appreciate that.

A/Commr Raf Souccar: —or when something may be investigated or is being investigated is typically our policy.

Hon. Ujjal Dosanjh: I appreciate that.

Here is the ultimate question. If in your mind something serious were at stake, you would have told PCO, as the centre of government, so as not to jeopardize an investigation or something important—because you have an obligation, sir, as a servant of the public. You can't say that to a private individual, but you can say that to the cabinet secretary, the head of the Privy Council. Am I right? You would have an obligation to do that.

A/Commr Raf Souccar: Yes, if irreparable damage would be caused, I would have been inclined to probably share it with them or to be a little stronger in my discussions.

C/Supt Bob Paulson: Excuse me, but balanced against all those other factors—

Hon. Ujjal Dosanjh: I understand that.

C/Supt Bob Paulson: Okay, well, that's good.

Hon. Ujjal Dosanjh: I understand that. But if irreparable damage wasn't going to occur, why did you not confirm with us when we were asking you those questions?

A/Commr Raf Souccar: Our policy is put in place for a reason. We can guess whether or not damage would be caused, or prejudice may be caused, as a result of sharing something of this nature in a forum such as this. I made the decision that it was inappropriate and I was not willing, on my own volition, to risk potentially compromising.... What PCO did was their decision. Again, it's something they decided, not something I would have decided.

Hon. Ujjal Dosanjh: Thank you.

The Chair: With those words, we will have to conclude this meeting. I thank you very, very much.

Ms. Priddy, actually you are not sworn in to the committee.

Ms. Penny Priddy: Oh, great.

The Chair: You can't both be on at the same time. I'm sorry. I like to be fair, but at this point...maybe you can raise it later on.

[*Translation*]

Mr. Serge Ménard: Mr. Chairman, you indicated that we would continue until 5:05 p.m. It's now 4:58 p.m.

[*English*]

The Chair: It's five to five. We started at five to four. This was a one-hour meeting—it's actually more than one hour—so we will have to conclude. I'm sorry, that's the agreement we made at the beginning.

Thank you very much to the witnesses.

We are going in camera. This meeting is not adjourned. We're suspending for a brief moment.

[*Proceedings continue in camera*]

•(1655) _____ (Pause) _____

•(1705)

[*Public proceedings resume*]

The Chair: We're in public now, and I just want to raise an issue.

In fairness to our clerk, I felt that he accurately conveyed the message to the Privy Council Office that what this committee had decided was to ask the Privy Council to send whoever they felt would best be able to answer their questions. The members of the committee said yes. In fact, the member who raised the issue yesterday said that was fine. So I just want to clarify the record to ensure we don't hold the clerk responsible for something on which I think he did a good job.

Are there any issues with that?

Mr. MacKenzie.

Mr. Dave MacKenzie: I just want it clear, Mr. Chair, that the clerk was perhaps criticized inappropriately yesterday.

As a committee member, I was satisfied that the witnesses who were here were what we had agreed upon. I'm satisfied that it's on the public record that the clerk in fact had followed the directions of the committee.

The Chair: Yes, and it was an in camera session, by the way. I stated that right away. Some people said it wasn't, but it was. The decisions we make as to future business of the committee are always in camera.

Mr. Dosanjh.

Hon. Ujjal Dosanjh: Let me just add that no offence was meant to Mr. Clerk. I regret saying that. But let me also explain publicly that my understanding was that I had passed on Ms. Bloodworth's name to the clerk, in addition to Kevin Lynch. I didn't at any time think it was going to be either/or. That two-second bit about that being fine and what you said totally escaped my memory.

If he is literally correct, my apologies, but we would like to see Kevin Lynch back here.

•(1710)

The Chair: That will be on a future list of witnesses.

And I have tried to accurately portray what this committee decides as well.

We'll briefly suspend and go back in camera.

[*Proceedings continue in camera*]

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