

Court File No. T-1492-17

FEDERAL COURT

BETWEEN:

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

Applicant

- and -

ATTORNEY GENERAL OF CANADA

Respondent

CERTIFIED TRIBUNAL RECORD

Volume X

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Doc No. 1500-48

SECURITY INTELLIGENCE REVIEW COMMITTEE

BETWEEN

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

1500-48-1

CANADIAN SECURITY INTELLIGENCE SERVICE

1500-48-2

CSIS / RCSC DOCUMENTS VOL. 11

CHS [REDACTED] Reporting

CS / RCSC / HCS

SIRC / CSARS

SIRC Case # 146

Exhibit # CSIS 3A

Date January 28-2016

Entered by CSIS (Dion)

Registrar Shayna Stawicki

1-877-967-8888
Department of Justice Canada
Canadian Security Intelligence Service
Attn: CSIS / RCSC
100, King Street West
Ottawa, Ontario K1A 1G6
Tel: (613) 993-2300
Fax: (613) 993-2301
Email: csis@csis.gc.ca

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	12/21/2012		774

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	1/2/2013		835
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	3/6/2013		1149
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	5/1/2013		1268

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	6/26/2013		1444

	6/27/2013		1449
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	7/3/2013		1464
	7/4/2013		1467
	7/5/2013		1471
	7/10/2013		1475
	7/10/2013		1478
	7/12/2013		1480
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	8/13/2014		1958
	8/22/2014		1967
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	9/19/2014		1987

	10/2/2014		1990
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	3/12/2015		2052
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	4/15/2015		2077
	4/21/2015		2081

	4/23/2015		2084
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	5/22/2015		2125
	5/22/2015		2129
	5/25/2015		2136
	5/25/2015		2142
	5/25/2015		2149
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SECURITY INTELLIGENCE REVIEW COMMITTEE

13/2/2016

BROWN/COLUMBIA CIVIL LIBERTIES ASSOCIATION

Complaint

CANADIAN SECURITY INTELLIGENCE SERVICE

Memorandum

ISF RECORD DOCUMENTS

ISF RECORD DOCUMENTS

For: [illegible]
Discussed: [illegible]
Reviewed: [illegible]
Approved: [illegible]
Date: [illegible]
By: [illegible]

ISF [illegible]
Box [illegible]

Account of the Respondent

SIRC / CSARS

SIRC Case # 146

Exhibit # CSIS SA

Date January 28-2016

Entered by CSIS (Dian)

Registrar Shayna Stawicki

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	18/06/2009	Ministerial Direction - Intelligence Priorities - 2009-2010	1
	04/08/2010	Ministerial Direction - Intelligence Priorities - 2010-2011	11
	26/10/2011	Ministerial Direction - Intelligence Priorities - 2011-2012	21
	29/11/2012	Ministerial Direction - Intelligence Priorities - 2012-2014	33
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	01/04/2009		212
	27/07/2010		247
	29/11/2010		254
	18/01/2011		258
	27/01/2011		282
	03/12/2012		303
	03/12/2012		307
	07/12/2012		310
	22/01/2013		348
	01/12/2014		367
	06/01/2015		371
	26/01/2015		401

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	11/01/2010		420
	11/01/2010		423
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PROTECTED B INFORMATION

In Camera Hearing

File No. 1500-481

THE SECURITY INTELLIGENCE REVIEW COMMITTEE
COMITÉ DE SURVEILLANCE DES ACTIVITÉS DE RENSEIGNEMENT
DE SÉCURITÉ

CASE NO. 146

IN THE MATTER of a Complaint filed by The British
Columbia Civil Liberties Association, pursuant to
Section 41 of the *Canadian Security Intelligence*
Service Act, R.S.C. 1985, c. C-23

BETWEEN:

British Columbia Civil Liberties Association

Complainant

- and -

THE CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

Transcript of *In Camera* Hearing, held on Thursday,
August 13, 2015, at Vancouver, British Columbia,
commencing at 9 a.m.

BEFORE: The Honourable L. Yves Fortier, P.C., C.C.,
O.Q., Q.C., Presiding Member

(Volume 2)

Official Court Reporters: Keeley Reporting Services
Inc.:
Per: N.C. Keeley, C.S.R.

APPEARANCES

P. Champ) for the BCCLA
B. Roy)

C. Bowers for SIRC

S. Dion for CSIS

Also in Attendance:

CSIS ER&L Staff (1)

S. Stawicki Hearings Registrar

Noel C. Keeley, C.S.R. Court Stenographer

WITNESSES:

Celine Trojand, for BCCLA

Terry Dance-Bennink, for BCCLA

Jamie Biggar, for BCCLA

Caitlyn Vernon, for BCCLA

N. Skuce, for BCCLA

"Robert", for CSIS

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1 Protected B:

2 Personal-Protected Information

3 In Camera Hearings

4 Volume 2:

5 --- The Hon. L. Yves Fortier, P.C., C.C., O.Q., Q.C.,
6 Presiding Member

7 --- Upon continuing at Vancouver, British Columbia, on
8 Thursday, August 13, 2015, at 9 a.m.:

9 Preliminary/Procedural Matters:

10 THE PRESIDING MEMBER: Good morning to
11 you all. Please be seated.

12 We are ready to commence the second
13 day of this Hearing.

14 Are there any housekeeping matters
15 which either Party would like to bring to my attention
16 at this time?

17 Mr. Champ...?

18 MR. CHAMP: Just one minor item, Mr.
19 Chair.

20 With respect to the Access to
21 Information documents that the Complainant has
22 introduced, the package from the National Energy Board
23 and the package from CSIS, given the nature of some of
24 the questions that came from both CSIS Counsel and from
25 SIRC Counsel, it seemed to attract some question as to

Thursday, August 13, 2015

1 the authenticity and/or the weight that can be attached
2 to those documents, and for that reason, I thought it
3 might be better if I could just clarify on the record
4 the purpose to which we are putting those documents;
5 and then, further, just to clarify or get confirmation
6 on the record that neither SIRC Counsel nor CSIS
7 Counsel take any issue with the fact that the documents
8 were in fact obtained under *Access to Information*.

9 THE PRESIDING MEMBER: Yes. This is
10 something that I wish you had discussed with Counsel
11 before the commencement of the Hearing today. But
12 let's ---

13 MR. CHAMP: If you prefer, Mr. Chair,
14 I could do that ---

15 THE PRESIDING MEMBER: Yes. Let's
16 postpone the discussion of this to the Break, when you
17 can discuss it with CSIS Counsel and SIRC Counsel,
18 after which you can advise me ---

19 MR. CHAMP: That's fine. It is not
20 urgent, obviously.

21 THE PRESIDING MEMBER: You can discuss
22 the matter with Madam Dion and Madam Bowers and then
23 speak to it on the record after the Break.

24 MR. CHAMP: Yes. I will do that, Mr.
25 Chair.

Thursday, August 13, 2015

1 With that, we can call our first
2 witness for today, if there are ---

3 THE PRESIDING MEMBER: Let me just
4 check with Madam Dion and Madam Bowers as to whether
5 either of them have any housekeeping matters that they
6 wish to deal with before we proceed to the first
7 witness for today.

8 Madam Dion...?

9 MS. DION: No. Thank you, Mr. Member.

10 THE PRESIDING MEMBER: Madam
11 Bowers...?

12 MS. BOWERS: No, Mr. Fortier. Thank
13 you.

14 THE PRESIDING MEMBER: Very well.

15 Section 48(1): Privacy of Proceedings:

16 Before we hear from the Complainant's
17 second witness, with respect to our conversation at the
18 outset of the Hearing yesterday, I did notice that on
19 the BCCLA Website, which was published before we had
20 our discussion yesterday, there was an indication at
21 large to the effect of *"We will send you recaps of*
22 *today's Hearing. Just send us your name and*
23 *address..."*

24 I presume that nothing has been done
25 further to that open invitation.

Thursday, August 13, 2015

1 Mr. Paterson, do you ---

2 MR. CHAMP: If I may address that, Mr.
3 Chair...

4 THE PRESIDING MEMBER: You can address
5 that, Mr. Champ...

6 MR. CHAMP: Yes. Thank you, Mr.
7 Chair.

8 I can tell you that no information
9 about what has occurred in the Hearing whatsoever is
10 being transmitted.

11 At this point -- and I will speak a
12 little later with SIRC Counsel and CSIS Counsel. But
13 even at this point, no other details about what has
14 occurred in the Hearing have even been transmitted to
15 other people within BCCLA.

16 THE PRESIDING MEMBER: That's fine.
17 Thank you, Mr. Champ.

18 With that, we can move on to the next
19 witness, Madam Trojand.

20 Is it pronounced "Tro-jand" or ---

21 MR. PATERSON: "Tro-jan".

22 THE PRESIDING MEMBER: "Tro-jan".

23 MR. PATERSON: Celine Trojand.

24 THE PRESIDING MEMBER: En français,
25 "Celine"?

Thursday, August 13, 2015

1 MR. PATERSON: "Celine".

2 THE PRESIDING MEMBER: "Celine".

3 Is she testifying in French or in
4 English?

5 MR. PATERSON: In English.

6 THE PRESIDING MEMBER: Very well.

7 Thank you.

8 --- (Celine Trojand called to the Witness Table)

9 THE PRESIDING MEMBER: Good morning,
10 Madam.

11 THE WITNESS: Good morning.

12 THE PRESIDING MEMBER: You are called
13 as a witness by the Complainant in this matter, the
14 British Columbia Civil Liberties Association.

15 At this time, I will ask the Registrar
16 to swear you in.

17 THE REGISTRAR: Good morning, Ms.
18 Trojand.

19 THE WITNESS: Good morning.

20 THE REGISTRAR: Do you solemnly affirm
21 that the evidence you are about to give to the
22 Committee shall be the truth, the whole truth, and
23 nothing but the truth?

24 THE WITNESS: Yes, I do.

25 THE REGISTRAR: Thank you.

Thursday, August 13, 2015

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CELINE TROJAND, Called and Affirmed:

THE REGISTRAR: For the record, would you please state your full name, spelling your last name...

THE WITNESS: My full name is Celine Adel Trojand. My last name is spelled T-R-O-J-A-N-D.

THE REGISTRAR: Thank you.

Secondly, I would like to read to you Section 51 of the *Canadian Security Intelligence Service Act*, which provides protection to witnesses appearing before the Committee.

It reads as follows:

"Except in a prosecution of a person for an offence under section 133 of the Criminal Code (false statements in extra-judicial proceedings) in respect of a statement made under this Act, evidence given by a person in proceedings under this Part and evidence of the existence of the proceedings are inadmissible against that person in a court or in any other proceedings." Do you understand?

THE WITNESS: I do.

THE REGISTRAR: Thank you. You may be seated.

THE PRESIDING MEMBER: Again, good

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1 morning, Ms. Trojand. I am the Member of the Security
2 Intelligence Review Committee that is charged with the
3 hearing of this Complaint, a Complaint filed with the
4 Committee by the BCCLA.

5 You will be questioned first by Mr.
6 Champ and then by Counsel for CSIS, Madam Dion; and if
7 there are some matters that need to be cleared up,
8 Madam Bowers, Counsel to the Committee, will ask you
9 some questions.

10 I know this is not a natural instinct,
11 but I am going to ask you, when you are asked questions
12 by Mr. Champ, or indeed by Madam Dion or Madam Bowers,
13 to try to look at me when giving your answers, as it is
14 important that I hear and understand your answers.

15 Okay?

16 THE WITNESS: Understood.

17 THE PRESIDING MEMBER: Okay. Thank
18 you.

19 MR. CHAMP: I will ask the Registrar
20 to provide the witness with copies of the Exhibits that
21 have been filed.

22 THE REGISTRAR: All of the Exhibits?

23 MR. CHAMP: No. Just the three
24 Complainant's Exhibits, Exhibits C-1, C-2, and C-3.

25 --- (Documents Produced to the Witness)

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1 THE PRESIDING MEMBER: You are not
2 expected to read all of that documentation now!
3 --- (Laughter)

4 THE WITNESS: I will do my best! I
5 haven't had this much homework in a couple of decades!
6 --- (Laughter)

7 MR. CHAMP: Ms. Trojand, I am going to
8 ask you some questions and I will ask you, in answering
9 my questions, to face the Presiding Member.

10 We are dealing with a bit of an odd-
11 shaped room, and obviously our main goal is to have the
12 Committee Member hear and understand your testimony.

13 THE WITNESS: Yes.

14 Examination-in-Chief by Mr. Champ:

15 Q. Ms. Trojand, can you tell us where
16 you work right now?

17 A. I work for the Dogwood Initiative.

18 Q. And what is your Position there?

19 A. I am the Director of Organizing.

20 I have been there since 2009. So, six
21 or seven years.

22 Q. Okay. Thank you.

23 And can you tell us just a bit about
24 the nature of your job as the Director of Organizing at
25 Dogwood Initiative?

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1 A. Yes. Dogwood Initiative is a non-
2 partisan pro-democracy Group. We have about 315
3 Supporters. I work particularly with our Volunteers
4 and Grassroots Organizers.

5 We have two-thousand-two-hundred-ish
6 Organizers in the field, and it is my job to help them
7 work in the field. So to do canvassing and phone-
8 banking, and all of the kind of nitty-gritty
9 spreadsheet-like work of community organizing.

10 Q. I am going to take you to a couple
11 of documents in the Record. First, I will ask you turn
12 in the Books you have there ---

13 One is called "Complainant's Book of
14 Documents, Volume II of II".

15 For our purposes in the Committee,
16 that is Exhibit C-2.

17 It says "Volume II of II" on the
18 front...

19 --- (A Short Pause)

20 Complainant's Book of Documents.

21 A. Yes. I of II and II of II.

22 Q. Yes. And the tab I will take you
23 to first is Tab 25...

24 A. Yes.

25 Q. My understanding, Ms. Trojand, is

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1 that this is your Bio that is on the Dogwood Website...

2 A. Yes.

3 Q. And as we see here, you have a
4 Degree in Anthropology from UBC Okanagan...

5 A. That's right.

6 Q. And it confirms that you have been
7 working for Dogwood since 2009...

8 A. That's right.

9 Q. The next document I would like to
10 take you to is Tab 17...

11 A. Yes.

12 Q. It is my understanding that this
13 is the Dogwood Initiative's Annual Report from 2014.

14 A. Yes.

15 Q. And if you turn to Page 18, where
16 it says "Organizing"...

17 A. Yes.

18 Q. I would just like you to confirm
19 that ---

20 The photo we see there sure looks like
21 you.

22 That is a photo of you that appears in
23 the Annual Report?

24 A. That's correct, yes.

25 Q. And we see a little bit of a

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1 description, as I understand it, of the nature of your
2 Organizing duties and activities.

3 I see, at the bottom of Page 18, in
4 the left column:

5 "...we were thrilled to launch a
6 new organizing program. My
7 responsibility as Dogwood's first
8 ever organizing director is to
9 identify, mentor and build leaders
10 in all four corners of British
11 Columbia."

12 So that is the nature of your work
13 with Dogwood Initiative. You have been trying to build
14 Organizers.

15 Can you tell us about that?

16 A. In a nutshell, yes.

17 So when someone contacts us indicating
18 that they are concerned with the issues that we work
19 on, I get in touch with them. Often, I have a one-on-
20 one, as it is called, with them. I sit down with them
21 and have coffee, if possible, or over the phone and
22 just have a conversation about who they are in their
23 lives and what they would like to achieve with us at
24 Dogwood. And if they are someone who is able and
25 capable and willing to work with us in a Volunteer

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1 capacity, then I get them started up.

2 So I make sure that they have Training
3 and the necessary skills to be able to do the
4 Organizing work.

5 Q. For Dogwood?

6 A. Yes.

7 Q. Okay. And can you now just tell
8 us a little bit more about Dogwood itself?

9 You mentioned it a little bit earlier.
10 But can you tell us, to the extent you can, for
11 example, how long Dogwood has been around and what the
12 structure of the Organization is, and so forth?

13 A. Shall I... (Indicating body
14 orientation toward the Presiding Member)

15 MR. CHAMP: Yes.

16 THE WITNESS: It is difficult to
17 remember to do that!

18 Dogwood is a Group that was formed in
19 1999, I believe, or '98. Right now, we have twenty-
20 eight Staff, eight of whom are temporary Summer
21 Interns.

22 When I started, we were six people in
23 an upstairs apartment in a building in Fernwood. But
24 now that we have grown a little bit larger, we are
25 governed by a Board of Directors. We have an Executive

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1 Director, an Operations Director, a Fundraiser, a small
2 Communications Team; and then I work with our Field
3 Team, which is comprised of five Provincial Organizers.

4 MR. CHAMP: Thank you.

5 Q. If you could turn to Tab 15 in
6 Volume II, which you still have before you...

7 A. Yes.

8 Q. As I understand it, this is from
9 Dogwood's Website...

10 A. Yes.

11 Q. And again, it is just a bit more
12 background.

13 It says, in the second paragraph, that
14 Dogwood has 170,000 Supporters.

15 Is that figure accurate?

16 A. No. We just haven't updated the
17 Website as yet.

18 THE PRESIDING MEMBER: You haven't
19 what?

20 THE WITNESS: We just haven't updated
21 the Website.

22 MR. CHAMP:

23 Q. Approximately how many Supporters
24 does Dogwood Initiative have?

25 A. There are about 315,000 in our

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1 Database.

2 Q. And how many Staff ---

3 You have already told us how many
4 Staff you have ---

5 A. Twenty-eight.

6 Q. Yes. And approximately how many
7 active volunteers?

8 A. About 2,200.

9 Q. And just incidentally, what does
10 "Dogwood" refer to? What does the name mean?

11 A. The name "Dogwood"?

12 Q. Yes.

13 A. Do you want me to tell you a story
14 about where the name came from?

15 THE PRESIDING MEMBER: I was going to
16 ask you if Mr. Champ hadn't!

17 --- (Laughter)

18 THE WITNESS: Originally, when the
19 Organization started, it was called "Forest Futures",
20 and our Executive Director never liked that. He
21 thought it sounded like something it was not. So I
22 believe in 2004 we changed the name to "Dogwood
23 Initiative", simply because "Dogwood" is the B.C.
24 flower. It is protected. You are not allowed to cut
25 down a Dogwood Tree, apparently. And "Initiative"

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1 because it is action-oriented. It makes you feel like
2 you are actually doing something in the world -- and we
3 are really committed to effectiveness and doing
4 important work in this Province.

5 MR. CHAMP: Thank you, Ms. Trojand.

6 Q. I now want to ask you some
7 questions about ---

8 We have the numbers in terms of your
9 Membership and your Supporters. I would now like to
10 get a sense of who they are, demographically.

11 If you could turn to Tab 18 in the
12 materials...

13 A. Yes.

14 Q. Can you tell us what this document
15 is and tell us about what Dogwood learned about its
16 Supporters?

17 A. In 2013, we worked with a woman
18 named Cara Pike to do a Survey of our current
19 Supporters, just to get a sense of who our own people
20 were.

21 A lot of our communication is online
22 and so sometimes we ---

23 We wanted to get a sense of who our
24 people were, so we performed a Survey of our own
25 Members and found that the majority of them were over

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1 fifty-five and that most of them are well-educated...

2 Yes. That is the majority.

3 They come from all sorts of
4 backgrounds. But we do have a diverse group of
5 Supporters, ranging from Mums, to young people, to
6 students, to retired folks.

7 Q. And how many -- and my apologies
8 if you have already answered this.

9 How many, approximately, are over
10 fifty-five?

11 A. The majority of them.

12 Q. The majority?

13 A. Yes.

14 Q. And in terms of ---

15 A. There is a percentage in here, but
16 I haven't been able to locate it.

17 I do know the majority are over fifty-
18 five.

19 Q. That's fine.

20 And what about the educational levels
21 of the Supporters of Dogwood?

22 A. Yes. Again, the majority have a
23 Post-Secondary Education.

24 Q. I want to talk to you a little bit
25 more about Dogwood's activities, the way in which you

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1 promote the Objectives of the Organization.

2 Can you just tell us about some of the
3 actual activities that Dogwood encourages and promotes
4 and for which it provides Training for its Supporters?

5 A. Yes. These days, largely, our
6 Training and Promotion surrounds political organizing.

7 Leading up to Elections or
8 opportunities in which citizens can participate in any
9 democratic process, we reach out and let them know that
10 that opportunity exists, whether it be an opportunity
11 to send in a Comment to a Court/Board or to write
12 Letters ---

13 We used to do a lot more "Letters to
14 the Editor", or would encourage our Supporters to write
15 in. But mostly these days it is a lot of community
16 events, such as door knocking and raising the profile
17 of issues that people are concerned about in the
18 community.

19 Q. And one other question about your
20 activities: What is Dogwood's position on civil
21 disobedience as a tactic?

22 A. As a tactic...

23 That could be a long story, depending
24 upon how detailed you want it to be...

25 Q. How about the "short story".

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1 A. The "short story": We generally
2 discourage civil disobedience, especially if it is used
3 just as a "go to" tactic.

4 We have been in situations in which we
5 have refused to participate in civil disobedience, and
6 that has resulted in a Policy where ---

7 We recognize that it can be a tool, a
8 tactic, if applied in the perfect situation, in an
9 appropriate context. However, it is definitely not our
10 preferred tactic.

11 We have a Memo and a Policy that says
12 that if someone in the Organization is considering
13 engaging in civil disobedience, they need, first, a
14 Sign-Off from our Executive Director and our Operations
15 Director in order to do so.

16 As an Organization, tactically, there
17 are very few situations in which we think that civil
18 disobedience is a legitimate and effective tactic to
19 engage in.

20 Q. Still in the Book of Documents
21 that you have before you, if you go to Tab 24...

22 A. Yes.

23 Q. And you don't have to get into the
24 details per se. Just tell us what this document is?

25 A. These are Minutes to a Meeting

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1 that we had in 2013 after the "Defend Our Coast"
2 Rallies in which civil disobedience became ---

3 You know, we had to think about and
4 talk about what our Organization's Policies were on
5 that tactic.

6 So this is the beginning of our Policy
7 and discussion on the matter.

8 Q. That's great. Thank you.

9 And then just to close the loop on
10 that, I will ask you to turn to the thin Volume that
11 you have before you.

12 It is called "Complainant's
13 Supplementary Book of Documents".

14 A. Yes.

15 Q. If you go to Tab 5 -- and for the
16 record, this is Exhibit C-3.

17 --- (A Short Pause)

18 THE PRESIDING MEMBER: Sorry, Mr.
19 Champ. I am having difficulty putting my hands on that
20 Volume...

21 MR. CHAMP: It is a white-covered
22 Volume, as are all of our Exhibits.

23 THE PRESIDING MEMBER: Yes. I know I
24 had it yesterday...

25 --- (A Short Pause)

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1 I have now found it.

2 My apologies, Mr. Champ.

3 MR. CHAMP:

4 Q. Ms. Trojand, you were just telling
5 us about the iteration of the process in which Dogwood
6 was trying to come up with a Policy on civil
7 disobedience.

8 I am going to take you to Tab 5 of the
9 Complainant's Supplementary Book of Documents.

10 Again, for the record, that is Exhibit
11 C-3.

12 At Tab 5, we see that there is a Memo
13 to Dogwood Initiative Board from Will Horter. The date
14 is "Friday, July 24, 2015" and it is: "Re: Dogwood
15 Initiative policy on civil disobedience".

16 First, who is Will Horter?

17 A. Will is our Executive Director.

18 Q. Okay. And can you just ---

19 THE PRESIDING MEMBER: I apologize. I
20 didn't hear that.

21 THE WITNESS: Sorry. Will is our
22 Executive Director.

23 THE PRESIDING MEMBER: He is your...?

24 THE WITNESS: Our Executive Director.

25 THE PRESIDING MEMBER: Did you say

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1 "Investigative..."

2 MR. CHAMP: Executive Director.

3 THE PRESIDING MEMBER: Executive
4 Director.

5 Thank you.

6 THE WITNESS: That's right. Our E.D.,
7 yes.

8 THE PRESIDING MEMBER: Yes. Thank
9 you.

10 MR. CHAMP:

11 Q. And without getting into details,
12 can you just tell us what the final Policy is? Can you
13 summarize what the final Policy is for Dogwood on this
14 issue?

15 A. This document came to be after a
16 couple of our Interns, with a different Group, wanted
17 to engage in civil disobedience, at which point we
18 realized we needed to resurrect those Meeting Minutes
19 and make the process clear, make the Policy clear, and
20 so this document just clarifies that if anybody in the
21 Organization is considering civil disobedience, they
22 are required to go through our Operations Director and
23 our E.D. in order to get the "Okay" for that.

24 It also just sort of clarifies our
25 philosophy around that particular tactic in terms of

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1 when it might be appropriate and when it is not.

2 Q. Thank you.

3 And Dogwood's definition of "civil
4 disobedience", would that include vandalism to property
5 or violence of any kind?

6 A. Never. I can't think of a
7 situation in which that has ever been considered.

8 Q. Thank you.

9 Ms. Trojand, I am now going to ask you
10 some questions concerning Dogwood's Campaigns around
11 oil pipelines and oil tankers.

12 Just tell us about that, generally
13 speaking.

14 We will get to the Northern Gateway
15 Pipeline specifically in a few minutes. For now, can
16 you just tell us about Campaigns around pipelines and
17 tankers?

18 A. Our work around pipelines and
19 tankers began in 2004, when Enbridge submitted a
20 Proposal to the National Energy Board to build a
21 pipeline from Alberta to the B.C. Coast and we began
22 engaging with British Columbians on that issue, and it
23 soon became very clear that the majority of British
24 Columbians thought that the Project was reckless and
25 deeply concerning.

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1 Our work began in 2004 and has
2 developed since then, where we began aiding the public
3 to participate both in the process and to have their
4 voices heard, both to the NEB and to the Federal
5 Government and the various Decision-makers along the
6 way.

7 Again, that involves all of the
8 typical tools of democratic participation: Letters,
9 Comments, Oral Statements, and other opportunities for
10 people to voice their concerns.

11 Q. Perfect! Thank you.

12 I will take you, now, back to Volume
13 II of II of the Complainant's Book of Documents.

14 For the record, again, that is Exhibit
15 C-2.

16 Do you have that Volume?

17 A. Volume II of II?

18 Q. Yes.

19 A. Which Tab?

20 Q. I will take you to Tab 16...

21 A. Yes.

22 Q. It is my understanding that this
23 is Dogwood's 2013 Annual Report...

24 A. That's right.

25 Q. If you would turn to Page 5 of the

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1 document...

2 A. Yes.

3 Q. On Pages 5 and 6, we see "B.C.
4 saying 'No Tankers'", at the top.

5 Can you tell us about what this
6 Campaign is?--The "No Tankers" Campaign.

7 A. "No Tankers" is the branding of
8 our Tanker and Pipeline Work, beginning in 2004.

9 We have recently dropped our branding
10 around "No Tankers" and shifted to a more proactive
11 frame.

12 In this year, some of our most
13 exciting moments on the Campaign involved working with
14 municipal politicians, to help the Union of B.C.
15 Municipalities, the UBCM, pass a Resolution opposing
16 tankers.

17 That year, we also live-tweeted and
18 shared the Comments and Oral Statements from the
19 National Energy Board's Joint Review Panel.

20 So we just sort of made people's
21 stories more public and shared their experiences on
22 Social Media and through e-mail, and other avenues.

23 Q. We see that photo there.

24 That is the Vancouver Mayor, on the
25 far right.

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1 A. Yes. That is Gregor Robertson;
2 Jennifer Rice -- who is now an MLA, actually, for the
3 Skeena Area; the Mayor of Smithers, Taylor Bachrach;
4 and one of my local politicians, Dean Murdock, who is
5 from Saanich.

6 Q. So this "No Tankers" Resolution at
7 the Union of B.C. Municipalities Convention, that was
8 advanced by Dogwood?

9 A. Well, we definitely supported it.
10 This was actually my File for many
11 years.

12 Our Supporters were encouraged to meet
13 or call, or talk with, their local representatives
14 about their concerns, and, really, their work led to
15 local politicians and leaders taking stronger and
16 stronger stances in order to represent the views of
17 their constituents.

18 Q. Okay. Maybe now we will start
19 moving a little bit closer to the Northern Gateway
20 Pipeline.

21 I will ask you to turn to Tab 19...

22 A. Yes.

23 Q. The document here is titled
24 "*Frequently Asked Questions about Dogwood's New*
25 *Strategy*".

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1 First of all, are you familiar with
2 this document?

3 A. Yes.

4 Q. And is this from Dogwood's Website
5 also?

6 A. Yes.

7 Q. And what is the "Strategy" that is
8 being described here?

9 A. Several years ago, after the
10 National Energy Board recommended approval and it was
11 clear that the Federal Government was poised to approve
12 the Project, our Group and other Groups were
13 considering the options around our work and had
14 determined that there were really three avenues of
15 engagement on Northern Gateway.

16 One is legal action, which is led,
17 largely, by First Nations Communities; one is
18 political pressure ---

19 So working politically.

20 -- and the other is land defence, as
21 they call it, and that would be civil disobedience.

22 Looking at those three options,
23 Dogwood very strongly felt that our work should be
24 about legitimate political organizing and pressure. So
25 we launched the "Let B.C. Vote" Campaign, which is

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1 utilizing our Provincial Legislation in B.C. to trigger
2 and launch a Citizens' Initiative that could lead to
3 British Columbians having a Province-wide democratic
4 vote on whether or not these Projects should go
5 through.

6 This strategy is our effort to engage
7 politically and democratically, rather than having the
8 situation descend into, or come to, any acts of civil
9 disobedience.

10 Q. Thank you.

11 If you will turn now to Tab 21,
12 "Defend Our Coast"...

13 A. Yes.

14 Q. There is reference here to
15 "Rallies at the Legislature in Victoria" and other
16 activities.

17 Can you tell us about ---

18 And I see reference to Enbridge down
19 here as well.

20 Can you tell about this Campaign, the
21 "Defend Our Coast" Campaign?

22 A. By way of a little bit of the
23 background behind this event, about nine months before
24 the "Defend Our Coast" Rallies, we were called together
25 by some Funders and some people who worked on the

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1 Enbridge File and they requested that the Groups
2 collaborate to have a big Event that citizens could
3 engage with.

4 Going into that Meeting ---

5 I actually attended that Meeting as
6 Dogwood's representative, and our intent going in was
7 to help everyone present decide to hold a big
8 celebration.

9 We thought what was needed at that
10 time was, you know, something like a Rock Concert, or
11 something fun that people could bring their friends and
12 family to; something really friendly and fun.

13 It became clear pretty quickly to me
14 that other Groups in the room were more interested in
15 engaging in a peaceful and symbolic act of civil
16 disobedience at a big Rally, and so Dogwood opted out
17 of this Event initially, much to the frustration of all
18 the other Groups.

19 Q. And why was that? Why did Dogwood
20 want to opt out?

21 A. We wanted to opt out because we
22 didn't think that even a symbolic act of civil
23 disobedience was appropriate for the state that British
24 Columbians were at on the issue, nor that it would be
25 really strategic or effective in reaching out to other

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1 people.

2 It is not a good way to make a safe
3 space for people.

4 So we weren't onboard with that.

5 But eventually, our Funders basically
6 said "*Please play nice with the other children*" and so
7 our compromise was to hold a secondary event, in
8 collaboration with LeadNow, the next day, where we
9 encouraged the members of the public to engage with
10 their local MLAs.

11 So it was a little bit more targeted
12 and the tone was a lot more friendly.

13 Yes.

14 THE PRESIDING MEMBER: What is the
15 date of this particular document? When was it issued?

16 THE WITNESS: This looks like the
17 Explanation or Invite to the Event. So it probably
18 would have gone out several weeks before October 24th.

19 MR. CHAMP: Of 2013.

20 THE WITNESS: Yes, 2013.

21 THE PRESIDING MEMBER: Thank you.

22 MR. CHAMP:

23 Q. Ms. Trojand, I will now start
24 asking you some questions about, more directly, the
25 National Energy Board Hearings concerning the Northern

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1 Gateway Pipeline Project.

2 First of all, was Dogwood Initiative a
3 formal legal Party in that Proceeding?

4 A. No, we were not.

5 Q. Can you tell us a bit about
6 Dogwood's involvement, then, in those NEB Hearings?

7 A. About a month or so before the
8 deadline that the NEB had for people to sign up to make
9 Oral Statements ---

10 The National Energy Board invited the
11 public to engage in their Review Process and make a
12 ten-minute Oral Statement about whether they supported
13 or opposed the proposed Project.

14 About a month or so ahead of that, we
15 realized what a great opportunity this was for
16 engagement on the part of our Supporters and for
17 British Columbians, and so we went through and tried to
18 register ourselves and realized that the National
19 Energy Board Website was a little bit difficult to
20 navigate. It was very long and kind of convoluted.

21 So we created a Web Forum that
22 simplified the process but submitted, officially, any
23 Sign-Ups.

24 We essentially made the process easier
25 for the public to engage with and then sent an

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1 Invitation to our Supporters to sign up and make their
2 voices heard in the process.

3 We also set up some "mirror" sites, so
4 other Organizations that were also interested in
5 pointing their Supporters there could use the same sort
6 of Web tool to make the process easier.

7 So we signed up a whole lot of British
8 Columbians to participate. For us, we signed up 1,575;
9 and then other Groups signed up, collectively, about
10 437.

11 Q. We will talk about this in more
12 detail in a few moments, but approximately how many
13 people who signed up through Dogwood's Online
14 Application Form did actually participate and present
15 to the NEB Hearings?

16 A. I believe it was 837 of those
17 1,500.

18 Q. Great!

19 And in terms of people preparing and
20 presenting their individual Presentations, did Dogwood
21 take any steps or actions around that?

22 A. Yes. We realized, once we had
23 1,500 people that were willing to participate and give
24 their "ten minutes", we had a responsibility to them to
25 make sure that they were supported in that process.

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1 The process isn't necessarily
2 straightforward, either. They had to wait, I think in
3 was, eighteen months until they actually testified.

4 So we felt a responsibility to make
5 sure that they didn't forget and that they actually
6 showed up and that they were prepared, and so we ran a
7 series of Workshops with other Partner Organizations,
8 both in-person and on the Web -- so we did some
9 Webinars -- that just walked people through what to
10 expect and what kinds of Stories they could tell when
11 they made their Statements that could be helpful and
12 well-received.

13 Q. More impactful.

14 A. That's right.

15 Q. If you would turn to Tab 44 in
16 Volume II...

17 A. Yes.

18 Q. This is a document from your ---

19 Well, it says "Eventbright" Invite,
20 saying: "Maximizing Your Impact at the Enbridge
21 Northern Gateway Community Hearings".

22 Is this what you are talking about
23 here?

24 A. That's right.

25 Q. And just for the assistance of the

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1 record, can you just tell us what a "Webinar" is?

2 A. A Webinar is a live...

3 No one has ever asked me to explain
4 that!

5 It's a tool that you can use online in
6 which people can sign in and communicate with you in
7 real-time.

8 There is a Presenter.

9 So they can "Share" their screen and
10 you walk them through a Presentation.

11 The people who are listening and
12 watching can, at certain times, ask questions and
13 engage with the Presenter.

14 So it's a...

15 It's a Workshop; but it is online.

16 MR. CHAMP: I know it seems kind of
17 second-nature now, but actually I don't think Webinars
18 are more than about five years old.

19 So I appreciate your explaining that
20 for the record.

21 Q. And then the document at Tab 45,
22 this is the Invitation, an online Invitation for
23 attending the Webinars?

24 A. That's right.

25 This one may actually be an in-person

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1 Workshop.

2 It's at the Michelle Pujol Room -- I
3 attended this one -- at U-Vic.

4 But it was one of many Workshops that
5 were either Webinar or in-person.

6 Q. This particular Workshop and
7 Webinar was around assisting people to Present at the
8 Panel in-person.

9 Were there other Workshops around the
10 NEB Hearings that Dogwood assisted in organizing?

11 A. Absolutely. Of all different
12 varieties.

13 For example, leading up to the Kelowna
14 Joint Review Panel Hearing, we held a Workshop on
15 Storytelling, on Theory of Change, and on Messaging,
16 essentially.

17 We did that.

18 Before then, we also, in conjunction
19 with Joint Review Panel Hearings, held some Canvasses
20 in which there were Sessions where we invited people to
21 come out and knock on doors with us -- which obviously
22 contained a Training component where we went through
23 "Best Practices for Door Knocking" and communicating
24 with people at the door.

25 Q. And that is the "Knock the Vote"

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1 Campaign?

2 A. That's right.

3 Q. I will take you now to the
4 Complainant's Supplementary Book of Documents...

5 A. Yes.

6 Q. There are a couple of documents
7 there that I will take you to.

8 You were talking about a Campaign
9 around door knocking.

10 If you go to Tab 4, we see here ---

11 There are a few documents in this Tab.

12 On the first page, we see: "Knock the
13 Vote: When: January 12, 2013"; then we see that,
14 next, there is a Media Advisory around "Knock the
15 Vote"; next, there is a letter, a template letter
16 invitation; and then, finally, we see "Knock the Vote:
17 your guide to the doorstep".

18 Can you just tell us in a bit more
19 detail what these documents and what the "Knock the
20 Vote" Campaign was about?

21 A. Sure.

22 At this time, the Joint Review Panel
23 Hearings were closed to the public. They were held in
24 a small room in a hotel, and if you wanted to view the
25 Hearings, you had to go all the way to the other side

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1 of town, into a different hotel where you could watch
2 the Live Stream.

3 There was a bit of an uproar about
4 this.

5 Part of the joy of these Hearings was
6 in being able to go in and experience the process, to
7 listen to people's Statements.

8 You know, people told really moving
9 Stories, and it was such a lovely experience to be able
10 to go in and hear people.

11 That was barred and so we were
12 interested in providing a different way to engage other
13 than just going to bear witness and so we organized
14 some Canvasses around all of the different Hearings.

15 As you can see, the first thing we did
16 was to invite our Supporters and others to come and
17 celebrate the courage of the people who made Oral
18 Statements, and also to knock on doors.

19 So: *"Let's celebrate them, as well as*
20 *do more to make this issue more visible."*

21 So we sent out an Invite. We invited
22 the Media as well.

23 We had a couple of Journalists join us
24 on the "Door", to just get a flavour of what we were up
25 to.

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1 I think at this Event, actually, it
2 was Jack Knox from the *Times-Columnist* who came out "on
3 the Door" with us.

4 When people arrived, they got this
5 package, the "Knock the Vote: Your Guide to the
6 Doorstep", where they got tips and materials, along
7 with a little bit of help by way of a Script so that
8 they could practise on some Frequently Asked Questions,
9 and we would practise a little bit, and then we got on
10 some busses and went to a couple of strategic places in
11 the Community.

12 So, Polling Divisions where the Voter
13 turnout, for example, was really low. We would target
14 places that had low participation and go out and knock
15 on doors and have meaningful conversations with
16 lawyers.

17 So at this Event ---

18 Q. It's a bit like political
19 canvassing in Elections?

20 A. Yes. Exactly. At this Event, I
21 think we had fifty community members come out and knock
22 on the doors with us for about an hour-and-a-half, and
23 then we returned to a local pub, to Swan's, and ate and
24 had a couple of drinks and celebrated the people who
25 had Presented.

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1 Q. And if you go, now, to Tab 3, just
2 one before -- and I apologize for jumping back and
3 forth. I am just trying to stay with the same
4 documents.

5 If you go to Tab 3, just one before...
6 I think this is an Invitation to that
7 Kelowna Workshop that you were describing to us...

8 A. That's right.

9 Q. So this was held on January 27th,
10 in Kelowna, at the First United Church Hall?

11 A. That's right.

12 Q. I am going to take you, now, to a
13 different set of documents, Ms. Trojand.

14 Going to Volume I now, Complainant's
15 Book of Documents Volume I of II...

16 I will just give you a moment to turn
17 that up...

18 --- (A Short Pause)

19 A. Yes.

20 Q. I would like to take you to Tab 4,
21 where we find a package of documents obtained under
22 Access to Information from the National Energy Board.

23 You will see, in the bottom right-hand
24 corner, a long number.

25 There is a page number embedded in

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1 there, and it is the last three digits, "001"...

2 A. Yes.

3 Q. If you go to Page 045, Page 45...

4 It's an e-mail, or a series of e-
5 mails.

6 A. Yes.

7 Q. If you go about halfway down the
8 page in the body of the second e-mail, there is one
9 line that starts "Between 0930 to 1400 hours, Sandman
10 Hotel..."

11 Do you see that?

12 A. That's right.

13 Q. (Reading):

14 "...Sandman Hotel and Suites
15 Kelowna, several protests were held
16 by the Idle No More, People's
17 Summit, LeadNow, Dogwood
18 Initiative and independent
19 activists. There were
20 approximately 150 peaceful
21 protesters."

22 Do you recall that Event? Is that an
23 Event that you are familiar with?

24 A. I do.

25 Q. Can you just tell us about that

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1 Event?

2 A. Yes. This is referencing ---

3 It sounds like a Rally and Protest
4 that was organized outside the Hearings while they were
5 occurring.

6 To be clear, Dogwood Initiative didn't
7 lead this Rally, nor did we communicate with our
8 Supporters about it.

9 I believe it was organized by Idle No
10 More.

11 But I did speak at it, simply because
12 I had been brought into the Hearing Chambers with a
13 Supporter who was testifying or was making her
14 Statement. So afterwards, when I came out, the Rally
15 Organizers asked me to just say a couple of words about
16 what was happening inside.

17 Yes. But I think that is accurate. I
18 think there were about 150 local residents gathered
19 outside, and there were Speakers from local First
20 Nations and other Groups.

21 Q. And this Event ---

22 This isn't the Workshop, obviously,
23 that you have spoken of?

24 A. No.

25 Q. But this is the same weekend in

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1 Kelowna?

2 A. It is the same weekend. It was
3 the day after our Workshop.

4 Q. If you would turn now to Page 61
5 in this Package, "061" in the bottom right-hand
6 corner...

7 --- (A Short Pause)

8 A. Yes.

9 Q. This is part of an internal NEB
10 Security Report.

11 You will see, near the top, there is a
12 big Heading "*Threat Assessment*".

13 Are you with me there?

14 A. Yes.

15 Q. Okay. And if you go down, near
16 the bottom, there is a Heading saying "*LeadNow and*
17 *Dogwood Initiative*".

18 Can you just take a moment to read
19 through that paragraph...

20 --- (A Short Pause)

21 A. Okay.

22 Q. Is this the Skills Training or the
23 Workshops that you were speaking about before?

24 A. It sounds like it. The only thing
25 that I think might be inaccurate are the words

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1 "community resistance".

2 Q. Well, why don't you tell us ---

3 I am not sure that you got into too
4 much detail.

5 Here, they say "*skills training*".

6 What were the kinds of Workshops or
7 Skills that were being taught at this Event?

8 A. The three Trainers were myself,
9 Anna McLean, from LeadNow, and Logan McIntosh from
10 LeadNow.

11 We had about forty to fifty people, I
12 think, that showed up. We separated them into three
13 groups and had Stations. One Station was about
14 Storytelling. So learning some tools to be able to
15 tell your personal story better: you know, *why you are*
16 *concerned about the issues that you are concerned*
17 *about*.

18 One Station was basically an Art
19 Station, where folks created signage for the next day.
20 And then my Station was on "Theory of
21 Change".

22 So we talked about how having a clear
23 vision or plan on how to enact the changes that you
24 would like in the world is important and that your
25 tactics need to align with that.

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1 Interestingly, in that Session, I
2 would say that there was an emphasis on the fact that
3 at this point in the Campaign, civil disobedience was
4 not an appropriate tactic and that *if you really wanted*
5 *to change what was happening around Enbridge Northern*
6 *Gateway, participating in democracy was probably a more*
7 *effective tactic and one that aligned with your theory*
8 *of change.*

9 Yes.

10 Q. You will see, Ms. Trojand, that
11 this Event is under the Heading "*Threat Assessment*".

12 What do you think about that?

13 Were these Workshops in some way meant
14 as a threat to the National Energy Board Hearings?

15 A. No. It seems ridiculous.

16 Q. Were you using threatening skills
17 or tactics in some way to intimidate the NEB Panel or
18 other participants?

19 A. No. Absolutely not -- unless
20 personal storytelling and social change are a personal
21 threat to the National Energy Board, which I don't
22 think they are.

23 No. There is nothing happening in
24 these Workshops that is at all threatening.

25 Q. We see the phrase there about

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1 "community resistance".

2 Do you think that is a fair
3 description of the skills you were teaching?--

4 "Community resistance".

5 A. I don't. Actually, how I would
6 describe the Workshop is "political organizing" or
7 "community organizing".

8 Yes.

9 Q. Ms. Trojand, you understand now
10 that these documents here, these NEB documents, were
11 obtained by a Journalist and were reported on in the
12 Press...

13 A. Yes. That's my understanding,
14 yes.

15 Q. We will see on that same page, up
16 higher on "Threat Assessment", it speaks about the "NEB
17 consulting the Canadian Security Intelligence Service,
18 both national Headquarters and regional Headquarters".

19 A. Um-umm (Witness Nodding in the
20 Affirmative).

21 Q. Was Dogwood and Dogwood Supporters
22 aware of the Newspaper Stories that were coming out
23 around these documents and the concern, or potential
24 concern, that CSIS and the RCMP were monitoring
25 Dogwood's activities around the NEB?

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1 A. Certainly.

2 When the Article came out in the
3 National Observer, it was upsetting, certainly. We
4 talked about it on Staff and with our Volunteers and
5 reacted in some ways.

6 I mean, there are some things that we
7 did ---

8 Like, we beefed up some of our data
9 security, for example.

10 Yes.

11 Not being paranoid about it, but,
12 yeah, we did take some measures internally to make sure
13 that our data was secure and that ---

14 Yeah.

15 Q. Can you tell us a bit more about
16 whether Dogwood heard from Staff or Supporters, or
17 Volunteers around this issue?

18 A. Absolutely. I know that our
19 Executive Director got quite a number of calls
20 expressing concern.

21 We really started seeing the effects
22 of this out in the Field Program when people would come
23 up to our Booths and have really conversations with us
24 or meet us out in the street when we were canvassing
25 but refused to sign because they were worried that they

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1 would be "on a list", "on a Government list".

2 I often hear that people who work for
3 Industry or any ---

4 Even it's Construction and they work
5 on a Project that is associated with the Oil and Gas
6 Industry, they'll say: "Oh, I'm afraid to sign because
7 I'm worried that I'll get fired."

8 So it certainly affected our ability
9 to interact with, and connect with, potential
10 supporters, and it certainly has affected some of our
11 Volunteer Teams on the ground, who feel, yeah, a little
12 bit creeped out.

13 When this came out, they answered
14 questions about: "Well, what does this mean? Does
15 this mean that my e-mails are being monitored? Does
16 this mean that my phone is tapped? What does this look
17 like? Are there informants in our midst?"

18 And some of that fear around, yeah,
19 just surveillance that made them uncomfortable.

20 Not that we ---

21 We've nothing to hide. That is what
22 I've always told our Supporters: that even if there is
23 surveillance, it wouldn't change our activities
24 because, you know, all of our activities are on the up-
25 and-up.

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1 Q. If you could turn to Volume II,
2 the Complainant's Books of Documents, Volume II of
3 II...

4 A. Yes.

5 MR. CHAMP: For the record, that is
6 Exhibit C-3.

7 Q. I will ask you to turn to Tab
8 30...

9 A. Yes.

10 Q. This is an e-mail ---
11 We see that there is a reference to an
12 Arie Ross.

13 Who is Arie Ross?

14 A. Arie is one of my five Provincial
15 Organizers. She works in Surrey and New Westminster,
16 and Delta.

17 And Fiana is actually a high school
18 student who volunteers with her.

19 Q. And here, the Sender is saying:
20 "Yes, I'm looking forward to the
21 fall elections. Oh but since Bill
22 C-51 also passed, are Dogwood's
23 activities still okay?"

24 What is your understanding of the
25 concern being raised there by the Sender?

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1 A. When information about Bill C-51
2 came out, our Supporters got really scared ---

3 I mean, there was a level of
4 discomfort before.

5 We coped with the knowledge that there
6 may be surveillance on our work by kind of making light
7 of the issue. But when Bill C-51 came out, I think
8 people got to be a little bit more alarmed. They felt
9 as if there might be real consequences to engaging with
10 Dogwood for simple things such as knocking on doors and
11 making phone calls to residents and voters and talking
12 to their neighbours about issues that we work on.

13 MR. CHAMP: I'll just be a moment, Mr.
14 Chair...

15 --- (A Short Pause: Off-Record Discussion between
16 Complainant's Counsel and Client Representative)

17 MR. CHAMP: Thank you, Ms. Trojand.
18 Those are all of the questions that I have for you.

19 Counsel for CSIS may have a few
20 questions for you, as may SIRC Counsel.

21 THE PRESIDING MEMBER: Thank you, Mr.
22 Champ.

23 Madam Dion, do you have any questions
24 for the witness?

25 MS. DION: Yes, I do.

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1 I have only a few questions, actually.

2 Thank you, Mr. Member.

3 Good morning, Ms. Trojand.

4 THE WITNESS: Hello.

5 Cross-Examination by Ms. Dion:

6 Q. During your testimony, you
7 referred to the *Vancouver Observer* Article, which we
8 find at Tab 9 of the Complainant's Book of Documents,
9 Exhibit C-1.

10 I invite you to take a moment to
11 review that Article.

12 Again, it is at Tab 9.

13 --- (A Short Pause: Witness reviewing referenced
14 documentation)

15 A. Yes.

16 Q. I understand that this is at least
17 one of the starting points of the fear of being
18 monitored by Security Intelligence in relation to
19 protest, dissent, or advocacy.

20 Is that correct? A. Yes.

21 Q. And I see that at the first page
22 of the Article, Dogwood is mentioned.

23 There are two paragraphs, and then
24 there is an excerpt from a document that we looked at
25 earlier, under Tab 4.

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1 Is that correct?

2 A. Yes.

3 Q. I invite you to turn to Tab 4,
4 while keeping your finger on this page here, and
5 compare the first page of the Article with Page 61 at
6 Tab 4...

7 --- (A Short Pause: Witness reviewing referenced
8 documentation)

9 Do you agree that the information that
10 you find in the *Vancouver Observer* Article, at the
11 excerpt from the document, is the same information that
12 we find at Page 61 of the NEB Security Assessment?

13 Take the time you require to read
14 it...

15 --- (A Short Pause: Witness reviewing referenced
16 documentation)

17 A. It looks to be the same, yes.

18 Q. Thank you.

19 As you previously acknowledged, this
20 is found in the "Threat Assessment" portion of the NEB
21 Assessment, and you will see that there are different
22 Headings under "Threat Assessment". There is
23 "Overview", "National-level Intelligence Resources",
24 "Police Intelligence Resources", and "Open Source
25 Information Reporting".

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1 Is that correct?

2 A. Um-umm (Witness Nodding in the
3 Affirmative).

4 Q. And am I correct in saying that
5 the Dogwood Initiative Event of January 27th is found
6 in the "Open Source" Heading, under the "Open Source"
7 Heading?

8 A. Yes.

9 Q. I will ask you to turn to the next
10 page, Page 62.

11 At the end of the "Threat Assessment"
12 Section ---

13 So just before Section 13 "Security
14 Level".

15 Could you read the last paragraph...

16 A. Sorry. Page 13...

17 Q. Page 62, just above the "Security
18 Level" Heading.

19 A. So there is the part that is
20 redacted, and then that last line?

21 Q. And then there is "EcoSociety"...

22 I am on Page 62...

23 --- (A Short Pause)

24 So there is a redacted portion; then
25 there is the "EcoSociety" section that I've mentioned,

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1 and ---

2 A. Oh, I see.

3 Q. -- and then there is the "Kelowna
4 RCMP".

5 A. Right. So:

6 "The Kelowna RCMP as well as NEB
7 Communications and Security
8 continue to monitor open source
9 information."

10 Q. Is there any mention of CSIS
11 monitoring open source information in this document?

12 A. Can you ask that question again?

13 Q. Is there any mention of CSIS
14 monitoring open source information in this Section?

15 --- (A Short Pause: Witness reviewing referenced
16 documentation)

17 A. Not explicitly, no.

18 Q. When the Newspaper Article came
19 out, did you consult the documents? Did you look at
20 the package of documents that the Article was based on?

21 A. Me personally?

22 Q. Yes.

23 A. No.

24 MS. DION: Thank you. Those are all
25 the questions I have.

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1 Thank you, Mr. Fortier.

2 MS. DION: Thank you, Ms. Dion.

3 Madam Bowers, do you have any
4 questions for the witness?

5 MS. BOWERS: I have no questions.
6 Thank you, Sir.

7 THE PRESIDING MEMBER: I have no
8 questions for you either, Ms. Trojand.

9 I am grateful, Madam Trojand ---

10 By the way, what is the etymology, the
11 source, of the name "Trojand"?

12 I am curious...

13 THE WITNESS: I think it is Norwegian.

14 THE PRESIDING MEMBER: Yes. It could
15 be, yes.

16 THE WITNESS: I think you would
17 pronounce the "j" as an "l".

18 THE PRESIDING MEMBER: Thank you.

19 Again, I am grateful to you for having
20 come before me to give evidence today, to answer
21 questions, as you have done. You are now excused.

22 Thank you.

23 THE WITNESS: Are there ---

24 MR. CHAMP: Mr. Chair, if I may, I
25 have one or two questions in Redirect arising from the

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1 questions put to the Witness by Counsel for CSIS.

2 THE PRESIDING MEMBER: My apologies.

3 I should have canvassed that with you.

4 MR. CHAMP: I have just one or two
5 minor clarifications to ask about.

6 THE PRESIDING MEMBER: Certainly.

7 Re-Examination by Mr. Champ:

8 Q. Ms. Trojand, on the Newspaper
9 Story at Tab 9, I think the quote there actually might
10 come from a different page.

11 If you look at Tab 9, you'll see the
12 quote "*On 27 Jan, LeadNow and Dogwood Initiative*
13 *will...*", and the sentence ends with "will".

14 The page we were looking at earlier,
15 Page 61, goes on: "...will be providing" and it is cut
16 off.

17 I think the quote actually comes from
18 Page 80.

19 It is the same quote, essentially.
20 But I think it was cut from a different document, just
21 for clarification.

22 THE PRESIDING MEMBER: From Page 80?

23 MR. CHAMP: Yes. Page 080.

24 THE PRESIDING MEMBER: 0-8-0?

25 MR. CHAMP: Yes.

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1 Where it says "*LeadNow and Dogwood*
2 *Initiative*", there is a "c" beside it, and that's the
3 same "c" that we also see in the Story published by Mr.
4 Millar.

5 THE WITNESS: You are right.

6 MR. CHAMP:

7 Q. Okay. Thank you.

8 And then the other question I have
9 concerns your answer about the "starting point of fear
10 and concern of Dogwood".

11 Ms. Dion put to you that the Story at
12 Tab 9 was the "start of fear and concern of being
13 monitored in some way".

14 Were there any events prior to that
15 that gave Dogwood concern that they may be raising
16 concerns in Ottawa?

17 A. We were certainly ---

18 In 2011, the Minister of the
19 Environment, Joe Oliver, produced an Open Letter
20 calling our Group, and members of it, essentially
21 "*foreign-funded environmental radicals*", and that
22 caused quite a bit of alarm among our Supporters and
23 our Community, and our Staff.

24 So before this Article came out, we
25 were certainly on alert and felt uneasy about being

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1 characterized in such a way.

2 This Article, in some ways, confirmed
3 some fears that we hadn't really spoken out loud up
4 until that point about the extent to which we should be
5 careful and cognizant of who is watching.

6 MR. CHAMP: Thank you. Those are all
7 the questions I have in Redirect.

8 THE PRESIDING MEMBER: Any questions
9 arising, Madam Dion, from the questions posed by Mr.
10 Champ in Redirect?

11 MS. DION: No. Thank you, Mr.
12 Fortier.

13 THE PRESIDING MEMBER: Madam
14 Bowers...?

15 MS. BOWERS: No. Thank you.

16 THE PRESIDING MEMBER: So this time I
17 get to thank you for real!

18 Thank you again for having come here
19 today to give evidence before me. You are now excused.

20 THE WITNESS: Thank you.

21 --- (The Witness Withdrew)

22 THE PRESIDING MEMBER: Your next
23 witness, Mr. Champ, is Terry Dance-Bennink...

24 MR. CHAMP: Yes, Sir.

25 THE PRESIDING MEMBER: Do you want

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1 five minutes to put your ducks in order, or...

2 MR. CHAMP: I believe she is here --
3 but perhaps a short break would be in order...

4 THE PRESIDING MEMBER: Why don't we
5 adjourn until 10:25.

6 MR. CHAMP: That sounds fine. Thank
7 you, Mr. Chair.

8 THE PRESIDING MEMBER: We will call it
9 a "comfort break".

10 MR. CHAMP: Thank you.

11 --- (A Short Recess)

12 --- Upon Resuming:

13 --- (Terry Dance-Bennink called to the Witness Table)

14 THE PRESIDING MEMBER: Thank you,
15 everyone. We are ready to continue.

16 Good morning, Madam Dance-Bennink.
17 Thank you for coming before me to give evidence as a
18 witness on behalf of the British Columbia Civil
19 Liberties Association.

20 I will ask the Registrar to swear you
21 in now...

22 THE REGISTRAR: Good morning, Ms.
23 Dance-Bennink.

24 Do you solemnly affirm that the
25 evidence you are about to give to the Committee shall

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1 be the truth, the whole truth, and nothing but the
2 truth?

3 THE WITNESS: Yes.

4 TERRY DANCE-BENNINK, Called and

5 Affirmed:

6 THE REGISTRAR: For the record, would
7 you please state your full name, spelling your last
8 name...

9 THE WITNESS: Terry Dance-Bennink,
10 spelled: D-A-N-C-E, hyphen, B-E-N-N-I-N-K.

11 THE REGISTRAR: Thank you.

12 Secondly, I would like to read to you
13 Section 51 of the *Canadian Security Intelligence*
14 *Service Act*, which provides protection to witnesses
15 appearing before the Committee.

16 It reads as follows:

17 "Except in a prosecution of a
18 person for an offence under
19 section 133 of the *Criminal Code*
20 (false statements in extra-
21 judicial proceedings) in respect
22 of a statement made under this
23 Act, evidence given by a person
24 in proceedings under this Part
25 and evidence of the existence of

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1 *the proceedings are inadmissible*
2 *against that person in a court or*
3 *in any other proceedings."*

4 Do you understand?

5 **THE WITNESS:** Yes, I do.

6 **THE REGISTRAR:** Thank you. You may be
7 seated.

8 **THE PRESIDING MEMBER:** Madam Dance-
9 Bennink, you will be asked questions by Mr. Champ,
10 Counsel for the BCCLA; then by Ms. Dion, Counsel for
11 CSIS; and then by Madam Bowers, who is Counsel for the
12 Committee.

13 **THE WITNESS:** Okay. Thank you.

14 **THE PRESIDING MEMBER:** Mr. Champ...

15 **MR. CHAMP:** Thank you very much, Mr.
16 Chair.

17 **(To the Witness):** Ms. Dance-Bennink,
18 when answering my questions, I am going to ask you, as
19 much as possible, to try to address the Chair.

20 It is a little bit of an awkwardly-
21 shaped room. But in responding to my questions, I want
22 you to direct your answers to the Chair as much as you
23 can.

24 **THE WITNESS:** Certainly.

25 --- (A Short Pause)

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1 Examination-in-Chief by Mr. Champ:

2 Q. I will start by asking you to tell
3 us, and tell the Chair, about where you reside, the
4 City in which you reside, as well as what your
5 employment or background is right now...

6 A. Okay. I live in Victoria, in a
7 condo on the waterfront. My former employment was as
8 V.P., Academic, at Sir Stanford Fleming College in
9 Peterborough, Ontario.

10 Q. And you are currently retired?

11 A. I am currently "retired",
12 quote/unquote!

13 --- (Laughter)

14 MR. CHAMP: There are a few around
15 like that!

16 Q. The Dogwood Initiative is an
17 Organization that you know about?

18 A. Yes.

19 Q. Can you just tell us what your
20 involvement is -- just very briefly -- with Dogwood
21 Initiative?

22 A. Okay. I've been a Volunteer now
23 with Dogwood for about two-and-a-half years and I am
24 currently the Regional Organizer for the South Island,
25 responsible for two Federal Ridings, Victoria and

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1 Esquimalt Saanich Sooke, and I work with about one-
2 hundred Volunteers.

3 Q. I am going to ask you some further
4 questions about that in a moment; but first, I will
5 ask you to tell us a little bit about why you wanted to
6 get involved with Dogwood, and in particular what your
7 history of Activism or Voluntarism is.

8 A. Okay. I grew up in the Sixties
9 and so I was at the University of Toronto during a very
10 lively, socially meaningful time. I was involved in
11 Movements: the Peace Movement, the Women's Liberation
12 Movement, and Causes associated with Civil Rights.

13 That was my foundation.

14 I am also a United Church Member and
15 so I was involved in Faith Group activities at the
16 time.

17 Probably one of my biggest memories is
18 of the *War Measures Act*, in 1970.

19 I found that extremely sobering and
20 scary, to see what happened in terms of the number of
21 arrests that were made, and I think that is partly why
22 I am here today: I don't want history to repeat
23 itself.

24 Q. Did you continue in active ---
25 What are some of the issues and/or

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1 Movements that you used to be involved in back in the
2 Sixties and Seventies?

3 A. I was involved in the United Farm
4 Workers' Campaign to boycott grapes.

5 This was Cesar Chavez's Movement.

6 I actually worked with Marshall Ganz
7 at the time.

8 He was in Toronto.

9 He is now sort of the Guru of
10 Organizing that the Obama Campaign has relied upon.

11 So that was a highlight for me.

12 I was also involved in some Union
13 Organizing at York University, with the Support Staff,
14 and just, you know, a lot of public meetings at the
15 University at that time around the War, the Vietnam
16 War, and Women's Rights, in particular.

17 Q. In your organizing or other
18 Activism, I should say, back in those times, were you
19 ever involved in any kind of violent actions in your
20 Activism?

21 A. No, I wasn't. And again, it goes
22 back to the fact that, as a Christian, I am committed
23 to peaceful, non-violent activism.

24 It is the Martin Luther-Kings and the
25 Gandhis of the world that I respect and admire.

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1 Q. You continue to have association
2 with the Church?

3 A. Yes. I am the Chair of the
4 Justice and Outreach Team at Esquimalt United Church.

5 Q. Thank you for that background, Ms.
6 Dance-Bennink.

7 I want to now ask you some questions
8 more specifically about how and why you got involved
9 with Dogwood and its Campaigns around oil pipelines and
10 oil tankers.

11 Can you start telling us about that?

12 A. I had not been politically active
13 for decades. I was busy with my career and, frankly,
14 kind of cynical of politics.

15 I kind of just thought "*nothing will*
16 *change*".

17 And then when the Enbridge Hearings
18 were launched and a Call was made to the general public
19 who felt strongly on that issue to make Comments and
20 make Presentations, I responded. I thought: "*Yeah.*
21 *It's about time that I do that.*"

22 In my role as V.P., Academic, I was
23 responsible for the School of Environmental and Natural
24 Resource Sciences.

25 I had a background in the

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1 Environmental Sector, and so I thought that was
2 important to do.

3 So I did file a Letter of Comment and
4 did eventually make a Presentation, which I found...

5 You know, it was a little
6 intimidating. But anyway...

7 But I think the real issue that got me
8 fired up was my trip to the Tar Sands in September
9 2013.

10 I am somebody who likes "to see for
11 myself".

12 I'd heard about the Tar Sands. I'd
13 never been there. So I made a two-week trip, tracing
14 the Athabasca River from Banff all the way up to Fort
15 McKay ---

16 Do you want me to go on in that ---

17 **MR. CHAMP:** Certainly. Please tell us
18 about that trip.

19 **THE WITNESS:** It was a turning point
20 in my life.

21 I've given a lot of Talks about it
22 since then.

23 We started off in beautiful and
24 pristine Banff and Jasper, which was wonderful to see,
25 even though the glaciers were shrinking.

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1 As we then approached what is called
2 the "Highway to Hell", Highway 63, en route from
3 Edmonton to Fort McMurray, that was when things began
4 to get "real" for me.

5 It's an awful highway. An incredible
6 number of fatalities. Huge 2-story trucks barrelling
7 down.

8 We could just see barracks all the
9 way.

10 Our first stop was at the Oil Sands
11 Discovery Centre, which is sponsored, I believe, by the
12 Oil and Gas Industry.

13 We learned a lot there. We are very
14 glad we stopped.

15 I got to hold bitumen in my hand.

16 You know, it's a thick, sticky tar-
17 like substance.

18 We were able to sit on a 2-story truck
19 and watch live footage of surface mining in the area.

20 Personally, I was just appalled. It
21 just looked like Mars.

22 I mean, all the over-burden, as it is
23 called, all the vegetation and trees had been removed.

24 We watched as they did this mining.

25 And then they gave us a beautiful

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1 coloured map that showed every inch of the land around
2 Fort McMurray and Fort McKay, basically owned by
3 various Oil Companies.

4 So there was hardly an inch of non-
5 mining activity going on.

6 So that was an eye-opener.

7 And then we ended up, the next day,
8 going up to Fort McKay to visit a Cree-Chipewyan
9 family, and that's when we started to see the tailings
10 ponds.

11 We were just on the highway, though.

12 I regret that I didn't do one of those
13 airplane trips. But you could see the smoke rising and
14 the steam rising from the tailings ponds.

15 At the Oil Discovery Centre, we had
16 learned that the tailings "ponds", quote/unquote, take
17 up about 170,000 square kilometres. They are toxic,
18 and they are in unlined earthen ponds, that are
19 leaking.

20 The birds and the geese, and the
21 animals that land on them by mistake in the winter die
22 a very painful death.

23 So that was our first encounter.

24 Then we started to smell the sulphur
25 and the smoke and we started coughing.

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1 My husband and I had a cough for about
2 two weeks afterwards.

3 Then when we got to Fort McKay to meet
4 with Celina Harper ---

5 I think that was the most moving part,
6 for me, of the trip.

7 She had us in her house. She served
8 us moose stew. She apologized for her husband, who was
9 lying in bed next door because he had a cancerous
10 tumour and was dying from having worked his whole
11 lifetime in the Tar Sands.

12 She basically focused on the health
13 issues in Fort McKay for the First Nations people.

14 I went over to wash my hands in her
15 sink and she said: "Stop! You can't do that."

16 The water is so toxic ---

17 The only water that they can drink is
18 bottled water that is shipped up in huge bottles.

19 She said that when she tries to bath
20 her husband, to give him a bath, he has to have
21 antibiotics put on afterwards because the water is so
22 toxic.

23 Their newborn babies, their pregnant
24 women, have been ordered by Medical Officials not to
25 use the water.

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1 You know, she just looked at us and
2 said: *"We can have a pipeline for oil. Why not a*
3 *pipeline for clean water? Is it just because we are*
4 *First Nations people and they are waiting for us to die*
5 *off or to move in resignation?"*

6 And she referred to the ten people in
7 the Community who had died the previous year -- which
8 was far higher than normal.

9 She just begged us ---

10 At the end, she said: *"We are so*
11 *isolated..."*

12 The Tar Sands is the size of Florida.
13 Most people have never seen it for themselves.

14 She said: *"People don't know. In*
15 *Victoria, Vancouver, you don't know what's going on.*
16 *So please go back and spread the word. Let people know*
17 *what's happening."*

18 Q. And so what did you do after that
19 trip? Have you ---

20 A. We also interviewed Doctor John
21 O'Connor -- who I'm sure you are aware of -- who gave
22 us tonnes of data on the medical and health issues
23 faced up there and around which nothing had been done,
24 according to him, by the Alberta Government.

25 So I left kind of horrified by what I

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1 considered to be the rape of the land.

2 I think it is absolutely awful what is
3 going on up there to the land.

4 I left shocked by how the First
5 Nations were being treated and just feeling: *"It's*
6 *just history repeating itself. We haven't learned."*

7 And thirdly, I left very aware of what
8 the Tar Sands are contributing to climate change and
9 global warming.

10 So I left depressed. I left shocked
11 and upset.

12 It took me a few weeks to kind of get
13 my feet back on the ground, and it was at that point
14 that I decided *"I have to do more than just sign a*
15 *Petition and give money"*.

16 Up until then, with Dogwood, I had
17 Presented at the Enbridge Hearings and I was calling
18 Donors to thank them for donating to Dogwood, and I
19 just knew that that wasn't enough, and that's when I
20 decided to actually become an Organizer with them, on a
21 volunteer non-paid basis.

22 Q. Great! Thank you.

23 Ms. Dance-Bennink, I have a couple of
24 documents to take you to.

25 There are three Volumes that have been

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1 placed at the Witness Stand for you. The first one is
2 Complainant's Book of Documents, Volume II of II.

3 You will see that it says "Volume II
4 of II" in the middle...

5 A. There is "R-3"...

6 Q. In the middle, it says
7 "Complainant's Book of Documents..."

8 A. Oh, sorry. Volume II. Yes.
9 Gotcha.

10 Q. Volume II of II.

11 For the record, this is Exhibit C-2.

12 If I may, I will first take you to Tab
13 26 of that Volume...

14 A. Okay.

15 Q. Ms. Dance-Bennink, it is my
16 understanding that this is a Bio of you that is on the
17 Dogwood Website?

18 A. Yes.

19 Q. And that is an accurate
20 description of yourself and your involvement with
21 Dogwood?

22 A. Yes, it is.

23 The one thing that I hadn't mentioned
24 earlier is that I am a breast cancer survivor, and I
25 think that is another reason that accounted for my

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1 sense of urgency.

2 I am kind of aware of my own mortality
3 and the mortality of the Planet.

4 Q. If you would turn to the next Tab,
5 Tab 27...

6 A. Yes.

7 Q. Just tell us what these pages are.
8 What is this?

9 A. This was a Blog that I wrote after
10 the trip.

11 I kind of, in detail, went through
12 each day of our Pilgrimage ---

13 By the way, it was a Faith-based
14 Pilgrimage again, with a Roman Catholic Sister leading
15 us.

16 So this was posted on Sierra Club's
17 Website and on Dogwood's Website, and I believe on
18 Raven Trust's as well.

19 Q. Thank you.

20 You have told us that after that trip,
21 you became more involved with Dogwood.

22 Can you tell us about your activities
23 with Dogwood today?

24 What does "Regional Organizer"
25 involve, in more detail?

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1 A. Yes. Essentially, I am ---

2 And just so you know, Dogwood's
3 mandate is to "enable local citizens to reclaim
4 decision-making over their land, air and water" and so
5 in my two Federal Ridings, that has concretely come
6 down to gathering signatures on our Petition calling
7 for a democratic province-wide vote on the issues of
8 pipeline and tanker expansion.

9 It is a form of a Citizens'
10 Initiative, like the HST Referendum.

11 So that has been the main focus of the
12 work I have been doing with our Volunteers in five
13 different communities.

14 Our work consists primarily of very
15 time-consuming knocking on doors, going Poll-by-Poll,
16 to encourage people to support that Petition.

17 In order to launch a Citizens'
18 Initiative, you have to have several hundreds of
19 thousands of signatures.

20 So that has been our main focus, and I
21 am proud to say that in the Capital Region District, we
22 have 50,000 people now who have signed.

23 And as well as that, we have worked
24 with various municipalities -- for example, Sooke,
25 which has been quite concerned about the prospect of

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1 the Kinder Morgan pipeline being approved, with a
2 seven-fold increase in tanker traffic.

3 They actually put it on their
4 Municipal Ballot during the Municipal Election, and so
5 we were involved in supporting them on that.

6 And now we are involved in the Federal
7 Election.

8 We are non-partisan. We are not
9 promoting any Party. But we are trying to make sure
10 that all of the Candidates have been surveyed and that
11 people can go on the Website and read what the
12 Candidates have to say on these issues and then make up
13 their own mind.

14 People find that really useful: that
15 non-partisan approach.

16 Q. The Volunteers that you work with,
17 the more engaged Volunteers, approximately how many
18 would they be?

19 A. I've got, probably, about a
20 hundred in those two Ridings.

21 And they are people like me.

22 You know, some of the Dogwood Staff
23 are younger. The Volunteers, by and large, at least on
24 the Island, are anywhere between 50 and 80.

25 I have two 80-year-old Organizers who

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1 are unbelievable.

2 As an example of their backgrounds,
3 we've got a former Government Policy Analyst in
4 Alberta, I.T. Professionals, Musicians, Dancers, some
5 Skilled Trades people, Church people...

6 We are all pretty well retired and so
7 we have the time.

8 And people feel, I think, some of the
9 same sense of urgency that I do.

10 Q. Thank you.

11 I am going to ask you some more
12 questions about those people in a moment, Ms. Dance-
13 Bennink. For now, I just want to close off another
14 aspect.

15 There is a slim Volume there. It is
16 titled "Complainant's Supplementary Book of
17 Documents"...

18 A. Yes.

19 MR. CHAMP: For the record, this is
20 Exhibit C-3.

21 Q. I would like to take you, in that
22 Volume, to Tab 6...

23 A. Okay.

24 Q. If you are with me there, there
25 are a few documents under this Tab, and it starts with

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1 the title "My Letter to the Northern Gateway Project
2 Panel", dated July 31st, 2012.

3 Do you see that?

4 A. Yes.

5 Q. And was this a Letter that you
6 sent?

7 A. Yes, it is. It was sent in
8 response to the Public Invitation from the National
9 Energy Board for Letters of Comment.

10 Q. So as a resident of Victoria, you
11 submitted this Letter of Comment to the National Energy
12 Board?

13 A. I did. I live right on the water
14 and I watch tankers every day.

15 Q. And what do you draw from that?
16 What do you see?

17 A. Well, I mean I have a personal
18 stake in this. I do not want to see an oil spill.

19 All the experts say it's inevitable --
20 and if it is, it will be an absolute devastation for
21 the City of Victoria.

22 It will affect property values,
23 tourism jobs, et cetera.

24 So it's both a personal and an eco-
25 justice issue for me.

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1 Q. If you turn over the page, you see
2 a document headed "*Presentation to the Enbridge*
3 *Northern Gateway Project, Joint Review Panel, January*
4 *10, 2013*".

5 This is your document?

6 A. Yes, it is.

7 Q. And what is this?

8 A. The first was the Letter that I
9 had to submit, in July 2012, and then the Presentation
10 was made in-person at the Delta Ocean Point Hotel, on
11 January 10th.

12 It's similar to the Letter of Comment
13 but goes into a fair bit more depth.

14 I specifically answered the three
15 Questions that the National Energy Board had put to all
16 of us: *Who am I? How does the Project impact me? And*
17 *then: Whether the Project is in Canada's public*
18 *interest?*

19 Q. Thank you.

20 Ms. Dance-Bennink, I am going to move
21 a bit back now to talk about the other Volunteers that
22 you work with on Vancouver Island South, and in
23 particular I want to ask you about newspaper stories
24 that came out suggesting that the RCMP and CSIS might
25 be monitoring Dogwood activities in relation to the

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1 National Energy Board Hearings.

2 You are familiar with those News
3 Stories?

4 A. Yes, I am.

5 Q. Can you tell us about what, if
6 any, impact those Stories had on the other Volunteers
7 that you work with?

8 A. I actually surveyed my Volunteers
9 to find out what they were feeling in the light of
10 those allegations and subsequent to the passage of
11 Bills C-51 and Bill C-24 and got a whole lot of
12 comments back.

13 There were about ten different major
14 concerns, ranging from the fact that we are finding it,
15 sometimes, more difficult to encourage people to sign
16 our Petitions ---

17 You know, people want to sign, but
18 occasionally, when I'm out canvassing, they'll say to
19 me: *Is my name going to end up on a Government*
20 *Security List?*

21 The same concern has sometimes been
22 raised by Donors, and sometimes in terms of potential
23 Volunteers being concerned about how Dogwood is viewed
24 and whether, if they become a Volunteer, that means
25 that they are viewed as a "radical extremist", and my

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1 answer, always, is: *We are the exact opposite of that.*
2 *We are committed to peaceful, non-violent, following*
3 *the democratic process, particularly Electoral*
4 *processes.*

5 We are very clear on that.

6 But anyway, that has been an effect.

7 This concern and fear about being
8 photographed ---

9 And I will give you one example of
10 that.

11 I was out with a Team canvassing in
12 Langford at a Festival, a year ago now. We were just,
13 you know, gathering signatures. A hundred people,
14 working class people in Langford, had signed our Pledge
15 Form that afternoon, and we were about to call it quits
16 when we noticed a man a fair distance away from us with
17 a very large camera and a telephoto lens taking
18 pictures of me and the Team.

19 We are used to canvassing at Malls,
20 where Security Guards will come up and say: "Now, wait
21 a minute. What are you doing? Have you got
22 permission?

23 And we always do get permission.

24 But in this case, it was clearly not a
25 Security Guard and the man did not come up to us.

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1 I remember pointing my finger at him,
2 and when I did that, he disappeared shortly afterwards.

3 I know, personally, I felt...

4 I felt pretty strange. I definitely
5 felt that this was suspicious. It was unpleasant. It
6 was creepy, and certainly my volunteers were upset
7 about that.

8 Incidents like that have happened
9 since then, as recently as Canada Day.

10 So that's a whole area: about being
11 photographed.

12 People have sometimes raised: *If I go*
13 *to a public meeting or I go to a Rally, am I going to*
14 *be photographed? Am I going to be put on the*
15 *Government's Security List?*

16 So that is intimidating.

17 And all we are doing is exercising our
18 democratic right to meet, free assembly, and to express
19 our views.

20 Concerns also have been raised by the
21 Volunteers about their employment: *If they sign a*
22 *Petition or they are active with us, will that*
23 *jeopardize their employment? Will somehow their*
24 *Employer find out?*

25 Q. People are that specific with you?

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1 A. Yes. And even Pensioners -- not
2 many; and it made me stop and think -- have said:
3 *Would my Pension be in jeopardy if I am found to be*
4 *very active with Dogwood?*

5 Social Media is another area.

6 I am very cautious about what I share
7 and post on Social Media, and I think a lot of our
8 Volunteers are very cautious about that, even though
9 it's a very effective way to reach people.

10 And probably the last item -- and this
11 is, in some ways, I think the most serious, and yet we
12 are perhaps unable to definitively verify it -- is that
13 we think it's highly likely there have been some
14 Informers attending our Events and monitoring,
15 gathering intelligence and passing it on to Government
16 sources and the National Energy Board.

17 I say that on the basis of the Access
18 to Information Request, the fruits of Media enquiries
19 and the BCCLA initiative, all of which clearly seem to
20 indicate that certain pieces of information could not
21 have been garnered except through that means.

22 There is one person in particular I am
23 thinking of in Victoria who is no longer now working
24 with us. But he was a very strange person.

25 For me, one of the red lights is that

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1 this person would often encourage us to go to the
2 Legislature, to organize big mass events, vigorous
3 rallies, and we would respond by saying: *That's not*
4 *Dogwood. That's not our approach. We're into the slow*
5 *slog of grassroots organizing, democratic, peaceful*
6 *advocacy.*

7 So anybody who tries to encourage us
8 to take a more aggressive intervention is someone that
9 I am very suspicious about.

10 So that's a concern. We don't want to
11 make people paranoid. But, that's scary.

12 Q. And what about some of the
13 Supporters, some of the Campaigns, like Door Knocking
14 or Petitions: Have you heard any concerns expressed in
15 the context of those Campaigns?

16 A. Yes. All of the examples I've
17 given have been in that context.

18 There was one example where we knocked
19 on a door and a husband came to the door and we
20 explained that we were gathering these signatures ---

21 We've had people who support the
22 pipeline sign the Petition, because it's a neutral ---

23 You know, it's just saying: "B.C.
24 *should have a vote on this matter.*"

25 Q. This is the "Let B.C. Vote"

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1 Campaign?

2 A. "Let B.C. Vote", yes, as a
3 Citizens Initiative.

4 But anyway, this particular father and
5 husband was nervous and said: "I don't know. I'm not
6 sure where this is going to and whether the Government
7 would view this as some illegal activity."

8 His wife and his daughter came to the
9 door and convinced him that that was not the case and
10 that he should sign, and he did sign.

11 But it's just an example, sometimes --
12 not all the time -- of how people, I think,
13 particularly in light of Bill C-51 and Bill C-24, just
14 are not clear: *What's the dividing line between*
15 *perfectly legal activity and being deemed a "radical*
16 *extremist"*, as Dogwood has been labelled at one point.

17 Q. Just a last question, Ms. Dance-
18 Bennink. We saw that your Bio is on the Dogwood
19 Website...

20 A. Yes.

21 Q. How about other Volunteers? Have
22 other Volunteers expressed any concern about ---

23 A. No. They don't want to be on the
24 Website.

25 We were encouraging people. But

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1 again, it's like: *"Whoa! If you're on the Website,*
2 *then that's..."*

3 And that's why, for me, today, I had
4 to think really, really carefully about whether I would
5 come today and testify, because I figure, now, CSIS is
6 going to know me.

7 And it is scary.

8 So I think that, in terms of other
9 Volunteers, is something that has raised concerns.

10 But on the other hand, what I really
11 admired in my Volunteers was that in some of their
12 Comments, they said: *"We are cautious. We are*
13 *concerned. But we will not be bullied. We are not*
14 *going to be intimidated. If we are silent, that's the*
15 *worse thing that can happen. We are doing nothing*
16 *wrong, and we have nothing to hide."*

17 So, everybody is plowing ahead, even
18 though nervous.

19 I think that that's the key thing:
20 *that we don't feel any guilt. We have nothing to hide.*

21 MR. CHAMP: That was great. Thank you
22 very much, Ms. Dance-Bennink. Those are all the
23 questions I have for you today.

24 THE PRESIDING MEMBER: Thank you, Mr.
25 Champ.

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1 Madam Dion, do you have questions for
2 the Witness?

3 **MS. DION:** Yes. Thank you, Mr.
4 Member. I have only a few questions.

5 Good morning, Ms. Dance-Bennink.

6 **THE WITNESS:** Good morning.

7 Cross-Examination by Ms. Dion:

8 **Q.** Ms. Dance-Bennink, are you aware
9 of the Service's mandate? Have you ever looked at the
10 CSIS Act or the CSIS Website?

11 **A.** Not really, no.

12 **Q.** Do you know that CSIS, pursuant to
13 the CSIS Act, is precluded from collecting information,
14 by investigation or otherwise, with respect to lawful
15 advocacy, protest and dissent, unless those activities
16 are carried out in conjunction with threats to the
17 security of Canada?

18 **A.** Yes, I was aware of that.

19 **Q.** And when people share concerns
20 with you ---

21 You have stated that some people have
22 shared their concern that they may end up on, to use
23 your words, "Canada's Security List".

24 Do you share that information with
25 them: that CSIS is precluded from investigating unless

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1 there is a "threat to the security of Canada"
2 component?

3 A. I have mentioned that; but I
4 think the conviction now is that CSIS in fact has been
5 contravening its own legislation, if you like.

6 I think there is a strong sense, based
7 on the *Access to Information* material that came out,
8 that in fact they have been engaged in gathering
9 intelligence on very lawful, peaceful, democratic
10 processes.

11 That is what is really concerning
12 people.

13 Q. Have you looked at the *Access to*
14 *Information* documents? Have you seen them?

15 A. I've seen the redacted versions,
16 yes.

17 Q. Perhaps we could go through them
18 together, quickly...

19 A. Sure.

20 Q. I might be wrong, but I have
21 counted five instances in these 125 pages where CSIS is
22 mentioned.

23 If you wish, we can go through these
24 five instances, and if you are aware of any other
25 instances where the Service is mentioned, I would

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1 encourage you to bring them to my attention.

2 A. Okay.

3 Q. The first one here is at Page 14
4 of Tab 4 in Book of Documents Volume I, Exhibit C-1.

5 A. Tab 4. Okay.

6 Q. And you will see at the bottom of
7 the page, there is a long number.

8 When I am referring to "Page 14", I am
9 referring to the last digits on the far right corner of
10 the page.

11 A. Right at the very bottom, then?

12 Q. Yes.

13 A. Okay. And it's Page 14?

14 Q. Yes.

15 Have you seen this e-mail before?

16 A. I don't think I have.

17 Q. If you want to take the time to
18 read it, I encourage you to do so...

19 --- (A Short Pause: Witness reviewing referenced
20 documentation)

21 A. Okay.

22 Q. You can see that it is at the
23 second page of the e-mail that CSIS is mentioned.

24 It reads:

25 "I have included the RCMP's CITT

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1 *lawful and unlawful actions..."*

2 Et cetera.

3 The fact that it appears that Dogwood
4 and other Environmental Groups had been spied upon, to
5 me, says that even those engaged in lawful actions are
6 viewed as a potential threat to Canada's national
7 security.

8 From my perspective, in B.C., the
9 issue of tankers off our coast is sacred and it is not
10 a threat to national security; it's a threat to us,
11 and we care deeply about that issue.

12 So it's just a question of democracy.

13 Q. Can you tell me who the Author of
14 the e-mail is?

15 What does the e-mail address say as
16 far as what Organization it comes from?

17 A. RCMP. And when I've mentioned
18 CSIS, I ---

19 I am not privy to all the "ins" and
20 the "outs".

21 It can be "RCMP/CSIS".

22 Q. I understand that. But it is
23 important because the Committee only has jurisdiction
24 to oversee CSIS's activities.

25 A. I see. Gotcha. Right.

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1 Q. The second document I would bring
2 to you attention is at Page 37 ---

3 A. The same ---

4 Q. Of the same Tab, yes.

5 --- (A Short Pause)

6 A. Yes.

7 Q. Have you seen this ---

8 A. Sorry. Just one other little
9 comment, going back to that.

10 It talks about "these Environmental
11 Groups have the intent to shut down the Petroleum
12 Industry".

13 Just to clarify, Dogwood's position is
14 "no more tankers", "no further expansion of the Tar
15 Sands".

16 We are not people who are saying "Cut
17 the oil off". We are just saying: *For climate change*
18 *reasons alone, and First Nations rights, no more*
19 *expansion.*

20 Sorry.

21 Q. That's okay.

22 So, Page 37.

23 Have you ever seen this e-mail before?

24 --- (A Short Pause: Witness reviewing referenced
25 documentation)

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1 A. I believe so. I am not...

2 Q. That might be one that was in the
3 newspapers...

4 A. Yeah. I mean, I'm aware of the
5 issue of the Basketball Tournament and...

6 --- (A Short Pause)

7 Q. Again, can you tell me who the
8 Author of the e-mail is? Which Organization is it
9 from?

10 A. Okay. Rick Garber and...

11 --- (A Short Pause)

12 National Energy Board.

13 Q. And again, is there any indication
14 on this e-mail that CSIS has shared or collected
15 information on Dogwood or any other Group that was
16 involved in the Northern Gateway Pipeline Protests?

17 A. Well, the very first paragraph
18 refers to:

19 "...the Security Team has consulted
20 with CSIS at national and regional
21 levels; RCMP at national, regional
22 and local...levels and conducted a
23 thorough review of open source
24 intelligence..."

25 Which I assume would be Social Media;

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1 things like that.

2 And based on that, and possibly
3 Informants, there are "no indications of threats to the
4 Panel".

5 There may be a threat to national
6 security in the eyes of CSIS, but not to the Panel.

7 Q. But you will agree with me that
8 this is the NEB talking in this e-mail and not CSIS?

9 A. Right. But it refers to
10 consultations and the sharing of information with CSIS
11 and the RCMP.

12 Q. It refers to a consultation.
13 Where does it refer to "sharing of
14 information"?

15 Where does it say that CSIS has
16 provided information ---

17 A. Well, it just says ---

18 You know, the very first paragraph
19 says that the Security Team, the NEB's Security Team,
20 has "consulted with CSIS and the RCMP" at all levels
21 "and conducted a thorough review".

22 So I am assuming that information has
23 been shared.

24 Q. Okay. So that is your assumption.
25 The next e-mail I would like to refer

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1 you to is found at Page 42...

2 A. Okay.

3 Q. Have you seen this e-mail before?

4 A. No, I haven't.

5 Q. Perhaps you could take a moment to
6 read it; and you could read, also, the next page, Page
7 43...

8 --- (A Short Pause: Witness reviewing referenced
9 documentation)

10 A. Okay.

11 Q. If you start at Page 44, you will
12 see that it is a blank e-mail.

13 A. Right.

14 Q. You will see that it is signed by
15 "Sheila", and from the bottom of Page 43, we can see
16 that it is "Sheila Leggett".

17 A. Right.

18 Q. Do you know who that is?

19 A. No, I don't.

20 Q. Because we do not see the contents
21 of Ms. Leggett's e-mail, we are making assumptions, but
22 I can see, from the following e-mail, and e-mail from
23 Rick Garber ---

24 And again, we have established that
25 that is from the National Energy Board.

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1 He sent an e-mail to "Vic", saying:
2 "...I have just had the requirement
3 for what is essentially a
4 comprehensive intelligence summary
5 dropped on me at the end of the
6 day. Sigh.
7 "Is there any way that I could
8 impose on you to produce a short,
9 high level analyses of the
10 likelihood/potential for aggressive
11 activities in Prince Rupert BC,
12 associated with the Enbridge
13 Northern Gateway Joint Review Panel
14 hearings?"
15 You will agree with me that this is
16 the NEB asking ---
17 If you go just a little bit above
18 that, you will see that it is the RCMP.
19 Do you agree with me that this is the
20 NEB asking the RCMP for help?
21 A. Yes.
22 Q. And then we can see the response
23 of the RCMP is:
24 "...We have received no intel on
25 hearings. I have been advised of

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1 an Idle No More Rally on February 9
2 and on February 11, nothing on the
3 hearings. Vic."

4 And then ---

5 A. On the previous page, Page 42,
6 though, it refers to:

7 "...I have calls in to CSIS and
8 RCMP Critical Infrastructure..."

9 I was taking you to Page 42.

10 My understanding is that the e-mails
11 start from ---

12 They go backwards. So Page 44 would
13 be the first e-mail; Page 43, 42, and so on.

14 A. Okay. Gotcha.

15 Q. So then you will see that Rick
16 Garber writes to Vic and says:

17 "I have calls in to CSIS and RCMP
18 Critical Infrastructure. I'll
19 share anything I get from them with
20 you. Is there a good time to
21 call..."

22 So again, is there any indication in
23 here that CSIS has actually shared information with the
24 NEB?

25 A. Well, given just that statement...

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1 I'm sure the CSIS did call him back.

2 Q. But is there any indication that
3 information was shared?

4 A. I cannot say one way or another;
5 but it certainly seems to be implying that there could
6 have been.

7 Q. "There could have been". But
8 there is no ---

9 A. Based on these e-mails here and, I
10 mean, whatever has been redacted...

11 I don't know what's in there, that
12 earlier e-mail.

13 Q. Thank you.

14 And the other two mentions of CSIS are
15 found at Page 50...

16 --- (A Short Pause)

17 A. Yes.

18 Q. This is a National Energy Board
19 document ---

20 Do you agree?

21 A. Yes.

22 Q. It's called the "Enbridge Northern
23 Gateway Project Integrated Security, Logistics and
24 Communications Plan".

25 A. Okay.

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1 Q. And it's in relation to the
2 Kelowna Hearings?

3 A. Right.

4 Q. And you will see the document
5 contains ---

6 If you go to the next page, you will a
7 Table of Contents, and it touches on different things.
8 There is "Contacts", "General Comments", "Hearing Site,
9 Maps and Diagrams", "Security and Law Enforcement
10 Liaison Personnel", "Communications..."

11 From what I see, it's a guide for the
12 people participating in these Hearings, at least from
13 the NEB.

14 A. Um-umm (Witness Nodding in the
15 Affirmative).

16 Q. And then at Section 8, which is at
17 Page 61, at the bottom, is a "Threat Assessment".

18 A. Okay.

19 Q. And you will see that CSIS is
20 mentioned under the "National-Level Intelligence
21 Resources" Heading.

22 A. Yep.

23 Q. It says:

24 "The NEB has consulted the Canadian
25 Security Intelligence Service, both

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1 *National Headquarters and regional*
2 *offices..."*

3 And then there is a redaction, a
4 redacted sentence.

5 Can you point out in this document
6 where it would imply that the Service has actually
7 shared information?

8 To me, it just says that there was a
9 "consultation".

10 Where does it say that the Service
11 provided any information to the NEB?

12 --- (A Short Pause: Witness reviewing referenced
13 documentation)

14 A. In My career, when you say you
15 have "consulted" with an Agency or with an
16 Organization, obviously there has been a dialogue.

17 So I would assume that there had been
18 some information shared.

19 It's obviously not indicated here.

20 Q. The fifth document -- and I won't
21 necessarily ask you questions about it. I will just
22 refer you to it.

23 It is at Page 77, and it's the exact
24 same type of document, a Security Assessment, prepared
25 by the NEB.

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1 We have the same sentence, which
2 reads:

3 "The NEB has consulted with the
4 Canadian Security Intelligence
5 Service, both National Headquarters
6 and regional offices..."

7 And then you have one line redacted.

8 A. Um-umm (Witness Nodding in the
9 Affirmative).

10 Which does make you wonder: Why is it
11 redacted?

12 MS. DION: Those are all of the
13 questions I have ---

14 Sorry. One moment, please, Mr.
15 Member...

16 --- (A Short Pause: Off-Record Discussion between
17 Respondent's Counsel and ER&L Representative)

18 MS. DION: Thank you, Mr. Member;
19 thank you, Ms. Dance-Bennink.

20 THE PRESIDING MEMBER: Thank you,
21 Madam Dion.

22 Madam Bowers, do you have any
23 questions for the Witness?

24 MS. BOWERS: I have no questions, Sir,
25 but I do have one clarification, for the record.

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1 Reference was made a couple of times
2 to Bill C-51 and Bill C-24. But it is Bill C-44.

3 So, Bill C-44 and Bill C-51.

4 THE WITNESS: No.

5 MS. BOWERS: You made a couple of
6 references to "C-24" ---

7 THE WITNESS: Bill C-24 is the one
8 around dual citizenship--Right?--and Bill C-51 ---

9 MS. BOWERS: I am sorry. I
10 misunderstood.

11 So you were talking about the "Dual
12 Citizenship" Bill?

13 THE WITNESS: Yes. And then Bill C-51
14 is the one that so many people are really concerned
15 about.

16 MS. BOWERS: Okay. Perfect!

17 That is a clarification. Thank you.

18 THE PRESIDING MEMBER: Thank you,

19 Madam Bowers.

20 Any questions in Redirect, Mr. Champ?

21 MR. CHAMP: No. Thank you very much,
22 Mr. Chair.

23 THE PRESIDING MEMBER: Very well.

24 It remains for me, Madam Dance-
25 Bennink, to thank you very much for having attended

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1 before me today to give evidence in this matter, to
2 answer the questions that have been put to you. I am
3 grateful. You are now excused.

4 THE WITNESS: Thank you.

5 --- (The Witness Withdrew)

6 THE PRESIDING MEMBER: Mr. Champ, your
7 next witness is Caitlyn Vernon...

8 MR. CHAMP: If I may have a moment,
9 Mr. Chair...

10 THE PRESIDING MEMBER: Certainly.

11 --- (Off-Record Discussion between Complainant's
12 Counsel and the Client Representative)_

13 Procedural Discussion

14 MR. CHAMP: Mr. Chair, we have some
15 people coming in from out of town, our other witnesses,
16 and, unfortunately, we won't have another witness
17 available until 1 o'clock. But our ---

18 THE PRESIDING MEMBER: You don't have
19 a witness available at this time?

20 MR. CHAMP: We don't have a witness
21 available right now.

22 The three final witnesses that we have
23 are Ms. Caitlyn Vernon, Ms. Nikki Skuce, and Mr.
24 Biggar, and we can have them go at 1 o'clock, 2
25 o'clock, and 3 o'clock and have them concluded this

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1 afternoon.

2 THE PRESIDING MEMBER: When would the
3 next witness be available?

4 MR. CHAMP: 1 p.m.

5 THE PRESIDING MEMBER: Not before
6 then?

7 MR. CHAMP: I don't think so. We
8 could perhaps try to get Mr. Biggar here the earliest;
9 but I don't believe we would be able to get him here
10 before 1 o'clock.

11 Ms. Skuce is landing in about half-an-
12 hour or so, and Ms. Vernon is up in Burnaby.

13 We had initially planned to have Ms.
14 Skuce here earlier; however, her flight is arriving at
15 a later time.

16 THE PRESIDING MEMBER: And Mr. Biggar
17 is ---

18 MR. CHAMP: We could try to contact
19 Mr. Biggar to get him in a little bit earlier. But I
20 can't confirm that that will happen.

21 THE PRESIDING MEMBER: Could you or
22 one of your colleagues do that and then report back to
23 me ---

24 MR. CHAMP: At which time would you
25 propose, Mr. Chair?

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1 THE PRESIDING MEMBER: It Is a little
2 early, but we could have our Luncheon Recess at this
3 time.

4 I would be ready to resume at, say ---

5 MR. CHAMP: 12:30?

6 THE PRESIDING MEMBER: Yes.

7 MR. CHAMP: We could have our Luncheon
8 Break and then resume at 12:30.

9 THE PRESIDING MEMBER: Yes.

10 MR. CHAMP: And if there is any
11 difficulty in having Mr. Biggar here by 12:30, we can
12 advise the Registrar ---

13 THE PRESIDING MEMBER: Very well.

14 So I will assume that Mr. Biggar will
15 be your next witness and that he will be available as
16 of 12:30.

17 MR. CHAMP: Yes.

18 THE PRESIDING MEMBER: And you expect
19 to be ---

20 Some of us, including yourself, have
21 to get back East.

22 How long do you expect to be with each
23 one of the next three witnesses?

24 MR. CHAMP: Based on how it has been
25 going thus far, I would think that each one of them

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1 would be less time even than the last two witnesses, or
2 roughly about the same as Ms. Dance-Bennink.

3 So roughly about an hour for each,
4 including Cross, it seems.

5 THE PRESIDING MEMBER: Assuming that
6 the Universe unfolds in that way, we could anticipate
7 having "Bob" take the Witness Stand by, say, 5 o'clock
8 this afternoon.

9 MS. DION: I don't see any problem
10 with that. If he is required earlier, that would be
11 fine. As I indicated, he is available as of 2 p.m.

12 He needs an hour's notice to get here.

13 THE PRESIDING MEMBER: Very well.

14 This is tentative, but I would like to
15 plan for that eventuality.

16 Have you, as Counsel, been able to
17 speak about Professor Whitaker's Evidence?

18 MR. CHAMP: Yes, we have, Mr. Chair,
19 and I can advise ---

20 Unfortunately, I haven't had an
21 opportunity to discuss the matter with Ms. Bowers as
22 yet. But Ms. Dion has indicated that the Service is
23 open to having Professor Whitaker submit an Affidavit
24 of his Evidence, provided it pleases the Committee,
25 that the Committee is satisfied to receive evidence in

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1 that fashion.

2 Once they receive the Affidavit, then
3 they will review it to determine whether they would
4 like to cross-examine, either in-person or perhaps even
5 by way of Written Questions.

6 We could bring Professor Whitaker to
7 Ottawa to be cross-examined, if necessary.

8 I believe that accurately captures our
9 discussions...

10 MS. DION: Yes, with one
11 clarification: Because Professor Whitaker would be
12 essentially testifying after the Service's Witness has
13 testified, we would ask for the opportunity to present
14 further evidence if that need were to arise as a result
15 of Professor Whitaker's Affidavit Evidence.

16 MR. CHAMP: An opportunity to present
17 further ---

18 MS. DION: To present further evidence
19 in response to Professor Whitaker's Affidavit Evidence.

20 MR. CHAMP: That would be fine. We
21 don't have any concern with that.

22 I would add this, Mr. Chair: These
23 Proceedings, as we know, are unique, in terms of the
24 usual order of things where one Side leads their case
25 and closes their case and then the other Side leads

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1 their case.

2 That does not necessarily follow in
3 these Proceedings.

4 We have a bit of a tight timeline
5 today, based on trying to get the CSIS Witness in as
6 well, but I would like to consult with both Ms. Bowers
7 and Ms. Dion at some point during the day to talk about
8 some of the other issues that I mentioned earlier
9 today, to see where we are in terms of agreeing on
10 certain things and then the possibility to raise with
11 the Committee whether or not there is a desire or a
12 need on the part of the Complainant to call further
13 witnesses.

14 **THE PRESIDING MEMBER:** Yes. I hear
15 you. I think that should be easily resolved in
16 consultation with Counsel for the Committee and Counsel
17 for the Service.

18 You may attempt to do that at this
19 time, given that your next witness is not going to be
20 available to us for another hour.

21 So you may be able to meet and confer
22 during the "Luncheon Recess".

23 **MR. CHAMP:** Okay. That's fine.

24 **THE PRESIDING MEMBER:** We will pretend
25 we are on Eastern Standard Time!

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1 MR. CHAMP: Yes.

2 THE PRESIDING MEMBER: We will resume
3 at 12:30.

4 MR. CHAMP: Thank you.

5 MS. DION: Thank you, Mr. Member.

6 --- Luncheon Adjournment

7 --- Upon Resuming:

8 Procedural Discussion, (Cont'd):

9 THE PRESIDING MEMBER: Good afternoon,
10 everybody.

11 Mr. Champ, Madam Bowers has reported
12 to me that Counsel have conferred.

13 I wonder if you or somebody else could
14 put on the record the agreement that you have
15 reached...

16 MR. CHAMP: Surely, Mr. Chair.

17 There was a concern that I had
18 yesterday in the light of some of the questions about
19 the *Access to Information* documents.

20 I wasn't sure whether either CSIS or
21 the Committee, at the end, would raise issues or
22 concerns about the validity or authenticity of the
23 *Access to Information* documents. But I now have the
24 agreement of my friends that there is no dispute that
25 the documents in those Packages are in fact *Access to*

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1 *Information* documents from the National Energy Board
2 and from CSIS.

3 I also advised my friends at that time
4 that it was the intent of the Complainant to rely on
5 those documents for the truth of their contents, to the
6 extent that Findings could be made from what is there,
7 based on what is sometimes called the "Public
8 Documents" exception.

9 There is some jurisprudence around the
10 issue specifically of *Access to Information* documents
11 obtained from Government and the extent to which those
12 documents themselves can be relied upon.

13 I wanted to clarify that issue with my
14 friends to ensure that there was no concern or
15 confusion for any of the Parties at the end of the
16 Hearing, no surprises.

17 I just didn't want one or both of my
18 friends to say: "Well, we don't even know if those are
19 from the NEB", and so forth. But I can advise the
20 Committee that there is no dispute surrounding that.

21 **THE PRESIDING MEMBER:** Very well.

22 And you can confirm that, Madam Dion,
23 for the record?

24 **MS. DION:** I agree with what Mr. Champ
25 has just conveyed to the Committee.

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1 THE PRESIDING MEMBER: Thank you.
2 And Madam Bowers, you can confirm ---
3 MS. BOWERS: I can confirm that, yes.
4 THE PRESIDING MEMBER: Thank you.
5 MR. CHAMP: And I want to thank my
6 friends for that agreement and confirmation. That is
7 very helpful.
8 THE PRESIDING MEMBER: As I do. I
9 thank all Counsel for the agreement that has been
10 reached.
11 I understand that you also have
12 information to convey to me with respect to Professor
13 Whitaker's Evidence...
14 MR. CHAMP: Yes. I can confirm that
15 the Parties have also agreed that Professor Whitaker's
16 Evidence can go in by way of Affidavit, in Direct, and
17 then at that time, CSIS will advise as to the manner in
18 which they would like to cross-examine on that
19 evidence, if at all, or whether they would like to call
20 other evidence in the *In Camera* part of the Hearing,
21 and we are obviously in agreement with that.
22 THE PRESIDING MEMBER: And how much
23 time to you need to file Professor Whitaker's
24 Affidavit, Mr. Champ?
25 MR. CHAMP: I would ask if I may have

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1 a day or two to confirm the timing, Mr. Chair.

2 I just have to consult with Professor
3 Whitaker to confirm how long ---

4 My anticipation would be two weeks, at
5 the outside.

6 THE PRESIDING MEMBER: I see no
7 problem with that.

8 Madam Dion...?

9 MS. DION: No problem, Mr. Member.

10 THE PRESIDING MEMBER: Madam
11 Bowers...?

12 MS. BOWERS: That's fine.

13 THE PRESIDING MEMBER: Thank you.

14 So, in principle, unless Professor
15 Whitaker raises scheduling issues, you will submit the
16 Affidavit to the Registrar, who will circulate it to
17 Counsel for CSIS and the Committee, within two weeks
18 from today, putting that at the 27th of August.

19 THE REGISTRAR: In five copies,
20 please.

21 MR. CHAMP: Yes.

22 THE PRESIDING MEMBER: Excellent!
23 Thank you very much.

24 MR. CHAMP: I can also advise the
25 Committee that our next witness will be Jamie Biggar,

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1 from the Organization LeadNow.

2 He is ready and available just
3 outside...

4 THE PRESIDING MEMBER: And who is it?

5 MR. CHAMP: His name is Jamie Biggar.

6 THE PRESIDING MEMBER: Oh, yes.

7 I will have the Registrar call in Mr.
8 Biggar...

9 --- Jamie Biggar called to the Witness Table)

10 THE PRESIDING MEMBER: Good afternoon,
11 Mr. Biggar.

12 THE WITNESS: Good afternoon.

13 THE PRESIDING MEMBER: You have been
14 called as a witness by the Complainant in this case,
15 the British Columbia Civil Liberties Association.

16 After you have been sworn in, you are
17 going to be questioned by Mr. Champ, by Ms. Dion,
18 Counsel for the Service, for CSIS, and by Ms. Bowers,
19 who is Counsel to the Committee.

20 The Registrar will now swear you in.

21 THE REGISTRAR: Good afternoon, Sir.

22 Do you solemnly affirm that the
23 evidence you are about to give to the Committee shall
24 be the truth, the whole truth, and nothing but the
25 truth?

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1 THE WITNESS: I do.

2 JAMIE BIGGAR, Called and Affirmed:

3 THE REGISTRAR: Thank you.

4 For the record, would you please state
5 your full name, spelling your last name...

6 THE WITNESS: Sure. My full name is
7 James Joseph Cornish Biggar, and my last name is
8 spelled: B-I-G-G-A-R.

9 THE REGISTRAR: Thank you.

10 Secondly, I would like to read to you
11 Section 51 of the *Canadian Security Intelligence*
12 *Service Act*, which provides protection to witnesses
13 appearing before the Committee.

14 It reads as follows:

15 "Except in a prosecution of a
16 person for an offence under
17 section 133 of the *Criminal Code*
18 (false statements in extra-
19 judicial proceedings) in respect
20 of a statement made under this
21 Act, evidence given by a person
22 in proceedings under this Part
23 and evidence of the existence of
24 the proceedings are inadmissible

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1 *against that person in a court or*
2 *in any other proceedings."*

3 Do you understand?

4 **THE WITNESS:** I believe so.

5 **THE REGISTRAR:** Thank you. You may be
6 seated.

7 **THE PRESIDING MEMBER:** Mr. Biggar,
8 this may not be your normal way of answering questions
9 -- which will be put to you, initially, by Mr. Champ.
10 He knows, or should know, the answers
11 to the questions he will put to you. But I don't. So
12 it is important that you direct your answers to me.

13 Okay?

14 **THE WITNESS:** Okay. I understand.
15 Thank you.

16 **THE PRESIDING MEMBER:** Mr. Champ...

17 **MR. CHAMP:** Thank you, Mr. Chair.

18 **Examination-in-Chief by Mr. Champ:**

19 **Q.** Mr. Biggar, can you tell us, tell
20 the Committee Chair, where it is that you reside and
21 where you are employed?

22 **A.** Okay. I reside in Vancouver,
23 British Columbia, and I am employed at LeadNow.ca --
24 the full legal name is "The LeadNow Society -- as the
25 Campaigns Director.

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1 Previously, until last November, I was
2 one of the Co-Founders and the Founding Executive
3 Director. I shifted to the Campaigns Director role
4 last November in order to focus more on our Engagement
5 Work.

6 We brought in a new Executive
7 Director, who now focuses on organizational
8 development.

9 Q. And how long have you been with
10 LeadNow in total?

11 A. Prior to our Incorporation and
12 Public Launch, the Organization began to come together
13 in the Winter of 2010.

14 I was leading its formation at that
15 time. I became its Executive Director in the Fall of
16 2010, and then we publicly launched ---

17 I'm afraid, off the top of my head, I
18 can't quite remember our date of incorporation. It is
19 around that period. And then we publicly launched in
20 the late Winter/early Spring of 2011.

21 So a little bit over five years now.

22 Q. And you refer to LeadNow as a
23 "Corporation". Can you just tell us a bit about
24 LeadNow?

25 What is the nature of the

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1 Organization? What is its structure? What are its
2 "Vision and Mission"?

3 A. Sure. Let me just make sure I
4 cover all of that: nature...

5 Q. I will break it down for you
6 afterwards. It's okay.

7 A. Okay.

8 Q. Just tell us about LeadNow.

9 A. Sure. As I was saying, we are a
10 non-profit corporation...

11 Just a bit about structure, we are a
12 non-profit corporation, registered in Canada. We have
13 a Board of Directors that at the moment I believe is
14 made up of five members.

15 Those are also the Legal Members of
16 the Society.

17 We have what we describe as the
18 "LeadNow Community" or "LeadNow Community Members",
19 which includes over 450,000 Canadians across the
20 country.

21 Those are individuals who have
22 participated in any of our Campaigns since our Launch
23 and who have remain subscribed to our primary e-mail
24 communications.

25 That is what we consider to be the

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1 Community that we are serving and to which we are
2 broadly accountable, and it is through that Community,
3 kind of step-by-step over the last five years, that we
4 have set our direction, through a series of
5 participatory processes, both face-to-face meetings and
6 online consultations. Generally, a combination of the
7 two.

8 We have three ---

9 Over that time period, that Community
10 has set three major Priorities for our Organization,
11 three Issue Areas, you could say, one of which is
12 Working for a Strong Democracy; another is Working for
13 a Fair Economy; and the final is Working for a Clean
14 Environment.

15 With the nature of our work, then, in
16 pursuing those Objectives, I think you can understand
17 us fundamentally as an engagement organization.

18 So we engage people in coming together
19 to identify the kinds of issues that they want to work
20 on. We then help them to organize with one another to
21 become more effective at reaching and informing,
22 engaging, other Canadians in getting their messages
23 across.

24 We organize Campaigns that help that
25 mass of individuals to speak -- generally to

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1 Government, and particularly to the Federal Government
2 -- around particular Policy Issues and changes that we
3 would like to see, reflective of the Community's
4 values, in relationship to those three Priority Areas.

5 Q. That's great. Thank you.

6 You mentioned that the Community size
7 is around 450,000.

8 What about Donors?

9 Roughly, what is the number of Donors,
10 individual Donors, to LeadNow?

11 A. Our core funding comes from
12 approximately 2,000 Monthly Donors, who provide us with
13 generally an average of, say, \$15 to \$20 a month.

14 That is our core funding, from about
15 2,000 people.

16 In addition to that, we solicit and
17 receive one-time donations from individuals, primarily,
18 overwhelmingly, online.

19 I would say that in the last ---

20 I was looking into this.

21 In the last year-and-a-half, we have
22 received something on the order of ---

23 It's actually a little bit difficult
24 for us to distinguish between unique donations versus
25 unique individuals donating multiple times. But it

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1 would be on the order of the low ten-thousands. So,
2 say, around 12,000 unique individual donors across
3 Canada over the last year.

4 Q. And ballpark, can you give us an
5 estimate of the Annual Budget for LeadNow?

6 A. In 2014, our total expenditures
7 amounted to a little bit higher than \$1.2 million.

8 THE PRESIDING MEMBER: \$1.2 million?

9 THE WITNESS: Yes. I think it was
10 \$1.28 million.

11 MR. CHAMP:

12 Q. And you are Headquartered in
13 Vancouver; is that right?

14 A. That's right. I am in Vancouver.
15 Our Executive Director is also in Vancouver. Our
16 primary other Office is in Toronto, and the Chair of
17 our Board of Directors is located in Toronto as well.

18 Q. And approximately how many Staff
19 does LeadNow have, Paid Staff?

20 A. We've recently gotten a little bit
21 larger -- because we are doing Engagement Work around
22 the Election. But it's approximately twenty full-time
23 employee equivalence.

24 Q. Thank you.

25 There are a few Volumes of Documents

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1 before you. I will ask you to turn to the Volume of
2 Documents that says, in the middle, "Complainant's Book
3 of Documents, Volume II of II"...

4 A. Volume II of II. Yes.

5 MR. CHAMP: For the record, this is
6 Exhibit C-2.

7 Q. I will take you to Tab 46 in that
8 Volume...

9 A. Yes. Okay.

10 Q. There are a few pages here. I
11 will take you through them in just a moment.

12 This is from LeadNow's Website; is
13 that right?

14 A. That's correct.

15 Q. And this first page "Vision and
16 Mission" ---

17 I think you've done a very good job
18 already of summarizing this for us. But this is a
19 summary of the Vision, the Objectives, of LeadNow?

20 A. That's correct.

21 Q. Okay. Thank you.

22 And if you turn over to the next page,
23 we see that there is a picture of an Executive
24 Director, and then we see "Campaigns Director".

25 That is your Bio and your photo?

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1 A. That's correct, yes.

2 MR. CHAMP: All right.

3 It looks like you are telling a good
4 joke there!

5 THE WITNESS: I hope so!

6 --- (Laughter

7 Q. And then the rest of the folks
8 here, these are all other Staff Members?

9 A. Yes, that's correct...

10 I think there may be some ---

11 Q. The people who are identified as
12 "Organizers", would they be paid Organizers? Or would
13 those be volunteers?

14 A. I am just going to double-check...

15 I know that there have been volunteers
16 on our Website in the past.

17 Flipping through the pages here,
18 everybody ---

19 Yes. So, everybody up to Page 8 of
20 11, which then transitions into the Board ---

21 Everybody prior to that is a paid
22 Organizer.

23 That is part of what I was referencing
24 about the fact that we have grown or bulked up quite a
25 bit in relation to the Election itself, primarily with

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1 Organizers.

2 Historically, we've only had one or
3 two employed at any given time.

4 And then following that is the Board,
5 all of whom are volunteers; and then, finally, on Page
6 10, there is the individuals that we describe as
7 "Champion Volunteers".

8 So, people who have really gone above
9 and beyond as Volunteers in contributing their time and
10 energy to the Organization.

11 Q. Okay. Thank you.

12 I would now like to ask you, Mr.
13 Biggar, about some of the activities of LeadNow around
14 one specific issue, and that is oil pipelines, and even
15 more specifically, the National Energy Board Hearings
16 into the Northern Gateway Pipeline Project.

17 A. Um-umm (Witness Nodding in the
18 Affirmative).

19 Q. Can you just tell us about
20 LeadNow's activities regarding that Project?

21 A. Sure.

22 As I was saying previously, one of our
23 core Priority Areas that emerged through consultation
24 with our Community is "Working Towards a Clean
25 Environment", and within that category, that Priority

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1 Area, climate change and trying to address climate
2 change, the threat posed by climate change, is the top
3 priority.

4 Over the past four or five years that
5 we have been in operation, the question of pipeline
6 construction has been a central issue on the Climate
7 File in relationship to the broader "Clean Environment"
8 Questions for Canada.

9 In addition, in particular with the
10 Enbridge Northern Gateway Pipeline, there were also
11 concerns that we had from a "Strong Democracy"
12 perspective in terms of the nearly universal opposition
13 of First Nations Communities to the Project and the
14 need to incorporate their Voices in the process, as
15 well as the relationship between the Federal Government
16 and the National Energy Board itself.

17 Because of the connection of the
18 Enbridge Northern Gateway Pipeline Project to those
19 major Objectives for us, in particular on the "Clean
20 Environment" side but also, secondarily, under the
21 "Strong Democracy" side, we knew that that was an issue
22 that our Community was very interested in organizing on
23 and campaigning on.

24 We began working on that issue in
25 2012, in response to the comments of the then Minister

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1 of the Environment, Joe Oliver, that opposition -- and
2 I am paraphrasing -- that opposition to that Project
3 was coming from "foreign-funded radicals", that kind of
4 language, which, from our perspective, was unfair and
5 incendiary, and also elevated our concerns on the
6 "Strong Democracy" side that the NEB process would be
7 unfair.

8 So we launched an Online Campaign in
9 response to those comments, calling on Minister Oliver
10 to reconsider his support for the Pipeline and to
11 switch the focus to developing clean energy sources.

12 That was our first Action, as we call
13 them, in relation to that issue.

14 I believe it engaged several tens-of-
15 thousands of people online who sent letters.

16 Generally, the way we work is the
17 first thing we will do is what we call a very "low
18 barrier online Action".

19 We work from an engagement philosophy
20 that is focused on meeting people where they're at,
21 which, increasingly, is online, connecting them with an
22 easy action that they can do, and that then kind of
23 brings them into our process and our system and then we
24 can ask the, over time, to take what we call "higher
25 barrier actions" like potentially attending a Rally or

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1 a House Gathering on an issue; phoning an M.P.;
2 potentially donating to place an advertisement to
3 strengthen their Messaging in a newspaper.

4 That kind of thing.

5 That was our first Action on that
6 Issue.

7 Our second major Action on that Issue
8 came in the Fall of 2012, when we participated in the
9 "Defend Our Coast" Rallies.

10 We were the primary organizing body
11 for the ---

12 I guess you could call them the
13 "Satellite Rallies".

14 There was a large Rally organized in
15 Victoria, at the Legislature.

16 We did not organize that. But we did
17 organize the Satellite Rallies at M.P. Offices across
18 the rest of the Province and in other communities.

19 I believe in total there were a
20 hundred communities that participated. About 10,000
21 people participated in those Events.

22 There were several other Actions,
23 mainly online Actions, at kind of particular moments in
24 the Campaign, with some of those targeted at the
25 Provincial Government of Christy Clark, sending

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1 messages to her, and then, in the kind of final months
2 in the lead-up to the Federal Government making its
3 decision, we organized another online Action to send
4 messages to B.C.'s Conservative M.P.s who would be
5 participating in that Caucus Decision, calling on them
6 to oppose the Northern Gateway Pipeline.

7 Q. Thank you.

8 In relation to the point you raised
9 about statements by Mr. Joe Oliver ---

10 If you take a look at the documents
11 before you, you will see one slim Volume of Documents.

12 It says ---

13 A. *"Supplementary Book of Documents"*?

14 Q. Exactly. That's it.

15 If you could turn to Tab -- and for
16 the record, that is Exhibit C-3.

17 If you could turn to Tab 7...

18 A. Tab 7. Right.

19 Q. This is a Natural Resources Canada
20 document *"The Media Room, Natural Resources Canada"*,
21 dated January 9, 2012.

22 Can you just take a minute to review
23 that document and let us know whether these are the
24 statements by Mr. Oliver that you are referring to?

25 A. These are the statements that I am

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1 referring to.

2 Q. For example, in the third
3 paragraph, it reads:

4 "Unfortunately, there are
5 environmental and other radical
6 groups that would seek to block
7 this opportunity to diversify our
8 trade..."

9 A. Yes.

10 Q. Would you describe LeadNow as a
11 "radical group"?

12 A. No. We, overwhelmingly...

13 I think if you added up the total
14 number of times we've asked people to participate in
15 Canada's democratic process, it would be in the
16 millions at this point.

17 We have been overwhelmingly channeling
18 people into participation and the formal channels of
19 political discourse in the country.

20 I would describe us as seeking certain
21 reforms, voting reform or the opening of some
22 regulatory bodies to public input; but I think a
23 "radically ideological agenda" would be a gross
24 mischaracterization of our Organization and our
25 Objectives.

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1 Q. Thank you.

2 Returning, then, to the National
3 Energy Board Hearings ---

4 You told us a bit about some of the
5 Events, the Campaigns that LeadNow is involved in.

6 I just want to clarify: Was LeadNow a
7 formal Party in the NEB Hearings? Were they an
8 Intervener?

9 A. No, we weren't.

10 Q. Okay. Was LeadNow involved in any
11 organizing of events around the NEB Hearings?

12 A. Yes, we were involved in a few
13 events surrounding the NEB Hearings.

14 Q. Can you just tell us a bit about
15 those?

16 A. Sure. The main one was an event
17 in Kelowna that was ---

18 My recollection of it is that it was
19 organized to provide Workshops for citizens who were
20 participating in the NEB Hearings and who, in some
21 cases, would be at a public peaceful protest of the NEB
22 Hearings.

23 As part of our involvement, we had
24 sent two Staff ---

25 We did two different things. We sent

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1 two Staff, both of whom provided Workshops at that
2 Event, and we also sent an e-mail communication to our
3 Community in the Kelowna area encouraging them to
4 participate in those Workshops, in that Event.

5 The two Workshops were organized by
6 our National Training Coordinator at the time, Anna
7 McLean, and our National Organizing Coordinator at the
8 time -- and she is still our National Organizing
9 Coordinator -- Logan McIntosh.

10 There was a group of elderly people,
11 primarily, in a Church for that Event and they broke
12 off into Break-Out Groups, where they conducted these
13 different Workshops.

14 One of the Workshops -- I believe the
15 one organized by Anna McLean -- was focused on
16 something called "The Story of Self", which is a
17 storytelling exercise that helps people to connect with
18 their own values, connect their feelings and thoughts
19 on a given issue to some of their deeper values that
20 have been motivating them through their lives, so that
21 they can better express why they are concerned about an
22 issue or why they would want to see a particular
23 change.

24 The second Workshop, organized by
25 Logan McIntosh, was focused on Creative Expression,

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1 which I think, in layman's terms, means making signs
2 and other kinds of graphical representations to help
3 communicate a message, particularly in a Rally Site
4 medium.

5 Q. In the Supplementary Book of
6 Documents that you have before you, I will ask you to
7 turn to Tab 3...

8 A. Yes.

9 MR. CHAMP: Again, this is Exhibit C-
10 3, for the record: the Supplementary Book of
11 Documents.

12 Q. It says "Dogwood Initiative" at
13 the top...

14 A. Yes. This would be similar to ---
15 So, Dogwood Initiative's e-mail ---
16 I believe we were co-sponsoring ---

17 Q. In the third paragraph, there is
18 reference to "LeadNow".

19 A. That's right. So I think it would
20 be accurate to describe us as "Co-Sponsors" of the
21 Event with Dogwood.

22 We would have sent a very similar e-
23 mail to the LeadNow Community in and around the Kelowna
24 area, inviting them to participate.

25 Q. And this is the event you just

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1 told us about?

2 A. Yes, that's correct. This is the
3 event.

4 Q. If I could take you, now, to
5 Volume I of the Complainant's Book of Documents...

6 A. Yes.

7 Q. I would like to take you, in that
8 Volume -- and again, this is Exhibit C-1, for the
9 record -- to Tab 4...

10 --- (A Short Pause) A. Okay.

11 Q. In Tab 4 -- and you will see, in
12 the bottom right-hand corner, this long number. It
13 starts with an "A".

14 The only important part of that number
15 is the last three digits ---

16 A. I see. 1, 2, 3, 4. Yes.

17 Q. Yes. "001", "002", et cetera.

18 A. Okay.

19 Q. I would like to take you to Page
20 80...

21 A. Page 80. Okay.

22 Q. Here, we'll see ---

23 And just for your information, this is
24 a document obtained from the National Energy Board that
25 speaks to some of their Security views, or Threat

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1 Assessments.

2 On this page, you will see:

3 "(c): LeadNow and Dogwood
4 Initiative: On 27 Jan, the LeadNow
5 and Dogwood Initiative will be
6 providing an afternoon workshop and
7 skills training that will provide
8 tools and strategies for community
9 resistance and solidarity to
10 members of the public."

11 Does this sound like the Event that
12 you were talking about?

13 It says it's Kelowna above ---

14 A. Sorry. It says above what?

15 Q. This is in Kelowna. They are
16 referring to Kelowna ---

17 A. Oh, I see. Regarding the event
18 prior to the Kelowna Hearings.

19 Q. The Workshop that you were
20 describing ---

21 A. Yes.

22 The date looks correct, and "providing
23 an afternoon workshop and skills training" sounds
24 correct. But I would dispute the objective that it
25 outlines here.

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1 I think "*community resistance*" sounds
2 like ---

3 It sounds like a quite loaded way of
4 describing what we were offering -- which, as I said,
5 was a mixture of "Story of Self" Workshops and
6 "Creative Expression" Workshops.

7 There was nothing illegal or untoward
8 about the kinds of skills or planning that would have
9 been happening there.

10 It sounds like it's describing the
11 same Event; but I would dispute the way in which it is
12 describing what it is that we were doing.

13 Q. And just for the record, has
14 LeadNow ever advocated violent activities as a way of
15 communicating a message or participating in public
16 issues?

17 A. No. Definitely not.

18 We take our reputation as a credible
19 democratic engagement organization very seriously.

20 As I was saying earlier, we have
21 focused millions of individual actions into the formal
22 political system through very peaceful means, such as
23 e-mails, phone call, social media "Shares".

24 That kind of work.

25 Q. Mr. Biggar, I want to ask you a

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1 few questions about something that then followed
2 LeadNow's engagement with the Northern Gateway Pipeline
3 issue.

4 There were some News Stories that came
5 out that *"possibly LeadNow is being monitored or*
6 *investigated by CSIS or the RCMP for their activities*
7 *in this area"*.

8 Are you familiar with those Stories?

9 A. I am familiar with them, yes.

10 Q. And reference to NEB Access to
11 Information documents, and so forth?

12 A. Yes. I am familiar with that.

13 Q. Okay. Can you tell us what
14 LeadNow's initial response or view was on the Stories
15 or revelations that were coming out?

16 A. Well, we found it very concerning.
17 We found it very concerning particularly in the context
18 of Minister Oliver's comments.

19 I think there was a perception amongst
20 our Staff Team and amongst Volunteers and folks in our
21 Community who we were speaking with that we were part
22 of a community of people that was being targeted.

23 There was a feeling of being targeted
24 and kind of put on an "Enemy List".

25 With the rhetoric from Mr. Oliver and

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1 with the follow-up revelations about the surveillance
2 of this Workshop, it created a sense for us that we ---

3 We simply couldn't even know the size
4 and the scope of surveillance or intelligence gathering
5 that was being conducted on the LeadNow Community
6 Members or on our Staff or our Organization.

7 We were alarmed by that.

8 And with that situated then within the
9 further context of ---

10 So, first there was Minister Oliver's
11 comments, followed by the revelations that we were
12 being surveilled, and then, finally, in this year, Bill
13 C-51 and the expansion of the definition of the kinds
14 of activities that could be considered threats,
15 particularly including economic threats.

16 In the context of all of that, we have
17 really seen kind of a growing concern on the part of
18 our Community that it may be that they are being
19 targeted or watched by the Government in different
20 ways, and we are very concerned about that.

21 Q. I will ask you some further
22 questions about that in a moment. Before doing so,
23 there is one further document I would like to take you
24 to, and it is in Volume II of II again, the
25 Complainant's Book of Documents, Volume II of II, one

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1 of the thick Volumes.

2 For the record, it is Exhibit C-2.

3 And the Tab I would like to take you
4 to is Tab 47...

5 A. Okay.

6 Q. This is a News Story that appeared
7 on the *Vancouver Observer* Website.

8 I will ask you to confirm that this
9 was an interview with someone from LeadNow around this
10 issue.

11 A. That's correct. This was an
12 interview with Julia Pope, who, at the time, was our
13 Director of Strategic Communications.

14 Q. And again, this is talking about
15 the Event in Kelowna, the Workshops that we were
16 talking about in Kelowna ---

17 A. That's correct.

18 Q. -- in the Church basement.

19 If we turn over the page, we see there
20 is a picture here of the Church basement where some of
21 the Meeting took place.

22 It looks like a picture of Celine
23 Trojand from Dogwood.

24 Do you know Ms. Trojand?

25 A. I do, and I agree that that does

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1 look like her.

2 Q. You started telling us a bit about
3 the impact on LeadNow.

4 Can you tell what has been the impact
5 on LeadNow of these Stories coming out that LeadNow
6 "may be being surveilled or monitored by Government
7 because of their activities around the National Energy
8 Board Hearings into the Northern Gateway Pipeline"?

9 A. Sure. Within our Staff Team,
10 organizationally, we have ---

11 Part of what is concerning about this
12 is that we believe that Citizens Groups, particularly
13 Citizen Groups engaged in peaceful democratic
14 processes, should be afforded privacy in relation to
15 the Government.

16 In terms of the revelation about this
17 spying, part of the concern that it raised for us is
18 the fact that we really have no way of knowing the
19 breadth or depth or scope of the surveillance of our
20 Organization and so we have come to simply assume that
21 any device that could be monitored or any way in which
22 data could be recorded in relationship to our
23 Organization should be treated as though it would be
24 public to a Spy Agency or to Government, or potentially
25 to the Oil Industry.

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1 So it has taken away from us a belief
2 in privacy for the Organization and so we have adopted,
3 essentially, an "open door" approach, an involuntary
4 "open door" approach, to our communications.

5 Within the broader community, it was
6 an important step -- and especially now with the C-51
7 Bill -- an important step on the road, starting with
8 Joe Oliver's targeting of us, to a deep concern by many
9 Members of the Community, a concern which shows up in
10 our InBox, which shows up in Facebook Comments, which
11 shows up in conversations with Organizers and potential
12 Volunteers, a concern that if people participate, they
13 will end up on some kind of a list, that the Government
14 is hostile to them and to their attempts to express
15 themselves, and all of that has had a "chill" effect on
16 their participation.

17 I think one of the things for us
18 internally that has been particularly difficult about
19 it -- and I am focusing on the revelations of the
20 surveillance of this Kelowna Event -- was that it put
21 us in a real bind, where ---
22 --- (A Short Pause)

23 You know, on the one hand, we pride
24 ourselves on being open and engaging with our members;
25 but on the other hand, we really don't want to scare

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1 people into not participating, and so we actually had
2 lengthy discussions at the time about whether or not to
3 try to more broadly publicize this Event with our own
4 Community. But based on the feedback that we'd already
5 heard from some Volunteers that they found it
6 frightening, we chose not to do so at the time.

7 So it has removed a sense of privacy
8 for the Organization itself and pushed us into a
9 position where we simply assume that we are being
10 surveilled at all times, given that we don't know the
11 scope or the depth of surveillance that may be
12 occurring, and it has, frankly, scared a lot of our
13 Membership and made them concerned that if they
14 participate in normal peaceful democratic channels,
15 particularly through us, they may end up on a list and
16 that their information may be used improperly or in
17 some way used against them.

18 MR. CHAMP: Thank you, Mr. Biggar.
19 Those are all the questions that I have for you.

20 You may be asked some questions by
21 CSIS Counsel and SIRC Counsel.

22 THE WITNESS: Okay. Thank you.

23 THE PRESIDING MEMBER: Thank you, Mr.
24 Champ.

25 Madam Dion, do you have any questions

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1 for Mr. Biggar?

2 MS. DION: I don't have any questions
3 for the Witness.

4 Thank you, Mr. Fortier.

5 THE PRESIDING MEMBER: Thank you.

6 Madam Bowers...?

7 MS. BOWERS: Thank you, Mr. Fortier.

8 Examination by Ms. Bowers:

9 Q. I have just one question, Mr.
10 Biggar.

11 You mentioned that Joe Oliver was
12 targeting you.

13 Meaning LeadNow?

14 A. More specifically ---

15 Thank you for that clarification.

16 We didn't feel that he was targeting
17 us specifically. We didn't feel that he was singling
18 us out as an organization. But we -- "we" as in both
19 the Staff Team and then Members of the LeadNow
20 Community, particularly those in British Columbia, who
21 were in opposition to the Northern Gateway Pipeline --
22 felt that he was targeting ---

23 We felt that the was targeting us as a
24 Community and that, as an organization, as we were
25 engaging on the issue, that we would then fall into the

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1 category of ---

2 --- (A Short Pause)

3 I apologize. I can't recall his exact
4 words to mind. But into the category of kind of
5 "radical ideological groups", as they were described in
6 that Press Release.

7 MS. BOWERS: Thank you.

8 THE PRESIDING MEMBER: Thank you,
9 Madam Bowers.

10 Any questions in Redirect, Mr. Champ?

11 MR. CHAMP: No. That's fine. Thank
12 you, Mr. Chair.

13 THE PRESIDING MEMBER: Mr. Biggar, it
14 remains for me to thank you for having come before me
15 to give evidence today, for answering the questions
16 that have been put to you. I am grateful. You are now
17 excused.

18 THE WITNESS: Thank you, and thank you
19 for your time.

20 THE PRESIDING MEMBER: Thank you.

21 --- (The Witness Withdrew)

22 MR. CHAMP: I am quite certain we have
23 our next witness available outside. I think the
24 remaining two witnesses are now available. I will just
25 take a moment to confirm which one is being called

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1 next...

2 THE PRESIDING MEMBER: Absolutely.

3 MR. CHAMP: I think it will Ms. Vernon
4 that we will go with first.

5 THE PRESIDING MEMBER: It is now ten
6 minutes past the hour. Do you want to break until
7 1:15?

8 MR. CHAMP: That would be fine for us.

9 MS. DION: Also, it would give us an
10 opportunity to contact our Witness, so that he can
11 arrive a bit earlier.

12 THE PRESIDING MEMBER: Yes. Is five
13 minutes sufficient, or do you want ten minutes?

14 MS. DION: If we could have ten
15 minutes, that would be appreciated.

16 THE PRESIDING MEMBER: You will have
17 ten minutes. Granted.

18 MS. DION: Thank you.

19 THE PRESIDING MEMBER: We will
20 reconvene at 1:20.

21 --- (A Short Recess)

22 --- Upon Resuming:

23 THE PRESIDING MEMBER: We are ready to
24 resume.

25 Will the next Witness be Ms. Vernon?

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1 MR. CHAMP: That's correct.

2 THE PRESIDING MEMBER: Very well. I
3 will have the Registrar show the Witness in...

4 --- (Caitlyn Vernon Called to the Witness Table)

5 THE PRESIDING MEMBER: Good afternoon,
6 Ms. Vernon.

7 THE WITNESS: Good afternoon.

8 THE PRESIDING MEMBER: You are being
9 called as a witness by the Complainant in this matter,
10 the British Columbia Civil Liberties Association. You
11 will be sworn in by the Registrar.

12 THE WITNESS: Thank you.

13 THE REGISTRAR: Good afternoon.

14 Do you solemnly affirm that the
15 evidence you are about to give to the Committee shall
16 be the truth, the whole truth, and nothing but the
17 truth?

18 THE WITNESS: Yes.

19 CAITLYN VERNON, Called and Affirmed:

20 THE REGISTRAR: For the record, would
21 you please state your full name, spelling your last
22 name...

23 THE WITNESS: My full name is Leona
24 Caitlyn Vernon. I go by "Caitlyn Vernon". And my last
25 name is spelled: V-E-R-N-O-N.

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1 THE REGISTRAR: Thank you.

2 Secondly, I would like to read to you
3 Section 51 of the *Canadian Security Intelligence*
4 *Service Act*, which provides protection to witnesses
5 appearing before the Committee.

6 It reads as follows:

7 "Except in a prosecution of a
8 person for an offence under
9 section 133 of the *Criminal Code*
10 (false statements in extra-
11 judicial proceedings) in respect
12 of a statement made under this
13 Act, evidence given by a person
14 in proceedings under this Part
15 and evidence of the existence of
16 the proceedings are inadmissible
17 against that person in a court or
18 in any other proceedings."

19 Do you understand?

20 THE WITNESS: Yes, I do.

21 THE REGISTRAR: Thank you. You may be
22 seated.

23 THE PRESIDING MEMBER: Ms. Vernon, you
24 will be questioned first by Mr. Champ, Counsel for the
25 BCCLA, and then by Madam Dion, Counsel for CSIS, and

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1 then by Madam Bowers, Counsel to the Committee.

2 I expect that Mr. Champ knows the
3 answers that you will give to the questions he puts to
4 you, so I will ask you to please look at me, to the
5 extent possible, when answering the questions put to
6 you.

7 THE WITNESS: Okay.

8 THE PRESIDING MEMBER: I appreciate
9 that it is not a natural instinct to look at someone
10 other than the person asking you the questions -- and
11 perhaps not polite, for that matter!

12 THE WITNESS: I will do my best.

13 THE PRESIDING MEMBER: Thank you. I
14 appreciate it.

15 THE PRESIDING MEMBER: Good afternoon,
16 Ms. Vernon. I am ready to start into my questions.
17 Before doing so, I want to thank you very much for
18 coming in to be with us today.

19 THE WITNESS: Good afternoon.

20 Examination-in-Chief by Mr. Champ:

21 Q. I would like to start by having
22 you tell us the City in which you reside and where it
23 is that you are employed...

24 A. I live in Victoria, British
25 Columbia, and I work for Sierra Club of British

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1 Columbia Foundation.

2 Q. And how long have you been working
3 for Sierra Club BC?

4 A. Since 2007.

5 --- (Court Reporter's Cellular Telephone Ringing)

6 THE PRESIDING MEMBER: Who is the
7 guilty party!

8 MR. CHAMP: I was about to say, I
9 think I'd get arrested if I were the guilty party!

10 --- (Laughter)

11 THE COURT REPORTER: My apologies, Mr.
12 Fortier.

13 --- (Cellular Telephone Removed from the Hearing Room)

14 MR. CHAMP:

15 Q. How long have you been employed at
16 Sierra Club BC?

17 A. Since 2007.

18 Q. Thank you.

19 And can you tell us your Title and
20 describe for us your duties at Sierra Club?

21 A. Sure. I am the Campaigns
22 Director. I am responsible for overseeing all of our
23 Campaign Work, which involves supervising Staff, doing
24 fundraising, doing financial management, organizational
25 management, some human resources, and some campaigning.

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1 Q. Thank you.

2 I will come back to that in a little
3 bit, for more details around that, but I wondering if
4 you would first tell us a little bit about Sierra Club
5 BC, a bit about its history and what its mandate is.

6 Can you tell us about that?

7 A. Yes, sure. Sierra Club BC is a
8 registered charity. We were founded in 1969. Our
9 mandate is to protect, conserve and educate the public
10 about B.C.'s wilderness, B.C.'s ecosystems, in light of
11 the urgency of climate change.

12 In terms of our structure, we have a
13 volunteer Board of Directors and then Staff, and then a
14 whole bunch of Volunteers. We have Members.

15 Anybody donates over \$10 is eligible
16 to be a Member and can vote at our Annual General
17 Meeting.

18 Q. Thank you.

19 And, ballpark, about how many Members
20 do you have?

21 A. We have about 15,000 people on our
22 E-mail List.

23 I don't actually know at the moment
24 how many of those are Members.

25 Q. And again ballpark, what is Sierra

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1 Club BC's Annual Budget?

2 A. It's a million dollars.

3 THE PRESIDING MEMBER: I'm sorry...?

4 THE WITNESS: One million.

5 MR. CHAMP:

6 Q. And how many Staff does Sierra

7 Club BC have?

8 A. We have about nine to ten full-
9 time equivalence, which actually is more like fifteen,
10 sixteen bodies, because some people are part-time.

11 Q. Ms. Vernon, there are three
12 Volumes of Documents in front of you. The one I would
13 like to take you to says, in the middle, "Complainant's
14 Book of Documents, Volume II of II".

15 A. Um-umm (Witness Nodding in the
16 Affirmative).

17 Q. Do you have that one?

18 A. Yes.

19 MR. CHAMP: For the record, that is
20 Exhibit C-2.

21 Q. If you could turn to Tab 39...

22 A. Yes.

23 Q. This is a Printout from Sierra

24 Club BC's Website?

25 A. Yes.

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1 Q. And I think you have done a good
2 job already in describing about Sierra Club BC, as set
3 out there, and its history.

4 It was formed in 1969.

5 There is a reference under "Our
6 History" of "Sierra Club U.S. Affiliate".

7 Can you tell us about the
8 relationship, if any, between Sierra Club BC and Sierra
9 Club U.S. and Sierra Club Canada?

10 A. Yes, for sure. Sierra Club BC is
11 entirely a separate entity from both Sierra Club Canada
12 and Sierra Club U.S.

13 With Sierra Club U.S., we have a
14 Licensing Agreement for use of the name "Sierra Club",
15 as well as the logo mark, and as part of that Licensing
16 Agreement, we provide our Annual Report and Financial
17 Statements to Sierra Club U.S. As well, they have
18 requested that we send a representative to their Annual
19 General Meeting to provide a brief Report on our
20 activities. So our Executive Director goes there once
21 a year.

22 Beyond that, we don't formally work
23 jointly on any Campaigns together.

24 So we are an entirely separate entity
25 from Sierra Club U.S.

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1 Similarly with Sierra Club Canada --
2 again, an entirely separate entity -- they also have a
3 Licensing Agreement with Sierra Club U.S. for use of
4 the name and the logo.

5 There used to be Sierra Club of B.C.
6 Chapter which was a Chapter of Sierra Club Canada, and
7 it's ---

8 Bear with me here.

9 So, the Sierra Club of British
10 Columbia Chapter was a separate entity from the Sierra
11 Club of British Columbia Foundation.

12 The Chapter has now been closed down.
13 The Bank Account has been closed down. There is no
14 activity in the Chapter.

15 So everything that happens in B.C. is
16 Sierra Club of B.C. Foundation.

17 In terms of the timeline, just to give
18 you a sense of things, Sierra Club of B.C. Foundation
19 was formed in 1969 and then Sierra Club of Canada was
20 formed sometime in the 1990s, with a system of Chapters
21 around the country.

22 Q. That's great. Thank you.

23 I just want to touch on a couple of
24 other documents that we have here.

25 Tab 40, the next tab over...

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1 A. Yes.

2 Q. I believe this is Sierra Club BC's
3 2012 Annual Report.

4 Is that right?

5 A. Yes.

6 Q. It sets out some of the different
7 Campaigns that Sierra Club BC is involved in.

8 Is that right?

9 A. Yes, that we did in 2012.

10 Q. And I note, at Page 7, there is a
11 reference to the "Enbridge Joint Review Panel".

12 That is the National Energy Board
13 Hearings?

14 A. Yes.

15 Q. We will come back to that. For
16 now, I just want to confirm that it is in there.

17 A. Yes.

18 Q. The next tab, Tab 41, is the
19 Sierra Club BC 2013 Annual Report...

20 A. Um-umm (Witness Nodding in the
21 Affirmative).

22 Q. And this continues to describe
23 some of the different Campaigns being led by Sierra
24 Club BC?

25 A. Yes.

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1 Q. And I see, again, at...

2 Sorry. I am just looking for the
3 pagination...

4 A. Apparently we didn't do page
5 numbers that year.

6 Q. You didn't paginate this one.
7 Okay.

8 If you go just a couple of pages in,
9 you see "Tankers and Pipelines".

10 Again, that is related to the Enbridge
11 proposed Northern Gateway Pipeline Project?

12 A. Yes.

13 Q. I am wondering if you can tell us
14 a bit about ---

15 We will turn to the Enbridge Pipeline
16 in a moment. But first, could you tell us a little bit
17 about how Sierra Club BC carries out its work and its
18 Campaigns.

19 What are the different sorts of
20 methods or techniques Sierra Club BC adopts and follows
21 in order to promote their goals and objectives?

22 A. Sure, yes.

23 So, our primary goal is always to
24 raise public awareness, to educate the public about the
25 ecological values in British Columbia that may be under

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1 threat from various Projects, and the way that we do
2 that is ---

3 We are science-based. So we produce
4 science-based reports and maps. We do Outreach.

5 So we might organize educational
6 Speaking Events. We might organize Rallies. We have
7 an Education Program where we educate children and
8 youth about environmental issues. We talk to Media.
9 We litigate sometimes.

10 We've been involved in a number of
11 Court challenges, often with other Organizations.
12 We...

13 What else do we do?

14 I think that is sort of the range of
15 things in our toolbox, primarily.

16 Q. That's great. Thank you.

17 I would like to now ask you some
18 questions about, specifically, the Northern Gateway
19 Pipeline Project.

20 First of all, was Sierra Club BC a
21 formal Party in the National Energy Board Hearings?

22 A. No. We did not intervene in the
23 JRP process.

24 Q. Can you tell us what activities
25 you did get involved in around the NEB process?

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1 A. For sure.

2 So, when the Government announced the
3 process and put a Call out for people to participate in
4 it, we helped spread the word about that and let our
5 Supporters know that this was happening and that they
6 had an opportunity to participate in the public
7 process, should they choose to.

8 We also let people know that they had
9 opportunities to submit Written Comments.

10 In a couple of instances, we held
11 Letter Writing Parties for people to come together in a
12 Café and write their Written Comments/Submissions.

13 For those who had signed up to speak,
14 to give an Oral Statement to the JRP, we ---

15 We were getting a lot of questions
16 from our Supporters about what to expect and how they
17 should prepare. A lot of people were quite nervous.
18 They had never participated in this kind of a formal
19 Hearing process before. So we decided that we would
20 offer support by way of two things: we worked with a
21 couple of other Organizations to produce a
22 Backgrounder, which basically laid out: "Here's what
23 the JRP is about. Here's what to expect when you enter
24 the room. Here's what it's going to look like. Here
25 are some thoughts about how to prepare.

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1 We were very clear all the way along,
2 very careful. We were not telling people what to say.
3 We were letting them know that they have an opportunity
4 to voice their opinion and *"Here's what to expect when*
5 *you go into the room"*.

6 So similar to the Backgrounder, we
7 held a series of Webinars and a couple of in-person
8 Workshops, again with other Organizations, that were
9 about making this somewhat scary process a little bit
10 more comfortable for those who had signed up to
11 participate.

12 **THE PRESIDING MEMBER:** This offer of
13 support was directed exclusively to your Members, or at
14 large?

15 **THE WITNESS:** We always advertise
16 things more broadly. So, for example, we would send
17 out an e-mail to our Members but we would also put
18 stuff out on Social Media, which is then available to a
19 much wider audience.

20 **THE PRESIDING MEMBER:** Thank you.

21 **MR. CHAMP:**

22 **Q.** If you turn to Tab 43, Ms.

23 Vernon...

24 **THE PRESIDING MEMBER:** Tab 43?

25 **MR. CHAMP:** Yes.

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1 Q. The document there, at the very
2 top, says "Joint Review Panel Oral Statements Q&A".

3 Do you recognize this document?

4 A. Yes. This is the Backgrounder
5 that I just referred to.

6 Q. Can you take a look through it and
7 tell us whether there is anything else in there ---

8 I think it is, as you say, just
9 reinforcing all of the things you were telling us
10 about. But we also see things in here like the lists
11 of the different Hearings, and so forth.

12 Just take a flip through the document
13 to see whether there is anything else you would like to
14 add around this Education Project...

15 --- (A Short Pause: Witness reviewing referenced
16 documentation)

17 A. Yes. Again, it's about making the
18 process easier for people who are not familiar with
19 participating in that kind of a public process. So,
20 you know, dates and locations ---

21 It was confusing, frankly. It was
22 confusing in terms of knowing where things were going
23 to be happening and what was going to be allowed, on
24 whether you could bring somebody with you or not, and
25 so on.

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1 Lots of people had questions on the
2 process.

3 Also, as a part of this Backgrounder,
4 we are also directing people to ask the NEB directly,
5 if they have questions.

6 So really this was kind of a summary
7 of questions that we were hearing from our Supporters
8 and the guidance that we were getting from the NEB that
9 we could share kind of broadly, rather than just
10 answering people one at a time.

11 As I say, we were getting a lot of
12 questions.

13 Q. If you go to the last page of this
14 document, Page 10...

15 A. Yes.

16 Q. There is a reference to "Other
17 Resources: Upcoming Webinars".

18 Can you just tell us about that?

19 A. Yes. So those are the Webinars
20 that I referred to previously.

21 Some people like to prepare by reading
22 things, and other people like to prepare by talking it
23 through and having opportunity to ask questions.

24 We joined together with a number of
25 other Organizations to basically talk through this Q&A

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1 Backgrounder in the format of a Webinar and then
2 provide people the opportunity to ask their questions.

3 I personally wasn't involved in giving
4 them, but I was involved in the planning of them, and a
5 colleague of mine at Sierra Club was involved in giving
6 the Webinars.

7 Q. And these Webinars were co-
8 presented or prepared by Sierra Club BC and some of its
9 Partners, including, as I see here, Dogwood and
10 ForestEthics.

11 A. Yes. That is correct.

12 Q. Ms. Vernon, I want to show you a
13 few documents that are from the package of *Access to*
14 *Information* documents from the National Energy Board.

15 I will ask you to go to a different
16 Volume now, Complainant's Book of Documents Volume I of
17 II, the other thick Book you have before you...

18 A. Okay.

19 Q. And specifically, I will ask you
20 to turn to Tab 4...

21 A. Yes.

22 Q. There are some numbers in the
23 bottom right-hand corner. The important numbers there
24 are the last three digits.

25 Those give us the page numbers.

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1 I would like to take you to Page 35
2 under this Tab...

3 A. Yes.

4 Q. A couple of things here. First,
5 at the top, there is a Heading that reads "Twitter",
6 and then down a few lines, it reads:

7 "Sierra Club BC Enbridge hearings
8 Continuing Today - we'll be live-
9 tweeting highlights from the
10 testimony in Vancouver starting at
11 1 p.m."

12 Does that accurately describe what
13 Sierra Club was doing in relation to the Vancouver
14 Hearings?

15 A. Yes. By the time the Hearings got
16 to Victoria and Vancouver, they were no longer open to
17 the public. The only people allowed in the Hearings
18 were the Interveners and ---

19 Sorry. I can't remember what they
20 were called.

21 -- the people who were giving Oral
22 Statements, and they were allowed to bring one guest
23 with them.

24 So they were not open to the public.
25 But there was a lot of interest in knowing what was

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1 happening.

2 There were Sites set up on the other
3 side of town where people could watch the Hearing on a
4 big screen -- which is a bit different from being there
5 in-person.

6 So we would set ourselves up at the
7 Site across town and get on Twitter and share some of
8 the testimony that was being presented inside the
9 Hearings.

10 Q. And we see, a bit further down on
11 that same page, it says "*Sierra Club BC Statement on*
12 *Civil Disobedience*".

13 Can you tell us about Sierra Club BC's
14 position on civil disobedience and what the
15 Organization was saying about civil disobedience in
16 connection with the NEB Hearings?

17 A. Yes. We have a very clear Policy
18 on civil disobedience.

19 We do not do civil disobedience. We
20 do not condone or promote civil disobedience.

21 We are a charitable organization that
22 operates within the bounds of the law and within the
23 bounds of what registered charities are allowed to do.

24 We do all that we can within the
25 bounds of the law to raise awareness about the

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1 ecological values that are at stake. But we do not do
2 civil disobedience.

3 It is a very clear Policy.

4 Q. Thank you.

5 Can you flip back a few pages in this
6 package to Page 28...

7 So, "028" in the bottom right-hand
8 corner.

9 A. Yes.

10 Q. At the top of this document, it
11 says "Open Source Intel as at 31 January 2013", and
12 then it says:

13 "Sierra Club's Michael Brune on
14 Keystone XL and civil
15 disobedience..."

16 And under the picture, the first big
17 paragraph reads:

18 "Earlier this month, Sierra Club
19 Executive Director Michael Brune
20 announced the Club would, for the
21 first time in its long and storied
22 history, officially participate in
23 an act of civil disobedience --
24 that is, break the law ---

25 THE PRESIDING MEMBER: What page are

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1 you on?

2 I am sorry...

3 MR. CHAMP: Page 28. "028".

4 THE PRESIDING MEMBER: Page 28 under

5 Tab 4?

6 MR. CHAMP: That's right.

7 THE PRESIDING MEMBER: Thank you.

8 MR. CHAMP:

9 Q. Again, at the top, it says "Open
10 Source Intel as at 31 January 2013", and then "Sierra
11 Club's Michael Brune on Keystone XL"; then there is a
12 photograph, and then the first big paragraph reads:

13 "Earlier this month, Sierra Club
14 Executive Director Michael Brune
15 announced the Club would, for the
16 first time in its long and storied
17 history, officially participate in
18 an act of civil disobedience --
19 that is, break the law. The
20 target? The Keystone Pipeline..."

21 Was Sierra Club BC involved in this
22 civil disobedience?

23 A. No. Not in any way. Like I said
24 before, we are an entirely separate Organization. We
25 had nothing to do with this Action or this decision --

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1 which I understand was a one-time event for Sierra Club
2 U.S.

3 So, we were not involved in any way,
4 shape or form.

5 THE PRESIDING MEMBER: What you are
6 telling me is that this is Sierra Club U.S.A.?

7 THE WITNESS: That's correct.

8 THE PRESIDING MEMBER: How do I know
9 that from just looking at this page?

10 Looking at Page 28, how do I know that
11 this is not Sierra Club BC but, rather, Sierra Club
12 U.S.?

13 THE WITNESS: In all of our
14 Communications and all of our materials, we are "Sierra
15 Club BC", which is short form for "Sierra Club of
16 British Columbia Foundation".

17 And Sierra Club Canada is always
18 "Sierra Club Canada".

19 Sierra Club U.S., because they have
20 been around for 130 years and they've got some
21 seniority over us, they get to be just "Sierra Club".

22 THE PRESIDING MEMBER: I see. Thank
23 you.

24 MR. CHAMP:

25 Q. And the Executive Director,

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1 Michael Brune, do you know who that is?

2 A. I don't know him personally, no.

3 Q. But you know of him, of who that
4 person ---

5 A. I know of him, yes.

6 Q. And who do you know him to be?

7 A. I know him to be ---

8 Q. Does he work for Sierra Club BC?

9 A. He works for Sierra Club U.S.

10 MR. CHAMP: Thank you.

11 It's a little "lawyer's" thing in
12 terms of the way I have to frame my questions.

13 THE WITNESS: Yes.

14 MR. CHAMP:

15 Q. Do you have any idea as to how the
16 NEB came into possession of that Story or that
17 information?

18 A. No, I have no idea.

19 Q. At Page 36 of the document -- and
20 again, this is Tab 4.

21 At the top, it says "Oil Spill
22 Stories: Vancouver", and it goes on to say:

23 "At the community hearings on
24 Enbridge propose Northern Gateway
25 Pipeline and Tanker Project wrap

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1 up, join us for an evening of
2 powerful stories that highlight the
3 need for all of us to take a stand
4 to protect our water from spills."

5 And then it says that this is being
6 held on January 31st, 2013, in Vancouver.

7 Did Sierra Club BC have any
8 involvement in that Event?

9 A. No, we didn't. I was there,
10 actually, as an interested listener, audience member.
11 But we were not involved in the organizing.

12 THE PRESIDING MEMBER: Who organized
13 this Event?

14 THE WITNESS: I believe it was
15 organized by ForestEthics.

16 THE PRESIDING MEMBER: By...?

17 THE WITNESS: ForestEthics.

18 THE PRESIDING MEMBER: Yes. I see the
19 Contact Name and E-mail Address.

20 MR. CHAMP:

21 Q. Ms. Vernon, there were some
22 Stories in the Press in late 2013 indicating that
23 certain groups involved in or opposed to Northern
24 Gateway Pipeline Project were being monitored or
25 surveilled by the RCMP and CSIS.

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1 Were you aware of those Stories?

2 A. Yes.

3 Q. You are familiar with those
4 Stories?

5 A. Yes.

6 Q. And we have now seen that there is
7 some reference to Sierra Club BC in some of these
8 documents from the National Energy Board.

9 What impact did those Stories have on
10 Sierra Club BC, its Staff and its Supporters and
11 Volunteers?

12 A. Yes. There has been quite an
13 impact, on a number of levels. I've heard, both
14 informally from Staff and Volunteers and Board Members,
15 and slightly more formally, I guess, in Meetings, of
16 some of the concerns that people have had as a result
17 of these Reports.

18 Some of them are around people being

19 ---

20 I would say that Staff and Volunteers
21 were quite upset and anxious, and fearful, in
22 particular, of being monitored.

23 There were questions like: Are our e-
24 mails being read? Are our phones being tapped?

25 People were starting to question: If

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1 *somebody new comes to a Volunteer Meeting, are they an*
2 *infiltrator? Are they trying to gather information on*
3 *us? Or are they actually wanting to support our work?*

4 *There was kind of a sense of paranoia,*
5 *I guess.*

6 *You know: We are operating within the*
7 *bounds of the law. We are operating within the*
8 *Charitable Guidelines. We are not doing anything*
9 *wrong. And yet we feel like we're being put to this*
10 *level of scrutiny. We feel like we are being painted,*
11 *somehow, as less-than-honest, even though we are*
12 *entirely operating above-board and within the law.*

13 *Concerns have been expressed about:*
14 *What does this mean for people's job prospects, if they*
15 *want to meet a Security Clearance for some kind of a*
16 *job or they want to work for the Federal Government in*
17 *the future?*

18 *What does this mean for the ability of*
19 *Sierra Club BC Staff to cross the Border, for example?*

20 *There are quite a number of concerns*
21 *of those types that have been raised since these*
22 *documents were released in 2013.*

23 *There has also been a hesitancy around*
24 *what we can say, I guess. There is a "chill" factor.*
25 *Really, that is what has gone on.*

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1 As a charitable organization, most of
2 our work is around raising public awareness and
3 educating on ecological values.

4 We are allowed 10 percent of our time
5 and resources to be spent on what is called "political
6 activity", which is engaging and mobilizing members of
7 the public to be speaking up for the protection of
8 those ecological values.

9 The "chill" factor has made it such
10 that we are operating way, way, way below our allowable
11 10 percent limit on that because of this fear of
12 heightened scrutiny ---

13 **THE PRESIDING MEMBER:** Ten percent
14 of...?

15 **THE WITNESS:** Ten percent of our time
16 and resources, and finances, is allowed for political
17 activity.

18 The "chill" is such that we are being
19 way more cautious than we are legally required to be,
20 which ---

21 There are a couple of "big picture"
22 ways that that affects Sierra Club's work.

23 One is the amount of ---

24 I mean, it makes it more difficult for
25 us to raise awareness, I guess, of environmental issues

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1 and to get people involved in a robust public debate on
2 these issues when members of the public and our
3 Supporters are saying that they're scared to sign
4 Petitions or they're scared to come to some kind of an
5 event because they might be monitored or put on some
6 unknown Federal list. They might be scared to donate,
7 to have their name associated with Sierra Club of B.C.

8 It also has been a challenge for us
9 because the sense of this heightened scrutiny, the
10 sense of this "chill", made it so that our Board of
11 Directors got nervous, our Senior Management got
12 nervous.

13 Again, we operate entirely within the
14 law. We have been super-proactive about putting really
15 rigorous administrative policies in place prior to 2013
16 about tracking our degrees of political activity.

17 So even though we had really good
18 Policies in place, the sense of chill and the sense of
19 nervousness meant that Staff time and organizational
20 resources got diverted from doing our work in the
21 world, which is raising public awareness on ecological
22 issues, and got pivoted towards spending more time and
23 resources on administrative tasks, kind of in
24 preparation for this degree of scrutiny that was being
25 felt.

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1 We've heard from Volunteers that some
2 people are scared to get involved. There is a lot of
3 nervous joking that goes on about being monitored,
4 about being on some list and being watched.

5 People are concerned about what they
6 put on their personal Social Media.

7 Just yesterday, actually, a Volunteer
8 told me that somebody didn't sign a Petition because
9 they thought that signing Petitions was now illegal.

10 So that's what we are hearing "on the
11 street", and that's the kind of fear that has been
12 generated by these documents.

13 Q. What about the Sierra Club BC
14 Board? Have the Sierra Club BC Board Members expressed
15 any concerns around these issues?

16 A. Yes, definitely.

17 Our Board is made up of volunteers.
18 Many of them are Professionals in various Disciplines.
19 They take their roles as Board Members and their
20 reputations very seriously. They see themselves as
21 contributing to civil society in their role on the
22 Board.

23 They have told me that they felt ---
24 You know, the words they used were
25 "shock", "pain", "distress".

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1 In their role in civil society, what
2 they are doing is raising awareness about the Climate
3 Science and they feel that, in doing so, they would be
4 considered "enemies of the State", that they would be
5 spied on, and all of that created a huge degree of
6 distress and upset and led the Board, as a result, to
7 basically ask Staff to do this extra level of
8 administrative scrutiny, way, way, way over and above
9 what was needed -- because we'd already done it and we
10 were already operating with robust rigorous policies
11 within the necessary guidelines.

12 Q. Ms. Vernon, I just have a couple
13 of questions arising out of what you have just told us.

14 First of all, the extra administrative
15 level of scrutiny, that is scrutiny related to what
16 exactly again?

17 A. This is primarily around...

18 --- (A Short Pause)

19 The sense is that as a charitable
20 organization, we are going to potentially lose our
21 charitable status -- that is always a fear -- because
22 the Federal Government is going to do some kind of an
23 Audit, which we are actually in the middle of an
24 extensive CRA Audit, along with a number of other
25 Environmental Organizations across the country.

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1 These documents that were released in
2 2013 come in the wake of the verbal attacks, for lack
3 of a better word, of a Federal Minister against
4 Organizations like Sierra Club BC.

5 And since then, there has been Bill C-
6 51.

7 So there is this climate of fear that
8 has been created that Environmental Charities that are
9 trying to play a role in civil society and trying to
10 raise really important issues, such as climate change,
11 are being scrutinized really closely, spied on,
12 potentially; audited.

13 We don't really know what's going on.
14 But there is this fear that even though we are
15 operating within all of the rules, somehow the Federal
16 Government is going to take away our charitable status.

17 I guess that is the ultimate fear.

18 Q. You made mention of the "enemies
19 of the State" comment.

20 Where does that come from?

21 A. I believe that comes from Minister
22 Joe Oliver, in some of his comments, which were
23 earlier, in 2012.

24 Q. You mentioned an Audit by Canada
25 Revenue Agency.

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1 Are you trying to draw some kind of
2 connection between potential CSIS monitoring and the
3 CRA Audit?

4 A. I would say it's a suspicion. We
5 obviously don't know.

6 Being audited is a normal part of
7 being a Charity.

8 That is understandable. But the
9 extensive in-depth Audits that are happening to
10 Environmental Charities, including the Sierra Club BC,
11 right now across the country is unprecedented.

12 I don't know for sure that there is a
13 connection; but it's this heightened level of scrutiny
14 that we feel like we are under.

15 Q. Ms. Vernon, there is one last
16 document I want to take you to. It is in Volume II of
17 II; Complainant's Book of Documents Volume II of II,
18 Exhibit C-2...

19 A. Yes.

20 Q. If you go to Tab 45...

21 A. Yes.

22 Q. Tab 45 is a Print-Off from the
23 *Huffington Post* B.C. Site, and the Title of this
24 Article is "*Why is the country I love spying on me*".

25 This is an Article by yourself.

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1 Is that right?

2 A. That's correct.

3 Q. I don't want to go into the
4 detail, but this is something that you wrote shortly
5 after the initial *Vancouver Observer* Story.

6 Is that right?

7 A. Yes.

8 Q. And it articulates and expresses
9 some of your concerns at that time?

10 A. Yes.

11 MR. CHAMP: I will just be a moment,
12 Mr. Chair...

13 THE PRESIDING MEMBER: Certainly.

14 --- (A Short Pause: Off-Record Discussion between
15 Complainant's Counsel and Client Representative)

16 MR. CHAMP: Thank you, Ms. Vernon.
17 Those are all of my questions.

18 THE PRESIDING MEMBER: Thank you, Mr.
19 Champ.

20 While we are looking at Tab 45, this
21 Article that you wrote for the *Huffington Post*, I note,
22 in the first paragraph, the first line: "Last week, I
23 found out that my government is spying on me..."

24 I am trying to reconcile this, Ms.
25 Vernon, to what you told me about ten minutes ago,

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1 which I made a note of, that being "we don't really
2 know what is going on now".

3 How do you reconcile your very clear
4 evidence in answer to questions from Mr. Champ that you
5 "don't know what is going on now" and what you wrote
6 here in November of 2013, where you are affirming,
7 categorically, that you found out that the Government
8 was spying on you?

9 THE WITNESS: Yeah. The documents
10 released under the Access to Information Request
11 clearly outline that the NEB was consulting with CSIS
12 and the RCMP, that monitoring was happening, including
13 of Sierra Club BC

14 What I don't know is what that
15 monitoring looks like.

16 What I don't know is whether our
17 phones or e-mails are being monitored; whether our
18 Volunteer Meetings are being infiltrated; whether
19 people are showing up at our Events to monitor what is
20 happening.

21 That's what I don't know. But the
22 documents released make very clear that these
23 conversations were happening, that monitoring was
24 happening, that intelligence had been gathered.

25 THE PRESIDING MEMBER: That is the

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1 conclusion that you reached after you had read those
2 documents ---

3 THE WITNESS: That's correct.

4 THE PRESIDING MEMBER: -- obtained
5 under the *Access to Information* method?

6 THE WITNESS: That's correct.

7 THE PRESIDING MEMBER: Okay. Thank
8 you.

9 Madam Dion...?

10 MS. DION: I do have just a few
11 questions for the Witness.

12 Thank you, Mr. Fortier.

13 Cross-Examination by Ms. Dion:

14 Q. Are you aware of the Service's
15 mandate, Ms. Vernon?

16 A. Not in detail, no.

17 Q. Are you aware that CSIS is
18 prohibited from collecting information, by investigation
19 or otherwise, on lawful advocacy, protest, or dissent,
20 unless it is conducted in conjunction with activities
21 that would constitute a threat to the security of
22 Canada?

23 A. Yes, I am aware of that.

24 Q. And do you share that knowledge
25 with people that express their concerns to you about

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1 their activities being monitored by Security
2 Intelligence in Canada?

3 A. The evidence, as I understand it,
4 shows that CSIS is perhaps doing something outside the
5 scope of their mandate.

6 Q. When people are telling you things
7 -- and you have given the example that somebody told
8 you that they thought signing a Petition was illegal --
9 do you correct them, saying: *No. Signing a Petition*
10 *is something that is legal and within your rights.*

11 A. Yes. Absolutely, we do that.

12 Q. But knowing that the Service is
13 prohibited from investigating lawful advocacy, protest
14 and dissent, you don't share that with people that
15 express concerns to you?

16 A. I don't share details of the
17 mandate, no. What I share is that *"it's our right to*
18 *express our opinion and to engage in democratic*
19 *processes and our right to sign a Petition and go to a*
20 *Rally and speak out".*

21 That is what I say.

22 MS. DION: I have no further
23 questions. Thank you.

24 Thank you, Mr. Fortier.

25 MS. DION: Thank you, Madam Dion.

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1 Madam Bowers, any questions for the
2 Witness?

3 MS. BOWERS: No, Mr. Fortier. Thank
4 you.

5 THE PRESIDING MEMBER: Ms. Vernon, I
6 am very grateful to you ---

7 Sorry. Do you have any questions in
8 Redirect, Mr. Champ?

9 MR. CHAMP: I do have one follow-up,
10 not so much Redirect.

11 THE PRESIDING MEMBER: Yes.

12 (To the Witness): That means that Ms.
13 Dion asked you a question that leads Mr. Champ to ask
14 you an ---

15 THE WITNESS: Another one.

16 THE PRESIDING MEMBER: -- an
17 additional question.

18 THE WITNESS: Yes.

19 MR. CHAMP: Actually, Mr. Chair, it's
20 in relation to the question that you put to her that I
21 wish to clarify.

22 THE PRESIDING MEMBER: Oh!

23 (To the Witness): It's the question
24 that I put to you.

25 Re-Examination by Mr. Champ:

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1 Q. It is in relation to the Article
2 in the *Huffington Post*, where you said:

3 "Last week, I learned that my
4 government is spying on me..."

5 I will just take you to the Article
6 that I believe prompted your statement...

7 It is in the Complainant's Book of
8 Documents, Volume I of II.

9 A. Yes.

10 Q. If you go to Tab 9...

11 A. Yes.

12 Q. This is a Story from the *Vancouver*
13 *Observer*:

14 "Harper government's extensive
15 spying on anti-oilsands groups
16 revealed in FOIs..."

17 It is dated Novemer 19, 2013, which is
18 the month before your Article in the *Huffington Post*.

19 Is this the Article that you were
20 referring to?

21 A. Yes.

22 Q. If we go through it, there are a
23 couple of things...

24 If you go to Page 3 of 5...

25 A. I can't see the numbers, but I am

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1 assuming ---

2 Q. Yes. Sorry. It's in the left-
3 hand corner of ---

4 A. I know. It is punched.

5 If it is the third page, I'm good.

6 Q. Or if you are coming from the
7 other direction, the third-last page.

8 There are two "click on image to
9 enlarge", and in the middle there is one that starts...

10 Right in the middle of the page, about
11 halfway down the page, or exactly halfway down the
12 page, it says:

13 "On May 23, 2013..."

14 A. Um-umm (Witness Nodding in the
15 Affirmative).

16 Q. Are you with me on that?

17 A. Yes.

18 Q. It says:

19 "On May 23, 2013..."

20 THE PRESIDING MEMBER: I am looking
21 for it now...

22 --- (A Short Pause)

23 Oh, yes. I have it.

24 MR. CHAMP:

25 Q. It reads:

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1 "On May 23, 2013, Natural Resources
2 Canada hosted a 'Classified
3 Briefing for Energy and Utility
4 Sector Stakeholders' in
5 collaboration with CSIS and the
6 RCMP at CSIS's Headquarters in
7 Ottawa."

8 If we go down to the last paragraph,
9 it says:

10 "An Agenda obtained by Tim Groves
11 and Martin Lukacs at The Guardian
12 last month revealed that breakfast,
13 lunch and coffee was sponsored by
14 Enbridge and a networking reception
15 held at the Chateau Laurier was co-
16 hosted by Bruce Power and
17 Brookfield Renewable Energy
18 Partners. Meetings during this
19 conference included..."

20 And going over the page:

21 "...'challenges to energy projects
22 by environmental groups'."

23 The reference to "challenges to energy
24 projects by environmental groups", did you interpret
25 that to be referring to Sierra Club BC?

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1 A. Yes -- because we were listed in
2 the information that had been released.

3 Q. And challenging energy projects,
4 or challenging the Northern Gateway Pipeline proposed
5 by Enbridge, does that, in your view, constitute a
6 "threat to the security of Canada"?

7 A. No. And actually, one of my first
8 -- and I talk about it in the Article I wrote. But one
9 of my responses when I found out about all this was
10 that the real threat to national security in Canada is
11 climate change, which the Enbridge Northern Gateway
12 Joint Review Panel didn't even allow us to talk about.

13 So Sierra Club BC is a charitable non-
14 profit organization. We have been trying to raise
15 awareness about a very serious science-based issue that
16 is going to affect all of us, that is going to affect
17 the security of all of us.

18 We are not the ones that are the
19 threat. Climate change is the real threat.

20 Q. There is an excerpt from an actual
21 document there, "*Classified Briefing for Energy and*
22 *Utility Sector Stakeholders*", and then under that it
23 says "*Hosted by Natural Resources Canada in*
24 *collaboration with CSIS and the RCMP...*"

25 Do you see that?

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1 A. Yes.

2 Q. And then: "Location: Canadian

3 Security Intelligence Service, 1941 Ogilvie Road,

4 Ottawa, Ontario"; and then, at the bottom, we see:

5 "...breakfast, lunch and coffee

6 sponsored by Enbridge..."

7 Was there any time when Sierra Club BC
8 was invited to a Stakeholders' Consultation by CSIS?

9 A. No.

10 Q. You didn't get any Invitations
11 from CSIS ---

12 A. No. We have received no
13 Invitations from CSIS.

14 MR. CHAMP: Thank you. Those are all
15 the questions I have.

16 THE PRESIDING MEMBER: Thank you, Mr.
17 Champ.

18 Ms. Dion, any questions arising...?

19 MS. DION: No. Thank you, Mr.
20 Fortier.

21 THE PRESIDING MEMBER: Ms. Bowers...?

22 MS. BOWERS: No. Thank you.

23 THE PRESIDING MEMBER: Then, I will
24 thank you officially for having attended before me to
25 give evidence today. I am grateful.

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1 You can now go back to Victoria.

2 THE WITNESS: Will do. Thank you very
3 much.

4 --- (The Witness Withdrew)

5 THE PRESIDING MEMBER: The next
6 Witness is Nikki Skuce...

7 MR. CHAMP: She is here. We are in
8 your hands, Mr. Chair. Are you prepared to go straight
9 on with the next Witness?

10 THE PRESIDING MEMBER: Yes -- if
11 Counsel is so prepared.

12 MR. CHAMP: Yes.

13 MS. DION: Yes.

14 THE PRESIDING MEMBER: Very well. I
15 will have the Registrar bring the Witness in...

16 MR. CHAMP: Thank you, Mr. Chair.

17 --- (Nikki Skuce Called to the Witness Table)

18 THE PRESIDING MEMBER: Good afternoon,
19 Ms. Skuce. You are being called as a witness in this
20 matter by the British Columbia Civil Liberties
21 Association. Before you give evidence, I am going to
22 ask the Registrar to swear you in.

23 Okay?

24 THE WITNESS: Sure.

25 THE REGISTRAR: Good afternoon, Ms.

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1 Skuce.

2 Do you solemnly affirm that the
3 evidence you are about to give to the Committee shall
4 be the truth, the whole truth, and nothing but the
5 truth?

6 THE WITNESS: I do.

7 NIKKI SKUCE, Called and Affirmed:

8 THE REGISTRAR: For the record, would
9 you please state your full name, spelling your last
10 name...

11 THE WITNESS: Sure.

12 My name is Nikki Susan Skuce, and my
13 last name is spelled: S-K-U-C-E.

14 THE REGISTRAR: Thank you.

15 Secondly, I would like to read to you
16 Section 51 of the *Canadian Security Intelligence*
17 *Service Act*, which provides protection to witnesses
18 appearing before the Committee.

19 It reads as follows:

20 "Except in a prosecution of a
21 person for an offence under
22 section 133 of the *Criminal Code*
23 (false statements in extra-
24 judicial proceedings) in respect
25 of a statement made under this

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1 Act, evidence given by a person
2 in proceedings under this Part
3 and evidence of the existence of
4 the proceedings are inadmissible
5 against that person in a court or
6 in any other proceedings."

7 Do you understand?

8 **THE WITNESS:** I think so.

9 So that means that I am not on trial;
10 that I am just here ---

11 --- (Laughter)

12 **THE PRESIDING MEMBER:** I assure you,
13 Ms. Skuce, that you are not at all on trial. You are
14 here to help me.

15 **THE WITNESS:** Right. Thank you very
16 much.

17 **THE PRESIDING MEMBER:** In the process
18 of assisting me, you will be questioned first by Mr.
19 Champ, Counsel for the BCCLA, following which you may
20 be asked questions by Madam Dion, Counsel for CSIS, and
21 by Madam Bowers, Counsel for the Committee.

22 **THE WITNESS:** Okay.

23 **THE PRESIDING MEMBER:** Mr. Champ...

24 **MR. CHAMP:** Thank you very much, Mr.
25 Chair.

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1 Ms. Skuce, it is a real pleasure to
2 meet you in-person. Thank you so much for coming down
3 to be with us this afternoon.

4 I have some questions for you
5 regarding your work and your background, as well as the
6 work of ForestEthics.

7 Examination-in-Chief by Mr. Champ:

8 Q. To start off, I will just ask you
9 to tell us the City in which you live and what your job
10 is, along with a bit about your background.

11 A. Sure. I live in Smithers, British
12 Columbia. I have been living there since 2001. I
13 moved up there to work for a small non-profit
14 organization called "One Sky", which focused mostly on
15 local and international issues. So, working on energy,
16 for instance, at the local level; helping with the
17 Community Energy Plan.

18 And internationally, working at the
19 United Nations level, coordinating Canadian non-profits
20 around the World Summit on Sustainable Development.

21 I was on the Canadian Delegation for
22 that in Johannesburg.

23 But then we also had capacity
24 development projects in places like Nigeria and Sierra
25 Leone, and I coordinated the Sierra Leone Project.

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1 That's a little bit about my
2 background.

3 I moved from that to working with
4 ForestEthics, which I will probably talk about more,
5 working more on issues affecting people and ecosystems
6 in the Province, and I left ForestEthics in the middle
7 of November and I am now doing other things.

8 So, yes.

9 I live there with my partner and a
10 couple of kids.

11 Q. So you are not with ForestEthics
12 at this time?

13 A. That's right.

14 Q. But you were their Senior Energy
15 Campaigner for five years--Is that right?--or six
16 years.

17 A. Yes. Almost six years.

18 Q. Thank you.

19 I will now take you to a couple of
20 documents.

21 First, you have three Volumes before
22 you. One is the Complainant's Book of Documents,
23 Volume II of II.

24 It is one of the larger Books.

25 A. Okay.

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1 MR. CHAMP: For the record, that is
2 Exhibit C-2, for everyone else.

3 Q. If you could go to Tab 32 in that
4 Volume...

5 A. Yes.

6 Q. I think this is a Printout from
7 the ForestEthics Website from when you were still with
8 ForestEthics...

9 A. Yes.

10 Q. And we see there that it describes
11 a little bit about your Bio...

12 A. Um-umm (Witness Nodding in the
13 Affirmative).

14 Q. You joined ForestEthics in 2009,
15 with the SMithers, B.C. Office...

16 A. Yes.

17 Q. And then we also see the reference
18 to the World Summit on Sustainable Development, in
19 2002.

20 That is the one you were referring to?

21 A. Yes.

22 Q. It also says that you sit on
23 several Boards.

24 Do you still sit on a number of
25 different Boards of Organizations?

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1 A. Yes, I do. I sit on the Buckley
2 Valley Community Arts Council and a Car Share Co-Op
3 Board, at the moment.

4 Q. And previously, you sat on other
5 Boards, including the Canadian Renewable Energy
6 Alliance, Smithers Sustainable Advisory Committee, and
7 so forth?

8 A. Yes.

9 Q. And you have a Degree in Canadian
10 Studies and International Relations from UBC?

11 A. Yes.

12 Q. If you could turn a couple of Tabs
13 over, to Tab 34...

14 A. Yes.

15 Q. I believe this is your C.V. that
16 was used when you testified before the National Energy
17 Board.

18 Is that right?

19 A. Yes.

20 Q. And I will talk more about that in
21 a moment.

22 For our purposes now, does this
23 accurately set out your work and education, and your
24 Volunteer history?

25 A. Yes, it does.

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1 Q. I see at Page 2, under "Volunteer
2 Experience", a lot of different Organizations: GO2 Car
3 Share, Hometown Heroes, Smart Growth, Buckley Valley
4 Folk Music, Humanities and Science.

5 So you have been involved in Activism
6 for quite some time?

7 A. Yes, I have.

8 Q. Ms. Skuce, I want to ask you, now,
9 some questions about ForestEthics itself.

10 I am wondering if you can just tell us
11 about the Organization: it's mandate or objectives and
12 how it is structured.

13 A. Sure. ForestEthics was founded on
14 both sides of the Border from the beginning. So it is
15 registered as a Charity in the United States.

16 In Canada, initially it was a Project
17 of Tides Canada, before becoming a non-profit -- which
18 I think we'll talk about at some point.

19 Initially, the goal ---

20 I guess the goal of ForestEthics has
21 always been to improve conservation, and the niche, I
22 guess, or the way that ForestEthics mostly operates is
23 by looking at Markets.

24 So, who was buying the forest and the
25 wood products out of Claquout Sound, for instance,

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1 figuring that that was a way to try to change
2 behaviour, to move towards Forest Certification. So to
3 improve logging practices and increase conservation on
4 the Coast of British Columbia.

5 So that is its origins.

6 The Organization, when I started, had
7 moved to also address climate and energy issues.

8 It still kept its name,
9 "ForestEthics"; but when I came on, it was also ---

10 The Organization worked a lot on the
11 Great Bear Rain Forest, trying to get that protected,
12 and a different kind of ecosystem-based management on
13 forest practices.

14 Given that the tankers or the Enbridge
15 Northern Gateway Pipeline would be going through the
16 Great Bear Rain Forest, and given the fact that we were
17 also working on an Ad Campaign to try to improve
18 protection of the Boreal Forest, where the Tar Sands
19 are, it sort of was a good project to focus on, given
20 the links to the Forest, although we mostly talked
21 about energy issues.

22 Q. If you could turn to -- and I will
23 unpack some of the things you have told us in just a
24 minute. But if you could turn to Tab 31 in the Volume
25 that you have before you...

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1 Again, for the record, this is Exhibit
2 C-3, Complainant's Book of Documents, Volume II of II.

3 A. Yes.

4 Q. The document at Tab 31, at the
5 top, says "ForestEthics Advocacy".

6 A. Um-umm (Witness Nodding in the
7 Affirmative).

8 Q. And it says "About ForestEthics
9 Advocacy Association".

10 It says it was founded in 2012.

11 Does that mean that ---

12 You mentioned that it was "on both
13 sides of the Border".

14 I gather you are referring to the
15 United States...

16 A. Yes.

17 Q. Okay. And so does that mean that
18 it was founded on both sides of the Border in 2012? Or
19 what was founded in 2012, exactly?

20 A. No. What happened was ---

21 When it was founded, ForestEthics in
22 Canada was a project of Tides Canada. Before this
23 became more public knowledge, Tides was undergoing
24 their fourth Audit and was under increasing pressure,
25 given some of the work that we were doing under their

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1 umbrella. So ---

2 Q. Let me just stop you there for a
3 moment.

4 "Tides Canada" is a Canadian
5 Charitable Foundation.

6 Is that right?

7 A. Yes.

8 Q. And did ForestEthics have --
9 "ForestEthics Canada", if I can describe it that way --
10 have independent status at that time?

11 A. No. It was bound by Tides'
12 charitable status and Board, and that sort of thing.

13 Q. Okay. So I will ask you to go.
14 What happened with that relationship with Tides Canada?

15 A. Well, we were sort of under
16 increasing ---

17 Tides was coming under increasing
18 scrutiny because of the work that we were doing on the
19 Enbridge Campaign and on a Markets Campaign, looking at
20 where Tar Sands fuel was going in the United States,
21 and then with Joe Oliver's Letter that came out in
22 early January 2012 calling anyone who oppsed the
23 Northern Gateway Pipeline "radicals" and then the sort
24 of notion that we were potentially "enemies", we
25 decided that it would be best if we left our

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1 relationship with Tides on a positive note, given that
2 they do so much good work ---

3 They have a lot of social-justice and
4 community and environmental projects.

5 So we wanted to leave that, and also
6 to be not bounded by the "10 percent" rule, the 10
7 percent political advocacy, and so we decided to
8 register as a non-profit and focus a little bit more on
9 democracy, on being able to speak out a little bit
10 more, because this was pretty ---

11 You know, these things were feeling
12 threatening in terms of our democracy in Canada.

13 So we registered as a B.C. non-profit
14 in 2012 and changed the name. We just added the
15 "Advocacy".

16 Q. So that is when it became a
17 separate legal entity, in 2012?

18 A. Yes.

19 Q. And just to be clear, the
20 ForestEthics Advocacy entity that was founded in 2012,
21 that is a non-charitable organization?

22 A. Yes.

23 Q. But it is a non-profit Society ---

24 A. It is a registered non-profit
25 Society, yes.

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1 Q. Thank you. That is helpful.

2 And how does ForestEthics ---

3 Well, we'll go through this document
4 that we have here.

5 First of all, we see, on the second
6 page, that the Headquarters of ForestEthics is in
7 Vancouver.

8 Is that right?

9 A. Yes.

10 Q. And do you know approximately how
11 many Staff Members ForestEthics has?

12 A. At the moment, I think there are
13 four.

14 Q. Four Paid Staff?

15 A. Four or five. Yes.

16 Q. And do you know, ballpark, what
17 the Budget is for ForestEthics Advocacy?

18 A. Since leaving it in November, I am
19 not sure, but I think in general ---

20 Q. Yes. During the time that you
21 were there.

22 I appreciate you left over six months
23 ago.

24 A. I think it was...

25 --- (A Short Pause)

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1 I don't want to get this terribly
2 wrong...

3 MR. CHAMP: If you are not
4 comfortable...

5 THE WITNESS: You know, I imagine...
6 --- (A Short Pause)

7 I think it was somewhere around half-
8 a-million dollars.

9 Q. Okay. And does ForestEthics have
10 Members or Volunteers that are involved with
11 ForestEthics?

12 A. Yes. Sometimes we have volunteers
13 to help out with events.

14 We do a lot of Outreach activities.
15 So, people would sign Pledge Cards, and then we would
16 have to do a lot of data entry just to get them within
17 our List of Supporters.

18 We weren't Membership-based; but we
19 do have a significant List of Supporters to call on for
20 doing education and outreach, and, you know, inviting
21 them to take action.

22 Q. Yes. Can you give us, now, a
23 little bit more detail about the activities that
24 ForestEthics engages in to advance these objectives and
25 goals that you have talked about?

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1 What is the nature of the
2 Organization's work?

3 A. Sure. Should I focus specifically
4 on what I was working on, or should I do it just sort
5 of generic ---

6 Q. You can start there and then go on
7 to speak more broadly about what ForestEthics Advcacy
8 does in Canada: how you conduct your Campaigns; the
9 methods, and so forth, that you engage in?

10 A. Sure. A lot of what we do
11 ininitally when we are starting a Campaign is doing
12 education and outreach.

13 So "Tabling" at events; having
14 Postcards and Information Booths.

15 In the case of Enbridge Northern
16 Gateway, it was having, also, Speakers Tours across the
17 Northwest talking about the issue.

18 Often, we would come up with a few
19 different strategies of how we think we can win a
20 Campaign.

21 In the case of Enbridge, one of the
22 first ones that we spent a lot of time on was trying to
23 get a federally-legislated tanker ban.

24 We did a lot of advertising and worked
25 a lot behind the scenes, meeting with Government

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1 bureaugrats and with Political Leaders, with Briefing
2 documents and bringing Delegations and trying to
3 present them solutions.

4 At the same time, we also had ---

5 We were hoping, at the very early
6 stages, that Enbridge would not proceed with the
7 Project and so we went -- and we continued this even
8 after they submitted their Application.

9 We went to their Corporate Annual
10 General Meeeting, to be able to ask them questions and
11 increase the risk in the eyes of investors, and that
12 sort of thing.

13 So, Media; writing Blogs. Other ways
14 of getting Stories out.

15 Q. That's great. And I will ask you
16 some more detailed questions about some of those
17 activities in a moment.

18 We are still on Tab 31.

19 There is a document at the back of
20 that Tab that reads "*ForestEthics Advocacy: Tar*
21 *Sands*".

22 Was Tar Sands one of the Campaigns
23 that ForestEthics was involved in?

24 A. Yes. We had -- although it was
25 more with our Partners in the United States.

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1 Similar to what we did on the Forest
2 Industry -- although it is a lot harder -- we were
3 looking at the consumer side of who was purchasing Tar
4 Sands, and one of the things we did was to look at
5 Fortune 500 Companies, sending out Letters and looking
6 at where they were buying their fuel and determining
7 whether they could make a commitment to have their
8 fleets purchase fuel from other refineries or other
9 places in order to sort of help put a small dent in the
10 demand for Tar Sands.

11 It was more of a Campaign happening on
12 that side of the Border.

13 In Canada, it was mostly just around
14 the Enbridge Northern Gateway Pipeline, although the
15 issue was bigger than the Tar Sands.

16 Q. I would like to focus a bit more
17 now on the National Energy Board Hearings themselves.

18 It is my understanding that
19 ForestEthics was a formal legal Party in that
20 Proceeding.

21 Is that right?

22 A. Yes. We signed up as an
23 Intervener and worked with Rain Coast and Living Oceans
24 Society and had representation by EcoJustice.

25 Q. EcoJustice. That was the law firm

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1 representing you?

2 A. Yes.

3 Q. And ForestEthics was a legal Party
4 throughout that Proceeding?

5 A. Yes.

6 Q. And you ended up testifying; is
7 that right?

8 A. Um-umm (Witness Nodding in the
9 Affirmative).

10 Q. And what was the nature of the
11 testimony that you provided to the National Energy
12 Board, just at a very high level?

13 A. Well, I put forward evidence that
14 revealed Enbridge's oil spill record, showing that
15 Kalamzoo wasn't an outlier, as well as putting forward
16 some evidence around where they were hoping to tunnel
17 through the mountains to the coast. Also, a Briefing
18 document.

19 So that was my piece of evidence,
20 which was pretty small. We also had contracted out and
21 had Consultants submit evidence on other issues, most
22 of whom were cross-examined. Some weren't, those who
23 just focused on climate change impacts -- because that
24 issue got axed during Bill C-5...

25 Is that what it was?

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1 The Omnius Bill.

2 Anyway, climate change was not part of
3 it any more ---

4 Q. It changed the National Energy
5 Board mandate.

6 Is that right?

7 A. Yes. But in terms of ---

8 Enbridge called me up to be cross-
9 examined and didn't ask me any questions about my
10 evidence. They just focused from the outset on just
11 trying to discredit me.

12 They asked about foreign funding, and
13 that sort of thing.

14 So that was their focus.

15 Q. And how were the Enbridge lawyers
16 attempting to discredit you?

17 A. Well, they were ---

18 Like, they put up my Résumé and they
19 said, you know: *"These are the dates that you have on*
20 *it; but you really..."*

21 You know, it's because of that split
22 between ForestEthics and ForestEthics Advocacy.

23 I didn't have them split out.

24 They asked me what an "Energy
25 Campaigner" was. They tried to...

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1 I don't know. They seemed to belittle
2 some of the stuff. They also tried to accuse me of
3 participating only to get Media attention.

4 So that was the background. That Is
5 what it felt like.

6 Q. And what about the Technical
7 Evidence that you were providing? Did they examine any
8 of the Technical Evidence?

9 A. No. They did not ask me a single
10 question about that Evidence.

11 Q. And what about ForestEthics as an
12 Organization? Did they ask you questions about
13 ForestEthics and its funding and origin?

14 A. Yes, they did. I answered in sort
15 of general terms, and they didn't pursue it further.

16 Q. And what was the nataure of the
17 questions they were putting to you about it?

18 A. They asked, if I remember
19 correctly, where ForestEthics got their funding from;
20 where ForestEthics Advocacy got their funding from.

21 And if I remember correctly, my answer
22 was "from various Foundations, American and Canadian,
23 and a lot of individual Canadians who send in
24 donations", and that sort of thing.

25 Q. There are a few other documents I

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1 am going to take you to. One is at Tab 36...

2 A. Yes.

3 Q. Can you tell us what this document
4 is?

5 A. Sure. Participating in the Joint
6 Review Panel, which I will call the "JRP" from here on
7 out, was ---

8 It was the first time for me, and it
9 was a pretty ---

10 You know, it's a pretty
11 administrative, bureaucratic and sometimes difficult
12 process to wrap your head around and to wade through.

13 So what we decided is that one of the
14 roles we would play would be to help educate and
15 outreach around the process.

16 So I put together this document before
17 the Hearings began in Kitimat Village on Haisla
18 Territory, right after Joe Oliver's Letter -- so, early
19 January 2012 -- and met with various Media, just to
20 give them a sense of what had happened, what it meant
21 being in these different roles: *What was an*
22 *Intervener? What do these Oral Hearings mean versus*
23 *Community Hearings, versus Technical Hearings?*

24 That sort of thing.

25 It was just, you know, basically to

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1 give them an education on ---

2 Q. A Primary.

3 A. A Primary, yes.

4 And for some others as well. Just
5 some, you know, Municipality Hearings, and others.

6 So it was just an informative
7 document.

8 Q. If you could turn, now, to Tab 44,
9 in this Volume...

10 A. Yes.

11 Q. This is a document entitled
12 "Maximizing your Impact at the Enbridge Northern
13 Gateway Community Hearings", and then under that it
14 says "ForestEthics Advocacy, West Coast Environmental
15 Law, Dogwood Initiative, Sierra Club BC".

16 Can you tell us what this Event was
17 about?

18 A. Sure. One of the things ---

19 As well as participating as an
20 Intervener in the Hearings, we thought it important to
21 have a robust public process, with as much
22 participation as possible. So we did a lot of
23 Outreach, trying to encourage people to sign up for the
24 Community Hearings, which were the ones where you got
25 to speak for ten minutes to the Panel, in various

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1 Communities around British Columbia, as well as to
2 encourage people to submit Written Comments.

3 Given the fact that we had helped a
4 number of people sign up, as did these other
5 Organizations, and given the fact that we had also
6 participated in several Community Hearings already by
7 this point (this was December) the ones that had
8 already taken place, in Smithers and Fernley, where I
9 live, and other Communities ---

10 And they were being held in Vancouver
11 and Victoria, and in Kelowna -- so around here and the
12 Lower Mainland -- just in the New Year, in
13 January/early February of 2013.

14 -- we decided to partner with these
15 other Organizations to just help put people at ease, to
16 tell people what they could expect when they entered
17 the room: *if they have to swear-in; who these three*
18 *people were; whether they could have notes or a*
19 *PowerPoint.*

20 Our piece in that was mostly
21 conveying: *You know, there are these Technical*
22 *Hearings. So if you have a particular piece of*
23 *technical expertise, then share it with the Panel. But*
24 *otherwise, it's not really necessary to do a bunch of*
25 *research around something that maybe you are*

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1 unfammliar with or whatever. Maybe you could do
2 Written Comments on that. But probably what would be
3 most compelling is to tell your Story from the heart:
4 why you are speaking; why this Project concerns you.

5 So that's what we did.

6 Q. Thank you.

7 There was another Event, I understand,
8 that ForestEthics organized, called "Oil Spill
9 Stories".

10 A. Um-umm (Witness Nodding in the
11 Affirmative).

12 Q. Can you just tell us about that,
13 please?

14 A. Sure. We actually did two of
15 them. We did one back in the early days, when we were
16 trying to get that legislated tanker ban.

17 We held an Event in Liberal M.P. Joyce
18 Murray's Riding, with a member of the Gitga'at First
19 Nation, who had had the *Queen of the North* B.C. Ferry
20 spill in their Community, as well as two members from
21 the B.P. oil spill that had just happened the year
22 before.

23 We had a shrimp fisherman and a woman
24 who worked with a Community Organization around the
25 Bayou, as well as an Environmental Activist who had

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1 grown up at Battle Creek, Michigan, where Enbridge's
2 Kalamzoo spill had happened.

3 So they shared their Stories to a
4 packed Church there and ---

5 Q. And when was that, approximately?

6 A. That was in, probably, 2011.

7 It was just so powerful to hear these
8 Stories -- and we so often don't hear that.

9 Like, right now there is a spill
10 happening along the Colorado River and all you hear is
11 about the clean-up and the potential environmental
12 impacts, or the Corporate impacts. You rarely hear,
13 you know, about the long-term stresses, the social
14 impacts on communities, the long-term impacts in terms
15 of people losing businesses, in terms of housing
16 devalues, and all of these sorts of things.

17 So, we thought it was important to get
18 those Stories about, because we simply don't hear them
19 enough.

20 That Event was really compelling and
21 successful and so we decided to repeat it, to answer
22 your question.

23 In terms of this, we helped support
24 Michelle Barlyn Smith, who was someone impacted by
25 Enbridge's Kalamzoo spill.

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1 She had signed up to speak at the
2 Community Hearings that were a part of the JRP process.

3 She was in Vancouver and gave her Talk
4 to the Panel for the ten minutes, and so we decided to
5 take advantage of her presence here in Vancouver. We
6 organized this Event and had Melina Laboucan Massimo
7 speak about the impact of the Rainbow Pipeline spill in
8 her Cree Territory in Alberta. As well, we had someone
9 from the Tsleil-Waututh talk about the effects of the
10 Burnaby rupture and the impacts that that had on their
11 Community.

12 And again, "Indigenous Women Who
13 Sing".

14 But anyway, again, it was held at the
15 Heritage Hall ---

16 Q. And that was at the end of January
17 2013?

18 A. Yes. January 31st, I think it
19 was...

20 Yeah.

21 Q. And just closing off on a few
22 other things, the four Sites involving the NEB
23 Hearings, I will ask you to turn to Tab 35...

24 A. Yes.

25 Q. These were Written Submissions or

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1 Written Evidence that was submitted to the NEB by
2 ForestEthics Advocacy?

3 A. Yes.

4 Q. And further, if you turn to Tab
5 37...

6 A. Yes.

7 Q. This is a document that says
8 "ForestEthics Advocacy", in the top right: "Pipelines
9 and Promises: A Summary of Missing Enbridge evidence
10 before the JRP Hearings".

11 What is this document? What was it
12 saying?

13 A. Again, I don't know if many of you
14 have been to JRP Hearings or Hearings in general on
15 this, but sometimes it's like watching paint dry. It
16 can be exceedingly boring, and other times the odd
17 interesting dynamic or information comes out.

18 The Hearings went on for a long time,
19 and I think they were robust because of the depth of
20 participation and the number of First Nations in
21 particular.

22 I guess what surprised me is that I
23 actually thought that Enbridge would shine a little bit
24 in the Hearings, given the small army of experts that
25 they had on their Team and how much money they had

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1 spent towards it, and what really shocked me is just
2 how many gaps there were, about "how much would come in
3 the Detailed Engineering Phase", which was the popular
4 term that they used, would come later, and later, and
5 later.

6 So there were all these gaps. I
7 thought one of the services ---

8 Again, a part of us participating in
9 these Hearings was: *How can we translate some of these*
10 *Hearings that are taking place and all the evidence and*
11 *these sorts of things and put it into some more*
12 *Outreach documents in similtified terms.*

13 And one of the things that we wanted
14 to do was to highlight that Enbridge can't be trusted
15 with our watersheds and our coastline.

16 They don't know how to clean up an oil
17 spill. They don't even have an Oil Spill Clean-Up
18 Plan, and these sorts of things.

19 So part of this was just taking from
20 the Hearings and making a simple kind of summary.

21 Q. And who was the intended audience
22 and how was it disseminated?

23 A. We gave it out to other
24 Interveners to ---

25 I wrote a Blog about it, or Amanda,

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1 who was contracted with us, did. To encourage people
2 to read it, I gave it to Media.

3 Obviously, we weren't the only ones
4 who felt this way. I think the B.C. Government's
5 conclusion was "'Trust us' isn't good enough".

6 I mean, really, they had so many holes
7 and gaps in their information...

8 Q. If you would turn to Tab 38 now...

9 A. Yes.

10 Q. This is another ForestEthics
11 document, entitled "*Case Closed: Enbridge failed to*
12 *prove Northern Gateway pipeline is in national*
13 *interest*".

14 My understanding is that this is a
15 document that was put out or published in December
16 2013.

17 Does that sound right?

18 A. Yes. Just before the National
19 Energy Board released their Decision.

20 Q. And what is in this Report and
21 what was its purpose? Who was the audience, and so
22 forth?

23 A. Again, it was almost like taking
24 all that we had learned and heard during the Joint
25 Review Panel process and taking the key points that

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1 were of most concern to us.

2 So things around First Nations Rights
3 and Title, oil spills, and, in particular, I guess,
4 cumulative effects.

5 Those sorts of aspects.

6 And, you know, based on the evidence
7 that we heard, the Joint Review Panel was going to be
8 deciding whether or not to approve Enbridge Northern
9 Gateway based on the question: *"Was it in Canada's*
10 *national interest?"*, and so we decided to come out with
11 a document right before that saying: *If we were on the*
12 *Panel, our conclusion would be that it isn't and that*
13 *Enbridge failed to prove it during the process.*

14 Q. If I could, I would like to take
15 you, now, to another document. It's in the slim Volume
16 that you have before you.

17 This is "Complainant's Supplementary
18 Book of Documents".

19 That is the Title on the front.

20 For the record, this is Exhibit C-3.

21 If I could, I will take you to Tab 8
22 in that Volume...

23 A. Yes.

24 Q. Can you just confirm for us, Ms.

25 Skuce ---

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1 It is my understanding that these are
2 different Blog entries that you wrote or prepared over
3 the course of a couple of years regarding -- you and/or
4 others with ForestEthics prepared -- regarding the
5 Enbridge Pipeline Project.

6 A. Yes. Mostly myself. But it looks
7 like there are a couple there, too, from others who
8 were on Contract.

9 Q. If you will turn just one Tab back
10 now, to Tab 7...

11 A. Yes.

12 Q. This is a Media Release from
13 Natural Resources Canada, dated January 9, 2012, a,
14 quote/unquote, *"Open Letter from Minister Joe Oliver"*.

15 Can you just take a moment to look at
16 that document and then tell us whether you are familiar
17 with some of the statements in there by Minister
18 Oliver...

19 A. Yes.

20 Q. It states:

21 *"...environmental and other radical*
22 *groups that would seek to block*
23 *this opportunity to diversify our*
24 *trade."*

25 This Pipeline.

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1 And then the next paragraph:

2 "These groups threaten to hijack
3 our regulatory system to achieve
4 their radical ideological agenda.
5 They seek to exploit any loophole
6 they can find, stacking Public
7 Hearings with bodies to ensure the
8 delays kill good projects. They
9 use funding from foreign special
10 interest groups to undermine
11 Canada's national economic
12 interest."

13 You had referred earlier, Ms. Skuce,
14 to statements or comments by Minister Oliver.

15 Is this the Statement that you were
16 referring to?

17 A. Yes, it is. Yes.

18 Q. And what was ForestEthics' view or
19 position on some of these statements and how or whether
20 they related to ForestEthics' work at all?

21 A. Well, we definitely felt targeted,
22 that this was a Letter addressed to us, or addressed to
23 the Public about us. At the same time, we have a much
24 more moderate ---

25 You know, we are definitely not "No

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1 *Forestry; No Mining; No Oil; "No Gas; Nothing"; No*
2 *Development Anywhere".*

3 But it was a pretty threatening
4 Letter. Both as an Organization and, you know, as ---

5 It was shocking to get this from a
6 Canadian Government Official and our Head of Ministry
7 of Natural Resources.

8 It came out the day before the Joint
9 Review Panel Hearings began and ---

10 You know, I remember being on Haisla
11 Territory, in the Hall, and people were pretty
12 emotional, whether they were Haisla Elders or ---

13 There was the Douglas Channel Watch
14 Community Group, which was made up of long-time
15 residents. There was a former Alcan worker, a Post
16 Office worker, a Nurse Psychologist...

17 People of diverse backgrounds were
18 there Presenting that day as well and, you know, sort
19 of steered course from what they were going to speak
20 about it, and also said, you know, "I'm not a radical".

21 I think it was pretty ---

22 It was a pretty emotional thing, I
23 think, for everybody.

24 Like, living in Smithers, I think it
25 was even more palpable, because the majority of the

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1 people are against Enbridge's Northern Gateway Pipeline
2 and had spoken up about it, and so for them be called
3 names and labelled as, and accused of being, "foreign-
4 funded" and "hijacking the system", and all these sorts
5 of things was pretty ---

6 It created a lot of anxiety and
7 created quite a chill that passed through everyone.

8 Q. Fast-forwarding to a little over a
9 year later, you are aware of the Stories that came out
10 in late 2013 about the possibility that the RCMP or
11 CSIS was monitoring Environmental Groups opposed to the
12 Northern Gateway Pipeline?

13 Do you recall those News Stories?

14 A. Yes.

15 Q. And I am wondering how or in what
16 way those News Stories impacted upon ForestEthics, or
17 how they were interpreted by ForestEthics?

18 Did they raise any concerns?

19 A. Yes. In terms of ---

20 There are sort of two levels, I think.
21 From a personal level, it had a strong
22 impact.

23 All of these ---

24 My partner is from Argentina, and
25 people who were labelled "enemies" or "radicals"

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1 "disappeared" in the history of his country and/or the
2 lucky ones got out on Exile -- like his parents -- for
3 having different political beliefs.

4 So there was a lot of stress and some
5 sleepless nights in my house.

6 People had to do this reality check
7 of, you know: *"Is this Canada!?"*

8 You know, I have worked ---

9 This country doesn't resemble anything
10 like Nigeria or whatever. But, you know, the frame
11 didn't fit, and so it was pretty discomfoting and
12 created a bunch of stress.

13 And then, in terms of
14 organizationally...

15 I mean, you know, on a positive note,
16 we switched from just not focusing on the environment
17 but also being conscious of democracy and working more
18 on encouraging people to participate and speak up
19 within this democracty that we have and be able to have
20 their Voices, even if they are dissenting opinions,
21 heard.

22 There is a bit of a chill. Like,
23 everything ---

24 You know, I've never sort of ---
25 I am values-driven. I believe in

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1 trying to stop those Projects, for the better good of
2 Canada and our environment, and my children's future,
3 and so I never doubted that. But there would always be
4 these ---

5 You know, as a Organization and
6 individually, there was this sort of second-guessing a
7 little bit. Like, you know: *Are we allowed to do*
8 *that? Is this okay? Can we still have a Rally? Can*
9 *we say this? Is that crossing the line? Could our*
10 *words be taken out of context?*

11 *And who knows, now that we are*
12 *labelled, that we are being spied on..."*

13 You know.

14 So, yeah, it created a bit of a chill
15 and some second-guessing.

16 Q. Are these just your feelings that
17 you are expressing to us? Or was there any impact or
18 discussion among ForestEthics Staff or the Board about
19 these issues?

20 A. Yes, there was. In terms of those
21 later statements, that is more talking about my
22 colleagues as well.

23 So it was more of a ---

24 We would have conversations about
25 whether ---

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1 Yeah. Just making sure all our, you
2 know, "T"s were crossed and our "I"s dotted, and have
3 people verify things more often, and just be more
4 cautious, even though ---

5 As I said, we knew ---

6 Like we had the knowledge that we have
7 always abided by the law and not worrried, that we are
8 allowed to do these things in this democracy. But, it
9 was ---

10 Yeah, there is that tension, for sure.

11 Q. I am going to take you, now, to
12 the final Volume, a Volume I haven't referred you to as
13 yet.

14 This is the other thick Volume,
15 Complainant's Book of Documents Volue I of II.

16 For the record, this is Exhibit C-1.

17 If I may, I will take you to Tab 4 of
18 that Volume...

19 A. Yes.

20 Q. Ms. Skuce, this is a package of
21 documents that was obtained from the National Energy
22 Board under the *Access to Information Act*.

23 There is one document in here I want
24 to show to you.

25 If you look at the numbers in the

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1 bottom right-hand corner...

2 There is a long number there. It
3 starts with "A000".

4 For our purposes, we are looking only
5 at the last three digits, "001", "002", and so on.

6 That is the page number.

7 If I could take you to Page 36, or
8 "036"...

9 A. Okay.

10 Q. The Title at the top is "*Oil Spill*
11 *Stories, Vancouver*".

12 I think you were telling us about this
13 earlier.

14 Is this the Event that was organized
15 by ForestEthics, the Event that you were describing
16 earlier?

17 A. Yes, it is.

18 Q. And do you know how the National
19 Energy Board came into possession of this?

20 Did ForestEthics invite the National
21 Energy Board to come to that Event to hear those
22 Stories?

23 A. No, we did not. We would have
24 advertised it through our own network.

25 Q. So do you know how it came into

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1 the possession of the National Energy Board?

2 A. No.

3 Q. Just by way of a bit of
4 housekeeping, at Tab 6 ---

5 I think this is the Final Report by
6 the National Energy Board ---

7 A. The Joint Review Panel, yes.

8 Q. The Joint Review Panel.

9 At the end of the day, what were their
10 conclusions?

11 A. Their conclusions were that it
12 *would have no adverse environmental effects and that it*
13 *was in Canada's national interest, and it gave 202*
14 *Conditions for Enbridge to meet.*

15 Q. And if you could now turn to Tab 9
16 of this same Volume...

17 A. Yes.

18 Q. This is a Story that appeared in
19 the *Vancouver Observer* on November 19, 2015.

20 Are you familiar with this Story?

21 A. Yes.

22 Q. You see there is a reference, in
23 the second paragraph, saying:

24 *"Before the National Energy Board's*
25 *Joint Review Panel hearings on the*

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1 proposed Enbridge oil pipeline, the
2 NEB coordinated the gathering of
3 intelligence on opponents of the
4 oil sands. The Groups of interest
5 are independent advocacy
6 organizations that oppose the
7 Harper government's policies and
8 work for environmental protections
9 and democratic rights, including
10 Idle No More, ForestEthics, Sierra
11 Club, EcoSociety, LeadNow, and
12 Dogwood Initiative, Council of
13 Canadians and the People's Summit".

14 This is the first Story that was
15 causing concern on the part of yourself and your
16 colleagues?

17 A. Yes, although it was a bit of ---
18 Definitely in terms of the "CSIS".

19 I mean, there is a bit of an arch that
20 had come out in a Story in May of that year that the
21 RCMP already knew about that Meeting that I had
22 attended in a First Nations Community in northern B.C.,
23 near Fraser Lake, which was equally disconcerting.

24 Q. Can you just provide us with a
25 little bit of detail about that?

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1 What was that one again?

2 A. That was ---

3 It was revealed by, I believe, a
4 Reporter from the *Toronto Star*.

5 I don't know where they got their
6 access to information from. But within that, they
7 revealed that the First Nations from the Yinka Dene
8 Lands, I believe, were being monitored and reported on,
9 and that included, given the fact that we work together
10 sometimes, a Meeting that we both participated in,
11 which was, you know, a Community Meeting between First
12 Nations and Community Members just to talk about ---

13 Q. And was that Meeting publicly
14 advertised?

15 A. No. Definitely not advertised at
16 all. And there were no Minutes.

17 I mean, I think there is an Agenda,
18 and the Agenda with who was going to be in attendance
19 got scooped up somehow.

20 Q. How many people were at that
21 Meeting?

22 A. There might have been twelve
23 different, sort of, entities represented, but there
24 were probably about twenty people, in total. Like,
25 some of the Community members would come and go.

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1 Q. And what concerns, again, did you
2 have that the RCMP had known about that Meeting?

3 A. Well, I just think it showed the
4 depth of how much we were being watched and monitored.

5 Q. In this Story, the Vancouver
6 Observer Story at Tab 9, I just want to take you to ---

7 There is the first page, which we have
8 looked at. If you turn the page, the next page has
9 "*Sustained opposition to pipelines noted, especially in*
10 *BC*", halfway down, and if you turn the page again,
11 there is a reference, about halfway down the page,
12 where it says:

13 "*On May 23, 2013...*"

14 Do you see that?

15 A. Yes.

16 Q. (Reading):

17 "*On May 23, 2013, Natural Resources*
18 *Canada hosted a 'Classified*
19 *Briefing for Energy and Utility*
20 *Sector stakeholders' in*
21 *collaboration with CSIS and the*
22 *RCMP at CSIS's Headquarters in*
23 *Ottawa.*"

24 Were you invited to that Meeting?

25 A. No. Definitely not.

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1 Q. Okay. And if you go to the bottom
2 of the page, the final paragraph, we see that it reads:

3 "An Agenda..."

4 Do you see that?

5 A. Um-umm (Witness Nodding in the
6 Affirmative).

7 Q. (Reading):

8 "An agenda obtained by Tim Groves
9 and Martin Lukacs at The Guardian
10 last month revealed that breakfast,
11 lunch and coffee was sponsored by
12 Enbridge and a networking reception
13 held at the Chateau Laurier was co-
14 hosted by Bruce Power and Brookwood
15 Renewable Energy Partners.

16 Meetings during this coference ---"

17 And I will turn over the page:

18 "-- included 'challenges to energy
19 projects by environmental groups'."

20 And then underneath, you will see a
21 reproduction of the Invitation:

22 "Classified Briefings for Energy
23 and Utility Sector Stakeholders:
24 Hosted by Natural Resources Canada
25 ...in collaboration with CSIS and

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1 RCMP. Location: Canadian Security
2 Intelligence Service, 1941 Ogilvie
3 Road, Ottawa, Ontario."

4 Again, did you hear about that Meeting
5 at the time and did any other Environmental Groups get
6 an Invite to that Meeting, to your knowledge?

7 A. No. I think we all learned about
8 it via this Media.

9 Q. And it says, at the top,
10 "challenges to energy projects by environmental
11 groups".

12 Do you have any knowledge about ---

13 Let me put it this way: Do you
14 believe that ForestEthics and other Environmental
15 Groups who challenge energy projects are a threat to
16 the security of Canada?

17 A. Absolutely not.

18 Q. And just so we are clear, Enbridge
19 -- which we see from this Agenda hosted breakfast,
20 lunch and coffee for CSIS and the RCMP and friends --
21 that is the Oil Company?

22 Their lawyers are the ones who cross-
23 examined you about the funding for ForestEthics, and so
24 forth.

25 Is that right?

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1 A. Yes.

2 MR. CHAMP: I will be just a moment,
3 Mr. Chair...

4 THE PRESIDING MEMBER: Yes. By all
5 means.

6 --- (A Short Pause: Off-Record Discussion between
7 Complainant's Counsel and Client Representative)

8 MR. CHAMP: Thank you, Mr. Chair.

9 Q. Ms. Skuce ---

10 THE PRESIDING MEMBER: Mr. Champ, are
11 you leaving Tab 9, or ---

12 MR. CHAMP: Yes. I am just about
13 finished.

14 THE PRESIDING MEMBER: But you are
15 going to another ---

16 MR. CHAMP: No. I am not going to any
17 other Tab, no. That's it. I am done with Tab 9.

18 THE PRESIDING MEMBER: Very well.
19 I have a question for you.

20 I am trying to understand Tab 9.

21 It has been referred to a number of
22 times, and it is, obviously, an important document.

23 This is an Article from the Vancouver
24 Observer ---

25 MR. CHAMP: That's right.

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1 THE PRESIDING MEMBER: Okay. Authored
2 by Matthew Millar?

3 MR. CHAMP: That's correct.

4 THE PRESIDING MEMBER: And the Article
5 ran the full five pages?

6 MR. CHAMP: That's right. I think the
7 fifth page is just ---

8 THE PRESIDING MEMBER: Yes.

9 MR. CHAMP: -- -- the curl at the end.

10 THE PRESIDING MEMBER: Yes. But it
11 was published in this form in the *Vancouver Observer*,
12 which is a ---

13 Is this a Daily? Or is it a Weekly?

14 MR. CHAMP: It is an online
15 publication.

16 THE PRESIDING MEMBER: It is an online
17 publication?

18 MR. CHAMP: It is sort of a step ahead
19 of where newspapers ---

20 They have a Paid Staff. This is a
21 large ---

22 It is now known as the *National*
23 *Observer*.

24 THE PRESIDING MEMBER: Okay. Thank
25 you.

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1 MR. CHAMP: They have Journalists
2 posted in Ottawa.

3 Mr. Millar worked out of Ottawa, that
4 Column.

5 THE PRESIDING MEMBER: Okay. That
6 answers my question.

7 I was just curious about the form of
8 this Newspaper Article, which runs for five consecutive
9 pages.

10 MR. CHAMP: Yes. Among the online
11 publications we have in Canada -- I-Politics, and what-
12 not -- I would say the *National Observer*, at least from
13 my own observations, does seem to be one of the more
14 well-known ones and well-funded.

15 It is putting out a lot more
16 independent work more frequently than the others.

17 Independent research, and so forth.

18 THE PRESIDING MEMBER: Thank you.

19 MR. CHAMP:

20 Q. Ms. Skuce, I just want to ask you
21 this last question, in closing: ForestEthics...

22 To your knowledge, has ForestEthics
23 ever been involved in any vandalism or violence, or
24 other kinds of direct actions of that nature, for any
25 reason?

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1 A. No. Definitely not.

2 MR. CHAMP: Thank you, Ms. Skuce.

3 Those are the questions I have. You might have some
4 questions from Counsel for CSIS and from Counsel for
5 the Committee.

6 THE WITNESS: Okay. Thank you.

7 THE PRESIDING MEMBER: Thank you, Mr.
8 Champ.

9 Madam Dion...

10 MS. DION: Thank you, Mr. Member.

11 Good afternoon, Ms. Skuce. I have just
12 a few questions for you.

13 THE WITNESS: Sure.

14 Cross-Examination by Ms. Dion:

15 Q. In relation to the Article at Tab
16 9, the *Vancouver Observer* Article, I understand from
17 your testimony that this is the Article that sparked a
18 concern, at least as far as CSIS is concerned, that
19 CSIS may be monitoring or collecting information on
20 your Group and on other Environmental Groups.

21 Is that correct?

22 A. Yes.

23 Q. And I understand that this Article
24 is based on an *Access to Information* Release that was
25 obtained from the NEB.

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1 Is that correct?

2 A. I think so, yeah. My
3 understanding is that it is from an Access to
4 Information Request.

5 Q. And did you yourself consult the
6 documents that the Article is based on?

7 A. I looked more thoroughly at some
8 of them because there was a little bit more information
9 in terms of the Enbridge-sponsored Briefing, and that
10 sort of thing.

11 So, yeah.

12 Q. So you reviewed some of them?

13 A. Yes.

14 MS. DION: I have no further
15 questions. Thank you.

16 THE PRESIDING MEMBER: Thank you,
17 Madam Dion.

18 Madam Bowers, any questions?

19 MS. BOWERS: I just have one question.

20 Thank you.

21 Examination by Ms. Bowers:

22 Q. You mentioned that ForestEthics
23 is on both sides of the Border.

24 Have they been involved in the
25 Keystone XL as well, or ---

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1 A. No. In terms of my colleagues
2 there, there is so many Organizations working on
3 Keystone XL that they decided to take a different tack
4 down there and work on other Campaigns.

5 In addition, again, part of it is ---

6 In working on these, it is to also
7 improve conservation and what is happening on the land
8 base.

9 So, yeah, we were looking more at the
10 demand of Tar Sands oil in the U.S. and focusing on the
11 Enbridge Northern Gateway Pipeline in Canada.

12 Q. And just for my understanding ---

13 I am not from out here, but I know
14 that they have had an oil spill recently, in April of
15 2015, here in Vancouver.

16 Were you at all involved in responding
17 to that or ---

18 A. I stopped working at ForestEthics
19 in the middle of November. I am working on other
20 issues. But as someone living in Smithers, I now
21 volunteer for the local "Friends of Morice Buckley", to
22 keep raising awareness about Enbridge, because we don't
23 want to see it go through our salmon watersheds. But
24 when that spill happened, I think others in the
25 Organization responded.

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1 Q. So ForestEthics was ---

2 A. ForestEthics responded, yes, and I
3 think is coming out with a Report on that soon.

4 One of our biggest concerns is that
5 the Oil Companies don't put any money into how to clean
6 up this stuff, and on that basis, together with all the
7 Federal cutbacks and stuff on clean-up and response, we
8 feel the risks are too high.

9 So I think the Report is just
10 reinforcing those points with respect to the oil spill
11 that happened in April.

12 MS. BOWERS: Okay. Thank you.

13 THE PRESIDING MEMBER: Thank you,
14 Madam Bowers.

15 Ms. Skuce, thank you very much for
16 having attended before me to give evidence today. I am
17 grateful for the answers that you have given to the
18 questions that were put to you. You are now excused.

19 Thank you.

20 THE WITNESS: Thank you very much.
21 Good luck with your task ahead.

22 THE PRESIDING MEMBER: Thank you.

23 --- (The Witness Withdrew)

24 THE PRESIDING MEMBER: Mr. Champ, you
25 don't have any other witness for today; correct?

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1 MR. CHAMP: That's correct. Those are
2 the witnesses for today. We have all worked together
3 to put bring about quite an efficient Hearing.

4 THE PRESIDING MEMBER: Yes.

5 MR. CHAMP: Thank you very much, Mr.
6 Chair, and my thanks to my friends.

7 THE PRESIDING MEMBER: Thank you,
8 indeed, very much for the efficient way in which the
9 Proceedings have been conducted to this point. I am
10 grateful.

11 We will now hear from the Service's
12 sole witness for this Phase of the Hearing. He has
13 been identified as "Bob".

14 Is he here at the moment, Madam Dion?

15 MS. DION: I will have to verify that,
16 actually. I would request a brief recess, if I may, in
17 order to do so...

18 THE PRESIDING MEMBER: I think that is
19 a good idea.

20 It is now ten-minutes-past-three. We
21 will adjourn for fifteen minutes.

22 MS. DION: Thank you, Mr. Member.

23 MR. CHAMP: May we break right through
24 to 3:30? Is that acceptable, Mr. Chair?

25 That would be only twenty minutes.

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1 Is that okay?

2 THE PRESIDING MEMBER: Your wish is my

3 command!

4 --- (Laughter)

5 We will resume at 3:30.

6 MR. CHAMP: You have much greater

7 stamina than I, Mr. Chair!

8 --- (Laughter)

9 --- (A Short Recess)

10 --- Upon Resuming:

11 THE PRESIDING MEMBER: Thank you,

12 everyone. We are ready to resume.

13 Ms. Dion, do you have your witness in

14 the ante-room?

15 MS. DION: Yes. Should I go get him?

16 THE PRESIDING MEMBER: Yes, please.

17 MS. DION: Thank you.

18 --- (CSIS Witness "Robert" Called to the Witness Table)

19 THE PRESIDING MEMBER: Good afternoon.

20 THE WITNESS: Good afternoon, Sir.

21 THE PRESIDING MEMBER: Sir, I

22 understand that you are to be referred to as "Bob" or

23 "Robert".

24 MS. DION: Yes.

25 THE WITNESS: Yes.

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1 THE PRESIDING MEMBER: Very well.

2 You are being called as a Witness by
3 the Service in this matter. I am hearing a Complaint
4 which has been lodged by the British Columbia Civil
5 Liberties Association.

6 You will first answer questions from
7 Madam Dion, and then from Mr. Champ, Counsel for the
8 British Columbia Civil Liberties Association; and then
9 there may be some questions from Madam Bowers, who is
10 Counsel for the Committee, for me.

11 First, I will have you sworn-in by our
12 Registrar.

13 THE WITNESS: Thank you, Sir.

14 THE REGISTRAR: Good afternoon, Sir.

15 Do you swear that the evidence you are
16 about to give to the Committee shall be the truth, the
17 whole truth, and nothing but the truth, so help you
18 God?

19 THE WITNESS: I do.

20 CSIS WITNESS "ROBERT", Called and

21 Sworn:

22 THE REGISTRAR: Secondly, I would like
23 to read to you Section 51 of the *Canadian Security*
24 *Intelligence Service Act*, which provides protection to
25 witnesses appearing before the Committee.

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1 It reads as follows:

2 "Except in a prosecution of a
3 person for an offence under
4 section 133 of the Criminal Code
5 (false statements in extra-
6 judicial proceedings) in respect
7 of a statement made under this
8 Act, evidence given by a person
9 in proceedings under this Part
10 and evidence of the existence of
11 the proceedings are inadmissible
12 against that person in a court or
13 in any other proceedings."

14 Do you understand?

15 THE WITNESS: I do. Thank you.

16 THE REGISTRAR: Thank you. You may be
17 seated.

18 THE PRESIDING MEMBER: Madam Dion,
19 your witness...

20 MS. DION: Thank you.

21 Good afternoon.

22 THE WITNESS: Good afternoon.

23 MS. DION: Thank you for being here
24 today.

25 Examination-in-Chief by Ms. Dion:

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1 Q. To begin with, could you please
2 describe your Academic background and your career with
3 the Service?

4 A. Yes. I have a B.A. in Political
5 Science from Concordia University; a Master of Arts in
6 International Affairs from Carleton University, Norman
7 Patterson School of International Affairs; and a Law
8 Degree from Ottawa U.

9 I joined the Service in 1986. I began
10 my career as an Intelligence Officer. I worked as an
11 Analyst in Ottawa, an Investigator in Regional Offices.

12 [REDACTED]
13 [REDACTED] and currently, since January 2015, I am
14 the Regional Director General for British Columbia and
15 the Yukon for CSIS.

16 Q. Thank you.

17 And what is your role and your
18 responsibilities as the Regional Director General for
19 B.C. Region?

20 A. I am responsible for the overall
21 management of the Regional Office, which includes Human
22 Resources, Finances, Administration, and, of course, the
23 conduct of Investigations pursuant to the CSIS Act.

24 Q. And are you generally familiar
25 with, or have working knowledge of, the CSIS Act, the

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1 Ministerial Directives, and Service Policies?

2 A. I have a working knowledge of
3 those documents and Instruments.

4 Q. Thank you.

5 You are aware that you are here in the
6 context of a Complaint that has been filed by the
7 British Columbia Civil Liberties Association alleging
8 that the Service has been collecting information on or
9 monitoring Groups opposed to the Northern Gateway
10 Pipeline.

11 Have you read the Complaint Letter?

12 A. I have.

13 Q. I invite you to take Volume I of
14 II of the Complainant's Book of Documents -- and for
15 the purposes of the Revue Committee, it has been
16 identified as Exhibit C-1.

17 At Tab 2, you will find a Letter from
18 the Canadian Security Intelligence Service.

19 Have you seen this Letter before?

20 A. I have.

21 Q. And am I correct in saying that
22 this is the Response that was filed as a result of the
23 Complaint of the BCCLA?

24 A. That's my understanding.

25 Q. As I mentioned before, one of the

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1 allegations that is being made is that the Service has
2 been collecting information on Groups involved in the
3 National Energy Board Hearings in relation to the
4 Northern Gateway Pipeline and that these activities by
5 the Service fall outside the Service's mandate and,
6 therefore, were unlawful.

7 I would like you to discuss with the
8 Committee CSIS's mandate to collect information under
9 Section 12 of the *CSIS Act*.

10 A. Pursuant to Section 12 of the *CSIS*
11 Act, we are mandated, obliged, to investigate threats
12 to the security of Canada.

13 "Threats to the security of Canada"
14 are statutorily defined in Section 2 of the *CSIS Act*,
15 Subparagraphs (a), (b), (c) and (d).

16 Section 2(a), without looking at the
17 Act right now, testing my recollection, would be ---

18 Q. If you would like to refer to the
19 Act, you can find it in the Service's Book of
20 Documents, a blue-covered Volume, at Tab 1...

21 A. Thank you.

22 I should know it after thirty years!
23 But just to be precise for the Tribunal, Section 2(a)
24 comprises "*espionage or sabotage*"; 2(b), "*foreign*
25 *influenced activities*"; 2(c) would be terrorism or any

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1 activity that is done with "serious violence...for the
2 purpose of achieving a political, religious or
3 ideological objective"; and 2(d) would broadly be
4 defined as "subversion activities or threats".

5 Q. Can you explain what "subversion"
6 is, to your understanding?

7 A. The Legislature puts it in better
8 words than I could, as follows:

9 "activities directed toward
10 undermining by covert unlawful
11 acts, or directed toward or
12 intended ultimately to lead to the
13 destruction or overthrow by violence
14 of the constitutionally established
15 system of government in Canada."

16 Q. To your knowledge, has the Service
17 been conducting a subversion investigation in the last
18 ten years?

19 A. To my knowledge, the Service has
20 not conducted any 2(d) investigation for the last
21 twenty, twenty-five years.

22 Q. Thank you.

23 Can "threats to the security of
24 Canada" include lawful advocacy, protest or dissent, in
25 your opinion?

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1 A. Well, it can; but the Statutory
2 prohibition is that we do not investigate LAPD, lawful
3 advocacy, protest, or dissent, unless done in
4 conjunction with 2(a), (b), (c) or (d).

5 Q. How are the Service's Priorities
6 established?

7 THE PRESIDING MEMBER: What is your
8 question again?

9 MS. DION:

10 Q. How are the Service's Priorities
11 established?

12 A. Every year, the Minister for
13 Public Safety articulates, in very generic form, what
14 the Security Priorities are for the Federal Government.

15 This Letter is sent from the Minister
16 to the Director of the Service, and these Priorities
17 are then further articulated into Intelligence
18 Requirements by a Branch in our Headquarters in Ottawa,
19 the Intelligence Assessment Branch.

20 These Intelligence Requirements are
21 then sent out to the Regional Offices, which are the
22 collectors of intelligence, and information is then
23 collected and sent back to Headquarters, with analysis
24 then done at Headquarters, followed by dissemination to
25 our Domestic and Foreign Partners.

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1 Q. And for B.C. Region, the Region
2 that you are responsible for, how are the resources
3 distributed insofar as the percentages on different
4 types of investigation?

5 A. When I respond to that, it is
6 generically true across the Service. So it is not just
7 germane to British Columbia Region.

8 For the last at least ten years, most
9 of our investigative resources have been focused on
10 counter-terrorism.

11 In the last three or four years, as is
12 well know through the Media, most of that counter-
13 terrorism effort has been focused on Foreign Fighters.

14 As I believe it has been said publicly
15 before, two-thirds to three-quarters of our efforts
16 right now are focused on counter-terrorism, which is
17 the most serious threat facing the country, in the
18 Service's estimation.

19 Q. And what can be included in the
20 remaining third or a quarter?

21 A. A large part of that would be
22 counter-intelligence activities, which relates to the
23 intentions or activities of foreign governments'
24 activities within Canada.

25 Q. Thank you.

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1 And apart from the Ministerial
2 Directives, does the Service have other tools that it
3 uses to guide it on how operations or activities should
4 be conducted?

5 A. Very much so. Again, Ministerial
6 Direction, that comprises Operating Principles, broad-
7 based principles, including respect for the rule of
8 law; the principle of using lesser investigative
9 techniques before we make use of more intrusive
10 techniques; dozens of Policies which guide virtually
11 every aspect of Service life, especially when it comes
12 to investigative activities; Procedures.

13 Every few months, as an adjustment on
14 current Policies, will be Directional Statements that
15 come out from Headquarters to the Regional Offices to
16 bare left or right on a certain activity; plus ongoing
17 Training, and just the Management's approach to guide
18 and contextualize the conduct of investigations.

19 Q. Thank you.

20 And to your knowledge, do these
21 Policies, Procedures or Directional Statements address
22 or provide guidelines on how to deal with a situation
23 that may have a "lawful, advocacy, protest or dissent"
24 component?

25 A. Yes, they do. And it is also

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1 covered off in Training, in that it is a Statutory
2 prohibition to get involved in that type of activity.

3 It is very much front-and-foremost in
4 how we conduct our Investigations.

5 There is great sensitivity around
6 that.

7 Even beyond LAPD, if there is a clear
8 threat under 2(a), (b) and (c) that involves sensitive
9 sectors, this would require greater Management approval
10 before one would embark upon such Investigations.

11 Q. Earlier, you talked about the
12 necessity to use lesser invasive investigation
13 techniques before using more invasive techniques.

14 Could you provide us with the
15 categories of information or the sources of information
16 that the Service obtains?

17 A. Well, the Service is no different
18 from most other Security Intelligence Agencies, or even
19 Law Enforcement Agencies, in that regard. It is a
20 generic multi-sourced approach. So, the Service would
21 seek to paint as rich a picture as possible based on
22 open information, information from foreign agencies,
23 from domestic partners, from voluntary interviews, and
24 other techniques, surveillance.

25 What sets the Service apart from other

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1 Law Enforcement Agencies is our focus on the
2 development/recruitment of Human Sources. But it would
3 be a composite generic-type picture, to get as rich as
4 possible an assessment on a current threat.

5 Once these techniques are used, and if
6 it is deemed necessary and appropriate, consideration
7 would then e given, in exceptional circumstances, to
8 apply through the Federal Court for a Federal Court
9 Warrant, for Wiretap Warrants.

10 Q. Thank you.

11 Some witnesses have testified that
12 there is a feeling in the community that e-mails may be
13 being intercepted or read by the Service, or that their
14 Communications may somehow be listened to by the
15 Service.

16 As a Service Manager, in your opinion,
17 would such techniques require approval from the
18 Government?

19 A. It is an arduous process to apply
20 for Section 21 Powers, requiring weeks and months of
21 preparation, Department of Justice consultation,
22 independent Counsel from Justice looking at Service
23 Affidavits; Management Chain, right up to our
24 Director, who would have to approve the Application;
25 and then seeking the approval of the Minister for

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1 Public Safety; and then needing to convince a Federal
2 Court Judge that the powers sought are justified.

3 Again, these Powers would only be
4 sought in the most exceptional "serious threat" cases
5 -- which, as I mentioned earlier, our focus is on
6 counter-terrorism.

7 Q. What about the surveillance? You
8 mentioned that as a technique.

9 What is the authority required, at
10 least internally, to conduct surveillance operations?

11 A. Before a surveillance technique
12 would be deployed, there would have to be Targeting
13 Authority approved by the Regional Director General,
14 which Position I now occupy in British Columbia.

15 Of course, before it would get to me,
16 it would have to approved by the Management Chain as
17 meeting various Authorities, as presented in Policy, as
18 reflected in Policy.

19 Once a Targeting Approval is in place,
20 a separate Approval would be required by the Regional
21 Director General to move ahead with surveillance.

22 It is an invasive technique, and it's
23 a very costly technique. So it is done with great
24 circumspection.

25 Q. And how would you respond, as a

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1 CSIS Official, to concerns that are being raised by
2 members of the public that participation in lawful
3 advocacy, dissent or protest may have an impact on job
4 opportunities, on Security Clearance Applications, on
5 mobility rights, or on any fundamental rights that
6 individuals have here in Canada?

7 A. I can only speak from my Service
8 perspective. This would be without basis, without
9 foundation.

10 And I speak with some experience from
11 our Security Screening Program, in which we provide
12 Security Clearances to employees.

13 This would not be a factor whatsoever.

14 Q. And to your knowledge, has the
15 issue of whether or not the Service has ever
16 investigated on lawful advocacy, protest or dissent
17 been the subject of a review by the Committee, by SIRC?

18 A. I am aware that the Committee has
19 reviewed that aspect of Service activities, yes.

20 Q. And are you aware of the Findings?

21 A. I am.

22 Q. And they are...?

23 A. From rough recollection, it was a
24 generally favourable Report, with no untoward Findings
25 of inappropriate behaviour by the Service. .

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1 Q. Thank you.

2 Moving on to the Information Sharing
3 portion ---

4 I can see, from Section 12 of the *CSIS*
5 Act, that the Service's mandate is to report to the
6 Government of Canada.

7 Is that accurate?

8 A. That is accurate.

9 Q. And what format do these Reports
10 or does this Advice take?--"Report and Advise".

11 A. There is a whole range of
12 Intelligence products and vehicles through which the
13 Service advises and reports to the Government of
14 Canada, and other Partners. These would include
15 Intelligence Assessments; *CSIS* Intelligence Reports;
16 DIIs -- and I can't recall what the acronym stands for.

17 The product will change depending upon
18 the slant or perspective, from the broad view of the
19 intelligence to a much more focused view.

20 There are also foreign agency reports,
21 which are primarily focused on providing to foreign
22 agencies. There are Risk Assessments to domestic
23 partners, and a whole host of different types of verbal
24 Briefings to various Partners.

25 Q. Under Section 12, where the

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1 Legislature refers to the "Government of Canada", what
2 is your understanding of what falls under "Government
3 of Canada"?

4 A. I've never actually considered
5 that question with too much thought.

6 It's any Department, Agency...

7 Anyone that falls under the broad
8 guidelines of Treasury Board and of the *Financial*
9 *Administration Act* under the Federal Government.

10 There are dozens of entities in that
11 regard.

12 Q. Aside from Section 12, which
13 provides the mandate of the Service to "report and
14 advise the Government of Canada", is there any other
15 provision in the *CSIS Act* that enable the Service to
16 share information beyond the Government of Canada?

17 A. This has been discussed many times
18 over the years, as to how the Service disseminates
19 product.

20 Section 19 is, as I understand it, the
21 Statutory window through which the Service
22 shares/disseminates product.

23 Subsection 19(2)(a) cites, without
24 looking at it, the Department of Foreign Affairs,
25 National Defence, and Law Enforcement Bodies. Also,

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1 when it is in the public interest, the Minister may
2 make special exemptions in terms of who he can disclose
3 it to.

4 Above and beyond those specifically
5 identified entities, Subsection 19(a) specifies that we
6 *may disclose when it is pursuant to the duties and*
7 *functions of the Service*, and one of the duties and
8 functions of the Service is, as you mentioned, Section
9 12: *advising/reporting to the Government of Canada*.

10 In order to fulfil that mandate,
11 oftentimes we are required to share information with
12 other entities.

13 Section 17 of the CSIS Act speaks
14 about entering into Ministerially-Approved Arrangements
15 with foreign agencies.

16 It has been publicly stated that we
17 have Ministerially-Approved Arrangements with well over
18 a hundred different foreign agencies.

19 Section 12 doesn't reflect that, and
20 yet Section 17 is a direct reflection of the fact that
21 to advise Government, we have to give to foreign
22 Agencies in order to obtain information and fulfil our
23 Section 12 mandate.

24 It is part of what is known as the
25 "give-get" principle. You have to give in order to get

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1 and then to advise the Government of Canada.

2 Q. You have mentioned foreign
3 agencies. What is the interest of the Service in
4 sharing information with members of the public or
5 private-sector entities?

6 A. Above and beyond foreign agencies?

7 Q. Yes.

8 A. We have shared with various
9 domestic entities, again when it fulfils our Section 12
10 Statutory need. Above and beyond that, one of the
11 Federal Government's Security Priorities is to protect
12 critical infrastructure, and as part of that broad-
13 based mandate, the Service has a niche role if there is
14 threat-related information that impacts critical
15 infrastructure.

16 And that may include a whole range of
17 different types of threat, from an insider threat, to a
18 foreign-influenced threat, to a terrorist threat.

19 Again, it is not our primary role;
20 but we certainly do play a role.

21 Q. And does the Service have a
22 Program that deals with liaison or public Outreach on
23 how to make these connections with people outside the
24 Government of Canada?

25 A. We do.

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1 Q. Can you elaborate on some of those
2 Programs?

3 A. It is a whole host of various
4 Initiatives. It might include speaking with Community
5 Representatives, Muslim Groups, who sometimes would
6 like, for lack of a better term, a "CSIS-101" to
7 explain our mandate.

8 To allay concerns, we speak to various
9 Communities.

10 We speak with Security Representatives
11 of Banking Institutions. And again, with Critical
12 Infrastructure, to various Associations.

13 Sometimes, also, the purpose is to
14 provide a face and a name and a Person of Contact for
15 the Service such that if and when a Security point
16 comes up within these Groups or Entities, they have
17 somebody to call within the Service to advise us of
18 their security concerns, as long as it fits within
19 Section 12 and Section 2.

20 Q. Thank you.

21 And has information sharing with the
22 private sector ever been the subject of a Review by the
23 Committee?

24 A. To my knowledge, it has.

25 Q. And was it viewed favourably,

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1 negatively, to your recollection?

2 A. It certainly wasn't negative. It
3 was generally supportive. But I don't wish to ---

4 It was generally supportive.

5 Q. Is that Report classified?

6 A. I read a lot of Classified; I
7 read a lot of Unclassified.

8 The one I read, I thought was
9 Classified.

10 Have you ever heard of the NRCan
11 Classified Briefings?

12 A. I have.

13 Q. Can you explain what they are?

14 A. I've never attended, but I am
15 aware that it is a bi-annual Meeting (sic), twice a
16 year.

17 It is organized by Natural Resources
18 Canada; but because we have a convenient venue, it is
19 hosted at CSIS Headquarters, attended by a wide variety
20 of Federal, Provincial, Municipal, Private Sector
21 Associations, Critical Infrastructure, to discuss
22 threat-related activities of mutual interest.

23 THE PRESIDING MEMBER: You said twice
24 a year?

25 THE WITNESS: That is my recollection,

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1 Sir.

2 MS. DION: Thank you.

3 THE PRESIDING MEMBER: Thank you,
4 Madam Dion.

5 (To the Witness): You will now be
6 questioned by Mr. Champ.

7 MR. CHAMP: Thank you, Mr. Chair.

8 Good afternoon, Sir. Thank you for
9 joining us here today, and thank you for assisting us
10 in walking through the Act a bit.

11 I have a few questions for you, Sir,
12 with respect to some of the provisions and some of the
13 assistance you provided, starting with the definition
14 of "threats to the security of Canada" in Section 2.

15 THE WITNESS: All right. Thank you.

16 Cross-Examination by Mr. Champ:

17 Q. As you pointed out to us, there
18 are (a), (b), (c) and (d).

19 Generally speaking, as I understand
20 it, and as I think you described, (a) is counter-
21 intelligence; (b) is foreign influenced activities;
22 (c) is terrorism; and (d) is more like foreign
23 espionage or sedition of some kind.

24 A. That's correct.

25 Q. Turning to (b), what does "foreign

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1 *influenced activities*" mean?

2 A. This would involve the covert or
3 surreptitious behaviour/activity of a foreign
4 government seeking to influence the democratic process
5 in Canada.

6 Q. If I read the definition out in
7 full, it says:

8 "*(b) foreign influenced activities*
9 *within or relating to Canada that*
10 *are detrimental to the interests of*
11 *Canada and are clandestine or*
12 *deceptive or involve a threat to*
13 *any person...*"

14 The first part is "*foreign influenced*
15 *activities*". It is not restricted to foreign States.

16 Is it?

17 A. That's correct.

18 Q. So CSIS may look at foreign
19 corporations, for example?

20 A. It could.

21 Q. And when it says here "*detrimental*
22 *to the interests of Canada*", what are the "interests"
23 of Canada? How is that defined by CSIS?

24 A. They are not defined by the
25 Service. They are defined by the Canadian Government.

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1 It is set out in a Ministerial
2 Directive.

3 I think they are updated every two
4 years, what the broad economic, political, military
5 interests are in Canada.

6 Q. So Ministerial Directives further
7 expand and define on it to include economic, military,
8 and ---

9 A. Political.

10 Q. -- and political objectives.

11 How about environmental objectives?

12 Does it include ---

13 Is that included in the "interests of
14 Canada"?

15 A. I certainly don't recall that as a
16 term in any M.D., Ministerial Direction.

17 Q. So is it fair to say that under
18 the Ministerial Direction that you are describing to
19 us, economic interests are protected by (b) but
20 environmental interests of Canada are not.

21 A. No. That wouldn't be my
22 understanding. If I can even reduce my response to
23 your question on a more individual basis, we would
24 investigate a foreign influenced activity if such an
25 entity -- it is usually a Government -- would seek to

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1 harass, intimidate any individual with status in Canada
2 because of homeland issues, putting pressure on the
3 family at home.

4 That is an abrogation of Canadian
5 rights, of Canadian sovereignty. We would kick in,
6 provide advice to Foreign Affairs, and seek a political
7 resolution to the matter.

8 Q. Sure. And I appreciate that.
9 I've heard about cases like that.

10 But turning to the economic objectives
11 that you mentioned earlier, that is one of the
12 Directives from the Minister: that this is how the
13 "interests of Canada" should be defined: to include
14 economic interests?

15 A. I lack any insight into that to
16 fully respond.

17 Q. But you have your insight via the
18 Ministerial Directive that you have told us about;
19 correct?

20 A. Yes.

21 Q. And I think you have indicated
22 that it's "economic, military or political objectives"

23 ---

24 A. From my recollection. There may
25 be more. But...

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1 Q. Right. And it's a bit similar ---

2 You are familiar with ---

3 I am assuming you may be familiar with
4 the new definition of "*threats to the security of*
5 *Canada*" found in our new *Security of Canada Information*
6 *Sharing Act*.

7 Are you familiar with that?

8 A. You would have to refresh my
9 memory, Counsellor.

10 Q. This is one of the Parts of C-51.

11 There is a definition of "*threats to*
12 *the security of Canada*" there that is broader than what
13 we see in Section 2 here of the *CSIS Act* and it
14 includes threats to the economic interests of Canada.

15 Are you aware of that?

16 A. Generally familiar.

17 Q. Yes. So it sounds to me, perhaps
18 -- and correct me if I am wrong -- that the Ministerial
19 Directive that you are telling us about provided a view
20 or a definition of "*interests of Canada*" in Section 2
21 of the *CSIS Act* that is similar to the definition that
22 we now see codified in the new *Security of Canada*
23 *Information Sharing Act*.

24 Is that fair to say?

25 A. I lack insight to provide a fair

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1 comment on that.

2 If I can just get back to your
3 original question...

4 Q. For sure.

5 A. If a foreign entity/State were
6 restricting (and these are not purely hypothetical) an
7 individual's right to protest, for whatever reason --
8 it may involve environmental protest -- that would
9 trigger our mandate.

10 That can't be done. We are here to
11 protect Canadian rights.

12 Q. For example, I think in Ottawa,
13 where I am from ---

14 THE PRESIDING MEMBER: Mr. Champ, is
15 your microphone on?

16 MR. CHAMP: It is not. My apologies.

17 There we go...

18 --- (Microphone activated)

19 THE PRESIDING MEMBER: Thank you.

20 MR. CHAMP:

21 Q. For example, in Ottawa I know that
22 there were some people who were protesting in front of
23 the Syrian Embassy a couple of years ago, in the early
24 stages of the Syrian Civil War, and I think some of
25 those people ---

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1 There was information coming out that
2 they, perhaps, were being threatened, and stuff like
3 that.

4 I obviously don't want you to speak to
5 that specifically. But that would be the type of issue
6 -- of people protesting who might be being threatened by
7 foreign governments -- that could potentially pique the
8 interest of CSIS.

9 Is that fair?

10 A. Yes, Sir.

11 Q. But you have already agreed with
12 me that "*foreign influenced activities*" is not
13 restricted to foreign States...

14 A. You might be talking about SOEs,
15 State-owned Entities, by various countries. But...

16 There would have to be a very strong
17 foreign element to it.

18 The vast majority of our interests
19 would manifest themselves through foreign States.

20 It is broadly written. But...

21 I can't come up with an example right
22 now where it is not involving a foreign State.

23 Q. And where it says "*influenced...*"

24 I take your point about the example of
25 someone perhaps being threatened in some way; that

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1 that could be a form of influence. But are there other
2 forms of influence that are encompassed by that
3 definition?

4 A. If you could prod me a little bit
5 more, I might ---

6 Q. How about providing money.

7 So if there is foreign money to an
8 individual or group in Canada, would that be "*foreign*
9 *influenced*"?

10 A. I would say it might be. But it
11 would have to be done pursuant to the definition in
12 that paragraph: "*covertly or clandestinely*".

13 If it is done openly, it is not our
14 baileywick.

15 Q. If we were to break it apart,
16 there would be three parts: there would be foreign
17 influenced activities or foreign influence "*detrimental*
18 *to the interests of Canada*" ---

19 So detrimental, potentially, to the
20 economic interests of Canada, according to the
21 Ministerial Guideline or Direction that you have told
22 us about.

23 That would be the second part.

24 Is that fair?

25 A. I defer to your legal expertise,

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1 but my reading of that is that it is conjunctive and
2 would have to be clandestine as well.

3 Q. "...or deceptive".

4 So it could be either clandestine or
5 deceptive?

6 A. Correct.

7 Q. You have a Law Degree as well, I
8 understand...

9 A. Many, many years ago. Completely
10 forgotten.

11 THE PRESIDING MEMBER: The room is
12 full of lawyers!

13 --- (Laughter)

14 MR. CHAMP: Yes!

15 Q. If I could, I would like to take
16 you to another Volume that you have there. It is the
17 slim, white Volume. It is called "Complainant's
18 Supplementary Book of Documents"

19 Do you see that?

20 A. I do, Sir.

21 MR. CHAMP: For our purposes here,
22 this is Exhibit C-3.

23 Q. If I may, Sir, I will take you to
24 Tab 7 of that document...

25 A. Yes.

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1 Q. You see that this is a Media
2 Release from Natural Resources Canada.

3 Do you have that?

4 A. I do.

5 Q. It is dated January 9, 2012, "An
6 *Open Letter from The Honourable Joe Oliver*".

7 I will take you through a couple of
8 parts of this. But, these were statements by Joe
9 Oliver about Environmental Groups that were taking
10 positions on the ---

11 MS. DION: Because this Book of
12 Documents was filed fairly late, I don't think the
13 Witness has had the opportunity to see it. As such, I
14 would offer the Witness the opportunity of reading the
15 entire document before answering questions on it...

16 THE PRESIDING MEMBER: Sure.

17 MR. CHAMP: Sure. Of course.
18 Absolutely.

19 THE PRESIDING MEMBER: If you would
20 like to familiarize with the Letter, please take the
21 time to read it, following which Mr. Champ will
22 continue with his questions.

23 THE WITNESS: Thank you.

24 --- (A Short Pause: Witness reviewing referenced
25 documentation)

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1 I have read it, Mr. Champ.

2 THE PRESIDING MEMBER: You know the
3 date: January 9, 2012.

4 THE WITNESS: Yes. Thank you.

5 MR. CHAMP:

6 Q. Sir, were you familiar with, prior
7 to today, or had heard about, statements from Minister
8 Oliver of this nature about Environmental Groups in
9 Canada?

10 A. I must confess, I was not.

11 Q. You hadn't heard about this at
12 all?

13 A. No.

14 Q. As part of your job, do you read
15 newspapers, Sir?

16 A. I read what is relevant to our
17 mandate on a daily basis. Yes, I do.

18 MR. CHAMP: The Blue Jays are in first
19 place!

20 --- (Laughter)

21 Q. If you go down to the fourth
22 paragraph, there is a ---

23 Well, I will start with the third
24 paragraph, where it says "Unfortunately..."

25 A. Um-umm (Witness Nodding in the

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1 Affirmative).

2 Q. (Reading):

3 "Unfortunately, there are
4 environmental and other radical
5 groups that would seek to block
6 this opportunity..."

7 He is speaking about pipelines.

8 What is a "radical group", from your
9 perspective? What is your understanding of a "radical
10 group"?

11 A. In what sense, Mr. Champ?

12 Q. Well, I am just asking: When you
13 see the term "radical group", what does that mean to
14 you?

15 A. It would depend entirely on the
16 group that you are referring to, the threat that we are
17 referring to: a foreign threat, a C.T. threat.

18 Q. Okay. If you go to the next
19 paragraph, we see that it says:

20 "These groups threaten to hijack
21 our regulatory system to achieve
22 their radical ideological
23 agenda."

24 When we see "ideological", that comes
25 under the definition of "threats to the security of

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1 Canada", doesn't it, in part, in the CSIS Act, Section
2 2?

3 A. When associated with serious
4 violence.

5 Q. Right. "Hijack" is a concern?
6 That is a potentially violent word, is it not?

7 A. It could be read in many different
8 way, the word "hijack".

9 Q. Sure. The next sentence reads:
10 "They seek to exploit any loophole
11 they can find, stacking public
12 hearings with bodies to ensure that
13 delays kill good projects. They
14 use funding from foreign special
15 interest groups to undermine
16 Canada's national economic
17 interest."

18 Now, that sentence there "They use
19 funding from foreign special interest groups to
20 undermine Canada's national economic interest", could
21 that not fall under the definition of "foreign
22 influenced activities detrimental to Canada's
23 interests"?

24 A. Conceivably, Mr. Champ, if done
25 covertly.

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1 Q. Or deceptively. It could be
2 covert or deceptive, or with a threat.

3 Those are all three separate ---

4 A. That's correct. It would be a
5 stretch. But, correct.

6 Q. Pardon me?

7 A. It would be a stretch. But,
8 correct.

9 Q. And what do you mean by that, that
10 *"it would be a stretch"*?

11 A. I will go back to my opening
12 comments. What most of our resources are focused on,
13 for the last number of years, is counter-terrorism.

14 Just in terms of priority, this falls
15 way beyond the pale, below the pale.

16 In terms of actually triggering our
17 mandate, a real stretch for the Service to have any
18 interest.

19 For myself, as a Service Manager,
20 there would have to be an awful lot of convincing that
21 there is any triggering of our Service mandate in
22 looking at that.

23 Q. Okay. That's good to know.

24 And your Priorities, the Priorities of
25 the Service established by the Minister of Public

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1 Safety that you told us about, the Minister of Public
2 Safety would be a colleague of Mr. Oliver's.

3 Is that correct?

4 A. That's correct.

5 Q. If we go further into the
6 definition of "*threats to the Security of Canada*" ---

7 You were telling us about the
8 prohibition, the Statutory prohibition against
9 investigations into lawful advocacy, protest or
10 dissent, or LAPD, as you told us.

11 A. Yes, Sir.

12 Q. The word "lawful", I guess that
13 would exclude acts of civil disobedience that might be
14 in violation of the *Highway Traffic Act*, or something
15 like that?

16 There would be no Statutory
17 prohibition on CSIS looking into acts of civil
18 disobedience that might be violating certain laws?

19 A. In that there would be an absence
20 of serious violence, absolutely not.

21 Q. But in this part of the definition
22 doesn't refer here to "serious violence". It doesn't
23 say "*does not include advocacy, protest or dissent*
24 *unless carried on in conjunction with any of the*
25 *activities which would include violence*".

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1 The word "lawful" is in there on
2 purpose. I gather.

3 So would that not be intended ---

4 Does "lawful" just mean criminal
5 activity ---

6 Pardon me. Criminal violent activity.

7 Pardon me. "Unlawful". Would the
8 converse of "lawful", "unlawful", be only criminal
9 violent activity.

10 Is that how it is interpreted by CSIS?

11 A. And forgive me. I was responding
12 as it relates to Section 2(c).

13 "Lawful/Unlawful" would have to relate
14 to the presence of serious violence.

15 Q. Right.

16 A. But if you are referring to 2(b)
17 again...

18 --- (A Short Pause)

19 Are you?

20 Q. Well, the LAPD exception is not
21 tied to any specific (a), (b), (c) or (d).

22 And you are right, (c) does say "acts
23 of serious violence".

24 What I am trying to get at is: When
25 we get to "lawful advocacy, protest or dissent",

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1 "lawful", in that context, doesn't mean the converse of
2 ---

3 You know, criminally unlawful.

4 Does it?

5 A. I am not sure I am bright enough
6 to respond to that question.

7 "Unlawful", to me, would be something
8 that is illegal.

9 Q. Right. But there is a range ---
10 Blocking a highway, that would be
11 illegal, would it not?

12 A. In my estimation, yes.

13 Q. So that would be "unlawful protest
14 or advocacy or dissent"?

15 A. That is my layman's understanding
16 of the term.

17 Q. So therefore, my point being, the
18 Statutory prohibition would not include that
19 activity...

20 Pardon me.

21 -- wouldn't exclude that activity?

22 A. I am confused with the double
23 negative, It certainly wouldn't trigger the
24 Investigative Authority under 2(c).

25 Q. Unless it is in conjunction with

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1 one of those other activities?

2 A. It would have to be the "serious
3 violence" component.

4 So whether it is unlawful civil
5 disobedience, breaking windows, in my estimation, as a
6 Service Manager, that would not trigger our mandate.

7 Q. If we could turn to Section 12...

8 I just want to understand how Section
9 12 is interpreted by the Service.

10 The bit about ---

11 The heart of this is about collecting
12 information.

13 (Reading):

14 "The Service shall collect, by
15 investigation or otherwise..."

16 By what means does the Service collect
17 information, if not by investigation?

18 A. It's a very good question. It has
19 been the subject of many Legal Opinions what that
20 wording actually means.

21 --- (A Short Pause)

22 I am not smart enough to recall the
23 nuances of Legal Opinions. All I do know is that we've
24 never had any mandate issue or challenge in strictly
25 just going by ---

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1 Forget the "otherwise". It's just by
2 collection.

3 Q. So receiving information from
4 Partners -- for example, from the RCMP -- that would be
5 "collecting" information?

6 A. I've read Opinions where perhaps
7 that is what the wording refers to: that we didn't
8 actually seek to collect; it was proffered to us.

9 Q. Right.
10 So you are not "investigating"; you
11 are "receiving".

12 So that would be the "or otherwise"
13 part?

14 A. Yes. I don't want to get ahead of
15 you, but I could contextualize that if...

16 Q. Surely. Please to.

17 A. It's one thing to accept. It's
18 totally another issue to actually report and put into a
19 system.

20 You can give me information about your
21 family. I would take it and look at how it possibly
22 reflects with our mandate. If it isn't, hopefully,
23 that would not make it into the System.

24 And there are a number of Procedures
25 and Review Mechanisms to excise information like that,

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1 as well as Training.

2 Nothing should be reported that is not
3 germane to the mandate.

4 Q. Right. And the other part of
5 Section 12 is that there has to be reasonable grounds
6 to suspect that something is a threat to the security
7 of Canada, under Section 2.

8 A. That's correct, Sir.

9 Q. So there has to be, not just a
10 suspicion, but some reasonable grounds to suspect?

11 A. That's correct -- which, if I
12 could just contextualize it...

13 Q. Sure. Please...

14 A. -- which would require a
15 Managerial Authorization when that threshold is hit.

16 Q. Right. So you go to a Manager for
17 authorization before you trigger any kind of collection
18 or investigatory activities?

19 A. Yes. And just to bore you with
20 our procedures, it would be a Supervisory Level writing
21 up a document trying to justify, providing a rationale,
22 as to why there should be sufficient grounds to launch
23 a formal Investigation on a group or an individual --
24 more likely a person.

25 This would then make its way up to a

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1 Regional Director General, who would have final say on
2 whether we go ahead or not.

3 Q. You mentioned about "Information
4 Sharing Authorization" under Section 19 of the Act...

5 A. Yes, Sir.

6 Q. As I understand your explanation
7 of it before, under Subsection 19(2), it says:

8 *"The Service may disclose*
9 *information referred to in*
10 *subsection (1) ---"*

11 So the information collected.

12 *"-- for the purposes of the*
13 *performance of its duties and*
14 *functions under this Act..."*

15 So doing a Security Assessment, that
16 is sufficient to trigger this Authorization to share
17 with a Department.

18 Is that right?

19 A. Well, this would require a Senior
20 Approval to actually disseminate to any Body.

21 It is one thing having the Statutory
22 capability of doing it; but again, our information
23 holdings are tightly controlled.

24 Q. I think you referred, under
25 Section 12, to the "report and advise" duty or

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1 responsibility.

2 As I understood your testimony
3 earlier, you were connecting that "report and advise"
4 duty and function under Section 12 with this
5 Authorization to disclose information under Section 19,
6 Sub (2).

7 Is that fair?

8 A. That's correct.

9 Q. So providing information to
10 another Government Body ---

11 So, for example, the National Energy
12 Board.

13 -- would be authorized by Subsection
14 19(2) if you were looking into a threat assessment?

15 You could report and advise the
16 National Energy Board?

17 A. That's correct.

18 Q. And the (a), (b), (c) and (d) that
19 we see under 19(2), we don't even need to get into
20 those.

21 Is that right?

22 It is my understanding that it is just
23 part of your normal duties and functions to "report and
24 advise" under Section 12, and you don't need the other
25 exceptions under (a), (b), (c) or (d).

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1 Is that correct?

2 A. To launch "12", it would have to
3 be mandated under 2(a), (b), (c), or (d) ---

4 Q. Sorry. I apologize.

5 Section 19, Paragraph (2) reads:

6 *"The Service may disclose*
7 *information referred to in*
8 *subsection (1) ---"*

9 That is information obtained.

10 *"-- for the purposes of the*
11 *performance of its duties and*
12 *functions under this Act or the*
13 *administration or enforcement of*
14 *this Act or as required by any*
15 *other law and may also disclose*
16 *such information..."*

17 And then there is an (a), (b), (c)
18 and(d).

19 As I understand it, with the "report
20 and advise" function -- or duty, shall I say -- under
21 Section 12, you don't even have to get into this (a),
22 (b), (c) and (d) under Subsection 19(2); just
23 reporting and advising on what you collected in Section
24 12 is sufficient to trigger the Authorization?

25 A. Forgive me. Absolutely true.

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1 MR. CHAMP: And I apologize. My
2 question was a bit convoluted.

3 Q. One other Section I am wondering
4 about is Section 17...

5 Do you still have the Act there, at
6 Tab 1 ---

7 A. I do.

8 Q. This is the "cooperation", where
9 it says:

10 "For the purposes of performing its
11 duties and functions under this
12 Act, the Service may

13 (a) with the approval of the
14 Minister, enter into an
15 arrangement or otherwise
16 cooperate with

17 (i) any department of the
18 Government of Canada or the
19 government of a province or
20 any department thereof, or
21 (ii) any police force in a
22 province..."

23 And it is (i) that I am wondering
24 about.

25 In what circumstances does the Service

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1 have to go further and actually get a Cooperation
2 Agreement with a Government Department?

3 A. It's a very good question, and
4 it's a complex answer.

5 Sometimes it's a function of the other
6 entity requiring some type of Instrument and Letter of
7 Agreement, a Memorandum of Understanding, to explain
8 how information is going to be shared or passed;
9 sometimes it's the Service that wishes to ensure that.

10 You are referring to 2(a).

11 It becomes even more complicated with
12 foreign agencies.

13 Sometimes they do. Sometimes it's an
14 elaborate document, a ten-, twenty-page document;
15 sometimes it's half-a-page document. Sometimes we
16 don't want anything signed whatsoever.

17 Whether it's formalized or not in
18 terms of an Instrument, each Agreement has to be
19 approved by the Minister.

20 Q. So sometimes it is not formalized
21 into a Written Instrument?

22 A. True.

23 Q. And are these Arrangements or
24 Agreements necessarily secret or classified?

25 A. I am not sure how to answer it

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1 "necessarily". The fact is, currently they are.

2 And if I could speak to foreign
3 agencies, many ---

4 Q. That one would fall under all
5 kinds of things -- the foreign agency. Or even a
6 Provincial Government.

7 More than likely, that would be --
8 well, not "likely". That would be confidential,
9 strictly.

10 But in terms of Agreements with other
11 Government Departments ---

12 For example, the Agreement with the
13 RCMP is well known.

14 Does CSIS have Agreements with other
15 Federal Government Departments or Agencies?

16 A. We do.

17 Q. And is there ---

18 I will ask this question slowly, just
19 in case there is an objection.

20 Is there an Agreement with the
21 National Energy Board?

22 A. Not to my knowledge.

23 And to your first question, I would
24 doubt that the Domestic Agency Arrangements are
25 classified.

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1 And when I say "I don't know", there
2 are dozens of Arrangements.

3 Q. So there could be an Arrangement
4 with the NEB? You are simply not aware of it?

5 Is that fair?

6 A. That's correct, Sir.

7 Q. I want to ask you a question about
8 the Warrant Power.

9 Ms. Dion asked you a few questions
10 about a Warrant being required to intercept an e-mail
11 or a cell phone communication and you spoke about the
12 amount of work that is associated with that process --
13 and I appreciate that. But what about Social Media?

14 Does CSIS have to obtain a Warrant,
15 for example, to collect information from someone's
16 Facebook?

17 A. Information that is publicly
18 available does not require a Section 21 Warrant.

19 Q. And what if the Facebook Account
20 has privacy settings?

21 Does that make any difference? Would
22 that be something for which you would have to obtain a
23 Warrant: if you wanted to see one's Facebook Page if
24 it has privacy settings that don't allow just any
25 member of the public to join?

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1 A. That's correct.

2 Q. And are there examples of CSIS
3 getting Warrants to access ---

4 --- (Ms. Dion rising)

5 (To Ms. Dion): And object if there is

6 ---

7 MS. DION: I object on the basis of
8 national security. I don't think we want to disclose
9 that.

10 MR. CHAMP: That's fine.

11 Q. There is ---

12 THE PRESIDING MEMBER: You are
13 withdrawing the question?

14 MR. CHAMP: Yes. I don't think I can
15 really contest those objections, in any event. So
16 that's fine.

17 And at all times, I recognize the
18 parameters. I am trying to fit my questions into those
19 parameters. Also, I will ask them slowly if I think
20 there is a concern in that regard.

21 THE PRESIDING MEMBER: Thank you.

22 MR. CHAMP:

23 Q. You indicated that you would have
24 to get a Warrant to intercept an e-mail. What if a
25 Human Source provided you or provided the Service with

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1 an e-mail that they had received or had obtained?

2 Would a Warrant be required for that?

3 A. For example, if you sent me an e-
4 mail, would I require ---

5 Q. Right.

6 A. Well, not me. If you sent a Human
7 Source an e-mail ---

8 Q. If I am a member of a Group or
9 something like that and part of an e-mail chain and
10 there is some information that I am concerned about and
11 I had met you and actually know who you are and I
12 decided to send that to you and say "Hey, look what I
13 have found..."

14 Or maybe I am a recruited Human Source
15 within that Group and I am giving you the intelligence
16 that I am gathering.

17 Would a Warrant be required in that
18 circumstance?

19 THE WITNESS: I am going to be careful
20 in answering this, Mr. Chairman ---

21 MR. CHAMP: Yes. Please do.

22 THE WITNESS: -- only because I am not
23 a hundred percent certain.

24 Whenever an issue arises about
25 relating to expectancy of privacy, we take the set of

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1 circumstances and the facts and send those to our Legal
2 Services in Headquarters: *"There is a potential*
3 *expectancy of privacy. What is your opinion?"*

4 And it would depend on the
5 circumstances.

6 In many cases, the response is: *The*
7 *expectation is too high on the factors put forward and*
8 *a Warrant would be required.*

9 Other times, if it is an obvious
10 colour of right but it is in the "legal" domain, the
11 advice would be: *It's acceptable to collect that*
12 *information.*

13 MR. CHAMP: That is helpful. Thank
14 you.

15 THE PRESIDING MEMBER: And this would
16 apply to, for example, an e-mail obtained by the
17 Service from a Human Source?

18 THE WITNESS: Those are situations in
19 which we would seek legal advice.

20 Any time that a Manager in a Region
21 would think there is a possible expectation of privacy,
22 we have Direction from Headquarters: *Seek legal advice*
23 *before you go forward.*

24 We may take the information -- if it
25 is a harddrive, for example -- but not open it.

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1 And if the advice is "You need a
2 *Warrant*" and there is no intention to get a *Warrant*,
3 the information would be destroyed.

4 THE PRESIDING MEMBER: Thank you.

5 MR. CHAMP:

6 Q. The definition -- and I go back to
7 Section 12 -- of "*collect information*", that means
8 collect open source information as well, does it not?

9 A. Yes, it does.

10 Q. So collecting information from
11 open source Facebook, someone's personal Facebook that
12 doesn't have any privacy settings, if there were an
13 investigation going on that meets "*threats to the*
14 *security of Canada*", that would be a collection of that
15 information, under Section 12.

16 Is that right?

17 A. If that threshold were triggered,
18 Counsellor.

19 Q. You spoke briefly about the
20 Agreement with the RCMP.

21 If the RCMP were doing monitoring or
22 investigation, or surveillance, of a Group or Target
23 and shared that with CSIS, that would also be a
24 "collection"?

25 I think we agreed on that.

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1 Is that correct?

2 A. I think I am going to bore you
3 again with Service Procedures and Policies.

4 It would be one thing, again, to
5 accept; but we would need a Managerially-approved
6 Targeting Authority in which to put information.

7 If there is no place to park it, if a
8 Regional Director hasn't signed off on any particular
9 Investigation, that information would not be retained,
10 or should not be retained and reported, generically
11 speaking.

12 There are exceptions to that.

13 Q. But it is also possible, is it
14 not, that ---

15 There is all kinds of criminal
16 activity that doesn't fall under "*threats to the*
17 *security of Canada*"; correct?

18 A. That's correct.

19 Q. So a lot of RCMP criminal
20 investigations would not necessarily fall under
21 "*threats to the security of Canada*"?

22 A. That's correct. And I don't want
23 to mislead you.

24 If there is a certain relevance to
25 national security, writ large, it may be reported

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1 without going under any specific Targeting Authority.
2 But it will sit there.

3 Before we are authorized to further
4 pursue an Investigative level or direction on an
5 individual, it would just sit there.

6 There are thousands of documents that
7 sit there without any Investigative Authority attached
8 to them.

9 MR. CHAMP: Right. Thank you.

10 --- (A Short Pause)

11 Mr. Chair, I wonder if we might have a
12 five-minute break. I would like to take a moment to
13 consult with my Client and review my notes. I probably
14 will be able to ---

15 THE PRESIDING MEMBER: That often
16 helps!

17 MR. CHAMP: Yes.

18 THE PRESIDING MEMBER: Absolutely. We
19 will adjourn and resume at a quarter-to-five.

20 Okay?

21 MR. CHAMP: That sounds perfect.

22 Thank you very much, Sir.

23 THE PRESIDING MEMBER (To the Witness):

24 If this were a regular Court Case, I would caution you
25 that you are being cross-examined and, as such, you

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1 should not be discussing your evidence with Counsel for
2 the Service ---

3 THE WITNESS: Yes, Sir.

4 THE PRESIDING MEMBER: -- or her
5 colleague.

6 THE WITNESS: Yes, Sir.

7 MS. DION: Absolutely.

8 THE PRESIDING MEMBER: Voilà!

9 MR. CHAMP: Thank you, Sir.

10 THE PRESIDING MEMBER: We will resume
11 in ten minutes.

12 --- (A Short Recess)

13 --- Upon Resuming:

14 THE PRESIDING MEMBER: Thank you.

15 Please be seated -- with the exception of Mr. Champ and
16 the Witness.

17 THE WITNESS: Thank you.

18 THE PRESIDING MEMBER: Mr. Champ,
19 please carry on...

20 MR. CHAMP: Thank you, Mr. Chair. I
21 have maybe ten minutes left and we will be done!

22 Cross-Examination by Mr. Champ, (Cont'd):

23 Q. The first question of the last
24 questions I have for you, Sir, concerns the phrase
25 "sensitive institutions" ---

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1 THE PRESIDING MEMBER: I am sorry, I
2 didn't ---

3 Have you got your microphone on?
4 --- (Microphone activated)

5 MR. CHAMP:

6 Q. -- concerns sensitive
7 institutions.

8 Can you tell us what that phrase means
9 for the Service?

10 THE PRESIDING MEMBER: Are these words
11 that you find in the Act?

12 MR. CHAMP: That term is not in the
13 Act; however, it is in Policy, Directions and
14 Guidelines, to my understanding.

15 MS. DION: Again, I would advise the
16 Witness, in his response, to consider national security
17 concerns ---

18 THE PRESIDING MEMBER: I think he
19 knows.

20 (To Mr. Champ): The words were
21 "sensitive..."

22 MR. CHAMP: "Sensitive institutions",
23 as potential targets for investigation.

24 THE PRESIDING MEMBER: Thank you.

25 THE WITNESS: Unfortunately, Mr.

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1 Champ, I cannot recall whether that aspect of our
2 Policy has been declassified.

3 Broadly speaking, it is any area that
4 might bring controversy to the Service or the
5 Government if investigative activity were to take
6 place.

7 So Special Policies, Exemptions,
8 Approvals would be required if an individual Target
9 were a part of a sensitive sector.

10 MR. CHAMP: Right.

11 Q. It is my understanding, just
12 coming out of the early days of the establishment of
13 CSIS, that the "sensitive information" exceptions
14 refer to Churches, Universities, Unions or Media, and
15 that if there is a Target in any one of those four
16 sensitive institutions, you require approval from the
17 Director?

18 A. I defer to you and your better
19 recollection.

20 Again, I don't know what is classified
21 and what is not, but it sounds generally within the
22 realm of practicality.

23 Q. Sir, what do you know about the
24 Idle No More Movement?

25 A. From my newspaper reading, Mr.

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1 Champ!

2 Q. From whatever source you would
3 like.

4 A. Very little.

5 Q. And your answer "very little"
6 relates to your newspaper reading?

7 A. No. Generic response. My general
8 knowledge of that Group.

9 Q. Okay. How about the Dogwood
10 Initiative?

11 A. I will seek to give you a better
12 contextualized response to this.

13 The Service's position, for the last
14 thirty years or so, in Litigation and SIRC Hearings,
15 has been not to confirm or deny the existence of an
16 Investigation.

17 Q. And I do not intend to ask you
18 whether you have an Investigation into any of those
19 Groups.

20 A. Which is really problematic,
21 because a lot of things could be easily resolved by
22 saying "*We are simply not interested in, never*
23 *investigated a certain Group*".

24 The problem with that, of course, if I
25 could just amplify on that, is that there might be a

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1 Targeted individual going through Litigation or a SIRC
2 Hearing asking the same question, and, of course, we
3 wouldn't be able to give that negative answer "No, we
4 are not investigating you" and wrong or inappropriate
5 inferences could be drawn.

6 *So, have I heard of that Group?*

7 Yes, I have.

8 Q. And that's fair enough.

9 Provided that Counsel is comfortable,
10 I will ask my next question in the same way: Have you
11 heard of LeadNow?

12 A. Yes.

13 Q. And ForestEthics: you have heard
14 of them?

15 A. If I tell you, it's a very
16 superficial knowledge of the Group, of these Groups.

17 Q. And Sierra Club BC?

18 A. Very superficial.

19 Q. You testified earlier, in
20 answering questions from Ms. Dion, about CSIS doing
21 Outreach to Muslim Communities, and so forth...

22 A. As an example, yes.

23 Q. As an example.

24 Has CSIS engaged in Outreach with
25 Environmental Groups?

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1 A. I don't know the answer to that
2 question; but as the Regional Manager responsible for
3 British Columbia/Yukon, if any Group asked to speak to
4 a Service Rep, I would be more than pleased to accept
5 the Invitation.

6 I would say that would be a two-way
7 street: whether we asked to be invited or whether we
8 actually received invitations.

9 Sometimes we do. Sometimes we go out
10 to various Groups where we think there might be a
11 misunderstanding.

12 We don't wish to foist ourselves upon
13 any Group.

14 A knock on the door from CSIS is
15 rarely good news, warmly received. But there have been
16 positive exchanges in the past seeking to clarify
17 misunderstandings, what are mandates are, what our
18 limitations are.

19 I am a big proponent of dialoguing
20 with representatives of various Groups and Community
21 Groups.

22 Q. And similarly with First Nations
23 or Aboriginal Groups?

24 A. The answer is: Yes, there has
25 been dialogue across the board.

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1 Q. I want to take you to a couple of
2 documents that are in the Record right now.

3 If you could turn to Complainant's
4 Book of Documents, Volume I of II...

5 This is Exhibit C-1, for the rest of
6 us.

7 I would like to take you to Tab 5...

8 A. Yes, Sir.

9 Q. At Tab 5, we have a small package
10 of documents obtained under the *Access to Information*
11 Act from CSIS itself.

12 As you will see, the Covering Letter
13 there is to Mr. Jim Bronskill, a Journalist with whom I
14 am sure you are probably well aware of.

15 A. From my "sparse newspaper
16 reading", yes, I am.

17 MR. CHAMP: You would hurt Jim's
18 feelings if you said you didn't know him!

19 I don't buy it, with all due respect.

20 Q. You know what Mr. Bronskill's
21 Writings are?

22 A. I do.

23 Q. Yes. He investigates national
24 security and CSIS and the RCMP.

25 A. I was making a humorous reference

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1 to my "sparse reading".

2 Q. Okay. If you turn to the first
3 page after the Letter, you will see that it says
4 "Memorandum to the Director".

5 This is a Memo that is three pages in
6 length.

7 "Meeting of the Deputy Ministers'
8 Committee on Resources and Energy".

9 At the third page, we will see that it
10 is signed by, apparently, or authored by, "Tom Venner,
11 Assistant Director, Policy and Strategic Partnerhsips".

12 Tom Venner is an Assistant Director at
13 CSIS; is that right?

14 A. Yes, Sir.

15 Q. And do you know Mr. Venner?

16 A. I do.

17 Q. And the "Memorandum to the
18 Director", am I correct in my assumption that it is a
19 Memorandum to the Director of CSIS?

20 A. That's correct.

21 Q. And the reference to "Meeting of
22 the Deputy Ministers Committee on Resources and
23 Energy", this is a regular Committee that meets about
24 issues related to natural resources and energy
25 priorities for the Government?

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1 A. I wasn't aware of it, but I see in
2 the first line it refers to an "Ad Hoc Meeting".

3 Q. Yes.

4 A. So, from time to time.

5 Q. Okay. And there is the
6 "Background" Heading, and then there is the "Government
7 Operations Centre Risk Forecast 2014".

8 You are familiar with this new
9 Government Operations Centre?

10 A. Very vaguely.

11 Q. If it is of any help, if you flip
12 about five pages in, there is a document that is
13 prepared by this Government Operations Centre.

14 --- (A Short Pause)

15 You see it says "Unclassified
16 Government Operations Centre, Government of Canada Risk
17 Forecast - 2014 Protests and Demonstrations Season".

18 A. Yes. Thank you.

19 Q. Are you familiar with these GOC or
20 Government Operations Centre Risk Forecasts?

21 A. I am not.

22 Q. You are not familiar with them at
23 all?

24 A. No.

25 Q. So you have not been ---

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1 I gather that you personally have not
2 been involved in providing any information for those
3 GOC Risk Assessments or ---

4 A. No, Sir.

5 Q. -- Risk Forecasts.

6 A. No, Sir.

7 Q. It is my understanding that the
8 GOC, this Government Operations Centre, is based in the
9 Public Safety Department.

10 You have no knowledge of that?

11 A. Very superficial.

12 Q. You said you haven't seen this
13 document before.

14 Maybe I will give you a few minutes to
15 read it.

16 Again, this was obtained from CSIS.

17 Can you just take a few minutes to
18 look through that Government Operations Centre
19 document, the "Government of Canada Risk Forecast, 2014
20 Protest and Demonstrations Season".

21 THE PRESIDING MEMBER: There are eight
22 pages.

23 MR. CHAMP: Yes.

24 THE PRESIDING MEMBER: Do you want the
25 Witness to read ---

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1 MR. CHAMP: If you would take a few
2 minutes to peruse it...

3 THE PRESIDING MEMBER: Okay.

4 (To the Witness): Take your time,
5 Robert. Just read the document...

6 THE WITNESS: Thank you.

7 --- (A Short Pause: Witness reviewing referenced
8 documentation)

9 I have read the Executive Summary, Mr.
10 Champ.

11 MR. CHAMP:

12 Q. I will take you through a few
13 things.

14 Following the Executive Summary, if
15 you go to the next page after that, Page 2 of 8, it
16 says, under "Scope"---

17 Do you see that?

18 The Heading at the top is "Scope".

19 A. Yes, Sir.

20 Q. (Reading):

21 "The purpose of this document is to
22 identify and assess the potential
23 risks associated with the 2014
24 spring/summer protests and
25 demonstrations season.

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1 While response to protests and
2 demonstrations do not generally
3 fall under federal responsibility,
4 disruptions to critical
5 infrastructure may trigger a
6 federal response, or at least
7 situational reporting by the GOC."

8 You told us earlier, did you not, Sir,
9 that critical infrastructure is part of CSIS's mandate.

10 Correct?

11 A. Yes. It is broadly defined as
12 one's priorities for the Government of Canada, writ
13 large, and we feed into that.

14 Q. So risks or threats, potential
15 risks or threats to critical infrastructure, is one of
16 the Priorities of the Service?

17 A. Yes, Sir, as long as it relates to
18 Sections 12 and 2 (a), (b) or (c).

19 Q. Right. What other kinds of risks
20 or threats ---

21 Sorry. Let me back up.

22 --- (A Short Pause)

23 Why is critical infrastructure a
24 Priority for the Service?

25 Why isn't it, for example, busses?

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1 Why couldn't it say that all transit
2 busses across the country, provided there are links to
3 (a), (b), (c) or (d), are a Priority.

4 What is the difference between busses
5 and critical infrastructure.

6 A. No difference. It would be under
7 "Critical Infrastructure for Transportation".

8 Q. Okay. So busses could be a
9 category of Critical Infrastructure?

10 A. That's true.

11 Q. Okay. How about ---

12 What I am trying to get at is:
13 Anything that relates to (a), (b), (c) or (d) is part
14 of the mandate or a Priority for the Service.

15 Correct?

16 A. Correct.

17 Q. And I am just wondering what it is
18 about critical infrastructure that makes it different,
19 for the Service?

20 I am trying not to put words in your
21 mouth.

22 I think I know what the answer is.

23 But...

24 A. It is one of the Priorities
25 identified by the Government of Canada, and if our

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1 mandate relates to that Priority, subject to whatever
2 limitations we have, again it ---

3 If there is violence associated with a
4 Protest at some critical infrastructure, it would fall
5 below our threshold. It would have to be "serious
6 violence".

7 Breaking windows, in my view, is not
8 "serious violence".

9 Q. All right.

10 When you see words like "risk" and
11 "threat" in Government documents, what does that
12 usually mean to you, professionally?

13 A. It means different things to
14 different Departments.

15 We have our own Mandate, our own
16 thresholds.

17 A risk in a National Energy Board
18 Assessment as to whether there are going to be
19 demonstrations that might pose a threat to participants
20 or Members would mean ---

21 It doesn't necessarily hit my mandate.

22 Do you see what I am saying...

23 Q. Yes. And I agree with you.

24 So this is ---

25 I will take that sideways route.

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1 You are aware that in some of these
2 documents, it indicates that the National Energy Board
3 "consulted" with CSIS at the National and Regional
4 Headquarters about potential threats or risks?

5 A. I am.

6 Q. And I am just wondering how a
7 potential pipeline, a pipeline that is not even built
8 yet, that is only a policy at that point, could in any
9 way fall under the mandate of CSIS.

10 A. Mr. Champ, I have only read the
11 redacted exchanges on that point, so I am not sure what
12 the context was, what triggered the request for the
13 Consultation. But surely if the Service had
14 information that there was a foreign influenced
15 activity, done covertly, that would have some impact on
16 the National Energy Board, or "serious threat" against
17 the Proceedings, against the Members, or against those
18 attending, we would reach out to the RCMP or,
19 alternatively, to the National Energy Board, saying:
20 *"We have intelligence to indicate there is a threat*
21 *against your premises."*

22 In the same breath -- this is a "push-
23 pull" type of relationship -- I could fully understand
24 why a Security Rep of any Government Agency Department
25 would reach out to Law Enforcement, or ourselves: Do

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1 *you have anything?*

2 I see that as doing due diligence, and
3 arguably a Statutory duty under the *Labour Code*:
4 someone responsible for the security of the premises
5 reaching out to people who might know this.

6 In fact, I have no idea what we told
7 the National Energy Board Rep at that time. But there
8 would be a passage of information if we had, not just
9 information that hit on 2 (a), (b), (c), but if it is
10 incidental information, some type of illegal
11 information.

12 I can't conceive of a situation under
13 those circumstances. But if we come across, during a
14 mandated investigation, something ancilliary or
15 secondary to our mandate, we would pass that criminal-
16 type information to Law Enforcement: *It doesn't*
17 *actually hit our mandate; but it's in the public*
18 *interest. We are a part of the Government of Canada.*
19 *We are doing our diligent corporate duty passing on*
20 *information on any type of unlawful activity.*

21 Q. If I understand your responses, at
22 least on one point, all you know about this
23 Consultation is what you have read in these National
24 Energy Board documents?

25 A. That's correct.

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1 Q. And they indicate that National
2 and Regional Headquarters were consulted.

3 Kelowna is in the B.C. Region,
4 obviously.

5 A. Yes.

6 Q. Prince Rupert is in the B.C.
7 Region.

8 A. Yes.

9 Q. And that is the Region that you
10 are now the Head of?

11 A. Correct.

12 Q. And so you have no idea about
13 those consultations with the Regional Office that you
14 are the Head of now?

15 A. Which pre-dated my arrival here.

16 It would be as a matter of course in
17 dealing with a Federal entity.

18 There is nothing untoward about it.
19 In fact, I applaud dialogue with other entities.
20 People are reaching out to us; we are reaching out to
21 them. In this case, apparently, they were doing their
22 due diligence.

23 Q. That is just your assumption,
24 because you are telling us that you didn't look into
25 the matter at all.

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1 Is that right?

2 A. That's correct, Sir.

3 Q. If you go back to Tab 5 ---

4 You have already indicated to us that
5 you know Mr. Venner.

6 If you go to the final document in Tab
7 5...

8 It is another of these "Memorandums to
9 the Director"...

10 A. Yes, Sir.

11 Q. If you go to the very last page,
12 it is 4 of 4 and you will see Mr. Venner's name there;
13 and if you go to the beginning "Memorandum to the
14 Director".

15 Do you see that?

16 A. Yes, Sir.

17 Q. And halfway down that first page,
18 there is, in big block letters, underlined, in bold,
19 "Northern Gateway Pipeline Decision".

20 A. Yes, Sir.

21 Q. And so it would seem from this
22 document that Mr. Venner is briefing the Director of
23 the Service on the Northern Gateway Pipeline Decision
24 by the National Energy Board.

25 --- (A Short Pause: Witness reviewing referenced

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1 documentation)

2 A. I am not sure, Mr. Champ. It
3 might be briefing the Assistant Director, Policy, on
4 the Deputy Ministers' Meeting on the Gateway.

5 Q. Sorry. Go again...

6 A. I am not sure. The way I read it
7 is, the Briefing is from Mr. Venner to the Director
8 about the Deputy Ministers' Meeting on the Gateway.

9 Q. If we go to the second page of
10 this Memo, the top paragraph says:

11 *"Although an announcement had not*
12 *been made at the time of writing,*
13 *it is expected to be one of three*
14 *possibilities..."*

15 And it talks about the different
16 possible decisions by the Board, and then it says:

17 *"In the event that the Government*
18 *approves the pipeline, the Service*
19 *assesses that..."*

20 And then there is a blank-out.

21 This is saying "the Service assesses",
22 not the Deputy Ministers.

23 Correct?

24 A. Correct.

25 Q. So this sounds like the Service

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1 assessed information.

2 Correct?

3 A. Yes.

4 Q. So it is not simply Mr. Venner
5 reporting back to the Director about what he heard from
6 the Deputy Ministers. There is some assessment or
7 analysis being conducted here by the Service.

8 Is that not right?

9 A. That's correct -- which may well
10 mean that if it goes ahead or not, the Service has no
11 role or mandate in this. It is simply briefing the
12 Director about attending a DM Meeting.

13 But I don't know. I am only
14 speculating.

15 Q. So the Service will sometimes say
16 to the Director: "We assess we have no mandate"?

17 A. "No mandate" or: "In our
18 assessment ---"

19 We are part of the Government of
20 Canada. We are drawn into this, for whatever reason.

21 "-- the Service assesses there is no
22 potential for serious violence in this."

23 Q. And you will see then again here
24 on Page 2 there is reference to "Government Operations
25 Centre Risk Forecast".

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1 This is these Risk Forecasts that
2 apparently you have very little knowledge of.

3 Is that right?

4 A. Correct.

5 Q. Based on your professional
6 experience, could you give us an idea of why protests
7 and demonstrations are viewed as inherently risky or are
8 an inherent risk in some way?

9 MS. DION: Are you asking the Witness
10 for his opinion as a CSIS Employee or ---

11 MR. CHAMP: I am.

12 MS. DION: So a risk for the Service,
13 from the Service's perspective?

14 MR. CHAMP: Well, what other ---

15 MS. DION: You are talking about a
16 Government of Canada document and the Witness is
17 testifying from a Service perspective.

18 So I think there is a distinction to
19 be made.

20 MR. CHAMP: I will break it down.

21 Q. What does "risk" mean to you?

22 A. In this context, it would be a
23 risk of serious violence under 2(c).

24 So presumably -- I am speculating here
25 -- if the Service had information about an individual

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1 or others who might be participating in an otherwise
2 democratic lawful protest, there might be a potential
3 or a risk for violence, as has been known to happen in
4 Canada and in many other countries.

5 We have no interest in the Group or
6 the protest, or the objective. It's one or two, three
7 individuals who might use that as a venue, as a
8 pretext, for violence, for serious violence.

9 Q. So demonstrations and protests are
10 something that the Service would look at for those
11 types of reasons?

12 A. It would be ludicrous for the
13 Service not to have some type of domain awareness of
14 what is going on, as opposed to waiting until something
15 happens. So, to be conversant with open information --
16 "this is happening"; to be very sure of a very small
17 select number of authorized Targets: "What are they
18 doing?"

19 "Actually, this individual is going to
20 a lawful protest this week."

21 That may be legitimate. They might
22 be a terrorist in their part-time. They might be part
23 of a lawful advocacy group, pressure group, whatever,
24 on Tuesday evenings.

25 We have no interest in that.

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1 But if there is some linkage between
2 that protest and our mandate ---

3 If their purpose in going to that
4 Group, that Protest, is to wreak havoc, then, yes, it
5 hits our mandate.

6 Q. I am just trying -- and I
7 appreciate your answer, and I thank you for that.

8 I am just trying to get at how
9 protests and demonstrations are viewed generally.

10 Are they always ---

11 Because they are large and there is
12 always a lot of people there, it is an inherent risk,
13 because you never know when one of those kinds of
14 violent threats is present?

15 A. I don't think so. I think the
16 vast, vast majority of protests/demonstrations in
17 Canada are peaceable.

18 Q. That is my experience as well.

19 A. There would have to be some
20 linkage for us to be looking more carefully at that ---

21 If we know, because of individual
22 Target Investigations, one individual, two or three,
23 are going to partake in a certain protest, that would
24 further whet or trigger our interest.

25 Q. If you could turn to the next page

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1 in this document, where it says ---

2 It is all blank in the top half. So
3 we are not sure what Mr. Venner is saying here to the
4 Minister (sic) on that Government Operations Centre
5 Risk Forecast document ---

6 THE PRESIDING MEMBER: To the
7 Director.

8 MR. CHAMP: To the Director. Pardon
9 me.

10 Q. -- to the Director on that Risk
11 Assessment/Forecast.

12 Halfway through, it does say:

13 "Traditional Aboriginal and treaty
14 rights issues, including land use,
15 persist across Canada..."

16 And then there is a blank, and then:

17 "Discontent related to natural
18 resource development across Canada
19 is largely an extension of
20 traditional concerns. In British
21 Columbia, this is primarily related
22 to pipeline projects (such as
23 Northern Gateway)..."

24 Presumably Mr. Venner is drawing on
25 CSIS information to make that analysis for the

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1 Director.

2 A. I am only speculating. I haven't
3 seen the unredacted copy. He might be doing that.
4 More likely, he is just drawing information from the
5 DMs' Meeting to inform our Director as to what the
6 broad GOC Government of Canada picture is.

7 And I am pleased to see the unredacted
8 line after what you just quoted, that for many of
9 these, we have "no nexus to our mandate".

10 Q. Yes. Absolutely. It says:
11 *"The Service recognizes that many*
12 *of these issues involve legitimate*
13 *protest and dissent and, as such,*
14 *have no nexus to CSIS's mandate."*

15 What would an illegitimate protest be,
16 from CSIS's perspective?

17 A. Illegitimate protest?

18 Q. Yes.

19 A. All protests are part of the
20 democratic fabric of Canada, and part of our job in
21 investigating threats to our security is to allow
22 protests to take place.

23 So I am not sure what "illegitimate"
24 would be in our lexicon. It would only be where there
25 is a potential for serious violence taken as part of

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1 that activity.

2 I celebrate the fact that there are
3 protests. It means we have a vibrant democracy. It is
4 working.

5 Q. Yes. And so you appreciate the
6 concerns of some people who are involved in protests
7 and demonstrations and grassroots organizing that they
8 do feel threatened or concerned if there is the
9 perception that they might be watched by either the
10 RCMP or CSIS, notwithstanding the fact that they are
11 engaging in completely peaceful activities?

12 A. I am keenly empathetic to that.

13 As I mentioned before, in trying to
14 dissuade, dispel stereotypes or misguided views,
15 erroneous views, we engage in Outreach. We talk to a
16 whole variety of groups and individuals.

17 At the end of the day, I can only
18 control what I can control. The best I can do is just
19 to testify to the fact that how we investigate is
20 tightly controlled and that we are statutorily
21 precluded from looking at LAPD.

22 Q. This Briefing to the Director, it
23 is my understanding that this is a Briefing for the
24 Director so that he is equipped with
25 information/background in terms of what might be

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1 discussed at this Deputy Ministers' Meeting.

2 The Director is at the "Deputy
3 Minister" level; correct?

4 A. That's correct.

5 Q. So would this be intelligence or
6 information that the Director would be bringing from
7 the Service to this type of Meeting?

8 A. If this were done in advance of
9 the DM Meeting, yes: to provide a global picture of
10 what is going on across Canada.

11 The "domain awareness".

12 It may not be directly related to the
13 Service's mandate; but as Deputy Minister, the
14 Director would sit on a number of DM-level Committees:
15 Fishery and Oceans-type deals.

16 Most of the time, there is a cluster
17 of relevance to what you are doing there. But it is
18 part of Mr. Venner's job to brief him on what the
19 issues to be discussed at the Table are.

20 Q. I would like to speak to you now
21 about the NRCan Briefings.

22 I will ask you to turn to Tab 9 in
23 this Volume...

24 A. Yes.

25 Q. There is a Story here that was in

Thursday, August 13, 2015

1 an online publication called the *Vancouver Observer*.

2 If you go to the second-last page ---

3 **THE PRESIDING MEMBER:** Has the Witness
4 seen this document before?

5 **MR. CHAMP:** Sorry. I will start with
6 that, Mr. Chair.

7 **Q.** Have you read this Story before?

8 **A.** I have, Sir.

9 **Q.** You have?

10 **A.** Yes.

11 **Q.** If you go to the second-last page
12 in this document, or this Story, you will see an
13 excerpt from a document that says "*Classified Briefing*
14 *for the Energy and Utility Sector Stakeholders*".

15 Do you see that?

16 **A.** Yes, Sir.

17 **Q.** And it says:

18 "Hosted by Natural Resources Canada
19 in collaoration with CSIS and RCMP.

20 Location: Canadian Security

21 Intelligence Service, 1941 Ogilvie
22 Road, Ottawa, Ontario."

23 That is CSIS National Headquarters;
24 correct?

25 **A.** It is, Sir.

Thursday, August 13, 2015

1 Q. And you have already indicated
2 that you are aware of these NRCan Briefings; that they
3 are twice a year?

4 A. I am.

5 Q. And that they invite, I guess...

6 Well, "*Energy and Utility Sector*
7 *Stakeholders*".

8 What does that mean, to your
9 understanding?

10 Who are the "Stakeholders" in the
11 Energy Sector?

12 --- (A Short Pause)

13 A. Well, the various Corporations
14 involved in that Sector; Associations of that
15 Grouping; Provincial, Municipal Groups that have an
16 interest in critical infrastructure.

17 A whole gamut of people or groups that
18 are interested.

19 Q. And so sometimes Municipal
20 Politicians are invited to those?

21 A. I am not aware of any Politicians
22 being invited.

23 Q. Okay. What did you mean by
24 "Municipal Groups"?

25 A. City/Municipal Groups.

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1 Q. Planners and Groups.

2 And you mentioned that CSIS
3 Headquarters was used "because it was convenient", a
4 "convenient location".

5 I've been inside the Headquarters a
6 couple of times and ---

7 It is nothing getting on to this floor
8 compared to getting in there when you are not a CSIS
9 employee. You've got those special little ---

10 I don't know whether they are lead
11 boxes, or what they are. The special steel boxes, or
12 equivalent.

13 I didn't find it convenient at all.

14 What did you mean when you said that
15 it is a "convenient" location?

16 I found it very inconvenient. But
17 maybe that's just me.

18 A. Myself as well as an employee.

19 What I meant, Mr. Champ, is that we
20 are told that we have nice facilities, a Conference
21 Centre where Conferences are held.

22 In fact, the Government of Canada uses
23 our facilities throughout the year because it is a
24 convenient place.

25 It's a pleasant place to host a

Thursday, August 13, 2015

1 Conference.

2 Q. A "pleasant place" ---

3 A. It's a good facility.

4 Q. A "pleasant place" in what way?--

5 In that it is difficult for protesters, for example, to
6 get to?

7 A. That wouldn't even be within my
8 consideration.

9 No.

10 We have translation facilities; it's
11 state-of-the-art.

12 Believe it or not, premises for
13 Conferences are hard to reserve in Ottawa.

14 So...

15 MR. CHAMP: Next time the Facilities
16 Coordinator is looking, they can contact me. I am from
17 Ottawa. I don't think it is necessarily that tough!

18 I will just be a moment, Mr. Chair...

19 THE PRESIDING MEMBER: Certainly, Mr.
20 Champ.

21 --- (A Short Pause: Off-Record Discussion between
22 Complainant's Counsel and Client Representative)

23 MR. CHAMP: Thank you, Mr. Chair.

24 Q. At these NRCan Briefings, Sir, to
25 which the Energy and Utility Sector Stakeholders are

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1 invited, there is a sharing of information, I gather.

2 A. That's my understanding.

3 Q. And my understanding is that ---

4 I shouldn't say "my understanding".

5 Would there be a sharing of
6 information from CSIS to these private sector
7 Corporations?

8 A. I understand that we are an active
9 participant. So I hope the answer is "yes".

10 Q. And what Section of the CSIS Act
11 would authorize that kind of sharing of information?

12 A. Section 19(2).

13 Q. Section 19(2) is pretty broad.

14 Can you give me any assistance ---

15 We spoke before about doing "Report
16 and Advise", from Section 12.

17 That is a duty and function. So that
18 is authorized.

19 But private sector companies, oil
20 companies, they are not a part of the Government of
21 Canada. So it can't be that authorization.

22 Correct?

23 A. Correct.

24 Q. So in what way is it authorized
25 under Section 19?

Thursday, August 13, 2015

1 A. In order to fully advise and
2 report to the Government of Canada, one has to share.

3 One shares; one collects.

4 It is part of that "give-get"
5 principle that I alluded to earlier.

6 It is very difficult to talk to
7 anybody and just expect to receive and not to share
8 information.

9 Above and beyond the Government of
10 Canada Priority, the protection of critical
11 infrastructure in this country is a Priority.

12 And as I said before, we feed into
13 that.

14 Q. So -- and please correct me if I'm
15 wrong.

16 And if you have to turn to the
17 definition, that's fine.

18 As I understand what you are saying,
19 collection, under Section 12 of the Act, could include,
20 actually, "sharing of information" because it is an
21 inherent part of "collection" to share: the "give-
22 get".

23 Is that what you are trying to say:
24 that "collection" must be interpreted in accordance
25 with the "give-get" principle?

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1 A. Correct.

2 Q. So it's inherent, in collecting
3 information, to give information, and that is how CSIS
4 believes that they are authorized to share information
5 that they have collected with private sector actors?

6 A. I defer to your legal expertise,
7 but I would say it is more than that: it's 19(2).
8 It's the Statutory allowance to do so.

9 Q. For sure. And they are connected,
10 as I understood your opinion: that the "duties and
11 functions" authority under 19(2), as I understood what
12 you were saying, relates back to Section 12 and the
13 "Collection" power there.

14 A. Correct.

15 Q. And so, as I understood your
16 response, it is: *If "collecting" inherently includes*
17 *having to share information, it therefore falls under*
18 *the "duties and functions" of CSIS and, therefore, is*
19 *authorized by Section 19(2).*

20 Is that how I am to understand what
21 you are saying?

22 A. That is well put. And your
23 previous comment and my previous answer on Section 17,
24 which allows us to enter into Arrangements with foreign
25 entities, it is only because there is a direct

Thursday, August 13, 2015

1 connection to Section 12.

2 We collect and share with foreign
3 entities in order to advise the Government of Canada.

4 Q. Returning, then, to this Briefing,
5 this Classified NRCan Briefing, you will see in the
6 Story it says that on the Agenda of this Meeting
7 between CSIS and the RCMP ---

8 THE PRESIDING MEMBER: What "Story"
9 are you referring to?

10 MR. CHAMP: The News Story at Tab 9.

11 Pardon me.

12 So we are still back at the Vancouver
13 Observer Article.

14 Q. I was showing you the Classified
15 Briefing Meeting Notice. But apparently, the Agenda,
16 as we read here ---

17 If we go just a page back, it says:

18 "An Agenda obtained by Tim Groves
19 and Martin Lukacs at The Guardian
20 last month revealed that
21 breakfast, lunch and coffee was
22 sponsored by Enbridge and the
23 networking reception held at the
24 Chateau Laurier was co-hosted by
25 Bruce Power and Brookfield

Thursday, August 13, 2015

1 Renewable Energy Partners.

2 Meetings during this conference
3 included 'challenges to energy
4 projects by environmental
5 groups'."

6 I am just wondering ---

7 From that, it sounds like CSIS might
8 possibly be sharing information about Environmental
9 Groups with these oil companies that are sponsoring and
10 attending it.

11 A. I don't see that connection.

12 Q. So what does "challenges to energy
13 projects by environmental groups" mean, for you?

14 A. What do I think that Reporter
15 meant by writing that?

16 Q. It is my understanding that the
17 quotation is from the Agenda itself, that CSIS is
18 saying: Some of the things we are going to talk about
19 include 'Challenges to Energy Projects by Environmental
20 Groups'."

21 A. I haven't seen the Agenda. I
22 can't comment on that.

23 Q. And we see from the "Classified
24 Briefing" Title that is there:

25 "Purpose: To discuss National

Thursday, August 13, 2015

1 *Security and Criminal Risks to*
2 *Critical Energy Infrastructure."*

3 So national security threats under
4 Section 2 of the *CSIS Act*, those would be the kinds of
5 things that would be discussed with the oil companies
6 there?

7 A. This would be under the purview, I
8 presume, of Law Enforcement and the RCMP to discuss
9 such things.

10 They would be a much more active
11 participant than we would.

12 Q. And aside from that, you have no
13 idea what "challenges to energy projects posed by
14 Environmental Groups" might be of interest to CSIS?

15 A. No.

16 Q. Given your earlier testimony that
17 you are keenly aware or concerned that groups that want
18 to protest and demonstrate should have the freedom to do
19 so, would you not be concerned about how this could be
20 interpreted by Environmental Groups in B.C., in your
21 Region?

22 A. I understand the concern.

23 MR. CHAMP: You understand the
24 concern. Okay.

25 (To the Presiding Member): I will

Thursday, August 13, 2015

1 just be a moment...

2 THE PRESIDING MEMBER: Certainly, Mr.
3 Champ.

4 --- (A Short Pause)

5 MR. CHAMP: Thank you, Sir. Those are
6 all the questions I have.

7 THE WITNESS: Thank you.

8 THE PRESIDING MEMBER: Thank you, Mr.
9 Champ.

10 Madam Bowers, do you have any
11 questions for the Witness?

12 MS. BOWERS: Just one point of
13 clarification, if I may.

14 Examination by Ms. Bowers:

15 Q. I assume that the Service's
16 understanding is that the collection under Section 12
17 is being done within and outside Canada; both within
18 the country and outside.

19 There is a new provision now, under
20 Subsection 12(2), which says:

21 "For greater certainty, the Service
22 may perform its duties and
23 functions under Subsection (1)
24 within or outside Canada." (As
25 Read)

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1 So that's the "collection, analysis
2 and retention" functions.

3 A. It is my understanding that the
4 Amendment has statutorily clarified what we have
5 believed to be the case for many years.

6 MS. BOWERS: For the record, that is
7 Bill C-44.

8 That's it.

9 THE PRESIDING MEMBER: Thank you, Ms.
10 Bowers.

11 Examination by The Presiding Member:

12 THE PRESIDING MEMBER: Much reference
13 has been made to acts/deeds which could impact critical
14 infrastructures -- and I have seen at Tab 5 and Tab 9
15 references to "*disruption of critical infrastructures*".

16 Those words are not to be found
17 anywhere ---

18 I am sorry. I will put it by way of a
19 question to you.

20 Those words are not to be found
21 anywhere in the Act, are they?

22 THE WITNESS: That's correct, Sir.

23 THE PRESIDING MEMBER: So could you
24 remind me again where I would find those words if I
25 wanted to analyze their scope?

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1 THE WITNESS: My understanding, Sir,
2 is that 2(a), (b) and (c) are very generic. And it is
3 true, there is no reference to "critical
4 infrastructure"; but as it relates to the "security of
5 Canada", whether it is a terrorist threat against a
6 company, a private person, the Government, that
7 triggers our mandate.

8 Insider threat from a foreign
9 government in a Canadian company, a Canadian
10 Association, or even, as I mentioned earlier, if it is
11 a refugee claimant within Canada who is being pressured
12 by a foreign government, that triggers our mandate.

13 THE PRESIDING MEMBER: Maybe I haven't
14 articulated my question very clearly.

15 Where do I look for the breadth of the
16 words "impact to critical infrastructures of Canada"?

17 THE WITNESS: You will not find that
18 in the CSIS Act. You will find it described,
19 contextulized, in the National Security Policy as put
20 out by the Minister of Public Safety.

21 THE PRESIDING MEMBER: That is the
22 answer that I was looking for, but I wasn't sure that I
23 had ---

24 THE WITNESS: Sorry. I misunderstood.

25 THE PRESIDING MEMBER: Would you

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1 repeat that again, please...

2 THE WITNESS: It's the National
3 Security Policy put out by the Minister of Public
4 Safety.

5 THE PRESIDING MEMBER: Yes. Thank
6 you.

7 Ms. Dion, do you have any questions in
8 Redirect following on Mr. Champ's questions ---

9 MS. DION: May I have just one moment,
10 please...

11 THE PRESIDING MEMBER: Of course.
12 --- (A Short Pause: Off-Record Discussion between
13 Respondent's Counsel and the ER&L Client
14 Representative)

15 MS. DION: Thank you, Mr. Member.

16 I just have one question, or one line
17 of questioning in Redirect.

18 THE PRESIDING MEMBER: Thank you.
19 Please proceed.

20 Re-Examination by Ms. Dion:

21 Q. I will ask you to refer to Tab 13
22 of CSIS's Book of Documents, referred to as Exhibit
23 CSIS-1.

24 It is a blue-covered Volume.

25 THE PRESIDING MEMBER: Tab 13 of your

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1 Book of Documents?

2 MS. DION: Yes.

3 --- (A Short Pause)

4 Q. You are familiar with the
5 document?

6 A. In general terms.

7 Q. I invite you to turn to Page 26 of
8 the document, which is the Public Report for the
9 Canadian Security Intelligence Service.

10 A. Yes.

11 Q. You will see the page number ---
12 It is difficult to see; but it is at
13 the top-left...

14 THE PRESIDING MEMBER: And what page
15 are you referring to, Madam Dion?

16 THE PRESIDING MEMBER: Page 26.

17 Q. Actually, if you look at the
18 bottom of the document, we have put in our own page
19 numbers, and it would be Page 0203, if that makes it
20 easier, at the bottom-right of the page.

21 A. I have it.

22 Q. You will see that there is a
23 Ssection referred to as "Cyber Security and Critical
24 Infrastructure Protection".

25 Is that correct?

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1 --- (A Short Pause: Witness reviewing referenced
2 documentation)

3 A. I misled you. I don't have it.

4 Q. At the bottom of the page, there
5 is a number that we have put on it, "0203"...

6 --- (A Short Pause)

7 Tab 13.

8 A. I have it, but I am having ---

9 Q. There is a first Heading that says
10 "*Ukraine: Regional Crisis, International Implications*".

11 A. Nope.

12 THE PRESIDING MEMBER: That is not
13 what you want to question the Witness on, is it!

14 MS. DION: No.

15 --- (Laughter)

16 THE WITNESS: I might have a different
17 numbering here...

18 MS. DION: May I approach the Witness?

19 THE PRESIDING MEMBER: Yes.

20 --- (A Short Pause: CSIS Counsel and Witness
21 Conferring off-record)

22 THE WITNESS: Thank you.

23 THE PRESIDING MEMBER: Are you on the
24 same page now?

25 THE WITNESS: We are on the same page.

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1 MS. DION:

2 Q. You see the Heading entitled
3 "Cyber Security and Critical Infrastructure
4 Protection"?

5 A. I do.

6 Q. You will see the first sentence
7 reads:

8 "As outlined in the Government of
9 Canada's Cyber Security Strategy,
10 the Service analyzes and
11 investigates domestic and
12 international threats to the
13 security of Canada, responding to
14 the evolution of cyber security
15 technology and practices."

16 Is that the Policy that you were
17 referring to in response to the Presiding Member's
18 question?

19 A. I understand that that is the
20 strategy and it flows from the National Security Policy
21 put out by Minister.

22 That would further amplify the
23 National Security Policy, yes.

24 MS. DION: Those are all of the
25 questions I have. Thank you.

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1 THE PRESIDING MEMBER: Thank you,
2 Madam Dion.

3 Sir, I am grateful to you for having
4 attended before me today to give evidence, to answer
5 the questions that have been put to you by Madam Dion,
6 Mr. Champ, Mr. Bowers and myself.

7 You are now excused.

8 THE WITNESS: Thank you, Sir.

9 --- (The Witness Withdrew)

10 Preliminary/Procedural Matters:

11 THE PRESIDING MEMBER: Madam Dion, do
12 you have any other witness to call?

13 MS. DION: No, Mr. Member. I have no
14 further witnesses for the *In Camera* portion of the
15 Hearing.

16 THE PRESIDING MEMBER: Thank you.

17 So this brings us to the end of this
18 Phase of the Hearing, the *In Camera* Phase of the
19 Hearing. It will be followed by the submission by the
20 Complainant of the Affidavit Evidence of Professor
21 Whitaker, to be filed with the Committee within the
22 next two weeks, unless, as was noted earlier, Professor
23 Whitaker should have some scheduling issues, such as
24 holidays, or whatever.

25 And if that turns out to be the case,

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1 Mr. Champ, you will let the Registrar know about that.

2 MR. CHAMP: I will, Mr. Chair.

3 THE PRESIDING MEMBER: Otherwise, I
4 will expect to see Professor Whitaker's Affidavit after
5 27 August 2015.

6 It will be circulated by the Registrar
7 to all Interested Parties.

8 And Madam Dion will let me know, via
9 the Registrar, within ---

10 (To Ms. Dion): Within how many days
11 after you have seen the Affidavit, Madam Dion?

12 MS. DION: Provided that it is
13 received at the end of August, I would ask ---

14 I am on holidays until the 31st. So I
15 would ask for maybe a week thereafter to examine the
16 Affidavit, following which we will inform the Committee
17 of the way in which we would seek to conduct the Cross-
18 Examination of Professor Whitaker.

19 THE PRESIDING MEMBER: Say, by Friday
20 the 11th of September?

21 MS. DION: That seems appropriate.

22 Thank you.

23 MR. CHAMP: That's fine. I am sure my
24 friend and I will probably consult in advance of that
25 as well.

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1 THE PRESIDING MEMBER: Yes. I invite
2 you to do so.

3 And then it will be ---

4 Well, let me put the question to
5 Counsel, starting with Counsel for the Complainant.

6 How do you see the universe unfolding
7 after that Whitaker phase has been completed insofar as
8 the *In Camera* Phase of the Hearing is concerned?

9 MR. CHAMP: I anticipate that I am
10 going to at least seek an opportunity to communicate
11 with Ms. Bowers about the potential, if there is an *Ex*
12 *Parte* Hearing, of what the Complainant's questions
13 might be that Committee Counsel could consider raising
14 or bringing forward in the *Ex Parte* Hearing, if one
15 takes place.

16 Aside from that, I guess we would be
17 cognizant and waiting in terms of how ---

18 THE PRESIDING MEMBER: Yes. But
19 insofar as the *In Camera* Hearing is concerned, once the
20 Whitaker Phase is completed, as has been agreed, that
21 will be the end of the *In Camera* Phase of this case?

22 MR. CHAMP: Yes. We were looking at
23 possibly requesting or seeking a summons for certain
24 people, either ---

25 Mr. Venner, for example, seems to be

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1 an obvious one.

2 But I took your comments at the last
3 Case Conference, and it is now our intention to await
4 the completion of the *Ex Parte* portion of the Hearing
5 and whatever comes out of that and determine at that
6 point whether we want to address with the Committee
7 again any desire or interest we have to perhaps call --
8 obviously with the permission of the Committee -- any
9 other witness in a further *In Camera* Hearing.

10 THE PRESIDING MEMBER: Very well.

11 Thank you very much, Mr. Champ. I
12 would like to thank all Counsel for their contribution
13 and cooperation in this Phase of the Hearing.

14 This was expected to be, and has
15 proven to be, a lengthy Hearing; but it has been dealt
16 with in a very efficient way, and I am grateful for
17 that.

18 I am also grateful for the services of
19 our Registrar, Madam Stawicki, and, of course, our
20 Court Reporter, MR. Noel Keeley.

21 We will not report the fact that we
22 heard a ringing earlier this afternoon!

23 --- (Laughter)

24 I hope that doesn't appear in the
25 Transcript, Mr. Keeley!

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1 That concludes this Hearing. Once
2 again, I thank you all for your participation ---

3 **MR. CHAMP:** I apologize, Mr. Chair.
4 There is just one last point before we adourn, if I
5 may, and it is with respect to the "Section 48" issue.

6 In that regard, I would like to advise
7 the Chair and my colleagues that we have informed all
8 of the witnesses who have appeared that they cannot
9 speak about their testimony or about anything that they
10 heard or saw in the Committee Hearing Room.

11 So I would like to advise the Chair
12 and my friends that I have done that. However, I would
13 also like to indicate that we are looking more into
14 that issue and I may write a Letter at some point to
15 the Committee on what the scope of Section 48 might be,
16 or other interpretations of Section 48. But for our
17 purposes at this point, I want to assure the Committee
18 that that is what we have advised the witnesses.

19 **THE PRESIDING MEMBER:** I always look
20 forward to being "educated" by Counsel.

21 Thank you again, Mr. Champ, Madam
22 Dion, and Madam Bowers.

23 The *In Camera* Hearing is terminated
24 for today and stands adjourned.

25 Thank you, one and all.

Protected B
Personal-Protected
Information

337

Vancouver, B.C.

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2

--- The Hearing Adjourned

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Certified Correct:

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6

N.C. Keeley

7

Noel C. Keeley, C.S.R.

8

PROTECTED B INFORMATION

In Camera Hearing

File No. 1500-481

THE SECURITY INTELLIGENCE REVIEW COMMITTEE
COMITÉ DE SURVEILLANCE DES ACTIVITÉS DE RENSEIGNEMENT
DE SÉCURITÉ

CASE NO. 146

IN THE MATTER of a Complaint filed by The British
Columbia Civil Liberties Association, pursuant to
Section 41 of the *Canadian Security Intelligence*
Service Act, R.S.C. 1985, c. C-23

BETWEEN:

British Columbia Civil Liberties Association

Complainant

- and -

THE CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

Transcript of *In Camera* Hearing, held on Thursday,
August 13, 2015, at Vancouver, British Columbia,
commencing at 9 a.m.

BEFORE: The Honourable L. Yves Fortier, P.C., C.C.,
O.Q., Q.C., Presiding Member

(Volume 2)

Official Court Reporters: Keeley Reporting Services
Inc.:
Per: N.C. Keeley, C.S.R.

APPEARANCES

P. Champ)	for the BCCLA
B. Roy)	
C. Bowers	for SIRC
S. Dion	for CSIS

Also in Attendance:

CSIS ER&L Staff (1)	
S. Stawicki	Hearings Registrar
Noel C. Keeley, C.S.R.	Court Stenographer

WITNESSES:

Celine Trojand, for BCCLA
Terry Dance-Bennink, for BCCLA
Jamie Biggar, for BCCLA
Caitlyn Vernon, for BCCLA
N. Skuce, for BCCLA
"Robert", for CSIS

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1 Protected B:

2 Personal-Protected Information

3 In Camera Hearings

4 Volume 2:

5 --- The Hon. L. Yves Fortier, P.C., C.C., O.Q., Q.C.,

6 Presiding Member

7 --- Upon continuing at Vancouver, British Columbia, on
8 Thursday, August 13, 2015, at 9 a.m.:

9 Preliminary/Procedural Matters:

10 THE PRESIDING MEMBER: Good morning to
11 you all. Please be seated.

12 We are ready to commence the second
13 day of this Hearing.

14 Are there any housekeeping matters
15 which either Party would like to bring to my attention
16 at this time?

17 Mr. Champ...?

18 MR. CHAMP: Just one minor item, Mr.
19 Chair.

20 With respect to the Access to
21 Information documents that the Complainant has
22 introduced, the package from the National Energy Board
23 and the package from CSIS, given the nature of some of
24 the questions that came from both CSIS Counsel and from
25 SIRC Counsel, it seemed to attract some question as to

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1 the authenticity and/or the weight that can be attached
2 to those documents, and for that reason, I thought it
3 might be better if I could just clarify on the record
4 the purpose to which we are putting those documents;
5 and then, further, just to clarify or get confirmation
6 on the record that neither SIRC Counsel nor CSIS
7 Counsel take any issue with the fact that the documents
8 were in fact obtained under *Access to Information*.

9 THE PRESIDING MEMBER: Yes. This is
10 something that I wish you had discussed with Counsel
11 before the commencement of the Hearing today. But
12 let's ---

13 MR. CHAMP: If you prefer, Mr. Chair,
14 I could do that ---

15 THE PRESIDING MEMBER: Yes. Let's
16 postpone the discussion of this to the Break, when you
17 can discuss it with CSIS Counsel and SIRC Counsel,
18 after which you can advise me ---

19 MR. CHAMP: That's fine. It is not
20 urgent, obviously.

21 THE PRESIDING MEMBER: You can discuss
22 the matter with Madam Dion and Madam Bowers and then
23 speak to it on the record after the Break.

24 MR. CHAMP: Yes. I will do that, Mr.
25 Chair.

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1 With that, we can call our first
2 witness for today, if there are ---

3 THE PRESIDING MEMBER: Let me just
4 check with Madam Dion and Madam Bowers as to whether
5 either of them have any housekeeping matters that they
6 wish to deal with before we proceed to the first
7 witness for today.

8 Madam Dion...?

9 MS. DION: No. Thank you, Mr. Member.

10 THE PRESIDING MEMBER: Madam
11 Bowers...?

12 MS. BOWERS: No, Mr. Fortier. Thank
13 you.

14 THE PRESIDING MEMBER: Very well.

15 Section 48(1): Privacy of Proceedings:

16 Before we hear from the Complainant's
17 second witness, with respect to our conversation at the
18 outset of the Hearing yesterday, I did notice that on
19 the BCCLA Website, which was published before we had
20 our discussion yesterday, there was an indication at
21 large to the effect of *"We will send you recaps of*
22 *today's Hearing. Just send us your name and*
23 *address..."*

24 I presume that nothing has been done
25 further to that open invitation.

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1 Mr. Paterson, do you ---

2 MR. CHAMP: If I may address that, Mr.
3 Chair...

4 THE PRESIDING MEMBER: You can address
5 that, Mr. Champ...

6 MR. CHAMP: Yes. Thank you, Mr.
7 Chair.

8 I can tell you that no information
9 about what has occurred in the Hearing whatsoever is
10 being transmitted.

11 At this point -- and I will speak a
12 little later with SIRC Counsel and CSIS Counsel. But
13 even at this point, no other details about what has
14 occurred in the Hearing have even been transmitted to
15 other people within BCCLA.

16 THE PRESIDING MEMBER: That's fine.
17 Thank you, Mr. Champ.

18 With that, we can move on to the next
19 witness, Madam Trojand.

20 Is it pronounced "Tro-jand" or ---

21 MR. PATERSON: "Tro-jan".

22 THE PRESIDING MEMBER: "Tro-jan".

23 MR. PATERSON: Celine Trojand.

24 THE PRESIDING MEMBER: En français,
25 "Celine"?

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1 MR. PATERSON: "Celine".
2 THE PRESIDING MEMBER: "Celine".
3 Is she testifying in French or in
4 English?
5 MR. PATERSON: In English.
6 THE PRESIDING MEMBER: Very well.
7 Thank you.
8 --- (Celine Trojand called to the Witness Table)
9 THE PRESIDING MEMBER: Good morning,
10 Madam.
11 THE WITNESS: Good morning.
12 THE PRESIDING MEMBER: You are called
13 as a witness by the Complainant in this matter, the
14 British Columbia Civil Liberties Association.
15 At this time, I will ask the Registrar
16 to swear you in.
17 THE REGISTRAR: Good morning, Ms.
18 Trojand.
19 THE WITNESS: Good morning.
20 THE REGISTRAR: Do you solemnly affirm
21 that the evidence you are about to give to the
22 Committee shall be the truth, the whole truth, and
23 nothing but the truth?
24 THE WITNESS: Yes, I do.
25 THE REGISTRAR: Thank you.

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CELINE TROJAND, Called and Affirmed:

THE REGISTRAR: For the record, would you please state your full name, spelling your last name...

THE WITNESS: My full name is Celine Adel Trojand. My last name is spelled T-R-O-J-A-N-D.

THE REGISTRAR: Thank you.

Secondly, I would like to read to you Section 51 of the *Canadian Security Intelligence Service Act*, which provides protection to witnesses appearing before the Committee.

It reads as follows:

"Except in a prosecution of a person for an offence under section 133 of the Criminal Code (false statements in extra-judicial proceedings) in respect of a statement made under this Act, evidence given by a person in proceedings under this Part and evidence of the existence of the proceedings are inadmissible against that person in a court or in any other proceedings." Do you understand?

THE WITNESS: I do.

THE REGISTRAR: Thank you. You may be seated.

THE PRESIDING MEMBER: Again, good

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1 morning, Ms. Trojand. I am the Member of the Security
2 Intelligence Review Committee that is charged with the
3 hearing of this Complaint, a Complaint filed with the
4 Committee by the BCCLA.

5 You will be questioned first by Mr.
6 Champ and then by Counsel for CSIS, Madam Dion; and if
7 there are some matters that need to be cleared up,
8 Madam Bowers, Counsel to the Committee, will ask you
9 some questions.

10 I know this is not a natural instinct,
11 but I am going to ask you, when you are asked questions
12 by Mr. Champ, or indeed by Madam Dion or Madam Bowers,
13 to try to look at me when giving your answers, as it is
14 important that I hear and understand your answers.

15 Okay?

16 THE WITNESS: Understood.

17 THE PRESIDING MEMBER: Okay. Thank
18 you.

19 MR. CHAMP: I will ask the Registrar
20 to provide the witness with copies of the Exhibits that
21 have been filed.

22 THE REGISTRAR: All of the Exhibits?

23 MR. CHAMP: No. Just the three
24 Complainant's Exhibits, Exhibits C-1, C-2, and C-3.

25 --- (Documents Produced to the Witness)

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1 THE PRESIDING MEMBER: You are not
2 expected to read all of that documentation now!
3 --- (Laughter)

4 THE WITNESS: I will do my best! I
5 haven't had this much homework in a couple of decades!
6 --- (Laughter)

7 MR. CHAMP: Ms. Trojand, I am going to
8 ask you some questions and I will ask you, in answering
9 my questions, to face the Presiding Member.

10 We are dealing with a bit of an odd-
11 shaped room, and obviously our main goal is to have the
12 Committee Member hear and understand your testimony.

13 THE WITNESS: Yes.

14 Examination-in-Chief by Mr. Champ:

15 Q. Ms. Trojand, can you tell us where
16 you work right now?

17 A. I work for the Dogwood Initiative.

18 Q. And what is your Position there?

19 A. I am the Director of Organizing.

20 I have been there since 2009. So, six
21 or seven years.

22 Q. Okay. Thank you.

23 And can you tell us just a bit about
24 the nature of your job as the Director of Organizing at
25 Dogwood Initiative?

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1 A. Yes. Dogwood Initiative is a non-
2 partisan pro-democracy Group. We have about 315
3 Supporters. I work particularly with our Volunteers
4 and Grassroots Organizers.

5 We have two-thousand-two-hundred-ish
6 Organizers in the field, and it is my job to help them
7 work in the field. So to do canvassing and phone-
8 banking, and all of the kind of nitty-gritty
9 spreadsheet-like work of community organizing.

10 Q. I am going to take you to a couple
11 of documents in the Record. First, I will ask you turn
12 in the Books you have there ---

13 One is called "Complainant's Book of
14 Documents, Volume II of II".

15 For our purposes in the Committee,
16 that is Exhibit C-2.

17 It says "Volume II of II" on the
18 front...

19 --- (A Short Pause)

20 Complainant's Book of Documents.

21 A. Yes. I of II and II of II.

22 Q. Yes. And the tab I will take you
23 to first is Tab 25...

24 A. Yes.

25 Q. My understanding, Ms. Trojand, is

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1 that this is your Bio that is on the Dogwood Website...

2 A. Yes.

3 Q. And as we see here, you have a
4 Degree in Anthropology from UBC Okanagan...

5 A. That's right.

6 Q. And it confirms that you have been
7 working for Dogwood since 2009...

8 A. That's right.

9 Q. The next document I would like to
10 take you to is Tab 17...

11 A. Yes.

12 Q. It is my understanding that this
13 is the Dogwood Initiative's Annual Report from 2014.

14 A. Yes.

15 Q. And if you turn to Page 18, where
16 it says "Organizing"...

17 A. Yes.

18 Q. I would just like you to confirm
19 that ---

20 The photo we see there sure looks like
21 you.

22 That is a photo of you that appears in
23 the Annual Report?

24 A. That's correct, yes.

25 Q. And we see a little bit of a

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1 description, as I understand it, of the nature of your
2 Organizing duties and activities.

3 I see, at the bottom of Page 18, in
4 the left column:

5 "...we were thrilled to launch a
6 new organizing program. My
7 responsibility as Dogwood's first
8 ever organizing director is to
9 identify, mentor and build leaders
10 in all four corners of British
11 Columbia."

12 So that is the nature of your work
13 with Dogwood Initiative. You have been trying to build
14 Organizers.

15 Can you tell us about that?

16 A. In a nutshell, yes.

17 So when someone contacts us indicating
18 that they are concerned with the issues that we work
19 on, I get in touch with them. Often, I have a one-on-
20 one, as it is called, with them. I sit down with them
21 and have coffee, if possible, or over the phone and
22 just have a conversation about who they are in their
23 lives and what they would like to achieve with us at
24 Dogwood. And if they are someone who is able and
25 capable and willing to work with us in a Volunteer

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1 capacity, then I get them started up.

2 So I make sure that they have Training
3 and the necessary skills to be able to do the
4 Organizing work.

5 Q. For Dogwood?

6 A. Yes.

7 Q. Okay. And can you now just tell
8 us a little bit more about Dogwood itself?

9 You mentioned it a little bit earlier.
10 But can you tell us, to the extent you can, for
11 example, how long Dogwood has been around and what the
12 structure of the Organization is, and so forth?

13 A. Shall I... (Indicating body
14 orientation toward the Presiding Member)

15 MR. CHAMP: Yes.

16 THE WITNESS: It is difficult to
17 remember to do that!

18 Dogwood is a Group that was formed in
19 1999, I believe, or '98. Right now, we have twenty-
20 eight Staff, eight of whom are temporary Summer
21 Interns.

22 When I started, we were six people in
23 an upstairs apartment in a building in Fernwood. But
24 now that we have grown a little bit larger, we are
25 governed by a Board of Directors. We have an Executive

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1 Director, an Operations Director, a Fundraiser, a small
2 Communications Team; and then I work with our Field
3 Team, which is comprised of five Provincial Organizers.

4 MR. CHAMP: Thank you.

5 Q. If you could turn to Tab 15 in
6 Volume II, which you still have before you...

7 A. Yes.

8 Q. As I understand it, this is from
9 Dogwood's Website...

10 A. Yes.

11 Q. And again, it is just a bit more
12 background.

13 It says, in the second paragraph, that
14 Dogwood has 170,000 Supporters.

15 Is that figure accurate?

16 A. No. We just haven't updated the
17 Website as yet.

18 THE PRESIDING MEMBER: You haven't
19 what?

20 THE WITNESS: We just haven't updated
21 the Website.

22 MR. CHAMP:

23 Q. Approximately how many Supporters
24 does Dogwood Initiative have?

25 A. There are about 315,000 in our

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1 Database.

2 Q. And how many Staff ---

3 You have already told us how many

4 Staff you have ---

5 A. Twenty-eight.

6 Q. Yes. And approximately how many
7 active volunteers?

8 A. About 2,200.

9 Q. And just incidentally, what does
10 "Dogwood" refer to? What does the name mean?

11 A. The name "Dogwood"?

12 Q. Yes.

13 A. Do you want me to tell you a story
14 about where the name came from?

15 THE PRESIDING MEMBER: I was going to
16 ask you if Mr. Champ hadn't!

17 --- (Laughter)

18 THE WITNESS: Originally, when the
19 Organization started, it was called "Forest Futures",
20 and our Executive Director never liked that. He
21 thought it sounded like something it was not. So I
22 believe in 2004 we changed the name to "Dogwood
23 Initiative", simply because "Dogwood" is the B.C.
24 flower. It is protected. You are not allowed to cut
25 down a Dogwood Tree, apparently. And "Initiative"

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1 because it is action-oriented. It makes you feel like
2 you are actually doing something in the world -- and we
3 are really committed to effectiveness and doing
4 important work in this Province.

5 MR. CHAMP: Thank you, Ms. Trojand.

6 Q. I now want to ask you some
7 questions about ---

8 We have the numbers in terms of your
9 Membership and your Supporters. I would now like to
10 get a sense of who they are, demographically.

11 If you could turn to Tab 18 in the
12 materials...

13 A. Yes.

14 Q. Can you tell us what this document
15 is and tell us about what Dogwood learned about its
16 Supporters?

17 A. In 2013, we worked with a woman
18 named Cara Pike to do a Survey of our current
19 Supporters, just to get a sense of who our own people
20 were.

21 A lot of our communication is online
22 and so sometimes we ---

23 We wanted to get a sense of who our
24 people were, so we performed a Survey of our own
25 Members and found that the majority of them were over

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1 fifty-five and that most of them are well-educated...

2 Yes. That is the majority.

3 They come from all sorts of
4 backgrounds. But we do have a diverse group of
5 Supporters, ranging from Mums, to young people, to
6 students, to retired folks.

7 Q. And how many -- and my apologies
8 if you have already answered this.

9 How many, approximately, are over
10 fifty-five?

11 A. The majority of them.

12 Q. The majority?

13 A. Yes.

14 Q. And in terms of ---

15 A. There is a percentage in here, but
16 I haven't been able to locate it.

17 I do know the majority are over fifty-
18 five.

19 Q. That's fine.

20 And what about the educational levels
21 of the Supporters of Dogwood?

22 A. Yes. Again, the majority have a
23 Post-Secondary Education.

24 Q. I want to talk to you a little bit
25 more about Dogwood's activities, the way in which you

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1 promote the Objectives of the Organization.

2 Can you just tell us about some of the
3 actual activities that Dogwood encourages and promotes
4 and for which it provides Training for its Supporters?

5 A. Yes. These days, largely, our
6 Training and Promotion surrounds political organizing.

7 Leading up to Elections or
8 opportunities in which citizens can participate in any
9 democratic process, we reach out and let them know that
10 that opportunity exists, whether it be an opportunity
11 to send in a Comment to a Court/Board or to write
12 Letters ---

13 We used to do a lot more "Letters to
14 the Editor", or would encourage our Supporters to write
15 in. But mostly these days it is a lot of community
16 events, such as door knocking and raising the profile
17 of issues that people are concerned about in the
18 community.

19 Q. And one other question about your
20 activities: What is Dogwood's position on civil
21 disobedience as a tactic?

22 A. As a tactic...

23 That could be a long story, depending
24 upon how detailed you want it to be...

25 Q. How about the "short story".

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1 A. The "short story": We generally
2 discourage civil disobedience, especially if it is used
3 just as a "go to" tactic.

4 We have been in situations in which we
5 have refused to participate in civil disobedience, and
6 that has resulted in a Policy where ---

7 We recognize that it can be a tool, a
8 tactic, if applied in the perfect situation, in an
9 appropriate context. However, it is definitely not our
10 preferred tactic.

11 We have a Memo and a Policy that says
12 that if someone in the Organization is considering
13 engaging in civil disobedience, they need, first, a
14 Sign-Off from our Executive Director and our Operations
15 Director in order to do so.

16 As an Organization, tactically, there
17 are very few situations in which we think that civil
18 disobedience is a legitimate and effective tactic to
19 engage in.

20 Q. Still in the Book of Documents
21 that you have before you, if you go to Tab 24...

22 A. Yes.

23 Q. And you don't have to get into the
24 details per se. Just tell us what this document is?

25 A. These are Minutes to a Meeting

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1 that we had in 2013 after the "Defend Our Coast"
2 Rallies in which civil disobedience became ---

3 You know, we had to think about and
4 talk about what our Organization's Policies were on
5 that tactic.

6 So this is the beginning of our Policy
7 and discussion on the matter.

8 Q. That's great. Thank you.

9 And then just to close the loop on
10 that, I will ask you to turn to the thin Volume that
11 you have before you.

12 It is called "Complainant's
13 Supplementary Book of Documents".

14 A. Yes.

15 Q. If you go to Tab 5 -- and for the
16 record, this is Exhibit C-3.

17 --- (A Short Pause)

18 THE PRESIDING MEMBER: Sorry, Mr.
19 Champ. I am having difficulty putting my hands on that
20 Volume...

21 MR. CHAMP: It is a white-covered
22 Volume, as are all of our Exhibits.

23 THE PRESIDING MEMBER: Yes. I know I
24 had it yesterday...

25 --- (A Short Pause)

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1 I have now found it.

2 My apologies, Mr. Champ.

3 MR. CHAMP:

4 Q. Ms. Trojand, you were just telling
5 us about the iteration of the process in which Dogwood
6 was trying to come up with a Policy on civil
7 disobedience.

8 I am going to take you to Tab 5 of the
9 Complainant's Supplementary Book of Documents.

10 Again, for the record, that is Exhibit
11 C-3.

12 At Tab 5, we see that there is a Memo
13 to Dogwood Initiative Board from Will Horter. The date
14 is "Friday, July 24, 2015" and it is: "Re: Dogwood
15 Initiative policy on civil disobedience".

16 First, who is Will Horter?

17 A. Will is our Executive Director.

18 Q. Okay. And can you just ---

19 THE PRESIDING MEMBER: I apologize. I
20 didn't hear that.

21 THE WITNESS: Sorry. Will is our
22 Executive Director.

23 THE PRESIDING MEMBER: He is your...?

24 THE WITNESS: Our Executive Director.

25 THE PRESIDING MEMBER: Did you say

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1 "Investigative..."

2 MR. CHAMP: Executive Director.

3 THE PRESIDING MEMBER: Executive
4 Director.

5 Thank you.

6 THE WITNESS: That's right. Our E.D.,
7 yes.

8 THE PRESIDING MEMBER: Yes. Thank
9 you.

10 MR. CHAMP:

11 Q. And without getting into details,
12 can you just tell us what the final Policy is? Can you
13 summarize what the final Policy is for Dogwood on this
14 issue?

15 A. This document came to be after a
16 couple of our Interns, with a different Group, wanted
17 to engage in civil disobedience, at which point we
18 realized we needed to resurrect those Meeting Minutes
19 and make the process clear, make the Policy clear, and
20 so this document just clarifies that if anybody in the
21 Organization is considering civil disobedience, they
22 are required to go through our Operations Director and
23 our E.D. in order to get the "Okay" for that.

24 It also just sort of clarifies our
25 philosophy around that particular tactic in terms of

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1 when it might be appropriate and when it is not.

2 Q. Thank you.

3 And Dogwood's definition of "civil
4 disobedience", would that include vandalism to property
5 or violence of any kind?

6 A. Never. I can't think of a
7 situation in which that has ever been considered.

8 Q. Thank you.

9 Ms. Trojand, I am now going to ask you
10 some questions concerning Dogwood's Campaigns around
11 oil pipelines and oil tankers.

12 Just tell us about that, generally
13 speaking.

14 We will get to the Northern Gateway
15 Pipeline specifically in a few minutes. For now, can
16 you just tell us about Campaigns around pipelines and
17 tankers?

18 A. Our work around pipelines and
19 tankers began in 2004, when Enbridge submitted a
20 Proposal to the National Energy Board to build a
21 pipeline from Alberta to the B.C. Coast and we began
22 engaging with British Columbians on that issue, and it
23 soon became very clear that the majority of British
24 Columbians thought that the Project was reckless and
25 deeply concerning.

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1 Our work began in 2004 and has
2 developed since then, where we began aiding the public
3 to participate both in the process and to have their
4 voices heard, both to the NEB and to the Federal
5 Government and the various Decision-makers along the
6 way.

7 Again, that involves all of the
8 typical tools of democratic participation: Letters,
9 Comments, Oral Statements, and other opportunities for
10 people to voice their concerns.

11 Q. Perfect! Thank you.

12 I will take you, now, back to Volume
13 II of II of the Complainant's Book of Documents.

14 For the record, again, that is Exhibit
15 C-2.

16 Do you have that Volume?

17 A. Volume II of II?

18 Q. Yes.

19 A. Which Tab?

20 Q. I will take you to Tab 16...

21 A. Yes.

22 Q. It is my understanding that this
23 is Dogwood's 2013 Annual Report...

24 A. That's right.

25 Q. If you would turn to Page 5 of the

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1 document...

2 A. Yes.

3 Q. On Pages 5 and 6, we see "B.C.
4 saying 'No Tankers'", at the top.

5 Can you tell us about what this
6 Campaign is?--The "No Tankers" Campaign.

7 A. "No Tankers" is the branding of
8 our Tanker and Pipeline Work, beginning in 2004.

9 We have recently dropped our branding
10 around "No Tankers" and shifted to a more proactive
11 frame.

12 In this year, some of our most
13 exciting moments on the Campaign involved working with
14 municipal politicians, to help the Union of B.C.
15 Municipalities, the UBCM, pass a Resolution opposing
16 tankers.

17 That year, we also live-tweeted and
18 shared the Comments and Oral Statements from the
19 National Energy Board's Joint Review Panel.

20 So we just sort of made people's
21 stories more public and shared their experiences on
22 Social Media and through e-mail, and other avenues.

23 Q. We see that photo there.

24 That is the Vancouver Mayor, on the
25 far right.

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1 A. Yes. That is Gregor Robertson;
2 Jennifer Rice -- who is now an MLA, actually, for the
3 Skeena Area; the Mayor of Smithers, Taylor Bachrach;
4 and one of my local politicians, Dean Murdock, who is
5 from Saanich.

6 Q. So this "No Tankers" Resolution at
7 the Union of B.C. Municipalities Convention, that was
8 advanced by Dogwood?

9 A. Well, we definitely supported it.
10 This was actually my File for many
11 years.

12 Our Supporters were encouraged to meet
13 or call, or talk with, their local representatives
14 about their concerns, and, really, their work led to
15 local politicians and leaders taking stronger and
16 stronger stances in order to represent the views of
17 their constituents.

18 Q. Okay. Maybe now we will start
19 moving a little bit closer to the Northern Gateway
20 Pipeline.

21 I will ask you to turn to Tab 19...

22 A. Yes.

23 Q. The document here is titled
24 *"Frequently Asked Questions about Dogwood's New*
25 *Strategy"*.

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1 First of all, are you familiar with
2 this document?

3 A. Yes.

4 Q. And is this from Dogwood's Website
5 also?

6 A. Yes.

7 Q. And what is the "Strategy" that is
8 being described here?

9 A. Several years ago, after the
10 National Energy Board recommended approval and it was
11 clear that the Federal Government was poised to approve
12 the Project, our Group and other Groups were
13 considering the options around our work and had
14 determined that there were really three avenues of
15 engagement on Northern Gateway.

16 One is legal action, which is led,
17 largely, by First Nations Communities; one is
18 political pressure ---

19 So working politically.

20 -- and the other is land defence, as
21 they call it, and that would be civil disobedience.

22 Looking at those three options,
23 Dogwood very strongly felt that our work should be
24 about legitimate political organizing and pressure. So
25 we launched the "Let B.C. Vote" Campaign, which is

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1 utilizing our Provincial Legislation in B.C. to trigger
2 and launch a Citizens' Initiative that could lead to
3 British Columbians having a Province-wide democratic
4 vote on whether or not these Projects should go
5 through.

6 This strategy is our effort to engage
7 politically and democratically, rather than having the
8 situation descend into, or come to, any acts of civil
9 disobedience.

10 Q. Thank you.

11 If you will turn now to Tab 21,
12 "Defend Our Coast"...

13 A. Yes.

14 Q. There is reference here to
15 "Rallies at the Legislature in Victoria" and other
16 activities.

17 Can you tell us about ---

18 And I see reference to Enbridge down
19 here as well.

20 Can you tell about this Campaign, the
21 "Defend Our Coast" Campaign?

22 A. By way of a little bit of the
23 background behind this event, about nine months before
24 the "Defend Our Coast" Rallies, we were called together
25 by some Funders and some people who worked on the

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1 Enbridge File and they requested that the Groups
2 collaborate to have a big Event that citizens could
3 engage with.

4 Going into that Meeting ---

5 I actually attended that Meeting as
6 Dogwood's representative, and our intent going in was
7 to help everyone present decide to hold a big
8 celebration.

9 We thought what was needed at that
10 time was, you know, something like a Rock Concert, or
11 something fun that people could bring their friends and
12 family to; something really friendly and fun.

13 It became clear pretty quickly to me
14 that other Groups in the room were more interested in
15 engaging in a peaceful and symbolic act of civil
16 disobedience at a big Rally, and so Dogwood opted out
17 of this Event initially, much to the frustration of all
18 the other Groups.

19 Q. And why was that? Why did Dogwood
20 want to opt out?

21 A. We wanted to opt out because we
22 didn't think that even a symbolic act of civil
23 disobedience was appropriate for the state that British
24 Columbians were at on the issue, nor that it would be
25 really strategic or effective in reaching out to other

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1 people.

2 It is not a good way to make a safe
3 space for people.

4 So we weren't onboard with that.

5 But eventually, our Funders basically
6 said "*Please play nice with the other children*" and so
7 our compromise was to hold a secondary event, in
8 collaboration with LeadNow, the next day, where we
9 encouraged the members of the public to engage with
10 their local MLAs.

11 So it was a little bit more targeted
12 and the tone was a lot more friendly.

13 Yes.

14 THE PRESIDING MEMBER: What is the
15 date of this particular document? When was it issued?

16 THE WITNESS: This looks like the
17 Explanation or Invite to the Event. So it probably
18 would have gone out several weeks before October 24th.

19 MR. CHAMP: Of 2013.

20 THE WITNESS: Yes, 2013.

21 THE PRESIDING MEMBER: Thank you.

22 MR. CHAMP:

23 Q. Ms. Trojand, I will now start
24 asking you some questions about, more directly, the
25 National Energy Board Hearings concerning the Northern

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1 Gateway Pipeline Project.

2 First of all, was Dogwood Initiative a
3 formal legal Party in that Proceeding?

4 A. No, we were not.

5 Q. Can you tell us a bit about
6 Dogwood's involvement, then, in those NEB Hearings?

7 A. About a month or so before the
8 deadline that the NEB had for people to sign up to make
9 Oral Statements ---

10 The National Energy Board invited the
11 public to engage in their Review Process and make a
12 ten-minute Oral Statement about whether they supported
13 or opposed the proposed Project.

14 About a month or so ahead of that, we
15 realized what a great opportunity this was for
16 engagement on the part of our Supporters and for
17 British Columbians, and so we went through and tried to
18 register ourselves and realized that the National
19 Energy Board Website was a little bit difficult to
20 navigate. It was very long and kind of convoluted.

21 So we created a Web Forum that
22 simplified the process but submitted, officially, any
23 Sign-Ups.

24 We essentially made the process easier
25 for the public to engage with and then sent an

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1 Invitation to our Supporters to sign up and make their
2 voices heard in the process.

3 We also set up some "mirror" sites, so
4 other Organizations that were also interested in
5 pointing their Supporters there could use the same sort
6 of Web tool to make the process easier.

7 So we signed up a whole lot of British
8 Columbians to participate. For us, we signed up 1,575;
9 and then other Groups signed up, collectively, about
10 437.

11 Q. We will talk about this in more
12 detail in a few moments, but approximately how many
13 people who signed up through Dogwood's Online
14 Application Form did actually participate and present
15 to the NEB Hearings?

16 A. I believe it was 837 of those
17 1,500.

18 Q. Great!

19 And in terms of people preparing and
20 presenting their individual Presentations, did Dogwood
21 take any steps or actions around that?

22 A. Yes. We realized, once we had
23 1,500 people that were willing to participate and give
24 their "ten minutes", we had a responsibility to them to
25 make sure that they were supported in that process.

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1 The process isn't necessarily
2 straightforward, either. They had to wait, I think in
3 was, eighteen months until they actually testified.

4 So we felt a responsibility to make
5 sure that they didn't forget and that they actually
6 showed up and that they were prepared, and so we ran a
7 series of Workshops with other Partner Organizations,
8 both in-person and on the Web -- so we did some
9 Webinars -- that just walked people through what to
10 expect and what kinds of Stories they could tell when
11 they made their Statements that could be helpful and
12 well-received.

13 Q. More impactful.

14 A. That's right.

15 Q. If you would turn to Tab 44 in
16 Volume II...

17 A. Yes.

18 Q. This is a document from your ---

19 Well, it says "Eventbright" Invite,
20 saying: "Maximizing Your Impact at the Enbridge
21 Northern Gateway Community Hearings".

22 Is this what you are talking about
23 here?

24 A. That's right.

25 Q. And just for the assistance of the

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1 record, can you just tell us what a "Webinar" is?

2 A. A Webinar is a live...

3 No one has ever asked me to explain
4 that!

5 It's a tool that you can use online in
6 which people can sign in and communicate with you in
7 real-time.

8 There is a Presenter.

9 So they can "Share" their screen and
10 you walk them through a Presentation.

11 The people who are listening and
12 watching can, at certain times, ask questions and
13 engage with the Presenter.

14 So it's a...

15 It's a Workshop; but it is online.

16 MR. CHAMP: I know it seems kind of
17 second-nature now, but actually I don't think Webinars
18 are more than about five years old.

19 So I appreciate your explaining that
20 for the record.

21 Q. And then the document at Tab 45,
22 this is the Invitation, an online Invitation for
23 attending the Webinars?

24 A. That's right.

25 This one may actually be an in-person

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1 Workshop.

2 It's at the Michelle Pujol Room -- I
3 attended this one -- at U-Vic.

4 But it was one of many Workshops that
5 were either Webinar or in-person.

6 Q. This particular Workshop and
7 Webinar was around assisting people to Present at the
8 Panel in-person.

9 Were there other Workshops around the
10 NEB Hearings that Dogwood assisted in organizing?

11 A. Absolutely. Of all different
12 varieties.

13 For example, leading up to the Kelowna
14 Joint Review Panel Hearing, we held a Workshop on
15 Storytelling, on Theory of Change, and on Messaging,
16 essentially.

17 We did that.

18 Before then, we also, in conjunction
19 with Joint Review Panel Hearings, held some Canvasses
20 in which there were Sessions where we invited people to
21 come out and knock on doors with us -- which obviously
22 contained a Training component where we went through
23 "Best Practices for Door Knocking" and communicating
24 with people at the door.

25 Q. And that is the "Knock the Vote"

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1 Campaign?

2 A. That's right.

3 Q. I will take you now to the
4 Complainant's Supplementary Book of Documents...

5 A. Yes.

6 Q. There are a couple of documents
7 there that I will take you to.

8 You were talking about a Campaign
9 around door knocking.

10 If you go to Tab 4, we see here ---

11 There are a few documents in this Tab.

12 On the first page, we see: "Knock the
13 Vote: When: January 12, 2013"; then we see that,
14 next, there is a Media Advisory around "Knock the
15 Vote"; next, there is a letter, a template letter
16 invitation; and then, finally, we see "Knock the Vote:
17 your guide to the doorstep".

18 Can you just tell us in a bit more
19 detail what these documents and what the "Knock the
20 Vote" Campaign was about?

21 A. Sure.

22 At this time, the Joint Review Panel
23 Hearings were closed to the public. They were held in
24 a small room in a hotel, and if you wanted to view the
25 Hearings, you had to go all the way to the other side

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1 of town, into a different hotel where you could watch
2 the Live Stream.

3 There was a bit of an uproar about
4 this.

5 Part of the joy of these Hearings was
6 in being able to go in and experience the process, to
7 listen to people's Statements.

8 You know, people told really moving
9 Stories, and it was such a lovely experience to be able
10 to go in and hear people.

11 That was barred and so we were
12 interested in providing a different way to engage other
13 than just going to bear witness and so we organized
14 some Canvasses around all of the different Hearings.

15 As you can see, the first thing we did
16 was to invite our Supporters and others to come and
17 celebrate the courage of the people who made Oral
18 Statements, and also to knock on doors.

19 So: *"Let's celebrate them, as well as*
20 *do more to make this issue more visible."*

21 So we sent out an Invite. We invited
22 the Media as well.

23 We had a couple of Journalists join us
24 on the "Door", to just get a flavour of what we were up
25 to.

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1 I think at this Event, actually, it
2 was Jack Knox from the *Times-Columnist* who came out "on
3 the Door" with us.

4 When people arrived, they got this
5 package, the "*Knock the Vote: Your Guide to the*
6 *Doorstep*", where they got tips and materials, along
7 with a little bit of help by way of a Script so that
8 they could practise on some Frequently Asked Questions,
9 and we would practise a little bit, and then we got on
10 some busses and went to a couple of strategic places in
11 the Community.

12 So, Polling Divisions where the Voter
13 turnout, for example, was really low. We would target
14 places that had low participation and go out and knock
15 on doors and have meaningful conversations with
16 lawyers.

17 So at this Event ---

18 Q. It's a bit like political
19 canvassing in Elections?

20 A. Yes. Exactly. At this Event, I
21 think we had fifty community members come out and knock
22 on the doors with us for about an hour-and-a-half, and
23 then we returned to a local pub, to Swan's, and ate and
24 had a couple of drinks and celebrated the people who
25 had Presented.

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1 Q. And if you go, now, to Tab 3, just
2 one before -- and I apologize for jumping back and
3 forth. I am just trying to stay with the same
4 documents.

5 If you go to Tab 3, just one before...
6 I think this is an Invitation to that
7 Kelowna Workshop that you were describing to us...

8 A. That's right.

9 Q. So this was held on January 27th,
10 in Kelowna, at the First United Church Hall?

11 A. That's right.

12 Q. I am going to take you, now, to a
13 different set of documents, Ms. Trojand.

14 Going to Volume I now, Complainant's
15 Book of Documents Volume I of II...

16 I will just give you a moment to turn
17 that up...

18 --- (A Short Pause)

19 A. Yes.

20 Q. I would like to take you to Tab 4,
21 where we find a package of documents obtained under
22 Access to Information from the National Energy Board.

23 You will see, in the bottom right-hand
24 corner, a long number.

25 There is a page number embedded in

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1 there, and it is the last three digits, "001"...

2 A. Yes.

3 Q. If you go to Page 045, Page 45...

4 It's an e-mail, or a series of e-
5 mails.

6 A. Yes.

7 Q. If you go about halfway down the
8 page in the body of the second e-mail, there is one
9 line that starts "Between 0930 to 1400 hours, Sandman
10 Hotel..."

11 Do you see that?

12 A. That's right.

13 Q. (Reading):

14 "...Sandman Hotel and Suites
15 Kelowna, several protests were held
16 by the Idle No More, People's
17 Summit, LeadNow, Dogwood
18 Initiative and independent
19 activists. There were
20 approximately 150 peaceful
21 protesters."

22 Do you recall that Event? Is that an
23 Event that you are familiar with?

24 A. I do.

25 Q. Can you just tell us about that

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1 Event?

2 A. Yes. This is referencing ---

3 It sounds like a Rally and Protest
4 that was organized outside the Hearings while they were
5 occurring.

6 To be clear, Dogwood Initiative didn't
7 lead this Rally, nor did we communicate with our
8 Supporters about it.

9 I believe it was organized by Idle No
10 More.

11 But I did speak at it, simply because
12 I had been brought into the Hearing Chambers with a
13 Supporter who was testifying or was making her
14 Statement. So afterwards, when I came out, the Rally
15 Organizers asked me to just say a couple of words about
16 what was happening inside.

17 Yes. But I think that is accurate. I
18 think there were about 150 local residents gathered
19 outside, and there were Speakers from local First
20 Nations and other Groups.

21 Q. And this Event ---

22 This isn't the Workshop, obviously,
23 that you have spoken of?

24 A. No.

25 Q. But this is the same weekend in

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1 Kelowna?

2 A. It is the same weekend. It was
3 the day after our Workshop.

4 Q. If you would turn now to Page 61
5 in this Package, "061" in the bottom right-hand
6 corner...

7 --- (A Short Pause)

8 A. Yes.

9 Q. This is part of an internal NEB
10 Security Report.

11 You will see, near the top, there is a
12 big Heading "*Threat Assessment*".

13 Are you with me there?

14 A. Yes.

15 Q. Okay. And if you go down, near
16 the bottom, there is a Heading saying "*LeadNow and*
17 *Dogwood Initiative*".

18 Can you just take a moment to read
19 through that paragraph...

20 --- (A Short Pause)

21 A. Okay.

22 Q. Is this the Skills Training or the
23 Workshops that you were speaking about before?

24 A. It sounds like it. The only thing
25 that I think might be inaccurate are the words

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1 "community resistance".

2 Q. Well, why don't you tell us ---

3 I am not sure that you got into too
4 much detail.

5 Here, they say "*skills training*".

6 What were the kinds of Workshops or
7 Skills that were being taught at this Event?

8 A. The three Trainers were myself,
9 Anna McLean, from LeadNow, and Logan McIntosh from
10 LeadNow.

11 We had about forty to fifty people, I
12 think, that showed up. We separated them into three
13 groups and had Stations. One Station was about
14 Storytelling. So learning some tools to be able to
15 tell your personal story better: you know, *why you are*
16 *concerned about the issues that you are concerned*
17 *about*.

18 One Station was basically an Art
19 Station, where folks created signage for the next day.

20 And then my Station was on "Theory of
21 Change".

22 So we talked about how having a clear
23 vision or plan on how to enact the changes that you
24 would like in the world is important and that your
25 tactics need to align with that.

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1 Interestingly, in that Session, I
2 would say that there was an emphasis on the fact that
3 at this point in the Campaign, civil disobedience was
4 not an appropriate tactic and that *if you really wanted*
5 *to change what was happening around Enbridge Northern*
6 *Gateway, participating in democracy was probably a more*
7 *effective tactic and one that aligned with your theory*
8 *of change.*

9 Yes.

10 Q. You will see, Ms. Trojand, that
11 this Event is under the Heading "*Threat Assessment*".

12 What do you think about that?

13 Were these Workshops in some way meant
14 as a threat to the National Energy Board Hearings?

15 A. No. It seems ridiculous.

16 Q. Were you using threatening skills
17 or tactics in some way to intimidate the NEB Panel or
18 other participants?

19 A. No. Absolutely not -- unless
20 personal storytelling and social change are a personal
21 threat to the National Energy Board, which I don't
22 think they are.

23 No. There is nothing happening in
24 these Workshops that is at all threatening.

25 Q. We see the phrase there about

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1 "community resistance".

2 Do you think that is a fair
3 description of the skills you were teaching?--

4 "Community resistance".

5 A. I don't. Actually, how I would
6 describe the Workshop is "political organizing" or
7 "community organizing".

8 Yes.

9 Q. Ms. Trojand, you understand now
10 that these documents here, these NEB documents, were
11 obtained by a Journalist and were reported on in the
12 Press...

13 A. Yes. That's my understanding,
14 yes.

15 Q. We will see on that same page, up
16 higher on "Threat Assessment", it speaks about the "NEB
17 consulting the Canadian Security Intelligence Service,
18 both national Headquarters and regional Headquarters".

19 A. Um-umm (Witness Nodding in the
20 Affirmative).

21 Q. Was Dogwood and Dogwood Supporters
22 aware of the Newspaper Stories that were coming out
23 around these documents and the concern, or potential
24 concern, that CSIS and the RCMP were monitoring
25 Dogwood's activities around the NEB?

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1 A. Certainly.

2 When the Article came out in the
3 National Observer, it was upsetting, certainly. We
4 talked about it on Staff and with our Volunteers and
5 reacted in some ways.

6 I mean, there are some things that we
7 did ---

8 Like, we beefed up some of our data
9 security, for example.

10 Yes.

11 Not being paranoid about it, but,
12 yeah, we did take some measures internally to make sure
13 that our data was secure and that ---

14 Yeah.

15 Q. Can you tell us a bit more about
16 whether Dogwood heard from Staff or Supporters, or
17 Volunteers around this issue?

18 A. Absolutely. I know that our
19 Executive Director got quite a number of calls
20 expressing concern.

21 We really started seeing the effects
22 of this out in the Field Program when people would come
23 up to our Booths and have really conversations with us
24 or meet us out in the street when we were canvassing
25 but refused to sign because they were worried that they

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1 would be "on a list", "on a Government list".

2 I often hear that people who work for
3 Industry or any ---

4 Even it's Construction and they work
5 on a Project that is associated with the Oil and Gas
6 Industry, they'll say: "Oh, I'm afraid to sign because
7 I'm worried that I'll get fired."

8 So it certainly affected our ability
9 to interact with, and connect with, potential
10 supporters, and it certainly has affected some of our
11 Volunteer Teams on the ground, who feel, yeah, a little
12 bit creeped out.

13 When this came out, they answered
14 questions about: "Well, what does this mean? Does
15 this mean that my e-mails are being monitored? Does
16 this mean that my phone is tapped? What does this look
17 like? Are there informants in our midst?"

18 And some of that fear around, yeah,
19 just surveillance that made them uncomfortable.

20 Not that we ---

21 We've nothing to hide. That is what
22 I've always told our Supporters: that even if there is
23 surveillance, it wouldn't change our activities
24 because, you know, all of our activities are on the up-
25 and-up.

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1 Q. If you could turn to Volume II,
2 the Complainant's Books of Documents, Volume II of
3 II...

4 A. Yes.

5 MR. CHAMP: For the record, that is
6 Exhibit C-3.

7 Q. I will ask you to turn to Tab
8 30...

9 A. Yes.

10 Q. This is an e-mail ---

11 We see that there is a reference to an
12 Arie Ross.

13 Who is Arie Ross?

14 A. Arie is one of my five Provincial
15 Organizers. She works in Surrey and New Westminster,
16 and Delta.

17 And Fiana is actually a high school
18 student who volunteers with her.

19 Q. And here, the Sender is saying:

20 "Yes, I'm looking forward to the
21 fall elections. Oh but since Bill
22 C-51 also passed, are Dogwood's
23 activities still okay?"

24 What is your understanding of the
25 concern being raised there by the Sender?

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1 A. When information about Bill C-51
2 came out, our Supporters got really scared ---

3 I mean, there was a level of
4 discomfort before.

5 We coped with the knowledge that there
6 may be surveillance on our work by kind of making light
7 of the issue. But when Bill C-51 came out, I think
8 people got to be a little bit more alarmed. They felt
9 as if there might be real consequences to engaging with
10 Dogwood for simple things such as knocking on doors and
11 making phone calls to residents and voters and talking
12 to their neighbours about issues that we work on.

13 MR. CHAMP: I'll just be a moment, Mr.
14 Chair...

15 --- (A Short Pause: Off-Record Discussion between
16 Complainant's Counsel and Client Representative)

17 MR. CHAMP: Thank you, Ms. Trojand.
18 Those are all of the questions that I have for you.

19 Counsel for CSIS may have a few
20 questions for you, as may SIRC Counsel.

21 THE PRESIDING MEMBER: Thank you, Mr.
22 Champ.

23 Madam Dion, do you have any questions
24 for the witness?

25 MS. DION: Yes, I do.

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1 I have only a few questions, actually.

2 Thank you, Mr. Member.

3 Good morning, Ms. Trojand.

4 THE WITNESS: Hello.

5 Cross-Examination by Ms. Dion:

6 Q. During your testimony, you
7 referred to the *Vancouver Observer* Article, which we
8 find at Tab 9 of the Complainant's Book of Documents,
9 Exhibit C-1.

10 I invite you to take a moment to
11 review that Article.

12 Again, it is at Tab 9.

13 --- (A Short Pause: Witness reviewing referenced
14 documentation)

15 A. Yes.

16 Q. I understand that this is at least
17 one of the starting points of the fear of being
18 monitored by Security Intelligence in relation to
19 protest, dissent, or advocacy.

20 Is that correct? A. Yes.

21 Q. And I see that at the first page
22 of the Article, Dogwood is mentioned.

23 There are two paragraphs, and then
24 there is an excerpt from a document that we looked at
25 earlier, under Tab 4.

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1 Is that correct?

2 A. Yes.

3 Q. I invite you to turn to Tab 4,
4 while keeping your finger on this page here, and
5 compare the first page of the Article with Page 61 at
6 Tab 4...

7 --- (A Short Pause: Witness reviewing referenced
8 documentation)

9 Do you agree that the information that
10 you find in the *Vancouver Observer* Article, at the
11 excerpt from the document, is the same information that
12 we find at Page 61 of the NEB Security Assessment?

13 Take the time you require to read
14 it...

15 --- (A Short Pause: Witness reviewing referenced
16 documentation)

17 A. It looks to be the same, yes.

18 Q. Thank you.

19 As you previously acknowledged, this
20 is found in the "Threat Assessment" portion of the NEB
21 Assessment, and you will see that there are different
22 Headings under "Threat Assessment". There is
23 "Overview", "National-level Intelligence Resources",
24 "Police Intelligence Resources", and "Open Source
25 Information Reporting".

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1 Is that correct?

2 A. Um-umm (Witness Nodding in the
3 Affirmative).

4 Q. And am I correct in saying that
5 the Dogwood Initiative Event of January 27th is found
6 in the "Open Source" Heading, under the "Open Source"
7 Heading?

8 A. Yes.

9 Q. I will ask you to turn to the next
10 page, Page 62.

11 At the end of the "Threat Assessment"
12 Section ---

13 So just before Section 13 "Security
14 Level".

15 Could you read the last paragraph...

16 A. Sorry. Page 13...

17 Q. Page 62, just above the "Security
18 Level" Heading.

19 A. So there is the part that is
20 redacted, and then that last line?

21 Q. And then there is "EcoSociety"...

22 I am on Page 62...

23 --- (A Short Pause)

24 So there is a redacted portion; then
25 there is the "EcoSociety" section that I've mentioned,

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1 and ---

2 A. Oh, I see.

3 Q. -- and then there is the "Kelowna
4 RCMP".

5 A. Right. So:

6 "The Kelowna RCMP as well as NEB
7 Communications and Security
8 continue to monitor open source
9 information."

10 Q. Is there any mention of CSIS
11 monitoring open source information in this document?

12 A. Can you ask that question again?

13 Q. Is there any mention of CSIS
14 monitoring open source information in this Section?

15 --- (A Short Pause: Witness reviewing referenced
16 documentation)

17 A. Not explicitly, no.

18 Q. When the Newspaper Article came
19 out, did you consult the documents? Did you look at
20 the package of documents that the Article was based on?

21 A. Me personally?

22 Q. Yes.

23 A. No.

24 MS. DION: Thank you. Those are all
25 the questions I have.

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1 Thank you, Mr. Fortier.

2 MS. DION: Thank you, Ms. Dion.

3 Madam Bowers, do you have any
4 questions for the witness?

5 MS. BOWERS: I have no questions.
6 Thank you, Sir.

7 THE PRESIDING MEMBER: I have no
8 questions for you either, Ms. Trojand.

9 I am grateful, Madam Trojand ---

10 By the way, what is the etymology, the
11 source, of the name "Trojand"?

12 I am curious...

13 THE WITNESS: I think it is Norwegian.

14 THE PRESIDING MEMBER: Yes. It could
15 be, yes.

16 THE WITNESS: I think you would
17 pronounce the "j" as an "l".

18 THE PRESIDING MEMBER: Thank you.

19 Again, I am grateful to you for having
20 come before me to give evidence today, to answer
21 questions, as you have done. You are now excused.

22 Thank you.

23 THE WITNESS: Are there ---

24 MR. CHAMP: Mr. Chair, if I may, I
25 have one or two questions in Redirect arising from the

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1 questions put to the Witness by Counsel for CSIS.

2 THE PRESIDING MEMBER: My apologies.

3 I should have canvassed that with you.

4 MR. CHAMP: I have just one or two
5 minor clarifications to ask about.

6 THE PRESIDING MEMBER: Certainly.

7 Re-Examination by Mr. Champ:

8 Q. Ms. Trojand, on the Newspaper
9 Story at Tab 9, I think the quote there actually might
10 come from a different page.

11 If you look at Tab 9, you'll see the
12 quote "On 27 Jan, LeadNow and Dogwood Initiative
13 will...", and the sentence ends with "will".

14 The page we were looking at earlier,
15 Page 61, goes on: "...will be providing" and it is cut
16 off.

17 I think the quote actually comes from
18 Page 80.

19 It is the same quote, essentially.
20 But I think it was cut from a different document, just
21 for clarification.

22 THE PRESIDING MEMBER: From Page 80?

23 MR. CHAMP: Yes. Page 080.

24 THE PRESIDING MEMBER: 0-8-0?

25 MR. CHAMP: Yes.

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1 Where it says "*LeadNow and Dogwood*
2 *Initiative*", there is a "c" beside it, and that's the
3 same "c" that we also see in the Story published by Mr.
4 Millar.

5 **THE WITNESS:** You are right.

6 **MR. CHAMP:**

7 **Q.** Okay. Thank you.

8 And then the other question I have
9 concerns your answer about the "starting point of fear
10 and concern of Dogwood".

11 Ms. Dion put to you that the Story at
12 Tab 9 was the "start of fear and concern of being
13 monitored in some way".

14 Were there any events prior to that
15 that gave Dogwood concern that they may be raising
16 concerns in Ottawa?

17 **A.** We were certainly ---

18 In 2011, the Minister of the
19 Environment, Joe Oliver, produced an Open Letter
20 calling our Group, and members of it, essentially
21 "*foreign-funded environmental radicals*", and that
22 caused quite a bit of alarm among our Supporters and
23 our Community, and our Staff.

24 So before this Article came out, we
25 were certainly on alert and felt uneasy about being

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1 characterized in such a way.

2 This Article, in some ways, confirmed
3 some fears that we hadn't really spoken out loud up
4 until that point about the extent to which we should be
5 careful and cognizant of who is watching.

6 MR. CHAMP: Thank you. Those are all
7 the questions I have in Redirect.

8 THE PRESIDING MEMBER: Any questions
9 arising, Madam Dion, from the questions posed by Mr.
10 Champ in Redirect?

11 MS. DION: No. Thank you, Mr.
12 Fortier.

13 THE PRESIDING MEMBER: Madam
14 Bowers...?

15 MS. BOWERS: No. Thank you.

16 THE PRESIDING MEMBER: So this time I
17 get to thank you for real!

18 Thank you again for having come here
19 today to give evidence before me. You are now excused.

20 THE WITNESS: Thank you.

21 --- (The Witness Withdrew)

22 THE PRESIDING MEMBER: Your next
23 witness, Mr. Champ, is Terry Dance-Bennink...

24 MR. CHAMP: Yes, Sir.

25 THE PRESIDING MEMBER: Do you want

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1 five minutes to put your ducks in order, or...

2 MR. CHAMP: I believe she is here --
3 but perhaps a short break would be in order...

4 THE PRESIDING MEMBER: Why don't we
5 adjourn until 10:25.

6 MR. CHAMP: That sounds fine. Thank
7 you, Mr. Chair.

8 THE PRESIDING MEMBER: We will call it
9 a "comfort break".

10 MR. CHAMP: Thank you.

11 --- (A Short Recess)

12 --- Upon Resuming:

13 --- (Terry Dance-Bennink called to the Witness Table)

14 THE PRESIDING MEMBER: Thank you,
15 everyone. We are ready to continue.

16 Good morning, Madam Dance-Bennink.
17 Thank you for coming before me to give evidence as a
18 witness on behalf of the British Columbia Civil
19 Liberties Association.

20 I will ask the Registrar to swear you
21 in now...

22 THE REGISTRAR: Good morning, Ms.
23 Dance-Bennink.

24 Do you solemnly affirm that the
25 evidence you are about to give to the Committee shall

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1 be the truth, the whole truth, and nothing but the
2 truth?

3 THE WITNESS: Yes.

4 TERRY DANCE-BENNINK, Called and

5 Affirmed:

6 THE REGISTRAR: For the record, would
7 you please state your full name, spelling your last
8 name...

9 THE WITNESS: Terry Dance-Bennink,
10 spelled: D-A-N-C-E, hyphen, B-E-N-N-I-N-K.

11 THE REGISTRAR: Thank you.

12 Secondly, I would like to read to you
13 Section 51 of the *Canadian Security Intelligence*
14 *Service Act*, which provides protection to witnesses
15 appearing before the Committee.

16 It reads as follows:

17 "Except in a prosecution of a
18 person for an offence under
19 section 133 of the *Criminal Code*
20 (false statements in extra-
21 judicial proceedings) in respect
22 of a statement made under this
23 Act, evidence given by a person
24 in proceedings under this Part
25 and evidence of the existence of

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1 the proceedings are inadmissible
2 against that person in a court or
3 in any other proceedings."

4 Do you understand?

5 THE WITNESS: Yes, I do.

6 THE REGISTRAR: Thank you. You may be
7 seated.

8 THE PRESIDING MEMBER: Madam Dance-
9 Bennink, you will be asked questions by Mr. Champ,
10 Counsel for the BCCLA; then by Ms. Dion, Counsel for
11 CSIS; and then by Madam Bowers, who is Counsel for the
12 Committee.

13 THE WITNESS: Okay. Thank you.

14 THE PRESIDING MEMBER: Mr. Champ...

15 MR. CHAMP: Thank you very much, Mr.
16 Chair.

17 (To the Witness): Ms. Dance-Bennink,
18 when answering my questions, I am going to ask you, as
19 much as possible, to try to address the Chair.

20 It is a little bit of an awkwardly-
21 shaped room. But in responding to my questions, I want
22 you to direct your answers to the Chair as much as you
23 can.

24 THE WITNESS: Certainly.

25 --- (A Short Pause)

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1 Examination-in-Chief by Mr. Champ:

2 Q. I will start by asking you to tell
3 us, and tell the Chair, about where you reside, the
4 City in which you reside, as well as what your
5 employment or background is right now...

6 A. Okay. I live in Victoria, in a
7 condo on the waterfront. My former employment was as
8 V.P., Academic, at Sir Stanford Fleming College in
9 Peterborough, Ontario.

10 Q. And you are currently retired?

11 A. I am currently "retired",
12 quote/unquote!

13 --- (Laughter)

14 MR. CHAMP: There are a few around
15 like that!

16 Q. The Dogwood Initiative is an
17 Organization that you know about?

18 A. Yes.

19 Q. Can you just tell us what your
20 involvement is -- just very briefly -- with Dogwood
21 Initiative?

22 A. Okay. I've been a Volunteer now
23 with Dogwood for about two-and-a-half years and I am
24 currently the Regional Organizer for the South Island,
25 responsible for two Federal Ridings, Victoria and

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1 Esquimalt Saanich Sooke, and I work with about one-
2 hundred Volunteers.

3 Q. I am going to ask you some further
4 questions about that in a moment; but first, I will
5 ask you to tell us a little bit about why you wanted to
6 get involved with Dogwood, and in particular what your
7 history of Activism or Voluntarism is.

8 A. Okay. I grew up in the Sixties
9 and so I was at the University of Toronto during a very
10 lively, socially meaningful time. I was involved in
11 Movements: the Peace Movement, the Women's Liberation
12 Movement, and Causes associated with Civil Rights.

13 That was my foundation.

14 I am also a United Church Member and
15 so I was involved in Faith Group activities at the
16 time.

17 Probably one of my biggest memories is
18 of the *War Measures Act*, in 1970.

19 I found that extremely sobering and
20 scary, to see what happened in terms of the number of
21 arrests that were made, and I think that is partly why
22 I am here today: I don't want history to repeat
23 itself.

24 Q. Did you continue in active ---
25 What are some of the issues and/or

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1 Movements that you used to be involved in back in the
2 Sixties and Seventies?

3 A. I was involved in the United Farm
4 Workers' Campaign to boycott grapes.

5 This was Cesar Chavez's Movement.

6 I actually worked with Marshall Ganz
7 at the time.

8 He was in Toronto.

9 He is now sort of the Guru of
10 Organizing that the Obama Campaign has relied upon.

11 So that was a highlight for me.

12 I was also involved in some Union
13 Organizing at York University, with the Support Staff,
14 and just, you know, a lot of public meetings at the
15 University at that time around the War, the Vietnam
16 War, and Women's Rights, in particular.

17 Q. In your organizing or other
18 Activism, I should say, back in those times, were you
19 ever involved in any kind of violent actions in your
20 Activism?

21 A. No, I wasn't. And again, it goes
22 back to the fact that, as a Christian, I am committed
23 to peaceful, non-violent activism.

24 It is the Martin Luther-Kings and the
25 Gandhis of the world that I respect and admire.

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1 Q. You continue to have association
2 with the Church?

3 A. Yes. I am the Chair of the
4 Justice and Outreach Team at Esquimalt United Church.

5 Q. Thank you for that background, Ms.
6 Dance-Bennink.

7 I want to now ask you some questions
8 more specifically about how and why you got involved
9 with Dogwood and its Campaigns around oil pipelines and
10 oil tankers.

11 Can you start telling us about that?

12 A. I had not been politically active
13 for decades. I was busy with my career and, frankly,
14 kind of cynical of politics.

15 I kind of just thought "*nothing will*
16 *change*".

17 And then when the Enbridge Hearings
18 were launched and a Call was made to the general public
19 who felt strongly on that issue to make Comments and
20 make Presentations, I responded. I thought: "*Yeah.*
21 *It's about time that I do that.*"

22 In my role as V.P., Academic, I was
23 responsible for the School of Environmental and Natural
24 Resource Sciences.

25 I had a background in the

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1 Environmental Sector, and so I thought that was
2 important to do.

3 So I did file a Letter of Comment and
4 did eventually make a Presentation, which I found...

5 You know, it was a little
6 intimidating. But anyway...

7 But I think the real issue that got me
8 fired up was my trip to the Tar Sands in September
9 2013.

10 I am somebody who likes "to see for
11 myself".

12 I'd heard about the Tar Sands. I'd
13 never been there. So I made a two-week trip, tracing
14 the Athabasca River from Banff all the way up to Fort
15 McKay ---

16 Do you want me to go on in that ---

17 **MR. CHAMP:** Certainly. Please tell us
18 about that trip.

19 **THE WITNESS:** It was a turning point
20 in my life.

21 I've given a lot of Talks about it
22 since then.

23 We started off in beautiful and
24 pristine Banff and Jasper, which was wonderful to see,
25 even though the glaciers were shrinking.

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1 As we then approached what is called
2 the "Highway to Hell", Highway 63, en route from
3 Edmonton to Fort McMurray, that was when things began
4 to get "real" for me.

5 It's an awful highway. An incredible
6 number of fatalities. Huge 2-story trucks barrelling
7 down.

8 We could just see barracks all the
9 way.

10 Our first stop was at the Oil Sands
11 Discovery Centre, which is sponsored, I believe, by the
12 Oil and Gas Industry.

13 We learned a lot there. We are very
14 glad we stopped.

15 I got to hold bitumen in my hand.
16 You know, it's a thick, sticky tar-
17 like substance.

18 We were able to sit on a 2-story truck
19 and watch live footage of surface mining in the area.

20 Personally, I was just appalled. It
21 just looked like Mars.

22 I mean, all the over-burden, as it is
23 called, all the vegetation and trees had been removed.

24 We watched as they did this mining.

25 And then they gave us a beautiful

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1 coloured map that showed every inch of the land around
2 Fort McMurray and Fort McKay, basically owned by
3 various Oil Companies.

4 So there was hardly an inch of non-
5 mining activity going on.

6 So that was an eye-opener.

7 And then we ended up, the next day,
8 going up to Fort McKay to visit a Cree-Chipewyan
9 family, and that's when we started to see the tailings
10 ponds.

11 We were just on the highway, though.

12 I regret that I didn't do one of those
13 airplane trips. But you could see the smoke rising and
14 the steam rising from the tailings ponds.

15 At the Oil Discovery Centre, we had
16 learned that the tailings "ponds", quote/unquote, take
17 up about 170,000 square kilometres. They are toxic,
18 and they are in unlined earthen ponds, that are
19 leaking.

20 The birds and the geese, and the
21 animals that land on them by mistake in the winter die
22 a very painful death.

23 So that was our first encounter.

24 Then we started to smell the sulphur
25 and the smoke and we started coughing.

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1 My husband and I had a cough for about
2 two weeks afterwards.

3 Then when we got to Fort McKay to meet
4 with Celina Harper ---

5 I think that was the most moving part,
6 for me, of the trip.

7 She had us in her house. She served
8 us moose stew. She apologized for her husband, who was
9 lying in bed next door because he had a cancerous
10 tumour and was dying from having worked his whole
11 lifetime in the Tar Sands.

12 She basically focused on the health
13 issues in Fort McKay for the First Nations people.

14 I went over to wash my hands in her
15 sink and she said: "Stop! You can't do that."

16 The water is so toxic ---

17 The only water that they can drink is
18 bottled water that is shipped up in huge bottles.

19 She said that when she tries to bath
20 her husband, to give him a bath, he has to have
21 antibiotics put on afterwards because the water is so
22 toxic.

23 Their newborn babies, their pregnant
24 women, have been ordered by Medical Officials not to
25 use the water.

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1 You know, she just looked at us and
2 said: "We can have a pipeline for oil. Why not a
3 pipeline for clean water? Is it just because we are
4 First Nations people and they are waiting for us to die
5 off or to move in resignation?"

6 And she referred to the ten people in
7 the Community who had died the previous year -- which
8 was far higher than normal.

9 She just begged us ---

10 At the end, she said: "We are so
11 isolated..."

12 The Tar Sands is the size of Florida.
13 Most people have never seen it for themselves.

14 She said: "People don't know. In
15 Victoria, Vancouver, you don't know what's going on.
16 So please go back and spread the word. Let people know
17 what's happening."

18 Q. And so what did you do after that
19 trip? Have you ---

20 A. We also interviewed Doctor John
21 O'Connor -- who I'm sure you are aware of -- who gave
22 us tonnes of data on the medical and health issues
23 faced up there and around which nothing had been done,
24 according to him, by the Alberta Government.

25 So I left kind of horrified by what I

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1 considered to be the rape of the land.

2 I think it is absolutely awful what is
3 going on up there to the land.

4 I left shocked by how the First
5 Nations were being treated and just feeling: *"It's*
6 *just history repeating itself. We haven't learned."*

7 And thirdly, I left very aware of what
8 the Tar Sands are contributing to climate change and
9 global warming.

10 So I left depressed. I left shocked
11 and upset.

12 It took me a few weeks to kind of get
13 my feet back on the ground, and it was at that point
14 that I decided *"I have to do more than just sign a*
15 *Petition and give money"*.

16 Up until then, with Dogwood, I had
17 Presented at the Enbridge Hearings and I was calling
18 Donors to thank them for donating to Dogwood, and I
19 just knew that that wasn't enough, and that's when I
20 decided to actually become an Organizer with them, on a
21 volunteer non-paid basis.

22 Q. Great! Thank you.

23 Ms. Dance-Bennink, I have a couple of
24 documents to take you to.

25 There are three Volumes that have been

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1 placed at the Witness Stand for you. The first one is
2 Complainant's Book of Documents, Volume II of II.

3 You will see that it says "Volume II
4 of II" in the middle...

5 A. There is "R-3"...

6 Q. In the middle, it says
7 "Complainant's Book of Documents..."

8 A. Oh, sorry. Volume II. Yes.
9 Gotcha.

10 Q. Volume II of II.

11 For the record, this is Exhibit C-2.

12 If I may, I will first take you to Tab
13 26 of that Volume...

14 A. Okay.

15 Q. Ms. Dance-Bennink, it is my
16 understanding that this is a Bio of you that is on the
17 Dogwood Website?

18 A. Yes.

19 Q. And that is an accurate
20 description of yourself and your involvement with
21 Dogwood?

22 A. Yes, it is.

23 The one thing that I hadn't mentioned
24 earlier is that I am a breast cancer survivor, and I
25 think that is another reason that accounted for my

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1 sense of urgency.

2 I am kind of aware of my own mortality
3 and the mortality of the Planet.

4 Q. If you would turn to the next Tab,
5 Tab 27...

6 A. Yes.

7 Q. Just tell us what these pages are.
8 What is this?

9 A. This was a Blog that I wrote after
10 the trip.

11 I kind of, in detail, went through
12 each day of our Pilgrimage ---

13 By the way, it was a Faith-based
14 Pilgrimage again, with a Roman Catholic Sister leading
15 us.

16 So this was posted on Sierra Club's
17 Website and on Dogwood's Website, and I believe on
18 Raven Trust's as well.

19 Q. Thank you.

20 You have told us that after that trip,
21 you became more involved with Dogwood.

22 Can you tell us about your activities
23 with Dogwood today?

24 What does "Regional Organizer"
25 involve, in more detail?

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1 A. Yes. Essentially, I am ---

2 And just so you know, Dogwood's
3 mandate is to "enable local citizens to reclaim
4 decision-making over their land, air and water" and so
5 in my two Federal Ridings, that has concretely come
6 down to gathering signatures on our Petition calling
7 for a democratic province-wide vote on the issues of
8 pipeline and tanker expansion.

9 It is a form of a Citizens'
10 Initiative, like the HST Referendum.

11 So that has been the main focus of the
12 work I have been doing with our Volunteers in five
13 different communities.

14 Our work consists primarily of very
15 time-consuming knocking on doors, going Poll-by-Poll,
16 to encourage people to support that Petition.

17 In order to launch a Citizens'
18 Initiative, you have to have several hundreds of
19 thousands of signatures.

20 So that has been our main focus, and I
21 am proud to say that in the Capital Region District, we
22 have 50,000 people now who have signed.

23 And as well as that, we have worked
24 with various municipalities -- for example, Sooke,
25 which has been quite concerned about the prospect of

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1 the Kinder Morgan pipeline being approved, with a
2 seven-fold increase in tanker traffic.

3 They actually put it on their
4 Municipal Ballot during the Municipal Election, and so
5 we were involved in supporting them on that.

6 And now we are involved in the Federal
7 Election.

8 We are non-partisan. We are not
9 promoting any Party. But we are trying to make sure
10 that all of the Candidates have been surveyed and that
11 people can go on the Website and read what the
12 Candidates have to say on these issues and then make up
13 their own mind.

14 People find that really useful: that
15 non-partisan approach.

16 Q. The Volunteers that you work with,
17 the more engaged Volunteers, approximately how many
18 would they be?

19 A. I've got, probably, about a
20 hundred in those two Ridings.

21 And they are people like me.

22 You know, some of the Dogwood Staff
23 are younger. The Volunteers, by and large, at least on
24 the Island, are anywhere between 50 and 80.

25 I have two 80-year-old Organizers who

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1 are unbelievable.

2 As an example of their backgrounds,
3 we've got a former Government Policy Analyst in
4 Alberta, I.T. Professionals, Musicians, Dancers, some
5 Skilled Trades people, Church people...

6 We are all pretty well retired and so
7 we have the time.

8 And people feel, I think, some of the
9 same sense of urgency that I do.

10 Q. Thank you.

11 I am going to ask you some more
12 questions about those people in a moment, Ms. Dance-
13 Bennink. For now, I just want to close off another
14 aspect.

15 There is a slim Volume there. It is
16 titled "Complainant's Supplementary Book of
17 Documents"...

18 A. Yes.

19 MR. CHAMP: For the record, this is
20 Exhibit C-3.

21 Q. I would like to take you, in that
22 Volume, to Tab 6...

23 A. Okay.

24 Q. If you are with me there, there
25 are a few documents under this Tab, and it starts with

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1 the title "My Letter to the Northern Gateway Project
2 Panel", dated July 31st, 2012.

3 Do you see that?

4 A. Yes.

5 Q. And was this a Letter that you
6 sent?

7 A. Yes, it is. It was sent in
8 response to the Public Invitation from the National
9 Energy Board for Letters of Comment.

10 Q. So as a resident of Victoria, you
11 submitted this Letter of Comment to the National Energy
12 Board?

13 A. I did. I live right on the water
14 and I watch tankers every day.

15 Q. And what do you draw from that?
16 What do you see?

17 A. Well, I mean I have a personal
18 stake in this. I do not want to see an oil spill.

19 All the experts say it's inevitable --
20 and if it is, it will be an absolute devastation for
21 the City of Victoria.

22 It will affect property values,
23 tourism jobs, et cetera.

24 So it's both a personal and an eco-
25 justice issue for me.

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1 Q. If you turn over the page, you see
2 a document headed "*Presentation to the Enbridge*
3 *Northern Gateway Project, Joint Review Panel, January*
4 *10, 2013*".

5 This is your document?

6 A. Yes, it is.

7 Q. And what is this?

8 A. The first was the Letter that I
9 had to submit, in July 2012, and then the Presentation
10 was made in-person at the Delta Ocean Point Hotel, on
11 January 10th.

12 It's similar to the Letter of Comment
13 but goes into a fair bit more depth.

14 I specifically answered the three
15 Questions that the National Energy Board had put to all
16 of us: *Who am I? How does the Project impact me? And*
17 *then: Whether the Project is in Canada's public*
18 *interest?*

19 Q. Thank you.

20 Ms. Dance-Bennink, I am going to move
21 a bit back now to talk about the other Volunteers that
22 you work with on Vancouver Island South, and in
23 particular I want to ask you about newspaper stories
24 that came out suggesting that the RCMP and CSIS might
25 be monitoring Dogwood activities in relation to the

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1 National Energy Board Hearings.

2 You are familiar with those News
3 Stories?

4 A. Yes, I am.

5 Q. Can you tell us about what, if
6 any, impact those Stories had on the other Volunteers
7 that you work with?

8 A. I actually surveyed my Volunteers
9 to find out what they were feeling in the light of
10 those allegations and subsequent to the passage of
11 Bills C-51 and Bill C-24 and got a whole lot of
12 comments back.

13 There were about ten different major
14 concerns, ranging from the fact that we are finding it,
15 sometimes, more difficult to encourage people to sign
16 our Petitions ---

17 You know, people want to sign, but
18 occasionally, when I'm out canvassing, they'll say to
19 me: *Is my name going to end up on a Government*
20 *Security List?*

21 The same concern has sometimes been
22 raised by Donors, and sometimes in terms of potential
23 Volunteers being concerned about how Dogwood is viewed
24 and whether, if they become a Volunteer, that means
25 that they are viewed as a "radical extremist", and my

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1 answer, always, is: *We are the exact opposite of that.*
2 *We are committed to peaceful, non-violent, following*
3 *the democratic process, particularly Electoral*
4 *processes.*

5 We are very clear on that.

6 But anyway, that has been an effect.

7 This concern and fear about being
8 photographed ---

9 And I will give you one example of
10 that.

11 I was out with a Team canvassing in
12 Langford at a Festival, a year ago now. We were just,
13 you know, gathering signatures. A hundred people,
14 working class people in Langford, had signed our Pledge
15 Form that afternoon, and we were about to call it quits
16 when we noticed a man a fair distance away from us with
17 a very large camera and a telephoto lens taking
18 pictures of me and the Team.

19 We are used to canvassing at Malls,
20 where Security Guards will come up and say: "Now, wait
21 a minute. What are you doing? Have you got
22 permission?

23 And we always do get permission.

24 But in this case, it was clearly not a
25 Security Guard and the man did not come up to us.

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1 I remember pointing my finger at him,
2 and when I did that, he disappeared shortly afterwards.

3 I know, personally, I felt...

4 I felt pretty strange. I definitely
5 felt that this was suspicious. It was unpleasant. It
6 was creepy, and certainly my volunteers were upset
7 about that.

8 Incidents like that have happened
9 since then, as recently as Canada Day.

10 So that's a whole area: about being
11 photographed.

12 People have sometimes raised: *If I go*
13 *to a public meeting or I go to a Rally, am I going to*
14 *be photographed? Am I going to be put on the*
15 *Government's Security List?*

16 So that is intimidating.

17 And all we are doing is exercising our
18 democratic right to meet, free assembly, and to express
19 our views.

20 Concerns also have been raised by the
21 Volunteers about their employment: *If they sign a*
22 *Petition or they are active with us, will that*
23 *jeopardize their employment? Will somehow their*
24 *Employer find out?*

25 Q. People are that specific with you?

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1 A. Yes. And even Pensioners -- not
2 many; and it made me stop and think -- have said:
3 *Would my Pension be in jeopardy if I am found to be*
4 *very active with Dogwood?*

5 Social Media is another area.

6 I am very cautious about what I share
7 and post on Social Media, and I think a lot of our
8 Volunteers are very cautious about that, even though
9 it's a very effective way to reach people.

10 And probably the last item -- and this
11 is, in some ways, I think the most serious, and yet we
12 are perhaps unable to definitively verify it -- is that
13 we think it's highly likely there have been some
14 Informers attending our Events and monitoring,
15 gathering intelligence and passing it on to Government
16 sources and the National Energy Board.

17 I say that on the basis of the Access
18 to Information Request, the fruits of Media enquiries
19 and the BCCLA initiative, all of which clearly seem to
20 indicate that certain pieces of information could not
21 have been garnered except through that means.

22 There is one person in particular I am
23 thinking of in Victoria who is no longer now working
24 with us. But he was a very strange person.

25 For me, one of the red lights is that

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1 this person would often encourage us to go to the
2 Legislature, to organize big mass events, vigorous
3 rallies, and we would respond by saying: *That's not*
4 *Dogwood. That's not our approach. We're into the slow*
5 *slog of grassroots organizing, democratic, peaceful*
6 *advocacy.*

7 So anybody who tries to encourage us
8 to take a more aggressive intervention is someone that
9 I am very suspicious about.

10 So that's a concern. We don't want to
11 make people paranoid. But, that's scary.

12 Q. And what about some of the
13 Supporters, some of the Campaigns, like Door Knocking
14 or Petitions: Have you heard any concerns expressed in
15 the context of those Campaigns?

16 A. Yes. All of the examples I've
17 given have been in that context.

18 There was one example where we knocked
19 on a door and a husband came to the door and we
20 explained that we were gathering these signatures ---

21 We've had people who support the
22 pipeline sign the Petition, because it's a neutral ---

23 You know, it's just saying: "B.C.
24 *should have a vote on this matter.*"

25 Q. This is the "Let B.C. Vote"

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1 Campaign?

2 A. "Let B.C. Vote", yes, as a
3 Citizens Initiative.

4 But anyway, this particular father and
5 husband was nervous and said: "I don't know. I'm not
6 sure where this is going to and whether the Government
7 would view this as some illegal activity."

8 His wife and his daughter came to the
9 door and convinced him that that was not the case and
10 that he should sign, and he did sign.

11 But it's just an example, sometimes --
12 not all the time -- of how people, I think,
13 particularly in light of Bill C-51 and Bill C-24, just
14 are not clear: *What's the dividing line between*
15 *perfectly legal activity and being deemed a "radical*
16 *extremist", as Dogwood has been labelled at one point.*

17 Q. Just a last question, Ms. Dance-
18 Bennink. We saw that your Bio is on the Dogwood
19 Website...

20 A. Yes.

21 Q. How about other Volunteers? Have
22 other Volunteers expressed any concern about ---

23 A. No. They don't want to be on the
24 Website.

25 We were encouraging people. But

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1 again, it's like: "Whoa! If you're on the Website,
2 then that's..."

3 And that's why, for me, today, I had
4 to think really, really carefully about whether I would
5 come today and testify, because I figure, now, CSIS is
6 going to know me.

7 And it is scary.

8 So I think that, in terms of other
9 Volunteers, is something that has raised concerns.

10 But on the other hand, what I really
11 admired in my Volunteers was that in some of their
12 Comments, they said: "We are cautious. We are
13 concerned. But we will not be bullied. We are not
14 going to be intimidated. If we are silent, that's the
15 worse thing that can happen. We are doing nothing
16 wrong, and we have nothing to hide."

17 So, everybody is plowing ahead, even
18 though nervous.

19 I think that that's the key thing:
20 that we don't feel any guilt. We have nothing to hide.

21 MR. CHAMP: That was great. Thank you
22 very much, Ms. Dance-Bennink. Those are all the
23 questions I have for you today.

24 THE PRESIDING MEMBER: Thank you, Mr.
25 Champ.

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1 Madam Dion, do you have questions for
2 the Witness?

3 **MS. DION:** Yes. Thank you, Mr.
4 Member. I have only a few questions.

5 Good morning, Ms. Dance-Bennink.

6 **THE WITNESS:** Good morning.

7 Cross-Examination by Ms. Dion:

8 **Q.** Ms. Dance-Bennink, are you aware
9 of the Service's mandate? Have you ever looked at the
10 CSIS Act or the CSIS Website?

11 **A.** Not really, no.

12 **Q.** Do you know that CSIS, pursuant to
13 the CSIS Act, is precluded from collecting information,
14 by investigation or otherwise, with respect to lawful
15 advocacy, protest and dissent, unless those activities
16 are carried out in conjunction with threats to the
17 security of Canada?

18 **A.** Yes, I was aware of that.

19 **Q.** And when people share concerns
20 with you ---

21 You have stated that some people have
22 shared their concern that they may end up on, to use
23 your words, "Canada's Security List".

24 Do you share that information with
25 them: that CSIS is precluded from investigating unless

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1 there is a "threat to the security of Canada"
2 component?

3 A. I have mentioned that; but I
4 think the conviction now is that CSIS in fact has been
5 contravening its own legislation, if you like.

6 I think there is a strong sense, based
7 on the *Access to Information* material that came out,
8 that in fact they have been engaged in gathering
9 intelligence on very lawful, peaceful, democratic
10 processes.

11 That is what is really concerning
12 people.

13 Q. Have you looked at the *Access to*
14 *Information* documents? Have you seen them?

15 A. I've seen the redacted versions,
16 yes.

17 Q. Perhaps we could go through them
18 together, quickly...

19 A. Sure.

20 Q. I might be wrong, but I have
21 counted five instances in these 125 pages where CSIS is
22 mentioned.

23 If you wish, we can go through these
24 five instances, and if you are aware of any other
25 instances where the Service is mentioned, I would

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1 encourage you to bring them to my attention.

2 A. Okay.

3 Q. The first one here is at Page 14
4 of Tab 4 in Book of Documents Volume I, Exhibit C-1.

5 A. Tab 4. Okay.

6 Q. And you will see at the bottom of
7 the page, there is a long number.

8 When I am referring to "Page 14", I am
9 referring to the last digits on the far right corner of
10 the page.

11 A. Right at the very bottom, then?

12 Q. Yes.

13 A. Okay. And it's Page 14?

14 Q. Yes.

15 Have you seen this e-mail before?

16 A. I don't think I have.

17 Q. If you want to take the time to
18 read it, I encourage you to do so...

19 --- (A Short Pause: Witness reviewing referenced
20 documentation)

21 A. Okay.

22 Q. You can see that it is at the
23 second page of the e-mail that CSIS is mentioned.

24 It reads:

25 "I have included the RCMP's CITT

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1 *lawful and unlawful actions..."*

2 Et cetera.

3 The fact that it appears that Dogwood
4 and other Environmental Groups had been spied upon, to
5 me, says that even those engaged in lawful actions are
6 viewed as a potential threat to Canada's national
7 security.

8 From my perspective, in B.C., the
9 issue of tankers off our coast is sacred and it is not
10 a threat to national security; it's a threat to us,
11 and we care deeply about that issue.

12 So it's just a question of democracy.

13 Q. Can you tell me who the Author of
14 the e-mail is?

15 What does the e-mail address say as
16 far as what Organization it comes from?

17 A. RCMP. And when I've mentioned
18 CSIS, I ---

19 I am not privy to all the "ins" and
20 the "outs".

21 It can be "RCMP/CSIS".

22 Q. I understand that. But it is
23 important because the Committee only has jurisdiction
24 to oversee CSIS's activities.

25 A. I see. Gotcha. Right.

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1 Q. The second document I would bring
2 to you attention is at Page 37 ---

3 A. The same ---

4 Q. Of the same Tab, yes.

5 --- (A Short Pause)

6 A. Yes.

7 Q. Have you seen this ---

8 A. Sorry. Just one other little
9 comment, going back to that.

10 It talks about "these Environmental
11 Groups have the intent to shut down the Petroleum
12 Industry".

13 Just to clarify, Dogwood's position is
14 "no more tankers", "no further expansion of the Tar
15 Sands".

16 We are not people who are saying "Cut
17 the oil off". We are just saying: *For climate change*
18 *reasons alone, and First Nations rights, no more*
19 *expansion.*

20 Sorry.

21 Q. That's okay.

22 So, Page 37.

23 Have you ever seen this e-mail before?

24 --- (A Short Pause: Witness reviewing referenced
25 documentation)

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1 A. I believe so. I am not...

2 Q. That might be one that was in the
3 newspapers...

4 A. Yeah. I mean, I'm aware of the
5 issue of the Basketball Tournament and...

6 --- (A Short Pause)

7 Q. Again, can you tell me who the
8 Author of the e-mail is? Which Organization is it
9 from?

10 A. Okay. Rick Garber and...

11 --- (A Short Pause)

12 National Energy Board.

13 Q. And again, is there any indication
14 on this e-mail that CSIS has shared or collected
15 information on Dogwood or any other Group that was
16 involved in the Northern Gateway Pipeline Protests?

17 A. Well, the very first paragraph
18 refers to:

19 "...the Security Team has consulted
20 with CSIS at national and regional
21 levels; RCMP at national, regional
22 and local...levels and conducted a
23 thorough review of open source
24 intelligence..."

25 Which I assume would be Social Media;

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1 things like that.

2 And based on that, and possibly
3 Informants, there are "no indications of threats to the
4 Panel".

5 There may be a threat to national
6 security in the eyes of CSIS, but not to the Panel.

7 Q. But you will agree with me that
8 this is the NEB talking in this e-mail and not CSIS?

9 A. Right. But it refers to
10 consultations and the sharing of information with CSIS
11 and the RCMP.

12 Q. It refers to a consultation.
13 Where does it refer to "sharing of
14 information"?

15 Where does it say that CSIS has
16 provided information ---

17 A. Well, it just says ---

18 You know, the very first paragraph
19 says that the Security Team, the NEB's Security Team,
20 has "consulted with CSIS and the RCMP" at all levels
21 "and conducted a thorough review".

22 So I am assuming that information has
23 been shared.

24 Q. Okay. So that is your assumption.
25 The next e-mail I would like to refer

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1 you to is found at Page 42...

2 A. Okay.

3 Q. Have you seen this e-mail before?

4 A. No, I haven't.

5 Q. Perhaps you could take a moment to
6 read it; and you could read, also, the next page, Page
7 43...

8 --- (A Short Pause: Witness reviewing referenced
9 documentation)

10 A. Okay.

11 Q. If you start at Page 44, you will
12 see that it is a blank e-mail.

13 A. Right.

14 Q. You will see that it is signed by
15 "Sheila", and from the bottom of Page 43, we can see
16 that it is "Sheila Leggett".

17 A. Right.

18 Q. Do you know who that is?

19 A. No, I don't.

20 Q. Because we do not see the contents
21 of Ms. Leggett's e-mail, we are making assumptions, but
22 I can see, from the following e-mail, and e-mail from
23 Rick Garber ---

24 And again, we have established that
25 that is from the National Energy Board.

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1 He sent an e-mail to "Vic", saying:
2 "...I have just had the requirement
3 for what is essentially a
4 comprehensive intelligence summary
5 dropped on me at the end of the
6 day. Sigh.
7 "Is there any way that I could
8 impose on you to produce a short,
9 high level analyses of the
10 likelihood/potential for aggressive
11 activities in Prince Rupert BC,
12 associated with the Enbridge
13 Northern Gateway Joint Review Panel
14 hearings?"
15 You will agree with me that this is
16 the NEB asking ---
17 If you go just a little bit above
18 that, you will see that it is the RCMP.
19 Do you agree with me that this is the
20 NEB asking the RCMP for help?
21 A. Yes.
22 Q. And then we can see the response
23 of the RCMP is:
24 "...We have received no intel on
25 hearings. I have been advised of

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1 an Idle No More Rally on February 9
2 and on February 11, nothing on the
3 hearings. Vic."

4 And then ---

5 A. On the previous page, Page 42,
6 though, it refers to:

7 "...I have calls in to CSIS and
8 RCMP Critical Infrastructure..."

9 I was taking you to Page 42.

10 My understanding is that the e-mails
11 start from ---

12 They go backwards. So Page 44 would
13 be the first e-mail; Page 43, 42, and so on.

14 A. Okay. Gotcha.

15 Q. So then you will see that Rick
16 Garber writes to Vic and says:

17 "I have calls in to CSIS and RCMP
18 Critical Infrastructure. I'll
19 share anything I get from them with
20 you. Is there a good time to
21 call..."

22 So again, is there any indication in
23 here that CSIS has actually shared information with the
24 NEB?

25 A. Well, given just that statement...

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1 I'm sure the CSIS did call him back.

2 Q. But is there any indication that
3 information was shared?

4 A. I cannot say one way or another;
5 but it certainly seems to be implying that there could
6 have been.

7 Q. "There could have been". But
8 there is no ---

9 A. Based on these e-mails here and, I
10 mean, whatever has been redacted...

11 I don't know what's in there, that
12 earlier e-mail.

13 Q. Thank you.

14 And the other two mentions of CSIS are
15 found at Page 50...

16 --- (A Short Pause)

17 A. Yes.

18 Q. This is a National Energy Board
19 document ---

20 Do you agree?

21 A. Yes.

22 Q. It's called the "Enbridge Northern
23 Gateway Project Integrated Security, Logistics and
24 Communications Plan".

25 A. Okay.

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1 Q. And it's in relation to the
2 Kelowna Hearings?

3 A. Right.

4 Q. And you will see the document
5 contains ---

6 If you go to the next page, you will a
7 Table of Contents, and it touches on different things.
8 There is "Contacts", "General Comments", "Hearing Site,
9 Maps and Diagrams", "Security and Law Enforcement
10 Liaison Personnel", "Communications..."

11 From what I see, it's a guide for the
12 people participating in these Hearings, at least from
13 the NEB.

14 A. Um-umm (Witness Nodding in the
15 Affirmative).

16 Q. And then at Section 8, which is at
17 Page 61, at the bottom, is a "Threat Assessment".

18 A. Okay.

19 Q. And you will see that CSIS is
20 mentioned under the "National-Level Intelligence
21 Resources" Heading.

22 A. Yep.

23 Q. It says:

24 "The NEB has consulted the Canadian
25 Security Intelligence Service, both

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1 National Headquarters and regional
2 offices..."

3 And then there is a redaction, a
4 redacted sentence.

5 Can you point out in this document
6 where it would imply that the Service has actually
7 shared information?

8 To me, it just says that there was a
9 "consultation".

10 Where does it say that the Service
11 provided any information to the NEB?

12 --- (A Short Pause: Witness reviewing referenced
13 documentation)

14 A. In My career, when you say you
15 have "consulted" with an Agency or with an
16 Organization, obviously there has been a dialogue.

17 So I would assume that there had been
18 some information shared.

19 It's obviously not indicated here.

20 Q. The fifth document -- and I won't
21 necessarily ask you questions about it. I will just
22 refer you to it.

23 It is at Page 77, and it's the exact
24 same type of document, a Security Assessment, prepared
25 by the NEB.

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1 We have the same sentence, which
2 reads:

3 "The NEB has consulted with the
4 Canadian Security Intelligence
5 Service, both National Headquarters
6 and regional offices..."

7 And then you have one line redacted.

8 A. Um-umm (Witness Nodding in the
9 Affirmative).

10 Which does make you wonder: Why is it
11 redacted?

12 MS. DION: Those are all of the
13 questions I have ---

14 Sorry. One moment, please, Mr.
15 Member...

16 --- (A Short Pause: Off-Record Discussion between
17 Respondent's Counsel and ER&L Representative)

18 MS. DION: Thank you, Mr. Member;
19 thank you, Ms. Dance-Bennink.

20 THE PRESIDING MEMBER: Thank you,
21 Madam Dion.

22 Madam Bowers, do you have any
23 questions for the Witness?

24 MS. BOWERS: I have no questions, Sir,
25 but I do have one clarification, for the record.

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1 Reference was made a couple of times
2 to Bill C-51 and Bill C-24. But it is Bill C-44.

3 So, Bill C-44 and Bill C-51.

4 THE WITNESS: No.

5 MS. BOWERS: You made a couple of
6 references to "C-24" ---

7 THE WITNESS: Bill C-24 is the one
8 around dual citizenship--Right?--and Bill C-51 ---

9 MS. BOWERS: I am sorry. I
10 misunderstood.

11 So you were talking about the "Dual
12 Citizenship" Bill?

13 THE WITNESS: Yes. And then Bill C-51
14 is the one that so many people are really concerned
15 about.

16 MS. BOWERS: Okay. Perfect!

17 That is a clarification. Thank you.

18 THE PRESIDING MEMBER: Thank you,
19 Madam Bowers.

20 Any questions in Redirect, Mr. Champ?

21 MR. CHAMP: No. Thank you very much,
22 Mr. Chair.

23 THE PRESIDING MEMBER: Very well.

24 It remains for me, Madam Dance-
25 Bennink, to thank you very much for having attended

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1 before me today to give evidence in this matter, to
2 answer the questions that have been put to you. I am
3 grateful. You are now excused.

4 THE WITNESS: Thank you.

5 --- (The Witness Withdrew)

6 THE PRESIDING MEMBER: Mr. Champ, your
7 next witness is Caitlyn Vernon...

8 MR. CHAMP: If I may have a moment,
9 Mr. Chair...

10 THE PRESIDING MEMBER: Certainly.

11 --- (Off-Record Discussion between Complainant's
12 Counsel and the Client Representative)_

13 Procedural Discussion

14 MR. CHAMP: Mr. Chair, we have some
15 people coming in from out of town, our other witnesses,
16 and, unfortunately, we won't have another witness
17 available until 1 o'clock. But our ---

18 THE PRESIDING MEMBER: You don't have
19 a witness available at this time?

20 MR. CHAMP: We don't have a witness
21 available right now.

22 The three final witnesses that we have
23 are Ms. Caitlyn Vernon, Ms. Nikki Skuce, and Mr.
24 Biggar, and we can have them go at 1 o'clock, 2
25 o'clock, and 3 o'clock and have them concluded this

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1 afternoon.

2 THE PRESIDING MEMBER: When would the
3 next witness be available?

4 MR. CHAMP: 1 p.m.

5 THE PRESIDING MEMBER: Not before
6 then?

7 MR. CHAMP: I don't think so. We
8 could perhaps try to get Mr. Biggar here the earliest;
9 but I don't believe we would be able to get him here
10 before 1 o'clock.

11 Ms. Skuce is landing in about half-an-
12 hour or so, and Ms. Vernon is up in Burnaby.

13 We had initially planned to have Ms.
14 Skuce here earlier; however, her flight is arriving at
15 a later time.

16 THE PRESIDING MEMBER: And Mr. Biggar
17 is ---

18 MR. CHAMP: We could try to contact
19 Mr. Biggar to get him in a little bit earlier. But I
20 can't confirm that that will happen.

21 THE PRESIDING MEMBER: Could you or
22 one of your colleagues do that and then report back to
23 me ---

24 MR. CHAMP: At which time would you
25 propose, Mr. Chair?

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1 THE PRESIDING MEMBER: It Is a little
2 early, but we could have our Luncheon Recess at this
3 time.

4 I would be ready to resume at, say ---

5 MR. CHAMP: 12:30?

6 THE PRESIDING MEMBER: Yes.

7 MR. CHAMP: We could have our Luncheon
8 Break and then resume at 12:30.

9 THE PRESIDING MEMBER: Yes.

10 MR. CHAMP: And if there is any
11 difficulty in having Mr. Biggar here by 12:30, we can
12 advise the Registrar ---

13 THE PRESIDING MEMBER: Very well.

14 So I will assume that Mr. Biggar will
15 be your next witness and that he will be available as
16 of 12:30.

17 MR. CHAMP: Yes.

18 THE PRESIDING MEMBER: And you expect
19 to be ---

20 Some of us, including yourself, have
21 to get back East.

22 How long do you expect to be with each
23 one of the next three witnesses?

24 MR. CHAMP: Based on how it has been
25 going thus far, I would think that each one of them

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1 would be less time even than the last two witnesses, or
2 roughly about the same as Ms. Dance-Bennink.

3 So roughly about an hour for each,
4 including Cross, it seems.

5 **THE PRESIDING MEMBER:** Assuming that
6 the Universe unfolds in that way, we could anticipate
7 having "Bob" take the Witness Stand by, say, 5 o'clock
8 this afternoon.

9 **MS. DION:** I don't see any problem
10 with that. If he is required earlier, that would be
11 fine. As I indicated, he is available as of 2 p.m.

12 He needs an hour's notice to get here.

13 **THE PRESIDING MEMBER:** Very well.

14 This is tentative, but I would like to
15 plan for that eventuality.

16 Have you, as Counsel, been able to
17 speak about Professor Whitaker's Evidence?

18 **MR. CHAMP:** Yes, we have, Mr. Chair,
19 and I can advise ---

20 Unfortunately, I haven't had an
21 opportunity to discuss the matter with Ms. Bowers as
22 yet. But Ms. Dion has indicated that the Service is
23 open to having Professor Whitaker submit an Affidavit
24 of his Evidence, provided it pleases the Committee,
25 that the Committee is satisfied to receive evidence in

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1 that fashion.

2 Once they receive the Affidavit, then
3 they will review it to determine whether they would
4 like to cross-examine, either in-person or perhaps even
5 by way of Written Questions.

6 We could bring Professor Whitaker to
7 Ottawa to be cross-examined, if necessary.

8 I believe that accurately captures our
9 discussions...

10 MS. DION: Yes, with one
11 clarification: Because Professor Whitaker would be
12 essentially testifying after the Service's Witness has
13 testified, we would ask for the opportunity to present
14 further evidence if that need were to arise as a result
15 of Professor Whitaker's Affidavit Evidence.

16 MR. CHAMP: An opportunity to present
17 further ---

18 MS. DION: To present further evidence
19 in response to Professor Whitaker's Affidavit Evidence.

20 MR. CHAMP: That would be fine. We
21 don't have any concern with that.

22 I would add this, Mr. Chair: These
23 Proceedings, as we know, are unique, in terms of the
24 usual order of things where one Side leads their case
25 and closes their case and then the other Side leads

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1 their case.

2 That does not necessarily follow in
3 these Proceedings.

4 We have a bit of a tight timeline
5 today, based on trying to get the CSIS Witness in as
6 well, but I would like to consult with both Ms. Bowers
7 and Ms. Dion at some point during the day to talk about
8 some of the other issues that I mentioned earlier
9 today, to see where we are in terms of agreeing on
10 certain things and then the possibility to raise with
11 the Committee whether or not there is a desire or a
12 need on the part of the Complainant to call further
13 witnesses.

14 **THE PRESIDING MEMBER:** Yes. I hear
15 you. I think that should be easily resolved in
16 consultation with Counsel for the Committee and Counsel
17 for the Service.

18 You may attempt to do that at this
19 time, given that your next witness is not going to be
20 available to us for another hour.

21 So you may be able to meet and confer
22 during the "Luncheon Recess".

23 **MR. CHAMP:** Okay. That's fine.

24 **THE PRESIDING MEMBER:** We will pretend
25 we are on Eastern Standard Time!

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1 MR. CHAMP: Yes.

2 THE PRESIDING MEMBER: We will resume
3 at 12:30.

4 MR. CHAMP: Thank you.

5 MS. DION: Thank you, Mr. Member.

6 --- Luncheon Adjournment

7 --- Upon Resuming:

8 Procedural Discussion, (Cont'd):

9 THE PRESIDING MEMBER: Good afternoon,
10 everybody.

11 Mr. Champ, Madam Bowers has reported
12 to me that Counsel have conferred.

13 I wonder if you or somebody else could
14 put on the record the agreement that you have
15 reached...

16 MR. CHAMP: Surely, Mr. Chair.

17 There was a concern that I had
18 yesterday in the light of some of the questions about
19 the *Access to Information* documents.

20 I wasn't sure whether either CSIS or
21 the Committee, at the end, would raise issues or
22 concerns about the validity or authenticity of the
23 *Access to Information* documents. But I now have the
24 agreement of my friends that there is no dispute that
25 the documents in those Packages are in fact *Access to*

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1 *Information* documents from the National Energy Board
2 and from CSIS.

3 I also advised my friends at that time
4 that it was the intent of the Complainant to rely on
5 those documents for the truth of their contents, to the
6 extent that Findings could be made from what is there,
7 based on what is sometimes called the "Public
8 Documents" exception.

9 There is some jurisprudence around the
10 issue specifically of *Access to Information* documents
11 obtained from Government and the extent to which those
12 documents themselves can be relied upon.

13 I wanted to clarify that issue with my
14 friends to ensure that there was no concern or
15 confusion for any of the Parties at the end of the
16 Hearing, no surprises.

17 I just didn't want one or both of my
18 friends to say: "Well, we don't even know if those are
19 from the NEB", and so forth. But I can advise the
20 Committee that there is no dispute surrounding that.

21 **THE PRESIDING MEMBER:** Very well.

22 And you can confirm that, Madam Dion,
23 for the record?

24 **MS. DION:** I agree with what Mr. Champ
25 has just conveyed to the Committee.

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1 THE PRESIDING MEMBER: Thank you.
2 And Madam Bowers, you can confirm ---

3 MS. BOWERS: I can confirm that, yes.

4 THE PRESIDING MEMBER: Thank you.

5 MR. CHAMP: And I want to thank my
6 friends for that agreement and confirmation. That is
7 very helpful.

8 THE PRESIDING MEMBER: As I do. I
9 thank all Counsel for the agreement that has been
10 reached.

11 I understand that you also have
12 information to convey to me with respect to Professor
13 Whitaker's Evidence...

14 MR. CHAMP: Yes. I can confirm that
15 the Parties have also agreed that Professor Whitaker's
16 Evidence can go in by way of Affidavit, in Direct, and
17 then at that time, CSIS will advise as to the manner in
18 which they would like to cross-examine on that
19 evidence, if at all, or whether they would like to call
20 other evidence in the *In Camera* part of the Hearing,
21 and we are obviously in agreement with that.

22 THE PRESIDING MEMBER: And how much
23 time to you need to file Professor Whitaker's
24 Affidavit, Mr. Champ?

25 MR. CHAMP: I would ask if I may have

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1 a day or two to confirm the timing, Mr. Chair.

2 I just have to consult with Professor
3 Whitaker to confirm how long ---

4 My anticipation would be two weeks, at
5 the outside.

6 THE PRESIDING MEMBER: I see no
7 problem with that.

8 Madam Dion...?

9 MS. DION: No problem, Mr. Member.

10 THE PRESIDING MEMBER: Madam
11 Bowers...?

12 MS. BOWERS: That's fine.

13 THE PRESIDING MEMBER: Thank you.

14 So, in principle, unless Professor
15 Whitaker raises scheduling issues, you will submit the
16 Affidavit to the Registrar, who will circulate it to
17 Counsel for CSIS and the Committee, within two weeks
18 from today, putting that at the 27th of August.

19 THE REGISTRAR: In five copies,
20 please.

21 MR. CHAMP: Yes.

22 THE PRESIDING MEMBER: Excellent!
23 Thank you very much.

24 MR. CHAMP: I can also advise the
25 Committee that our next witness will be Jamie Biggar,

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1 from the Organization LeadNow.

2 He is ready and available just
3 outside...

4 THE PRESIDING MEMBER: And who is it?

5 MR. CHAMP: His name is Jamie Biggar.

6 THE PRESIDING MEMBER: Oh, yes.

7 I will have the Registrar call in Mr.
8 Biggar...

9 --- Jamie Biggar called to the Witness Table)

10 THE PRESIDING MEMBER: Good afternoon,
11 Mr. Biggar.

12 THE WITNESS: Good afternoon.

13 THE PRESIDING MEMBER: You have been
14 called as a witness by the Complainant in this case,
15 the British Columbia Civil Liberties Association.

16 After you have been sworn in, you are
17 going to be questioned by Mr. Champ, by Ms. Dion,
18 Counsel for the Service, for CSIS, and by Ms. Bowers,
19 who is Counsel to the Committee.

20 The Registrar will now swear you in.

21 THE REGISTRAR: Good afternoon, Sir.

22 Do you solemnly affirm that the
23 evidence you are about to give to the Committee shall
24 be the truth, the whole truth, and nothing but the
25 truth?

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THE WITNESS: I do.

JAMIE BIGGAR, Called and Affirmed:

THE REGISTRAR: Thank you.

For the record, would you please state
your full name, spelling your last name...

THE WITNESS: Sure. My full name is
James Joseph Cornish Biggar, and my last name is
spelled: B-I-G-G-A-R.

THE REGISTRAR: Thank you.

Secondly, I would like to read to you
Section 51 of the *Canadian Security Intelligence*
Service Act, which provides protection to witnesses
appearing before the Committee.

It reads as follows:

*"Except in a prosecution of a
person for an offence under
section 133 of the Criminal Code
(false statements in extra-
judicial proceedings) in respect
of a statement made under this
Act, evidence given by a person
in proceedings under this Part
and evidence of the existence of
the proceedings are inadmissible*

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1 *against that person in a court or*
2 *in any other proceedings."*

3 Do you understand?

4 **THE WITNESS:** I believe so.

5 **THE REGISTRAR:** Thank you. You may be
6 seated.

7 **THE PRESIDING MEMBER:** Mr. Biggar,
8 this may not be your normal way of answering questions
9 -- which will be put to you, initially, by Mr. Champ.

10 He knows, or should know, the answers
11 to the questions he will put to you. But I don't. So
12 it is important that you direct your answers to me.

13 Okay?

14 **THE WITNESS:** Okay. I understand.
15 Thank you.

16 **THE PRESIDING MEMBER:** Mr. Champ...

17 **MR. CHAMP:** Thank you, Mr. Chair.

18 **Examination-in-Chief by Mr. Champ:**

19 **Q.** Mr. Biggar, can you tell us, tell
20 the Committee Chair, where it is that you reside and
21 where you are employed?

22 **A.** Okay. I reside in Vancouver,
23 British Columbia, and I am employed at LeadNow.ca --
24 the full legal name is "The LeadNow Society -- as the
25 Campaigns Director.

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1 Previously, until last November, I was
2 one of the Co-Founders and the Founding Executive
3 Director. I shifted to the Campaigns Director role
4 last November in order to focus more on our Engagement
5 Work.

6 We brought in a new Executive
7 Director, who now focuses on organizational
8 development.

9 Q. And how long have you been with
10 LeadNow in total?

11 A. Prior to our Incorporation and
12 Public Launch, the Organization began to come together
13 in the Winter of 2010.

14 I was leading its formation at that
15 time. I became its Executive Director in the Fall of
16 2010, and then we publicly launched ---

17 I'm afraid, off the top of my head, I
18 can't quite remember our date of incorporation. It is
19 around that period. And then we publicly launched in
20 the late Winter/early Spring of 2011.

21 So a little bit over five years now.

22 Q. And you refer to LeadNow as a
23 "Corporation". Can you just tell us a bit about
24 LeadNow?

25 What is the nature of the

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1 Organization? What is its structure? What are its
2 "Vision and Mission"?

3 A. Sure. Let me just make sure I
4 cover all of that: nature...

5 Q. I will break it down for you
6 afterwards. It's okay.

7 A. Okay.

8 Q. Just tell us about LeadNow.

9 A. Sure. As I was saying, we are a
10 non-profit corporation...

11 Just a bit about structure, we are a
12 non-profit corporation, registered in Canada. We have
13 a Board of Directors that at the moment I believe is
14 made up of five members.

15 Those are also the Legal Members of
16 the Society.

17 We have what we describe as the
18 "LeadNow Community" or "LeadNow Community Members",
19 which includes over 450,000 Canadians across the
20 country.

21 Those are individuals who have
22 participated in any of our Campaigns since our Launch
23 and who have remain subscribed to our primary e-mail
24 communications.

25 That is what we consider to be the

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1 Community that we are serving and to which we are
2 broadly accountable, and it is through that Community,
3 kind of step-by-step over the last five years, that we
4 have set our direction, through a series of
5 participatory processes, both face-to-face meetings and
6 online consultations. Generally, a combination of the
7 two.

8 We have three ---

9 Over that time period, that Community
10 has set three major Priorities for our Organization,
11 three Issue Areas, you could say, one of which is
12 Working for a Strong Democracy; another is Working for
13 a Fair Economy; and the final is Working for a Clean
14 Environment.

15 With the nature of our work, then, in
16 pursuing those Objectives, I think you can understand
17 us fundamentally as an engagement organization.

18 So we engage people in coming together
19 to identify the kinds of issues that they want to work
20 on. We then help them to organize with one another to
21 become more effective at reaching and informing,
22 engaging, other Canadians in getting their messages
23 across.

24 We organize Campaigns that help that
25 mass of individuals to speak -- generally to

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1 Government, and particularly to the Federal Government
2 -- around particular Policy Issues and changes that we
3 would like to see, reflective of the Community's
4 values, in relationship to those three Priority Areas.

5 Q. That's great. Thank you.

6 You mentioned that the Community size
7 is around 450,000.

8 What about Donors?

9 Roughly, what is the number of Donors,
10 individual Donors, to LeadNow?

11 A. Our core funding comes from
12 approximately 2,000 Monthly Donors, who provide us with
13 generally an average of, say, \$15 to \$20 a month.

14 That is our core funding, from about
15 2,000 people.

16 In addition to that, we solicit and
17 receive one-time donations from individuals, primarily,
18 overwhelmingly, online.

19 I would say that in the last ---

20 I was looking into this.

21 In the last year-and-a-half, we have
22 received something on the order of ---

23 It's actually a little bit difficult
24 for us to distinguish between unique donations versus
25 unique individuals donating multiple times. But it

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1 would be on the order of the low ten-thousands. So,
2 say, around 12,000 unique individual donors across
3 Canada over the last year.

4 Q. And ballpark, can you give us an
5 estimate of the Annual Budget for LeadNow?

6 A. In 2014, our total expenditures
7 amounted to a little bit higher than \$1.2 million.

8 THE PRESIDING MEMBER: \$1.2 million?

9 THE WITNESS: Yes. I think it was
10 \$1.28 million.

11 MR. CHAMP:

12 Q. And you are Headquartered in
13 Vancouver; is that right?

14 A. That's right. I am in Vancouver.
15 Our Executive Director is also in Vancouver. Our
16 primary other Office is in Toronto, and the Chair of
17 our Board of Directors is located in Toronto as well.

18 Q. And approximately how many Staff
19 does LeadNow have, Paid Staff?

20 A. We've recently gotten a little bit
21 larger -- because we are doing Engagement Work around
22 the Election. But it's approximately twenty full-time
23 employee equivalence.

24 Q. Thank you.

25 There are a few Volumes of Documents

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1 before you. I will ask you to turn to the Volume of
2 Documents that says, in the middle, "Complainant's Book
3 of Documents, Volume II of II"...

4 A. Volume II of II. Yes.

5 MR. CHAMP: For the record, this is
6 Exhibit C-2.

7 Q. I will take you to Tab 46 in that
8 Volume...

9 A. Yes. Okay.

10 Q. There are a few pages here. I
11 will take you through them in just a moment.

12 This is from LeadNow's Website; is
13 that right?

14 A. That's correct.

15 Q. And this first page "Vision and
16 Mission" ---

17 I think you've done a very good job
18 already of summarizing this for us. But this is a
19 summary of the Vision, the Objectives, of LeadNow?

20 A. That's correct.

21 Q. Okay. Thank you.

22 And if you turn over to the next page,
23 we see that there is a picture of an Executive
24 Director, and then we see "Campaigns Director".

25 That is your Bio and your photo?

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1 A. That's correct, yes.

2 MR. CHAMP: All right.

3 It looks like you are telling a good
4 joke there!

5 THE WITNESS: I hope so!

6 --- (Laughter

7 Q. And then the rest of the folks
8 here, these are all other Staff Members?

9 A. Yes, that's correct...

10 I think there may be some ---

11 Q. The people who are identified as
12 "Organizers", would they be paid Organizers? Or would
13 those be volunteers?

14 A. I am just going to double-check...

15 I know that there have been volunteers
16 on our Website in the past.

17 Flipping through the pages here,
18 everybody ---

19 Yes. So, everybody up to Page 8 of
20 11, which then transitions into the Board ---

21 Everybody prior to that is a paid
22 Organizer.

23 That is part of what I was referencing
24 about the fact that we have grown or bulked up quite a
25 bit in relation to the Election itself, primarily with

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1 Organizers.

2 Historically, we've only had one or
3 two employed at any given time.

4 And then following that is the Board,
5 all of whom are volunteers; and then, finally, on Page
6 10, there is the individuals that we describe as
7 "Champion Volunteers".

8 So, people who have really gone above
9 and beyond as Volunteers in contributing their time and
10 energy to the Organization.

11 Q. Okay. Thank you.

12 I would now like to ask you, Mr.
13 Biggar, about some of the activities of LeadNow around
14 one specific issue, and that is oil pipelines, and even
15 more specifically, the National Energy Board Hearings
16 into the Northern Gateway Pipeline Project.

17 A. Um-umm (Witness Nodding in the
18 Affirmative).

19 Q. Can you just tell us about
20 LeadNow's activities regarding that Project?

21 A. Sure.

22 As I was saying previously, one of our
23 core Priority Areas that emerged through consultation
24 with our Community is "Working Towards a Clean
25 Environment", and within that category, that Priority

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1 Area, climate change and trying to address climate
2 change, the threat posed by climate change, is the top
3 priority.

4 Over the past four or five years that
5 we have been in operation, the question of pipeline
6 construction has been a central issue on the Climate
7 File in relationship to the broader "Clean Environment"
8 Questions for Canada.

9 In addition, in particular with the
10 Enbridge Northern Gateway Pipeline, there were also
11 concerns that we had from a "Strong Democracy"
12 perspective in terms of the nearly universal opposition
13 of First Nations Communities to the Project and the
14 need to incorporate their Voices in the process, as
15 well as the relationship between the Federal Government
16 and the National Energy Board itself.

17 Because of the connection of the
18 Enbridge Northern Gateway Pipeline Project to those
19 major Objectives for us, in particular on the "Clean
20 Environment" side but also, secondarily, under the
21 "Strong Democracy" side, we knew that that was an issue
22 that our Community was very interested in organizing on
23 and campaigning on.

24 We began working on that issue in
25 2012, in response to the comments of the then Minister

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1 of the Environment, Joe Oliver, that opposition -- and
2 I am paraphrasing -- that opposition to that Project
3 was coming from "foreign-funded radicals", that kind of
4 language, which, from our perspective, was unfair and
5 incendiary, and also elevated our concerns on the
6 "Strong Democracy" side that the NEB process would be
7 unfair.

8 So we launched an Online Campaign in
9 response to those comments, calling on Minister Oliver
10 to reconsider his support for the Pipeline and to
11 switch the focus to developing clean energy sources.

12 That was our first Action, as we call
13 them, in relation to that issue.

14 I believe it engaged several tens-of-
15 thousands of people online who sent letters.

16 Generally, the way we work is the
17 first thing we will do is what we call a very "low
18 barrier online Action".

19 We work from an engagement philosophy
20 that is focused on meeting people where they're at,
21 which, increasingly, is online, connecting them with an
22 easy action that they can do, and that then kind of
23 brings them into our process and our system and then we
24 can ask the, over time, to take what we call "higher
25 barrier actions" like potentially attending a Rally or

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1 a House Gathering on an issue; phoning an M.P.;
2 potentially donating to place an advertisement to
3 strengthen their Messaging in a newspaper.

4 That kind of thing.

5 That was our first Action on that
6 Issue.

7 Our second major Action on that Issue
8 came in the Fall of 2012, when we participated in the
9 "Defend Our Coast" Rallies.

10 We were the primary organizing body
11 for the ---

12 I guess you could call them the
13 "Satellite Rallies".

14 There was a large Rally organized in
15 Victoria, at the Legislature.

16 We did not organize that. But we did
17 organize the Satellite Rallies at M.P. Offices across
18 the rest of the Province and in other communities.

19 I believe in total there were a
20 hundred communities that participated. About 10,000
21 people participated in those Events.

22 There were several other Actions,
23 mainly online Actions, at kind of particular moments in
24 the Campaign, with some of those targeted at the
25 Provincial Government of Christy Clark, sending

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1 messages to her, and then, in the kind of final months
2 in the lead-up to the Federal Government making its
3 decision, we organized another online Action to send
4 messages to B.C.'s Conservative M.P.s who would be
5 participating in that Caucus Decision, calling on them
6 to oppose the Northern Gateway Pipeline.

7 Q. Thank you.

8 In relation to the point you raised
9 about statements by Mr. Joe Oliver ---

10 If you take a look at the documents
11 before you, you will see one slim Volume of Documents.

12 It says ---

13 A. "Supplementary Book of Documents"?

14 Q. Exactly. That's it.

15 If you could turn to Tab -- and for
16 the record, that is Exhibit C-3.

17 If you could turn to Tab 7...

18 A. Tab 7. Right.

19 Q. This is a Natural Resources Canada
20 document "*The Media Room, Natural Resources Canada*",
21 dated January 9, 2012.

22 Can you just take a minute to review
23 that document and let us know whether these are the
24 statements by Mr. Oliver that you are referring to?

25 A. These are the statements that I am

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1 referring to.

2 Q. For example, in the third
3 paragraph, it reads:

4 "Unfortunately, there are
5 environmental and other radical
6 groups that would seek to block
7 this opportunity to diversify our
8 trade..."

9 A. Yes.

10 Q. Would you describe LeadNow as a
11 "radical group"?

12 A. No. We, overwhelmingly...

13 I think if you added up the total
14 number of times we've asked people to participate in
15 Canada's democratic process, it would be in the
16 millions at this point.

17 We have been overwhelmingly channeling
18 people into participation and the formal channels of
19 political discourse in the country.

20 I would describe us as seeking certain
21 reforms, voting reform or the opening of some
22 regulatory bodies to public input; but I think a
23 "radically ideological agenda" would be a gross
24 mischaracterization of our Organization and our
25 Objectives.

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1 Q. Thank you.

2 Returning, then, to the National
3 Energy Board Hearings ---

4 You told us a bit about some of the
5 Events, the Campaigns that LeadNow is involved in.

6 I just want to clarify: Was LeadNow a
7 formal Party in the NEB Hearings? Were they an
8 Intervener?

9 A. No, we weren't.

10 Q. Okay. Was LeadNow involved in any
11 organizing of events around the NEB Hearings?

12 A. Yes, we were involved in a few
13 events surrounding the NEB Hearings.

14 Q. Can you just tell us a bit about
15 those?

16 A. Sure. The main one was an event
17 in Kelowna that was ---

18 My recollection of it is that it was
19 organized to provide Workshops for citizens who were
20 participating in the NEB Hearings and who, in some
21 cases, would be at a public peaceful protest of the NEB
22 Hearings.

23 As part of our involvement, we had
24 sent two Staff ---

25 We did two different things. We sent

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1 two Staff, both of whom provided Workshops at that
2 Event, and we also sent an e-mail communication to our
3 Community in the Kelowna area encouraging them to
4 participate in those Workshops, in that Event.

5 The two Workshops were organized by
6 our National Training Coordinator at the time, Anna
7 McLean, and our National Organizing Coordinator at the
8 time -- and she is still our National Organizing
9 Coordinator -- Logan McIntosh.

10 There was a group of elderly people,
11 primarily, in a Church for that Event and they broke
12 off into Break-Out Groups, where they conducted these
13 different Workshops.

14 One of the Workshops -- I believe the
15 one organized by Anna McLean -- was focused on
16 something called "The Story of Self", which is a
17 storytelling exercise that helps people to connect with
18 their own values, connect their feelings and thoughts
19 on a given issue to some of their deeper values that
20 have been motivating them through their lives, so that
21 they can better express why they are concerned about an
22 issue or why they would want to see a particular
23 change.

24 The second Workshop, organized by
25 Logan McIntosh, was focused on Creative Expression,

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1 which I think, in layman's terms, means making signs
2 and other kinds of graphical representations to help
3 communicate a message, particularly in a Rally Site
4 medium.

5 Q. In the Supplementary Book of
6 Documents that you have before you, I will ask you to
7 turn to Tab 3...

8 A. Yes.

9 MR. CHAMP: Again, this is Exhibit C-
10 3, for the record: the Supplementary Book of
11 Documents.

12 Q. It says "Dogwood Initiative" at
13 the top...

14 A. Yes. This would be similar to ---
15 So, Dogwood Initiative's e-mail ---
16 I believe we were co-sponsoring ---

17 Q. In the third paragraph, there is
18 reference to "LeadNow".

19 A. That's right. So I think it would
20 be accurate to describe us as "Co-Sponsors" of the
21 Event with Dogwood.

22 We would have sent a very similar e-
23 mail to the LeadNow Community in and around the Kelowna
24 area, inviting them to participate.

25 Q. And this is the event you just

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1 told us about?

2 A. Yes, that's correct. This is the
3 event.

4 Q. If I could take you, now, to
5 Volume I of the Complainant's Book of Documents...

6 A. Yes.

7 Q. I would like to take you, in that
8 Volume -- and again, this is Exhibit C-1, for the
9 record -- to Tab 4...

10 --- (A Short Pause) A. Okay.

11 Q. In Tab 4 -- and you will see, in
12 the bottom right-hand corner, this long number. It
13 starts with an "A".

14 The only important part of that number
15 is the last three digits ---

16 A. I see. 1, 2, 3, 4. Yes.

17 Q. Yes. "001", "002", et cetera.

18 A. Okay.

19 Q. I would like to take you to Page
20 80...

21 A. Page 80. Okay.

22 Q. Here, we'll see ---

23 And just for your information, this is
24 a document obtained from the National Energy Board that
25 speaks to some of their Security views, or Threat

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1 Assessments.

2 On this page, you will see:

3 "(c): LeadNow and Dogwood
4 Initiative: On 27 Jan, the LeadNow
5 and Dogwood Initiative will be
6 providing an afternoon workshop and
7 skills training that will provide
8 tools and strategies for community
9 resistance and solidarity to
10 members of the public."

11 Does this sound like the Event that
12 you were talking about?

13 It says it's Kelowna above ---

14 A. Sorry. It says above what?

15 Q. This is in Kelowna. They are
16 referring to Kelowna ---

17 A. Oh, I see. Regarding the event
18 prior to the Kelowna Hearings.

19 Q. The Workshop that you were
20 describing ---

21 A. Yes.

22 The date looks correct, and "providing
23 an afternoon workshop and skills training" sounds
24 correct. But I would dispute the objective that it
25 outlines here.

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1 I think "community resistance" sounds
2 like ---

3 It sounds like a quite loaded way of
4 describing what we were offering -- which, as I said,
5 was a mixture of "Story of Self" Workshops and
6 "Creative Expression" Workshops.

7 There was nothing illegal or untoward
8 about the kinds of skills or planning that would have
9 been happening there.

10 It sounds like it's describing the
11 same Event; but I would dispute the way in which it is
12 describing what it is that we were doing.

13 Q. And just for the record, has
14 LeadNow ever advocated violent activities as a way of
15 communicating a message or participating in public
16 issues?

17 A. No. Definitely not.

18 We take our reputation as a credible
19 democratic engagement organization very seriously.

20 As I was saying earlier, we have
21 focused millions of individual actions into the formal
22 political system through very peaceful means, such as
23 e-mails, phone call, social media "Shares".

24 That kind of work.

25 Q. Mr. Biggar, I want to ask you a

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1 few questions about something that then followed
2 LeadNow's engagement with the Northern Gateway Pipeline
3 issue.

4 There were some News Stories that came
5 out that *"possibly LeadNow is being monitored or*
6 *investigated by CSIS or the RCMP for their activities*
7 *in this area"*.

8 Are you familiar with those Stories?

9 A. I am familiar with them, yes.

10 Q. And reference to NEB Access to
11 Information documents, and so forth?

12 A. Yes. I am familiar with that.

13 Q. Okay. Can you tell us what
14 LeadNow's initial response or view was on the Stories
15 or revelations that were coming out?

16 A. Well, we found it very concerning.
17 We found it very concerning particularly in the context
18 of Minister Oliver's comments.

19 I think there was a perception amongst
20 our Staff Team and amongst Volunteers and folks in our
21 Community who we were speaking with that we were part
22 of a community of people that was being targeted.

23 There was a feeling of being targeted
24 and kind of put on an "Enemy List".

25 With the rhetoric from Mr. Oliver and

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1 with the follow-up revelations about the surveillance
2 of this Workshop, it created a sense for us that we ---

3 We simply couldn't even know the size
4 and the scope of surveillance or intelligence gathering
5 that was being conducted on the LeadNow Community
6 Members or on our Staff or our Organization.

7 We were alarmed by that.

8 And with that situated then within the
9 further context of ---

10 So, first there was Minister Oliver's
11 comments, followed by the revelations that we were
12 being surveilled, and then, finally, in this year, Bill
13 C-51 and the expansion of the definition of the kinds
14 of activities that could be considered threats,
15 particularly including economic threats.

16 In the context of all of that, we have
17 really seen kind of a growing concern on the part of
18 our Community that it may be that they are being
19 targeted or watched by the Government in different
20 ways, and we are very concerned about that.

21 Q. I will ask you some further
22 questions about that in a moment. Before doing so,
23 there is one further document I would like to take you
24 to, and it is in Volume II of II again, the
25 Complainant's Book of Documents, Volume II of II, one

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1 of the thick Volumes.

2 For the record, it is Exhibit C-2.

3 And the Tab I would like to take you
4 to is Tab 47...

5 A. Okay.

6 Q. This is a News Story that appeared
7 on the Vancouver Observer Website.

8 I will ask you to confirm that this
9 was an interview with someone from LeadNow around this
10 issue.

11 A. That's correct. This was an
12 interview with Julia Pope, who, at the time, was our
13 Director of Strategic Communications.

14 Q. And again, this is talking about
15 the Event in Kelowna, the Workshops that we were
16 talking about in Kelowna ---

17 A. That's correct.

18 Q. -- in the Church basement.

19 If we turn over the page, we see there
20 is a picture here of the Church basement where some of
21 the Meeting took place.

22 It looks like a picture of Celine
23 Trojand from Dogwood.

24 Do you know Ms. Trojand?

25 A. I do, and I agree that that does

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1 look like her.

2 Q. You started telling us a bit about
3 the impact on LeadNow.

4 Can you tell what has been the impact
5 on LeadNow of these Stories coming out that LeadNow
6 "may be being surveilled or monitored by Government
7 because of their activities around the National Energy
8 Board Hearings into the Northern Gateway Pipeline"?

9 A. Sure. Within our Staff Team,
10 organizationally, we have ---

11 Part of what is concerning about this
12 is that we believe that Citizens Groups, particularly
13 Citizen Groups engaged in peaceful democratic
14 processes, should be afforded privacy in relation to
15 the Government.

16 In terms of the revelation about this
17 spying, part of the concern that it raised for us is
18 the fact that we really have no way of knowing the
19 breadth or depth or scope of the surveillance of our
20 Organization and so we have come to simply assume that
21 any device that could be monitored or any way in which
22 data could be recorded in relationship to our
23 Organization should be treated as though it would be
24 public to a Spy Agency or to Government, or potentially
25 to the Oil Industry.

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1 So it has taken away from us a belief
2 in privacy for the Organization and so we have adopted,
3 essentially, an "open door" approach, an involuntary
4 "open door" approach, to our communications.

5 Within the broader community, it was
6 an important step -- and especially now with the C-51
7 Bill -- an important step on the road, starting with
8 Joe Oliver's targeting of us, to a deep concern by many
9 Members of the Community, a concern which shows up in
10 our InBox, which shows up in Facebook Comments, which
11 shows up in conversations with Organizers and potential
12 Volunteers, a concern that if people participate, they
13 will end up on some kind of a list, that the Government
14 is hostile to them and to their attempts to express
15 themselves, and all of that has had a "chill" effect on
16 their participation.

17 I think one of the things for us
18 internally that has been particularly difficult about
19 it -- and I am focusing on the revelations of the
20 surveillance of this Kelowna Event -- was that it put
21 us in a real bind, where ---
22 --- (A Short Pause)

23 You know, on the one hand, we pride
24 ourselves on being open and engaging with our members;
25 but on the other hand, we really don't want to scare

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1 people into not participating, and so we actually had
2 lengthy discussions at the time about whether or not to
3 try to more broadly publicize this Event with our own
4 Community. But based on the feedback that we'd already
5 heard from some Volunteers that they found it
6 frightening, we chose not to do so at the time.

7 So it has removed a sense of privacy
8 for the Organization itself and pushed us into a
9 position where we simply assume that we are being
10 surveilled at all times, given that we don't know the
11 scope or the depth of surveillance that may be
12 occurring, and it has, frankly, scared a lot of our
13 Membership and made them concerned that if they
14 participate in normal peaceful democratic channels,
15 particularly through us, they may end up on a list and
16 that their information may be used improperly or in
17 some way used against them.

18 MR. CHAMP: Thank you, Mr. Biggar.
19 Those are all the questions that I have for you.

20 You may be asked some questions by
21 CSIS Counsel and SIRC Counsel.

22 THE WITNESS: Okay. Thank you.

23 THE PRESIDING MEMBER: Thank you, Mr.
24 Champ.

25 Madam Dion, do you have any questions

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1 for Mr. Biggar?

2 MS. DION: I don't have any questions
3 for the Witness.

4 Thank you, Mr. Fortier.

5 THE PRESIDING MEMBER: Thank you.

6 Madam Bowers...?

7 MS. BOWERS: Thank you, Mr. Fortier.

8 Examination by Ms. Bowers:

9 Q. I have just one question, Mr.
10 Biggar.

11 You mentioned that Joe Oliver was
12 targeting you.

13 Meaning LeadNow?

14 A. More specifically ---

15 Thank you for that clarification.

16 We didn't feel that he was targeting
17 us specifically. We didn't feel that he was singling
18 us out as an organization. But we -- "we" as in both
19 the Staff Team and then Members of the LeadNow
20 Community, particularly those in British Columbia, who
21 were in opposition to the Northern Gateway Pipeline --
22 felt that he was targeting ---

23 We felt that the was targeting us as a
24 Community and that, as an organization, as we were
25 engaging on the issue, that we would then fall into the

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1 category of ---

2 --- (A Short Pause)

3 I apologize. I can't recall his exact
4 words to mind. But into the category of kind of
5 "radical ideological groups", as they were described in
6 that Press Release.

7 MS. BOWERS: Thank you.

8 THE PRESIDING MEMBER: Thank you,
9 Madam Bowers.

10 Any questions in Redirect, Mr. Champ?

11 MR. CHAMP: No. That's fine. Thank
12 you, Mr. Chair.

13 THE PRESIDING MEMBER: Mr. Biggar, it
14 remains for me to thank you for having come before me
15 to give evidence today, for answering the questions
16 that have been put to you. I am grateful. You are now
17 excused.

18 THE WITNESS: Thank you, and thank you
19 for your time.

20 THE PRESIDING MEMBER: Thank you.

21 --- (The Witness Withdrew)

22 MR. CHAMP: I am quite certain we have
23 our next witness available outside. I think the
24 remaining two witnesses are now available. I will just
25 take a moment to confirm which one is being called

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1 next...

2 THE PRESIDING MEMBER: Absolutely.

3 MR. CHAMP: I think it will Ms. Vernon
4 that we will go with first.

5 THE PRESIDING MEMBER: It is now ten
6 minutes past the hour. Do you want to break until
7 1:15?

8 MR. CHAMP: That would be fine for us.

9 MS. DION: Also, it would give us an
10 opportunity to contact our Witness, so that he can
11 arrive a bit earlier.

12 THE PRESIDING MEMBER: Yes. Is five
13 minutes sufficient, or do you want ten minutes?

14 MS. DION: If we could have ten
15 minutes, that would be appreciated.

16 THE PRESIDING MEMBER: You will have
17 ten minutes. Granted.

18 MS. DION: Thank you.

19 THE PRESIDING MEMBER: We will
20 reconvene at 1:20.

21 --- (A Short Recess)

22 --- Upon Resuming:

23 THE PRESIDING MEMBER: We are ready to
24 resume.

25 Will the next Witness be Ms. Vernon?

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1 MR. CHAMP: That's correct.

2 THE PRESIDING MEMBER: Very well. I
3 will have the Registrar show the Witness in...

4 --- (Caitlyn Vernon Called to the Witness Table)

5 THE PRESIDING MEMBER: Good afternoon,
6 Ms. Vernon.

7 THE WITNESS: Good afternoon.

8 THE PRESIDING MEMBER: You are being
9 called as a witness by the Complainant in this matter,
10 the British Columbia Civil Liberties Association. You
11 will be sworn in by the Registrar.

12 THE WITNESS: Thank you.

13 THE REGISTRAR: Good afternoon.

14 Do you solemnly affirm that the
15 evidence you are about to give to the Committee shall
16 be the truth, the whole truth, and nothing but the
17 truth?

18 THE WITNESS: Yes.

19 CAITLYN VERNON, Called and Affirmed:

20 THE REGISTRAR: For the record, would
21 you please state your full name, spelling your last
22 name...

23 THE WITNESS: My full name is Leona
24 Caitlyn Vernon. I go by "Caitlyn Vernon". And my last
25 name is spelled: V-E-R-N-O-N.

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1 THE REGISTRAR: Thank you.

2 Secondly, I would like to read to you
3 Section 51 of the *Canadian Security Intelligence*
4 *Service Act*, which provides protection to witnesses
5 appearing before the Committee.

6 It reads as follows:

7 "Except in a prosecution of a
8 person for an offence under
9 section 133 of the *Criminal Code*
10 (false statements in extra-
11 judicial proceedings) in respect
12 of a statement made under this
13 Act, evidence given by a person
14 in proceedings under this Part
15 and evidence of the existence of
16 the proceedings are inadmissible
17 against that person in a court or
18 in any other proceedings."

19 Do you understand?

20 THE WITNESS: Yes, I do.

21 THE REGISTRAR: Thank you. You may be
22 seated.

23 THE PRESIDING MEMBER: Ms. Vernon, you
24 will be questioned first by Mr. Champ, Counsel for the
25 BCCLA, and then by Madam Dion, Counsel for CSIS, and

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1 then by Madam Bowers, Counsel to the Committee.

2 I expect that Mr. Champ knows the
3 answers that you will give to the questions he puts to
4 you, so I will ask you to please look at me, to the
5 extent possible, when answering the questions put to
6 you.

7 THE WITNESS: Okay.

8 THE PRESIDING MEMBER: I appreciate
9 that it is not a natural instinct to look at someone
10 other than the person asking you the questions -- and
11 perhaps not polite, for that matter!

12 THE WITNESS: I will do my best.

13 THE PRESIDING MEMBER: Thank you. I
14 appreciate it.

15 THE PRESIDING MEMBER: Good afternoon,
16 Ms. Vernon. I am ready to start into my questions.
17 Before doing so, I want to thank you very much for
18 coming in to be with us today.

19 THE WITNESS: Good afternoon.

20 Examination-in-Chief by Mr. Champ:

21 Q. I would like to start by having
22 you tell us the City in which you reside and where it
23 is that you are employed...

24 A. I live in Victoria, British
25 Columbia, and I work for Sierra Club of British

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1 Columbia Foundation.

2 Q. And how long have you been working
3 for Sierra Club BC?

4 A. Since 2007.

5 --- (Court Reporter's Cellular Telephone Ringing)

6 THE PRESIDING MEMBER: Who is the
7 guilty party!

8 MR. CHAMP: I was about to say, I
9 think I'd get arrested if I were the guilty party!

10 --- (Laughter)

11 THE COURT REPORTER: My apologies, Mr.
12 Fortier.

13 --- (Cellular Telephone Removed from the Hearing Room)

14 MR. CHAMP:

15 Q. How long have you been employed at
16 Sierra Club BC?

17 A. Since 2007.

18 Q. Thank you.

19 And can you tell us your Title and
20 describe for us your duties at Sierra Club?

21 A. Sure. I am the Campaigns
22 Director. I am responsible for overseeing all of our
23 Campaign Work, which involves supervising Staff, doing
24 fundraising, doing financial management, organizational
25 management, some human resources, and some campaigning.

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1 Q. Thank you.

2 I will come back to that in a little
3 bit, for more details around that, but I wondering if
4 you would first tell us a little bit about Sierra Club
5 BC, a bit about its history and what its mandate is.

6 Can you tell us about that?

7 A. Yes, sure. Sierra Club BC is a
8 registered charity. We were founded in 1969. Our
9 mandate is to protect, conserve and educate the public
10 about B.C.'s wilderness, B.C.'s ecosystems, in light of
11 the urgency of climate change.

12 In terms of our structure, we have a
13 volunteer Board of Directors and then Staff, and then a
14 whole bunch of Volunteers. We have Members.

15 Anybody donates over \$10 is eligible
16 to be a Member and can vote at our Annual General
17 Meeting.

18 Q. Thank you.

19 And, ballpark, about how many Members
20 do you have?

21 A. We have about 15,000 people on our
22 E-mail List.

23 I don't actually know at the moment
24 how many of those are Members.

25 Q. And again ballpark, what is Sierra

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1 Club BC's Annual Budget?

2 A. It's a million dollars.

3 THE PRESIDING MEMBER: I'm sorry...?

4 THE WITNESS: One million.

5 MR. CHAMP:

6 Q. And how many Staff does Sierra
7 Club BC have?

8 A. We have about nine to ten full-
9 time equivalence, which actually is more like fifteen,
10 sixteen bodies, because some people are part-time.

11 Q. Ms. Vernon, there are three
12 Volumes of Documents in front of you. The one I would
13 like to take you to says, in the middle, "Complainant's
14 Book of Documents, Volume II of II".

15 A. Um-umm (Witness Nodding in the
16 Affirmative).

17 Q. Do you have that one?

18 A. Yes.

19 MR. CHAMP: For the record, that is
20 Exhibit C-2.

21 Q. If you could turn to Tab 39...

22 A. Yes.

23 Q. This is a Printout from Sierra
24 Club BC's Website?

25 A. Yes.

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1 Q. And I think you have done a good
2 job already in describing about Sierra Club BC, as set
3 out there, and its history.

4 It was formed in 1969.

5 There is a reference under "Our
6 History" of "Sierra Club U.S. Affiliate".

7 Can you tell us about the
8 relationship, if any, between Sierra Club BC and Sierra
9 Club U.S. and Sierra Club Canada?

10 A. Yes, for sure. Sierra Club BC is
11 entirely a separate entity from both Sierra Club Canada
12 and Sierra Club U.S.

13 With Sierra Club U.S., we have a
14 Licensing Agreement for use of the name "Sierra Club",
15 as well as the logo mark, and as part of that Licensing
16 Agreement, we provide our Annual Report and Financial
17 Statements to Sierra Club U.S. As well, they have
18 requested that we send a representative to their Annual
19 General Meeting to provide a brief Report on our
20 activities. So our Executive Director goes there once
21 a year.

22 Beyond that, we don't formally work
23 jointly on any Campaigns together.

24 So we are an entirely separate entity
25 from Sierra Club U.S.

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1 Similarly with Sierra Club Canada --
2 again, an entirely separate entity -- they also have a
3 Licensing Agreement with Sierra Club U.S. for use of
4 the name and the logo.

5 There used to be Sierra Club of B.C.
6 Chapter which was a Chapter of Sierra Club Canada, and
7 it's ---

8 Bear with me here.

9 So, the Sierra Club of British
10 Columbia Chapter was a separate entity from the Sierra
11 Club of British Columbia Foundation.

12 The Chapter has now been closed down.
13 The Bank Account has been closed down. There is no
14 activity in the Chapter.

15 So everything that happens in B.C. is
16 Sierra Club of B.C. Foundation.

17 In terms of the timeline, just to give
18 you a sense of things, Sierra Club of B.C. Foundation
19 was formed in 1969 and then Sierra Club of Canada was
20 formed sometime in the 1990s, with a system of Chapters
21 around the country.

22 Q. That's great. Thank you.

23 I just want to touch on a couple of
24 other documents that we have here.

25 Tab 40, the next tab over...

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- 1 A. Yes.
- 2 Q. I believe this is Sierra Club BC's
3 2012 Annual Report.
- 4 Is that right?
- 5 A. Yes.
- 6 Q. It sets out some of the different
7 Campaigns that Sierra Club BC is involved in.
- 8 Is that right?
- 9 A. Yes, that we did in 2012.
- 10 Q. And I note, at Page 7, there is a
11 reference to the "Enbridge Joint Review Panel".
- 12 That is the National Energy Board
13 Hearings?
- 14 A. Yes.
- 15 Q. We will come back to that. For
16 now, I just want to confirm that it is in there.
- 17 A. Yes.
- 18 Q. The next tab, Tab 41, is the
19 Sierra Club BC 2013 Annual Report...
- 20 A. Um-umm (Witness Nodding in the
21 Affirmative).
- 22 Q. And this continues to describe
23 some of the different Campaigns being led by Sierra
24 Club BC?
- 25 A. Yes.

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1 Q. And I see, again, at...

2 Sorry. I am just looking for the
3 pagination...

4 A. Apparently we didn't do page
5 numbers that year.

6 Q. You didn't paginate this one.
7 Okay.

8 If you go just a couple of pages in,
9 you see "Tankers and Pipelines".

10 Again, that is related to the Enbridge
11 proposed Northern Gateway Pipeline Project?

12 A. Yes.

13 Q. I am wondering if you can tell us
14 a bit about ---

15 We will turn to the Enbridge Pipeline
16 in a moment. But first, could you tell us a little bit
17 about how Sierra Club BC carries out its work and its
18 Campaigns.

19 What are the different sorts of
20 methods or techniques Sierra Club BC adopts and follows
21 in order to promote their goals and objectives?

22 A. Sure, yes.

23 So, our primary goal is always to
24 raise public awareness, to educate the public about the
25 ecological values in British Columbia that may be under

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1 threat from various Projects, and the way that we do
2 that is ---

3 We are science-based. So we produce
4 science-based reports and maps. We do Outreach.

5 So we might organize educational
6 Speaking Events. We might organize Rallies. We have
7 an Education Program where we educate children and
8 youth about environmental issues. We talk to Media.
9 We litigate sometimes.

10 We've been involved in a number of
11 Court challenges, often with other Organizations.
12 We...

13 What else do we do?

14 I think that is sort of the range of
15 things in our toolbox, primarily.

16 Q. That's great. Thank you.

17 I would like to now ask you some
18 questions about, specifically, the Northern Gateway
19 Pipeline Project.

20 First of all, was Sierra Club BC a
21 formal Party in the National Energy Board Hearings?

22 A. No. We did not intervene in the
23 JRP process.

24 Q. Can you tell us what activities
25 you did get involved in around the NEB process?

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1 A. For sure.

2 So, when the Government announced the
3 process and put a Call out for people to participate in
4 it, we helped spread the word about that and let our
5 Supporters know that this was happening and that they
6 had an opportunity to participate in the public
7 process, should they choose to.

8 We also let people know that they had
9 opportunities to submit Written Comments.

10 In a couple of instances, we held
11 Letter Writing Parties for people to come together in a
12 Café and write their Written Comments/Submissions.

13 For those who had signed up to speak,
14 to give an Oral Statement to the JRP, we ---

15 We were getting a lot of questions
16 from our Supporters about what to expect and how they
17 should prepare. A lot of people were quite nervous.
18 They had never participated in this kind of a formal
19 Hearing process before. So we decided that we would
20 offer support by way of two things: we worked with a
21 couple of other Organizations to produce a
22 Backgrounder, which basically laid out: "Here's what
23 the JRP is about. Here's what to expect when you enter
24 the room. Here's what it's going to look like. Here
25 are some thoughts about how to prepare.

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1 We were very clear all the way along,
2 very careful. We were not telling people what to say.
3 We were letting them know that they have an opportunity
4 to voice their opinion and *"Here's what to expect when*
5 *you go into the room"*.

6 So similar to the Backgrounder, we
7 held a series of Webinars and a couple of in-person
8 Workshops, again with other Organizations, that were
9 about making this somewhat scary process a little bit
10 more comfortable for those who had signed up to
11 participate.

12 **THE PRESIDING MEMBER:** This offer of
13 support was directed exclusively to your Members, or at
14 large?

15 **THE WITNESS:** We always advertise
16 things more broadly. So, for example, we would send
17 out an e-mail to our Members but we would also put
18 stuff out on Social Media, which is then available to a
19 much wider audience.

20 **THE PRESIDING MEMBER:** Thank you.

21 **MR. CHAMP:**

22 **Q.** If you turn to Tab 43, Ms.

23 Vernon...

24 **THE PRESIDING MEMBER:** Tab 43?

25 **MR. CHAMP:** Yes.

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1 Q. The document there, at the very
2 top, says "Joint Review Panel Oral Statements Q&A".

3 Do you recognize this document?

4 A. Yes. This is the Backgrounder
5 that I just referred to.

6 Q. Can you take a look through it and
7 tell us whether there is anything else in there ---

8 I think it is, as you say, just
9 reinforcing all of the things you were telling us
10 about. But we also see things in here like the lists
11 of the different Hearings, and so forth.

12 Just take a flip through the document
13 to see whether there is anything else you would like to
14 add around this Education Project...

15 --- (A Short Pause: Witness reviewing referenced
16 documentation)

17 A. Yes. Again, it's about making the
18 process easier for people who are not familiar with
19 participating in that kind of a public process. So,
20 you know, dates and locations ---

21 It was confusing, frankly. It was
22 confusing in terms of knowing where things were going
23 to be happening and what was going to be allowed, on
24 whether you could bring somebody with you or not, and
25 so on.

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1 Lots of people had questions on the
2 process.

3 Also, as a part of this Backgrounder,
4 we are also directing people to ask the NEB directly,
5 if they have questions.

6 So really this was kind of a summary
7 of questions that we were hearing from our Supporters
8 and the guidance that we were getting from the NEB that
9 we could share kind of broadly, rather than just
10 answering people one at a time.

11 As I say, we were getting a lot of
12 questions.

13 Q. If you go to the last page of this
14 document, Page 10...

15 A. Yes.

16 Q. There is a reference to "Other
17 Resources: Upcoming Webinars".

18 Can you just tell us about that?

19 A. Yes. So those are the Webinars
20 that I referred to previously.

21 Some people like to prepare by reading
22 things, and other people like to prepare by talking it
23 through and having opportunity to ask questions.

24 We joined together with a number of
25 other Organizations to basically talk through this Q&A

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1 Backgrounder in the format of a Webinar and then
2 provide people the opportunity to ask their questions.

3 I personally wasn't involved in giving
4 them, but I was involved in the planning of them, and a
5 colleague of mine at Sierra Club was involved in giving
6 the Webinars.

7 Q. And these Webinars were co-
8 presented or prepared by Sierra Club BC and some of its
9 Partners, including, as I see here, Dogwood and
10 ForestEthics.

11 A. Yes. That is correct.

12 Q. Ms. Vernon, I want to show you a
13 few documents that are from the package of Access to
14 Information documents from the National Energy Board.

15 I will ask you to go to a different
16 Volume now, Complainant's Book of Documents Volume I of
17 II, the other thick Book you have before you...

18 A. Okay.

19 Q. And specifically, I will ask you
20 to turn to Tab 4...

21 A. Yes.

22 Q. There are some numbers in the
23 bottom right-hand corner. The important numbers there
24 are the last three digits.

25 Those give us the page numbers.

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1 I would like to take you to Page 35
2 under this Tab...

3 A. Yes.

4 Q. A couple of things here. First,
5 at the top, there is a Heading that reads "Twitter",
6 and then down a few lines, it reads:

7 "Sierra Club BC Enbridge hearings
8 Continuing Today - we'll be live-
9 tweeting highlights from the
10 testimony in Vancouver starting at
11 1 p.m."

12 Does that accurately describe what
13 Sierra Club was doing in relation to the Vancouver
14 Hearings?

15 A. Yes. By the time the Hearings got
16 to Victoria and Vancouver, they were no longer open to
17 the public. The only people allowed in the Hearings
18 were the Interveners and ---

19 Sorry. I can't remember what they
20 were called.

21 -- the people who were giving Oral
22 Statements, and they were allowed to bring one guest
23 with them.

24 So they were not open to the public.
25 But there was a lot of interest in knowing what was

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1 happening.

2 There were Sites set up on the other
3 side of town where people could watch the Hearing on a
4 big screen -- which is a bit different from being there
5 in-person.

6 So we would set ourselves up at the
7 Site across town and get on Twitter and share some of
8 the testimony that was being presented inside the
9 Hearings.

10 Q. And we see, a bit further down on
11 that same page, it says "*Sierra Club BC Statement on*
12 *Civil Disobedience*".

13 Can you tell us about Sierra Club BC's
14 position on civil disobedience and what the
15 Organization was saying about civil disobedience in
16 connection with the NEB Hearings?

17 A. Yes. We have a very clear Policy
18 on civil disobedience.

19 We do not do civil disobedience. We
20 do not condone or promote civil disobedience.

21 We are a charitable organization that
22 operates within the bounds of the law and within the
23 bounds of what registered charities are allowed to do.

24 We do all that we can within the
25 bounds of the law to raise awareness about the

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1 ecological values that are at stake. But we do not do
2 civil disobedience.

3 It is a very clear Policy.

4 Q. Thank you.

5 Can you flip back a few pages in this
6 package to Page 28...

7 So, "028" in the bottom right-hand
8 corner.

9 A. Yes.

10 Q. At the top of this document, it
11 says "Open Source Intel as at 31 January 2013", and
12 then it says:

13 "Sierra Club's Michael Brune on
14 Keystone XL and civil
15 disobedience..."

16 And under the picture, the first big
17 paragraph reads:

18 "Earlier this month, Sierra Club
19 Executive Director Michael Brune
20 announced the Club would, for the
21 first time in its long and storied
22 history, officially participate in
23 an act of civil disobedience --
24 that is, break the law ---

25 THE PRESIDING MEMBER: What page are

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1 you on?

2 I am sorry...

3 MR. CHAMP: Page 28. "028".

4 THE PRESIDING MEMBER: Page 28 under

5 Tab 4?

6 MR. CHAMP: That's right.

7 THE PRESIDING MEMBER: Thank you.

8 MR. CHAMP:

9 Q. Again, at the top, it says "Open
10 Source Intel as at 31 January 2013", and then "Sierra
11 Club's Michael Brune on Keystone XL"; then there is a
12 photograph, and then the first big paragraph reads:

13 "Earlier this month, Sierra Club
14 Executive Director Michael Brune
15 announced the Club would, for the
16 first time in its long and storied
17 history, officially participate in
18 an act of civil disobedience --
19 that is, break the law. The
20 target? The Keystone Pipeline..."

21 Was Sierra Club BC involved in this
22 civil disobedience?

23 A. No. Not in any way. Like I said
24 before, we are an entirely separate Organization. We
25 had nothing to do with this Action or this decision --

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1 which I understand was a one-time event for Sierra Club
2 U.S.

3 So, we were not involved in any way,
4 shape or form.

5 THE PRESIDING MEMBER: What you are
6 telling me is that this is Sierra Club U.S.A.?

7 THE WITNESS: That's correct.

8 THE PRESIDING MEMBER: How do I know
9 that from just looking at this page?

10 Looking at Page 28, how do I know that
11 this is not Sierra Club BC but, rather, Sierra Club
12 U.S.?

13 THE WITNESS: In all of our
14 Communications and all of our materials, we are "Sierra
15 Club BC", which is short form for "Sierra Club of
16 British Columbia Foundation".

17 And Sierra Club Canada is always
18 "Sierra Club Canada".

19 Sierra Club U.S., because they have
20 been around for 130 years and they've got some
21 seniority over us, they get to be just "Sierra Club".

22 THE PRESIDING MEMBER: I see. Thank
23 you.

24 MR. CHAMP:

25 Q. And the Executive Director,

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1 Michael Brune, do you know who that is?

2 A. I don't know him personally, no.

3 Q. But you know of him, of who that
4 person ---

5 A. I know of him, yes.

6 Q. And who do you know him to be?

7 A. I know him to be ---

8 Q. Does he work for Sierra Club BC?

9 A. He works for Sierra Club U.S.

10 MR. CHAMP: Thank you.

11 It's a little "lawyer's" thing in
12 terms of the way I have to frame my questions.

13 THE WITNESS: Yes.

14 MR. CHAMP:

15 Q. Do you have any idea as to how the
16 NEB came into possession of that Story or that
17 information?

18 A. No, I have no idea.

19 Q. At Page 36 of the document -- and
20 again, this is Tab 4.

21 At the top, it says "Oil Spill
22 Stories: Vancouver", and it goes on to say:

23 "At the community hearings on
24 Enbridge propose Northern Gateway
25 Pipeline and Tanker Project wrap

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1 up, join us for an evening of
2 powerful stories that highlight the
3 need for all of us to take a stand
4 to protect our water from spills."

5 And then it says that this is being
6 held on January 31st, 2013, in Vancouver.

7 Did Sierra Club BC have any
8 involvement in that Event?

9 A. No, we didn't. I was there,
10 actually, as an interested listener, audience member.
11 But we were not involved in the organizing.

12 THE PRESIDING MEMBER: Who organized
13 this Event?

14 THE WITNESS: I believe it was
15 organized by ForestEthics.

16 THE PRESIDING MEMBER: By...?

17 THE WITNESS: ForestEthics.

18 THE PRESIDING MEMBER: Yes. I see the
19 Contact Name and E-mail Address.

20 MR. CHAMP:

21 Q. Ms. Vernon, there were some
22 Stories in the Press in late 2013 indicating that
23 certain groups involved in or opposed to Northern
24 Gateway Pipeline Project were being monitored or
25 surveilled by the RCMP and CSIS.

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1 Were you aware of those Stories?

2 A. Yes.

3 Q. You are familiar with those
4 Stories?

5 A. Yes.

6 Q. And we have now seen that there is
7 some reference to Sierra Club BC in some of these
8 documents from the National Energy Board.

9 What impact did those Stories have on
10 Sierra Club BC, its Staff and its Supporters and
11 Volunteers?

12 A. Yes. There has been quite an
13 impact, on a number of levels. I've heard, both
14 informally from Staff and Volunteers and Board Members,
15 and slightly more formally, I guess, in Meetings, of
16 some of the concerns that people have had as a result
17 of these Reports.

18 Some of them are around people being
19 ---

20 I would say that Staff and Volunteers
21 were quite upset and anxious, and fearful, in
22 particular, of being monitored.

23 There were questions like: Are our e-
24 mails being read? Are our phones being tapped?

25 People were starting to question: If

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1 somebody new comes to a Volunteer Meeting, are they an
2 infiltrator? Are they trying to gather information on
3 us? Or are they actually wanting to support our work?

4 There was kind of a sense of paranoia,
5 I guess.

6 You know: We are operating within the
7 bounds of the law. We are operating within the
8 Charitable Guidelines. We are not doing anything
9 wrong. And yet we feel like we're being put to this
10 level of scrutiny. We feel like we are being painted,
11 somehow, as less-than-honest, even though we are
12 entirely operating above-board and within the law.

13 Concerns have been expressed about:
14 What does this mean for people's job prospects, if they
15 want to meet a Security Clearance for some kind of a
16 job or they want to work for the Federal Government in
17 the future?

18 What does this mean for the ability of
19 Sierra Club BC Staff to cross the Border, for example?

20 There are quite a number of concerns
21 of those types that have been raised since these
22 documents were released in 2013.

23 There has also been a hesitancy around
24 what we can say, I guess. There is a "chill" factor.
25 Really, that is what has gone on.

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1 As a charitable organization, most of
2 our work is around raising public awareness and
3 educating on ecological values.

4 We are allowed 10 percent of our time
5 and resources to be spent on what is called "political
6 activity", which is engaging and mobilizing members of
7 the public to be speaking up for the protection of
8 those ecological values.

9 The "chill" factor has made it such
10 that we are operating way, way, way below our allowable
11 10 percent limit on that because of this fear of
12 heightened scrutiny ---

13 **THE PRESIDING MEMBER:** Ten percent
14 of...?

15 **THE WITNESS:** Ten percent of our time
16 and resources, and finances, is allowed for political
17 activity.

18 The "chill" is such that we are being
19 way more cautious than we are legally required to be,
20 which ---

21 There are a couple of "big picture"
22 ways that that affects Sierra Club's work.

23 One is the amount of ---

24 I mean, it makes it more difficult for
25 us to raise awareness, I guess, of environmental issues

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1 and to get people involved in a robust public debate on
2 these issues when members of the public and our
3 Supporters are saying that they're scared to sign
4 Petitions or they're scared to come to some kind of an
5 event because they might be monitored or put on some
6 unknown Federal list. They might be scared to donate,
7 to have their name associated with Sierra Club of B.C.

8 It also has been a challenge for us
9 because the sense of this heightened scrutiny, the
10 sense of this "chill", made it so that our Board of
11 Directors got nervous, our Senior Management got
12 nervous.

13 Again, we operate entirely within the
14 law. We have been super-proactive about putting really
15 rigorous administrative policies in place prior to 2013
16 about tracking our degrees of political activity.

17 So even though we had really good
18 Policies in place, the sense of chill and the sense of
19 nervousness meant that Staff time and organizational
20 resources got diverted from doing our work in the
21 world, which is raising public awareness on ecological
22 issues, and got pivoted towards spending more time and
23 resources on administrative tasks, kind of in
24 preparation for this degree of scrutiny that was being
25 felt.

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1 We've heard from Volunteers that some
2 people are scared to get involved. There is a lot of
3 nervous joking that goes on about being monitored,
4 about being on some list and being watched.

5 People are concerned about what they
6 put on their personal Social Media.

7 Just yesterday, actually, a Volunteer
8 told me that somebody didn't sign a Petition because
9 they thought that signing Petitions was now illegal.

10 So that's what we are hearing "on the
11 street", and that's the kind of fear that has been
12 generated by these documents.

13 Q. What about the Sierra Club BC
14 Board? Have the Sierra Club BC Board Members expressed
15 any concerns around these issues?

16 A. Yes, definitely.

17 Our Board is made up of volunteers.
18 Many of them are Professionals in various Disciplines.
19 They take their roles as Board Members and their
20 reputations very seriously. They see themselves as
21 contributing to civil society in their role on the
22 Board.

23 They have told me that they felt ---
24 You know, the words they used were
25 "shock", "pain", "distress".

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1 In their role in civil society, what
2 they are doing is raising awareness about the Climate
3 Science and they feel that, in doing so, they would be
4 considered "enemies of the State", that they would be
5 spied on, and all of that created a huge degree of
6 distress and upset and led the Board, as a result, to
7 basically ask Staff to do this extra level of
8 administrative scrutiny, way, way, way over and above
9 what was needed -- because we'd already done it and we
10 were already operating with robust rigorous policies
11 within the necessary guidelines.

12 Q. Ms. Vernon, I just have a couple
13 of questions arising out of what you have just told us.

14 First of all, the extra administrative
15 level of scrutiny, that is scrutiny related to what
16 exactly again?

17 A. This is primarily around...

18 --- (A Short Pause)

19 The sense is that as a charitable
20 organization, we are going to potentially lose our
21 charitable status -- that is always a fear -- because
22 the Federal Government is going to do some kind of an
23 Audit, which we are actually in the middle of an
24 extensive CRA Audit, along with a number of other
25 Environmental Organizations across the country.

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1 These documents that were released in
2 2013 come in the wake of the verbal attacks, for lack
3 of a better word, of a Federal Minister against
4 Organizations like Sierra Club BC.

5 And since then, there has been Bill C-
6 51.

7 So there is this climate of fear that
8 has been created that Environmental Charities that are
9 trying to play a role in civil society and trying to
10 raise really important issues, such as climate change,
11 are being scrutinized really closely, spied on,
12 potentially; audited.

13 We don't really know what's going on.
14 But there is this fear that even though we are
15 operating within all of the rules, somehow the Federal
16 Government is going to take away our charitable status.

17 I guess that is the ultimate fear.

18 Q. You made mention of the "enemies
19 of the State" comment.

20 Where does that come from?

21 A. I believe that comes from Minister
22 Joe Oliver, in some of his comments, which were
23 earlier, in 2012.

24 Q. You mentioned an Audit by Canada
25 Revenue Agency.

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1 Are you trying to draw some kind of
2 connection between potential CSIS monitoring and the
3 CRA Audit?

4 A. I would say it's a suspicion. We
5 obviously don't know.

6 Being audited is a normal part of
7 being a Charity.

8 That is understandable. But the
9 extensive in-depth Audits that are happening to
10 Environmental Charities, including the Sierra Club BC,
11 right now across the country is unprecedented.

12 I don't know for sure that there is a
13 connection; but it's this heightened level of scrutiny
14 that we feel like we are under.

15 Q. Ms. Vernon, there is one last
16 document I want to take you to. It is in Volume II of
17 II; Complainant's Book of Documents Volume II of II,
18 Exhibit C-2...

19 A. Yes.

20 Q. If you go to Tab 45...

21 A. Yes.

22 Q. Tab 45 is a Print-Off from the
23 *Huffington Post* B.C. Site, and the Title of this
24 Article is "*Why is the country I love spying on me*".

25 This is an Article by yourself.

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1 Is that right?

2 A. That's correct.

3 Q. I don't want to go into the
4 detail, but this is something that you wrote shortly
5 after the initial *Vancouver Observer* Story.

6 Is that right?

7 A. Yes.

8 Q. And it articulates and expresses
9 some of your concerns at that time?

10 A. Yes.

11 MR. CHAMP: I will just be a moment,
12 Mr. Chair...

13 THE PRESIDING MEMBER: Certainly.

14 --- (A Short Pause: Off-Record Discussion between
15 Complainant's Counsel and Client Representative)

16 MR. CHAMP: Thank you, Ms. Vernon.
17 Those are all of my questions.

18 THE PRESIDING MEMBER: Thank you, Mr.
19 Champ.

20 While we are looking at Tab 45, this
21 Article that you wrote for the *Huffington Post*, I note,
22 in the first paragraph, the first line: "*Last week, I*
23 *found out that my government is spying on me...*"

24 I am trying to reconcile this, Ms.
25 Vernon, to what you told me about ten minutes ago,

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1 which I made a note of, that being "we don't really
2 know what is going on now".

3 How do you reconcile your very clear
4 evidence in answer to questions from Mr. Champ that you
5 "don't know what is going on now" and what you wrote
6 here in November of 2013, where you are affirming,
7 categorically, that you found out that the Government
8 was spying on you?

9 **THE WITNESS:** Yeah. The documents
10 released under the Access to Information Request
11 clearly outline that the NEB was consulting with CSIS
12 and the RCMP, that monitoring was happening, including
13 of Sierra Club BC

14 What I don't know is what that
15 monitoring looks like.

16 What I don't know is whether our
17 phones or e-mails are being monitored; whether our
18 Volunteer Meetings are being infiltrated; whether
19 people are showing up at our Events to monitor what is
20 happening.

21 That's what I don't know. But the
22 documents released make very clear that these
23 conversations were happening, that monitoring was
24 happening, that intelligence had been gathered.

25 **THE PRESIDING MEMBER:** That is the

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1 conclusion that you reached after you had read those
2 documents ---

3 THE WITNESS: That's correct.

4 THE PRESIDING MEMBER: -- obtained
5 under the *Access to Information* method?

6 THE WITNESS: That's correct.

7 THE PRESIDING MEMBER: Okay. Thank
8 you.

9 Madam Dion...?

10 MS. DION: I do have just a few
11 questions for the Witness.

12 Thank you, Mr. Fortier.

13 Cross-Examination by Ms. Dion:

14 Q. Are you aware of the Service's
15 mandate, Ms. Vernon?

16 A. Not in detail, no.

17 Q. Are you aware that CSIS is
18 prohibited from collecting information, by investigation
19 or otherwise, on lawful advocacy, protest, or dissent,
20 unless it is conducted in conjunction with activities
21 that would constitute a threat to the security of
22 Canada?

23 A. Yes, I am aware of that.

24 Q. And do you share that knowledge
25 with people that express their concerns to you about

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1 their activities being monitored by Security
2 Intelligence in Canada?

3 A. The evidence, as I understand it,
4 shows that CSIS is perhaps doing something outside the
5 scope of their mandate.

6 Q. When people are telling you things
7 -- and you have given the example that somebody told
8 you that they thought signing a Petition was illegal --
9 do you correct them, saying: *No. Signing a Petition*
10 *is something that is legal and within your rights.*

11 A. Yes. Absolutely, we do that.

12 Q. But knowing that the Service is
13 prohibited from investigating lawful advocacy, protest
14 and dissent, you don't share that with people that
15 express concerns to you?

16 A. I don't share details of the
17 mandate, no. What I share is that *"it's our right to*
18 *express our opinion and to engage in democratic*
19 *processes and our right to sign a Petition and go to a*
20 *Rally and speak out".*

21 That is what I say.

22 MS. DION: I have no further
23 questions. Thank you.

24 Thank you, Mr. Fortier.

25 MS. DION: Thank you, Madam Dion.

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1 Madam Bowers, any questions for the
2 Witness?

3 MS. BOWERS: No, Mr. Fortier. Thank
4 you.

5 THE PRESIDING MEMBER: Ms. Vernon, I
6 am very grateful to you ---

7 Sorry. Do you have any questions in
8 Redirect, Mr. Champ?

9 MR. CHAMP: I do have one follow-up,
10 not so much Redirect.

11 THE PRESIDING MEMBER: Yes.

12 (To the Witness): That means that Ms.
13 Dion asked you a question that leads Mr. Champ to ask
14 you an ---

15 THE WITNESS: Another one.

16 THE PRESIDING MEMBER: -- an
17 additional question.

18 THE WITNESS: Yes.

19 MR. CHAMP: Actually, Mr. Chair, it's
20 in relation to the question that you put to her that I
21 wish to clarify.

22 THE PRESIDING MEMBER: Oh!

23 (To the Witness): It's the question
24 that I put to you.

25 Re-Examination by Mr. Champ:

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1 Q. It is in relation to the Article
2 in the *Huffington Post*, where you said:

3 "Last week, I learned that my
4 government is spying on me..."

5 I will just take you to the Article
6 that I believe prompted your statement...

7 It is in the Complainant's Book of
8 Documents, Volume I of II.

9 A. Yes.

10 Q. If you go to Tab 9...

11 A. Yes.

12 Q. This is a Story from the *Vancouver*
13 *Observer*:

14 "Harper government's extensive
15 spying on anti-oilsands groups
16 revealed in FOIs..."

17 It is dated Novemer 19, 2013, which is
18 the month before your Article in the *Huffington Post*.

19 Is this the Article that you were
20 referring to?

21 A. Yes.

22 Q. If we go through it, there are a
23 couple of things...

24 If you go to Page 3 of 5...

25 A. I can't see the numbers, but I am

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1 assuming ---

2 Q. Yes. Sorry. It's in the left-
3 hand corner of ---

4 A. I know. It is punched.
5 If it is the third page, I'm good.

6 Q. Or if you are coming from the
7 other direction, the third-last page.

8 There are two "click on image to
9 enlarge", and in the middle there is one that starts...

10 Right in the middle of the page, about
11 halfway down the page, or exactly halfway down the
12 page, it says:

13 "On May 23, 2013..."

14 A. Um-umm (Witness Nodding in the
15 Affirmative).

16 Q. Are you with me on that?

17 A. Yes.

18 Q. It says:

19 "On May 23, 2013..."

20 THE PRESIDING MEMBER: I am looking
21 for it now...

22 --- (A Short Pause)

23 Oh, yes. I have it.

24 MR. CHAMP:

25 Q. It reads:

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1 "On May 23, 2013, Natural Resources
2 Canada hosted a 'Classified
3 Briefing for Energy and Utility
4 Sector Stakeholders' in
5 collaboration with CSIS and the
6 RCMP at CSIS's Headquarters in
7 Ottawa."

8 If we go down to the last paragraph,
9 it says:

10 "An Agenda obtained by Tim Groves
11 and Martin Lukacs at The Guardian
12 last month revealed that breakfast,
13 lunch and coffee was sponsored by
14 Enbridge and a networking reception
15 held at the Chateau Laurier was co-
16 hosted by Bruce Power and
17 Brookfield Renewable Energy
18 Partners. Meetings during this
19 conference included..."

20 And going over the page:

21 "... 'challenges to energy projects
22 by environmental groups'."

23 The reference to "challenges to energy
24 projects by environmental groups", did you interpret
25 that to be referring to Sierra Club BC?

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1 A. Yes -- because we were listed in
2 the information that had been released.

3 Q. And challenging energy projects,
4 or challenging the Northern Gateway Pipeline proposed
5 by Enbridge, does that, in your view, constitute a
6 "threat to the security of Canada"?

7 A. No. And actually, one of my first
8 -- and I talk about it in the Article I wrote. But one
9 of my responses when I found out about all this was
10 that the real threat to national security in Canada is
11 climate change, which the Enbridge Northern Gateway
12 Joint Review Panel didn't even allow us to talk about.

13 So Sierra Club BC is a charitable non-
14 profit organization. We have been trying to raise
15 awareness about a very serious science-based issue that
16 is going to affect all of us, that is going to affect
17 the security of all of us.

18 We are not the ones that are the
19 threat. Climate change is the real threat.

20 Q. There is an excerpt from an actual
21 document there, "*Classified Briefing for Energy and*
22 *Utility Sector Stakeholders*", and then under that it
23 says "*Hosted by Natural Resources Canada in*
24 *collaboration with CSIS and the RCMP...*"

25 Do you see that?

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1 A. Yes.

2 Q. And then: "Location: Canadian

3 Security Intelligence Service, 1941 Ogilvie Road,

4 Ottawa, Ontario"; and then, at the bottom, we see:

5 "...breakfast, lunch and coffee

6 sponsored by Enbridge..."

7 Was there any time when Sierra Club BC

8 was invited to a Stakeholders' Consultation by CSIS?

9 A. No.

10 Q. You didn't get any Invitations

11 from CSIS ---

12 A. No. We have received no

13 Invitations from CSIS.

14 MR. CHAMP: Thank you. Those are all

15 the questions I have.

16 THE PRESIDING MEMBER: Thank you, Mr.

17 Champ.

18 Ms. Dion, any questions arising...?

19 MS. DION: No. Thank you, Mr.

20 Fortier.

21 THE PRESIDING MEMBER: Ms. Bowers...?

22 MS. BOWERS: No. Thank you.

23 THE PRESIDING MEMBER: Then, I will
24 thank you officially for having attended before me to
25 give evidence today. I am grateful.

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1 You can now go back to Victoria.

2 THE WITNESS: Will do. Thank you very
3 much.

4 --- (The Witness Withdrew)

5 THE PRESIDING MEMBER: The next
6 Witness is Nikki Skuce...

7 MR. CHAMP: She is here. We are in
8 your hands, Mr. Chair. Are you prepared to go straight
9 on with the next Witness?

10 THE PRESIDING MEMBER: Yes -- if
11 Counsel is so prepared.

12 MR. CHAMP: Yes.

13 MS. DION: Yes.

14 THE PRESIDING MEMBER: Very well. I
15 will have the Registrar bring the Witness in...

16 MR. CHAMP: Thank you, Mr. Chair.

17 --- (Nikki Skuce Called to the Witness Table)

18 THE PRESIDING MEMBER: Good afternoon,
19 Ms. Skuce. You are being called as a witness in this
20 matter by the British Columbia Civil Liberties
21 Association. Before you give evidence, I am going to
22 ask the Registrar to swear you in.

23 Okay?

24 THE WITNESS: Sure.

25 THE REGISTRAR: Good afternoon, Ms.

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1 Skuce.

2 Do you solemnly affirm that the
3 evidence you are about to give to the Committee shall
4 be the truth, the whole truth, and nothing but the
5 truth?

6 THE WITNESS: I do.

7 NIKKI SKUCE, Called and Affirmed:

8 THE REGISTRAR: For the record, would
9 you please state your full name, spelling your last
10 name...

11 THE WITNESS: Sure.

12 My name is Nikki Susan Skuce, and my
13 last name is spelled: S-K-U-C-E.

14 THE REGISTRAR: Thank you.

15 Secondly, I would like to read to you
16 Section 51 of the *Canadian Security Intelligence*
17 *Service Act*, which provides protection to witnesses
18 appearing before the Committee.

19 It reads as follows:

20 "Except in a prosecution of a
21 person for an offence under
22 section 133 of the *Criminal Code*
23 (false statements in extra-
24 judicial proceedings) in respect
25 of a statement made under this

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1 Act, evidence given by a person
2 in proceedings under this Part
3 and evidence of the existence of
4 the proceedings are inadmissible
5 against that person in a court or
6 in any other proceedings."

7 Do you understand?

8 THE WITNESS: I think so.

9 So that means that I am not on trial;
10 that I am just here ---

11 --- (Laughter)

12 THE PRESIDING MEMBER: I assure you,
13 Ms. Skuce, that you are not at all on trial. You are
14 here to help me.

15 THE WITNESS: Right. Thank you very
16 much.

17 THE PRESIDING MEMBER: In the process
18 of assisting me, you will be questioned first by Mr.
19 Champ, Counsel for the BCCLA, following which you may
20 be asked questions by Madam Dion, Counsel for CSIS, and
21 by Madam Bowers, Counsel for the Committee.

22 THE WITNESS: Okay.

23 THE PRESIDING MEMBER: Mr. Champ...

24 MR. CHAMP: Thank you very much, Mr.
25 Chair.

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1 Ms. Skuce, it is a real pleasure to
2 meet you in-person. Thank you so much for coming down
3 to be with us this afternoon.

4 I have some questions for you
5 regarding your work and your background, as well as the
6 work of ForestEthics.

7 Examination-in-Chief by Mr. Champ:

8 Q. To start off, I will just ask you
9 to tell us the City in which you live and what your job
10 is, along with a bit about your background.

11 A. Sure. I live in Smithers, British
12 Columbia. I have been living there since 2001. I
13 moved up there to work for a small non-profit
14 organization called "One Sky", which focused mostly on
15 local and international issues. So, working on energy,
16 for instance, at the local level; helping with the
17 Community Energy Plan.

18 And internationally, working at the
19 United Nations level, coordinating Canadian non-profits
20 around the World Summit on Sustainable Development.

21 I was on the Canadian Delegation for
22 that in Johannesburg.

23 But then we also had capacity
24 development projects in places like Nigeria and Sierra
25 Leone, and I coordinated the Sierra Leone Project.

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1 That's a little bit about my
2 background.

3 I moved from that to working with
4 ForestEthics, which I will probably talk about more,
5 working more on issues affecting people and ecosystems
6 in the Province, and I left ForestEthics in the middle
7 of November and I am now doing other things.

8 So, yes.

9 I live there with my partner and a
10 couple of kids.

11 Q. So you are not with ForestEthics
12 at this time?

13 A. That's right.

14 Q. But you were their Senior Energy
15 Campaigner for five years--Is that right?--or six
16 years.

17 A. Yes. Almost six years.

18 Q. Thank you.

19 I will now take you to a couple of
20 documents.

21 First, you have three Volumes before
22 you. One is the Complainant's Book of Documents,
23 Volume II of II.

24 It is one of the larger Books.

25 A. Okay.

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1 MR. CHAMP: For the record, that is
2 Exhibit C-2, for everyone else.

3 Q. If you could go to Tab 32 in that
4 Volume...

5 A. Yes.

6 Q. I think this is a Printout from
7 the ForestEthics Website from when you were still with
8 ForestEthics...

9 A. Yes.

10 Q. And we see there that it describes
11 a little bit about your Bio...

12 A. Um-umm (Witness Nodding in the
13 Affirmative).

14 Q. You joined ForestEthics in 2009,
15 with the SMithers, B.C. Office...

16 A. Yes.

17 Q. And then we also see the reference
18 to the World Summit on Sustainable Development, in
19 2002.

20 That is the one you were referring to?

21 A. Yes.

22 Q. It also says that you sit on
23 several Boards.

24 Do you still sit on a number of
25 different Boards of Organizations?

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1 A. Yes, I do. I sit on the Buckley
2 Valley Community Arts Council and a Car Share Co-Op
3 Board, at the moment.

4 Q. And previously, you sat on other
5 Boards, including the Canadian Renewable Energy
6 Alliance, Smithers Sustainable Advisory Committee, and
7 so forth?

8 A. Yes.

9 Q. And you have a Degree in Canadian
10 Studies and International Relations from UBC?

11 A. Yes.

12 Q. If you could turn a couple of Tabs
13 over, to Tab 34...

14 A. Yes.

15 Q. I believe this is your C.V. that
16 was used when you testified before the National Energy
17 Board.

18 Is that right?

19 A. Yes.

20 Q. And I will talk more about that in
21 a moment.

22 For our purposes now, does this
23 accurately set out your work and education, and your
24 Volunteer history?

25 A. Yes, it does.

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1 Q. I see at Page 2, under "Volunteer
2 Experience", a lot of different Organizations: GO2 Car
3 Share, Hometown Heroes, Smart Growth, Buckley Valley
4 Folk Music, Humanities and Science.

5 So you have been involved in Activism
6 for quite some time?

7 A. Yes, I have.

8 Q. Ms. Skuce, I want to ask you, now,
9 some questions about ForestEthics itself.

10 I am wondering if you can just tell us
11 about the Organization: it's mandate or objectives and
12 how it is structured.

13 A. Sure. ForestEthics was founded on
14 both sides of the Border from the beginning. So it is
15 registered as a Charity in the United States.

16 In Canada, initially it was a Project
17 of Tides Canada, before becoming a non-profit -- which
18 I think we'll talk about at some point.

19 Initially, the goal ---

20 I guess the goal of ForestEthics has
21 always been to improve conservation, and the niche, I
22 guess, or the way that ForestEthics mostly operates is
23 by looking at Markets.

24 So, who was buying the forest and the
25 wood products out of Claquout Sound, for instance,

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1 figuring that that was a way to try to change
2 behaviour, to move towards Forest Certification. So to
3 improve logging practices and increase conservation on
4 the Coast of British Columbia.

5 So that is its origins.

6 The Organization, when I started, had
7 moved to also address climate and energy issues.

8 It still kept its name,
9 "ForestEthics"; but when I came on, it was also ---

10 The Organization worked a lot on the
11 Great Bear Rain Forest, trying to get that protected,
12 and a different kind of ecosystem-based management on
13 forest practices.

14 Given that the tankers or the Enbridge
15 Northern Gateway Pipeline would be going through the
16 Great Bear Rain Forest, and given the fact that we were
17 also working on an Ad Campaign to try to improve
18 protection of the Boreal Forest, where the Tar Sands
19 are, it sort of was a good project to focus on, given
20 the links to the Forest, although we mostly talked
21 about energy issues.

22 Q. If you could turn to -- and I will
23 unpack some of the things you have told us in just a
24 minute. But if you could turn to Tab 31 in the Volume
25 that you have before you...

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1 Again, for the record, this is Exhibit
2 C-3, Complainant's Book of Documents, Volume II of II.

3 A. Yes.

4 Q. The document at Tab 31, at the
5 top, says "ForestEthics Advocacy".

6 A. Um-umm (Witness Nodding in the
7 Affirmative).

8 Q. And it says "About ForestEthics
9 Advocacy Association".

10 It says it was founded in 2012.

11 Does that mean that ---

12 You mentioned that it was "on both
13 sides of the Border".

14 I gather you are referring to the
15 United States....

16 A. Yes.

17 Q. Okay. And so does that mean that
18 it was founded on both sides of the Border in 2012? Or
19 what was founded in 2012, exactly?

20 A. No. What happened was ---

21 When it was founded, ForestEthics in
22 Canada was a project of Tides Canada. Before this
23 became more public knowledge, Tides was undergoing
24 their fourth Audit and was under increasing pressure,
25 given some of the work that we were doing under their

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1 umbrella. So ---

2 Q. Let me just stop you there for a
3 moment.

4 "Tides Canada" is a Canadian
5 Charitable Foundation.

6 Is that right?

7 A. Yes.

8 Q. And did ForestEthics have --
9 "ForestEthics Canada", if I can describe it that way --
10 have independent status at that time?

11 A. No. It was bound by Tides'
12 charitable status and Board, and that sort of thing.

13 Q. Okay. So I will ask you to go.
14 What happened with that relationship with Tides Canada?

15 A. Well, we were sort of under
16 increasing ---

17 Tides was coming under increasing
18 scrutiny because of the work that we were doing on the
19 Enbridge Campaign and on a Markets Campaign, looking at
20 where Tar Sands fuel was going in the United States,
21 and then with Joe Oliver's Letter that came out in
22 early January 2012 calling anyone who oppsed the
23 Northern Gateway Pipeline "radicals" and then the sort
24 of notion that we were potentially "enemies", we
25 decided that it would be best if we left our

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1 relationship with Tides on a positive note, given that
2 they do so much good work ---

3 They have a lot of social-justice and
4 community and environmental projects.

5 So we wanted to leave that, and also
6 to be not bounded by the "10 percent" rule, the 10
7 percent political advocacy, and so we decided to
8 register as a non-profit and focus a little bit more on
9 democracy, on being able to speak out a little bit
10 more, because this was pretty ---

11 You know, these things were feeling
12 threatening in terms of our democracy in Canada.

13 So we registered as a B.C. non-profit
14 in 2012 and changed the name. We just added the
15 "Advocacy".

16 Q. So that is when it became a
17 separate legal entity, in 2012?

18 A. Yes.

19 Q. And just to be clear, the
20 ForestEthics Advocacy entity that was founded in 2012,
21 that is a non-charitable organization?

22 A. Yes.

23 Q. But it is a non-profit Society ---

24 A. It is a registered non-profit
25 Society, yes.

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1 Q. Thank you. That is helpful.

2 And how does ForestEthics ---

3 Well, we'll go through this document

4 that we have here.

5 First of all, we see, on the second

6 page, that the Headquarters of ForestEthics is in

7 Vancouver.

8 Is that right?

9 A. Yes.

10 Q. And do you know approximately how

11 many Staff Members ForestEthics has?

12 A. At the moment, I think there are

13 four.

14 Q. Four Paid Staff?

15 A. Four or five. Yes.

16 Q. And do you know, ballpark, what

17 the Budget is for ForestEthics Advocacy?

18 A. Since leaving it in November, I am

19 not sure, but I think in general ---

20 Q. Yes. During the time that you

21 were there.

22 I appreciate you left over six months

23 ago.

24 A. I think it was...

25 --- (A Short Pause)

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1 I don't want to get this terribly
2 wrong...

3 MR. CHAMP: If you are not
4 comfortable...

5 THE WITNESS: You know, I imagine...
6 --- (A Short Pause)

7 I think it was somewhere around half-
8 a-million dollars.

9 Q. Okay. And does ForestEthics have
10 Members or Volunteers that are involved with
11 ForestEthics?

12 A. Yes. Sometimes we have volunteers
13 to help out with events.

14 We do a lot of Outreach activities.
15 So, people would sign Pledge Cards, and then we would
16 have to do a lot of data entry just to get them within
17 our List of Supporters.

18 We weren't Membership-based; but we
19 do have a significant List of Supporters to call on for
20 doing education and outreach, and, you know, inviting
21 them to take action.

22 Q. Yes. Can you give us, now, a
23 little bit more detail about the activities that
24 ForestEthics engages in to advance these objectives and
25 goals that you have talked about?

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1 What is the nature of the
2 Organization's work?

3 A. Sure. Should I focus specifically
4 on what I was working on, or should I do it just sort
5 of generic ---

6 Q. You can start there and then go on
7 to speak more broadly about what ForestEthics Advcacy
8 does in Canada: how you conduct your Campaigns; the
9 methods, and so forth, that you engage in?

10 A. Sure. A lot of what we do
11 ininitally when we are starting a Campaign is doing
12 education and outreach.

13 So "Tabling" at events; having
14 Postcards and Information Booths.

15 In the case of Enbridge Northern
16 Gateway, it was having, also, Speakers Tours across the
17 Northwest talking about the issue.

18 Often, we would come up with a few
19 different strategies of how we think we can win a
20 Campaign.

21 In the case of Enbridge, one of the
22 first ones that we spent a lot of time on was trying to
23 get a federally-legislated tanker ban.

24 We did a lot of advertising and worked
25 a lot behind the scenes, meeting with Government

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1 bureaucrats and with Political Leaders, with Briefing
2 documents and bringing Delegations and trying to
3 present them solutions.

4 At the same time, we also had ---

5 We were hoping, at the very early
6 stages, that Enbridge would not proceed with the
7 Project and so we went -- and we continued this even
8 after they submitted their Application.

9 We went to their Corporate Annual
10 General Meeting, to be able to ask them questions and
11 increase the risk in the eyes of investors, and that
12 sort of thing.

13 So, Media; writing Blogs. Other ways
14 of getting Stories out.

15 Q. That's great. And I will ask you
16 some more detailed questions about some of those
17 activities in a moment.

18 We are still on Tab 31.

19 There is a document at the back of
20 that Tab that reads "*ForestEthics Advocacy: Tar*
21 *Sands*".

22 Was Tar Sands one of the Campaigns
23 that ForestEthics was involved in?

24 A. Yes. We had -- although it was
25 more with our Partners in the United States.

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1 Similar to what we did on the Forest
2 Industry -- although it is a lot harder -- we were
3 looking at the consumer side of who was purchasing Tar
4 Sands, and one of the things we did was to look at
5 Fortune 500 Companies, sending out Letters and looking
6 at where they were buying their fuel and determining
7 whether they could make a commitment to have their
8 fleets purchase fuel from other refineries or other
9 places in order to sort of help put a small dent in the
10 demand for Tar Sands.

11 It was more of a Campaign happening on
12 that side of the Border.

13 In Canada, it was mostly just around
14 the Enbridge Northern Gateway Pipeline, although the
15 issue was bigger than the Tar Sands.

16 Q. I would like to focus a bit more
17 now on the National Energy Board Hearings themselves.

18 It is my understanding that
19 ForestEthics was a formal legal Party in that
20 Proceeding.

21 Is that right?

22 A. Yes. We signed up as an
23 Intervener and worked with Rain Coast and Living Oceans
24 Society and had representation by EcoJustice.

25 Q. EcoJustice. That was the law firm

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1 representing you?

2 A. Yes.

3 Q. And ForestEthics was a legal Party
4 throughout that Proceeding?

5 A. Yes.

6 Q. And you ended up testifying; is
7 that right?

8 A. Um-umm (Witness Nodding in the
9 Affirmative).

10 Q. And what was the nature of the
11 testimony that you provided to the National Energy
12 Board, just at a very high level?

13 A. Well, I put forward evidence that
14 revealed Enbridge's oil spill record, showing that
15 Kalamzoo wasn't an outlier, as well as putting forward
16 some evidence around where they were hoping to tunnel
17 through the mountains to the coast. Also, a Briefing
18 document.

19 So that was my piece of evidence,
20 which was pretty small. We also had contracted out and
21 had Consultants submit evidence on other issues, most
22 of whom were cross-examined. Some weren't, those who
23 just focused on climate change impacts -- because that
24 issue got axed during Bill C-5...

25 Is that what it was?

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1 The Omnibus Bill.
2 Anyway, climate change was not part of
3 it any more ---
4 Q. It changed the National Energy
5 Board mandate.
6 Is that right?
7 A. Yes. But in terms of ---
8 Enbridge called me up to be cross-
9 examined and didn't ask me any questions about my
10 evidence. They just focused from the outset on just
11 trying to discredit me.
12 They asked about foreign funding, and
13 that sort of thing.
14 So that was their focus.
15 Q. And how were the Enbridge lawyers
16 attempting to discredit you?
17 A. Well, they were ---
18 Like, they put up my Résumé and they
19 said, you know: *"These are the dates that you have on*
20 *it; but you really..."*
21 You know, it's because of that split
22 between ForestEthics and ForestEthics Advocacy.
23 I didn't have them split out.
24 They asked me what an "Energy
25 Campaigner" was. They tried to...

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1 I don't know. They seemed to belittle
2 some of the stuff. They also tried to accuse me of
3 participating only to get Media attention.

4 So that was the background. That Is
5 what it felt like.

6 Q. And what about the Technical
7 Evidence that you were providing? Did they examine any
8 of the Technical Evidence?

9 A. No. They did not ask me a single
10 question about that Evidence.

11 Q. And what about ForestEthics as an
12 Organization? Did they ask you questions about
13 ForestEthics and its funding and origin?

14 A. Yes, they did. I answered in sort
15 of general terms, and they didn't pursue it further.

16 Q. And what was the nature of the
17 questions they were putting to you about it?

18 A. They asked, if I remember
19 correctly, where ForestEthics got their funding from;
20 where ForestEthics Advocacy got their funding from.

21 And if I remember correctly, my answer
22 was "from various Foundations, American and Canadian,
23 and a lot of individual Canadians who send in
24 donations", and that sort of thing.

25 Q. There are a few other documents I

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1 am going to take you to. One is at Tab 36...

2 A. Yes.

3 Q. Can you tell us what this document
4 is?

5 A. Sure. Participating in the Joint
6 Review Panel, which I will call the "JRP" from here on
7 out, was ---

8 It was the first time for me, and it
9 was a pretty ---

10 You know, it's a pretty
11 administrative, bureaucratic and sometimes difficult
12 process to wrap your head around and to wade through.

13 So what we decided is that one of the
14 roles we would play would be to help educate and
15 outreach around the process.

16 So I put together this document before
17 the Hearings began in Kitimat Village on Haisla
18 Territory, right after Joe Oliver's Letter -- so, early
19 January 2012 -- and met with various Media, just to
20 give them a sense of what had happened, what it meant
21 being in these different roles: *What was an*
22 *Intervener? What do these Oral Hearings mean versus*
23 *Community Hearings, versus Technical Hearings?*

24 That sort of thing.

25 It was just, you know, basically to

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1 give them an education on ---

2 Q. A Primary.

3 A. A Primary, yes.

4 And for some others as well. Just
5 some, you know, Municipality Hearings, and others.

6 So it was just an informative
7 document.

8 Q. If you could turn, now, to Tab 44,
9 in this Volume...

10 A. Yes.

11 Q. This is a document entitled
12 "Maximizing your Impact at the Enbridge Northern
13 Gateway Community Hearings", and then under that it
14 says "ForestEthics Advocacy, West Coast Environmental
15 Law, Dogwood Initiative, Sierra Club BC".

16 Can you tell us what this Event was
17 about?

18 A. Sure. One of the things ---

19 As well as participating as an
20 Intervener in the Hearings, we thought it important to
21 have a robust public process, with as much
22 participation as possible. So we did a lot of
23 Outreach, trying to encourage people to sign up for the
24 Community Hearings, which were the ones where you got
25 to speak for ten minutes to the Panel, in various

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1 Communities around British Columbia, as well as to
2 encourage people to submit Written Comments.

3 Given the fact that we had helped a
4 number of people sign up, as did these other
5 Organizations, and given the fact that we had also
6 participated in several Community Hearings already by
7 this point (this was December) the ones that had
8 already taken place, in Smithers and Fernley, where I
9 live, and other Communities ---

10 And they were being held in Vancouver
11 and Victoria, and in Kelowna -- so around here and the
12 Lower Mainland -- just in the New Year, in
13 January/early February of 2013.

14 -- we decided to partner with these
15 other Organizations to just help put people at ease, to
16 tell people what they could expect when they entered
17 the room: *if they have to swear-in; who these three*
18 *people were; whether they could have notes or a*
19 *PowerPoint.*

20 Our piece in that was mostly
21 conveying: *You know, there are these Technical*
22 *Hearings. So if you have a particular piece of*
23 *technical expertise, then share it with the Panel. But*
24 *otherwise, it's not really necessary to do a bunch of*
25 *research around something that maybe you are*

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1 unfammiliar with or whatever. Maybe you could do
2 Written Comments on that. But probably what would be
3 most compelling is to tell your Story from the heart:
4 why you are speaking; why this Project concerns you.

5 So that's what we did.

6 Q. Thank you.

7 There was another Event, I understand,
8 that ForestEthics organized, called "Oil Spill
9 Stories".

10 A. Um-umm (Witness Nodding in the
11 Affirmative).

12 Q. Can you just tell us about that,
13 please?

14 A. Sure. We actually did two of
15 them. We did one back in the early days, when we were
16 trying to get that legislated tanker ban.

17 We held an Event in Liberal M.P. Joyce
18 Murray's Riding, with a member of the Gitga'at First
19 Nation, who had had the *Queen of the North* B.C. Ferry
20 spill in their Community, as well as two members from
21 the B.P. oil spill that had just happened the year
22 before.

23 We had a shrimp fisherman and a woman
24 who worked with a Community Organization around the
25 Bayou, as well as an Environmental Activist who had

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1 grown up at Battle Creek, Michigan, where Enbridge's
2 Kalamzoo spill had happened.

3 So they shared their Stories to a
4 packed Church there and ---

5 Q. And when was that, approximately?

6 A. That was in, probably, 2011.

7 It was just so powerful to hear these
8 Stories -- and we so often don't hear that.

9 Like, right now there is a spill
10 happening along the Colorado River and all you hear is
11 about the clean-up and the potential environmental
12 impacts, or the Corporate impacts. You rarely hear,
13 you know, about the long-term stresses, the social
14 impacts on communities, the long-term impacts in terms
15 of people losing businesses, in terms of housing
16 devalues, and all of these sorts of things.

17 So, we thought it was important to get
18 those Stories about, because we simply don't hear them
19 enough.

20 That Event was really compelling and
21 successful and so we decided to repeat it, to answer
22 your question.

23 In terms of this, we helped support
24 Michelle Barlyn Smith, who was someone impacted by
25 Enbridge's Kalamzoo spill.

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1 She had signed up to speak at the
2 Community Hearings that were a part of the JRP process.

3 She was in Vancouver and gave her Talk
4 to the Panel for the ten minutes, and so we decided to
5 take advantage of her presence here in Vancouver. We
6 organized this Event and had Melina Laboucan Massimo
7 speak about the impact of the Rainbow Pipeline spill in
8 her Cree Territory in Alberta. As well, we had someone
9 from the Tsleil-Waututh talk about the effects of the
10 Burnaby rupture and the impacts that that had on their
11 Community.

12 And again, "Indigenous Women Who
13 Sing".

14 But anyway, again, it was held at the
15 Heritage Hall ---

16 Q. And that was at the end of January
17 2013?

18 A. Yes. January 31st, I think it
19 was...

20 Yeah.

21 Q. And just closing off on a few
22 other things, the four Sites involving the NEB
23 Hearings, I will ask you to turn to Tab 35...

24 A. Yes.

25 Q. These were Written Submissions or

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1 Written Evidence that was submitted to the NEB by
2 ForestEthics Advocacy?

3 A. Yes.

4 Q. And further, if you turn to Tab
5 37...

6 A. Yes.

7 Q. This is a document that says
8 "ForestEthics Advocacy", in the top right: "Pipelines
9 and Promises: A Summary of Missing Enbridge evidence
10 before the JRP Hearings".

11 What is this document? What was it
12 saying?

13 A. Again, I don't know if many of you
14 have been to JRP Hearings or Hearings in general on
15 this, but sometimes it's like watching paint dry. It
16 can be exceedingly boring, and other times the odd
17 interesting dynamic or information comes out.

18 The Hearings went on for a long time,
19 and I think they were robust because of the depth of
20 participation and the number of First Nations in
21 particular.

22 I guess what surprised me is that I
23 actually thought that Enbridge would shine a little bit
24 in the Hearings, given the small army of experts that
25 they had on their Team and how much money they had

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1 spent towards it, and what really shocked me is just
2 how many gaps there were, about "how much would come in
3 the Detailed Engineering Phase", which was the popular
4 term that they used, would come later, and later, and
5 later.

6 So there were all these gaps. I
7 thought one of the services ---

8 Again, a part of us participating in
9 these Hearings was: *How can we translate some of these*
10 *Hearings that are taking place and all the evidence and*
11 *these sorts of things and put it into some more*
12 *Outreach documents in simlified terms.*

13 And one of the things that we wanted
14 to do was to highlight that Enbridge can't be trusted
15 with our watersheds and our coastline.

16 They don't know how to clean up an oil
17 spill. They don't even have an Oil Spill Clean-Up
18 Plan, and these sorts of things.

19 So part of this was just taking from
20 the Hearings and making a simple kind of summary.

21 Q. And who was the intended audience
22 and how was it disseminated?

23 A. We gave it out to other
24 Interveners to ---

25 I wrote a Blog about it, or Amanda,

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1 who was contracted with us, did. To encourage people
2 to read it, I gave it to Media.

3 Obviously, we weren't the only ones
4 who felt this way. I think the B.C. Government's
5 conclusion was "'Trust us' isn't good enough".

6 I mean, really, they had so many holes
7 and gaps in their information...

8 Q. If you would turn to Tab 38 now...

9 A. Yes.

10 Q. This is another ForestEthics
11 document, entitled "*Case Closed: Enbridge failed to*
12 *prove Northern Gateway pipeline is in national*
13 *interest*".

14 My understanding is that this is a
15 document that was put out or published in December
16 2013.

17 Does that sound right?

18 A. Yes. Just before the National
19 Energy Board released their Decision.

20 Q. And what is in this Report and
21 what was its purpose? Who was the audience, and so
22 forth?

23 A. Again, it was almost like taking
24 all that we had learned and heard during the Joint
25 Review Panel process and taking the key points that

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1 were of most concern to us.

2 So things around First Nations Rights
3 and Title, oil spills, and, in particular, I guess,
4 cumulative effects.

5 Those sorts of aspects.

6 And, you know, based on the evidence
7 that we heard, the Joint Review Panel was going to be
8 deciding whether or not to approve Enbridge Northern
9 Gateway based on the question: *"Was it in Canada's*
10 *national interest?"*, and so we decided to come out with
11 a document right before that saying: *If we were on the*
12 *Panel, our conclusion would be that it isn't and that*
13 *Enbridge failed to prove it during the process.*

14 Q. If I could, I would like to take
15 you, now, to another document. It's in the slim Volume
16 that you have before you.

17 This is "Complainant's Supplementary
18 Book of Documents".

19 That is the Title on the front.

20 For the record, this is Exhibit C-3.

21 If I could, I will take you to Tab 8
22 in that Volume...

23 A. Yes.

24 Q. Can you just confirm for us, Ms.

25 Skuce ---

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1 It is my understanding that these are
2 different Blog entries that you wrote or prepared over
3 the course of a couple of years regarding -- you and/or
4 others with ForestEthics prepared -- regarding the
5 Enbridge Pipeline Project.

6 A. Yes. Mostly myself. But it looks
7 like there are a couple there, too, from others who
8 were on Contract.

9 Q. If you will turn just one Tab back
10 now, to Tab 7...

11 A. Yes.

12 Q. This is a Media Release from
13 Natural Resources Canada, dated January 9, 2012, a,
14 quote/unquote, *"Open Letter from Minister Joe Oliver"*.

15 Can you just take a moment to look at
16 that document and then tell us whether you are familiar
17 with some of the statements in there by Minister
18 Oliver...

19 A. Yes.

20 Q. It states:

21 *"...environmental and other radical*
22 *groups that would seek to block*
23 *this opportunity to diversify our*
24 *trade."*

25 This Pipeline.

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1 And then the next paragraph:

2 "These groups threaten to hijack
3 our regulatory system to achieve
4 their radical ideological agenda.
5 They seek to exploit any loophole
6 they can find, stacking Public
7 Hearings with bodies to ensure the
8 delays kill good projects. They
9 use funding from foreign special
10 interest groups to undermine
11 Canada's national economic
12 interest."

13 You had referred earlier, Ms. Skuce,
14 to statements or comments by Minister Oliver.

15 Is this the Statement that you were
16 referring to?

17 A. Yes, it is. Yes.

18 Q. And what was ForestEthics' view or
19 position on some of these statements and how or whether
20 they related to ForestEthics' work at all?

21 A. Well, we definitely felt targeted,
22 that this was a Letter addressed to us, or addressed to
23 the Public about us. At the same time, we have a much
24 more moderate ---

25 You know, we are definitely not "No

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1 *Forestry; No Mining; No Oil; "No Gas; Nothing"; No*
2 *Development Anywhere".*

3 But it was a pretty threatening
4 Letter. Both as an Organization and, you know, as ---

5 It was shocking to get this from a
6 Canadian Government Official and our Head of Ministry
7 of Natural Resources.

8 It came out the day before the Joint
9 Review Panel Hearings began and ---

10 You know, I remember being on Haisla
11 Territory, in the Hall, and people were pretty
12 emotional, whether they were Haisla Elders or ---

13 There was the Douglas Channel Watch
14 Community Group, which was made up of long-time
15 residents. There was a former Alcan worker, a Post
16 Office worker, a Nurse Psychologist...

17 People of diverse backgrounds were
18 there Presenting that day as well and, you know, sort
19 of steered course from what they were going to speak
20 about it, and also said, you know, "I'm not a radical".

21 I think it was pretty ---

22 It was a pretty emotional thing, I
23 think, for everybody.

24 Like, living in Smithers, I think it
25 was even more palpable, because the majority of the

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1 people are against Enbridge's Northern Gateway Pipeline
2 and had spoken up about it, and so for them be called
3 names and labelled as, and accused of being, "foreign-
4 funded" and "hijacking the system", and all these sorts
5 of things was pretty ---

6 It created a lot of anxiety and
7 created quite a chill that passed through everyone.

8 Q. Fast-forwarding to a little over a
9 year later, you are aware of the Stories that came out
10 in late 2013 about the possibility that the RCMP or
11 CSIS was monitoring Environmental Groups opposed to the
12 Northern Gateway Pipeline?

13 Do you recall those News Stories?

14 A. Yes.

15 Q. And I am wondering how or in what
16 way those News Stories impacted upon ForestEthics, or
17 how they were interpreted by ForestEthics?

18 Did they raise any concerns?

19 A. Yes. In terms of ---

20 There are sort of two levels, I think.
21 From a personal level, it had a strong
22 impact.

23 All of these ---

24 My partner is from Argentina, and
25 people who were labelled "enemies" or "radicals"

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1 "disappeared" in the history of his country and/or the
2 lucky ones got out on Exile -- like his parents -- for
3 having different political beliefs.

4 So there was a lot of stress and some
5 sleepless nights in my house.

6 People had to do this reality check
7 of, you know: "*Is this Canada!?*"

8 You know, I have worked ---

9 This country doesn't resemble anything
10 like Nigeria or whatever. But, you know, the frame
11 didn't fit, and so it was pretty discomfoting and
12 created a bunch of stress.

13 And then, in terms of
14 organizationally...

15 I mean, you know, on a positive note,
16 we switched from just not focusing on the environment
17 but also being conscious of democracy and working more
18 on encouraging people to participate and speak up
19 within this democracy that we have and be able to have
20 their Voices, even if they are dissenting opinions,
21 heard.

22 There is a bit of a chill. Like,
23 everything ---

24 You know, I've never sort of ---

25 I am values-driven. I believe in

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1 trying to stop those Projects, for the better good of
2 Canada and our environment, and my children's future,
3 and so I never doubted that. But there would always be
4 these ---

5 You know, as a Organization and
6 individually, there was this sort of second-guessing a
7 little bit. Like, you know: Are we allowed to do
8 that? Is this okay? Can we still have a Rally? Can
9 we say this? Is that crossing the line? COuld our
10 words be taken out of context?

11 And who knows, now that we are
12 labelled, that we are being spied on..."

13 You know.

14 So, yeah, it created a bit of a chill
15 and some second-guessing.

16 Q. Are these just your feelings that
17 you are expressing to us? Or was there any impact or
18 discussion among ForestEthics Staff or the Board about
19 these issues?

20 A. Yes, there was. In terms of those
21 later statements, that is more talking about my
22 colleagues as well.

23 So it was more of a ---

24 We would have conversations about
25 whether ---

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1 Yeah. Just making sure all our, you
2 know, "T"s were crossed and our "I"s dotted, and have
3 people verify things more often, and just be more
4 cautious, even though ---

5 As I said, we knew ---

6 Like we had the knowledge that we have
7 always abided by the law and not worried, that we are
8 allowed to do these things in this democracy. But, it
9 was ---

10 Yeah, there is that tension, for sure.

11 Q. I am going to take you, now, to
12 the final Volume, a Volume I haven't referred you to as
13 yet.

14 This is the other thick Volume,
15 Complainant's Book of Documents Volume I of II.

16 For the record, this is Exhibit C-1.

17 If I may, I will take you to Tab 4 of
18 that Volume...

19 A. Yes.

20 Q. Ms. Skuce, this is a package of
21 documents that was obtained from the National Energy
22 Board under the *Access to Information Act*.

23 There is one document in here I want
24 to show to you.

25 If you look at the numbers in the

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1 bottom right-hand corner...

2 There is a long number there. It
3 starts with "A000".

4 For our purposes, we are looking only
5 at the last three digits, "001", "002", and so on.

6 That is the page number.

7 If I could take you to Page 36, or
8 "036"...

9 A. Okay.

10 Q. The Title at the top is "*Oil Spill*
11 *Stories, Vancouver*".

12 I think you were telling us about this
13 earlier.

14 Is this the Event that was organized
15 by ForestEthics, the Event that you were describing
16 earlier?

17 A. Yes, it is.

18 Q. And do you know how the National
19 Energy Board came into possession of this?

20 Did ForestEthics invite the National
21 Energy Board to come to that Event to hear those
22 Stories?

23 A. No, we did not. We would have
24 advertised it through our own network.

25 Q. So do you know how it came into

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1 the possession of the National Energy Board?

2 A. No.

3 Q. Just by way of a bit of
4 housekeeping, at Tab 6 ---

5 I think this is the Final Report by
6 the National Energy Board ---

7 A. The Joint Review Panel, yes.

8 Q. The Joint Review Panel.

9 At the end of the day, what were their
10 conclusions?

11 A. Their conclusions were that it
12 would have no adverse environmental effects and that it
13 was in Canada's national interest, and it gave 202
14 Conditions for Enbridge to meet.

15 Q. And if you could now turn to Tab 9
16 of this same Volume...

17 A. Yes.

18 Q. This is a Story that appeared in
19 the *Vancouver Observer* on November 19, 2015.

20 Are you familiar with this Story?

21 A. Yes.

22 Q. You see there is a reference, in
23 the second paragraph, saying:

24 "Before the National Energy Board's
25 Joint Review Panel hearings on the

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1 proposed Enbridge oil pipeline, the
2 NEB coordinated the gathering of
3 intelligence on opponents of the
4 oil sands. The Groups of interest
5 are independent advocacy
6 organizations that oppose the
7 Harper government's policies and
8 work for environmental protections
9 and democratic rights, including
10 Idle No More, ForestEthics, Sierra
11 Club, EcoSociety, LeadNow, and
12 Dogwood Initiative, Council of
13 Canadians and the People's Summit".

14 This is the first Story that was
15 causing concern on the part of yourself and your
16 colleagues?

17 A. Yes, although it was a bit of ---
18 Definitely in terms of the "CSIS".
19 I mean, there is a bit of an arch that
20 had come out in a Story in May of that year that the
21 RCMP already knew about that Meeting that I had
22 attended in a First Nations Community in northern B.C.,
23 near Fraser Lake, which was equally disconcerting.

24 Q. Can you just provide us with a
25 little bit of detail about that?

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1 What was that one again?

2 A. That was ---

3 It was revealed by, I believe, a
4 Reporter from the *Toronto Star*.

5 I don't know where they got their
6 access to information from. But within that, they
7 revealed that the First Nations from the Yinka Dene
8 Lands, I believe, were being monitored and reported on,
9 and that included, given the fact that we work together
10 sometimes, a Meeting that we both participated in,
11 which was, you know, a Community Meeting between First
12 Nations and Community Members just to talk about ---

13 Q. And was that Meeting publicly
14 advertised?

15 A. No. Definitely not advertised at
16 all. And there were no Minutes.

17 I mean, I think there is an Agenda,
18 and the Agenda with who was going to be in attendance
19 got scooped up somehow.

20 Q. How many people were at that
21 Meeting?

22 A. There might have been twelve
23 different, sort of, entities represented, but there
24 were probably about twenty people, in total. Like,
25 some of the Community members would come and go.

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1 Q. And what concerns, again, did you
2 have that the RCMP had known about that Meeting?

3 A. Well, I just think it showed the
4 depth of how much we were being watched and monitored.

5 Q. In this Story, the Vancouver
6 Observer Story at Tab 9, I just want to take you to ---

7 There is the first page, which we have
8 looked at. If you turn the page, the next page has
9 "*Sustained opposition to pipelines noted, especially in*
10 *BC*", halfway down, and if you turn the page again,
11 there is a reference, about halfway down the page,
12 where it says:

13 "On May 23, 2013..."

14 Do you see that?

15 A. Yes.

16 Q. (Reading):

17 "On May 23, 2013, Natural Resources
18 Canada hosted a 'Classified
19 Briefing for Energy and Utility
20 Sector stakeholders' in
21 collaboration with CSIS and the
22 RCMP at CSIS's Headquarters in
23 Ottawa."

24 Were you invited to that Meeting?

25 A. No. Definitely not.

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1 Q. Okay. And if you go to the bottom
2 of the page, the final paragraph, we see that it reads:

3 "An Agenda..."

4 Do you see that?

5 A. Um-umm (Witness Nodding in the
6 Affirmative).

7 Q. (Reading):

8 "An agenda obtained by Tim Groves
9 and Martin Lukacs at The Guardian
10 last month revealed that breakfast,
11 lunch and coffee was sponsored by
12 Enbridge and a networking reception
13 held at the Chateau Laurier was co-
14 hosted by Bruce Power and Brookwood
15 Renewable Energy Partners.

16 Meetings during this coference ---"

17 And I will turn over the page:

18 "-- included 'challenges to energy
19 projects by environmental groups'."

20 And then underneath, you will see a
21 reproduction of the Invitation:

22 "Classified Briefings for Energy
23 and Utility Sector Stakeholders:
24 Hosted by Natural Resources Canada
25 ...in collaboration with CSIS and

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1 RCMP. Location: Canadian Security
2 Intelligence Service, 1941 Ogilvie
3 Road, Ottawa, Ontario."

4 Again, did you hear about that Meeting
5 at the time and did any other Environmental Groups get
6 an Invite to that Meeting, to your knowledge?

7 A. No. I think we all learned about
8 it via this Media.

9 Q. And it says, at the top,
10 "challenges to energy projects by environmental
11 groups".

12 Do you have any knowledge about ---

13 Let me put it this way: Do you
14 believe that ForestEthics and other Environmental
15 Groups who challenge energy projects are a threat to
16 the security of Canada?

17 A. Absolutely not.

18 Q. And just so we are clear, Enbridge
19 -- which we see from this Agenda hosted breakfast,
20 lunch and coffee for CSIS and the RCMP and friends --
21 that is the Oil Company?

22 Their lawyers are the ones who cross-
23 examined you about the funding for ForestEthics, and so
24 forth.

25 Is that right?

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1 A. Yes.

2 MR. CHAMP: I will be just a moment,
3 Mr. Chair...

4 THE PRESIDING MEMBER: Yes. By all
5 means.

6 --- (A Short Pause: Off-Record Discussion between
7 Complainant's Counsel and Client Representative)

8 MR. CHAMP: Thank you, Mr. Chair.

9 Q. Ms. Skuce ---

10 THE PRESIDING MEMBER: Mr. Champ, are
11 you leaving Tab 9, or ---

12 MR. CHAMP: Yes. I am just about
13 finished.

14 THE PRESIDING MEMBER: But you are
15 going to another ---

16 MR. CHAMP: No. I am not going to any
17 other Tab, no. That's it. I am done with Tab 9.

18 THE PRESIDING MEMBER: Very well.

19 I have a question for you.

20 I am trying to understand Tab 9.

21 It has been referred to a number of
22 times, and it is, obviously, an important document.

23 This is an Article from the Vancouver
24 Observer ---

25 MR. CHAMP: That's right.

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1 THE PRESIDING MEMBER: Okay. Authored
2 by Matthew Millar?

3 MR. CHAMP: That's correct.

4 THE PRESIDING MEMBER: And the Article
5 ran the full five pages?

6 MR. CHAMP: That's right. I think the
7 fifth page is just ---

8 THE PRESIDING MEMBER: Yes.

9 MR. CHAMP: -- -- the curl at the end.

10 THE PRESIDING MEMBER: Yes. But it
11 was published in this form in the *Vancouver Observer*,
12 which is a ---

13 Is this a Daily? Or is it a Weekly?

14 MR. CHAMP: It is an online
15 publication.

16 THE PRESIDING MEMBER: It is an online
17 publication?

18 MR. CHAMP: It is sort of a step ahead
19 of where newspapers ---

20 They have a Paid Staff. This is a
21 large ---

22 It is now known as the *National*
23 *Observer*.

24 THE PRESIDING MEMBER: Okay. Thank
25 you.

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1 MR. CHAMP: They have Journalists
2 posted in Ottawa.

3 Mr. Millar worked out of Ottawa, that
4 Column.

5 THE PRESIDING MEMBER: Okay. That
6 answers my question.

7 I was just curious about the form of
8 this Newspaper Article, which runs for five consecutive
9 pages.

10 MR. CHAMP: Yes. Among the online
11 publications we have in Canada -- I-Politics, and what-
12 not -- I would say the *National Observer*, at least from
13 my own observations, does seem to be one of the more
14 well-known ones and well-funded.

15 It is putting out a lot more
16 independent work more frequently than the others.

17 Independent research, and so forth.

18 THE PRESIDING MEMBER: Thank you.

19 MR. CHAMP:

20 Q. Ms. Skuce, I just want to ask you
21 this last question, in closing: ForestEthics...

22 To your knowledge, has ForestEthics
23 ever been involved in any vandalism or violence, or
24 other kinds of direct actions of that nature, for any
25 reason?

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1 A. No. Definitely not.

2 MR. CHAMP: Thank you, Ms. Skuce.

3 Those are the questions I have. You might have some
4 questions from Counsel for CSIS and from Counsel for
5 the Committee.

6 THE WITNESS: Okay. Thank you.

7 THE PRESIDING MEMBER: Thank you, Mr.
8 Champ.

9 Madam Dion...

10 MS. DION: Thank you, Mr. Member.

11 Good afternoon, Ms. Skuce. I have just
12 a few questions for you.

13 THE WITNESS: Sure.

14 Cross-Examination by Ms. Dion:

15 Q. In relation to the Article at Tab
16 9, the *Vancouver Observer* Article, I understand from
17 your testimony that this is the Article that sparked a
18 concern, at least as far as CSIS is concerned, that
19 CSIS may be monitoring or collecting information on
20 your Group and on other Environmental Groups.

21 Is that correct?

22 A. Yes.

23 Q. And I understand that this Article
24 is based on an *Access to Information* Release that was
25 obtained from the NEB.

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1 Is that correct?

2 A. I think so, yeah. My
3 understanding is that it is from an Access to
4 Information Request.

5 Q. And did you yourself consult the
6 documents that the Article is based on?

7 A. I looked more thoroughly at some
8 of them because there was a little bit more information
9 in terms of the Enbridge-sponsored Briefing, and that
10 sort of thing.

11 So, yeah.

12 Q. So you reviewed some of them?

13 A. Yes.

14 MS. DION: I have no further
15 questions. Thank you.

16 THE PRESIDING MEMBER: Thank you,
17 Madam Dion.

18 Madam Bowers, any questions?

19 MS. BOWERS: I just have one question.

20 Thank you.

21 Examination by Ms. Bowers:

22 Q. You mentioned that ForestEthics
23 is on both sides of the Border.

24 Have they been involved in the
25 Keystone XL as well, or ---

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1 A. No. In terms of my colleagues
2 there, there is so many Organizations working on
3 Keystone XL that they decided to take a different tack
4 down there and work on other Campaigns.

5 In addition, again, part of it is ---

6 In working on these, it is to also
7 improve conservation and what is happening on the land
8 base.

9 So, yeah, we were looking more at the
10 demand of Tar Sands oil in the U.S. and focusing on the
11 Enbridge Northern Gateway Pipeline in Canada.

12 Q. And just for my understanding ---

13 I am not from out here, but I know
14 that they have had an oil spill recently, in April of
15 2015, here in Vancouver.

16 Were you at all involved in responding
17 to that or ---

18 A. I stopped working at ForestEthics
19 in the middle of November. I am working on other
20 issues. But as someone living in Smithers, I now
21 volunteer for the local "Friends of Morice Buckley", to
22 keep raising awareness about Enbridge, because we don't
23 want to see it go through our salmon watersheds. But
24 when that spill happened, I think others in the
25 Organization responded.

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1 Q. So ForestEthics was ---

2 A. ForestEthics responded, yes, and I
3 think is coming out with a Report on that soon.

4 One of our biggest concerns is that
5 the Oil Companies don't put any money into how to clean
6 up this stuff, and on that basis, together with all the
7 Federal cutbacks and stuff on clean-up and response, we
8 feel the risks are too high.

9 So I think the Report is just
10 reinforcing those points with respect to the oil spill
11 that happened in April.

12 MS. BOWERS: Okay. Thank you.

13 THE PRESIDING MEMBER: Thank you,
14 Madam Bowers.

15 Ms. Skuce, thank you very much for
16 having attended before me to give evidence today. I am
17 grateful for the answers that you have given to the
18 questions that were put to you. You are now excused.

19 Thank you.

20 THE WITNESS: Thank you very much.
21 Good luck with your task ahead.

22 THE PRESIDING MEMBER: Thank you.

23 --- (The Witness Withdrew)

24 THE PRESIDING MEMBER: Mr. Champ, you
25 don't have any other witness for today; correct?

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1 MR. CHAMP: That's correct. Those are
2 the witnesses for today. We have all worked together
3 to put bring about quite an efficient Hearing.

4 THE PRESIDING MEMBER: Yes.

5 MR. CHAMP: Thank you very much, Mr.
6 Chair, and my thanks to my friends.

7 THE PRESIDING MEMBER: Thank you,
8 indeed, very much for the efficient way in which the
9 Proceedings have been conducted to this point. I am
10 grateful.

11 We will now hear from the Service's
12 sole witness for this Phase of the Hearing. He has
13 been identified as "Bob".

14 Is he here at the moment, Madam Dion?

15 MS. DION: I will have to verify that,
16 actually. I would request a brief recess, if I may, in
17 order to do so....

18 THE PRESIDING MEMBER: I think that is
19 a good idea.

20 It is now ten-minutes-past-three. We
21 will adjourn for fifteen minutes.

22 MS. DION: Thank you, Mr. Member.

23 MR. CHAMP: May we break right through
24 to 3:30? Is that acceptable, Mr. Chair?

25 That would be only twenty minutes.

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1 Is that okay?

2 THE PRESIDING MEMBER: Your wish is my

3 command!

4 --- (Laughter)

5 We will resume at 3:30.

6 MR. CHAMP: You have much greater

7 stamina than I, Mr. Chair!

8 --- (Laughter)

9 --- (A Short Recess)

10 --- Upon Resuming:

11 THE PRESIDING MEMBER: Thank you,

12 everyone. We are ready to resume.

13 Ms. Dion, do you have your witness in

14 the ante-room?

15 MS. DION: Yes. Should I go get him?

16 THE PRESIDING MEMBER: Yes, please.

17 MS. DION: Thank you.

18 --- (CSIS Witness "Robert" Called to the Witness Table)

19 THE PRESIDING MEMBER: Good afternoon.

20 THE WITNESS: Good afternoon, Sir.

21 THE PRESIDING MEMBER: Sir, I

22 understand that you are to be referred to as "Bob" or

23 "Robert".

24 MS. DION: Yes.

25 THE WITNESS: Yes.

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1 THE PRESIDING MEMBER: Very well.

2 You are being called as a Witness by
3 the Service in this matter. I am hearing a Complaint
4 which has been lodged by the British Columbia Civil
5 Liberties Association.

6 You will first answer questions from
7 Madam Dion, and then from Mr. Champ, Counsel for the
8 British Columbia Civil Liberties Association; and then
9 there may be some questions from Madam Bowers, who is
10 Counsel for the Committee, for me.

11 First, I will have you sworn-in by our
12 Registrar.

13 THE WITNESS: Thank you, Sir.

14 THE REGISTRAR: Good afternoon, Sir.

15 Do you swear that the evidence you are
16 about to give to the Committee shall be the truth, the
17 whole truth, and nothing but the truth, so help you
18 God?

19 THE WITNESS: I do.

20 CSIS WITNESS "ROBERT", Called and

21 Sworn:

22 THE REGISTRAR: Secondly, I would like
23 to read to you Section 51 of the *Canadian Security*
24 *Intelligence Service Act*, which provides protection to
25 witnesses appearing before the Committee.

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1 It reads as follows:

2 "Except in a prosecution of a
3 person for an offence under
4 section 133 of the Criminal Code
5 (false statements in extra-
6 judicial proceedings) in respect
7 of a statement made under this
8 Act, evidence given by a person
9 in proceedings under this Part
10 and evidence of the existence of
11 the proceedings are inadmissible
12 against that person in a court or
13 in any other proceedings."

14 Do you understand?

15 THE WITNESS: I do. Thank you.

16 THE REGISTRAR: Thank you. You may be
17 seated.

18 THE PRESIDING MEMBER: Madam Dion,
19 your witness...

20 MS. DION: Thank you.

21 Good afternoon.

22 THE WITNESS: Good afternoon.

23 MS. DION: Thank you for being here
24 today.

25 Examination-in-Chief by Ms. Dion:

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1 Q. To begin with, could you please
2 describe your Academic background and your career with
3 the Service?

4 A. Yes. I have a B.A. in Political
5 Science from Concordia University; a Master of Arts in
6 International Affairs from Carleton University, Norman
7 Patterson School of International Affairs; and a Law
8 Degree from Ottawa U.

9 I joined the Service in 1986. I began
10 my career as an Intelligence Officer. I worked as an
11 Analyst in Ottawa, an Investigator in Regional Offices.

12
13 and currently, since January 2015, I am
14 the Regional Director General for British Columbia and
15 the Yukon for CSIS.

16 Q. Thank you.

17 And what is your role and your
18 responsibilities as the Regional Director General for
19 B.C. Region?

20 A. I am responsible for the overall
21 management of the Regional Office, which includes Human
22 Resources, Finances, Administration, and, of course, the
23 conduct of Investigations pursuant to the CSIS Act.

24 Q. And are you generally familiar
25 with, or have working knowledge of, the CSIS Act, the

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1 Ministrial Directives, and Service Policies?

2 A. I have a working knowledge of
3 those documents and Instruments.

4 Q. Thank you.

5 You are aware that you are here in the
6 context of a Complaint that has been filed by the
7 British Columbia Civil Liberties Association alleging
8 that the Service has been collecting information on or
9 monitoring Groups opposed to the Northern Gateway
10 Pipeline.

11 Have you read the Complaint Letter?

12 A. I have.

13 Q. I invite you to take Volume I of
14 II of the Complainant's Book of Documents -- and for
15 the purposes of the Revue Committee, it has been
16 identified as Exhibit C-1.

17 At Tab 2, you will find a Letter from
18 the Canadian Security Intelligence Service.

19 Have you seen this Letter before?

20 A. I have.

21 Q. And am I correct in saying that
22 this is the Response that was filed as a result of the
23 Complaint of the BCCLA?

24 A. That's my understanding.

25 Q. As I mentioned before, one of the

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1 allegations that is being made is that the Service has
2 been collecting information on Groups involved in the
3 National Energy Board Hearings in relation to the
4 Northern Gateway Pipeline and that these activities by
5 the Service fall outside the Service's mandate and,
6 therefore, were unlawful.

7 I would like you to discuss with the
8 Committee CSIS's mandate to collect information under
9 Section 12 of the *CSIS Act*.

10 A. Pursuant to Section 12 of the *CSIS*
11 Act, we are mandated, obliged, to investigate threats
12 to the security of Canada.

13 "Threats to the security of Canada"
14 are statutorily defined in Section 2 of the *CSIS Act*,
15 Subparagraphs (a), (b), (c) and (d).

16 Section 2(a), without looking at the
17 Act right now, testing my recollection, would be ---

18 Q. If you would like to refer to the
19 Act, you can find it in the Service's Book of
20 Documents, a blue-covered Volume, at Tab 1...

21 A. Thank you.

22 I should know it after thirty years!
23 But just to be precise for the Tribunal, Section 2(a)
24 comprises "*espionage or sabotage*"; 2(b), "*foreign*
25 *influenced activities*"; 2(c) would be terrorism or any

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1 activity that is done with "serious violence...for the
2 purpose of achieving a political, religious or
3 ideological objective"; and 2(d) would broadly be
4 defined as "subversion activities or threats".

5 Q. Can you explain what "subversion"
6 is, to your understanding?

7 A. The Legislature puts it in better
8 words than I could, as follows:

9 "activities directed toward
10 undermining by covert unlawful
11 acts, or directed toward or
12 intended ultimately to lead to the
13 destruction or overthrow by violence
14 of the constitutionally established
15 system of government in Canada."

16 Q. To your knowledge, has the Service
17 been conducting a subversion investigation in the last
18 ten years?

19 A. To my knowledge, the Service has
20 not conducted any 2(d) investigation for the last
21 twenty, twenty-five years.

22 Q. Thank you.

23 Can "threats to the security of
24 Canada" include lawful advocacy, protest or dissent, in
25 your opinion?

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1 A. Well, it can; but the Statutory
2 prohibition is that we do not investigate LAPD, lawful
3 advocacy, protest, or dissent, unless done in
4 conjunction with 2(a), (b), (c) or (d).

5 Q. How are the Service's Priorities
6 established?

7 THE PRESIDING MEMBER: What is your
8 question again?

9 MS. DION:

10 Q. How are the Service's Priorities
11 established?

12 A. Every year, the Minister for
13 Public Safety articulates, in very generic form, what
14 the Security Priorities are for the Federal Government.

15 This Letter is sent from the Minister
16 to the Director of the Service, and these Priorities
17 are then further articulated into Intelligence
18 Requirements by a Branch in our Headquarters in Ottawa,
19 the Intelligence Assessment Branch.

20 These Intelligence Requirements are
21 then sent out to the Regional Offices, which are the
22 collectors of intelligence, and information is then
23 collected and sent back to Headquarters, with analysis
24 then done at Headquarters, followed by dissemination to
25 our Domestic and Foreign Partners.

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1 Q. And for B.C. Region, the Region
2 that you are responsible for, how are the resources
3 distributed insofar as the percentages on different
4 types of investigation?

5 A. When I respond to that, it is
6 generically true across the Service. So it is not just
7 germane to British Columbia Region.

8 For the last at least ten years, most
9 of our investigative resources have been focused on
10 counter-terrorism.

11 In the last three or four years, as is
12 well know through the Media, most of that counter-
13 terrorism effort has been focused on Foreign Fighters.

14 As I believe it has been said publicly
15 before, two-thirds to three-quarters of our efforts
16 right now are focused on counter-terrorism, which is
17 the most serious threat facing the country, in the
18 Service's estimation.

19 Q. And what can be included in the
20 remaining third or a quarter?

21 A. A large part of that would be
22 counter-intelligence activities, which relates to the
23 intentions or activities of foreign governments'
24 activities within Canada.

25 Q. Thank you.

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1 And apart from the Ministerial
2 Directives, does the Service have other tools that it
3 uses to guide it on how operations or activities should
4 be conducted?

5 A. Very much so. Again, Ministerial
6 Direction, that comprises Operating Principles, broad-
7 based principles, including respect for the rule of
8 law; the principle of using lesser investigative
9 techniques before we make use of more intrusive
10 techniques; dozens of Policies which guide virtually
11 every aspect of Service life, especially when it comes
12 to investigative activities; Procedures.

13 Every few months, as an adjustment on
14 current Policies, will be Directional Statements that
15 come out from Headquarters to the Regional Offices to
16 bare left or right on a certain activity; plus ongoing
17 Training, and just the Management's approach to guide
18 and contextualize the conduct of investigations.

19 Q. Thank you.

20 And to your knowledge, do these
21 Policies, Procedures or Directional Statements address
22 or provide guidelines on how to deal with a situation
23 that may have a "lawful, advocacy, protest or dissent"
24 component?

25 A. Yes, they do. And it is also

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1 covered off in Training, in that it is a Statutory
2 prohibition to get involved in that type of activity.

3 It is very much front-and-foremost in
4 how we conduct our Investigations.

5 There is great sensitivity around
6 that.

7 Even beyond LAPD, if there is a clear
8 threat under 2(a), (b) and (c) that involves sensitive
9 sectors, this would require greater Management approval
10 before one would embark upon such Investigations.

11 Q. Earlier, you talked about the
12 necessity to use lesser invasive investigation
13 techniques before using more invasive techniques.

14 Could you provide us with the
15 categories of information or the sources of information
16 that the Service obtains?

17 A. Well, the Service is no different
18 from most other Security Intelligence Agencies, or even
19 Law Enforcement Agencies, in that regard. It is a
20 generic multi-sourced approach. So, the Service would
21 seek to paint as rich a picture as possible based on
22 open information, information from foreign agencies,
23 from domestic partners, from voluntary interviews, and
24 other techniques, surveillance.

25 What sets the Service apart from other

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1 Law Enforcement Agencies is our focus on the
2 development/recruitment of Human Sources. But it would
3 be a composite generic-type picture, to get as rich as
4 possible an assessment on a current threat.

5 Once these techniques are used, and if
6 it is deemed necessary and appropriate, consideration
7 would then e given, in exceptional circumstances, to
8 apply through the Federal Court for a Federal Court
9 Warrant, for Wiretap Warrants.

10 Q. Thank you.

11 Some witnesses have testified that
12 there is a feeling in the community that e-mails may be
13 being intercepted or read by the Service, or that their
14 Communications may somehow be listened to by the
15 Service.

16 As a Service Manager, in your opinion,
17 would such techniques require approval from the
18 Government?

19 A. It is an arduous process to apply
20 for Section 21 Powers, requiring weeks and months of
21 preparation, Department of Justice consultation,
22 independent Counsel from Justice looking at Service
23 Affidavits; Management Chain, right up to our
24 Director, who would have to approve the Application;
25 and then seeking the approval of the Minister for

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1 Public Safety; and then needing to convince a Federal
2 Court Judge that the powers sought are justified.

3 Again, these Powers would only be
4 sought in the most exceptional "serious threat" cases
5 -- which, as I mentioned earlier, our focus is on
6 counter-terrorism.

7 Q. What about the surveillance? You
8 mentioned that as a technique.

9 What is the authority required, at
10 least internally, to conduct surveillance operations?

11 A. Before a surveillance technique
12 would be deployed, there would have to be Targeting
13 Authority approved by the Regional Director General,
14 which Position I now occupy in British Columbia.

15 Of course, before it would get to me,
16 it would have to approved by the Management Chain as
17 meeting various Authorities, as presented in Policy, as
18 reflected in Policy.

19 Once a Targeting Approval is in place,
20 a separate Approval would be required by the Regional
21 Director General to move ahead with surveillance.

22 It is an invasive technique, and it's
23 a very costly technique. So it is done with great
24 circumspection.

25 Q. And how would you respond, as a

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1 CSIS Official, to concerns that are being raised by
2 members of the public that participation in lawful
3 advocacy, dissent or protest may have an impact on job
4 opportunities, on Security Clearance Applications, on
5 mobility rights, or on any fundamental rights that
6 individuals have here in Canada?

7 A. I can only speak from my Service
8 perspective. This would be without basis, without
9 foundation.

10 And I speak with some experience from
11 our Security Screening Program, in which we provide
12 Security Clearances to employees.

13 This would not be a factor whatsoever.

14 Q. And to your knowledge, has the
15 issue of whether or not the Service has ever
16 investigated on lawful advocacy, protest or dissent
17 been the subject of a review by the Committee, by SIRC?

18 A. I am aware that the Committee has
19 reviewed that aspect of Service activities, yes.

20 Q. And are you aware of the Findings?

21 A. I am.

22 Q. And they are...?

23 A. From rough recollection, it was a
24 generally favourable Report, with no untoward Findings
25 of inappropriate behaviour by the Service.

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1 Q. Thank you.

2 Moving on to the Information Sharing
3 portion ---

4 I can see, from Section 12 of the *CSIS*
5 Act, that the Service's mandate is to report to the
6 Government of Canada.

7 Is that accurate?

8 A. That is accurate.

9 Q. And what format do these Reports
10 or does this Advice take?--"Report and Advise".

11 A. There is a whole range of
12 Intelligence products and vehicles through which the
13 Service advises and reports to the Government of
14 Canada, and other Partners. These would include
15 Intelligence Assessments; CSIS Intelligence Reports;
16 DIIs -- and I can't recall what the acronym stands for.

17 The product will change depending upon
18 the slant or perspective, from the broad view of the
19 intelligence to a much more focused view.

20 There are also foreign agency reports,
21 which are primarily focused on providing to foreign
22 agencies. There are Risk Assessments to domestic
23 partners, and a whole host of different types of verbal
24 Briefings to various Partners.

25 Q. Under Section 12, where the

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1 Legislature refers to the "Government of Canada", what
2 is your understanding of what falls under "Government
3 of Canada"?

4 A. I've never actually considered
5 that question with too much thought.

6 It's any Department, Agency...

7 Anyone that falls under the broad
8 guidelines of Treasury Board and of the *Financial*
9 *Administration Act* under the Federal Government.

10 There are dozens of entities in that
11 regard.

12 Q. Aside from Section 12, which
13 provides the mandate of the Service to "report and
14 advise the Government of Canada", is there any other
15 provision in the *CSIS Act* that enable the Service to
16 share information beyond the Government of Canada?

17 A. This has been discussed many times
18 over the years, as to how the Service disseminates
19 product.

20 Section 19 is, as I understand it, the
21 Statutory window thorough which the Service
22 shares/disseminates product.

23 Subsection 19(2)(a) cites, without
24 looking at it, the Department of Foreign Affairs,
25 National Defence, and Law Enforcement Bodies. Also,

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1 when it is in the public interest, the Minister may
2 make special exemptions in terms of who he can disclose
3 it to.

4 Above and beyond those specifically
5 identified entities, Subsection 19(a) specifies that we
6 *may disclose when it is pursuant to the duties and*
7 *functions of the Service*, and one of the duties and
8 functions of the Service is, as you mentioned, Section
9 12: *advising/reporting to the Government of Canada*.

10 In order to fulfil that mandate,
11 oftentimes we are required to share information with
12 other entities.

13 Section 17 of the *CSIS Act* speaks
14 about entering into Ministerially-Approved Arrangements
15 with foreign agencies.

16 It has been publicly stated that we
17 have Ministerially-Approved Arrangements with well over
18 a hundred different foreign agencies.

19 Section 12 doesn't reflect that, and
20 yet Section 17 is a direct reflection of the fact that
21 to advise Government, we have to give to foreign
22 Agencies in order to obtain information and fulfil our
23 Section 12 mandate.

24 It is part of what is known as the
25 "give-get" principle. You have to give in order to get

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1 and then to advise the Government of Canada.

2 Q. You have mentioned foreign
3 agencies. What is the interest of the Service in
4 sharing information with members of the public or
5 private-sector entities?

6 A. Above and beyond foreign agencies?

7 Q. Yes.

8 A. We have shared with various
9 domestic entities, again when it fulfils our Section 12
10 Statutory need. Above and beyond that, one of the
11 Federal Government's Security Priorities is to protect
12 critical infrastructure, and as part of that broad-
13 based mandate, the Service has a niche role if there is
14 threat-related information that impacts critical
15 infrastructure.

16 And that may include a whole range of
17 different types of threat, from an insider threat, to a
18 foreign-influenced threat, to a terrorist threat.

19 Again, it is not our primary role;
20 but we certainly do play a role.

21 Q. And does the Service have a
22 Program that deals with liaison or public Outreach on
23 how to make these connections with people outside the
24 Government of Canada?

25 A. We do.

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1 Q. Can you elaborate on some of those
2 Programs?

3 A. It is a whole host of various
4 Initiatives. It might include speaking with Community
5 Representatives, Muslim Groups, who sometimes would
6 like, for lack of a better term, a "CSIS-101" to
7 explain our mandate.

8 To allay concerns, we speak to various
9 Communities.

10 We speak with Security Representatives
11 of Banking Institutions. And again, with Critical
12 Infrastructure, to various Associations.

13 Sometimes, also, the purpose is to
14 provide a face and a name and a Person of Contact for
15 the Service such that if and when a Security point
16 comes up within these Groups or Entities, they have
17 somebody to call within the Service to advise us of
18 their security concerns, as long as it fits within
19 Section 12 and Section 2.

20 Q. Thank you.

21 And has information sharing with the
22 private sector ever been the subject of a Review by the
23 Committee?

24 A. To my knowledge, it has.

25 Q. And was it viewed favourably,

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1 negatively, to your recollection?

2 A. It certainly wasn't negative. It
3 was generally supportive. But I don't wish to ---

4 It was generally supportive.

5 Q. Is that Report classified?

6 A. I read a lot of Classified; I
7 read a lot of Unclassified.

8 The one I read, I thought was
9 Classified.

10 Have you ever heard of the NRCan
11 Classified Briefings?

12 A. I have.

13 Q. Can you explain what they are?

14 A. I've never attended, but I am
15 aware that it is a bi-annual Meeting (sic), twice a
16 year.

17 It is organized by Natural Resources
18 Canada; but because we have a convenient venue, it is
19 hosted at CSIS Headquarters, attended by a wide variety
20 of Federal, Provincial, Municipal, Private Sector
21 Associations, Critical Infrastructure, to discuss
22 threat-related activities of mutual interest.

23 THE PRESIDING MEMBER: You said twice
24 a year?

25 THE WITNESS: That is my recollection,

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1 Sir.

2 MS. DION: Thank you.

3 THE PRESIDING MEMBER: Thank you,
4 Madam Dion.

5 (To the Witness): You will now be
6 questioned by Mr. Champ.

7 MR. CHAMP: Thank you, Mr. Chair.

8 Good afternoon, Sir. Thank you for
9 joining us here today, and thank you for assisting us
10 in walking through the Act a bit.

11 I have a few questions for you, Sir,
12 with respect to some of the provisions and some of the
13 assistance you provided, starting with the definition
14 of "*threats to the security of Canada*" in Section 2.

15 THE WITNESS: All right. Thank you.

16 Cross-Examination by Mr. Champ:

17 Q. As you pointed out to us, there
18 are (a), (b), (c) and (d).

19 Generally speaking, as I understand
20 it, and as I think you described, (a) is counter-
21 intelligence; (b) is foreign influenced activities;
22 (c) is terrorism; and (d) is more like foreign
23 espionage or sedition of some kind.

24 A. That's correct.

25 Q. Turning to (b), what does "*foreign*"

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1 *influenced activities*" mean?

2 A. This would involve the covert or
3 surreptitious behaviour/activity of a foreign
4 government seeking to influence the democratic process
5 in Canada.

6 Q. If I read the definition out in
7 full, it says:

8 "(b) *foreign influenced activities*
9 *within or relating to Canada that*
10 *are detrimental to the interests of*
11 *Canada and are clandestine or*
12 *deceptive or involve a threat to*
13 *any person..."*

14 The first part is "*foreign influenced*
15 *activities*". It is not restricted to foreign States.

16 Is it?

17 A. That's correct.

18 Q. So CSIS may look at foreign
19 corporations, for example?

20 A. It could.

21 Q. And when it says here "*detrimental*
22 *to the interests of Canada*", what are the "interests"
23 of Canada? How is that defined by CSIS?

24 A. They are not defined by the
25 Service. They are defined by the Canadian Government.

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1 It is set out in a Ministerial
2 Directive.

3 I think they are updated every two
4 years, what the broad economic, political, military
5 interests are in Canada.

6 Q. So Ministerial Directives further
7 expand and define on it to include economic, military,
8 and ---

9 A. Political.

10 Q. -- and political objectives.

11 How about environmental objectives?
12 Does it include ---

13 Is that included in the "*interests of*
14 *Canada*"?

15 A. I certainly don't recall that as a
16 term in any M.D., Ministerial Direction.

17 Q. So is it fair to say that under
18 the Ministerial Direction that you are describing to
19 us, economic interests are protected by (b) but
20 environmental interests of Canada are not.

21 A. No. That wouldn't be my
22 understanding. If I can even reduce my response to
23 your question on a more individual basis, we would
24 investigate a foreign influenced activity if such an
25 entity -- it is usually a Government -- would seek to

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1 harass, intimidate any individual with status in Canada
2 because of homeland issues, putting pressure on the
3 family at home.

4 That is an abrogation of Canadian
5 rights, of Canadian sovereignty. We would kick in,
6 provide advice to Foreign Affairs, and seek a political
7 resolution to the matter.

8 Q. Sure. And I appreciate that.
9 I've heard about cases like that.

10 But turning to the economic objectives
11 that you mentioned earlier, that is one of the
12 Directives from the Minister: that this is how the
13 "interests of Canada" should be defined: to include
14 economic interests?

15 A. I lack any insight into that to
16 fully respond.

17 Q. But you have your insight via the
18 Ministerial Directive that you have told us about;
19 correct?

20 A. Yes.

21 Q. And I think you have indicated
22 that it's "economic, military or political objectives"
23 ---

24 A. From my recollection. There may
25 be more. But...

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1 Q. Right. And it's a bit similar ---

2 You are familiar with ---

3 I am assuming you may be familiar with
4 the new definition of "*threats to the security of*
5 *Canada*" found in our new *Security of Canada Information*
6 *Sharing Act*.

7 Are you familiar with that?

8 A. You would have to refresh my
9 memory, Counsellor.

10 Q. This is one of the Parts of C-51.

11 There is a definition of "*threats to*
12 *the security of Canada*" there that is broader than what
13 we see in Section 2 here of the *CSIS Act* and it
14 includes threats to the economic interests of Canada.

15 Are you aware of that?

16 A. Generally familiar.

17 Q. Yes. So it sounds to me, perhaps
18 -- and correct me if I am wrong -- that the Ministerial
19 Directive that you are telling us about provided a view
20 or a definition of "*interests of Canada*" in Section 2
21 of the *CSIS Act* that is similar to the definition that
22 we now see codified in the new *Security of Canada*
23 *Information Sharing Act*.

24 Is that fair to say?

25 A. I lack insight to provide a fair

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1 comment on that.

2 If I can just get back to your
3 original question...

4 Q. For sure.

5 A. If a foreign entity/State were
6 restricting (and these are not purely hypothetical) an
7 individual's right to protest, for whatever reason --
8 it may involve environmental protest -- that would
9 trigger our mandate.

10 That can't be done. We are here to
11 protect Canadian rights.

12 Q. For example, I think in Ottawa,
13 where I am from ---

14 THE PRESIDING MEMBER: Mr. Champ, is
15 your microphone on?

16 MR. CHAMP: It is not. My apologies.

17 There we go...

18 --- (Microphone activated)

19 THE PRESIDING MEMBER: Thank you.

20 MR. CHAMP:

21 Q. For example, in Ottawa I know that
22 there were some people who were protesting in front of
23 the Syrian Embassy a couple of years ago, in the early
24 stages of the Syrian Civil War, and I think some of
25 those people ---

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1 There was information coming out that
2 they, perhaps, were being threatened, and stuff like
3 that.

4 I obviously don't want you to speak to
5 that specifically. But that would be the type of issue
6 -- of people protesting who might be being threatened by
7 foreign governments -- that could potentially pique the
8 interest of CSIS.

9 Is that fair?

10 A. Yes, Sir.

11 Q. But you have already agreed with
12 me that "*foreign influenced activities*" is not
13 restricted to foreign States...

14 A. You might be talking about SOEs,
15 State-owned Entities, by various countries. But...

16 There would have to be a very strong
17 foreign element to it.

18 The vast majority of our interests
19 would manifest themselves through foreign States.

20 It is broadly written. But...

21 I can't come up with an example right
22 now where it is not involving a foreign State.

23 Q. And where it says "*influenced...*"

24 I take your point about the example of
25 someone perhaps being threatened in some way; that

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1 that could be a form of influence. But are there other
2 forms of influence that are encompassed by that
3 definition?

4 A. If you could prod me a little bit
5 more, I might ---

6 Q. How about providing money.

7 So if there is foreign money to an
8 individual or group in Canada, would that be "*foreign*
9 *influenced*"?

10 A. I would say it might be. But it
11 would have to be done pursuant to the definition in
12 that paragraph: "*covertly or clandestinely*".

13 If it is done openly, it is not our
14 baileywick.

15 Q. If we were to break it apart,
16 there would be three parts: there would be foreign
17 influenced activities or foreign influence "*detrimental*
18 *to the interests of Canada*" ---

19 So detrimental, potentially, to the
20 economic interests of Canada, according to the
21 Ministerial Guideline or Direction that you have told
22 us about.

23 That would be the second part.

24 Is that fair?

25 A. I defer to your legal expertise,

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1 but my reading of that is that it is conjunctive and
2 would have to be clandestine as well.

3 Q. "...or deceptive".

4 So it could be either clandestine or
5 deceptive?

6 A. Correct.

7 Q. You have a Law Degree as well, I
8 understand...

9 A. Many, many years ago. Completely
10 forgotten.

11 THE PRESIDING MEMBER: The room is
12 full of lawyers!

13 --- (Laughter)

14 MR. CHAMP: Yes!

15 Q. If I could, I would like to take
16 you to another Volume that you have there. It is the
17 slim, white Volume. It is called "Complainant's
18 Supplementary Book of Documents"

19 Do you see that?

20 A. I do, Sir.

21 MR. CHAMP: For our purposes here,
22 this is Exhibit C-3.

23 Q. If I may, Sir, I will take you to
24 Tab 7 of that document...

25 A. Yes.

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1 Q. You see that this is a Media
2 Release from Natural Resources Canada.

3 Do you have that?

4 A. I do.

5 Q. It is dated January 9, 2012, "An
6 *Open Letter from The Honourable Joe Oliver*".

7 I will take you through a couple of
8 parts of this. But, these were statements by Joe
9 Oliver about Environmental Groups that were taking
10 positions on the ---

11 MS. DION: Because this Book of
12 Documents was filed fairly late, I don't think the
13 Witness has had the opportunity to see it. As such, I
14 would offer the Witness the opportunity of reading the
15 entire document before answering questions on it...

16 THE PRESIDING MEMBER: Sure.

17 MR. CHAMP: Sure. Of course.

18 Absolutely.

19 THE PRESIDING MEMBER: If you would
20 like to familiarize with the Letter, please take the
21 time to read it, following which Mr. Champ will
22 continue with his questions.

23 THE WITNESS: Thank you.

24 --- (A Short Pause: Witness reviewing referenced
25 documentation)

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1 I have read it, Mr. Champ.

2 THE PRESIDING MEMBER: You know the
3 date: January 9, 2012.

4 THE WITNESS: Yes. Thank you.

5 MR. CHAMP:

6 Q. Sir, were you familiar with, prior
7 to today, or had heard about, statements from Minister
8 Oliver of this nature about Environmental Groups in
9 Canada?

10 A. I must confess, I was not.

11 Q. You hadn't heard about this at
12 all?

13 A. No.

14 Q. As part of your job, do you read
15 newspapers, Sir?

16 A. I read what is relevant to our
17 mandate on a daily basis. Yes, I do.

18 MR. CHAMP: The Blue Jays are in first
19 place!

20 --- (Laughter)

21 Q. If you go down to the fourth
22 paragraph, there is a ---

23 Well, I will start with the third
24 paragraph, where it says "Unfortunately..."

25 A. Um-umm (Witness Nodding in the

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1 Affirmative).

2 Q. (Reading):

3 "Unfortunately, there are
4 environmental and other radical
5 groups that would seek to block
6 this opportunity..."

7 He is speaking about pipelines.

8 What is a "radical group", from your
9 perspective? What is your understanding of a "radical
10 group"?

11 A. In what sense, Mr. Champ?

12 Q. Well, I am just asking: When you
13 see the term "radical group", what does that mean to
14 you?

15 A. It would depend entirely on the
16 group that you are referring to, the threat that we are
17 referring to: a foreign threat, a C.T. threat.

18 Q. Okay. If you go to the next
19 paragraph, we see that it says:

20 "These groups threaten to hijack
21 our regulatory system to achieve
22 their radical ideological
23 agenda."

24 When we see "ideological", that comes
25 under the definition of "threats to the security of

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1 Canada", doesn't it, in part, in the CSIS Act, Section
2 2?

3 A. When associated with serious
4 violence.

5 Q. Right. "Hijack" is a concern?
6 That is a potentially violent word, is it not?

7 A. It could be read in many different
8 way, the word "hijack".

9 Q. Sure. The next sentence reads:
10 "They seek to exploit any loophole
11 they can find, stacking public
12 hearings with bodies to ensure that
13 delays kill good projects. They
14 use funding from foreign special
15 interest groups to undermine
16 Canada's national economic
17 interest."

18 Now, that sentence there "They use
19 funding from foreign special interest groups to
20 undermine Canada's national economic interest", could
21 that not fall under the definition of "foreign
22 influenced activities detrimental to Canada's
23 interests"?

24 A. Conceivably, Mr. Champ, if done
25 covertly.

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1 Q. Or deceptively. It could be
2 covert or deceptive, or with a threat.

3 Those are all three separate ---

4 A. That's correct. It would be a
5 stretch. But, correct.

6 Q. Pardon me?

7 A. It would be a stretch. But,
8 correct.

9 Q. And what do you mean by that, that
10 "it would be a stretch"?

11 A. I will go back to my opening
12 comments. What most of our resources are focused on,
13 for the last number of years, is counter-terrorism.

14 Just in terms of priority, this falls
15 way beyond the pale, below the pale.

16 In terms of actually triggering our
17 mandate, a real stretch for the Service to have any
18 interest.

19 For myself, as a Service Manager,
20 there would have to be an awful lot of convincing that
21 there is any triggering of our Service mandate in
22 looking at that.

23 Q. Okay. That's good to know.

24 And your Priorities, the Priorities of
25 the Service established by the Minister of Public

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1 Safety that you told us about, the Minister of Public
2 Safety would be a colleague of Mr. Oliver's.

3 Is that correct?

4 A. That's correct.

5 Q. If we go further into the
6 definition of "*threats to the Security of Canada*" ---

7 You were telling us about the
8 prohibition, the Statutory prohibition against
9 investigations into lawful advocacy, protest or
10 dissent, or LAPD, as you told us.

11 A. Yes, Sir.

12 Q. The word "lawful", I guess that
13 would exclude acts of civil disobedience that might be
14 in violation of the *Highway Traffic Act*, or something
15 like that?

16 There would be no Statutory
17 prohibition on CSIS looking into acts of civil
18 disobedience that might be violating certain laws?

19 A. In that there would be an absence
20 of serious violence, absolutely not.

21 Q. But in this part of the definition
22 doesn't refer here to "serious violence". It doesn't
23 say "*does not include advocacy, protest or dissent*
24 *unless carried on in conjunction with any of the*
25 *activities which would include violence*".

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1 The word "lawful" is in there on
2 purpose. I gather.

3 So would that not be intended ---

4 Does "lawful" just mean criminal
5 activity ---

6 Pardon me. Criminal violent activity.

7 Pardon me. "Unlawful". Would the
8 converse of "lawful", "unlawful", be only criminal
9 violent activity.

10 Is that how it is interpreted by CSIS?

11 A. And forgive me. I was responding
12 as it relates to Section 2(c).

13 "Lawful/Unlawful" would have to relate
14 to the presence of serious violence.

15 Q. Right.

16 A. But if you are referring to 2(b)
17 again...

18 --- (A Short Pause)

19 Are you?

20 Q. Well, the LAPD exception is not
21 tied to any specific (a), (b), (c) or (d).

22 And you are right, (c) does say "acts
23 of serious violence".

24 What I am trying to get at is: When
25 we get to "lawful advocacy, protest or dissent",

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1 "lawful", in that context, doesn't mean the converse of
2 ---

3 You know, criminally unlawful.

4 Does it?

5 A. I am not sure I am bright enough
6 to respond to that question.

7 "Unlawful", to me, would be something
8 that is illegal.

9 Q. Right. But there is a range ---
10 Blocking a highway, that would be
11 illegal, would it not?

12 A. In my estimation, yes.

13 Q. So that would be "unlawful protest
14 or advocacy or dissent"?

15 A. That is my layman's understanding
16 of the term.

17 Q. So therefore, my point being, the
18 Statutory prohibition would not include that
19 activity...

20 Pardon me.

21 -- wouldn't exclude that activity?

22 A. I am confused with the double
23 negative, It certainly wouldn't trigger the
24 Investigative Authority under 2(c).

25 Q. Unless it is in conjunction with

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1 one of those other activities?

2 A. It would have to be the "serious
3 violence" component.

4 So whether it is unlawful civil
5 disobedience, breaking windows, in my estimation, as a
6 Service Manager, that would not trigger our mandate.

7 Q. If we could turn to Section 12...

8 I just want to understand how Section
9 12 is interpreted by the Service.

10 The bit about ---

11 The heart of this is about collecting
12 information.

13 (Reading):

14 "The Service shall collect, by
15 investigation or otherwise..."

16 By what means does the Service collect
17 information, if not by investigation?

18 A. It's a very good question. It has
19 been the subject of many Legal Opinions what that
20 wording actually means.

21 --- (A Short Pause)

22 I am not smart enough to recall the
23 nuances of Legal Opinions. All I do know is that we've
24 never had any mandate issue or challenge in strictly
25 just going by ---

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1 Forget the "otherwise". It's just by
2 collection.

3 Q. So receiving information from
4 Partners -- for example, from the RCMP -- that would be
5 "collecting" information?

6 A. I've read Opinions where perhaps
7 that is what the wording refers to: that we didn't
8 actually seek to collect; it was proffered to us.

9 Q. Right.
10 So you are not "investigating"; you
11 are "receiving".

12 So that would be the "or otherwise"
13 part?

14 A. Yes. I don't want to get ahead of
15 you, but I could contextualize that if...

16 Q. Surely. Please to.

17 A. It's one thing to accept. It's
18 totally another issue to actually report and put into a
19 system.

20 You can give me information about your
21 family. I would take it and look at how it possibly
22 reflects with our mandate. If it isn't, hopefully,
23 that would not make it into the System.

24 And there are a number of Procedures
25 and Review Mechanisms to excise information like that,

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1 as well as Training.

2 Nothing should be reported that is not
3 germane to the mandate.

4 Q. Right. And the other part of
5 Section 12 is that there has to be reasonable grounds
6 to suspect that something is a threat to the security
7 of Canada, under Section 2.

8 A. That's correct, Sir.

9 Q. So there has to be, not just a
10 suspicion, but some reasonable grounds to suspect?

11 A. That's correct -- which, if I
12 could just contextualize it...

13 Q. Sure. Please...

14 A. -- which would require a
15 Managerial Authorization when that threshold is hit.

16 Q. Right. So you go to a Manager for
17 authorization before you trigger any kind of collection
18 or investigatory activities?

19 A. Yes. And just to bore you with
20 our procedures, it would be a Supervisory Level writing
21 up a document trying to justify, providing a rationale,
22 as to why there should be sufficient grounds to launch
23 a formal Investigation on a group or an individual --
24 more likely a person.

25 This would then make its way up to a

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1 Regional Director General, who would have final say on
2 whether we go ahead or not.

3 Q. You mentioned about "Information
4 Sharing Authorization" under Section 19 of the Act...

5 A. Yes, Sir.

6 Q. As I understand your explanation
7 of it before, under Subsection 19(2), it says:

8 *"The Service may disclose*
9 *information referred to in*
10 *subsection (1) ---"*

11 So the information collected.

12 *"-- for the purposes of the*
13 *performance of its duties and*
14 *functions under this Act..."*

15 So doing a Security Assessment, that
16 is sufficient to trigger this Authorization to share
17 with a Department.

18 Is that right?

19 A. Well, this would require a Senior
20 Approval to actually disseminate to any Body.

21 It is one thing having the Statutory
22 capability of doing it; but again, our information
23 holdings are tightly controlled.

24 Q. I think you referred, under
25 Section 12, to the "report and advise" duty or

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1 responsibility.

2 As I understood your testimony
3 earlier, you were connecting that "report and advise"
4 duty and function under Section 12 with this
5 Authorization to disclose information under Section 19,
6 Sub (2).

7 Is that fair?

8 A. That's correct.

9 Q. So providing information to
10 another Government Body ---

11 So, for example, the National Energy
12 Board.

13 -- would be authorized by Subsection
14 19(2) if you were looking into a threat assessment?

15 You could report and advise the
16 National Energy Board?

17 A. That's correct.

18 Q. And the (a), (b), (c) and (d) that
19 we see under 19(2), we don't even need to get into
20 those.

21 Is that right?

22 It is my understanding that it is just
23 part of your normal duties and functions to "report and
24 advise" under Section 12, and you don't need the other
25 exceptions under (a), (b), (c) or (d).

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1 Is that correct?

2 A. To launch "12", it would have to
3 be mandated under 2(a), (b), (c), or (d) ---

4 Q. Sorry. I apologize.

5 Section 19, Paragraph (2) reads:

6 *"The Service may disclose*
7 *information referred to in*
8 *subsection (1) ---"*

9 That is information obtained.

10 *"-- for the purposes of the*
11 *performance of its duties and*
12 *functions under this Act or the*
13 *administration or enforcement of*
14 *this Act or as required by any*
15 *other law and may also disclose*
16 *such information..."*

17 And then there is an (a), (b), (c)
18 and(d).

19 As I understand it, with the "report
20 and advise" function -- or duty, shall I say -- under
21 Section 12, you don't even have to get into this (a),
22 (b), (c) and (d) under Subsection 19(2); just
23 reporting and advising on what you collected in Section
24 12 is sufficient to trigger the Authorization?

25 A. Forgive me. Absolutely true.

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1 MR. CHAMP: And I apologize. My
2 question was a bit convoluted.

3 Q. One other Section I am wondering
4 about is Section 17...

5 Do you still have the Act there, at
6 Tab 1 ---

7 A. I do.

8 Q. This is the "cooperation", where
9 it says:

10 *"For the purposes of performing its*
11 *duties and functions under this*
12 *Act, the Service may*

13 *(a) with the approval of the*
14 *Minister, enter into an*
15 *arrangement or otherwise*
16 *cooperate with*

17 *(i) any department of the*
18 *Government of Canada or the*
19 *government of a province or*
20 *any department thereof, or*
21 *(ii) any police force in a*
22 *province..."*

23 And it is (i) that I am wondering
24 about.

25 In what circumstances does the Service

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1 have to go further and actually get a Cooperation
2 Agreement with a Government Department?

3 A. It's a very good question, and
4 it's a complex answer.

5 Sometimes it's a function of the other
6 entity requiring some type of Instrument and Letter of
7 Agreement, a Memorandum of Understanding, to explain
8 how information is going to be shared or passed;
9 sometimes it's the Service that wishes to ensure that.

10 You are referring to 2(a).

11 It becomes even more complicated with
12 foreign agencies.

13 Sometimes they do. Sometimes it's an
14 elaborate document, a ten-, twenty-page document;
15 sometimes it's half-a-page document. Sometimes we
16 don't want anything signed whatsoever.

17 Whether it's formalized or not in
18 terms of an Instrument, each Agreement has to be
19 approved by the Minister.

20 Q. So sometimes it is not formalized
21 into a Written Instrument?

22 A. True.

23 Q. And are these Arrangements or
24 Agreements necessarily secret or classified?

25 A. I am not sure how to answer it

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1 "necessarily". The fact is, currently they are.

2 And if I could speak to foreign
3 agencies, many ---

4 Q. That one would fall under all
5 kinds of things -- the foreign agency. Or even a
6 Provincial Government.

7 More than likely, that would be --
8 well, not "likely". That would be confidential,
9 strictly.

10 But in terms of Agreements with other
11 Government Departments ---

12 For example, the Agreement with the
13 RCMP is well known.

14 Does CSIS have Agreements with other
15 Federal Government Departments or Agencies?

16 A. We do.

17 Q. And is there ---

18 I will ask this question slowly, just
19 in case there is an objection.

20 Is there an Agreement with the
21 National Energy Board?

22 A. Not to my knowledge.

23 And to your first question, I would
24 doubt that the Domestic Agency Arrangements are
25 classified.

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1 And when I say "I don't know", there
2 are dozens of Arrangements.

3 Q. So there could be an Arrangement
4 with the NEB? You are simply not aware of it?

5 Is that fair?

6 A. That's correct, Sir.

7 Q. I want to ask you a question about
8 the Warrant Power.

9 Ms. Dion asked you a few questions
10 about a Warrant being required to intercept an e-mail
11 or a cell phone communication and you spoke about the
12 amount of work that is associated with that process --
13 and I appreciate that. But what about Social Media?

14 Does CSIS have to obtain a Warrant,
15 for example, to collect information from someone's
16 Facebook?

17 A. Information that is publicly
18 available does not require a Section 21 Warrant.

19 Q. And what if the Facebook Account
20 has privacy settings?

21 Does that make any difference? Would
22 that be something for which you would have to obtain a
23 Warrant: if you wanted to see one's Facebook Page if
24 it has privacy settings that don't allow just any
25 member of the public to join?

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1 A. That's correct.

2 Q. And are there examples of CSIS
3 getting Warrants to access ---

4 --- (Ms. Dion rising)

5 (To Ms. Dion): And object if there is

6 ---

7 MS. DION: I object on the basis of
8 national security. I don't think we want to disclose
9 that.

10 MR. CHAMP: That's fine.

11 Q. There is ---

12 THE PRESIDING MEMBER: You are
13 withdrawing the question?

14 MR. CHAMP: Yes. I don't think I can
15 really contest those objections, in any event. So
16 that's fine.

17 And at all times, I recognize the
18 parameters. I am trying to fit my questions into those
19 parameters. Also, I will ask them slowly if I think
20 there is a concern in that regard.

21 THE PRESIDING MEMBER: Thank you.

22 MR. CHAMP:

23 Q. You indicated that you would have
24 to get a Warrant to intercept an e-mail. What if a
25 Human Source provided you or provided the Service with

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1 an e-mail that they had received or had obtained?

2 Would a Warrant be required for that?

3 A. For example, if you sent me an e-
4 mail, would I require ---

5 Q. Right.

6 A. Well, not me. If you sent a Human
7 Source an e-mail ---

8 Q. If I am a member of a Group or
9 something like that and part of an e-mail chain and
10 there is some information that I am concerned about and
11 I had met you and actually know who you are and I
12 decided to send that to you and say "Hey, look what I
13 have found..."

14 Or maybe I am a recruited Human Source
15 within that Group and I am giving you the intelligence
16 that I am gathering.

17 Would a Warrant be required in that
18 circumstance?

19 THE WITNESS: I am going to be careful
20 in answering this, Mr. Chairman ---

21 MR. CHAMP: Yes. Please do.

22 THE WITNESS: -- only because I am not
23 a hundred percent certain.

24 Whenever an issue arises about
25 relating to expectancy of privacy, we take the set of

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1 circumstances and the facts and send those to our Legal
2 Services in Headquarters: *"There is a potential*
3 *expectancy of privacy. What is your opinion?"*

4 And it would depend on the
5 circumstances.

6 In many cases, the response is: *The*
7 *expectation is too high on the factors put forward and*
8 *a Warrant would be required.*

9 Other times, if it is an obvious
10 colour of right but it is in the "legal" domain, the
11 advice would be: *It's acceptable to collect that*
12 *information.*

13 MR. CHAMP: That is helpful. Thank
14 you.

15 THE PRESIDING MEMBER: And this would
16 apply to, for example, an e-mail obtained by the
17 Service from a Human Source?

18 THE WITNESS: Those are situations in
19 which we would seek legal advice.

20 Any time that a Manager in a Region
21 would think there is a possible expectation of privacy,
22 we have Direction from Headquarters: *Seek legal advice*
23 *before you go forward.*

24 We may take the information -- if it
25 is a harddrive, for example -- but not open it.

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1 And if the advice is "You need a
2 Warrant" and there is no intention to get a Warrant,
3 the information would be destroyed.

4 THE PRESIDING MEMBER: Thank you.

5 MR. CHAMP:

6 Q. The definition -- and I go back to
7 Section 12 -- of "collect information", that means
8 collect open source information as well, does it not?

9 A. Yes, it does.

10 Q. So collecting information from
11 open source Facebook, someone's personal Facebook that
12 doesn't have any privacy settings, if there were an
13 investigation going on that meets "threats to the
14 security of Canada", that would be a collection of that
15 information, under Section 12.

16 Is that right?

17 A. If that threshold were triggered,
18 Counsellor.

19 Q. You spoke briefly about the
20 Agreement with the RCMP.

21 If the RCMP were doing monitoring or
22 investigation, or surveillance, of a Group or Target
23 and shared that with CSIS, that would also be a
24 "collection"?

25 I think we agreed on that.

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1 Is that correct?

2 A. I think I am going to bore you
3 again with Service Procedures and Policies.

4 It would be one thing, again, to
5 accept; but we would need a Managerially-approved
6 Targeting Authority in which to put information.

7 If there is no place to park it, if a
8 Regional Director hasn't signed off on any particular
9 Investigation, that information would not be retained,
10 or should not be retained and reported, generically
11 speaking.

12 There are exceptions to that.

13 Q. But it is also possible, is it
14 not, that ---

15 There is all kinds of criminal
16 activity that doesn't fall under "*threats to the*
17 *security of Canada*"; correct?

18 A. That's correct.

19 Q. So a lot of RCMP criminal
20 investigations would not necessarily fall under
21 "*threats to the security of Canada*"?

22 A. That's correct. And I don't want
23 to mislead you.

24 If there is a certain relevance to
25 national security, writ large, it may be reported

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1 without going under any specific Targeting Authority.
2 But it will sit there.

3 Before we are authorized to further
4 pursue an Investigative level or direction on an
5 individual, it would just sit there.

6 There are thousands of documents that
7 sit there without any Investigative Authority attached
8 to them.

9 MR. CHAMP: Right. Thank you.

10 --- (A Short Pause)

11 Mr. Chair, I wonder if we might have a
12 five-minute break. I would like to take a moment to
13 consult with my Client and review my notes. I probably
14 will be able to ---

15 THE PRESIDING MEMBER: That often
16 helps!

17 MR. CHAMP: Yes.

18 THE PRESIDING MEMBER: Absolutely. We
19 will adjourn and resume at a quarter-to-five.

20 Okay?

21 MR. CHAMP: That sounds perfect.

22 Thank you very much, Sir.

23 THE PRESIDING MEMBER (To the Witness):

24 If this were a regular Court Case, I would caution you
25 that you are being cross-examined and, as such, you

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1 should not be discussing your evidence with Counsel for
2 the Service ---

3 THE WITNESS: Yes, Sir.

4 THE PRESIDING MEMBER: -- or her
5 colleague.

6 THE WITNESS: Yes, Sir.

7 MS. DION: Absolutely.

8 THE PRESIDING MEMBER: Voilà!

9 MR. CHAMP: Thank you, Sir.

10 THE PRESIDING MEMBER: We will resume
11 in ten minutes.

12 --- (A Short Recess)

13 --- Upon Resuming:

14 THE PRESIDING MEMBER: Thank you.

15 Please be seated -- with the exception of Mr. Champ and
16 the Witness.

17 THE WITNESS: Thank you.

18 THE PRESIDING MEMBER: Mr. Champ,
19 please carry on...

20 MR. CHAMP: Thank you, Mr. Chair. I
21 have maybe ten minutes left and we will be done!

22 Cross-Examination by Mr. Champ, (Cont'd):

23 Q. The first question of the last
24 questions I have for you, Sir, concerns the phrase
25 "sensitive institutions" ---

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1 THE PRESIDING MEMBER: I am sorry, I
2 didn't ---
3 Have you got your microphone on?
4 --- (Microphone activated)
5 MR. CHAMP:
6 Q. -- concerns sensitive
7 institutions.
8 Can you tell us what that phrase means
9 for the Service?
10 THE PRESIDING MEMBER: Are these words
11 that you find in the Act?
12 MR. CHAMP: That term is not in the
13 Act; however, it is in Policy, Directions and
14 Guidelines, to my understanding.
15 MS. DION: Again, I would advise the
16 Witness, in his response, to consider national security
17 concerns ---
18 THE PRESIDING MEMBER: I think he
19 knows.
20 (To Mr. Champ): The words were
21 "sensitive..."
22 MR. CHAMP: "Sensitive institutions",
23 as potential targets for investigation.
24 THE PRESIDING MEMBER: Thank you.
25 THE WITNESS: Unfortunately, Mr.

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1 Champ, I cannot recall whether that aspect of our
2 Policy has been declassified.

3 Broadly speaking, it is any area that
4 might bring controversy to the Service or the
5 Government if investigative activity were to take
6 place.

7 So Special Policies, Exemptions,
8 Approvals would be required if an individual Target
9 were a part of a sensitive sector.

10 MR. CHAMP: Right.

11 Q. It is my understanding, just
12 coming out of the early days of the establishment of
13 CSIS, that the "sensitive information" exceptions
14 refer to Churches, Universities, Unions or Media, and
15 that if there is a Target in any one of those four
16 sensitive institutions, you require approval from the
17 Director?

18 A. I defer to you and your better
19 recollection.

20 Again, I don't know what is classified
21 and what is not, but it sounds generally within the
22 realm of practicality.

23 Q. Sir, what do you know about the
24 Idle No More Movement?

25 A. From my newspaper reading, Mr.

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1 Champ!

2 Q. From whatever source you would
3 like.

4 A. Very little.

5 Q. And your answer "very little"
6 relates to your newspaper reading?

7 A. No. Generic response. My general
8 knowledge of that Group.

9 Q. Okay. How about the Dogwood
10 Initiative?

11 A. I will seek to give you a better
12 contextualized response to this.

13 The Service's position, for the last
14 thirty years or so, in Litigation and SIRC Hearings,
15 has been not to confirm or deny the existence of an
16 Investigation.

17 Q. And I do not intend to ask you
18 whether you have an Investigation into any of those
19 Groups.

20 A. Which is really problematic,
21 because a lot of things could be easily resolved by
22 saying "We are simply not interested in, never
23 investigated a certain Group".

24 The problem with that, of course, if I
25 could just amplify on that, is that there might be a

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1 Targeted individual going through Litigation or a SIRC
2 Hearing asking the same question, and, of course, we
3 wouldn't be able to give that negative answer "No, we
4 are not investigating you" and wrong or inappropriate
5 inferences could be drawn.

6 *So, have I heard of that Group?*

7 Yes, I have.

8 Q. And that's fair enough.

9 Provided that Counsel is comfortable,
10 I will ask my next question in the same way: Have you
11 heard of LeadNow?

12 A. Yes.

13 Q. And ForestEthics: you have heard
14 of them?

15 A. If I tell you, it's a very
16 superficial knowledge of the Group, of these Groups.

17 Q. And Sierra Club BC?

18 A. Very superficial.

19 Q. You testified earlier, in
20 answering questions from Ms. Dion, about CSIS doing
21 Outreach to Muslim Communities, and so forth...

22 A. As an example, yes.

23 Q. As an example.

24 Has CSIS engaged in Outreach with
25 Environmental Groups?

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1 A. I don't know the answer to that
2 question; but as the Regional Manager responsible for
3 British Columbia/Yukon, if any Group asked to speak to
4 a Service Rep, I would be more than pleased to accept
5 the Invitation.

6 I would say that would be a two-way
7 street: whether we asked to be invited or whether we
8 actually received invitations.

9 Sometimes we do. Sometimes we go out
10 to various Groups where we think there might be a
11 misunderstanding.

12 We don't wish to foist ourselves upon
13 any Group.

14 A knock on the door from CSIS is
15 rarely good news, warmly received. But there have been
16 positive exchanges in the past seeking to clarify
17 misunderstandings, what are mandates are, what our
18 limitations are.

19 I am a big proponent of dialoguing
20 with representatives of various Groups and Community
21 Groups.

22 Q. And similarly with First Nations
23 or Aboriginal Groups?

24 A. The answer is: Yes, there has
25 been dialogue across the board.

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1 Q. I want to take you to a couple of
2 documents that are in the Record right now.

3 If you could turn to Complainant's
4 Book of Documents, Volume I of II...

5 This is Exhibit C-1, for the rest of
6 us.

7 I would like to take you to Tab 5...

8 A. Yes, Sir.

9 Q. At Tab 5, we have a small package
10 of documents obtained under the Access to Information
11 Act from CSIS itself.

12 As you will see, the Covering Letter
13 there is to Mr. Jim Bronskill, a Journalist with whom I
14 am sure you are probably well aware of.

15 A. From my "sparse newspaper
16 reading", yes, I am.

17 MR. CHAMP: You would hurt Jim's
18 feelings if you said you didn't know him!

19 I don't buy it, with all due respect.

20 Q. You know what Mr. Bronskill's
21 Writings are?

22 A. I do.

23 Q. Yes. He investigates national
24 security and CSIS and the RCMP.

25 A. I was making a humorous reference

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1 to my "sparse reading".

2 Q. Okay. If you turn to the first
3 page after the Letter, you will see that it says
4 "Memorandum to the Director".

5 This is a Memo that is three pages in
6 length.

7 "Meeting of the Deputy Ministers'
8 Committee on Resources and Energy".

9 At the third page, we will see that it
10 is signed by, apparently, or authored by, "Tom Venner,
11 Assistant Director, Policy and Strategic Partnerships".

12 Tom Venner is an Assistant Director at
13 CSIS; is that right?

14 A. Yes, Sir.

15 Q. And do you know Mr. Venner?

16 A. I do.

17 Q. And the "Memorandum to the
18 Director", am I correct in my assumption that it is a
19 Memorandum to the Director of CSIS?

20 A. That's correct.

21 Q. And the reference to "Meeting of
22 the Deputy Ministers Committee on Resources and
23 Energy", this is a regular Committee that meets about
24 issues related to natural resources and energy
25 priorities for the Government?

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1 A. I wasn't aware of it, but I see in
2 the first line it refers to an "Ad Hoc Meeting".

3 Q. Yes.

4 A. So, from time to time.

5 Q. Okay. And there is the
6 "Background" Heading, and then there is the "Government
7 Operations Centre Risk Forecast 2014".

8 You are familiar with this new
9 Government Operations Centre?

10 A. Very vaguely.

11 Q. If it is of any help, if you flip
12 about five pages in, there is a document that is
13 prepared by this Government Operations Centre.

14 --- (A Short Pause)

15 You see it says "Unclassified"
16 Government Operations Centre, Government of Canada Risk
17 Forecast - 2014 Protests and Demonstrations Season".

18 A. Yes. Thank you.

19 Q. Are you familiar with these GOC or
20 Government Operations Centre Risk Forecasts?

21 A. I am not.

22 Q. You are not familiar with them at
23 all?

24 A. No.

25 Q. So you have not been ---

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1 I gather that you personally have not
2 been involved in providing any information for those
3 GOC Risk Assessments or ---

4 A. No, Sir.

5 Q. -- Risk Forecasts.

6 A. No, Sir.

7 Q. It is my understanding that the
8 GOC, this Government Operations Centre, is based in the
9 Public Safety Department.

10 You have no knowledge of that?

11 A. Very superficial.

12 Q. You said you haven't seen this
13 document before.

14 Maybe I will give you a few minutes to
15 read it.

16 Again, this was obtained from CSIS.

17 Can you just take a few minutes to
18 look through that Government Operations Centre
19 document, the "Government of Canada Risk Forecast, 2014
20 Protest and Demonstrations Season".

21 THE PRESIDING MEMBER: There are eight
22 pages.

23 MR. CHAMP: Yes.

24 THE PRESIDING MEMBER: Do you want the
25 Witness to read ---

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1 MR. CHAMP: If you would take a few
2 minutes to peruse it...

3 THE PRESIDING MEMBER: Okay.

4 (To the Witness): Take your time,
5 Robert. Just read the document...

6 THE WITNESS: Thank you.

7 --- (A Short Pause: Witness reviewing referenced
8 documentation)

9 I have read the Executive Summary, Mr.
10 Champ.

11 MR. CHAMP:

12 Q. I will take you through a few
13 things.

14 Following the Executive Summary, if
15 you go to the next page after that, Page 2 of 8, it
16 says, under "Scope"---

17 Do you see that?

18 The Heading at the top is "Scope".

19 A. Yes, Sir.

20 Q. (Reading):

21 "The purpose of this document is to
22 identify and assess the potential
23 risks associated with the 2014
24 spring/summer protests and
25 demonstrations season.

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1 While response to protests and
2 demonstrations do not generally
3 fall under federal responsibility,
4 disruptions to critical
5 infrastructure may trigger a
6 federal response, or at least
7 situational reporting by the GOC."

8 You told us earlier, did you not, Sir,
9 that critical infrastructure is part of CSIS's mandate.

10 Correct?

11 A. Yes. It is broadly defined as
12 one's priorities for the Government of Canada, writ
13 large, and we feed into that.

14 Q. So risks or threats, potential
15 risks or threats to critical infrastructure, is one of
16 the Priorities of the Service?

17 A. Yes, Sir, as long as it relates to
18 Sections 12 and 2 (a), (b) or (c).

19 Q. Right. What other kinds of risks
20 or threats ---

21 Sorry. Let me back up.

22 --- (A Short Pause)

23 Why is critical infrastructure a
24 Priority for the Service?

25 Why isn't it, for example, busses?

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1 Why couldn't it say that all transit
2 busses across the country, provided there are links to
3 (a), (b), (c) or (d), are a Priority.

4 What is the difference between busses
5 and critical infrastructure.

6 A. No difference. It would be under
7 "Critical Infrastructure for Transportation".

8 Q. Okay. So busses could be a
9 category of Critical Infrastructure?

10 A. That's true.

11 Q. Okay. How about ---

12 What I am trying to get at is:
13 Anything that relates to (a), (b), (c) or (d) is part
14 of the mandate or a Priority for the Service.

15 Correct?

16 A. Correct.

17 Q. And I am just wondering what it is
18 about critical infrastructure that makes it different,
19 for the Service?

20 I am trying not to put words in your
21 mouth.

22 I think I know what the answer is.

23 But...

24 A. It is one of the Priorities
25 identified by the Government of Canada, and if our

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1 mandate relates to that Priority, subject to whatever
2 limitations we have, again it ---

3 If there is violence associated with a
4 Protest at some critical infrastructure, it would fall
5 below our threshold. It would have to be "serious
6 violence".

7 Breaking windows, in my view, is not
8 "serious violence".

9 Q. All right.

10 When you see words like "risk" and
11 "threat" in Government documents, what does that
12 usually mean to you, professionally?

13 A. It means different things to
14 different Departments.

15 We have our own Mandate, our own
16 thresholds.

17 A risk in a National Energy Board
18 Assessment as to whether there are going to be
19 demonstrations that might pose a threat to participants
20 or Members would mean ---

21 It doesn't necessarily hit my mandate.

22 Do you see what I am saying...

23 Q. Yes. And I agree with you.

24 So this is ---

25 I will take that sideways route.

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1 You are aware that in some of these
2 documents, it indicates that the National Energy Board
3 "consulted" with CSIS at the National and Regional
4 Headquarters about potential threats or risks?

5 A. I am.

6 Q. And I am just wondering how a
7 potential pipeline, a pipeline that is not even built
8 yet, that is only a policy at that point, could in any
9 way fall under the mandate of CSIS.

10 A. Mr. Champ, I have only read the
11 redacted exchanges on that point, so I am not sure what
12 the context was, what triggered the request for the
13 Consultation. But surely if the Service had
14 information that there was a foreign influenced
15 activity, done covertly, that would have some impact on
16 the National Energy Board, or "serious threat" against
17 the Proceedings, against the Members, or against those
18 attending, we would reach out to the RCMP or,
19 alternatively, to the National Energy Board, saying:
20 "*We have intelligence to indicate there is a threat*
21 *against your premises.*"

22 In the same breath -- this is a "push-
23 pull" type of relationship -- I could fully understand
24 why a Security Rep of any Government Agency Department
25 would reach out to Law Enforcement, or ourselves: Do

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1 you have anything?

2 I see that as doing due diligence, and
3 arguably a Statutory duty under the *Labour Code*:
4 someone responsible for the security of the premises
5 reaching out to people who might know this.

6 In fact, I have no idea what we told
7 the National Energy Board Rep at that time. But there
8 would be a passage of information if we had, not just
9 information that hit on 2 (a), (b), (c), but if it is
10 incidental information, some type of illegal
11 information.

12 I can't conceive of a situation under
13 those circumstances. But if we come across, during a
14 mandated investigation, something ancilliary or
15 secondary to our mandate, we would pass that criminal-
16 type information to Law Enforcement: *It doesn't*
17 *actually hit our mandate; but it's in the public*
18 *interest. We are a part of the Government of Canada.*
19 *We are doing our diligent corporate duty passing on*
20 *information on any type of unlawful activity.*

21 Q. If I understand your responses, at
22 least on one point, all you know about this
23 Consultation is what you have read in these National
24 Energy Board documents?

25 A. That's correct.

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1 Q. And they indicate that National
2 and Regional Headquarters were consulted.

3 Kelowna is in the B.C. Region,
4 obviously.

5 A. Yes.

6 Q. Prince Rupert is in the B.C.
7 Region.

8 A. Yes.

9 Q. And that is the Region that you
10 are now the Head of?

11 A. Correct.

12 Q. And so you have no idea about
13 those consultations with the Regional Office that you
14 are the Head of now?

15 A. Which pre-dated my arrival here.

16 It would be as a matter of course in
17 dealing with a Federal entity.

18 There is nothing untoward about it.
19 In fact, I applaud dialogue with other entities.
20 People are reaching out to us; we are reaching out to
21 them. In this case, apparently, they were doing their
22 due diligence.

23 Q. That is just your assumption,
24 because you are telling us that you didn't look into
25 the matter at all.

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1 Is that right?

2 A. That's correct, Sir.

3 Q. If you go back to Tab 5 ---

4 You have already indicated to us that

5 you know Mr. Venner.

6 If you go to the final document in Tab

7 5...

8 It is another of these "Memorandums to

9 the Director"...

10 A. Yes, Sir.

11 Q. If you go to the very last page,

12 it is 4 of 4 and you will see Mr. Venner's name there;

13 and if you go to the beginning "Memorandum to the

14 Director".

15 Do you see that?

16 A. Yes, Sir.

17 Q. And halfway down that first page,

18 there is, in big block letters, underlined, in bold,

19 "Northern Gateway Pipeline Decision".

20 A. Yes, Sir.

21 Q. And so it would seem from this

22 document that Mr. Venner is briefing the Director of

23 the Service on the Northern Gateway Pipeline Decision

24 by the National Energy Board.

25 --- (A Short Pause: Witness reviewing referenced

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1 documentation)

2 A. I am not sure, Mr. Champ. It
3 might be briefing the Assistant Director, Policy, on
4 the Deputy Ministers' Meeting on the Gateway.

5 Q. Sorry. Go again...

6 A. I am not sure. The way I read it
7 is, the Briefing is from Mr. Venner to the Director
8 about the Deputy Ministers' Meeting on the Gateway.

9 Q. If we go to the second page of
10 this Memo, the top paragraph says:

11 *"Although an announcement had not*
12 *been made at the time of writing,*
13 *it is expected to be one of three*
14 *possibilities..."*

15 And it talks about the different
16 possible decisions by the Board, and then it says:

17 *"In the event that the Government*
18 *approves the pipeline, the Service*
19 *assesses that..."*

20 And then there is a blank-out.

21 This is saying "the Service assesses",
22 not the Deputy Ministers.

23 Correct?

24 A. Correct.

25 Q. So this sounds like the Service

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1 assessed information.

2 Correct?

3 A. Yes.

4 Q. So it is not simply Mr. Venner
5 reporting back to the Director about what he heard from
6 the Deputy Ministers. There is some assessment or
7 analysis being conducted here by the Service.

8 Is that not right?

9 A. That's correct -- which may well
10 mean that if it goes ahead or not, the Service has no
11 role or mandate in this. It is simply briefing the
12 Director about attending a DM Meeting.

13 But I don't know. I am only
14 speculating.

15 Q. So the Service will sometimes say
16 to the Director: "We assess we have no mandate"?

17 A. "No mandate" or: "In our
18 assessment ---"

19 We are part of the Government of
20 Canada. We are drawn into this, for whatever reason.

21 "-- the Service assesses there is no
22 potential for serious violence in this."

23 Q. And you will see then again here
24 on Page 2 there is reference to "Government Operations
25 Centre Risk Forecast".

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1 This is these Risk Forecasts that
2 apparently you have very little knowledge of.

3 Is that right?

4 A. Correct.

5 Q. Based on your professional
6 experience, could you give us an idea of why protests
7 and demonstrations are viewed as inherently risky or are
8 an inherent risk in some way?

9 MS. DION: Are you asking the Witness
10 for his opinion as a CSIS Employee or ---

11 MR. CHAMP: I am.

12 MS. DION: So a risk for the Service,
13 from the Service's perspective?

14 MR. CHAMP: Well, what other ---

15 MS. DION: You are talking about a
16 Government of Canada document and the Witness is
17 testifying from a Service perspective.

18 So I think there is a distinction to
19 be made.

20 MR. CHAMP: I will break it down.

21 Q. What does "risk" mean to you?

22 A. In this context, it would be a
23 risk of serious violence under 2(c).

24 So presumably -- I am speculating here
25 -- if the Service had information about an individual

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1 or others who might be participating in an otherwise
2 democratic lawful protest, there might be a potential
3 or a risk for violence, as has been known to happen in
4 Canada and in many other countries.

5 We have no interest in the Group or
6 the protest, or the objective. It's one or two, three
7 individuals who might use that as a venue, as a
8 pretext, for violence, for serious violence.

9 Q. So demonstrations and protests are
10 something that the Service would look at for those
11 types of reasons?

12 A. It would be ludicrous for the
13 Service not to have some type of domain awareness of
14 what is going on, as opposed to waiting until something
15 happens. So, to be conversant with open information --
16 "*this is happening*"; to be very sure of a very small
17 select number of authorized Targets: "*What are they*
18 *doing?*"

19 "*Actually, this individual is going to*
20 *a lawful protest this week.*"

21 That may be legitimate. They might
22 be a terrorist in their part-time. They might be part
23 of a lawful advocacy group, pressure group, whatever,
24 on Tuesday evenings.

25 We have no interest in that.

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1 But if there is some linkage between
2 that protest and our mandate ---

3 If their purpose in going to that
4 Group, that Protest, is to wreak havoc, then, yes, it
5 hits our mandate.

6 Q. I am just trying -- and I
7 appreciate your answer, and I thank you for that.

8 I am just trying to get at how
9 protests and demonstrations are viewed generally.

10 Are they always ---

11 Because they are large and there is
12 always a lot of people there, it is an inherent risk,
13 because you never know when one of those kinds of
14 violent threats is present?

15 A. I don't think so. I think the
16 vast, vast majority of protests/demonstrations in
17 Canada are peaceable.

18 Q. That is my experience as well.

19 A. There would have to be some
20 linkage for us to be looking more carefully at that ---

21 If we know, because of individual
22 Target Investigations, one individual, two or three,
23 are going to partake in a certain protest, that would
24 further whet or trigger our interest.

25 Q. If you could turn to the next page

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1 in this document, where it says ---

2 It is all blank in the top half. So
3 we are not sure what Mr. Venner is saying here to the
4 Minister (sic) on that Government Operations Centre
5 Risk Forecast document ---

6 THE PRESIDING MEMBER: To the
7 Director.

8 MR. CHAMP: To the Director. Pardon
9 me.

10 Q. -- to the Director on that Risk
11 Assessment/Forecast.

12 Halfway through, it does say:

13 "Traditional Aboriginal and treaty
14 rights issues, including land use,
15 persist across Canada..."

16 And then there is a blank, and then:

17 "Discontent related to natural
18 resource development across Canada
19 is largely an extension of
20 traditional concerns. In British
21 Columbia, this is primarily related
22 to pipeline projects (such as
23 Northern Gateway)..."

24 Presumably Mr. Venner is drawing on
25 CSIS information to make that analysis for the

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1 Director.

2 A. I am only speculating. I haven't
3 seen the unredacted copy. He might be doing that.
4 More likely, he is just drawing information from the
5 DMs' Meeting to inform our Director as to what the
6 broad GOC Government of Canada picture is.

7 And I am pleased to see the unredacted
8 line after what you just quoted, that for many of
9 these, we have "no nexus to our mandate".

10 Q. Yes. Absolutely. It says:
11 *"The Service recognizes that many*
12 *of these issues involve legitimate*
13 *protest and dissent and, as such,*
14 *have no nexus to CSIS's mandate."*

15 What would an illegitimate protest be,
16 from CSIS's perspective?

17 A. Illegitimate protest?

18 Q. Yes.

19 A. All protests are part of the
20 democratic fabric of Canada, and part of our job in
21 investigating threats to our security is to allow
22 protests to take place.

23 So I am not sure what "illegitimate"
24 would be in our lexicon. It would only be where there
25 is a potential for serious violence taken as part of

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1 that activity.

2 I celebrate the fact that there are
3 protests. It means we have a vibrant democracy. It is
4 working.

5 Q. Yes. And so you appreciate the
6 concerns of some people who are involved in protests
7 and demonstrations and grassroots organizing that they
8 do feel threatened or concerned if there is the
9 perception that they might be watched by either the
10 RCMP or CSIS, notwithstanding the fact that they are
11 engaging in completely peaceful activities?

12 A. I am keenly empathetic to that.

13 As I mentioned before, in trying to
14 dissuade, dispel stereotypes or misguided views,
15 erroneous views, we engage in Outreach. We talk to a
16 whole variety of groups and individuals.

17 At the end of the day, I can only
18 control what I can control. The best I can do is just
19 to testify to the fact that how we investigate is
20 tightly controlled and that we are statutorily
21 precluded from looking at LAPD.

22 Q. This Briefing to the Director, it
23 is my understanding that this is a Briefing for the
24 Director so that he is equipped with
25 information/background in terms of what might be

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1 discussed at this Deputy Ministers' Meeting.

2 The Director is at the "Deputy
3 Minister" level; correct?

4 A. That's correct.

5 Q. So would this be intelligence or
6 information that the Director would be bringing from
7 the Service to this type of Meeting?

8 A. If this were done in advance of
9 the DM Meeting, yes: to provide a global picture of
10 what is going on across Canada.

11 The "domain awareness".

12 It may not be directly related to the
13 Service's mandate; but as Deputy Minister, the
14 Director would sit on a number of DM-level Committees:
15 Fishery and Oceans-type deals.

16 Most of the time, there is a cluster
17 of relevance to what you are doing there. But it is
18 part of Mr. Venner's job to brief him on what the
19 issues to be discussed at the Table are.

20 Q. I would like to speak to you now
21 about the NRCan Briefings.

22 I will ask you to turn to Tab 9 in
23 this Volume...

24 A. Yes.

25 Q. There is a Story here that was in

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1 an online publication called the *Vancouver Observer*.

2 If you go to the second-last page ---

3 THE PRESIDING MEMBER: Has the Witness
4 seen this document before?

5 MR. CHAMP: Sorry. I will start with
6 that, Mr. Chair.

7 Q. Have you read this Story before?

8 A. I have, Sir.

9 Q. You have?

10 A. Yes.

11 Q. If you go to the second-last page
12 in this document, or this Story, you will see an
13 excerpt from a document that says "*Classified Briefing*
14 *for the Energy and Utility Sector Stakeholders*".

15 Do you see that?

16 A. Yes, Sir.

17 Q. And it says:

18 "Hosted by Natural Resources Canada
19 in collaoration with CSIS and RCMP.
20 Location: Canadian Security
21 Intelligence Service, 1941 Ogilvie
22 Road, Ottawa, Ontario."

23 That is CSIS National Headquarters;
24 correct?

25 A. It is, Sir.

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1 Q. And you have already indicated
2 that you are aware of these NRCan Briefings; that they
3 are twice a year?

4 A. I am.

5 Q. And that they invite, I guess...

6 Well, "*Energy and Utility Sector*
7 *Stakeholders*".

8 What does that mean, to your
9 understanding?

10 Who are the "Stakeholders" in the
11 Energy Sector?

12 --- (A Short Pause)

13 A. Well, the various Corporations
14 involved in that Sector; Associations of that
15 Grouping; Provincial, Municipal Groups that have an
16 interest in critical infrastructure.

17 A whole gamut of people or groups that
18 are interested.

19 Q. And so sometimes Municipal
20 Politicians are invited to those?

21 A. I am not aware of any Politicians
22 being invited.

23 Q. Okay. What did you mean by
24 "Municipal Groups"?

25 A. City/Municipal Groups.

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1 Q. Planners and Groups.

2 And you mentioned that CSIS
3 Headquarters was used "because it was convenient", a
4 "convenient location".

5 I've been inside the Headquarters a
6 couple of times and ---

7 It is nothing getting on to this floor
8 compared to getting in there when you are not a CSIS
9 employee. You've got those special little ---

10 I don't know whether they are lead
11 boxes, or what they are. The special steel boxes, or
12 equivalent.

13 I didn't find it convenient at all.

14 What did you mean when you said that
15 it is a "convenient" location?

16 I found it very inconvenient. But
17 maybe that's just me.

18 A. Myself as well as an employee.

19 What I meant, Mr. Champ, is that we
20 are told that we have nice facilities, a Conference
21 Centre where Conferences are held.

22 In fact, the Government of Canada uses
23 our facilities throughout the year because it is a
24 convenient place.

25 It's a pleasant place to host a

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1 Conference.

2 Q. A "pleasant place" ---

3 A. It's a good facility.

4 Q. A "pleasant place" in what way?--

5 In that it is difficult for protesters, for example, to
6 get to?

7 A. That wouldn't even be within my
8 consideration.

9 No.

10 We have translation facilities; it's
11 state-of-the-art.

12 Believe it or not, premises for
13 Conferences are hard to reserve in Ottawa.

14 So...

15 MR. CHAMP: Next time the Facilities
16 Coordinator is looking, they can contact me. I am from
17 Ottawa. I don't think it is necessarily that tough!

18 I will just be a moment, Mr. Chair...

19 THE PRESIDING MEMBER: Certainly, Mr.
20 Champ.

21 --- (A Short Pause: Off-Record Discussion between
22 Complainant's Counsel and Client Representative)

23 MR. CHAMP: Thank you, Mr. Chair.

24 Q. At these NRCan Briefings, Sir, to
25 which the Energy and Utility Sector Stakeholders are

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1 invited, there is a sharing of information, I gather.

2 A. That's my understanding.

3 Q. And my understanding is that ---

4 I shouldn't say "my understanding".

5 Would there be a sharing of
6 information from CSIS to these private sector
7 Corporations?

8 A. I understand that we are an active
9 participant. So I hope the answer is "yes".

10 Q. And what Section of the CSIS Act
11 would authorize that kind of sharing of information?

12 A. Section 19(2).

13 Q. Section 19(2) is pretty broad.

14 Can you give me any assistance ---

15 We spoke before about doing "Report
16 and Advise", from Section 12.

17 That is a duty and function. So that
18 is authorized.

19 But private sector companies, oil
20 companies, they are not a part of the Government of
21 Canada. So it can't be that authorization.

22 Correct?

23 A. Correct.

24 Q. So in what way is it authorized
25 under Section 19?

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1 A. In order to fully advise and
2 report to the Government of Canada, one has to share.

3 One shares; one collects.

4 It is part of that "give-get"
5 principle that I alluded to earlier.

6 It is very difficult to talk to
7 anybody and just expect to receive and not to share
8 information.

9 Above and beyond the Government of
10 Canada Priority, the protection of critical
11 infrastructure in this country is a Priority.

12 And as I said before, we feed into
13 that.

14 Q. So -- and please correct me if I'm
15 wrong.

16 And if you have to turn to the
17 definition, that's fine.

18 As I understand what you are saying,
19 collection, under Section 12 of the Act, could include,
20 actually, "sharing of information" because it is an
21 inherent part of "collection" to share: the "give-
22 get".

23 Is that what you are trying to say:
24 that "collection" must be interpreted in accordance
25 with the "give-get" principle?

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1 A. Correct.

2 Q. So it's inherent, in collecting
3 information, to give information, and that is how CSIS
4 believes that they are authorized to share information
5 that they have collected with private sector actors?

6 A. I defer to your legal expertise,
7 but I would say it is more than that: it's 19(2).
8 It's the Statutory allowance to do so.

9 Q. For sure. And they are connected,
10 as I understood your opinion: that the "duties and
11 functions" authority under 19(2), as I understood what
12 you were saying, relates back to Section 12 and the
13 "Collection" power there.

14 A. Correct.

15 Q. And so, as I understood your
16 response, it is: *If "collecting" inherently includes*
17 *having to share information, it therefore falls under*
18 *the "duties and functions" of CSIS and, therefore, is*
19 *authorized by Section 19(2).*

20 Is that how I am to understand what
21 you are saying?

22 A. That is well put. And your
23 previous comment and my previous answer on Section 17,
24 which allows us to enter into Arrangements with foreign
25 entities, it is only because there is a direct

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1 connection to Section 12.

2 We collect and share with foreign
3 entities in order to advise the Government of Canada.

4 Q. Returning, then, to this Briefing,
5 this Classified NRCan Briefing, you will see in the
6 Story it says that on the Agenda of this Meeting
7 between CSIS and the RCMP ---

8 THE PRESIDING MEMBER: What "Story"
9 are you referring to?

10 MR. CHAMP: The News Story at Tab 9.

11 Pardon me.

12 So we are still back at the Vancouver
13 Observer Article.

14 Q. I was showing you the Classified
15 Briefing Meeting Notice. But apparently, the Agenda,
16 as we read here ---

17 If we go just a page back, it says:

18 "An Agenda obtained by Tim Groves
19 and Martin Lukacs at The Guardian
20 last month revealed that
21 breakfast, lunch and coffee was
22 sponsored by Enbridge and the
23 networking reception held at the
24 Chateau Laurier was co-hosted by
25 Bruce Power and Brookfield

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1 Renewable Energy Partners.
2 Meetings during this conference
3 included 'challenges to energy
4 projects by environmental
5 groups'."

6 I am just wondering ---

7 From that, it sounds like CSIS might
8 possibly be sharing information about Environmental
9 Groups with these oil companies that are sponsoring and
10 attending it.

11 A. I don't see that connection.

12 Q. So what does "challenges to energy
13 projects by environmental groups" mean, for you?

14 A. What do I think that Reporter
15 meant by writing that?

16 Q. It is my understanding that the
17 quotation is from the Agenda itself, that CSIS is
18 saying: Some of the things we are going to talk about
19 include 'Challenges to Energy Projects by Environmental
20 Groups'."

21 A. I haven't seen the Agenda. I
22 can't comment on that.

23 Q. And we see from the "Classified
24 Briefing" Title that is there:

25 "Purpose: To discuss National

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1 *Security and Criminal Risks to*
2 *Critical Energy Infrastructure."*

3 So national security threats under
4 Section 2 of the *CSIS Act*, those would be the kinds of
5 things that would be discussed with the oil companies
6 there?

7 A. This would be under the purview, I
8 presume, of Law Enforcement and the RCMP to discuss
9 such things.

10 They would be a much more active
11 participant than we would.

12 Q. And aside from that, you have no
13 idea what "challenges to energy projects posed by
14 Environmental Groups" might be of interest to CSIS?

15 A. No.

16 Q. Given your earlier testimony that
17 you are keenly aware or concerned that groups that want
18 to protest and demonstrate should have the freedom to do
19 so, would you not be concerned about how this could be
20 interpreted by Environmental Groups in B.C., in your
21 Region?

22 A. I understand the concern.

23 MR. CHAMP: You understand the
24 concern. Okay.

25 (To the Presiding Member): I will

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1 just be a moment...

2 THE PRESIDING MEMBER: Certainly, Mr.
3 Champ.

4 --- (A Short Pause)

5 MR. CHAMP: Thank you, Sir. Those are
6 all the questions I have.

7 THE WITNESS: Thank you.

8 THE PRESIDING MEMBER: Thank you, Mr.
9 Champ.

10 Madam Bowers, do you have any
11 questions for the Witness?

12 MS. BOWERS: Just one point of
13 clarification, if I may.

14 Examination by Ms. Bowers:

15 Q. I assume that the Service's
16 understanding is that the collection under Section 12
17 is being done within and outside Canada; both within
18 the country and outside.

19 There is a new provision now, under
20 Subsection 12(2), which says:

21 "For greater certainty, the Service
22 may perform its duties and
23 functions under Subsection (1)
24 within or outside Canada." (As
25 Read)

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1 So that's the "collection, analysis
2 and retention" functions.

3 A. It is my understanding that the
4 Amendment has statutorily clarified what we have
5 believed to be the case for many years.

6 MS. BOWERS: For the record, that is
7 Bill C-44.

8 That's it.

9 THE PRESIDING MEMBER: Thank you, Ms.
10 Bowers.

11 Examination by The Presiding Member:

12 THE PRESIDING MEMBER: Much reference
13 has been made to acts/deeds which could impact critical
14 infrastructures -- and I have seen at Tab 5 and Tab 9
15 references to "*disruption of critical infrastructures*".

16 Those words are not to be found
17 anywhere ---

18 I am sorry. I will put it by way of a
19 question to you.

20 Those words are not to be found
21 anywhere in the Act, are they?

22 THE WITNESS: That's correct, Sir.

23 THE PRESIDING MEMBER: So could you
24 remind me again where I would find those words if I
25 wanted to analyze their scope?

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1 THE WITNESS: My understanding, Sir,
2 is that 2(a), (b) and (c) are very generic. And it is
3 true, there is no reference to "critical
4 infrastructure"; but as it relates to the "security of
5 Canada", whether it is a terrorist threat against a
6 company, a private person, the Government, that
7 triggers our mandate.

8 Insider threat from a foreign
9 government in a Canadian company, a Canadian
10 Association, or even, as I mentioned earlier, if it is
11 a refugee claimant within Canada who is being pressured
12 by a foreign government, that triggers our mandate.

13 THE PRESIDING MEMBER: Maybe I haven't
14 articulated my question very clearly.

15 Where do I look for the breadth of the
16 words "impact to critical infrastructures of Canada"?

17 THE WITNESS: You will not find that
18 in the CSIS Act. You will find it described,
19 contextulized, in the National Security Policy as put
20 out by the Minister of Public Safety.

21 THE PRESIDING MEMBER: That is the
22 answer that I was looking for, but I wasn't sure that I
23 had ---

24 THE WITNESS: Sorry. I misunderstood.

25 THE PRESIDING MEMBER: Would you

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1 repeat that again, please...

2 THE WITNESS: It's the National
3 Security Policy put out by the Minister of Public
4 Safety.

5 THE PRESIDING MEMBER: Yes. Thank
6 you.

7 Ms. Dion, do you have any questions in
8 Redirect following on Mr. Champ's questions ---

9 MS. DION: May I have just one moment,
10 please...

11 THE PRESIDING MEMBER: Of course.
12 --- (A Short Pause: Off-Record Discussion between
13 Respondent's Counsel and the ER&L Client
14 Representative)

15 MS. DION: Thank you, Mr. Member.
16 I just have one question, or one line
17 of questioning in Redirect.

18 THE PRESIDING MEMBER: Thank you.
19 Please proceed.

20 Re-Examination by Ms. Dion:

21 Q. I will ask you to refer to Tab 13
22 of CSIS's Book of Documents, referred to as Exhibit
23 CSIS-1.

24 It is a blue-covered Volume.

25 THE PRESIDING MEMBER: Tab 13 of your

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1 Book of Documents?

2 MS. DION: Yes.

3 --- (A Short Pause)

4 Q. You are familiar with the
5 document?

6 A. In general terms.

7 Q. I invite you to turn to Page 26 of
8 the document, which is the Public Report for the
9 Canadian Security Intelligence Service.

10 A. Yes.

11 Q. You will see the page number ---
12 It is difficult to see; but it is at
13 the top-left...

14 THE PRESIDING MEMBER: And what page
15 are you referring to, Madam Dion?

16 THE PRESIDING MEMBER: Page 26.

17 Q. Actually, if you look at the
18 bottom of the document, we have put in our own page
19 numbers, and it would be Page 0203, if that makes it
20 easier, at the bottom-right of the page.

21 A. I have it.

22 Q. You will see that there is a
23 Ssection referred to as "Cyber Security and Critical
24 Infrastructure Protection".

25 Is that correct?

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1 --- (A Short Pause: Witness reviewing referenced
2 documentation)

3 A. I misled you. I don't have it.

4 Q. At the bottom of the page, there
5 is a number that we have put on it, "0203"...

6 --- (A Short Pause)

7 Tab 13.

8 A. I have it, but I am having ---

9 Q. There is a first Heading that says
10 "*Ukraine: Regional Crisis, International Implications*".

11 A. Nope.

12 THE PRESIDING MEMBER: That is not
13 what you want to question the Witness on, is it!

14 MS. DION: No.

15 --- (Laughter)

16 THE WITNESS: I might have a different
17 numbering here...

18 MS. DION: May I approach the Witness?

19 THE PRESIDING MEMBER: Yes.

20 --- (A Short Pause: CSIS Counsel and Witness
21 Conferring off-record)

22 THE WITNESS: Thank you.

23 THE PRESIDING MEMBER: Are you on the
24 same page now?

25 THE WITNESS: We are on the same page.

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1 MS. DION:

2 Q. You see the Heading entitled
3 "Cyber Security and Critical Infrastructure
4 Protection"?

5 A. I do.

6 Q. You will see the first sentence
7 reads:

8 "As outlined in the Government of
9 Canada's Cyber Security Strategy,
10 the Service analyzes and
11 investigates domestic and
12 international threats to the
13 security of Canada, responding to
14 the evolution of cyber security
15 technology and practices."

16 Is that the Policy that you were
17 referring to in response to the Presiding Member's
18 question?

19 A. I understand that that is the
20 strategy and it flows from the National Security Policy
21 put out by Minister.

22 That would further amplify the
23 National Security Policy, yes.

24 MS. DION: Those are all of the
25 questions I have. Thank you.

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1 THE PRESIDING MEMBER: Thank you,
2 Madam Dion.

3 Sir, I am grateful to you for having
4 attended before me today to give evidence, to answer
5 the questions that have been put to you by Madam Dion,
6 Mr. Champ, Mr. Bowers and myself.

7 You are now excused.

8 THE WITNESS: Thank you, Sir.

9 --- (The Witness Withdrew)

10 Preliminary/Procedural Matters:

11 THE PRESIDING MEMBER: Madam Dion, do
12 you have any other witness to call?

13 MS. DION: No, Mr. Member. I have no
14 further witnesses for the *In Camera* portion of the
15 Hearing.

16 THE PRESIDING MEMBER: Thank you.

17 So this brings us to the end of this
18 Phase of the Hearing, the *In Camera* Phase of the
19 Hearing. It will be followed by the submission by the
20 Complainant of the Affidavit Evidence of Professor
21 Whitaker, to be filed with the Committee within the
22 next two weeks, unless, as was noted earlier, Professor
23 Whitaker should have some scheduling issues, such as
24 holidays, or whatever.

25 And if that turns out to be the case,

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1 Mr. Champ, you will let the Registrar know about that.

2 MR. CHAMP: I will, Mr. Chair.

3 THE PRESIDING MEMBER: Otherwise, I
4 will expect to see Professor Whitaker's Affidavit after
5 27 August 2015.

6 It will be circulated by the Registrar
7 to all Interested Parties.

8 And Madam Dion will let me know, via
9 the Registrar, within ---

10 (To Ms. Dion): Within how many days
11 after you have seen the Affidavit, Madam Dion?

12 MS. DION: Provided that it is
13 received at the end of August, I would ask ---

14 I am on holidays until the 31st. So I
15 would ask for maybe a week thereafter to examine the
16 Affidavit, following which we will inform the Committee
17 of the way in which we would seek to conduct the Cross-
18 Examination of Professor Whitaker.

19 THE PRESIDING MEMBER: Say, by Friday
20 the 11th of September?

21 MS. DION: That seems appropriate.
22 Thank you.

23 MR. CHAMP: That's fine. I am sure my
24 friend and I will probably consult in advance of that
25 as well.

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1 THE PRESIDING MEMBER: Yes. I invite
2 you to do so.

3 And then it will be ---

4 Well, let me put the question to
5 Counsel, starting with Counsel for the Complainant.

6 How do you see the universe unfolding
7 after that Whitaker phase has been completed insofar as
8 the *In Camera* Phase of the Hearing is concerned?

9 MR. CHAMP: I anticipate that I am
10 going to at least seek an opportunity to communicate
11 with Ms. Bowers about the potential, if there is an *Ex*
12 *Parte* Hearing, of what the Complainant's questions
13 might be that Committee Counsel could consider raising
14 or bringing forward in the *Ex Parte* Hearing, if one
15 takes place.

16 Aside from that, I guess we would be
17 cognizant and waiting in terms of how ---

18 THE PRESIDING MEMBER: Yes. But
19 insofar as the *In Camera* Hearing is concerned, once the
20 Whitaker Phase is completed, as has been agreed, that
21 will be the end of the *In Camera* Phase of this case?

22 MR. CHAMP: Yes. We were looking at
23 possibly requesting or seeking a summons for certain
24 people, either ---

25 Mr. Venner, for example, seems to be

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1 an obvious one.

2 But I took your comments at the last
3 Case Conference, and it is now our intention to await
4 the completion of the *Ex Parte* portion of the Hearing
5 and whatever comes out of that and determine at that
6 point whether we want to address with the Committee
7 again any desire or interest we have to perhaps call --
8 obviously with the permission of the Committee -- any
9 other witness in a further *In Camera* Hearing.

10 THE PRESIDING MEMBER: Very well.

11 Thank you very much, Mr. Champ. I
12 would like to thank all Counsel for their contribution
13 and cooperation in this Phase of the Hearing.

14 This was expected to be, and has
15 proven to be, a lengthy Hearing; but it has been dealt
16 with in a very efficient way, and I am grateful for
17 that.

18 I am also grateful for the services of
19 our Registrar, Madam Stawicki, and, of course, our
20 Court Reporter, MR. Noel Keeley.

21 We will not report the fact that we
22 heard a ringing earlier this afternoon!

23 --- (Laughter)

24 I hope that doesn't appear in the
25 Transcript, Mr. Keeley!

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1 That concludes this Hearing. Once
2 again, I thank you all for your participation ---

3 **MR. CHAMP:** I apologize, Mr. Chair.
4 There is just one last point before we adourn, if I
5 may, and it is with respect to the "Section 48" issue.

6 In that regard, I would like to advise
7 the Chair and my colleagues that we have informed all
8 of the witnesses who have appeared that they cannot
9 speak about their testimony or about anything that they
10 heard or saw in the Committee Hearing Room.

11 So I would like to advise the Chair
12 and my friends that I have done that. However, I would
13 also like to indicate that we are looking more into
14 that issue and I may write a Letter at some point to
15 the Committee on what the scope of Section 48 might be,
16 or other interpretations of Section 48. But for our
17 purposes at this point, I want to assure the Committee
18 that that is what we have advised the witnesses.

19 **THE PRESIDING MEMBER:** I always look
20 forward to being "educated" by Counsel.

21 Thank you again, Mr. Champ, Madam
22 Dion, and Madam Bowers.

23 The *In Camera* Hearing is terminated
24 for today and stands adjourned.

25 Thank you, one and all.

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Information

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Vancouver, B.C.

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--- The Hearing Adjourned

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Certified Correct:

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Noel C. Keeley, C.S.R.

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