

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 II



PROTECTED B

File No.: 1500-481

June 2, 2014

BY HAND

Ms. Stéphanie Dion
Counsel
National Security Litigation & Advisory Group
Department of Justice Canada
PO Box 8127, Station T
Ottawa, ON K1G 3H6

Dear Ms. Dion:

**RE: BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION (BCCLA) -
COMPLAINT AGAINST THE CANADIAN SECURITY INTELLIGENCE
SERVICE PURSUANT TO SECTION 41 OF THE CANADIAN SECURITY
INTELLIGENCE SERVICE ACT (CSIS Act)**

Further to the letter from Ms. Sylvie E. Roussel, Senior Counsel for the Security Intelligence Review Committee (Committee), dated March 28, 2014, to Mr. [REDACTED] Director General, External Review and Liaison, I wish to advise you, on behalf of the Committee and in accordance with section 11 of the Committee's *Rules of Procedure*, that the Committee determined on May 27, 2014 that it does have the jurisdiction to investigate BCCLA's complaint under section 41 of the *CSIS Act*. Once a member of the Committee has been assigned to the file, you will be notified.

You will be contacted by the Committee's Registrar to schedule a pre-hearing conference to set the terms of reference for the investigation of BCCLA's complaint.

Should you have any questions regarding the foregoing, please do not hesitate to contact Ms. Sylvie E. Roussel, at (613) 990-8445.

Yours sincerely,

Michael Doucet
Executive Director

c.c.: ER&L



Department of Justice
Canada

Ministère de la Justice
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National Security Litigation
& Advisory Group
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Groupe litiges et conseils
en sécurité nationale
CP 8127, Succursale T
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CONFIDENTIAL

April 7, 2014

BY HAND

Ms. Sylvie Roussel
Senior Counsel
Security Intelligence Review Committee
Jackson Building
122 Bank Street, 4th Floor
Ottawa, Ontario
K1P 5N6

RECEIVED

APR 07 2014

0355 / 14

1500-481

En conseil 4/7/14

Dear Ms. Roussel:

**Re: BCCLA – Complaint against CSIS Pursuant to Section 41 of the CSIS Act -
Your File 1500-481
Representations by CSIS prior to SIRC Determining Jurisdiction**

This is further to your letter dated March 28, 2014, in which my client was provided with the opportunity to provide submissions with respect to the Security Intelligence Review Committee's jurisdiction to investigate the complaint of the BCCLA.

At this time, my client does not wish to make any representations on the Committee's jurisdiction. My client is in the process of gathering information relating to the facts referred to in the BCCLA's complaint and I will advise once the information regarding the Complainant is available for your review.

Should you require further information, please contact the undersigned at (613) 842-1356.

Sincerely,


Stéphanie Dion
Counsel

c.c. ER&L

51000-677

Canada

Page 162 of 320

Champ & Associates

Equity Chambers
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1500-481

S. Roussel 4/4/14	

FAX COVER SHEET / PAGE COUVERTURE

TRANSMITTED TO/NUMÉRO DU DESTINATAIRE : 613-990-5230

TO/ DESTINATAIRE: Sylvie Roussel, Senior Counsel, SIRC

FROM/ EXPÉDITEUR: Paul Champ

RE/OBJET: SIRC File No.: 1500-481

DATE: April 4, 2014

This document is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you have received this communication in error, please notify us immediately at our expense by telephone. Thank you.

Le message s'adresse au destinataire seulement et peut contenir des renseignements confidentiels ou protégés. Il est formellement interdit d'en révéler le contenu à moins d'une autorisation. Si vous recevez cet envoi par erreur, veuillez nous en informer immédiatement et le détruire sans faire de copie. Merci.

Pages including cover sheet/Nombre de pages (incluant celle-ci): 3

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Paul Champ
pchamp@champlaw.ca

Our File: 1555

April 4, 2014

BY FACSIMILE - 613-990-5230

Sylvie E Roussel, Senior Counsel
Security Intelligence Review Committee
PO Box 2430, Station "D"
Ottawa, ON K1P 5W5

Dear Ms Roussel:

**Re: British Columbia Civil Liberties Association ("BCCLA")
Complaint re CSIS Surveillance and Information Sharing with the NEB
SIRC File No.: 1500-481**

We are writing further to your March 28, 2014 request for representations on behalf of the British Columbia Civil Liberties Association ("BCCLA") regarding the jurisdiction of the Security Intelligence Review Committee ("SIRC") to investigate this complaint under section 41 of the *CSIS Act*.

There can be no doubt that SIRC has jurisdiction to investigate this complaint under section 41 of the *CSIS Act*. Section 41 provides that any person may complain to the Review Committee about any "act or thing done by the Service." The Review Committee has a statutory obligation to investigate all complaints, save for those which are trivial, vexatious, or made in bad faith.

SIRC's statutory mandate is to investigate complaints and review the manner in which CSIS performs its functions, so as to ensure that CSIS conducts its activities in accordance with the law, including both the *CSIS Act* and the *Charter*. The Federal Court has repeatedly confirmed that in order to fulfil this mandate, SIRC must - and indeed does - have an implied but clear jurisdiction to decide questions of law, including *Charter* issues.¹

¹ *Canada v Telbani*, 2012 FC 474 at paras 90-94, 104-105, 119, 133, 147, 160; *Mikali v Canada (Attorney General)*, 2012 FC 940 at paras 26-27, 34.

- 2 -

In the present case, BCCLA's complaint was referred to the Director in accordance with paragraph 41(1)(a) of the *CSIS Act*. As noted in our March 20, 2014 letter, CSIS has provided no substantive response to the serious concerns raised in BCCLA's complaint. Rather, CSIS simply acknowledges its statutory obligations and notes the oversight provided by SIRC, but declines to respond to any of the specific concerns raised in the complaint.

BCCLA's complaint raises serious concerns and relates to matters of significant public interest. Monitoring, surveillance, and information sharing activities by CSIS with respect to the peaceful and democratic activities of individuals and groups including ForestEthics Advocacy, Dogwood Initiative, LeadNow.ca, and the Idle No More movement may contravene specific provisions of the *CSIS Act* (e.g., sections 12 and 19) as well as rights and freedoms protected under the *Charter*.

The complaint also raises serious questions about the legal authority for CSIS to share information with private sector actors and arms-length adjudicative bodies like the National Energy Board. In all respects, BCCLA's complaint is neither unsubstantiated nor speculative. Rather, it is based on documents and communications disclosed pursuant to the *Access to Information Act* (see our February 6, 2014 letter and attachments thereto). In these circumstances, it cannot be said that the complaint is trivial, frivolous, vexatious, or made in bad faith.

As all of the criteria under section 41 have been met and none of the limited exceptions are applicable, the Review Committee not only has jurisdiction but is under a statutory obligation to investigate BCCLA's complaint. SIRC's jurisdiction in this regard includes the investigation and determination of all legal issues raised by the complaint, including the Service's compliance with the *CSIS Act* and the *Charter*. Accordingly, we request that the Review Committee commence its investigation of BCCLA's complaint without further delay.

We look forward to hearing from you, and remain available to address any questions or furnish any additional information which may be required by the Review Committee.

Yours truly,



Paul Champ

encl.

c: J. Paterson, Executive Director, BCCLA
R. Mangat, BCCLA

Rights

Equality

Dignity

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PROTECTED -
PERSONAL INFORMATION

File No.: 1500-481

March 28, 2014

BY COURIER

Mr. Paul Champ
Counsel
Champ & Associates
Equity Chambers
43 Florence Street
Ottawa, ON K2P 0W6

Dear Mr. Champ:

**RE: BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION –
COMPLAINT AGAINST THE CANADIAN SECURITY INTELLIGENCE
SERVICE PURSUANT TO SECTION 41 OF THE CANADIAN SECURITY
INTELLIGENCE SERVICE ACT (CSIS Act)**

I wish to acknowledge receipt of your letter dated March 20, 2014 to the Security Intelligence Review Committee (Review Committee).


On behalf of the Review Committee, I would like to provide you and your client with the opportunity to make additional representations regarding the Review Committee's jurisdiction under section 41 of the *CSIS Act* to investigate this complaint. The Review Committee requests your additional representations, if any, by May 9, 2014. CSIS will likewise be provided with the opportunity to make representations on the Review Committee's jurisdiction.

The Review Committee will thereafter determine whether it has jurisdiction with regard to your client's complaint and, if it does, will proceed with an investigation. Once the Review Committee has determined its jurisdiction with respect to the complaint, you will be contacted with more information.

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PERSONAL INFORMATION

For more information about the complaints process, please visit our website at www.sirc-csars.gc.ca or you may contact the Review Committee's Registrar, Ms. Nathalie Thériault, at (613) 990-6319.

Yours sincerely,

A handwritten signature in dark ink, appearing to be 'Sylvie E. Roussel', written over a horizontal line.

Sylvie E. Roussel
Senior Counsel



CONFIDENTIAL

File No.: 1500-481

March 28, 2014

Mr. [REDACTED]
Director General
External Review and Liaison
Canadian Security Intelligence Service
1941 Ogilvie Road
Ottawa, Ontario K1J 1B7

Dear Mr. [REDACTED]

**RE: BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION (BCCLA) –
COMPLAINT AGAINST THE CANADIAN SECURITY INTELLIGENCE
SERVICE PURSUANT TO SECTION 41 OF THE CANADIAN SECURITY
INTELLIGENCE SERVICE ACT (CSIS Act)**

I wish to inform you that on March 20, 2014 the Security Intelligence Review Committee (Review Committee) received a letter of complaint against CSIS from Mr. Paul Champ, on behalf of his client BCCLA, a copy of which is enclosed. We have also included for your information a copy of a letter dated February 6, 2014 to the Review Committee which was also sent to the Director of CSIS as well as CSIS's response dated March 14, 2014.

On behalf of the Chair of the Review Committee, the Honourable Deborah Grey, P.C., O.C., I would appreciate your assistance by providing us with the opportunity to meet with your officials to review all information, records, references, etc., CSIS has relating to the National Energy Board's hearings regarding the Northern Gateway Project, Enbridge, Northern Gateway, Leadnow, ForestEthics Advocacy Association, the Council of Canadians, the Dogwood Initiative, EcoSociety, the Sierra Club of British Columbia, and Idle No More.

In addition, I would like to provide CSIS with the opportunity to make any representations regarding the Review Committee's jurisdiction to investigate the complaint of BCCLA. We ask that you kindly provide any representations on the foregoing issue by May 9, 2014. If you require additional time to make representations regarding the Review Committee's jurisdiction, I would ask that you kindly inform me as soon as possible. The Complainant is likewise being given the opportunity to make representations on the Review Committee's jurisdiction.

P.O. Box / C.P. 2430, Station / Succursale "D"
Ottawa, Canada K1P 5W5
Tel: 613 990-8441 Fax: 613 990-5230

8340/14

Page 53 of 320

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Should you have any questions, please do not hesitate to contact me at
(613) 990-8445.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Sylvie E. Roussel', written over a faint horizontal line.

Sylvie E. Roussel
Senior Counsel

Encl.: (3)

- Letter of complaint to the Review Committee dated February 6, 2014
- Letter to the Review Committee dated March 20, 2014
- Letter from the Assistant Director, Policy and Strategic Partnerships dated March 14, 2014 to the Complainant



Canadian
Security
Intelligence
Service

Service
canadien de
renseignement
de sécurité

Paul Champ
Champ & Associates
Counsel, British Columbia Civil Liberties Association
43 Florence Street
Ottawa, ON K2P 0W6

MAR 14 2014

Dear Mr. Champ:

Thank you for your letter dated February 6, 2014, in which you raise concerns, on behalf of your client, the BC Civil Liberties Association, relating to the investigation of groups and individuals associated with environmental activism.

The activities of the Canadian Security Intelligence Service (CSIS) are governed by the *CSIS Act*. Our mandate includes, under section 12 of the Act, investigating and advising the Government of Canada on activities that may on reasonable grounds be suspected of constituting threats to national security, defined in section 2 of the act, as: a) espionage or sabotage; b) foreign interference; c) terrorism and extremism; and d) subversion. The *CSIS Act* also does not constrain the provision of advice to any particular department, agency, or Minister of the Crown.

As you note, the *CSIS Act* expressly forbids the investigation of lawful advocacy, protest, or dissent. Such activities can only be investigated when they are carried out in conjunction with the threat-related activities cited above, again as stipulated by the *Act*. The Service's adherence to the *Act*, which is of course thoroughly reviewed annually by the Security Intelligence Review Committee (SIRC), is very well-established. In that regard I would encourage you to examine SIRC's most recent annual report and in particular its review of CSIS activities related to domestic investigations and emerging issues. In that review, SIRC found that the Service adhered to the law and internal policy, that the Service did not investigate "activities related only to legitimate protest and dissent," and that the Service was quick to terminate investigations when individuals were no longer involved in threat-related activity. The above referenced report can be found at www.sirc-csars.gc.ca.

In response to your concerns, as articulated in the four bullets outlined on pages 2 to 3 of your letter, it is difficult to respond insofar as credible specifics of any wrongdoing or improper conduct by the Service were not provided. The information and observations are largely speculative and based on third-party information. The Service can, however, assure you that that we conduct ourselves according to the law, policy, and Ministerial Direction.

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Canada
Page 57 of 326

I understand your concerns that Canadians engaged in peaceful advocacy and protest would be targeted illegitimately by a Government agency. In fact, the employees of CSIS are devoted to protecting Canada's national security and ensuring that the very rights of privacy and free speech which you refer to are indeed protected from individuals and groups who would reject peaceful democratic processes to attain their goals.

I trust that the foregoing has been of some assistance.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Tom Venner', with a stylized flourish extending to the right.

Tom Venner
Assistant Director
Policy and Strategic Partnerships

Our File: 1555

February 6, 2014

BY MAIL AND FACSIMILE

Ian McPhail, QC
Chair, Commission for Public Complaints against the RCMP
National Intake Office
PO Box 88689
Surrey, BC V3W 0X1

Dear Mr McPhail:

**Re: Surveillance of Canadian Citizens and Information Sharing
with the National Energy Board**

We are legal counsel for the British Columbia Civil Liberties Association ("BCCLA"). By this letter, our client is making a complaint pursuant to section 45.35(1) of the *Royal Canadian Mounted Police Act* regarding the improper and unlawful actions of Royal Canadian Mounted Police ("RCMP") members in gathering information about Canadian citizens and groups engaging in peaceful and lawful expressive activities, and sharing it with other government bodies and private sector actors.

As set out in greater detail below, recent media reports indicate that the National Energy Board ("NEB" or the "Board") has engaged in systematic information and intelligence gathering about organizations seeking to participate in the Board's Northern Gateway Project hearings. Records obtained under the *Access to Information Act* confirm that this information and intelligence gathering was undertaken with the cooperation and involvement of the RCMP and other law enforcement agencies, and that the RCMP participates in sharing intelligence information with the Board's security personnel, the Canadian Security Intelligence Service ("CSIS"), and private petroleum industry security firms. The records suggest that the targeted organizations are viewed as potential security risks simply because they advocate for the protection of the environment.

This complaint is directed at all RCMP members and officers participating in or commanding the impugned activities described in more detail in the body of this letter. In brief, BCCLA has serious concerns about the scope and extent of the RCMP's intelligence gathering activities and its practice of monitoring groups and organizations that seek to peacefully participate in public discourse about energy-related programs such as the Northern Gateway Project. BCCLA is particularly concerned about the chilling effect that

be peaceful, S/Sgt Steinhammer nevertheless advised that the RCMP would be "monitoring" this event. BCCLA is troubled that the RCMP would deem it necessary to monitor peaceful gatherings at which it has no expectation of criminal behaviour, threat to public safety or need to ensure the safety of demonstrators.

- Tim O'Neil, a Senior Criminal Intelligence Research Specialist with the RCMP's Critical Infrastructure Intelligence Team ("CITT"), wrote to Board staff regarding the risk of interference with NEB hearings by groups opposed to oilsands and pipeline development.⁵ Despite confirming that CITT has no intelligence indicating a criminal threat to the NEB or its members, O'Neil advises that CITT "will continue to monitor all aspects of the anti-petroleum industry movement," requests that an SPROS/SIR National Security database file be opened for this matter, and notes that this information is also being shared with CSIS. Again, BCCLA is troubled that the RCMP and CSIS would deem it necessary to monitor the activities of groups which it does not suspect of any criminality.
- Tim O'Neil's April 19, 2013 message was also copied to members of Natural Resources Canada, a government institution that organizes biannual "classified briefings" in which it has been reported that the RCMP and CSIS share information about security matters, including the monitoring of environmental organizations and activists, with the NEB and representatives of the energy industry.⁶ Indeed, O'Neil's email concludes by inviting recipients to discuss their concerns with security officials who will be attending the next NRCan Classified Briefing meeting.
- Based on redactions made pursuant to sub-paragraph 16(1)(c)(ii) of the *Access to Information Act*, it appears that RCMP and NEB security officers shared confidential-source information regarding events or individuals related to the Board's hearings.⁷ BCCLA finds this particularly troubling, as it suggests that the RCMP has been sharing sensitive aspects of its investigative and law enforcement work with an independent federal agency that performs an adjudicative function, not to mention industry representatives who are parties in the same hearings. Such information sharing may compromise these groups' ability to participate fully and effectively before the NEB, as industry representatives may be receive information that assists in advancing their position before the Board, and the Board itself may be made privy to unproven yet highly prejudicial allegations against individuals, groups, or organizations appearing before it.
- It appears highly likely that the "intelligence" shared with the NEB and industry representatives includes personal information about specific individuals. We further note that the Board subsequently shared some of this information with Tocra Inc, a

⁵ Email of T. O'Neil to R. Garber and 23 other recipients re "Security Concerns - National Energy Board," dated April 19, 2013 [A0008929_14-000014-16].

⁶ Matthew Millar, "Harper government's extensive spying on anti-oilsands groups revealed in FOIs," *The Vancouver Observer*, November 19, 2013; Matthew Millar, "Harper government officials, spies meet with energy industry in Ottawa," *The Vancouver Observer*, November 22, 2013.

⁷ See, for example, email chain dated January 18-21, 2013 [A0008929_87-000087-91]; email chain dated January 18, 2013 [A0008929_92-000092-93]; undated document addressed to NEB Panel and ENG Hearing Kelowna - Information Summary, dated January 22, 2013 [A0008929_80-000080-86].

public discourse or participate in proceedings before the Board. Police monitoring may also deter those who simply wish to meet with or join a group to learn more about a matter of public debate or otherwise exchange information or share views with others in their community. Indeed, BCCLA has already heard from several of the affected groups that members and prospective members of their organizations have expressed serious concerns and reluctance to participate in light of recent media reports of RCMP monitoring.¹⁰

BCCLA also notes that individuals and groups have a reasonable expectation of privacy in meeting and discussing matters of public interest or planning ways of lawfully exercising their *Charter*-protected assembly and expression rights. If the RCMP is involved in infiltrating these groups or is otherwise relying on confidential informants or covert intelligence gathering, then an inquiry must also be conducted into whether such activities amount to an unreasonable search in violation of section 8 of the *Charter*.

Finally, and in addition to this chilling effect on rights of free expression, assembly, and association, BCCLA is also concerned that the RCMP's ongoing collaboration and information sharing with the NEB and other interested parties may undermine the fairness of the Board's proceedings. In this regard, BCCLA is concerned that disclosing to the NEB that certain groups are of interest to or under investigation by the RCMP may prejudice their credibility when they appear before the Board as intervening parties. At a minimum, it strikes us as highly improper for the RCMP to gather information about a party to a judicial proceeding and to share that information directly with the tribunal and with another party to the proceeding, Enbridge. The disclosure of intelligence information to the Board or other interested parties may compromise the right of these groups or individuals to participate in or even attend proceedings in which they have clearly expressed an interest.

Conclusion

In light of all the foregoing, BCCLA asks that the Commission undertake a full investigation of the allegations described in this complaint and those RCMP members who are or may have been involved in targeting groups participating or seeking to participate in NEB hearings. We trust you will appreciate the urgency of this matter, and look forward to hearing from you regarding next steps in the complaint process as soon as possible. We remain available to address any questions or furnish any additional information which you may require in the course of your inquiry into this matter.

Yours truly,

Paul Champ

c: J. Paterson, Executive Director, BCCLA

¹⁰ BCCLA is prepared to provide the Commission with statements or other information from affected individuals and groups as to the impact of news reports of RCMP surveillance on group membership and participation upon request or at such later stage as may be appropriate.

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Paul Champ
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Our File: 1555

March 20, 2014

BY FACSIMILE - 613-990-5230

Sylvie E Roussel, Senior Counsel
Security Intelligence Review Committee
PO Box 2430, Station "D"
Ottawa, ON K1P 5W5

Dear Ms Roussel:

**Re: British Columbia Civil Liberties Association
Complaint re CSIS Surveillance and Information Sharing with the NEB
SIRC File No.: 1500-481**

We are writing further to your letter of March 18, 2014 regarding the complaint by the British Columbia Civil Liberties Association ("BCCLA") dated February 6, 2014.

As you know, BCCLA's February 6 complaint was copied to Michel Coulombe, Interim Director of the Canadian Security Intelligence Service ("CSIS") pursuant to section 41 of the CSIS Act. We have today received a response from CSIS in this matter [see attached].

As you will see from Mr Venner's letter, CSIS has provided no substantive response to the serious concerns raised by BCCLA's complaint. Rather, CSIS simply notes its statutory obligations and the oversight provided by SIRC, but declines to respond to the specific concerns raised in BCCLA's complaint. It is particularly troubling that Mr Venner's letter gives no indication that CSIS has conducted any inquiries or review of the matters referred to in BCCLA's complaint whatsoever.

In these circumstances, it is BCCLA's position that CSIS has failed to provide any substantive response to its complaint. Accordingly, we hereby ask the Review Committee to commence its investigation of BCCLA's complaint without further delay.

- 2 -

We look forward to hearing from you in the very near future regarding next steps in the complaint process, and remain available to address any questions or furnish any additional information which you may require in the course of your inquiry into this matter.

Yours truly,


For Paul Champ
encl.

cc: J. Paterson, Executive Director, BCCLA
R. Mangat, BCCLA

file



Canadian
Security
Intelligence
Service

Service
canadien du
renseignement
de sécurité

Paul Champ
Champ & Associates
Counsel, British Columbia Civil Liberties Association
43 Florence Street
Ottawa, ON K2P 0W6

MAR 14 2014

Dear Mr. Champ:

Thank you for your letter dated February 6, 2014, in which you raise concerns, on behalf of your client, the BC Civil Liberties Association, relating to the investigation of groups and individuals associated with environmental activism.

The activities of the Canadian Security Intelligence Service (CSIS) are governed by the *CSIS Act*. Our mandate includes, under section 12 of the Act, investigating and advising the Government of Canada on activities that may on reasonable grounds be suspected of constituting threats to national security, defined in section 2 of the act, as: a) espionage or sabotage; b) foreign interference; c) terrorism and extremism; and d) subversion. The *CSIS Act* also does not constrain the provision of advice to any particular department, agency, or Minister of the Crown.

As you note, the *CSIS Act* expressly forbids the investigation of lawful advocacy, protest, or dissent. Such activities can only be investigated when they are carried out in conjunction with the threat-related activities cited above, again as stipulated by the *Act*. The Service's adherence to the *Act*, which is of course thoroughly reviewed annually by the Security Intelligence Review Committee (SIRC), is very well-established. In that regard I would encourage you to examine SIRC's most recent annual report and in particular its review of CSIS activities related to domestic investigations and emerging issues. In that review, SIRC found that the Service adhered to the law and internal policy, that the Service did not investigate "activities related only to legitimate protest and dissent," and that the Service was quick to terminate investigations when individuals were no longer involved in threat-related activity. The above referenced report can be found at www.sirc-csars.gc.ca.

In response to your concerns, as articulated in the four bullets outlined on pages 2 to 3 of your letter, it is difficult to respond insofar as credible specifics of any wrongdoing or improper conduct by the Service were not provided. The information and observations are largely speculative and based on third-party information. The Service can, however, assure you that that we conduct ourselves according to the law, policy, and Ministerial Direction.

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Canada
Page 71 of 326

I understand your concerns that Canadians engaged in peaceful advocacy and protest would be targeted illegitimately by a Government agency. In fact, the employees of CSIS are devoted to protecting Canada's national security and ensuring that the very rights of privacy and free speech which you refer to are indeed protected from individuals and groups who would reject peaceful democratic processes to attain their goals.

I trust that the foregoing has been of some assistance.

Yours sincerely,



Tom Venner
Assistant Director
Policy and Strategic Partnerships

Our File: 1555

February 6, 2014

BY COURIER

Shayna Stawicki, Registrar
Security Intelligence Review Committee
122 Bank Street, Suite 200
Ottawa, ON K1P 5N6

RECEIVED

FEB 06 2014

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150-481:01
Stawicki 2/6/14
Champlaw
Mace P. 7/2/14 2/1/14

Dear Ms Stawicki:

**Re: Surveillance of Canadian Citizens and Information Sharing
with the National Energy Board**

We are legal counsel for the British Columbia Civil Liberties Association ("BCCLA"). By this letter, our client is making a complaint pursuant to section 41 of the *Canadian Security Intelligence Service Act* regarding the improper and unlawful actions of the Canadian Security Intelligence Service ("CSIS" or "the Service") in gathering information about Canadian citizens and groups engaging in peaceful and lawful expressive activities, and sharing it with other government bodies and private sector actors.

As set out in greater detail below, recent media reports indicate that the National Energy Board ("NEB" or the "Board") has engaged in systematic information and intelligence gathering about organizations seeking to participate in the Board's Northern Gateway Project hearings. Records obtained under the *Access to Information Act* confirm that this information and intelligence gathering was undertaken with the co-operation and involvement of CSIS and other law enforcement agencies, and that CSIS participates in sharing intelligence information with the Board's security personnel, the Royal Canadian Mounted Police ("RCMP"), and private petroleum industry security firms. The records suggest that the targeted organizations are viewed as potential security risks simply because they advocate for the protection of the environment.

This complaint is directed at all CSIS employees participating in, directing or supervising the impugned activities described in more detail in the body of this letter. In brief, BCCLA has serious concerns about the scope and extent of the Service's intelligence gathering activities and its practice of monitoring groups and organizations that seek to peacefully participate in public discourse about energy-related programs such as the Northern Gateway Project. BCCLA is particularly concerned about the chilling effect that such intelligence gathering and sharing will have on participation in the Board's proceedings, as

it appears to criminalize what is intended to be a forum for public expression and engagement in decision-making processes regarding projects of significant public interest. These activities violate sections 2(b), 2(c), 2(d) and 8 of the *Canadian Charter of Rights and Freedoms*, and are not authorized by section 12 of the *CSIS Act*.

Background and Specific Concerns

For the past few years, BCCLA has become increasingly alarmed by reports about the interest expressed by Canadian law enforcement and security agencies in organizations engaged in environmental advocacy. Last year, media reports documented these agencies describing such groups as “a growing radicalized environmentalist faction within Canadian society that is opposed to Canada’s energy sector policies”.¹ Subsequent media reports have suggested that CSIS and other government agencies regard protests and opposition relating to the petroleum industry as threats to national security.²

Most recently, the media has reported that CSIS worked with and shared information with the NEB about so-called “radicalised environmentalist” groups seeking to participate in the Board’s hearings regarding the Northern Gateway Project.³ These groups, which include Leadnow, ForestEthics Advocacy Association, the Council of Canadians, the Dogwood Initiative, EcoSociety, and the Sierra Club of British Columbia, have well-established records of engagement and advocacy on a wide range of public issues. Also included was the relatively newer social and political movement for Indigenous rights, Idle No More. None of these groups are criminal organizations, nor do they have any history of advocating, encouraging, or participating in criminal activity.

BCCLA has reviewed the *Access to Information Act* records upon which these recent media reports were based, and has also been contacted by many individuals involved with these organizations. BCCLA has serious concerns about the Service’s involvement and conduct in this matter. In particular, we note the following:

- Documents released by the NEB indicate that CSIS provided the Board with intelligence information beyond the open-source information its own security staff were capable of gathering. Richard Garber, the NEB’s Group Leader of Security, wrote in a January 31, 2013 email that the Board’s security team had consulted with CSIS “at national and regional levels,” noting that they would continue monitoring all sources of information and intelligence together with police and intelligence partners.⁴ The NEB’s “threat assessments” pertaining to hearings in Kelowna and Prince Rupert confirm that the Board consulted with “national-level intelligence

¹ Jim Bronskill, “RCMP Concerned About ‘Radicalized Environmentalist’ Groups Such As Greenpeace: Report,” *The Canadian Press*, July 29, 2012.

² Stephen Leahy, “Canada’s environmental activists seen as ‘threat to national security,’” *The Guardian*, February 14, 2013.

³ Shawn McCarthy, “CSIS, RCMP monitored activist groups before Northern Gateway hearings,” *The Globe and Mail*, November 21, 2013; Krystle Alarcon and Matthew Millar, “Harper government under fire for spying on environmental groups,” *The Vancouver Observer*, November 21, 2013; Matthew Millar, “Harper government officials, spies meet with energy industry in Ottawa,” *The Vancouver Observer*, November 22, 2013.

⁴ Email of R. Garber re Prince Rupert security assessment, dated January 31, 2013 [A0008929_37-000037-38].

resources" including "the Canadian Security Intelligence Service, both National Headquarters and Regional offices."⁵ BCCLA finds it disturbing that CSIS would provide such high-level intelligence to an arms-length government adjudicative body such as the NEB, particularly since national and local police had no expectation of any criminal activity in connection with the Board's proceedings.

- A member of the RCMP's Critical Infrastructure Intelligence Team ("CIIT") wrote to NEB staff and at least one CSIS official, [REDACTED] on April 19, 2013 regarding the risk of interference with the Board's hearings by groups opposed to oilsands and pipeline development.⁶ Despite acknowledging that CIIT had no intelligence indicating a criminal threat to the NEB or its members, the email advises that CIIT "will continue to monitor all aspects of the anti-petroleum industry movement" and confirms that this information is also being shared with CSIS. Again, BCCLA is troubled that CSIS and the RCMP would deem it necessary to share information and monitor the activities of groups and individuals who are not suspected of any criminality.
- The April 19, 2013 email also refers to the biannual "NRCan Classified Briefings" held by Natural Resources Canada, at which CSIS and the RCMP share information about security matters, including the monitoring of environmental organizations and activists, with the NEB and representatives of the energy industry.⁷ Indeed, the email invites the Board's representatives to discuss their concerns with security officials at the next NRCan Classified Briefing meeting. Such information sharing may compromise the ability of individuals, groups, and organizations to participate fully and effectively before the NEB, as industry representatives may be receive information that assists in advancing their position before the Board, and the Board itself may be made privy to unproven yet highly prejudicial allegations against some of the parties appearing before it.
- Finally, it appears highly likely that "intelligence" gathered by CSIS and shared with the NEB and industry representatives includes personal information about specific individuals.

Chilling Effect on Free Expression and Violations of Privacy

Freedom of expression is among the most fundamental of rights possessed by Canadians, and is guaranteed by section 2(b) of the *Canadian Charter of Rights and Freedoms*. Similarly, sections 2(c) and (d) of the *Charter* protect historically powerful modes of

⁵ National Energy Board, "Appendix 9: Enbridge Northern Gateway Project Integrated Security, Logistics and Communications Plan: Kelowna," dated January 24, 2013 [A0008929_61-000061]; National Energy Board, "Appendix 11: Enbridge Northern Gateway Project Security Plan: Prince Rupert," dated January 23, 2013 [A0008929_77-000077].

⁶ Email of T. O'Neil to R. Garber and 23 other recipients re "Security Concerns - National Energy Board," dated April 19, 2013 [A0008929_14-000014-15].

⁷ Matthew Millar, "Harper government's extensive spying on anti-oilsands groups revealed in FOIs," *The Vancouver Observer*, November 19, 2013; Matthew Millar, "Harper government officials, spies meet with energy industry in Ottawa," *The Vancouver Observer*, November 22, 2013.

co. tive expression, namely peaceful assembly and association. Protecting democratic discourse and participation in decision-making is a core rationale for these freedoms. The Supreme Court of Canada has repeatedly emphasized the paramount importance of free expression to Canadian society. As Chief Justice McLachlin stated in *Grant v Torstar Corp*, “free expression is essential to the proper functioning of democratic governance.” For this reason, “freewheeling debate on matters of public interest is to be encouraged” because the truth-seeking function of public debate is dependent on the free flow of information and expression of diverse opinions.⁸

Any state action that discourages or deters individuals from engaging in free expression infringes section 2(b) of the *Charter*. Such violations are particularly egregious when they restrict expression concerning public affairs. BCCLA maintains that monitoring, surveillance, and information sharing with other government agencies and private sector interests creates a chilling effect for groups and individuals who may wish to engage in public discourse or participate in proceedings before the Board. Such scrutiny may also deter those who simply wish to meet with or join a group to learn more about a matter of public debate or otherwise exchange information or share views with others in their community. Indeed, BCCLA has already heard from several of the affected groups that members and prospective members of their organizations have expressed serious concerns and reluctance to participate in light of recent media reports of monitoring by law enforcement and security agencies.⁹

BCCLA also notes that individuals and groups have a reasonable expectation of privacy in meeting to discuss matters of public interest or planning ways of lawfully exercising their *Charter*-protected assembly and expression rights. If CSIS is involved in infiltrating these groups or is otherwise relying on confidential informants or covert intelligence gathering, then an inquiry must also be conducted into whether such activities amount to an unreasonable search in violation of section 8 of the *Charter*.

CSIS officials appear to equate advocacy for the environment at the expense of the petroleum industry as “a threat to the security of Canada”. But opposing certain energy sector policies, even those viewed as key national policies to the government of the day, does not constitute subversion or a threat to national security. The evidence confirms that the groups were not suspected of any criminal activity, and were planning only to express their opinions to decision-makers and the public at large. That is a core democratic activity that should not attract the attention of CSIS. Indeed, the *CSIS Act* makes clear that “lawful advocacy, protest or dissent” cannot be regarded as threat to national security. Accordingly, monitoring and surveillance of these groups was not authorized by section 12 of the *CSIS Act*, and constituted a breach of privacy and an unreasonable search pursuant to section 8 of the *Charter*.

Finally, BCCLA is also concerned that the Service’s ongoing collaboration and information sharing with the NEB and other interested parties may undermine the fairness of the Board’s proceedings. In this regard, BCCLA is concerned that disclosing to the NEB that

⁸ *Grant v Torstar Corp*, 2009 SCC 61 at paras. 48 and 52.

⁹ BCCLA is prepared to provide the Committee with statements or other information from affected individuals and groups as to the impact of news reports of surveillance by law enforcement and security agencies on group membership and participation upon request or at such later stage as may be appropriate.

ce. If groups are of interest to or under investigation by CSIS may prejudice their credibility when they appear before the Board as intervening parties. As such, disclosure of intelligence information to the Board or other interested parties may compromise the right of these groups or individuals to participate in or even attend proceedings in which they have clearly expressed an interest. Moreover, CSIS is only authorized under section 12 of the *CSIS Act* to report intelligence or information to the Government of Canada, which would not include private sector actors or the arms-length NEB.

Conflict of Interest

Recent media reports have identified several SIRC committee members who maintain close relationships with Enbridge and the petroleum industry. Given the subject-matter of this complaint, including allegations of inappropriate or unlawful collaboration between CSIS, the National Energy Board, and petroleum industry representatives (including Enbridge and Northern Gateway in particular), these ties raise serious concerns about conflict of interest, independence, and reasonable apprehension of bias.

BCCLA was therefore pleased to learn that the Hon. Chuck Strahl had done the right thing by voluntarily stepping down as SIRC Chair after it emerged that he is also registered as a lobbyist on behalf of Enbridge's Northern Gateway Pipelines project.¹⁰ However, BCCLA remains concerned that other SIRC committee members may have similar conflicts arising from their close ties to the petroleum industry and controversial pipeline projects. In particular, we note that SIRC member Denis Losier currently sits on the board of directors for Enbridge NB, a wholly-owned Enbridge subsidiary, while SIRC member Yves Fortier previously sat on the board of TransCanada Pipelines, the company that is now behind the proposed Keystone XL project.¹¹

Not only do these companies have direct and significant financial interests in the outcome of NEB proceedings, but they are also squarely implicated in matters raised in this complaint. For example, the above-mentioned "NRCan Classified Briefings," at which CSIS shared intelligence information with NEB and petroleum industry representatives, were sponsored by Enbridge.¹² In our view, the involvement in this complaint of any SIRC committee member who also works with the petroleum industry gives rise to a clear conflict of interest and reasonable apprehension of bias. In addition, participating in the investigation of this complaint could provide these individuals with information or insight which may be extremely valuable to their petroleum industry clients.

Given these serious concerns, BCCLA maintains that any Review Committee members having ties to the petroleum industry must recuse themselves from any participation or involvement in the investigation of this complaint, and no other member who may have similar ties to the petroleum industry should be designated to act in respect of this matter.

¹⁰ Matthew Millar, "Canada's top spy watchdog lobbying for Enbridge Northern Gateway pipeline," *The Vancouver Observer*, January 4, 2014.

¹¹ Greg Weston, "Other spy watchdogs have ties to oil business," *CBC News*, January 10, 2014.

¹² Matthew Millar, "Harper government's extensive spying on anti-oilsands groups revealed in FOIs," *The Vancouver Observer*, November 19, 2013.

Conclusion

In light of the foregoing, BCCLA asks that the Committee undertake a full investigation of the allegations described in this complaint and those CSIS members who are or may have been involved in targeting groups participating or seeking to participate in NEB hearings. You will note that this letter is copied to Michel Coulombe, Interim Director of CSIS. As such, our letter also constitutes a complaint to the Director, as required under section 41 of the CSIS Act. As we anticipate that CSIS will issue its final response within thirty days, we would ask SIRC to take the preliminary steps needed to commence its review of the within complaint by appointing a member of the Committee to investigate this matter, keeping in mind the conflict of interest and bias concerns discussed above.

In particular, we expect the investigation to address the following questions:

- Why is CSIS (and other branches of Canadian law enforcement and security apparatus) monitoring public interest, environmental and advocacy groups, in particular Leadnow, ForestEthics Advocacy Association, Council of Canadians, the Dogwood Initiative, EcoSociety, the Sierra Club of British Columbia, and Idle No More, despite an absence of any basis for believing that these groups have engaged in criminal wrongdoing?
- For how long has CSIS been involved in surveillance of these, and other, groups?
- Under what law, regulation or other authority is CSIS acting when it monitors these groups?
- Why is CSIS sharing information about public interest, environmental and advocacy groups with members of the petroleum industry?
- Under what authority is CSIS acting when sharing intelligence concerning these groups with members of the petroleum industry?
- What information has been conveyed by CSIS to members of the petroleum industry? (We request copies of any notes, transcripts or recordings of these communications.)

We trust you will appreciate the urgency of this matter, and look forward to hearing from you regarding next steps in the complaint process as soon as possible. We remain available to address any questions or furnish any additional information which you may require in the course of your inquiry into this matter.

Yours truly,


Paul Champ

c: J. Paterson, Executive Director, BCCLA
M. Coulombe, Interim Director, CSIS

Rights

Equality

Dignity

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FILE

November 28, 2012

THE
POST

POLITICS

CANADA

RCMP Concerned About 'Radicalized Environmentalist' Groups Such As Greenpeace: Report

CP | By Jan Bronckell, The Canadian Press
Posted: 07/29/2012 5:03 am Updated: 07/29/2012 10:33 am

THE CANADIAN PRESS *** OTTAWA - There is a "growing radicalized environmentalist faction" in Canada that is opposed to the country's energy sector policies, warns a newly declassified intelligence report.

The RCMP criminal intelligence assessment, focusing on Canadian waters, cites potential dangers from environmental activists to offshore oil platforms and hazardous marine shipments, representing perhaps the starkest assessment of such threats by the Canadian security community to date.

The report drew a sharp dismissal from Greenpeace — a prominent environmental group singled out in the document — which suggested it could simply be an effort by security authorities to tell the Harper government what it wants to hear.

The Canadian Press obtained a heavily censored copy of the September 2011 threat assessment of marine-related issues under the Access to Information Act.

The report was compiled by the Mounties with input from the Canada Border Services Agency, Canadian Security Intelligence Service, Defence Department, Fisheries and Oceans and Transport Canada. Contributing agencies reviewed the resulting assessment.

"The Canadian law enforcement and security intelligence community have noted a growing radicalized environmentalist faction within Canadian society that is opposed to Canada's energy sector policies," says the report.

"Greenpeace is opposed to the development of Canada's Arctic region, as well as Canada's offshore petroleum industry. Criminal activity by Greenpeace activists typically consists of trespassing, mischief, and vandalism, and often requires a law enforcement response.

"Greenpeace actions unnecessarily risk the health and safety of the activists, the facility's staff, and the first responders who are required to extricate the activists."

Recent protests off the coast of Greenland involving Greenpeace vessels MV Esperanza and Arctic Sunrise "highlight the need to be prepared for potential threats to the safety and security of offshore oil and gas platforms."

"Tactics employed by activist groups are intended to intimidate and have the potential to escalate to violence."

For years CSIS has cited the potential for the most extreme environmentalists to resort to violence. But some critics have accused the Conservative government of taking the message much further with none-too-subtle warnings about "environmental and other radical groups" bent on derailing major oil, forestry and mining projects.

Yossi Cadan, campaigns director for Greenpeace Canada, said while group members sometimes trespass on private property to make their point, the group shuns violence.

"We're peaceful and non-violent. We are taking direct actions, but it's never violent," he said, adding "safety is a No. 1 priority for us."

"There is a difference between breaking the law and criminal activities," Cadan added.

"It's true that the distance between the government policy and the environmental movement is growing, but I don't think that the movement is getting more radical."

It seems like anyone who disagrees with the government on subjects such as the Alberta oil sands "has become an enemy in many ways," he said.

Cadan accused the federal government of trying to avoid the real issues by publicly attacking opponents. "It's not going to work because we are going to continue and focus on the environmental issues."

For its part, CSIS denies any ideological bias against environmental activists, saying in a recently declassified memo from earlier this year that, "Needless to say, such accusations are patently untrue."

Overall, the 2011 RCMP-led assessment of Canadian waters found criminal organizations continue to exploit marine ports, waterways and waterside infrastructure to smuggle drugs, people and other commodities including stolen vehicles.

In addition, the report says illegal fishing remains a problem, and Canada's expertise in maritime and scientific fields makes it "an attractive target for espionage."

Increased accessibility to ice-free Arctic waterways may also result in greater commercial fishing and vessel activity, says the report. Increased port in traffic, along with a commercial fisheries ban in the Beaufort Sea, "could lead to an increase in illegal, unreported and unregulated" fishing in the Arctic, it adds.

The assessment concludes there is a need for strategies "to detect and disrupt threats" before they occur.

END OF REPORT

Canada's environmental activists seen as 'threat to national security'

Police and security agencies describe green groups' protests and petitions as 'forms of attack'; documents reveal

- [Stephen Leahy](#) in Uxbridge, Canada
- [theguardian.com](#), Thursday 14 February 2013 17:41 GMT



Canadian government agencies have been accused of conflating extremism with peaceful protests, such as the ongoing campaign against Keystone XL tar sands pipeline project. Photograph: Jonathan Ernst/Reuters

Monitoring of environmental activists in Canada by the country's police and security agencies has become the "new normal", according to a researcher who has analysed security documents released under freedom of information laws.

Security and police agencies have been increasingly conflating terrorism and extremism with peaceful citizens exercising their democratic rights to organise petitions, protest and question government policies, said Jeffrey Monaghan of the Surveillance Studies Centre at Queen's University in Kingston, Ontario.

The RCMP, Canada's national police force, and the Canadian Security Intelligence Service (CSIS) view activist activities such as blocking access to roads or buildings as "forms of attack" and depict those involved as national security threats, according to the documents.

Protests and opposition to Canada's resource-based economy, especially oil and gas production, are now viewed as threats to national security, Monaghan said. In 2011 a Montreal, Quebec man who wrote letters opposing shale gas fracking was charged under Canada's Anti-Terrorism Act. Documents released in January show the RCMP has been monitoring Quebec residents who oppose fracking.

"Any Canadians going to protest the Keystone XL pipeline in Washington DC on Sunday had better take precautions," Monaghan said.

In a Canadian Senate committee on national security and defence meeting Monday Feb 11 Richard Fadden, the director of CSIS said they are more worried about domestic terrorism, acknowledging that the vast majority of its spying is done within Canada. Fadden said they are "following a number of cases where we think people might be inclined to acts of terrorism".

Canada is at very low risk from foreign terrorists but like the US it has built a large security apparatus following 9/11. The resources and costs are wildly out of proportion to the risk said Monaghan.

"It's the new normal now for Canada's security agencies to watch the activities of environmental organisations," he said.

Surveillance and infiltration of environmental protest movement has been routine in the UK for some time. In 2011 a Guardian investigation revealed that a Met police officer had been living undercover for seven years infiltrating dozens of protest groups.

Canadian security forces seem to have a "fixation" with Greenpeace, continually describing them as "potentially violent" in threat assessment documents, said Monaghan.

"We're aware of this" said Greenpeace Canada's executive director Bruce Cox, who met the head of the RCMP last year. "We're an outspoken voice for non-violence and this was made clear to the RCMP," Cox said.

He said there was real anger among Canadians about the degradation of the natural environment by oil, gas and other extractive industries and governments working for those industries and not in the public interest. Security forces should see Greenpeace as a "plus", a non-violent outlet for this anger, he argued. "It is governments and fossil fuel industry who are the extremists, threatening the prosperity of future generations."

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THE GLOBE AND MAIL

November 21, 2013

CSIS, RCMP monitored activist groups before Northern Gateway hearings

By SHAWN MCCARTHY

The National Energy Board worked with police to monitor risk posed by environmental groups and First Nations

The National Energy Board worked with the RCMP and Canadian Security Intelligence Service to monitor the risk posed by environmental groups and First Nations in advance of public hearings into Enbridge Inc.'s Northern Gateway project, documents released under Access to Information regulations reveal.

In one e-mail, dated April 19, a member of the RCMP's Critical Infrastructure Intelligence Team warns that the federal government's efforts to exclude activist groups from regulatory hearings could result in protesters "targeting" NEB panel members.

"These new hearing procedures have refocused protest activity from the content of the hearings to the conduct of the hearings," Tim O'Neil, an Ottawa-based RCMP "research specialist" says.

The e-mail — with the subject heading "Security Concerns — National Energy Board — was sent to a number of federal officials, including NEB's chief security officer Richard Garber.

Noting "sustained opposition" to oil sands expansion, Mr. O'Neil said it was "highly likely that the NEB may expect to receive threats to its hearings and its board members."

However in an extensive e-mail chain, Mr. Garber and other RCMP analysts said they had not identified any threats or criminal activity, and that protests against the project had so far been peaceful.

The police monitoring of regulatory hearings reflects the growing tension around certain resource projects, as pipeline companies seek NEB approval for a series of highly controversial plans aimed at bringing Alberta crude to new markets. Those include Enbridge Inc.'s Northern Gateway through B.C. and the Line 9 reversal, which would transport western crude through Ontario to Montreal, as well as TransCanada Corp.'s Energy East line that would ship 1.1-million barrels per day to refineries and export terminals in eastern Canada. The projects face fierce opposition from environmentalists, as well as some First Nations communities.

Activists in the U.S. are pledging a campaign of non-violent civil disobedience if President Barack Obama approves TransCanada's Keystone XL pipeline.

The documents were obtained under Access to Information by an Ottawa-based media outlet Blacklock Group and released to ForestEthics Advocacy, which was among the groups monitored by the RCMP.

"This a light-year leap in the level of paranoia and government action to protect the profits of private companies," Toronto lawyer Clayton Ruby said Thursday. Mr. Ruby, who is chairman of ForestEthics Advocacy, said environmental groups typically endorse only lawful protests. In the rare instances civil disobedience is used as a tactic, it remains peaceful, he added.

The documents make it clear that police have informants from movements like the aboriginal Idle No More move. They also make reference to police monitoring of the websites, press releases, social media and other public statements of environmental groups including the Council of Canadians, the Dogwood Initiative, the Sierra Club of British Columbia and ForestEthics.

According to other documents previously disclosed under Access to Information, The RCMP and CSIS have identified "extremist" environmental groups and aboriginal protesters as a potential source of domestic terrorism, thereby justifying the monitoring and infiltration of such groups. An RCMP spokesman was unable to comment on the documents on Thursday.

NEB spokeswoman Sarah Kiley said the board was merely doing routine security reviews to ensure the Northern Gateway hearing would remain safe and peaceful.

"Under the Canada Labour Code, we are required to ensure the safety of our NEB staff and NEB members and we would extend that to participants in the hearings," Ms. Kiley said. "As part of that, we would have a look at the environment to see if there is anything that we should be aware of and make our plans accordingly."

She added she was not aware of any threat that prompted the contact with police and CSIS.

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Pub 1 on *The Vancouver Observer* (<http://www.vancouverobserver.com>)

Harper government under fire for spying on environmental groups

Green leaders and members of Parliament react to FOIs obtained by the Vancouver Observer that revealed the National Energy Board was coordinating spying efforts on environmental groups.

Krystle Alarcon and Matthew Millar

Posted: Nov 21st, 2013

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Politicians, environmentalists and First Nations alike are infuriated that the federal government worked hand-in-hand with the oil industry to spy on groups that opposed pipeline projects.

Documents obtained by the Vancouver Observer under the Access to Information Privacy Act revealed that the National Energy Board, an independent regulatory agency, coordinated with the Canadian Security Intelligence Service (CSIS), the police, and oil companies.

"It's the death of democracy if you've got non-violent, law-abiding First Nations, environmentalists and Canadian groups of all kinds being subjected to surveillance then handed over to industry groups. Frankly, it's scary," said Elizabeth May, the MP and Green Party leader. "What Stephen Harper has essentially done is to take the spy agencies of the federal government of Canada and put them at the service of private companies like Enbridge."

The board coordinated the gathering of intelligence on opponents to the oil sands before the Joint Review Panel hearings on the proposed Enbridge pipeline, which will carry up to 525,000 barrels of oil everyday from Alberta to Kitimat in northern BC.

Emails between the board and CSIS looked at groups that work for environmental protections and democratic rights, including Idle No More, ForestEthics, Sierra Club, EcoSociety, LeadNow, Dogwood Initiative, Council of Canadians and the People's Summit.

May, who was in Poland for the United Nations conference on climate change, was alarmed by the private-public sector partnership.

Even the innuendos within the exchanges of emails between the board and CSIS alarmed her.

"The assumption in the briefing documents (of the NEB) is that somehow we pose a threat to the state because we are potentially a security threat," which could lead into using the new anti-terrorism law against opponents, May said.

In a letter called, "Can you keep a secret?" last month, May already raised red flags about CSIS working too close with industry, as it spied on Brazil's mining industry and gave their findings to Canadian energy companies.

The Green Party, NDP and Liberal Party criticized the Conservative government after finding out about the board's involvement with intelligence agents.

"I wonder if I'm under investigation, I raised questions about the Enbridge pipeline," said Nathan Cullen, the MP and NDP House Leader.

He called the relationship between the board and CSIS disturbing: "It's very Canadian to be involved in your community. It's very un-Canadian to run the country like Joe McCarthy looking for enemies of the state just because they disagree with you."

Liberal Party MP and environment critic John McKay expressed similar outrage. "If Canadians can't intervene on an issue in a manner where you feel comfortable, and without being 'blacklisted,' then this speaks to the diminishing quality of democracy," he said.

McKay was referencing how environmental groups were allegedly blacklisted as enemies of the Government of Canada last year.

He further slammed the board for its coordination efforts with CSIS and the RCMP. "These are 'sham hearings – a moot court' only carrying out the work of the Harper government," McKay argued.

Liberal MP Joyce Murray said that the NEB's neutrality had been compromised by the current administration.

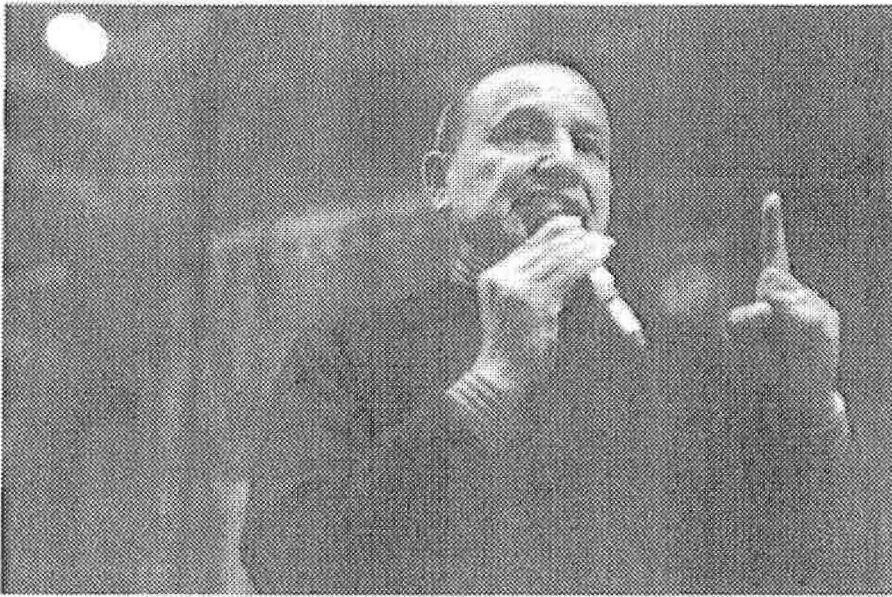
"It's supposed to be a neutral agency. In fact it is controlled by the government, so the question in my mind is, was it the government that instructed the NEB to do this?"

NDP environmental critic Megan Leslie said, "Canadians should push back".

Council of Canadians environment campaigner Andrea Harden-Donahue said, "The NEB is meant to be an independent federal agency, not a spy watch dog. This is yet another example of the NEB failing to meet its mandate."

"Third World police state"

Grand Chief Stewart Philip was outraged that the Idle No More movement was spied upon, he said, adding, "I'm shocked that the National Energy Board would do such a thing. It's a gross infringement on our freedom of speech and freedom and right to free assembly. It smacks of Third World police state."



Grand Chief Stewart Phillip, head of Union of BC Indian Chiefs. Photo by David P. Ball (davidpball.com)

One environmentalist is worried the government taps her phone line. "It makes any person who acts openly on their desires to see Canada have a clean future become second-class citizens," said Valerie Langer, with ForestEthics Solutions. "Everything we do is perfectly clear. We do not hide from what we see as industrial exploitation that is threatening the environment and the people."

She added that, "We will keep doing what we do best which is to mobilize people. We will continue to do our work."

Will Horter, of the Dogwood Initiative said the spying was a waste of taxpayers' money. One email in particular, that focused on the Dogwood Initiative's event in a Kelowna church on Jan.27, was "farical", he said. "We were training participants on how to be better story makers and sign makers. What appears to have triggered the surveillance is that we worked with a number of people to participate in a public process," he said. "This will reinvigorate us if anything."

Harper will stop at nothing, he said, adding that "he has gutted the environmental laws, changed the hearing policies midstream, cut funding for vital organizations. He's done a lot of things governments haven't done before. I can see him fix the spy agencies on Canadians."

Cullen said he will file for his own access to confidential government documents, but added that it will be hard to get CSIS to disclose anything.

"The government would be able to say they operated at arms length... so we need to drag the CSIS national director into this," he said.

Grand Chief Stewart Philip plans on talking to his legal counsel. He will also consult with British Columbia Civil Liberties Association and Amnesty International, he said. "We will not stand down, regardless of this secret state mentality of the Harper government infringing upon our legal rights."

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Harper government officials, spies meet with energy industry in Ottawa

Matthew Millar

Posted: Nov 22nd, 2013

(Page 1 of)

Government spies and energy stakeholders met in Ottawa yesterday to discuss issues of national security, including the monitoring of environmental organizations and activists.

- Harper government's extensive spying on anti-oil sands groups revealed in FOIs

This meeting is the second of bi-annual "classified briefings" held at CSIS headquarters in Ottawa, bringing together federal agencies, spies, and private industry stakeholders with high level security clearances, including officials from energy companies in the oil, natural gas, pipeline, petroleum refinery and electricity sectors.

The last briefing was held on May 23 and was sponsored by Enbridge, Brookfield and Bruce Power.

In attendance at prior briefings were representatives from the RCMP, CSIS, NEB, DND (Department of National Defence) and also the Communications Security Establishment (CSEC), a federal agency that spies mainly on foreigners by hacking into their computers, reading their email and intercepting their phone calls. It was reported last month in documents released by whistle blower Edward Snowden that CSEC has spied on computers and smartphones affiliated with Brazil's mining and energy ministry in a bid to gain economic intelligence.

The purpose of the classified briefing is to provide intelligence to select energy representatives, while encouraging the private sector to brief the Canadian Intelligence and law-enforcement community on issues that they would not "normally be privy to".

"From my experience, these briefings provide an excellent forum to build the relationships required to assist the RCMP within its investigations" writes Tim O'Neil, RCMP Senior Criminal Research Specialist in an email sent in advance of a 2012 briefing. The energy sector representatives all possess at least a Level II (Secret) Security Clearance. There are three levels of clearance, as defined by the Policy of Government Security: Confidential (Level I), Secret (Level II) and Top Secret (Level III).

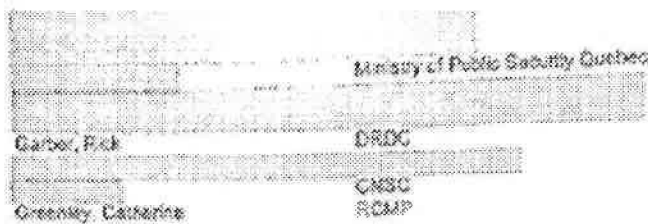
Documents published earlier this week reveal the cooperation of the RCMP, CSIS and the National Energy Board in the gathering of intelligence on oil sands opponents, including advocacy organizations and First Nations groups.

"These are legitimate spokespersons, relating concerns that people have on the environmental impacts of Conservative and industry plans", said Liberal MP Joyce Murray, who suggests that these actions are part of an intimidation campaign by Prime Minister Stephen Harper and his government.

The documents, 140 pages of emails and operations plans from December 2012 to April 2013, show Richard "Rick" Garber, the NEB's "Group Leader of Security" overseeing the cooperation of RCMP, CSIS and

priv - energy companies.

In a list of 2011 briefing attendees obtained last night, Garber is identified as a representative of DRDC, an agency of Canada's Department of National Defence (DND).



Click on image to enlarge.

DRDC provides DND, the Canadian Armed Forces and other government departments as well as the public safety and national security communities, "the knowledge and technological advantage needed to defend and protect Canada's interests at home and abroad," according to DRDC's website.

The National Energy Board, Canada's independent federal regulator of pipelines, responded yesterday to reports of intelligence gathering on opponents to the proposed developments. In a statement from NEB CEO Gaetan Caron, he acknowledges that the NEB may work with local officials and federal colleagues such as "the RCMP in the interests of safety for the public hearings, NEB Board Members, staff and the general public."

It has raised concerns in Parliament that the collection of intelligence on Canadians is happening without parliamentary oversight, and potentially, with partisan influence and outside the confines of the law.

CSIS is overseen by the independent Security Intelligence Review Committee (SIRC). SIRC is currently chaired by former Conservative cabinet minister Chuck Strahl. Disgraced committee member Dr. Arthur Porter, who was appointed by Stephen Harper in 2008, is currently in a Panamanian jail facing a range of charges, from money laundering, to taking kickbacks and conspiracy to commit fraud.

Both the National Energy Board and Security Intelligence Review Committee are supposed to function free of government collusion, but parliamentarians say they believe that the Harper government has instructed, or at least influenced the agencies in this case. MP Megan Leslie, deputy opposition leader and environmental critic is outraged. "It's not appropriate for the government to be giving these instructions".

She feels that they have influenced the NEB either by direct instructions or in creating a fear-based culture within the independent agency.

"The National Energy Board is supposed to be a neutral agency," said Liberal MP Joyce Murray.

"Of the three members on the NEB Joint Review hearing panel, one is handpicked by the government, with the second holding a power of veto," she continued, noting that two out of the three panel members are either selected or endorsed by government.

"This is unprecedented," says Murray, "and now they are potentially instructing the NEB to collect private information and we have no way of knowing if it is being used counter to the law or not."

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Published on *The Vancouver Observer* (<http://www.vancouverobserver.com>)

Harper government's extensive spying on anti-oilsands groups revealed in FOIs

Independent federal agency, National Energy Board, directly coordinated effort between CSIS, the RCMP and private oil companies.


Matthew Millar

Posted: Nov 19th, 2013

(Page 1 of)

The federal government has been vigorously spying on anti-oil sands activists and organizations in BC and across Canada since last December, documents obtained under the Access to Information Act show. Not only is the federal government subsidizing the energy industry in underwriting their costs, but deploying public safety resources as a de-facto 'insurance policy' to ensure that federal strategies on proposed pipeline projects are achieved, these documents indicate.

Before the National Energy Board's Joint Review Panel hearings on the proposed Enbridge oil pipeline, the NEB coordinated the gathering of intelligence on opponents to the oil sands. The groups of interest are independent advocacy organizations that oppose the Harper government's policies and work for environmental protections and democratic rights, including Idle No More, ForestEthics, Sierra Club, EcoSociety, LeadNow, Dogwood Initiative, Council of Canadians and the People's Summit.

 **Leadnow and Dogwood Initiative.** On 27 Jan, the Leadnow and Dogwood Initiative will be providing an afternoon workshop and skills training that will provide tools and strategies for community resistance and solidarity to members of the public. This initiative is intended to foreshadow the Hearings on 28 Jan.

Click on image to enlarge

Mandated as an 'independent federal agency', the NEB directed the police protection of their board members and officials from Enbridge and TransCanada Corporation. 140 pages of emails from December 2012 through April 2013 show:

In the emails, Richard "Rick" Garber, the NEB's "Group Leader of Security", marshals security and intelligence operations between government agencies and private interests, and says in a January 31, 2013 email that the NEB "Security Team has consulted today with Canadian Security and Intelligence Service (CSIS) at national and regional levels; RCMP at national, regional and local levels."

Re: **Sec**

From: Rick Garber
Sent: January 23, 2013 5:05 PM
To: Sheila Leggett; Kenneth Steinham; John Matthews
Cc: Ruth Mills; John Thomas; Gord Campbell; Lee Williams; Joe Williams@se-ony.gov; Kelly Anne Dypert; Kelly Anne Dypert@se-ony.gov
Subject: RE: Prince Rupert security assessment

Sheila, Kenneth and John,

In response to your query, the Security Team has consulted today with CSIS at national and regional levels, RCMP at national, regional and local (Prince Rupert Detachment) level and conducted a thorough review of open source intelligence, including social media feeds.

Click on image to enlarge

"The Security Team, together with our police and intelligence partners, will continue to monitor all sources of information and intelligence," he says.

The documents show the NEB working with CSIS and the RCMP to make "security plans" for the Vancouver, Victoria, Kelowna and Prince Rupert hearings and actively coordinating with officials from Enbridge and TransCanada Corporation and a private security contractor hired by the NEB.

They also show Garber asking Sgt. Steinhammer of the Prince Rupert RCMP to provide a visible uniformed presence during the hearings there to deter "illegal activities."

In particular, would it be possible for you to provide a visible uniformed presence the first day or two of the hearings - to both deter illegality and get a sense of the evolving / changing conditions (if any), coupled with periodic tours the remainder of the hearing sessions?

Your continuing assistance is greatly appreciated by the undersigned and the Board.

Click on image to enlarge

Sustained opposition to pipelines noted, especially in BC

On April 20, 2013, an email entitled "Security Concerns - National Energy Board" was sent to integrated security officials, and stressed the continued protection of NEB and private interests. The memo was from Tim O'Neil, Senior Criminal Intelligence Research Specialist with the RCMP, and then circulated to the NEB and associated stakeholders by Garber.

"There continues to be sustained opposition to the Canadian petroleum and pipeline industry," O'Neil said. "Opposition is most notable in British Columbia, with protests focused on the: Enbridge Northern Gateway; Kinder Morgan Trans Mountain Pipeline expansion; the increasing use of hydraulic fracturing, and proposed LNG facilities. Opponents have used a variety of protest actions (directed at the NEB and its members) to draw attention to the oil sands' negative environmental impact, with the ultimate goal of forcing the shutdown of the Canadian petroleum industry."

Opposition to the Oil Sands have used a variety of protest actions to draw attention to the Oil Sands' negative impact, with the ultimate goal of forcing the shut down of the Canadian petroleum industry. These same groups have broadened their protests to include the pipelines and more recently, the oilseed industry, also the opposing groups claim are facilitating the continued development of the Oil Sands.

Opposition is most notable in the British Columbia, with protest focused on the: Enbridge Northern Gateway; Western Mainland Mountain Pipeline expansion; the increasing use of hydraulic fracturing, and proposed LNG facilities.

Click on image to enlarge

O'Neil then ordered the escalation of RCMP and CSIS intelligence measures following the opening of an SPROS/SIR database file. According to the Government of Canada, SPROS is the new National Security Program's primary database for the electronic storage, retrieval and management of national security criminal investigations and information, and on a required basis, classified criminal intelligence and other sensitive cases.

"It is highly likely that the NEB may expect to receive threats to its hearings and its board members," O'Neil, said. However, in the same memo he states that there is "no intelligence indicating a criminal threat to the NEB or its members" and "I could not detect a direct or specific criminal threat."

In closing, O'Neill advises recipients to discuss their concerns with the security officials at the National Resources May 23rd classified briefing.

"What is particularly chilling about the Harper administration's approach is the conversion of government agencies to private spy agencies for private sector corporations," Green Party Leader, Elizabeth May said, upon learning about the emails. "What is unacceptable is the marginalization, demonizing, and threat of criminalization of healthy debate in a democracy."

On May 23, 2013, Natural Resources Canada hosted a 'Classified Briefing for Energy & Utilities Sector Stakeholders' in collaboration with CSIS and the RCMP at CSIS's headquarters in Ottawa.

If you are planning to attend the Ottawa May 23rd Classified Briefing, you may wish to discuss your concerns with the security officials who will be in the briefing room.

You are welcome to contact me directly to discuss your concerns in more detail.

Regards, ... Tim

Tim O'Neil
Senior Criminal Intelligence Research Specialist
Critical Infrastructure Intelligence Team
Federal Security Operations
111, 11th Floor, Room 1111
Mailstop 1118
111 Leblond Drive
Ottawa, Ontario
K1A0K2

Click on image to enlarge

The briefing has occurred twice annually since 2005 and its stated purpose is to discuss national security and criminal risks to critical energy infrastructure. Attendees include government officials, federal ministries, law enforcement agencies and energy stakeholders with high-level security clearances. These meetings have been described as an opportunity for government officials and companies to exchange information "off the record" and form "ongoing trusting relationships" in the protection of national energy infrastructure.

An agenda obtained by Tim Groves and Marja Lukacs at *The Guardian* last month revealed that breakfast, lunch and coffee was sponsored by Enbridge and a networking reception held at the Chateau Laurier was co-hosted by Bruce Power and Brookfield Renewable Energy Partners. Meetings during this conference

include "challenges to energy projects by environmental groups."

CLASSIFIED BRIEFING FOR ENERGY & UTILITIES SECTOR STAKEHOLDERS



Hosted by Natural Resources Canada (NRCan) -- in collaboration with CSIS and RCMP
 LOCATION: Canadian Security Intelligence Service, 1841 Ogilvie Road, Ottawa, Ontario
 PURPOSE: To Discuss National Security and Criminal Risks to Critical Energy Infrastructure
 CHAIR: Jeff Labonté, Director General, Petroleum Resources Branch, NRCan

AGENDA

AGENDA THEME: SECURITY OF ENERGY RESOURCES DEVELOPMENT

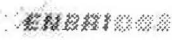
Wednesday, May 22, 2013

6:30 PM - 9:00 PM : NETWORKING RECEPTION FOR ALL PARTICIPANTS
 DRAWING ROOM, FAIRMONT CHÂTEAU LAURIER, 1 BIDEAU STREET, OTTAWA
 RECEPTION CO-HOSTS:

Thursday, May 23, 2013

Breakfast, Lunch and Coffee sponsored by Enbridge



Given proof of CSIS and RCMP intelligence resources being afforded to the NEB, and evidence of disclosure across the private sector, it is undetermined how much information is being provided to corporations such as Enbridge and TransCanada Corporation, and to what extent international entities such as CNOOC are also benefiting.

Since coming to power, Conservative prime minister, Stephen Harper, has used his government apparatus to serve a natural resources development agenda, the Guardian recently wrote, "while creating sweeping domestic surveillance programs that have kent close tabs on indigenous and environmental opposition and shared intelligence with companies."

"Harper has transformed Canada's foreign policy to offer full diplomatic backing to foreign mining and oil projects, tying aid pledges to their advancement and jointly funding ventures with companies throughout Africa, South America and Asia."

The National Energy Board has no spying mandate, according to its website, but serves to function as a regulatory agency over the gas and oil industry, answering to Parliament and the Canadian people.

Correction: a previous version of the article attributed the May 22, 2013 agenda to have been obtained by the CBC. It was obtained by The Guardian and provided to CBC afterward.

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Pub 1 on *The Vancouver Observer* (<http://www.vancouverobserver.com>)

Canada's top spy watchdog lobbying for Enbridge Northern Gateway pipeline

Matthew Millar

Posted: Jan 4th, 2014

(Page 1 of)

Chuck Strahl, Chairman of the federal body which oversees Canada's spy agency, the Canadian Security Intelligence Service (CSIS), has registered to lobby on behalf of Enbridge's 'Northern Gateway Pipelines Limited Partnership'.

Two weeks before the December 19, 2013 decision of the National Energy Board's Joint Review Panel on the Enbridge Northern Gateway Pipeline Project, Strahl and his firm – Chuck Strahl Consulting Inc. – registered as a B.C. provincial lobbyist and listed the Enbridge subsidiary as his client starting December 6.

Lobbyist Firm Business Contact Information

Name of lobbyist firm: Chuck Strahl Consulting Inc.

5100

Penhryn Road

Chilliwack, BC V4Z 1Z7

Canada

Email: cstrahl@uniscan.ca

Phone: 604 316-5355

Fax:

Client Information

Name of client: Northern Gateway Pipelines L.P.

Summary of client's business or activities:

pipeline construction and operation

Business Contact Information:

Suite 3000

425 1st St. SW

Calgary, AB T2P 3L8

Canada

Email: amy.peterson@enbridge.com

Phone: 604 349-1550

Fax:

Click on image to enlarge

Strahl's registration declares that he is targeting B.C.'s Minister of Natural Gas Development, Rich Coleman, to arrange a meeting with representatives from Northern Gateway Pipelines on the subject of "Energy". Strahl stated that he is lobbying on their behalf until June 2014.

"I do some contract work for Enbridge," Strahl told the Vancouver Observer. "I've registered just in case I arrange a meeting, but no meetings to report".

Strahl is a former Conservative Member of Parliament for the B.C. riding of Chilliwack-Fraser Canyon and was first elected in 1993. While in federal government, Strahl served as Minister of Agriculture, Minister of Indian Affairs and Northern Development, Minister of Transport and Deputy Speaker of the House of Commons.

Strahl retired from politics in 2011 and was appointed by Prime Minister Stephen Harper to head the non-partisan and independent Security Intelligence Review Committee (SIRC) on June 14, 2012 for a five-year term. He also serves as Director and Chairman of the Conservative party's Manning Centre, an organization "dedicated to building Canada's conservative movement".

Strahl replaced disgraced Chairman Dr. Arthur Porter, who is currently in a Panamanian jail facing a range of charges from money laundering, to taking kickbacks and conspiracy to commit fraud while acting as a middleman for SNC-Lavalin and other private business interests.

The Security Intelligence Review Committee reports to Parliament on all activities undertaken by CSIS – and with the exception of cabinet secrets, Strahl's position affords access to all intelligence gathered by the organization.

Strahl's move to represent Enbridge confounds prior assertions which downplayed the circumstantial relationships between CSIS, its oversight committee and the private sector. Former CSIS Assistant Director Ray Boisvert said at one point to the Vancouver Observer that "there is no collaboration between intelligence organizations and private industry. That is against the law". Boisvert retired from CSIS in 2012 and is currently a security consultant in the private sector.

However, documents published by The Vancouver Observer in November 2013 revealed the extent to which the Harper government, CSIS and the RCMP monitored activists and organizations who opposed the Enbridge Northern Gateway Pipeline Project. At the same time, CSIS and the RCMP were cooperating with the private sector by holding 'Classified Briefings for Energy and Utilities Sector Stakeholders' at CSIS's headquarters in Ottawa.

The May 23, 2013 'classified briefing' was sponsored by Enbridge and brought together federal agencies, spies, and private industry stakeholders with high level security clearances – which included officials from energy companies in the oil, natural gas, pipeline, petroleum refinery and electricity sectors.

Strahl's registration for lobbying activities on behalf of Enbridge raise questions about conflicts-of-interest and ethics, lobbying legislation and also the collusion of private interests within Canada's security apparatus.

"What Stephen Harper has essentially done is to take the spy agencies of the federal government of Canada and put them at the service of private companies like Enbridge," said Green Party Leader Elizabeth May in November.

Strahl is listed as Consultant with 'Chuck Strahl Consulting Inc.' since 2011 and his duties are to "develop and provide communications, strategic and government relations advice to corporations, governments and NGOs".

As a former minister, Strahl is a 'Designated Public Office Holder' under the federal *Lobbying Act* and is prohibited from lobbying the Government of Canada for a five year period post-employment. He is also required to declare his prior status as an MP in the lobbyist registry.

Strahl did not declare in his B.C. registration that he held federal public office from 1993 to 2011, as the provincial *Lobbyists Registration Act* only applies to previous officers of the B.C. government. He is not restricted from lobbying the province of British Columbia on behalf of Enbridge or other interests.

Strahl previously stated that he "won't lobby" governments and has never done so, according to a story by Brian Hutchinson in the *National Post* following Strahl's appointment to the Security Intelligence Review Committee in 2012.

However, a B.C. lobbying registration from December 2011 states: "Charles Strahl, a consultant lobbyist with

Chuck Strahl Consulting Inc. is arranging meetings on behalf of his client, Cascade Aerospace Inc. with the Minister of Jobs, Tourism, and Innovation (and/or his staff)".

In the same interview, he said that he "has a system of 'double make-sure' to protect himself and the public from conflicts of interest and questions around ethics". In the event a problem does arise he said that he would "call up ethics commissioner (Mary Dawson) and consult her", also stating that he spoke with her when he was offered the SIRC appointment.

Strahl's son, Mark, is currently the Member of Parliament for Chilliwack-Fraser Canyon.

Strahl also maintains close ties to the current B.C. government.

His former federal Chief of Staff, Laurie Throness was newly elected as MLA for Chilliwack-Hope in the 2013 provincial election.

In financial disclosures published last month, Throness declared income from consulting fees for Chuck Strahl Consulting Inc. Throness is a member of the provincial cabinet under Premier Christy Clark and serves as the Parliamentary Secretary to the Minister of Justice and Attorney General for Corrections.

In 2013, Strahl was publicly thanked by Christy Clark for his assistance in helping during her provincial election campaign. At a media event, Clark said that Strahl is an example of a retired federal politician who is "very actively helping us on this campaign and I'm really proud of the contribution (he's) making".

The acknowledgement raised immediate questions given his position as SIRC chair, with Clark clarifying her statement on the record the following day to protect his necessarily impartial relationships as Canada's top spy watchdog.

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New "concerned citizens group" has deep pockets and close ties to oil industry

CSIS spying on citizens at alarming rate, FOIs reveal

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Anal

Other spy watchdogs have ties to oil business

Chuck Strahl isn't the only SIRC committee member who has history with oil, gas or Harper

By Greg Weston, CBC News Posted: Jan 10, 2014 5:00 AM ET Last Updated: Jan 10, 2014 7:28 AM ET

About The Author



Greg Weston
National Affairs Specialist

Greg Weston is an investigative reporter and a regular political commentator on CBC Radio and Television. Based in Ottawa, he has afflicted governments of all stripes for over three decades. His investigative work has won awards including the coveted Michener Award for Meritorious Public Service in Journalism. He is also the author of two best-selling books, *Reign of Error* and *The Stopwatch Gang*.

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- [Ex-minister on the hot seat over Enbridge lobbying job](#)
- [Strahl defends expansion of security watchdog's role](#)
- [Brian Stewart: Why are we eliminating the CSIS watchers?](#)

While the head of the watchdog committee overseeing Canada's intelligence agency is under attack for also being a lobbyist for the controversial Northern Gateway pipeline, it turns out that half of the other Harper government appointees keeping an eye on the spies also have ties to the oil business.

NDP Leader Tom Mulcair has joined a growing chorus of critics calling for the resignation of former Conservative cabinet minister Chuck Strahl as chairman of the Security Intelligence Review Committee (SIRC).

The committee oversees the activities of Canada's spy service, the Canadian Security Intelligence Service (CSIS), including surveillance of groups opposed to construction of the Northern Gateway pipeline from Alberta to the B.C. coast.

Strahl has touched off a political controversy for registering with the D.C. government as a lobbyist for Enbridge, the company wanting to build the pipeline.

To be clear: Strahl has long had a reputation as one of the straightest arrows in Canadian politics, and there is no evidence of any actual conflict of interest in his work for Enbridge.

His problems are entirely matters of public perception.

- [SIRC chair's pipeline lobbying seen as symptom of larger problem](#)
- [Ex-minister on the hot seat over Enbridge lobbying job](#)
- [Strahl defends expansion of spy watchdog's role](#)

In a recent television interview, Strahl said he would recuse himself from anything to do with the proposed pipeline that came before the spy service review committee, passing the case to one of the other four members.

But many of them may have their own problems of perception.

For example, Denis Losier is an accomplished former New Brunswick politician, bureaucrat and insurance company top executive.



Denis Losier sits on both the SIRC committee and the board of directors for Enbridge N.B.

But he is also on the board of directors of Enbridge N.B., a wholly-owned subsidiary of the pipeline and gas company of the same name, Strahl's client.

Yves Fortier is one of Canada's most pre-eminent and highly respected lawyers.

He was previously a member of the board of TransCanada Pipelines, the company now behind the proposed Keystone XL pipeline from Alberta to Texas.

That project is currently being blocked in the U.S. by the Obama administration, and has been the target of huge protests.

Former Reform MP Deborah Grey is one member of the spy service oversight committee with no apparent connections to the oil industry.



Yves Fortier was previously on the board of TransCanada Pipelines, the company behind the Keystone XL pipeline. (Peter McCabe/Canadian Press)

But she does have long ties to Stephen Harper (he used to work in her MP's office) and friendly connections in a government that has branded pipeline opponents "radicals."

That leaves Frances Lankin, former Ontario NDP cabinet minister in Bob Rae's government, and retired long-time head of the United Way in Toronto.

Among the five members of the intelligence oversight committee, Lankin alone has no ties to either the current government or the oil industry.

But any group wanting to file a complaint to her about the spy service will have to hurry: Her five-year appointment expires this month.



Deborah Grey has long ties to Stephen Harper, from her days as an Alberta MP. (John Ulan/Canadian Press)

Forest Ethics Advocacy is one of the environmental groups apparently targeted in CSIS surveillance, and is now publicly calling for Smith's resignation as head of the oversight committee.

The director of the Vancouver-based group says she is surprised to learn that some other members of SIRC have ties to the oil and pipeline industries.

"What's becoming clear is there is no impartial body that can oversee CSIS right now," said Tzipora Berman. "This is another example of the fox minding the henhouse."

Berman says Canadians have a right to expect that an important body such as SIRC is "protecting us and being impartial."

"Instead, what we're finding is our government is using our tax money to spy on us and support the oil industry."

en 0-17)

April 1990 2000 2010



Frances Linkin is the only SIRC committee member with no ties to the current government or the oil industry. (Canadian Press)

Strahl is currently paid up to \$650 a day as chairman of SIRC, and the other four members get about half that. All of the positions are part-time.

The lawyer for Forest Ethics, iconic Canadian attorney Clayton Ruby, says if the government wanted effective oversight of its spy service, it would start by paying the watchdogs as full-time jobs, and like judges, members should be banned from taking outside employment. "At the very least, all of them should be banned from lobbying," Ruby says.

SIRC members contacted by CBC News would only speak on background, but several agreed that at the very least, chairing the committee should be a full-time job.

Whether any of those suggestions or the current kerfuffle over Strahl's lobbying will move the Harper government to action seems doubtful.

• Brian Stewart: Why are we eliminating the CSIS watchers?

The last time there was any reform of spy service oversight, the Conservative government eliminated the office of the inspector general that was supposed to have virtually unlimited powers to ensure CSIS was operating within the law.

To paraphrase the old saw, what people don't know can't hurt the government.

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96 Comments

Rick Garber

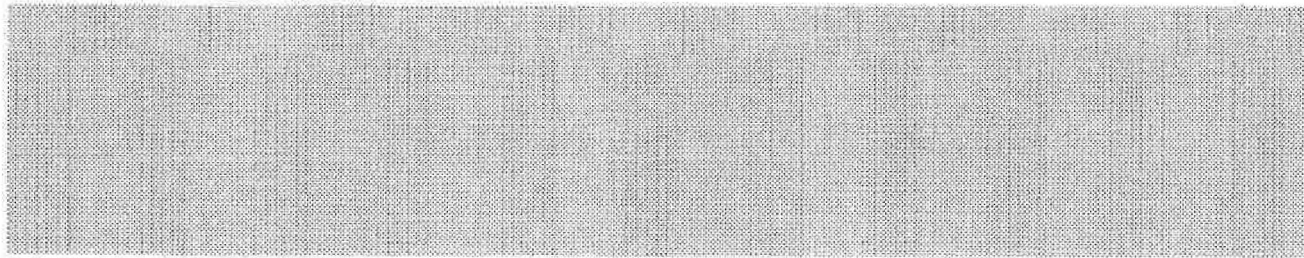
From: Rick Garber
Sent: January 31, 2013 5:05 PM
To: Sheila Leggett; Kenneth Bateman; Hans Matthews
Cc: Ruth Mills; John Pinsent; Gord Campbell; Lee Williams (Lee.Williams@neb-one.gc.ca); Kelly-Anne Dypolt (Kelly-Anne.Dypolt@neb-one.gc.ca)
Subject: RE: Prince Rupert security assessment

Sheila, Kenneth and Hans,

In response to your query, the Security Team has consulted today with CSIS at national and regional levels; RCMP at national, regional and local (Prince Rupert Detachment) level and conducted a thorough review of open source intelligence, including social media feeds.

Based on the intelligence received, we have no indications of threats to the Panel at this time.

Intelligence has been received of Idle No More activities planned for Feb 9 and 11 in Prince Rupert, as well as the possibility of activities associated with the "All Native basketball Tournament" being held in Prince Rupert the week of 10-16 February - but none of these activities correspond with your schedule in Prince Rupert.



The Security Team, together with our police and intelligence partners, will continue to monitor all sources of information and intelligence and promptly advise the Panel of any changes to the current threat assessment.

Rick

Richard S. Garber, CD, MA, MBA

Group Leader, Security | Chef de groupe, sûreté Business Integration | Intégration Opérationnelle National Energy Board
| Office national de l'énergie

444 - Seventh Avenue SW | 444, Septième Avenue S.-O.

Calgary, Alberta T2P 0X8 | Calgary (Alberta) T2P 0X8 Phone | Téléphone : 403-299-3679 Fax | Télécopieur : 403-292-

5503 Richard.Garber@neb-one.gc.ca

-----Original Message-----

From: Sheila Leggett

Sent: January 31, 2013 8:54 AM

To: Rick Garber

Cc: Kenneth Bateman; Hans Matthews; Ruth Mills

Subject: Prince Rupert security assessment

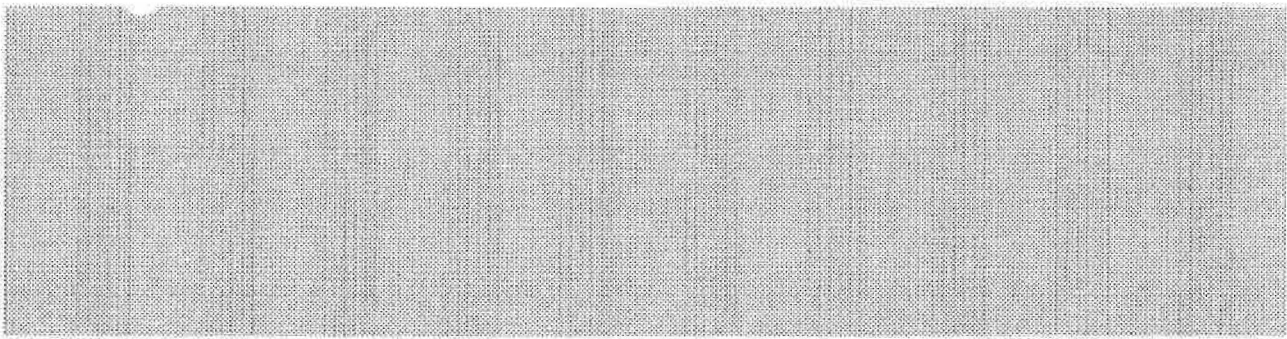
Rick,

s.21(1)(a)

s.21(1)(b)

A0008929_37-000037

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Thanks,
Sheila

s.21(1)(a)
s.21(1)(b)

National Energy
Board



Office national
de l'énergie

Appendix 9

ENBRIDGE NORTHERN GATEWAY PROJECT INTEGRATED SECURITY, LOGISTICS AND COMMUNICATIONS PLAN

KELOWNA

Sandman Hotel & Suites Kelowna
2130 Harvey Avenue, Kelowna, BC

January 28, 2013

Issue Date: January 24, 2013

1

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Canada

Department Security Officer - RDMS 082859

A0008929_50-000050

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- Daily briefing at end of hearing day by email from NEB Security or one of the NEB Security Advisors to Presiding Member, Departmental Security Officer, Secretary, Applications BU Leader and Applications Team Leader

12. THREAT ASSESSMENT

Overview:

As of 24 January 2013 no direct threats to the safety and security of the panel and NEB staff participating in the Kelowna Hearings have been identified. However, information obtained through open source media, [REDACTED] and the Kelowna RCMP has identified indications that there will be protest activity on 28 January 2013.

s.16(2)(c)

National-Level Intelligence Resources:

The NEB has consulted the Canadian Security Intelligence Service, both National Headquarters and Regional offices, [REDACTED]

s.16(2)(c)

National level RCMP intelligence assets ([REDACTED]

s.21(1)(a)

Police Intelligence Resources:

NEB Security and the Kelowna RCMP held an initial meeting on December 17, 2012 and have discussed the hearings, associated venue and threat intelligence; there have been ongoing liaison and coordination. Ongoing liaison with the Kelowna RCMP [REDACTED]

s.16(2)(c)

As protests are anticipated the Kelowna RCMP will be maintaining public peace for planned protests and will have First National Liaison Officers working with the Idle No More and other groups to ensure public order is maintained. There is no specific threat to personnel or property.

s.21(1)(a)

Open Source Information Reporting:

Idle No More (INM). INM is planning to protest by blocking 2100 block of Enterprise Way as well as, or around, the Sandman Hotel & Suites Kelowna from 0900 – 1400 hrs, 28 Jan 12. This time/date has been chosen to coincide with the ENG JPR hearings.

s.16(2)(c)

People's Summit. On 26 Jan, the People's Summit is planning to host keynote speakers as well as a question and answer session. Grand Chief Stewart Phillip, Elizabeth May, Damien Gillis and Rob Fleming are anticipated to speak. The People's Summit is encouraging citizens to either bare witness with honor to the testimonies given at the Hearing or to engage in organized rallies at designated public locations.

Leadnow and Dogwood Initiative. On 27 Jan, the Leadnow and Dogwood Initiative will be providing an afternoon workshop and skills training that will provide tools and strategies for community resistance and solidarity to members of the public. This initiative is intended to foreshadow the Hearings on 28 Jan.

s.16(2)(c)

[REDACTED]

EcoSociety. The EcoSociety of Nelson, BC, is chartering a bus from Nelson to attend the Hearings on 28 Jan (0600 hrs – 1600/1700 hrs). In their notice they state that "[t]he public apparently CAN attend the hearing."

The Kelowna RCMP as well as NEB Communications and Security continue to monitor open source information.

13. SECURITY LEVEL

[REDACTED]

Further details can be found in the Risk Level Table, Hearing Security Management Procedure Manual, Appendix 4.1.

14. HEARING SITE SECURITY PLAN

s.16(2)(c)

s.21(1)(a)

The specific security plans have been tailored to the potential Hearing threat, vulnerability and risks. Reporting to the Hearing Manager, security coordination at the Hearing Site will be conducted by Lee Williams, NEB Security Advisor, and will be deployed to the Hearing venue to ensure appropriate security management of the Hearing.

The Commissionaires and Tecta Inc., has been contracted by the NEB to provide security for the hearing attendees and NEB property at the Hearing Site.

The Kelowna RCMP will provide law enforcement and emergency response services in and around the Hearing site.

In case of an emergency situation that cannot be mitigated by the NEB, security and police resources,

Should it necessary to move NEB personnel from any one of the booked rooms, personnel will evacuate under police protection

15. ROUTINE SECURITY ISSUES

Pre-Hearing Site Security Verification:

[REDACTED]

Verification will be done by NEB/contract security advisors.

National Energy
Board



Office national
de l'énergie

PROTECTED A

Appendix 11

ENBRIDGE NORTHERN GATEWAY PROJECT SECURITY PLAN

PRINCE RUPERT

Chances Casino

240 West 1st Ave, Prince Rupert, BC

February 4 – May 17, 2013

Issue Date: January 23, 2013

Canada

1

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A0008929_66-000068

Page 149 of 326

7. Communications

There are no concerns with communications at this venue as it is in an urban area with cell phone coverage and land lines.

s.16(2)(c)
s.21(1)(a)

8. Media

A review of media (local and social) reports up to January 23, 2013, has not identified any issues associated to these hearings. On the evening of January 11, 2013, Idle No More conducted a peaceful rally in Prince Rupert.¹

9. Itinerary

Information as shown in RDIMS #560681 and other sources (subject to change).

Itinerary for this round of hearings are published separately for each two week Hearing Session as follows:

Annex 1 – February 4 – 6 See RDIMS 689546
Annex 2 – February 18 – March 1 See RDIMS 692541
Annex 3 – March 11 – 22 See RDIMS 698141
Annex 4 – April 2-12 See RDIMS 701183
Annex 5 – April 22 – May 3 See RDIMS 706298
Annex 6 – May 13-17

10. Threat Assessment

Overview:

There are no confirmed gatherings in the Prince Rupert area related to the hearings at this time.

National-level Intelligence Resources:

The NEB has consulted the Canadian Security Intelligence Service, both National Headquarters and regional offices.

Police Intelligence Resources:

NEB Security and the RCMP have been in regular communications since an initial meeting on October 24, and have discussed the hearings, associated venues and threat intelligence. Ongoing liaison with Prince Rupert RCMP Detachment

¹ TheNorthernView.com, Idle No More movement holds Prince Rupert rally
<http://www.thenorthernview.com/news/186629451.html>

Rick Garber

From: Timothy O'Neil <tim.oneil@rcmp-grc.gc.ca>
Sent: April 19, 2013 6:51 AM
To: Rick Garber; Roberta Alder; [REDACTED]
Cc: Wes Elliott; Barbara WEGRZYCKA; Bill Kalkat; Brittany McBair; Chris Pallister; Dan BOND; Irene Lemaire; Jim (Edmonton) STEWART; Kyle Melnychyn; Laurie MACDONELL; Nicole Bristow; Nicole Murphy; Noel FLATTERS; Robert Zawerbny; Scott Foster; Sofia MANOLIAS; Steve CORCORAN; Ted Broadhurst; Timothy O'Neil; Wendy Nicol; [REDACTED]
Subject: Security Concerns - National Energy Board
Attachments: O'Neil, Timothy.vcf

Roberta

Please open a SPROS/SIR file for this.

Rick: I reviewed the noted websites and agree there is some questionable rhetoric by the participants. However, I could not detect a direct or specific criminal threat.

CIIT currently has no intelligence indicating a criminal threat to the NEB or its members.

However, there continues to be sustained opposition to the Canadian petroleum and petroleum pipeline industry with most of it directed at the Alberta Oil Sands. To date, opposition to the Canadian petroleum industry has included both lawful and unlawful actions. Unlawful actions have ranged from acts of civil disobedience to acts of vandalism, sabotage and threats to property and persons.

Opponents to the Oil Sands have used a variety of protest actions to draw attention to the Oil Sands' negative environmental impact, with the ultimate goal of forcing the shut down of the Canadian petroleum industry. These same groups have broadened their protests to include the pipelines and more recently, the railroad industry, who the opposing groups claim are facilitating the continued development of the Oil Sands.

Opposition is most notable in the British Columbia, with protest focused on the: Enbridge Northern Gateway; Kinder Morgan Trans Mountain Pipeline expansion; the increasing use of hydraulic fracturing, and proposed LNG facilities.

More recently, Enbridge's Line 9 reversal proposal, which will move Oil Sands' oil through the heart of Ontario, has moved to the front of the anti-Oil Sands movement.

The anti-petroleum and anti-nuclear movement has attempted to interfere within the federal regulatory hearings (NEB and CNSC), and have used coordinated/mass interventions, that have at times, bogged down the regulatory hearings. In response, the federal government has instituted new regulatory procedures that will limit who may make formal presentations at the NEB's public hearings.

These new hearing procedures have re-focused protest activity from the content of the hearings, to the conduct of the hearings.

As such, protest rhetoric is being directed at the NEB and its members.

As the NEB is the federal regulator for many aspects of the Oil Sands, it is the focus of attention by many anti-Oil Sands, anti-Canadian petroleum, and anti-petroleum pipeline operations, and it is highly likely that the NEB may expect to receive threats to its hearings and its board members.

As always, prior to conducting its hearings, I encourage NEB to discuss its security concerns with the police of jurisdiction.

CIIT will continue to monitor all aspects of the anti-petroleum industry movement to identify criminal activity, and will ensure you are apprized accordingly.

I have included the RCMP's CIIT Divisional analysts and [REDACTED] within this message.

If you are planning to attend the NRCan May 23rd Classified Briefing, you may wish to discuss your concerns with the security officials who will be in the briefing room.

You are welcome to contact me directly to discuss your concerns in more detail.

Regards.....Tim

Tim O'Neill
Senior Criminal Intelligence Research Specialist
Critical Infrastructure Intelligence Team
Federal Policing Criminal Operations
M3, 4th Floor, Rm 616-96,
Mailstop #148
73 Leikin Drive,
Ottawa, Ontario
K1A0R2

613-843-5129

s.19(1)

613-825-7030 (F)

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>>> Rick Garber <Richard.Garber@neb-one.gc.ca> 2013-04-18 14:45 >>>

Tim, enclosed please find the link to a recent YouTube item wherein threats to energy CI (pumping stations) and possibly to government officials ("targeting" the NEB panel members) is featured,

Your assistance is sought in establishing whether this represents a credible threat to the NEB panel members from the RCMP perspective.

Thanks in advance!

Rick

Richard S. Garber, CD, MA, MBA
Group Leader, Security | Chef de groupe, sécurité
Corporate and Information Solutions
National Energy Board | Office national de l'énergie
444 - Seventh Avenue SW | 444, Septième Avenue S.O.
Calgary, Alberta T2P 0X8 | Calgary (Alberta) T2P 0X8
Mobile | Cellulaire [REDACTED]
Fax | Télécopieur : 408-292-5503
Richard.Garber@neb-one.gc.ca

s.19(1)

From: Whitney Punchak
Sent: April 17, 2013 11:53 AM
To: John Pinsent; Rick Garber
Cc: Paul Lackhoff
Subject: FW: You Tube anti Line 9 video

s.19(1)

s.21(1)(a)

Hi John Rick,

I did a little research on the two people who were interviewed by Poor Man Media.

<http://toronto.mediacoop.ca/author/zach-rulter>

<http://rabble.ca/category/bios/zach-rulter>

<http://www.youtube.com/watch?v=SU2O3nvtg>

<http://www.genuinewitty.com/2013/02/04/toronto-anarchists-make-a-mockery-out-of-idle-no-more-feat-zach-rulter-derek-soberal/>

<https://twitter.com/lifeorthetheatre>

From: Paul Lackhoff

Sent: April 17, 2013 9:51 AM

To: Jody Saunders; Whitney Punchak; Ryan Rodier; Sylvia Marion; Jamie Kereliuk; Alex Ross; Carole Léger-Kubeczek

Cc: Margaret Barber; Sandy Lapointe; Ed Jansen; Tracy Sletto; John Pinsent

Subject: You Tube anti Line 9 video

FYI -

http://www.youtube.com/watch?v=G5_AZV3mmEE

s.21(1)(a)

Champ & Associates

www.champlaw.ca

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MAR 20 2014

03/14/14

1500-481

S. Laurel 03/20/14	
M. Pilon 03/20/14	

FAX COVER SHEET / PAGE COUVERTURE

TRANSMITTED TO/NUMÉRO DU DESTINATAIRE : (613) 990-5230

TO/ DESTINATAIRE: Sylvie E Roussel,
Security Intelligence Review Committee

FROM/ EXPÉDITEUR: Paul Champ

RE/OBJET: British Columbia Civil Liberties Association
Complaint re CSIS Surveillance and Information
Sharing with the NEB
SIRC File No. 1500-481

DATE: March 20, 2014

This document is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you have received this communication in error, please notify us immediately at our expense by telephone. Thank you.

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T: 613-237-4740
F: 613-232-2680

Paul Champ
pchamp@champlaw.ca

Our File: 1555

March 20, 2014

BY FACSIMILE - 613-990-5230

Sylvie E Roussel, Senior Counsel
Security Intelligence Review Committee
PO Box 2430, Station "D"
Ottawa, ON K1P 5W5

Dear Ms Roussel:

**Re: British Columbia Civil Liberties Association
Complaint re CSIS Surveillance and Information Sharing with the NEB
SIRC File No.: 1500-481**

We are writing further to your letter of March 18, 2014 regarding the complaint by the British Columbia Civil Liberties Association ("BCCLA") dated February 6, 2014.

As you know, BCCLA's February 6 complaint was copied to Michel Coulombe, Interim Director of the Canadian Security Intelligence Service ("CSIS") pursuant to section 41 of the *CSIS Act*. We have today received a response from CSIS in this matter [see attached].


As you will see from Mr Venner's letter, CSIS has provided no substantive response to the serious concerns raised by BCCLA's complaint. Rather, CSIS simply notes its statutory obligations and the oversight provided by SIRC, but declines to respond to the specific concerns raised in BCCLA's complaint. It is particularly troubling that Mr Venner's letter gives no indication that CSIS has conducted any inquiries or review of the matters referred to in BCCLA's complaint whatsoever.

In these circumstances, it is BCCLA's position that CSIS has failed to provide any substantive response to its complaint. Accordingly, we hereby ask the Review Committee to commence its investigation of BCCLA's complaint without further delay.

- 2 -

We look forward to hearing from you in the very near future regarding next steps in the complaint process, and remain available to address any questions or furnish any additional information which you may require in the course of your inquiry into this matter.

Yours truly,


Paul Champ
encl.

c: J. Paterson, Executive Director, BCCLA
R. Mangat, BCCLA

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Associates**
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Paul Champ
pchamp@champlaw.ca

Our File: 1555

March 20, 2014

BY FACSIMILE - 613-990-5230

Sylvie E Roussel, Senior Counsel
Security Intelligence Review Committee
PO Box 2430, Station "D"
Ottawa, ON K1P 5W5

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**Re: British Columbia Civil Liberties Association
Complaint re CSIS Surveillance and Information Sharing with the NEB
SIRC File No.: 1500-481**

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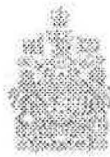
- 2 -

We look forward to hearing from you in the very near future regarding next steps in the complaint process, and remain available to address any questions or furnish any additional information which you may require in the course of your inquiry into this matter.

Yours truly,


FOR Paul Champ
encl.

c: J. Paterson, Executive Director, BCCLA
R. Mangat, BCCLA



File

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File No.: 1500-481

March 18, 2014

BY COURIER

Mr. Paul Champ
Counsel
Champ & Associates
Equity Chambers
43 Florence Street
Ottawa, ON K2P 0W6

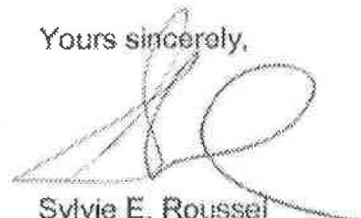
Dear Counsel:

**RE: BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION -
COMPLAINT AGAINST THE CANADIAN SECURITY INTELLIGENCE
SERVICE PURSUANT TO SECTION 41 OF THE CANADIAN SECURITY
INTELLIGENCE SERVICE ACT**

This letter is in relation with the complaint sent on behalf of your client, the British Columbia Civil Liberties Association, to the Security Intelligence Review Committee (Review Committee) on February 6, 2014. The Review Committee would appreciate an update on whether your client has received a response from the Director of the Canadian Security Intelligence Service (CSIS) and on whether your client still wishes to proceed with its complaint.

Should you require more information, you may contact the Review Committee's Registrar, Ms. Nathalie Thériault, at (613) 990-6319.

Yours sincerely,



Sylvie E. Roussel
Senior Counsel



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PERSONAL INFORMATION

File No.: 1500-481

February 14, 2014

BY COURIER

Mr. Paul Champ
Counsel
Champ & Associates
Equity Chambers
43 Florence Street
Ottawa, ON K2P 0W6

Dear Counsel:

**RE: BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION –
COMPLAINT AGAINST THE CANADIAN SECURITY INTELLIGENCE
SERVICE PURSUANT TO SECTION 41 OF THE CANADIAN SECURITY
INTELLIGENCE SERVICE ACT**

On behalf of the Security Intelligence Review Committee (Review Committee), I wish to acknowledge receipt of your client's letter of complaint to the Review Committee on February 6, 2014. I understand that a copy of the letter of complaint was copied to the Director of the Canadian Security Intelligence Service (CSIS) and that is intended to constitute the letter of complaint to the Director of CSIS as stipulated in section 41 of the *Canadian Security Intelligence Service Act (CSIS Act)*.

As you may already be aware, the Review Committee's mandate is to investigate complaints related to any act or thing done by CSIS. Subsection 41(1) of the *CSIS Act* states:

- (1) Any person may make a complaint to the Review Committee with respect to any act or thing done by the Service and the Committee shall, subject to subsection (2), investigate the complaint if:
 - a) the complainant has made a complaint to the Director with respect to that act or thing and the complainant has not received a response within such period of time as the Committee considers reasonable or is dissatisfied with the response given; and

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- b) the Committee is satisfied that the complaint is not trivial, frivolous, vexatious or made in bad faith.

Pursuant to paragraph 41(1)(a) of the CSIS Act, if your client is not satisfied with the response of the Director or does not receive a response within 30 days of having sent the letter of complaint to the Director, a complaint can then be made with the Review Committee. To do so, you must provide the Review Committee with a copy of the Director's response and indicate that your client is not satisfied with the response or, if a response is not received within 30 days, so advise the Review Committee.

Upon receipt of a formal complaint, you will be invited to submit written representations on the Review Committee's jurisdiction to investigate the complaint. CSIS will likewise be invited to do so.

Should you require more information about the complaints process, please visit our website at www.sirc-csars.gc.ca or you may contact the Review Committee's Registrar, Ms. Nathalie Thériault, at (613) 990-6319.

Yours sincerely,



Sylvie E. Roussel
Senior Counsel

Our File: 1555

February 6, 2014

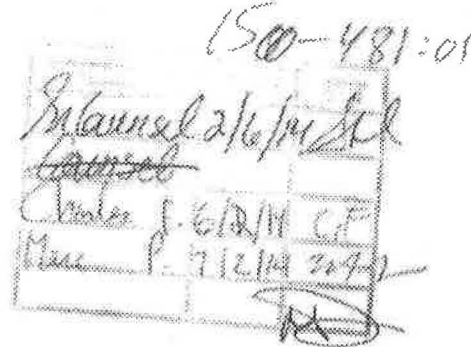
BY COURIER

Shayna Stawicki, Registrar
Security Intelligence Review Committee
122 Bank Street, Suite 200
Ottawa, ON K1P 5N6

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FEB 06 2014

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Dear Ms Stawicki:

**Re: Surveillance of Canadian Citizens and Information Sharing
with the National Energy Board**

We are legal counsel for the British Columbia Civil Liberties Association ("BCCLA"). By this letter, our client is making a complaint pursuant to section 41 of the *Canadian Security Intelligence Service Act* regarding the improper and unlawful actions of the Canadian Security Intelligence Service ("CSIS" or "the Service") in gathering information about Canadian citizens and groups engaging in peaceful and lawful expressive activities, and sharing it with other government bodies and private sector actors.

As set out in greater detail below, recent media reports indicate that the National Energy Board ("NEB" or the "Board") has engaged in systematic information and intelligence gathering about organizations seeking to participate in the Board's Northern Gateway Project hearings. Records obtained under the *Access to Information Act* confirm that this information and intelligence gathering was undertaken with the co-operation and involvement of CSIS and other law enforcement agencies, and that CSIS participates in sharing intelligence information with the Board's security personnel, the Royal Canadian Mounted Police ("RCMP"), and private petroleum industry security firms. The records suggest that the targeted organizations are viewed as potential security risks simply because they advocate for the protection of the environment.

This complaint is directed at all CSIS employees participating in, directing or supervising the impugned activities described in more detail in the body of this letter. In brief, BCCLA has serious concerns about the scope and extent of the Service's intelligence gathering activities and its practice of monitoring groups and organizations that seek to peacefully participate in public discourse about energy-related programs such as the Northern Gateway Project. BCCLA is particularly concerned about the chilling effect that such intelligence gathering and sharing will have on participation in the Board's proceedings, as

it appears to criminalize what is intended to be a forum for public expression and engagement in decision-making processes regarding projects of significant public interest. These activities violate sections 2(b), 2(c), 2(d) and 8 of the *Canadian Charter of Rights and Freedoms*, and are not authorized by section 12 of the *CSIS Act*.

Background and Specific Concerns

For the past few years, BCCLA has become increasingly alarmed by reports about the interest expressed by Canadian law enforcement and security agencies in organizations engaged in environmental advocacy. Last year, media reports documented these agencies describing such groups as “a growing radicalized environmentalist faction within Canadian society that is opposed to Canada’s energy sector policies”.¹ Subsequent media reports have suggested that CSIS and other government agencies regard protests and opposition relating to the petroleum industry as threats to national security.²

Most recently, the media has reported that CSIS worked with and shared information with the NEB about so-called “radicalised environmentalist” groups seeking to participate in the Board’s hearings regarding the Northern Gateway Project.³ These groups, which include Leadnow, ForestEthics Advocacy Association, the Council of Canadians, the Dogwood Initiative, EcoSociety, and the Sierra Club of British Columbia, have well-established records of engagement and advocacy on a wide range of public issues. Also included was the relatively newer social and political movement for Indigenous rights, Idle No More. None of these groups are criminal organizations, nor do they have any history of advocating, encouraging, or participating in criminal activity.

BCCLA has reviewed the *Access to Information Act* records upon which these recent media reports were based, and has also been contacted by many individuals involved with these organizations. BCCLA has serious concerns about the Service’s involvement and conduct in this matter. In particular, we note the following:

- Documents released by the NEB indicate that CSIS provided the Board with intelligence information beyond the open-source information its own security staff were capable of gathering. Richard Garber, the NEB’s Group Leader of Security, wrote in a January 31, 2013 email that the Board’s security team had consulted with CSIS “at national and regional levels,” noting that they would continue monitoring all sources of information and intelligence together with police and intelligence partners.⁴ The NEB’s “threat assessments” pertaining to hearings in Kelowna and Prince Rupert confirm that the Board consulted with “national-level intelligence

¹ Jim Bronskill, “RCMP Concerned About ‘Radicalized Environmentalist’ Groups Such As Greenpeace: Report,” *The Canadian Press*, July 29, 2012.

² Stephen Leahy, “Canada’s environmental activists seen as ‘threat to national security’,” *The Guardian*, February 14, 2013.

³ Shawn McCarthy, “CSIS, RCMP monitored activist groups before Northern Gateway hearings,” *The Globe and Mail*, November 21, 2013; Krystle Alarcon and Matthew Millar, “Harper government under fire for spying on environmental groups,” *The Vancouver Observer*, November 21, 2013; Matthew Millar, “Harper government officials, spies meet with energy industry in Ottawa,” *The Vancouver Observer*, November 22, 2013.

⁴ Email of R. Garber re Prince Rupert security assessment, dated January 31, 2013 [A0008929_37-000037-38].

resources" including "the Canadian Security Intelligence Service, both National Headquarters and Regional offices."⁵ BCCLA finds it disturbing that CSIS would provide such high-level intelligence to an arms-length government adjudicative body such as the NEB, particularly since national and local police had no expectation of any criminal activity in connection with the Board's proceedings.

- A member of the RCMP's Critical Infrastructure Intelligence Team ("CIIT") wrote to NEB staff and at least one CSIS official, [REDACTED] on April 19, 2013 regarding the risk of interference with the Board's hearings by groups opposed to oilsands and pipeline development.⁶ Despite acknowledging that CIIT had no intelligence indicating a criminal threat to the NEB or its members, the email advises that CIIT "will continue to monitor all aspects of the anti-petroleum industry movement" and confirms that this information is also being shared with CSIS. Again, BCCLA is troubled that CSIS and the RCMP would deem it necessary to share information and monitor the activities of groups and individuals who are not suspected of any criminality.
- The April 19, 2013 email also refers to the biannual "NRCan Classified Briefings" held by Natural Resources Canada, at which CSIS and the RCMP share information about security matters, including the monitoring of environmental organizations and activists, with the NEB and representatives of the energy industry.⁷ Indeed, the email invites the Board's representatives to discuss their concerns with security officials at the next NRCan Classified Briefing meeting. Such information sharing may compromise the ability of individuals, groups, and organizations to participate fully and effectively before the NEB, as industry representatives may be receive information that assists in advancing their position before the Board, and the Board itself may be made privy to unproven yet highly prejudicial allegations against some of the parties appearing before it.
- Finally, it appears highly likely that "intelligence" gathered by CSIS and shared with the NEB and industry representatives includes personal information about specific individuals.

Chilling Effect on Free Expression and Violations of Privacy

Freedom of expression is among the most fundamental of rights possessed by Canadians, and is guaranteed by section 2(b) of the *Canadian Charter of Rights and Freedoms*. Similarly, sections 2(c) and (d) of the *Charter* protect historically powerful modes of

⁵ National Energy Board, "Appendix 9: Enbridge Northern Gateway Project Integrated Security, Logistics and Communications Plan: Kelowna," dated January 24, 2013 [A0008929_61-000061]; National Energy Board, "Appendix 11: Enbridge Northern Gateway Project Security Plan: Prince Rupert," dated January 23, 2013 [A0008929_77-000077].

⁶ Email of T. O'Neil to R. Garber and 23 other recipients re "Security Concerns - National Energy Board," dated April 19, 2013 [A0008929_14-000014-15].

⁷ Matthew Millar, "Harper government's extensive spying on anti-oilsands groups revealed in FOIs," *The Vancouver Observer*, November 19, 2013; Matthew Millar, "Harper government officials, spies meet with energy industry in Ottawa," *The Vancouver Observer*, November 22, 2013.

collective expression, namely peaceful assembly and association. Protecting democratic discourse and participation in decision-making is a core rationale for these freedoms. The Supreme Court of Canada has repeatedly emphasized the paramount importance of free expression to Canadian society. As Chief Justice McLachlin stated in *Grant v Torstar Corp*, "free expression is essential to the proper functioning of democratic governance." For this reason, "freewheeling debate on matters of public interest is to be encouraged" because the truth-seeking function of public debate is dependent on the free flow of information and expression of diverse opinions.⁸

Any state action that discourages or deters individuals from engaging in free expression infringes section 2(b) of the *Charter*. Such violations are particularly egregious when they restrict expression concerning public affairs. BCCLA maintains that monitoring, surveillance, and information sharing with other government agencies and private sector interests creates a chilling effect for groups and individuals who may wish to engage in public discourse or participate in proceedings before the Board. Such scrutiny may also deter those who simply wish to meet with or join a group to learn more about a matter of public debate or otherwise exchange information or share views with others in their community. Indeed, BCCLA has already heard from several of the affected groups that members and prospective members of their organizations have expressed serious concerns and reluctance to participate in light of recent media reports of monitoring by law enforcement and security agencies.⁹

BCCLA also notes that individuals and groups have a reasonable expectation of privacy in meeting to discuss matters of public interest or planning ways of lawfully exercising their *Charter*-protected assembly and expression rights. If CSIS is involved in infiltrating these groups or is otherwise relying on confidential informants or covert intelligence gathering, then an inquiry must also be conducted into whether such activities amount to an unreasonable search in violation of section 8 of the *Charter*.

CSIS officials appear to equate advocacy for the environment at the expense of the petroleum industry as "a threat to the security of Canada". But opposing certain energy sector policies, even those viewed as key national policies to the government of the day, does not constitute subversion or a threat to national security. The evidence confirms that the groups were not suspected of any criminal activity, and were planning only to express their opinions to decision-makers and the public at large. That is a core democratic activity that should not attract the attention of CSIS. Indeed, the *CSIS Act* makes clear that "lawful advocacy, protest or dissent" cannot be regarded as threat to national security. Accordingly, monitoring and surveillance of these groups was not authorized by section 12 of the *CSIS Act*, and constituted a breach of privacy and an unreasonable search pursuant to section 8 of the *Charter*.

Finally, BCCLA is also concerned that the Service's ongoing collaboration and information sharing with the NEB and other interested parties may undermine the fairness of the Board's proceedings. In this regard, BCCLA is concerned that disclosing to the NEB that

⁸ *Grant v Torstar Corp*, 2009 SCC 61 at paras. 48 and 52.

⁹ BCCLA is prepared to provide the Committee with statements or other information from affected individuals and groups as to the impact of news reports of surveillance by law enforcement and security agencies on group membership and participation upon request or at such later stage as may be appropriate.

ce. ...in groups are of interest to or under investigation by CSIS may prejudice their credibility when they appear before the Board as intervening parties. As such, disclosure of intelligence information to the Board or other interested parties may compromise the right of these groups or individuals to participate in or even attend proceedings in which they have clearly expressed an interest. Moreover, CSIS is only authorized under section 12 of the *CSIS Act* to report intelligence or information to the Government of Canada, which would not include private sector actors or the arms-length NEB.

Conflict of Interest

Recent media reports have identified several SIRC committee members who maintain close relationships with Enbridge and the petroleum industry. Given the subject-matter of this complaint, including allegations of inappropriate or unlawful collaboration between CSIS, the National Energy Board, and petroleum industry representatives (including Enbridge and Northern Gateway in particular), these ties raise serious concerns about conflict of interest, independence, and reasonable apprehension of bias.

BCCLA was therefore pleased to learn that the Hon. Chuck Strahl had done the right thing by voluntarily stepping down as SIRC Chair after it emerged that he is also registered as a lobbyist on behalf of Enbridge's Northern Gateway Pipelines project.¹⁰ However, BCCLA remains concerned that other SIRC committee members may have similar conflicts arising from their close ties to the petroleum industry and controversial pipeline projects. In particular, we note that SIRC member Denis Losier currently sits on the board of directors for Enbridge NB, a wholly-owned Enbridge subsidiary, while SIRC member Yves Fortier previously sat on the board of TransCanada Pipelines, the company that is now behind the proposed Keystone XL project.¹¹

Not only do these companies have direct and significant financial interests in the outcome of NEB proceedings, but they are also squarely implicated in matters raised in this complaint. For example, the above-mentioned "NRCan Classified Briefings," at which CSIS shared intelligence information with NEB and petroleum industry representatives, were sponsored by Enbridge.¹² In our view, the involvement in this complaint of any SIRC committee member who also works with the petroleum industry gives rise to a clear conflict of interest and reasonable apprehension of bias. In addition, participating in the investigation of this complaint could provide these individuals with information or insight which may be extremely valuable to their petroleum industry clients.

Given these serious concerns, BCCLA maintains that any Review Committee members having ties to the petroleum industry must recuse themselves from any participation or involvement in the investigation of this complaint, and no other member who may have similar ties to the petroleum industry should be designated to act in respect of this matter.

¹⁰ Matthew Millar, "Canada's top spy watchdog lobbying for Enbridge Northern Gateway pipeline," *The Vancouver Observer*, January 4, 2014.

¹¹ Greg Weston, "Other spy watchdogs have ties to oil business," *CBC News*, January 10, 2014.

¹² Matthew Millar, "Harper government's extensive spying on anti-oilsands groups revealed in FOIs," *The Vancouver Observer*, November 19, 2013.

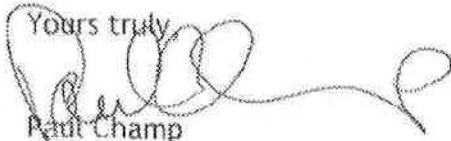
Conclusion

In light of the foregoing, BCCLA asks that the Committee undertake a full investigation of the allegations described in this complaint and those CSIS members who are or may have been involved in targeting groups participating or seeking to participate in NEB hearings. You will note that this letter is copied to Michel Coulombe, Interim Director of CSIS. As such, our letter also constitutes a complaint to the Director, as required under section 41 of the CSIS Act. As we anticipate that CSIS will issue its final response within thirty days, we would ask SIRC to take the preliminary steps needed to commence its review of the within complaint by appointing a member of the Committee to investigate this matter, keeping in mind the conflict of interest and bias concerns discussed above.

In particular, we expect the investigation to address the following questions:

- Why is CSIS (and other branches of Canadian law enforcement and security apparatus) monitoring public interest, environmental and advocacy groups, in particular Leadnow, ForestEthics Advocacy Association, Council of Canadians, the Dogwood Initiative, EcoSociety, the Sierra Club of British Columbia, and Idle No More, despite an absence of any basis for believing that these groups have engaged in criminal wrongdoing?
- For how long has CSIS been involved in surveillance of these, and other, groups?
- Under what law, regulation or other authority is CSIS acting when it monitors these groups?
- Why is CSIS sharing information about public interest, environmental and advocacy groups with members of the petroleum industry?
- Under what authority is CSIS acting when sharing intelligence concerning these groups with members of the petroleum industry?
- What information has been conveyed by CSIS to members of the petroleum industry? (We request copies of any notes, transcripts or recordings of these communications.)

We trust you will appreciate the urgency of this matter, and look forward to hearing from you regarding next steps in the complaint process as soon as possible. We remain available to address any questions or furnish any additional information which you may require in the course of your inquiry into this matter.

Yours truly

Paul Champ

C: J. Paterson, Executive Director, BCCLA
M. Coulombe, Interim Director, CSIS

RCMP Concerned About 'Radicalized Environmentalist' Groups Such As Greenpeace: Report

CP | By Jim Bronski, The Canadian Press
Posted: 07/29/2012 5:50 am Updated: 07/29/2012 10:38 am

THE CANADIAN PRESS *** OTTAWA - There is a "growing radicalized environmentalist faction" in Canada that is opposed to the country's energy sector policies, warns a newly declassified intelligence report.

The RCMP criminal intelligence assessment, focusing on Canadian waters, cites potential dangers from environmental activists to offshore oil platforms and hazardous marine shipments, representing perhaps the starkest assessment of such threats by the Canadian security community to date.

The report drew a sharp dismissal from Greenpeace — a prominent environmental group singled out in the document — which suggested it could simply be an effort by security authorities to tell the Harper government what it wants to hear.

The Canadian Press obtained a heavily censored copy of the September 2011 threat assessment of marine-related issues under the Access to Information Act.

The report was compiled by the Mounties with input from the Canada Border Services Agency, Canadian Security Intelligence Service, Defence Department, Fisheries and Oceans and Transport Canada. Contributing agencies reviewed the resulting assessment.

"The Canadian law enforcement and security intelligence community have noted a growing radicalized environmentalist faction within Canadian society that is opposed to Canada's energy sector policies," says the report.

"Greenpeace is opposed to the development of Canada's Arctic region, as well as Canada's offshore petroleum industry. Criminal activity by Greenpeace activists typically consists of trespassing, mischief, and vandalism, and often requires a law enforcement response.

"Greenpeace actions unnecessarily risk the health and safety of the activists, the facility's staff, and the first responders who are required to extricate the activists."

Recent protests off the coast of Greenland involving Greenpeace vessels MV Esperanza and Arctic Sunrise "highlight the need to be prepared for potential threats to the safety and security of offshore oil and gas platforms."

"Tactics employed by activist groups are intended to intimidate and have the potential to escalate to violence."

For years CSIS has cited the potential for the most extreme environmentalists to resort to violence. But some critics have accused the Conservative government of taking the message much further with none-too-subtle warnings about "environmental and other radical groups" bent on derailing major oil, forestry and mining projects.

Yossi Cadan, campaigns director for Greenpeace Canada, said while group members sometimes trespass on private property to make their point, the group shuns violence.

"We're peaceful and non-violent. We are taking direct actions, but it's never violent," he said, adding "safety is a No. 1 priority for us."

"There is a difference between breaking the law and criminal activities," Cadan added.

"It's true that the distance between the government policy and the environmental movement is growing, but I don't think that the movement is getting more radical."

It seems like anyone who disagrees with the government on subjects such as the Alberta oil sands "has become an enemy in many ways," he said.

Cadan accused the federal government of trying to avoid the real issues by publicly attacking opponents. "It's not going to work because we are going to continue and focus on the environmental issues."

For its part, CSIS denies any ideological bias against environmental activists, saying in a recently declassified memo from earlier this year that, "Needless to say, such accusations are patently untrue."

Overall, the 2011 RCMP-led assessment of Canadian waters found criminal organizations continue to exploit marine ports, waterways and waterside infrastructure to smuggle drugs, people and other commodities including stolen vehicles.

In addition, the report says illegal fishing remains a problem, and Canada's expertise in maritime and scientific fields makes it "an attractive target for espionage."

Increased accessibility to ice-free Arctic waterways may also result in greater commercial fishing and vessel activity, says the report. Boost in traffic, along with a commercial fisheries ban in the Beaufort Sea, "could lead to an increase in illegal, unreported and unregulated" fishing in the Arctic, it adds.

The assessment concludes there is a need for strategies "to detect and disrupt threats" before they occur.

ENCLER ON: 00000000

Canada's environmental activists seen as 'threat to national security'

Police and security agencies describe green groups' protests and petitions as 'forms of attack', documents reveal

- [Stephen Leahy](#) in Uxbridge, Canada
- [theguardian.com](#), Thursday 14 February 2013 17:41 GMT



Canadian government agencies have been accused of conflating extremism with peaceful protests, such as the ongoing campaign against Keystone XL tar sands pipeline project. Photograph: Jonathan Ernst/Reuters

Monitoring of environmental activists in Canada by the country's police and security agencies has become the "new normal", according to a researcher who has analysed security documents released under freedom of information laws.

Security and police agencies have been increasingly conflating terrorism and extremism with peaceful citizens exercising their democratic rights to organise petitions, protest and question government policies, said [Jeffrey Monaghan](#) of the Surveillance Studies Centre at Queen's University in Kingston, Ontario.

The RCMP, Canada's national police force, and the Canadian Security Intelligence Service (CSIS) view activist activities such as blocking access to roads or buildings as "forms of attack" and depict those involved as national security threats, according to the documents.

Protests and opposition to Canada's resource-based economy, especially oil and gas production, are now viewed as threats to national security, Monaghan said. In 2011 a Montreal, Quebec man who wrote letters opposing shale gas fracking was charged under Canada's Anti-Terrorism Act. Documents released in January show the RCMP has been monitoring Quebec residents who oppose fracking.

"Any Canadians going to protest the Keystone XL pipeline in Washington DC on Sunday had better take precautions," Monaghan said.

In a Canadian Senate committee on national security and defence meeting Monday Feb 11 Richard Fadden, the director of CSIS said they are more worried about domestic terrorism, acknowledging that the vast majority of its spying is done within Canada. Fadden said they are "following a number of cases where we think people might be inclined to acts of terrorism".

Canada is at very low risk from foreign terrorists but like the US it has built a large security apparatus following 9/11. The resources and costs are wildly out of proportion to the risk said Monaghan.

"It's the new normal now for Canada's security agencies to watch the activities of environmental organisations," he said.

Surveillance and infiltration of environmental protest movement has been routine in the UK for some time. In 2011 a Guardian investigation revealed that a Met police officer had been living undercover for seven years infiltrating dozens of protest groups.

Canadian security forces seem to have a "fixation" with Greenpeace, continually describing them as "potentially violent" in threat assessment documents, said Monaghan.

"We're aware of this" said Greenpeace Canada's executive director Bruce Cox, who met the head of the RCMP last year. "We're an outspoken voice for non-violence and this was made clear to the RCMP," Cox said.

He said there was real anger among Canadians about the degradation of the natural environment by oil, gas and other extractive industries and governments working for those industries and not in the public interest. Security forces should see Greenpeace as a "plus", a non-violent outlet for this anger, he argued. "It is governments and fossil fuel industry who are the extremists, threatening the prosperity of future generations."

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THE GLOBE AND MAIL

November 21, 2013

CSIS, RCMP monitored activist groups before Northern Gateway hearings

By SHAWN MCCARTHY

The National Energy Board worked with police to monitor risk posed by environmental groups and First Nations

The National Energy Board worked with the RCMP and Canadian Security Intelligence Service to monitor the risk posed by environmental groups and First Nations in advance of public hearings into Enbridge Inc.'s Northern Gateway project, documents released under Access to Information regulations reveal.

In one e-mail, dated April 19, a member of the RCMP's Critical Infrastructure Intelligence Team warns that the federal government's efforts to exclude activist groups from regulatory hearings could result in protesters "targeting" NEB panel members.

"These new hearing procedures have refocused protest activity from the content of the hearings to the conduct of the hearings," Tim O'Neill, an Ottawa-based RCMP "research specialist" says.

The e-mail — with the subject heading "Security Concerns — National Energy Board —" was sent to a number of federal officials, including NEB's chief security officer Richard Garber.

Noting "sustained opposition" to oil sands expansion, Mr. O'Neill said it was "highly likely that the NEB may expect to receive threats to its hearings and its board members."

However in an extensive e-mail chain, Mr. Garber and other RCMP analysts said they had not identified any threats or criminal activity, and that protests against the project had so far been peaceful.

The police monitoring of regulatory hearings reflects the growing tension around certain resource projects, as pipeline companies seek NEB approval for a series of highly controversial plans aimed at bringing Alberta crude to new markets. Those include Enbridge Inc.'s Northern Gateway through B.C. and the Line 9 reversal, which would transport western crude through Ontario to Montreal, as well as TransCanada Corp.'s Energy East line that would ship 1.1-million barrels per day to refineries and export terminals in eastern Canada. The projects face fierce opposition from environmentalists, as well as some First Nations communities.

Activists in the U.S. are pledging a campaign of non-violent civil disobedience if President Barack Obama approves TransCanada's Keystone XL pipeline.

The documents were obtained under Access to Information by an Ottawa-based media outlet Blacklock Group and released to ForestEthics Advocacy, which was among the groups monitored by the RCMP.

"This a light-year leap in the level of paranoia and government action to protect the profits of private companies," Toronto lawyer Clayton Ruby said Thursday. Mr. Ruby, who is chairman of ForestEthics Advocacy, said environmental groups typically endorse only lawful protests. In the rare instances civil disobedience is used as a tactic, it remains peaceful, he added.

The documents make it clear that police have informants from movements like the aboriginal Idle No More movement. They also make reference to police monitoring of the websites, press releases, social media and other public statements of environmental groups including the Council of Canadians, the Dogwood Initiative, the Sierra Club of British Columbia and ForestEthics.

According to other documents previously disclosed under Access to Information, The RCMP and CSIS have identified "extremist" environmental groups and aboriginal protesters as a potential source of domestic terrorism, thereby justifying the monitoring and infiltration of such groups. An RCMP spokesman was unable to comment on the documents on Thursday.

NEB spokeswoman Sarah Kiley said the board was merely doing routine security reviews to ensure the Northern Gateway hearing would remain safe and peaceful.

"Under the Canada Labour Code, we are required to ensure the safety of our NEB staff and NEB members and we would extend that to participants in the hearings," Ms. Kiley said. "As part of that, we would have a look at the environment to see if there is anything that we should be aware of and make our plans accordingly."

She added she was not aware of any threat that prompted the contact with police and CSIS.

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Posted on *The Vancouver Observer* (<http://www.vancouverobserver.com>)

Harper government under fire for spying on environmental groups

Green leaders and members of Parliament react to FOIs obtained by the Vancouver Observer that revealed the National Energy Board was coordinating spying efforts on environmental groups.

Krystie Alarcon and Matthew Millar

Posted: Nov 21st, 2013

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Politicians, environmentalists and First Nations alike are infuriated that the federal government worked hand-in-hand with the oil industry to spy on groups that opposed pipeline projects.

Documents obtained by the Vancouver Observer under the Access to Information Privacy Act revealed that the National Energy Board, an independent regulatory agency, coordinated with the Canadian Security Intelligence Service (CSIS), the police, and oil companies.

"It's the death of democracy if you've got non-violent, law-abiding First Nations, environmentalists and Canadian groups of all kinds being subjected to surveillance then handed over to industry groups. Frankly, it's scary," said Elizabeth May, the MP and Green Party leader. "What Stephen Harper has essentially done is to take the spy agencies of the federal government of Canada and put them at the service of private companies like Enbridge."

The board coordinated the gathering of intelligence on opponents to the oil sands before the Joint Review Panel hearings on the proposed Enbridge pipeline, which will carry up to 525,000 barrels of oil everyday from Alberta to Kitimat in northern BC.

Emails between the board and CSIS looked at groups that work for environmental protections and democratic rights, including Idle No More, ForestEthics, Sierra Club, EcoSociety, LeadNow, Dogwood Initiative, Council of Canadians and the People's Summit.

May, who was in Poland for the United Nations conference on climate change, was alarmed by the private-public sector partnership.

Even the innuendoes within the exchanges of emails between the board and CSIS alarmed her.

"The assumption in the briefing documents (of the NEB) is that somehow we pose a threat to the state because we are potentially a security threat," which could lead into using the new anti-terrorism law against opponents, May said.

In a letter called, "Can you keep a secret?" last month, May already raised red flags about CSIS working too closely with industry, as it spied on Brazil's mining industry and gave their findings to Canadian energy companies.

The Green Party, NDP and Liberal Party criticized the Conservative government after finding out about the board's involvement with intelligence agents.

"I wonder if I'm under investigation, I raised questions about the Enbridge pipeline," said Nathan Cullen, the MP and NDP House Leader.

He called the relationship between the board and CSIS disturbing: "It's very Canadian to be involved in your community. It's very un-Canadian to run the country like Joe McCarthy looking for enemies of the state just because they disagree with you."

Liberal Party MP and environment critic John McKay expressed similar outrage. "If Canadians can't intervene on an issue in a manner where you feel comfortable, and without being 'blacklisted,' then this speaks to the diminishing quality of democracy," he said.

McKay was referencing how environmental groups were allegedly blacklisted as enemies of the Government of Canada last year.

He further slammed the board for its coordination efforts with CSIS and the RCMP. "These are 'sham hearings -- a moot court' only carrying out the work of the Harper government," McKay argued.

Liberal MP Joyce Murray said that the NEB's neutrality had been compromised by the current administration.

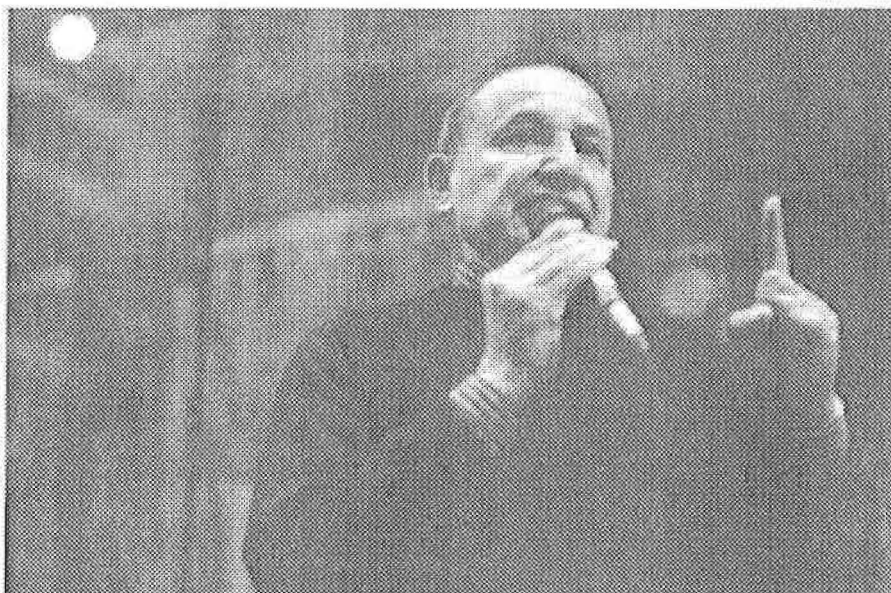
"It's supposed to be a neutral agency. In fact it is controlled by the government, so the question in my mind is, was it the government that instructed the NEB to do this?"

NDP environmental critic Megan Leslie said, "Canadians should push back".

Council of Canadians environment campaigner Andrea Harden-Donahue said, "The NEB is meant to be an independent federal agency, not a spy watch dog. This is yet another example of the NEB failing to meet its mandate."

"Third World police state"

Grand Chief Stewart Philip was outraged that the Idle No More movement was spied upon, he said, adding, "I'm shocked that the National Energy Board would do such a thing. It's a gross infringement on our freedom of speech and freedom and right to free assembly. It smacks of Third World police state."



Grand Chief Stewart Phillip, head of Union of BC Indian Chiefs. Photo by David P. Ball (davidpball.com)

One environmentalist is worried the government taps her phone line. "It makes any person who acts openly on their desires to see Canada have a clean future become second-class citizens," said Valerie Langer, with ForestEthics Solutions. "Everything we do is perfectly clear. We do not hide from what we see as industrial exploitation that is threatening the environment and the people."

She added that, "We will keep doing what we do best which is to mobilize people. We will continue to do our work."

Will Horter, of the Dogwood Initiative said the spying was a waste of taxpayers' money. One email in particular, that focused on the Dogwood Initiative's event in a Kelowna church on Jan.27, was "farical", he said. "We were training participants on how to be better story makers and sign makers. What appears to have triggered the surveillance is that we worked with a number of people to participate in a public process," he said. "This will reinvigorate us if anything."

Harper will stop at nothing, he said, adding that "he has gutted the environmental laws, changed the hearing policies midstream, cut funding for vital organizations. He's done a lot of things governments haven't done before. I can see him fix the spy agencies on Canadians."

Cullen said he will file for his own access to confidential government documents, but added that it will be hard to get CSIS to disclose anything.

"The government would be able to say they operated at arms length... so we need to drag the CSIS national director into this," he said.

Grand Chief Stewart Philip plans on talking to his legal counsel. He will also consult with British Columbia Civil Liberties Association and Amnesty International, he said. "We will not stand down, regardless of this secret state mentality of the Harper government infringing upon our legal rights."

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Published on *The Vancouver Observer* (<http://www.vancouverobserver.com>)

Harper government officials, spies meet with energy industry in Ottawa

Matthew Millar

Posted: Nov 22nd, 2013

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Government spies and energy stakeholders met in Ottawa yesterday to discuss issues of national security, including the monitoring of environmental organizations and activists.

• Harper government's extensive spying on anti-oil sands groups revealed in FOIs

This meeting is the second of bi-annual "classified briefings" held at CSIS headquarters in Ottawa, bringing together federal agencies, spies, and private industry stakeholders with high level security clearances, including officials from energy companies in the oil, natural gas, pipeline, petroleum refinery and electricity sectors.

The last briefing was held on May 23 and was sponsored by Enbridge, Brookfield and Bruce Power.

In attendance at prior briefings were representatives from the RCMP, CSIS, NEB, DND (Department of National Defence) and also the Communications Security Establishment (CSEC), a federal agency that spies mainly on foreigners by hacking into their computers, reading their email and intercepting their phone calls. It was reported last month in documents released by whistle blower Edward Snowden that CSEC has spied on computers and smartphones affiliated with Brazil's mining and energy ministry in a bid to gain economic intelligence.

The purpose of the classified briefing is to provide intelligence to select energy representatives, while encouraging the private sector to brief the Canadian Intelligence and law-enforcement community on issues that they would not "normally be privy to".

"From my experience, these briefings provide an excellent forum to build the relationships required to assist the RCMP within its investigations" writes Tim O'Neil, RCMP Senior Criminal Research Specialist in an email sent in advance of a 2012 briefing. The energy sector representatives all possess at least a Level II (Secret) Security Clearance. There are three levels of clearance, as defined by the Policy of Government Security: Confidential (Level I), Secret (Level II) and Top Secret (Level III).

Documents published earlier this week reveal the cooperation of the RCMP, CSIS and the National Energy Board in the gathering of intelligence on oil sands opponents, including advocacy organizations and First Nations groups.

"These are legitimate spokespersons, relating concerns that people have on the environmental impacts of Conservative and industry plans", said Liberal MP Joyce Murray, who suggests that these actions are part of an intimidation campaign by Prime Minister Stephen Harper and his government.

The documents, 140 pages of emails and operations plans from December 2012 to April 2013, show Richard "Rick" Garber, the NEB's "Group Leader of Security" overseeing the cooperation of RCMP, CSIS and

privately energy companies.

In a list of 2011 briefing attendees obtained last night, Garber is identified as a representative of DRDC, an agency of Canada's Department of National Defence (DND).



Click on image to enlarge.

DRDC provides DND, the Canadian Armed Forces and other government departments as well as the public safety and national security communities, "the knowledge and technological advantage needed to defend and protect Canada's interests at home and abroad," according to DRDC's website.

The National Energy Board, Canada's independent federal regulator of pipelines, responded yesterday to reports of intelligence gathering on opponents to the proposed developments. In a statement from NEB CEO Gaëtan Caron, he acknowledges that the NEB may work with local officials and federal colleagues such as "the RCMP in the interests of safety for the public hearings, NEB Board Members, staff and the general public."

It has raised concerns in Parliament that the collection of intelligence on Canadians is happening without parliamentary oversight, and potentially, with partisan influence and outside the confines of the law.

CSIS is overseen by the independent Security Intelligence Review Committee (SIRC). SIRC is currently chaired by former Conservative cabinet minister Chuck Strahl. Disgraced committee member Dr. Arthur Porter, who was appointed by Stephen Harper in 2008, is currently in a Panamanian jail facing a range of charges, from money laundering, to taking kickbacks and conspiracy to commit fraud.

Both the National Energy Board and Security Intelligence Review Committee are supposed to function free of government collusion, but parliamentarians say they believe that the Harper government has instructed, or at least influenced the agencies in this case. MP Megan Leslie, deputy opposition leader and environmental critic is outraged. "It's not appropriate for the government to be giving these instructions".

She feels that they have influenced the NEB either by direct instructions or in creating a fear-based culture within the independent agency.

"The National Energy Board is supposed to be a neutral agency," said Liberal MP Joyce Murray.

"Of the three members on the NEB Joint Review hearing panel, one is handpicked by the government, with the second holding a power of veto," she continued, noting that two out of the three panel members are either selected or endorsed by government.

"This is unprecedented," says Murray, "and now they are potentially instructing the NEB to collect private information and we have no way of knowing if it is being used counter to the law or not."

Mo in Canada

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Harper government's extensive spying on anti-oilsands groups revealed in FOIs

Independent federal agency, National Energy Board, directly coordinated effort between CSIS, the RCMP and private oil companies.

Matthew Miller

Posted: Nov 19th, 2013

(Page 1 of 1)

The federal government has been vigorously spying on anti-oil sands activists and organizations in BC and across Canada since last December, documents obtained under the Access to Information Act show. Not only is the federal government subsidizing the energy industry in underwriting their costs, but deploying public safety resources as a de-facto 'insurance policy' to ensure that federal strategies on proposed pipeline projects are achieved, these documents indicate.

Before the National Energy Board's Joint Review Panel hearings on the proposed Enbridge oil pipeline, the NEB coordinated the gathering of intelligence on opponents to the oil sands. The groups of interest are independent advocacy organizations that oppose the Harper government's policies and work for environmental protections and democratic rights, including Idle No More, ForestEthics, Sierra Club, EcoSociety, LeadNow, Dogwood Initiative, Council of Canadians and the People's Summit.

- Leadnow and Dogwood Initiative. On 27 Jan, the Leadnow and Dogwood Initiative will be providing an afternoon workshop and skills training that will provide tools and strategies for community resistance and solidarity to members of the public. This initiative is intended to foreshadow the hearings on 28 Jan.

Click on image to enlarge

Mandated as an 'independent federal agency', the NEB directed the police protection of their board members and officials from Enbridge and TransCanada Corporation, 140 pages of emails from December 2012 through April 2013 show.

In the emails, Richard "Rick" Garber, the NEB's "Group Leader of Security", marshals security and intelligence operations between government agencies and private interests, and says in a January 31, 2013 email that the NEB "Security Team has consulted today with Canadian Security and Intelligence Service (CSIS) at national and regional levels; RCMP at national, regional and local levels."

Re: *Garber*

From: Rick Garber
Sent: January 30, 2013 5:08 PM
To: Stella Leggett, Kenneth Kuttman, Hans Mathews
Cc: Ruth Mills, John Proulx, Gert Gombel, Lee Williams, Eric Williams, sub-one@poc, Kelly Anne Dyball, Kelly Anne Dyball@poc-one.gc.ca
Subject: RE: Prince Rupert security assessment

Stella, Kenneth and Hans,

In response to your query, the Security Team has conducted today with CSIS at national and regional levels; RCMP at national, regional and local (Prince Rupert Detachment) level and conducted a thorough review of open source intelligence, including social media feeds.

Click on image to enlarge

"The Security Team, together with our police and intelligence partners, will continue to monitor all sources of information and intelligence," he says.

The documents show the NEB working with CSIS and the RCMP to make "security plans" for the Vancouver, Victoria, Kelowna and Prince Rupert hearings and actively coordinating with officials from Enbridge and TransCanada Corporation and a private security contractor hired by the NEB.

They also show Garber asking Sgt. Steinhammer of the Prince Rupert RCMP to provide a visible uniformed presence during the hearings there to deter "illegal activities."

In particular, would it be possible for you to provide a visible uniformed presence the first day or two of the hearings to both deter illegal activity and get a sense of the evolving / changing conditions (if any) associated with periodic issues the remainder of the hearing sessions?

Your continuing assistance is greatly appreciated by the undersigned and the group.

Click on image to enlarge

Sustained opposition to pipelines noted, especially in BC

On April 20, 2013, an email entitled "Security Concerns - National Energy Board" was sent to integrated security officials, and stressed the continued protection of NEB and private interests. The memo was from Tim O'Neil, Senior Criminal Intelligence Research Specialist with the RCMP, and then circulated to the NEB and associated stakeholders by Garber.

"There continues to be sustained opposition to the Canadian petroleum and pipeline industry," O'Neil said. "Opposition is most notable in British Columbia, with protests focused on the: Enbridge Northern Gateway; Kinder Morgan Trans Mountain Pipeline expansion; the increasing use of hydraulic fracturing, and proposed LNG facilities. Opponents have used a variety of protest actions (directed at the NEB and its members) to draw attention to the oil sands' negative environmental impact, with the ultimate goal of forcing the shutdown of the Canadian petroleum industry."

Opponents to the Oil Sands have used a variety of protest actions to draw attention to the Oil Sands' negative environmental impact, with the ultimate goal of forcing the shut down of the Canadian petroleum industry. These same groups have broadened their protests to include the pipeline and more recently, the railroad industry, who the opposing groups claim are facilitating the continued development of the Oil Sands.

Opposition is most notable in the British Columbia, with protest focused on the: Enbridge Northern Gateway; Kinder Morgan Trans Mountain Pipeline expanding the increasing use of hydraulic fracturing, and proposed LNG facilities.

Click on image to enlarge

O'Neil then ordered the escalation of RCMP and CSIS intelligence measures following the opening of an SPROS/SIR database file. According to the Government of Canada, SPROS is the new National Security Program's primary database for the electronic storage, retrieval and management of national security criminal investigations and information, and on a required basis, classified criminal intelligence and other sensitive cases.

"It is highly likely that the NEB may expect to receive threats to its hearings and its board members," O'Neil said. However, in the same memo he states that there is "no intelligence indicating a criminal threat to the NEB or its members" and "I could not detect a direct or specific criminal threat." In closing, O'Neil advises recipients to discuss their concerns with the security officials at the National Resources May 23rd classified briefing.

"What is particularly chilling about the Harper administration's approach is the conversion of government agencies to private spy agencies for private sector corporations," Green Party Leader, Elizabeth May said, upon learning about the emails. "What is unacceptable is the marginalization, demonizing, and threat of criminalization of healthy debate in a democracy."

On May 23, 2013, Natural Resources Canada hosted a 'Classified Briefing for Energy & Utilities Sector Stakeholders' in collaboration with CSIS and the RCMP at CSIS's headquarters in Ottawa.

If you are planning to attend the NEB on May 23rd Classified Briefing, you may wish to discuss your concerns with the security officials who will be in the briefing room.

You are welcome to contact me directly to discuss your concerns in more detail.

Regards, _____

Tim Groves
Senior Criminal Intelligence Research Specialist
Critical Infrastructure Intelligence Team
Federal Policing Criminal Operations
Rt. 4th Floor, Box 616-06
渥太华, 加拿大
K1A 0H6
Ottawa, Ontario
K1A 0H6

Click on image to enlarge

The briefing has occurred twice annually since 2005 and its stated purpose is to discuss national security and criminal risks to critical energy infrastructure. Attendees include government officials, federal ministries, law enforcement agencies and energy stakeholders with high-level security clearances. These meetings have been described as an opportunity for government officials and companies to exchange information "off the record" and form "ongoing trusting relationships" in the protection of national energy infrastructure.

An agenda obtained by Tim Groves and Martin Lukacs at *The Guardian* last month revealed that breakfast, lunch and coffee was sponsored by Enbridge and a networking reception held at the Chateau Laurier was co-hosted by Bruce Power and Brookfield Renewable Energy Partners. Meetings during this conference

incl. of "challenges to energy projects by environmental groups."

CLASSIFIED BRIEFING FOR ENERGY & UTILITIES SECTOR STAKEHOLDERS

Hosted by Natural Resources Canada (NRCan) -- In collaboration with CSIS and RCMP
 LOCATION: Canadian Security Intelligence Service, 1941 Dufferin Road, Ottawa, Ontario
 PURPOSE: To Discuss National Security and Criminal Risks to Critical Energy Infrastructure
 CHAIR: Jeff Laroche, Director General, Petroleum Resources Branch, NRCan

AGENDA

AGENDA THEME: SECURITY OF ENERGY RESOURCES DEVELOPMENT

Wednesday, May 22, 2013

6:30 PM - 9:00 PM: NETWORKING RECEPTION FOR ALL PARTICIPANTS
 DRAWING ROOM, FAIRMONT CHATEAU LAURIER, 1 RIDEAU STREET, OTTAWA
 RECEPTION CO-HOSTS:




Thursday, May 23, 2013

Breakfast, Lunch and Coffee sponsored by Enbridge

ENBRIDGE

Given proof of CSIS and RCMP intelligence resources being afforded to the NEB, and evidence of disclosure across the private sector, it is undetermined how much information is being provided to corporations such as Enbridge and TransCanada Corporation, and to what extent international entities such as CNOOC are also benefiting.

Since coming to power, Conservative prime minister, Stephen Harper, has used his government apparatus to serve a natural resources development agenda, the Guardian recently wrote, "while creating sweeping domestic surveillance programs that have kept close tabs on indigenous and environmental opposition and shared intelligence with companies."

"Harper has transformed Canada's foreign policy to offer full diplomatic backing to foreign mining and oil projects, tying aid pledges to their advancement and jointly funding ventures with companies throughout Africa, South America and Asia."

The National Energy Board has no spying mandate, according to its website, but serves to function as a regulatory agency over the gas and oil industry, answering to Parliament and the Canadian people.

Correction: a previous version of the article attributed the May 22, 2013 agenda to have been obtained by the CBC. It was obtained by The Guardian and provided to CBC afterward.

More in Politics

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[Criminal acts by Wright and Duffy took place under PMO's nose, court documents show](#)

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Source URL: <http://www.vancouverobserver.com/politics/harper-governments-extensive-spying-anti-oilsands-groups-revealed-fois>

Published on *The Vancouver Observer* (<http://www.vancouverobserver.com>)

Canada's top spy watchdog lobbying for Enbridge Northern Gateway pipeline

Matthew Millar

Posted: Jan 4th, 2014

(Page 1 of)

Chuck Strahl, Chairman of the federal body which oversees Canada's spy agency, the Canadian Security Intelligence Service (CSIS), has registered to lobby on behalf of Enbridge's 'Northern Gateway Pipelines Limited Partnership'.

Two weeks before the December 19, 2013 decision of the National Energy Board's Joint Review Panel on the Enbridge Northern Gateway Pipeline Project, Strahl and his firm - Chuck Strahl Consulting Inc. - registered as a B.C. provincial lobbyist and listed the Enbridge subsidiary as his client starting December 6.

Lobbyist Firm Business Contact Information

Name of Lobbyist Firm: Chuck Strahl Consulting Inc.

\$100

Parliament Road

Chilliwack, BC V4Z 1E7

Canada

Email: csstrahl@vancouverobserver.com

Phone: 604 316 5135

Fax:

Client Information

Name of Client: Northern Gateway Pipelines L.P.

Summary of a Client's business or activities:

pipeline construction and operation

Business Contact Information:

Suite 3000

415 1st St. S.W.

Calgary, AB T2P 3L8

Canada

Email: amy.patterson@enbridge.com

Phone: 404 345-2599

Fax:

Click on image to enlarge

Strahl's registration declares that he is targeting B.C.'s Minister of Natural Gas Development, Rich Coleman, to arrange a meeting with representatives from Northern Gateway Pipelines on the subject of "Energy". Strahl stated that he is lobbying on their behalf until June 2014.

"I do some contract work for Enbridge," Strahl told the Vancouver Observer. "I've registered just in case I arrange a meeting, but no meetings to report".

Strahl is a former Conservative Member of Parliament for the B.C. riding of Chilliwack-Fraser Canyon and was first elected in 1993. While in federal government, Strahl served as Minister of Agriculture, Minister of Indian Affairs and Northern Development, Minister of Transport and Deputy Speaker of the House of Commons.

Strahl retired from politics in 2011 and was appointed by Prime Minister Stephen Harper to head the non-partisan and independent Security Intelligence Review Committee (SIRC) on June 14, 2012 for a five-year term. He also serves as Director and Chairman of the Conservative party's Manning Centre, an organization "dedicated to building Canada's conservative movement".

Strahl replaced disgraced Chairman Dr. Arthur Porter, who is currently in a Panamanian jail facing a range of charges from money laundering, to taking kickbacks and conspiracy to commit fraud while acting as a middleman for SNC-Lavalin and other private business interests.

The Security Intelligence Review Committee reports to Parliament on all activities undertaken by CSIS – and with the exception of cabinet secrets, Strahl's position affords access to all intelligence gathered by the organization.

Strahl's move to represent Enbridge confounds prior assertions which downplayed the circumstantial relationships between CSIS, its oversight committee and the private sector. Former CSIS Assistant Director Ray Boisvert said at one point to the Vancouver Observer that "there is no collaboration between intelligence organizations and private industry. That is against the law". Boisvert retired from CSIS in 2012 and is currently a security consultant in the private sector.

However, documents published by The Vancouver Observer in November 2013 revealed the extent to which the Harper government, CSIS and the RCMP monitored activists and organizations who opposed the Enbridge Northern Gateway Pipeline Project. At the same time, CSIS and the RCMP were cooperating with the private sector by holding 'Classified Briefings for Energy and Utilities Sector Stakeholders' at CSIS's headquarters in Ottawa.

The May 23, 2013 'classified briefing' was sponsored by Enbridge and brought together federal agencies, spies, and private industry stakeholders with high level security clearances – which included officials from energy companies in the oil, natural gas, pipeline, petroleum refinery and electricity sectors.

Strahl's registration for lobbying activities on behalf of Enbridge raise questions about conflicts-of-interest and ethics, lobbying legislation and also the collusion of private interests within Canada's security apparatus.

"What Stephen Harper has essentially done is to take the spy agencies of the federal government of Canada and put them at the service of private companies like Enbridge," said Green Party Leader Elizabeth May in November.

Strahl is listed as Consultant with 'Chuck Strahl Consulting Inc.' since 2011 and his duties are to "develop and provide communications, strategic and government relations advice to corporations, governments and NGOs".

As a former minister, Strahl is a 'Designated Public Office Holder' under the federal *Lobbying Act* and is prohibited from lobbying the Government of Canada for a five year period post-employment. He is also required to declare his prior status as an MP in the lobbyist registry.

Strahl did not declare in his B.C. registration that he held federal public office from 1993 to 2011, as the provincial *Lobbyists Registration Act* only applies to previous officers of the B.C. government. He is not restricted from lobbying the province of British Columbia on behalf of Enbridge or other interests.

Strahl previously stated that he "won't lobby" governments and has never done so, according to a story by Brian Hutchinson in the *National Post* following Strahl's appointment to the Security Intelligence Review Committee in 2012.

However, a B.C. lobbying registration from December 2011 states: "Charles Strahl, a consultant lobbyist with

Chu Strahl Consulting Inc, is arranging meetings on behalf of his client, Cascade Aerospace Inc, with the Minister of Jobs, Tourism, and Innovation (and/or his staff)".

In the same interview, he said that he "has a system of 'double make-sure' to protect himself and the public from conflicts of interest and questions around ethics". In the event a problem does arise he said that he would "call up ethics commissioner (Mary Dawson) and consult her", also stating that he spoke with her when he was offered the SIRC appointment.

Strahl's son, Mark, is currently the Member of Parliament for Chilliwack-Fraser Canyon.

Strahl also maintains close ties to the current B.C. government.

His former federal Chief of Staff, Laurie Throness was newly elected as MLA for Chilliwack-Hope in the 2013 provincial election.

In financial disclosures published last month, Throness declared income from consulting fees for Chuck Strahl Consulting Inc. Throness is a member of the provincial cabinet under Premier Christy Clark and serves as the Parliamentary Secretary to the Minister of Justice and Attorney General for Corrections.

In 2013, Strahl was publicly thanked by Christy Clark for his assistance in helping during her provincial election campaign. At a media event, Clark said that Strahl is an example of a retired federal politician who is "very actively helping us on this campaign and I'm really proud of the contribution (he's) making".

The acknowledgement raised immediate questions given his position as SIRC chair, with Clark clarifying her statement on the record the following day to protect his necessarily impartial relationships as Canada's top spy watchdog.

More in Investigations

New "concerned citizens group" has deep pockets and close ties to oil industry

CSIS spying on citizens at alarming rate, FOIs reveal

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Source URL: <http://www.vancouverobserver.com/politics/investigations/canada%E2%80%99s-top-spy-watchdog-lobbying-enbridge-northern-gateway-pipeline>

Ami

Other spy watchdogs have ties to oil business

Chuck Strahl isn't the only SIRC committee member who has history with oil, gas or Harper

By Greg Weston, [CBC News](#) Posted: Jan 10, 2014 5:00 AM ET Last Updated: Jan 10, 2014 7:28 AM ET

About The Author



Greg Weston
National Affairs Specialist

Greg Weston is an investigative reporter and a regular political commentator on CBC Radio and Television. Based in Ottawa, he has afflicted governments of all stripes for over three decades. His investigative work has won awards including the coveted Michener Award for Meritorious Public Service in Journalism. He is also the author of two best-selling books, *Reign of Error* and *The Stopwatch Gang*.

Related Stories

- [SIRC chair's pipeline lobbying seen as symptom of larger problem](#)
- [Ex-minister on the hot seat over Enbridge lobbying job](#)
- [Strahl defends expansion of security watchdog's role](#)
- [Brian Stewart: Why are we eliminating the CSIS watchdogs?](#)

While the head of the watchdog committee overseeing Canada's intelligence agency is under attack for also being a lobbyist for the controversial Northern Gateway pipeline, it turns out that half of the other Harper government appointees keeping an eye on the spies also have ties to the oil business.

NDP Leader Tom Mulcair has joined a growing chorus of critics calling for the resignation of former Conservative cabinet minister Chuck Strahl as chairman of the Security Intelligence Review Committee (SIRC).

The committee oversees the activities of Canada's spy service, the Canadian Security Intelligence Service (CSIS), including surveillance of groups opposed to construction of the Northern Gateway pipeline from Alberta to the B.C. coast.

Strahl has touched off a political controversy for registering with the B.C. government as a lobbyist for Enbridge, the company wanting to build the pipeline.

To be clear: Strahl has long had a reputation as one of the straightest arrows in Canadian politics, and there is no evidence of any actual conflict of interest in his work for Enbridge.

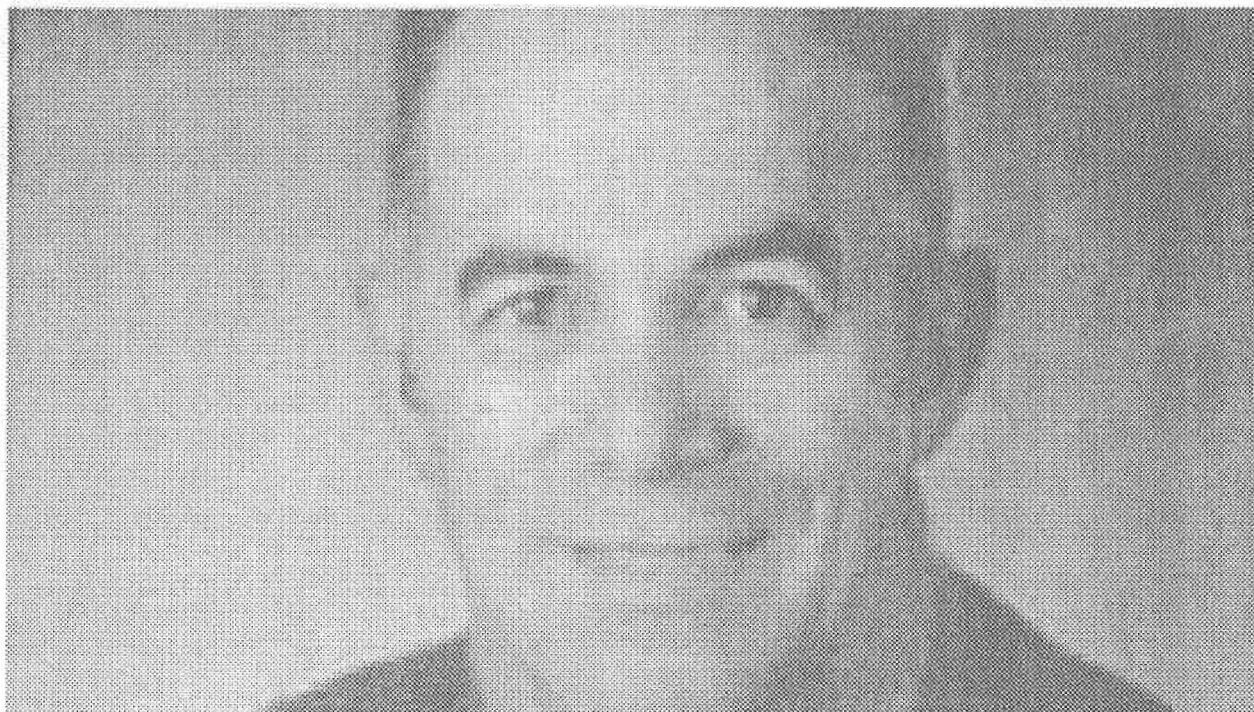
His problems are entirely matters of public perception.

- [SIRC chair's pipeline lobbying seen as symptom of larger problem](#)
- [Ex-minister on the hot seat over Enbridge lobbying job](#)
- [Strahl defends expansion of spy watchdog's role](#)

In a recent television interview, Strahl said he would recuse himself from anything to do with the proposed pipeline that came before the spy service review committee, passing the case to one of the other four members.

But some of them may have their own problems of perception.

For example, Denis Losier is an accomplished former New Brunswick politician, bureaucrat and insurance company top executive.



Denis Losier sits on both the SRC committee and the board of directors for Enbridge N.B.

But he is also on the board of directors of Enbridge N.B., a wholly-owned subsidiary of the pipeline and gas company of the same name, Strahl's client.

Yves Fortier is one of Canada's most pre-eminent and highly respected lawyers.

He was previously a member of the board of TransCanada Pipelines, the company now behind the proposed Keystone XL pipeline from Alberta to Texas.

That project is currently being blocked in the U.S. by the Obama administration, and has been the target of huge protests.

Former Reform MP Deborah Grey is one member of the spy service oversight committee with no apparent connections to the oil industry.



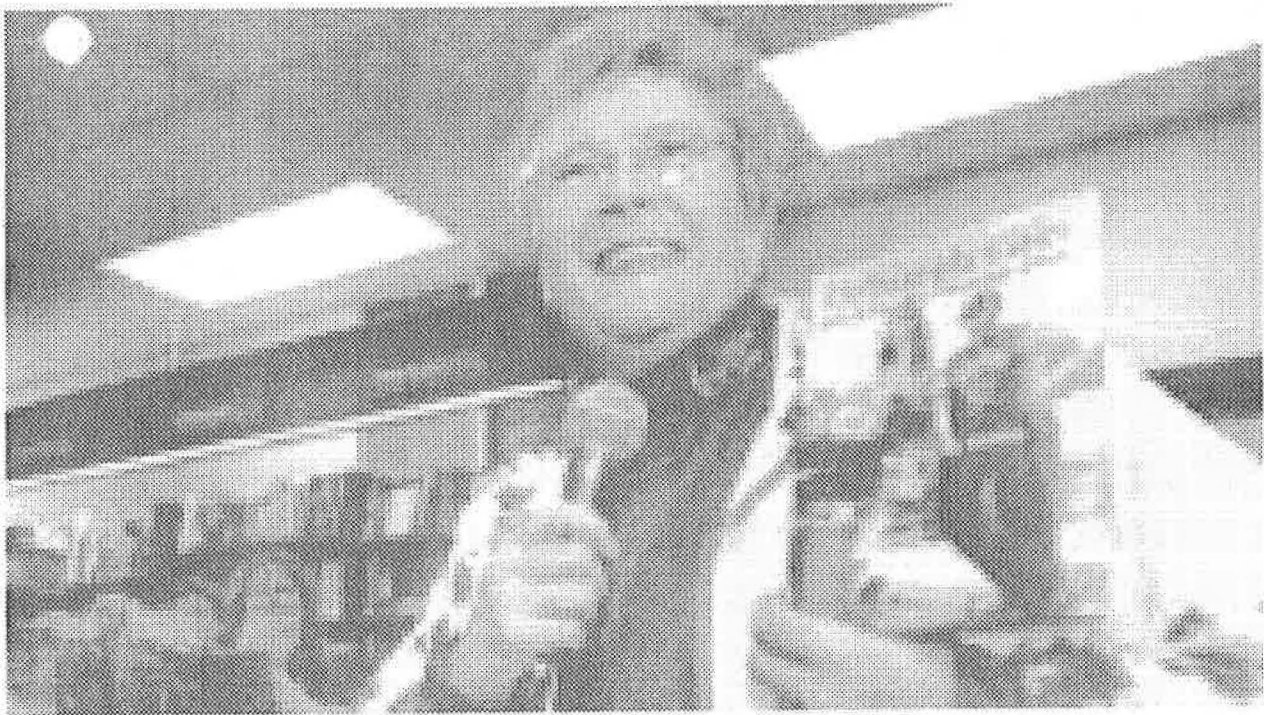
Yves Fortier was previously on the board of TransCanada Pipelines, the company behind the Keystone XL pipeline. (Peter McCabe/Canadian Press)

But she does have long ties to Stephen Harper (he used to work in her MP's office) and friendly connections in a government that has branded pipeline opponents "radicals."

That leaves Frances Lankin, former Ontario NDP cabinet minister in Bob Rae's government, and retired long-time head of the United Way in Toronto.

Among the five members of the intelligence oversight committee, Lankin alone has no ties to either the current government or the oil industry.

But any group wanting to file a complaint to her about the spy service will have to hurry: Her five-year appointment expires this month.



Deborah Grey has long ties to Stephen Harper, from her days as an Alberta MP. (John Ulan/Canadian Press)

Forest Ethics Advocacy is one of the environmental groups apparently targeted in CSIS surveillance, and is now publicly calling for Strahl's resignation as head of the oversight committee.

The director of the Vancouver-based group says she is surprised to learn that some other members of SIRC have ties to the oil and pipeline industries.

"What's becoming clear is there is no impartial body that can oversee CSIS right now," said Tzeponah Berman. "This is another example of the fox minding the henhouse."

Berman says Canadians have a right to expect that an important body such as SIRC is "protecting us and being impartial."

"Instead, what we're finding is our government is using our tax money to spy on us and support the oil industry."

DATE: APR. 1981 200 2



* Brian Stewart: Why are we eliminating the C&S watchers?

To paraphrase the old saw, what people don't know can't hurt the government.

96 Concrete

Rick Garber

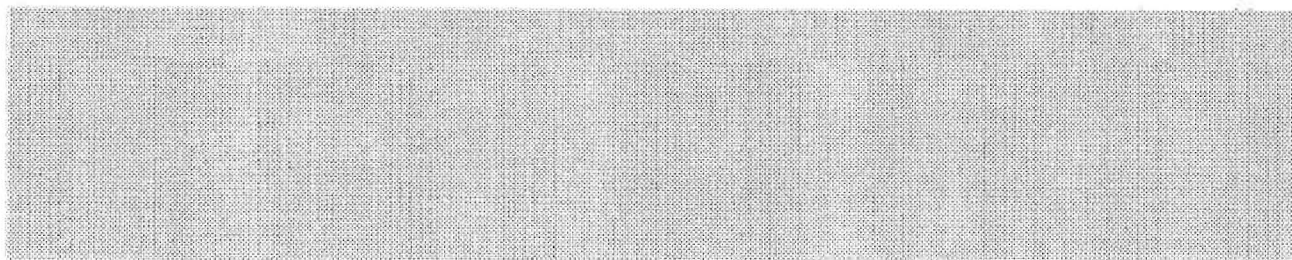
From: Rick Garber
Sent: January 31, 2013 5:05 PM
To: Sheila Leggett; Kenneth Bateman; Hans Matthews
Cc: Ruth Mills; John Pinsent; Gord Campbell; Lee Williams (Lee.Williams@neb-one.gc.ca); Kelly-Anne Dypolt (Kelly-Anne.Dypolt@neb-one.gc.ca)
Subject: RE: Prince Rupert security assessment

Sheila, Kenneth and Hans,

In response to your query, the Security Team has consulted today with CSIS at national and regional levels; RCMP at national, regional and local (Prince Rupert Detachment) level and conducted a thorough review of open source intelligence, including social media feeds.

Based on the intelligence received, we have no indications of threats to the Panel at this time.

Intelligence has been received of Idie No More activities planned for Feb 9 and 11 in Prince Rupert, as well as the possibility of activities associated with the "All Native basketball Tournament" being held in Prince Rupert the week of 10-16 February - but none of these activities correspond with your schedule in Prince Rupert.



The Security Team, together with our police and intelligence partners, will continue to monitor all sources of information and intelligence and promptly advise the Panel of any changes to the current threat assessment.

Rick

Richard S. Garber, CD, MA, MBA

Group Leader, Security | Chef de groupe, sûreté Business Integration | Intégration Opérationnelle National Energy Board
| Office national de l'énergie

444 - Seventh Avenue SW | 444, Septième Avenue S.-O.

Calgary, Alberta T2P 0X8 | Calgary (Alberta) T2P 0X8 Phone | Téléphone : 403-299-3679 Fax | Télécopieur : 403-292-

5503 Richard.Garber@neb-one.gc.ca

-----Original Message-----

From: Sheila Leggett

Sent: January 31, 2013 8:54 AM

To: Rick Garber

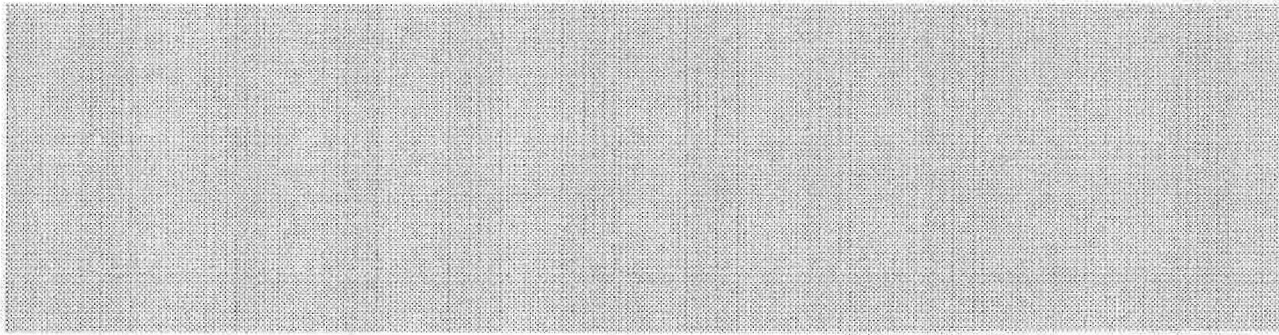
Cc: Kenneth Bateman; Hans Matthews; Ruth Mills

Subject: Prince Rupert security assessment

Rick,

s.21(1)(a)

s.21(1)(b)



Thanks,
Sheila

s.21(1)(a)
s.21(1)(b)

National Energy
Board



Office national
de l'énergie

PROTECTED A

Appendix 9

ENBRIDGE NORTHERN GATEWAY PROJECT INTEGRATED SECURITY, LOGISTICS AND COMMUNICATIONS PLAN

KELOWNA

Sandman Hotel & Suites Kelowna
2130 Harvey Avenue, Kelowna, BC

January 28, 2013

Issue Date: January 24, 2013

Canada

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- Daily briefing at end of hearing day by email from NEB Security or one of the NEB Security Advisors to Presiding Member, Departmental Security Officer, Secretary, Applications BU Leader and Applications Team Leader

12. THREAT ASSESSMENT

Overview:

As of 24 January 2013 no direct threats to the safety and security of the panel and NEB staff participating in the Kelowna Hearings have been identified. However, information obtained through open source media, [REDACTED] and the Kelowna RCMP has identified indications that there will be protest activity on 28 January 2013.

s.16(2)(c)

National-Level Intelligence Resources:

The NEB has consulted the Canadian Security Intelligence Service, both National Headquarters and Regional offices. [REDACTED]

s.16(2)(c)

National level RCMP intelligence assets [REDACTED]

s.21(1)(a)

Police Intelligence Resources:

NEB Security and the Kelowna RCMP held an initial meeting on December 17, 2012 and have discussed the hearings, associated venue and threat intelligence; there have been ongoing liaison and coordination. Ongoing liaison with the Kelowna RCMP [REDACTED]

s.16(2)(c)

As protests are anticipated the Kelowna RCMP will be maintaining public peace for planned protests and will have First National Liaison Officers working with the Idle No More and other groups to ensure public order is maintained. There is no specific threat to personnel or property.

s.21(1)(a)

Open Source Information Reporting:

Idle No More (INM). INM is planning to protest by blocking 2100 block of Enterprise Way as well at, or around, the Sandman Hotel & Suites Kelowna from 0900 – 1400 hrs, 28 Jan 12. This time/date has been chosen to coincide with the ENG JPP hearings.

s.16(2)(c)

People's Summit. On 26 Jan, the People's Summit is planning to host keynote speakers as well as a question and answer session. Grand Chief Stewart Phillip, Elizabeth May, Damien Gillis and Rob Fleming are anticipated to speak. The People's Summit is encouraging citizens to either bare witness with honor to the testimonies given at the Hearing or to engage in organized rallies at designated public locations.

Leadnow and Dogwood Initiative. On 27 Jan, the Leadnow and Dogwood Initiative will be providing an afternoon workshop and skills training that will provide tools and strategies for community resistance and solidarity to members of the public. This initiative is intended to foreshadow the Hearings on 28 Jan.

s.16(2)(c)

[REDACTED]

EcoSociety. The EcoSociety of Nelson, BC, is chartering a bus from Nelson to attend the Hearings on 28 Jan (0600 hrs – 1600/1700 hrs). In their notice they state that "[t]he public apparently CAN attend the hearing."

The Kelowna RCMP as well as NEB Communications and Security continue to monitor open source information.

13. SECURITY LEVEL

[REDACTED]

Further details can be found in the Risk Level Table, Hearing Security Management Procedure Manual, Appendix 4.1.

14. HEARING SITE SECURITY PLAN

s.16(2)(c)

s.21(1)(a)

The specific security plans have been tailored to the potential Hearing threat, vulnerability and risks. Reporting to the Hearing Manager, security coordination at the Hearing Site will be conducted by Lee Williams, NEB Security Advisor, and will be deployed to the Hearing venue to ensure appropriate security management of the Hearing.

The Commissionaires and Tootra Inc., has been contracted by the NEB to provide security for the hearing attendees and NEB property at the Hearing Site.

The Kelowna RCMP will provide law enforcement and emergency response services in and around the Hearing site.

In case of an emergency situation that cannot be mitigated by the NEB, security and police resources,

Should it necessary to move NEB personnel from any one of the booked rooms, personnel will evacuate under police protection.

15. ROUTINE SECURITY ISSUES

Pre-Hearing Site Security Verification:

[REDACTED]

Verification will be done by NEB/contract security advisors.

National Energy
Board



Office national
de l'énergie

Appendix 11

ENBRIDGE NORTHERN GATEWAY PROJECT SECURITY PLAN

PRINCE RUPERT

Chances Casino

240 West 1st Ave, Prince Rupert, BC

February 4 – May 17, 2013

Issue Date: January 23, 2013

Canada

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7. Communications

There are no concerns with communications at this venue as it is in an urban area with cell phone coverage and land lines.

s.16(2)(c)
s.21(1)(a)

8. Media

A review of media (local and social) reports up to January 23, 2013, has not identified any issues associated to these hearings. On the evening of January 11, 2013, Idle No More conducted a peaceful rally in Prince Rupert¹

9. Itinerary

Information as shown in RDIMS #560681 and other sources (subject to change).

Itinerary for this round of hearings are published separately for each two week Hearing Session as follows:

- Annex 1 – February 4 – 8 See RDIMS 689545
- Annex 2 – February 18 – March 1 See RDIMS 692541
- Annex 3 – March 11 – 22 See RDIMS 698141
- Annex 4 – April 2-12 See RDIMS 701183
- Annex 5 – April 22 – May 3 See RDIMS 706298
- Annex 6 – May 13-17

10. Threat Assessment

Overview:

There are no confirmed gatherings in the Prince Rupert area related to the hearings at this time.

National-level Intelligence Resources:

The NEB has consulted the Canadian Security Intelligence Service, both National Headquarters and regional offices, [REDACTED]

Police Intelligence Resources:

NEB Security and the RCMP have been in regular communications since an initial meeting on October 24, and have discussed the hearings, associated venues and threat intelligence. Ongoing liaison with Prince Rupert RCMP Detachment [REDACTED]

¹ TheNorthernView.com, Idle No More movement holds Prince Rupert rally
<http://www.thenorthernview.com/news/186629451.html>

Rick Garber

From: Timothy O'Neil <tim.oneil@rcmp-grc.gc.ca>
Sent: April 19, 2013 8:51 AM
To: Rick Garber; Roberta Alder; [REDACTED]
Cc: Wes Elliott; Barbara WEGRZYCKA; Bill Kalkat; Brittany McBain; Chris Pallister; Dan BOND; Irene Lemaire; Jim (Edmonton) STEWART; Kyle Melnychyn; Laurie MACDONELL; Nicole Bristow; Nicole Murphy; Noel FLATTERS; Robert Zawerbny; Scott Foster; Sofia MANOLIAS; Steve CORCORAN; Ted Broadhurst; Timothy O'Neil; Wendy Nicol; [REDACTED]
Subject: Security Concerns - National Energy Board
Attachments: O'Neil, Timothy.vcf

Roberta

Please open a SPROS/SIR file for this.

Rick: I reviewed the noted websites and agree there is some questionable rhetoric by the participants. However, I could not detect a direct or specific criminal threat.

CITT currently has no intelligence indicating a criminal threat to the NEB or its members.

However, there continues to be sustained opposition to the Canadian petroleum and petroleum pipeline industry with most of it directed at the Alberta Oil Sands. To date, opposition to the Canadian petroleum industry has included both lawful and unlawful actions. Unlawful actions have ranged from acts of civil disobedience to acts of vandalism, sabotage and threats to property and persons.

Opponents to the Oil Sands have used a variety of protest actions to draw attention to the Oil Sands' negative environmental impact, with the ultimate goal of forcing the shut down of the Canadian petroleum industry. These same groups have broadened their protests to include the pipelines and more recently, the railroad industry, who the opposing groups claim are facilitating the continued development of the Oil Sands.

Opposition is most notable in the British Columbia, with protest focused on the: Enbridge Northern Gateway; Kinder Morgan Trans Mountain Pipeline expansion; the increasing use of hydraulic fracturing, and proposed LNG facilities.

More recently, Enbridge's Line 9 reversal proposal, which will move Oil Sands' oil through the heart of Ontario, has moved to the front of the anti-Oil Sands movement.

The anti-petroleum and anti-nuclear movement has attempted to interfere within the federal regulatory hearings (NEB and CNSC), and have used coordinated/mass interventions, that have at times, bogged down the regulatory hearings. In response, the federal government has instituted new regulatory procedures that will limit who may make formal presentations at the NEB's public hearings.

These new hearing procedures have re-focused protest activity from the content of the hearings, to the conduct of the hearings.

As such, protest rhetoric is being directed at the NEB and its members.

As the NEB is the federal regulator for many aspects of the Oil Sands, it is the focus of attention by many anti-Oil Sands, anti-Canadian petroleum, and anti-petroleum pipeline operations, and it is highly likely that the NEB may expect to receive threats to its hearings and its board members.

As always, prior to conducting its hearings, I encourage NEB to discuss its security concerns with the police of jurisdiction.

CIIT will continue to monitor all aspects of the anti-petroleum industry movement to identify criminal activity, and will ensure you are apprized accordingly.

I have included the RCMP's CIIT Divisional analysts and [REDACTED] within this message.

If you are planning to attend the NRCan May 23rd Classified Briefing, you may wish to discuss your concerns with the security officials who will be in the briefing room.

You are welcome to contact me directly to discuss your concerns in more detail.

Regards.....Tim

Tim O'Neill
Senior Criminal Intelligence Research Specialist
Critical Infrastructure Intelligence Team
Federal Policing Criminal Operations
M3, 4th Floor, Rm 616-56,
Mailstop #148
73 Leikin Drive,
Ottawa, Ontario
K1A0R2

613-843-5129

s.19(1)

613-825-7030 (T)

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>>> Rick Garber <Richard.Garber@neb-one.gc.ca> 2013-04-18 14:45 >>>

Tim, enclosed please find the link to a recent YouTube item wherein threats to energy CI (pumping stations) and possibly to government officials ("targeting" the NEB panel members) is featured.
Your assistance is sought in establishing whether this represents a credible threat to the NEB panel members from the RCMP perspective.

Thanks in advance!

Rel

Richard S. Garber, CD, MA, MBA
Group Leader, Security | Chef de groupe, sécurité
Corporate and Information Solutions
National Energy Board | Office national de l'énergie
444 - Seventh Avenue SW | 444, Septième Avenue S.-O.
Calgary, Alberta T2P 0X8 | Calgary (Alberta) T2P 0X8
Mobile | Cellulaire [REDACTED]
Fax | Télécopieur : 403-292-5503
Richard.Garber@neb-one.gc.ca

s.19(1)

From: Whitney Punchak
Sent: April 17, 2013 11:53 AM
To: John Pinsent; Rick Garber
Cc: Paul Lackhoff
Subject: FW: You Tube anti Line 9 video

s.19(1)

s.21(1)(a)

Hi John & Rick,

I did a little research on the two people who were interviewed by Poor Man Media.

<http://toronto.mediacoop.ca/author/zach-rulter>

<http://rabble.ca/category/bios/zach-rulter>

<http://www.youtube.com/watch?v=5L2Q3nyteg>

<http://www.genuinewitty.com/2013/02/04/toronto-anarchists-make-a-mockery-out-of-idle-no-more-feat-zach-rulter-derek-soberal/>

<https://twitter.com/lifeontheatre>

From: Paul Lackhoff

Sent: April 17, 2013 9:51 AM

To: Jody Saunders; Whitney Punchak; Ryan Rodier; Sylvia Marion; Jamie Kereliuk; Alex Ross; Carole Léger-Kubeczak

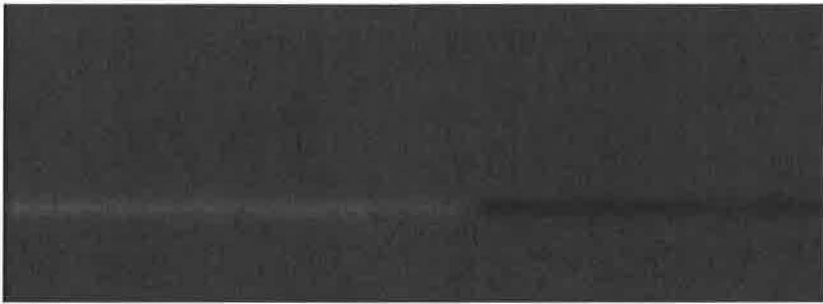
Cc: Margaret Barber; Sandy Lapointe; Ed Jansen; Tracy Sletto; John Piment

Subject: You Tube anti Line 9 video

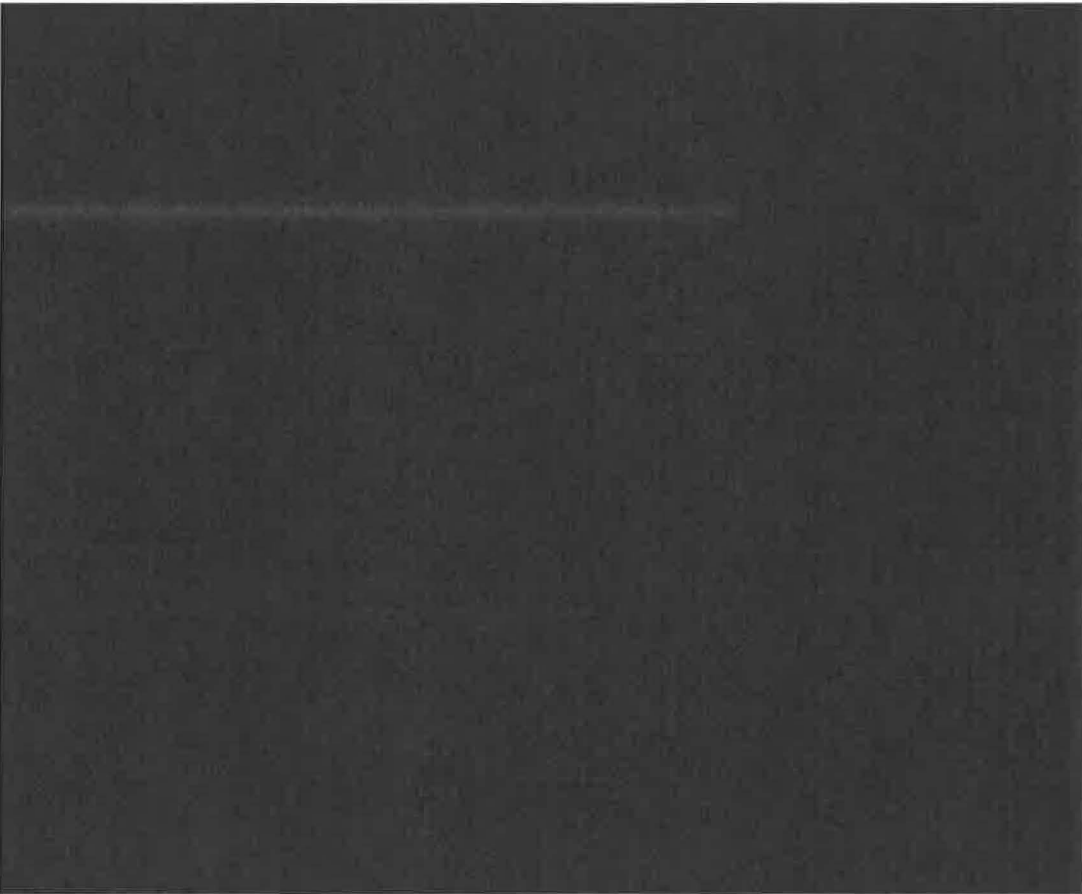
FYI -

http://www.youtube.com/watch?v=G5_AZV3mmEE

s.21(1)(a)



DATE
20130228

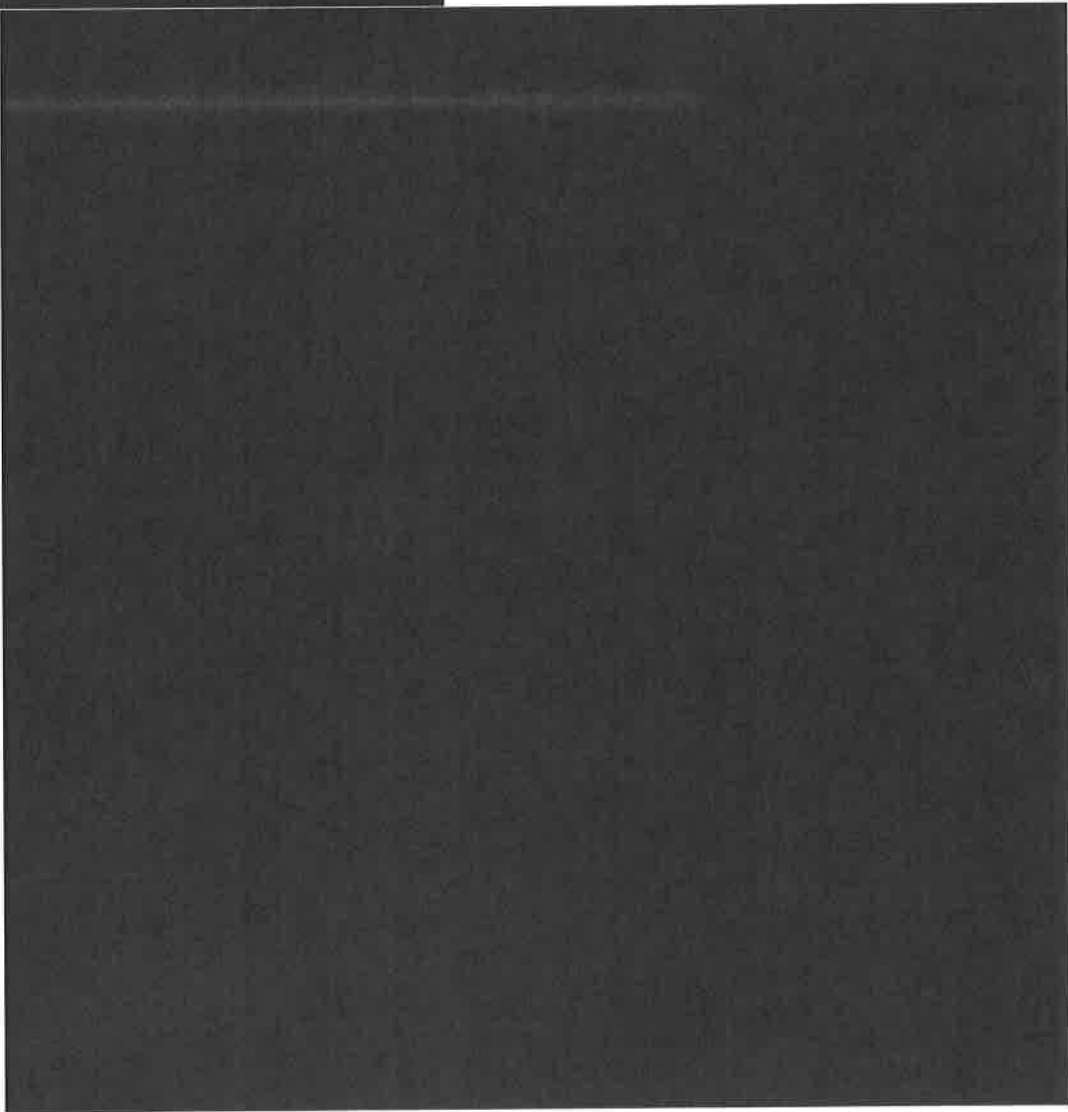


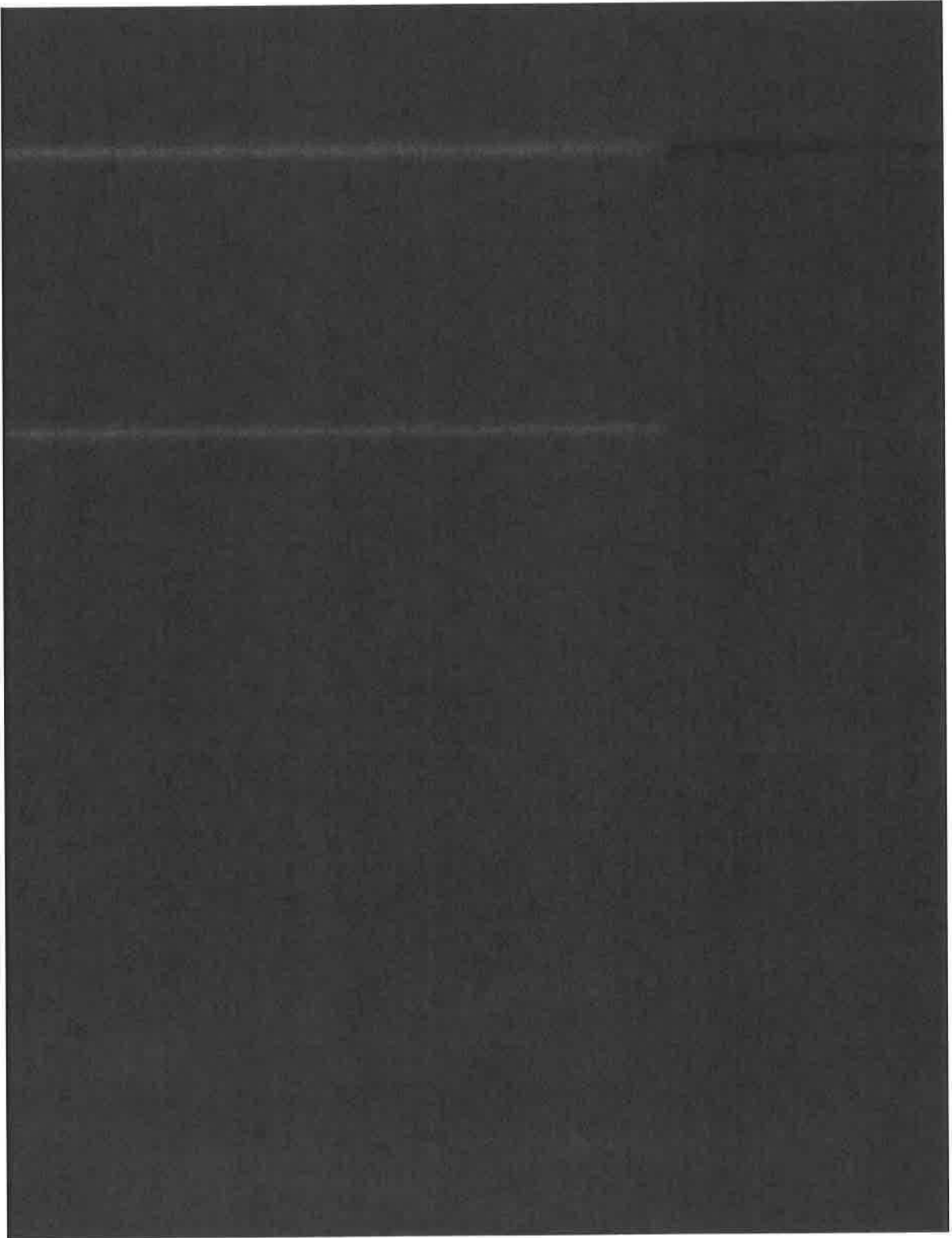
RE / OBJET:



SYNOPSIS / SOMMAIRE:

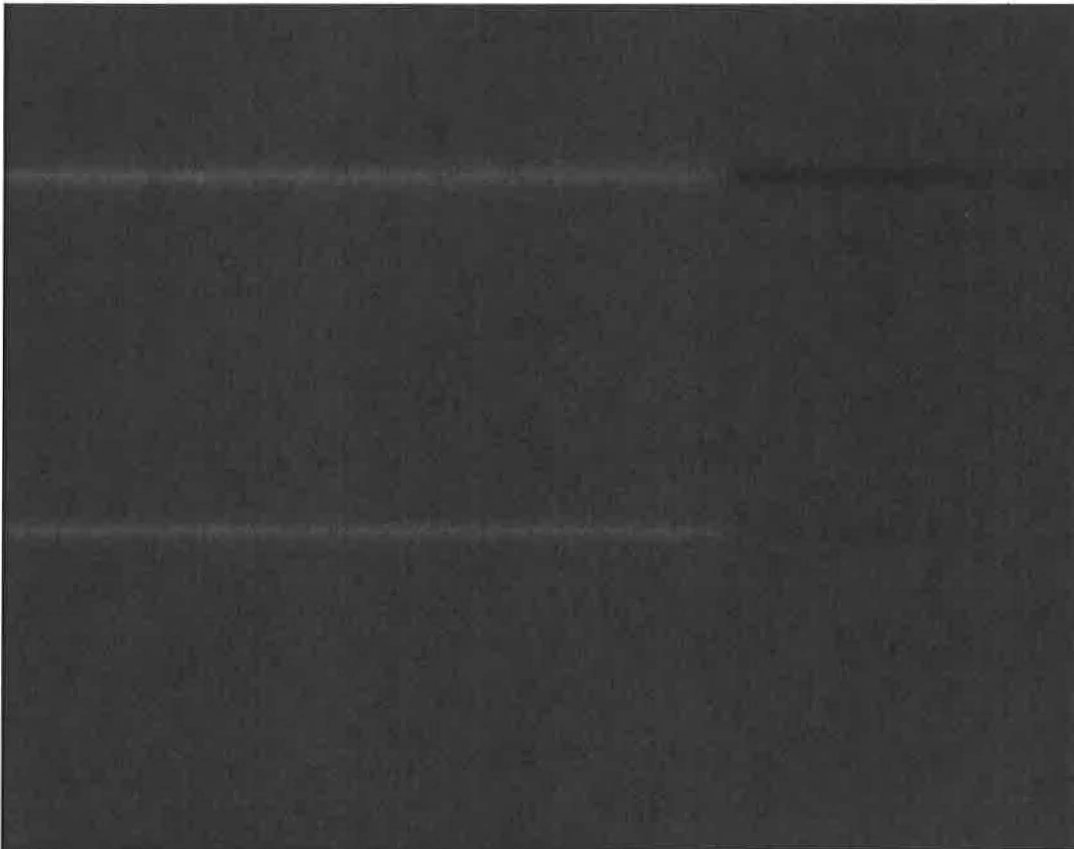






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Page 1116



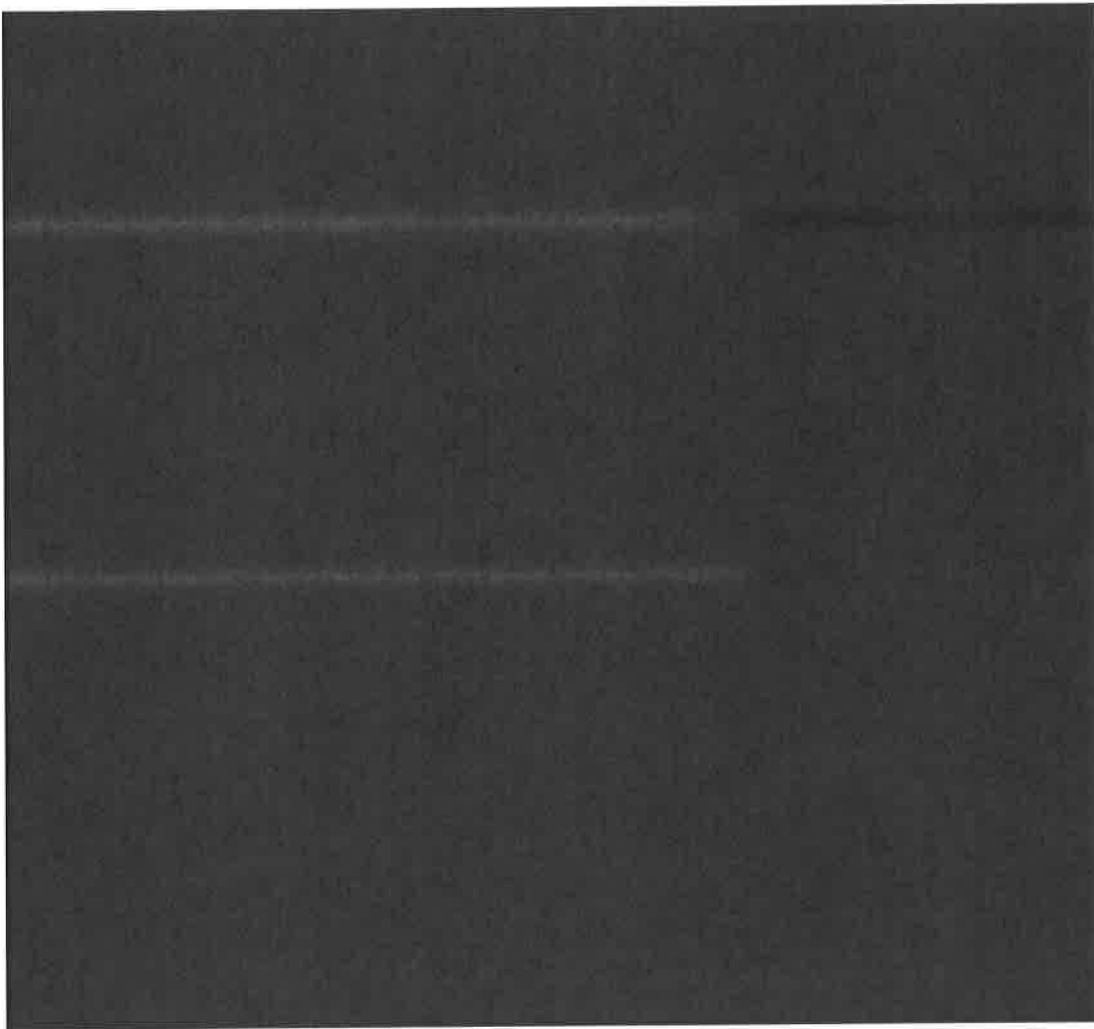
ANALYSIS / ANALYSE:

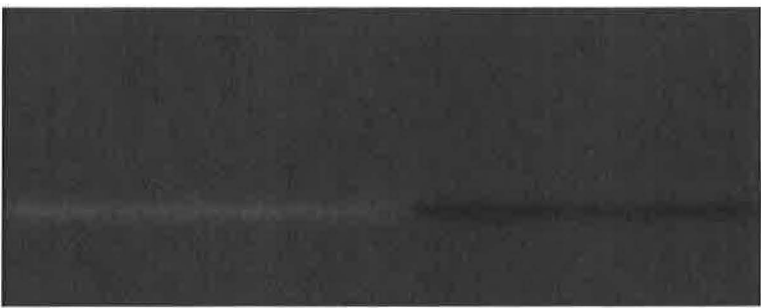
3) OR Liaison shared the above information with OR, HQ [REDACTED]
IAB, ITAC on 2013 01 31 [REDACTED]

4) The above information has been collected and reported to assist the Service in assessing the threat environment and the potential for threat-related violence stemming from [REDACTED] protests / demonstrations.

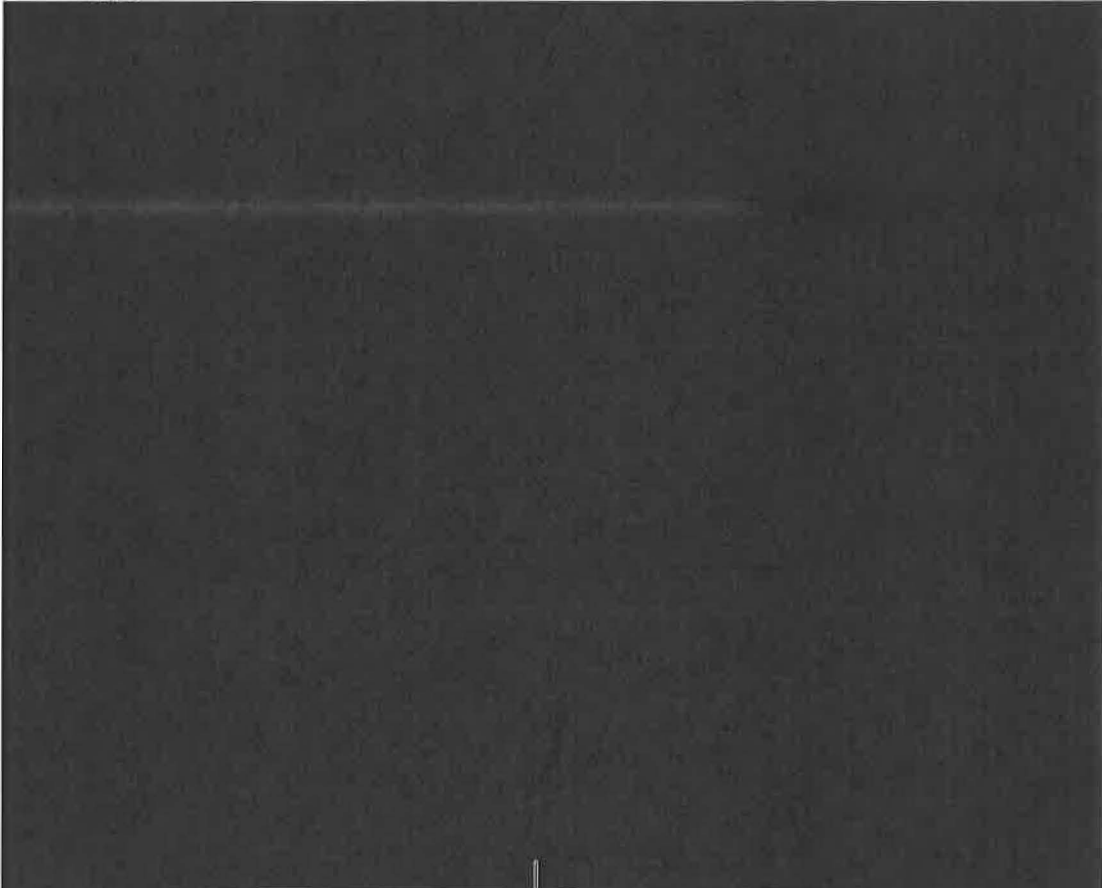
[REDACTED] they will be changing their reporting frequency from daily reports to once a week (Mondays) unless operational needs arise.







DATE
20130228



RE / OBJET:



SYNOPSIS / SOMMAIRE:



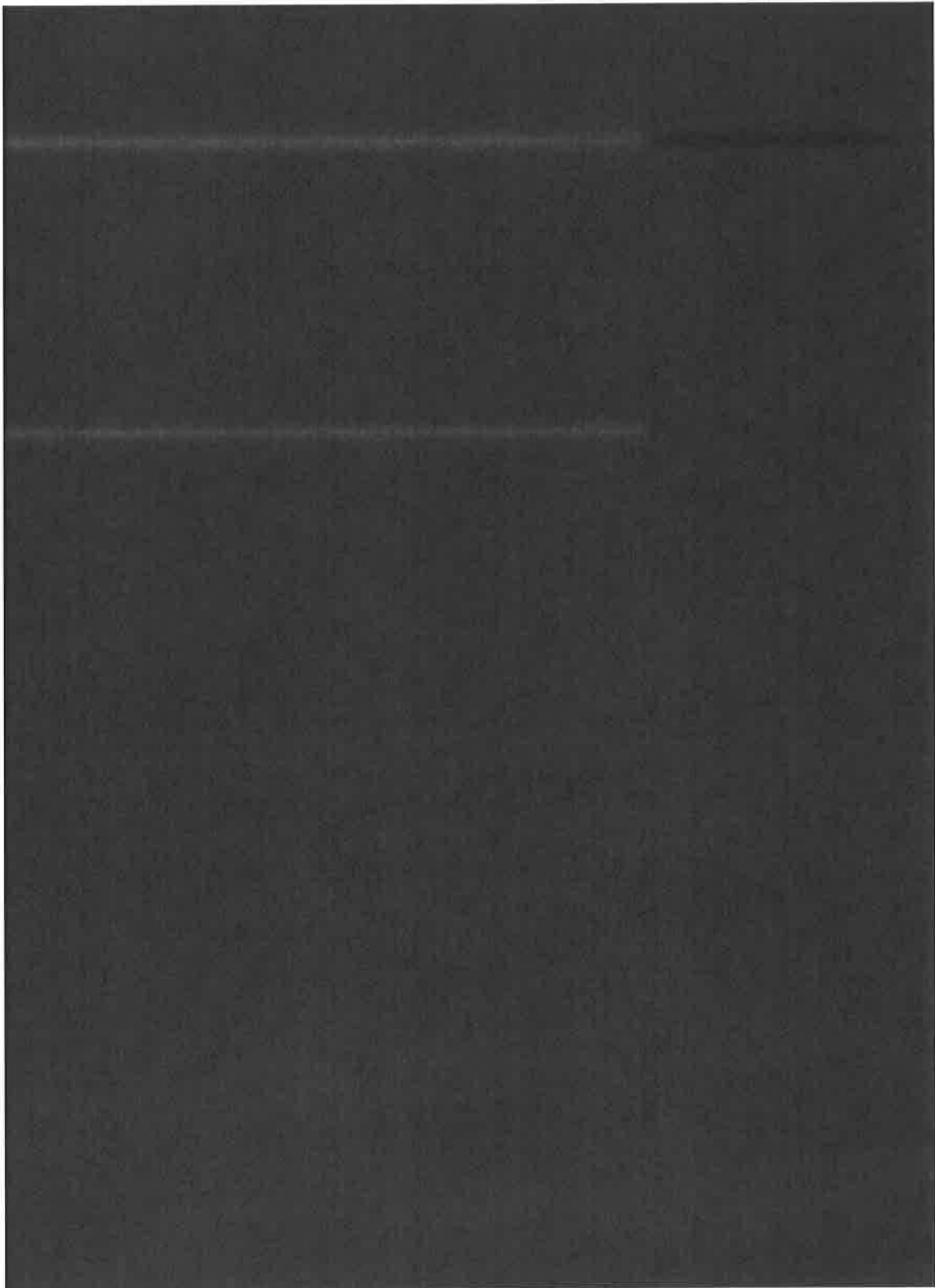
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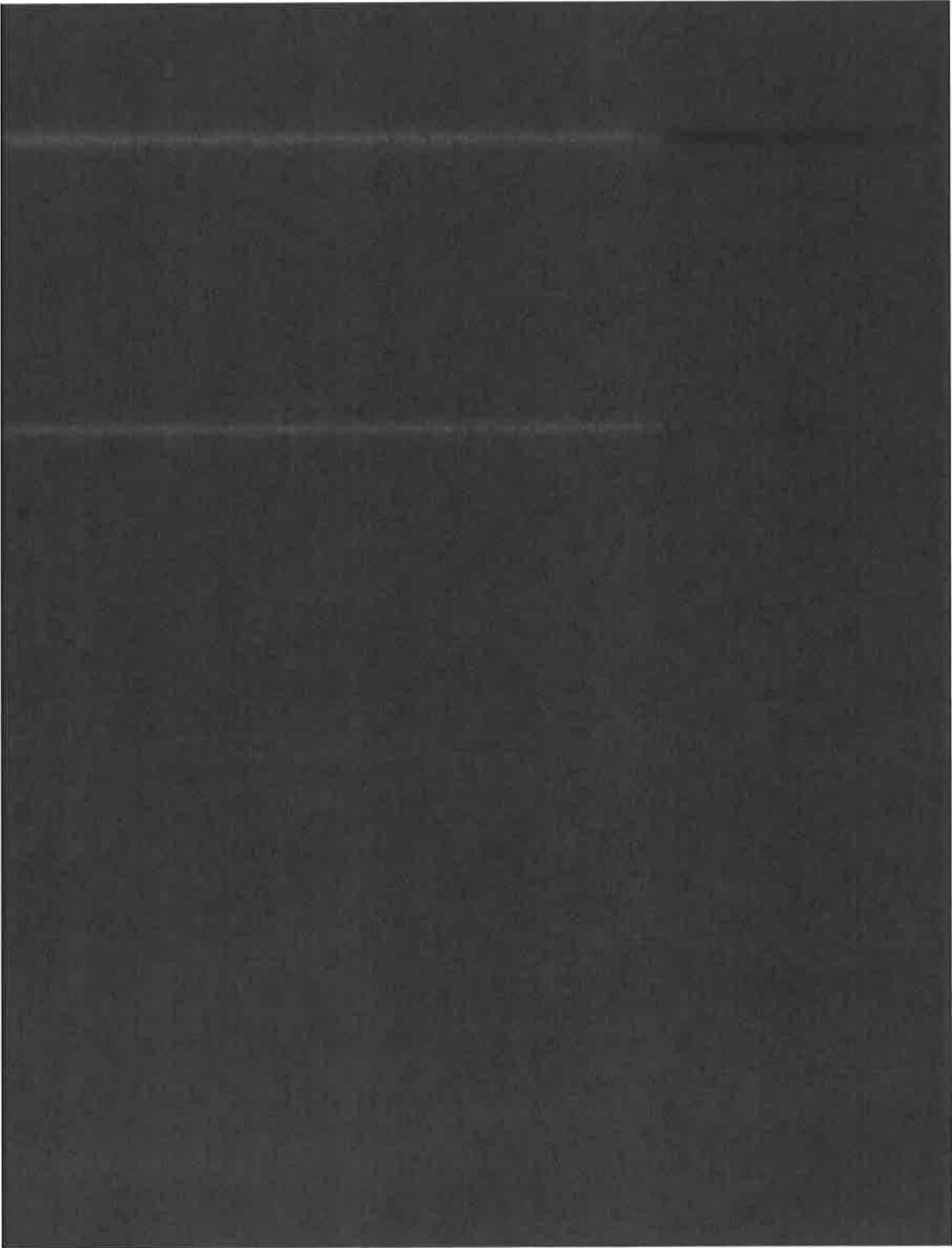
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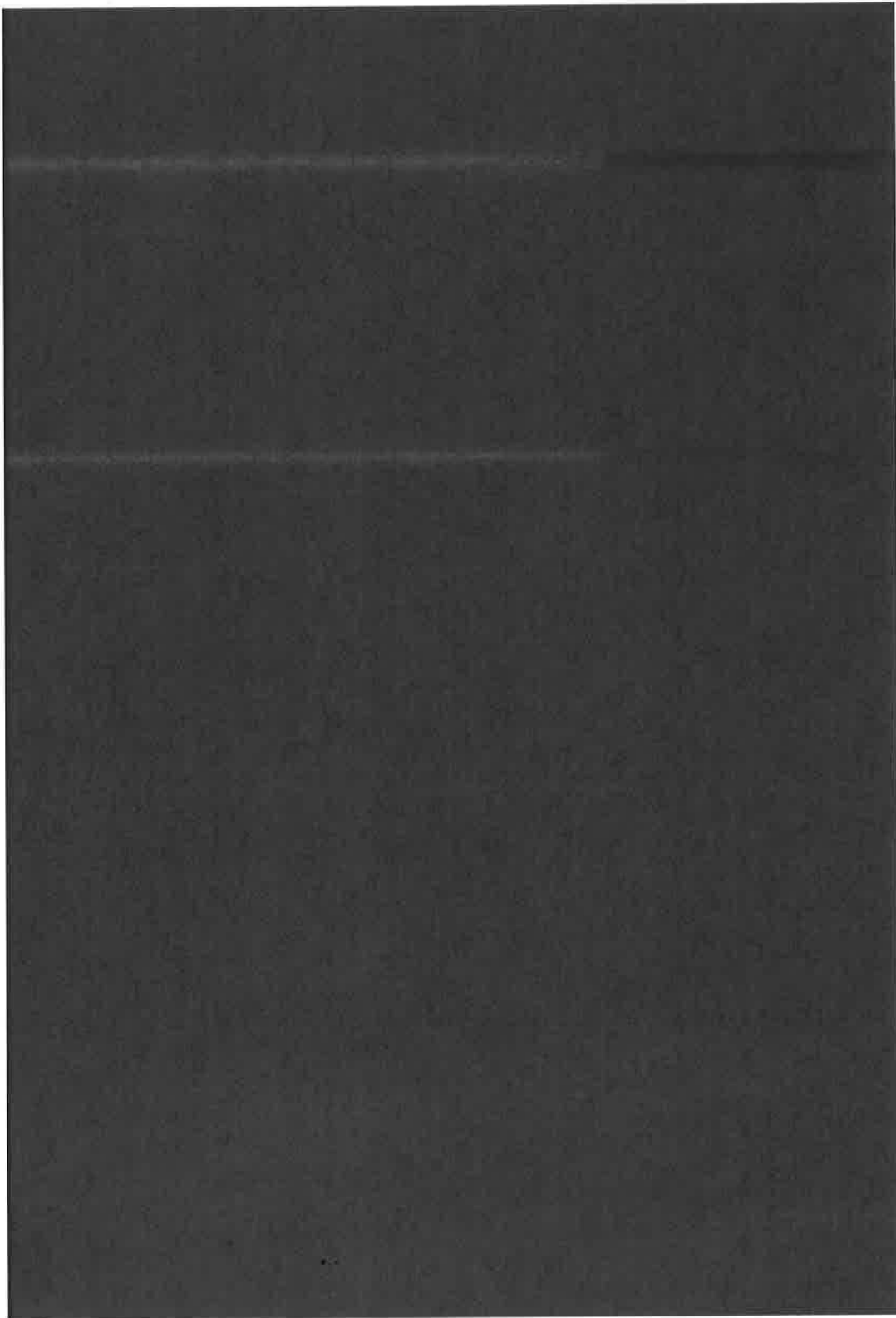
INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]





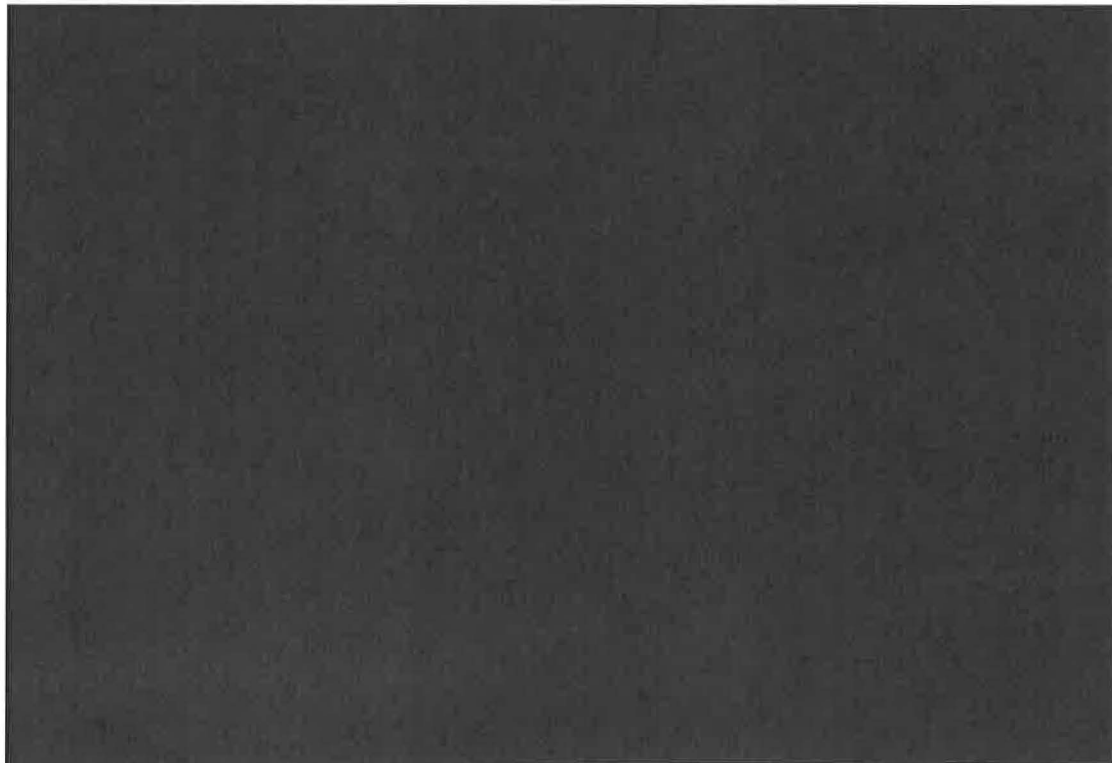




ANALYSIS / ANALYSE:

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IAB, ITAC on 2013 02 11 [REDACTED]

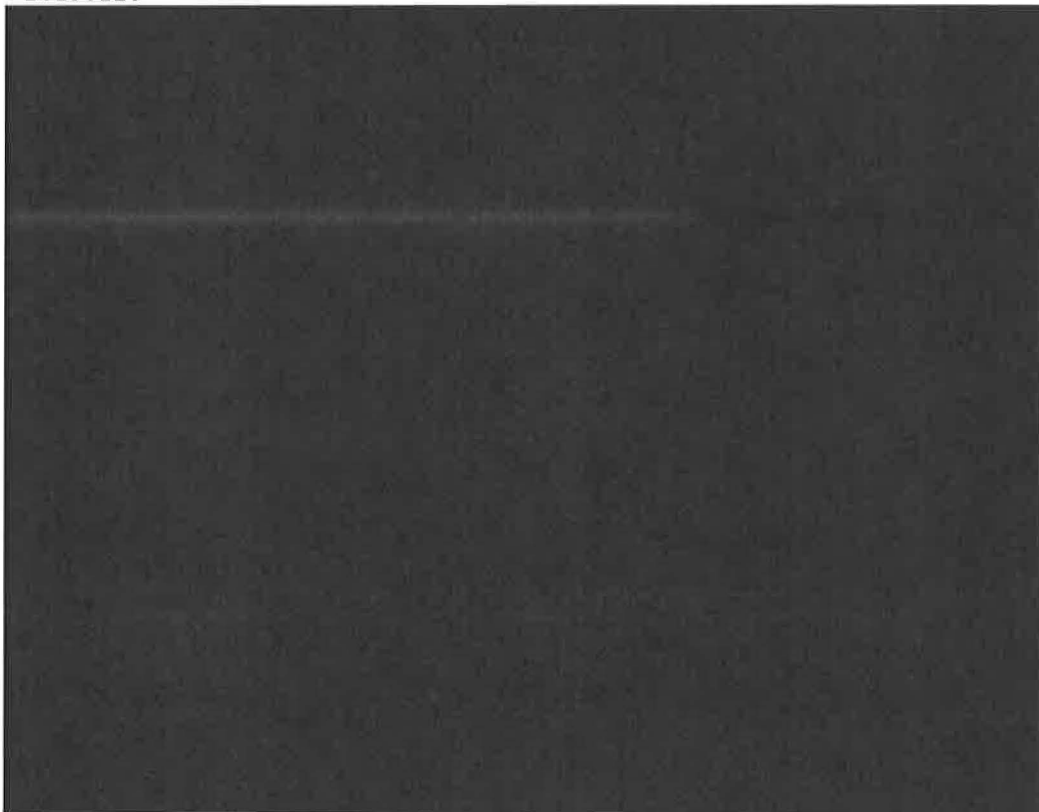
4) The above information has been collected and reported to assist
the Service in assessing the threat environment and the potential for
threat-related violence stemming from [REDACTED] protests /
demonstrations.







DATE
20130228



RE / OBJET:



SYNOPSIS / SOMMAIRE:



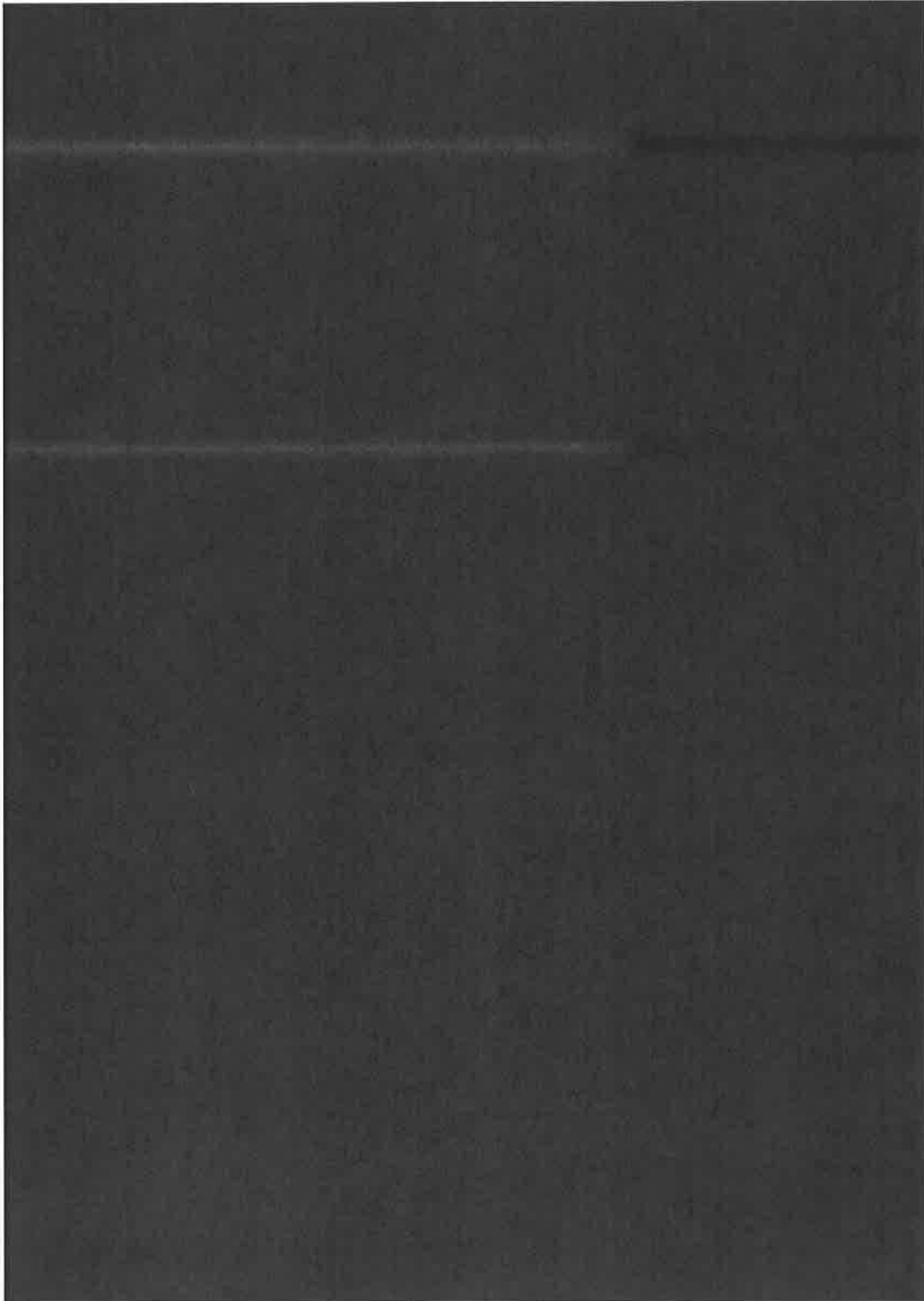
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[REDACTED]

[REDACTED]

[REDACTED]

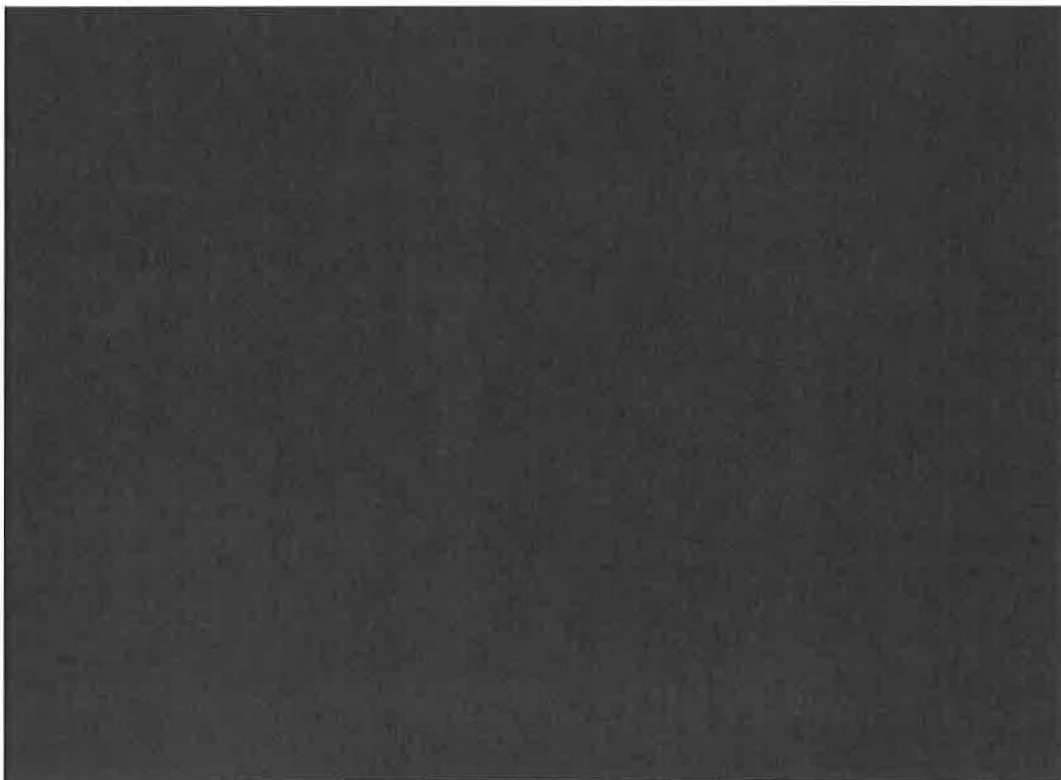


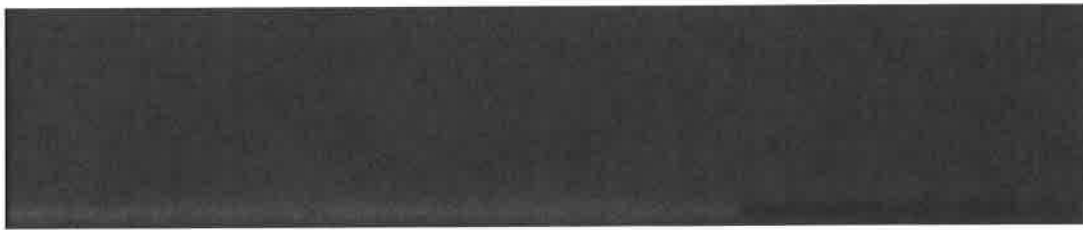


ANALYSIS / ANALYSE:

3) OR Liaison shared the above information with CGOC, OR, HQ [REDACTED]
IAB, ITAC on 2013 02 21 [REDACTED]

4) The above information has been collected and reported to assist the Service in assessing the threat environment and the potential for threat-related violence stemming from [REDACTED] protests / demonstrations.





[REDACTED]

DATE
20130227

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

ANALYSIS / ANALYSE:

2) The above information has been collected and reported to assist the Service in assessing the threat environment and the potential for

threat-related violence stemming from [REDACTED] protests /
demonstrations. [REDACTED]

[REDACTED]

[REDACTED]

DATE
20130222

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

The above information has been collected and reported to assist the Service in assessing the threat environment and the potential for threat-related violence stemming from [REDACTED] protests / demonstrations.

[REDACTED]

[REDACTED]

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

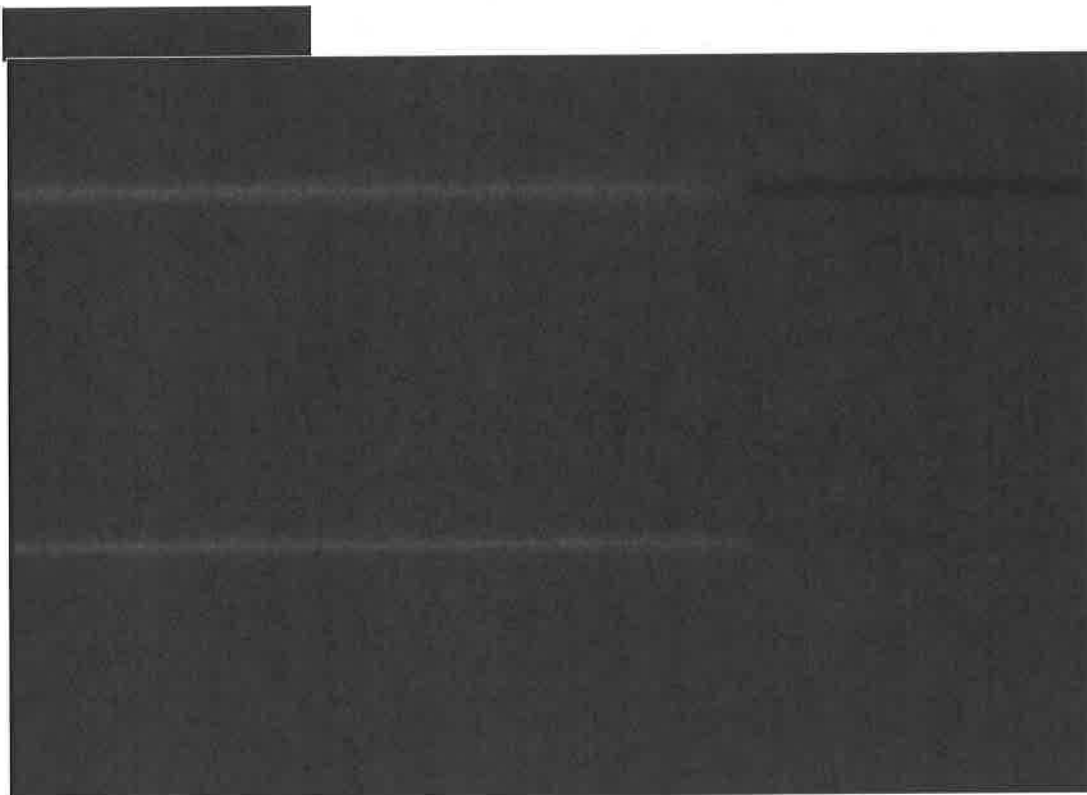
ANALYSIS / ANALYSE:

[REDACTED]

6) The above information has been collected and reported to assist the Service in assessing the threat environment and the potential for threat-related violence stemming from [REDACTED] protests / demonstrations. [REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

DATE
20130219

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

[REDACTED]

The above information has been collected and reported to assist the Service in assessing the threat environment and the potential for threat-related violence stemming from [REDACTED] protests / demonstrations.

[REDACTED]

[REDACTED]

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]

[REDACTED]

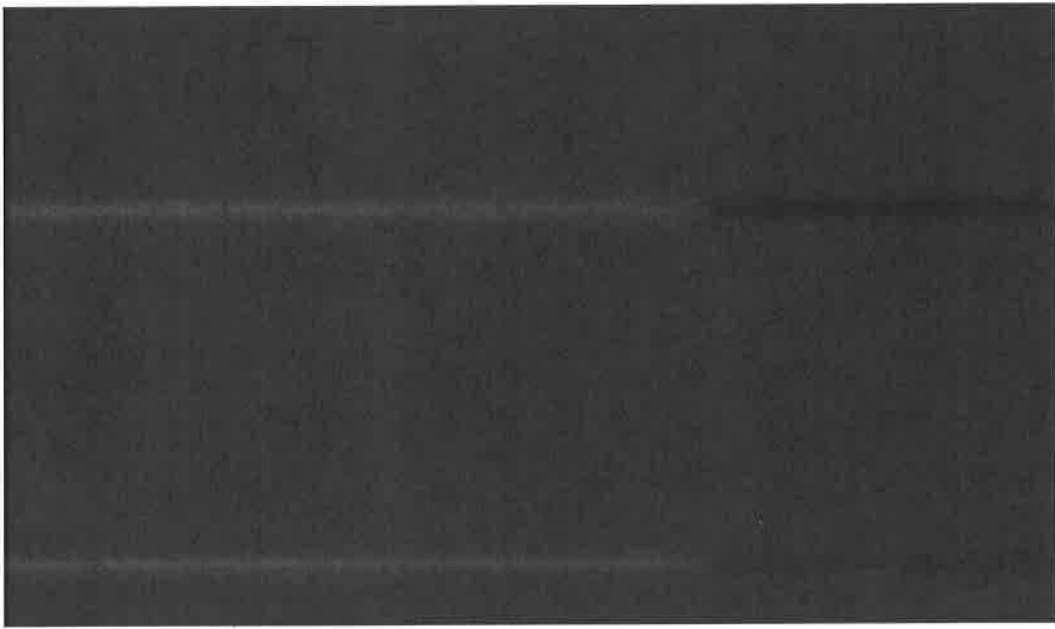
[REDACTED]

ANALYSIS / ANALYSE:

3) The above information has been collected and reported to assist the Service in assessing the threat environment and the potential for threat-related violence stemming from [REDACTED] protests / demonstrations. [REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

DATE
20130213

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ANALYSIS / ANALYSE:

[REDACTED]

[REDACTED]

[REDACTED]

DATE
20110908

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

[REDACTED]

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ANALYSIS / ANALYSE:

[REDACTED]

[REDACTED]

[REDACTED]

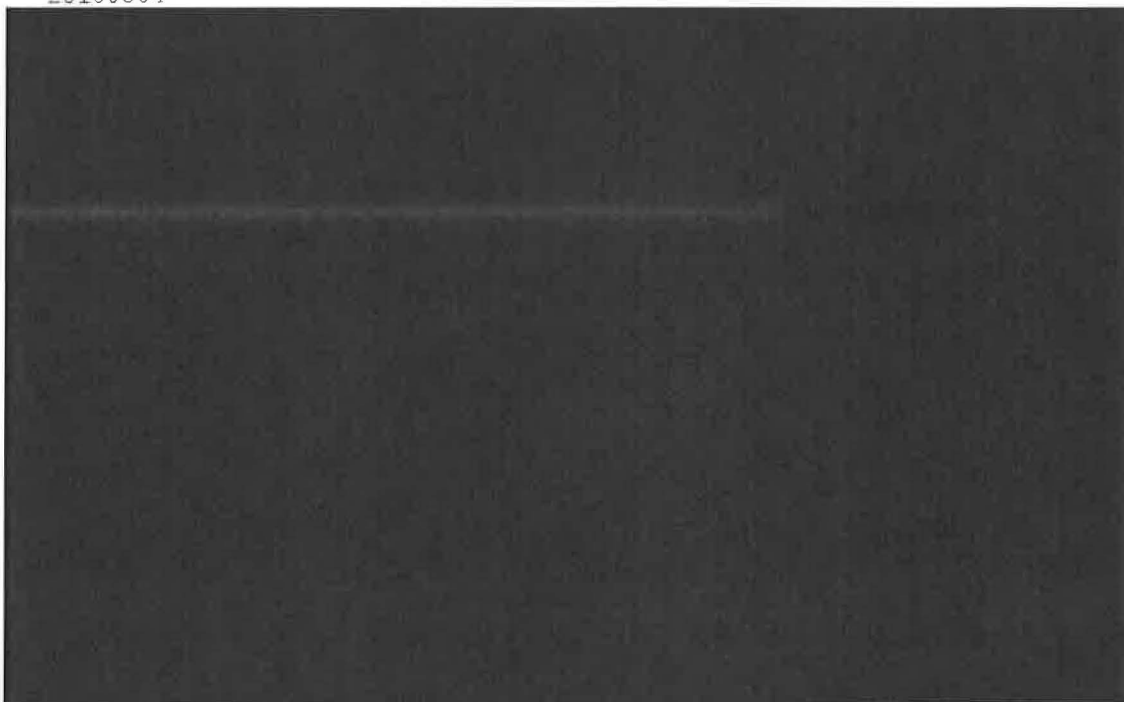
[REDACTED]



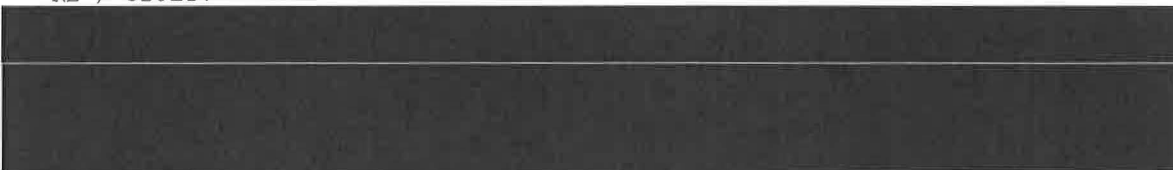




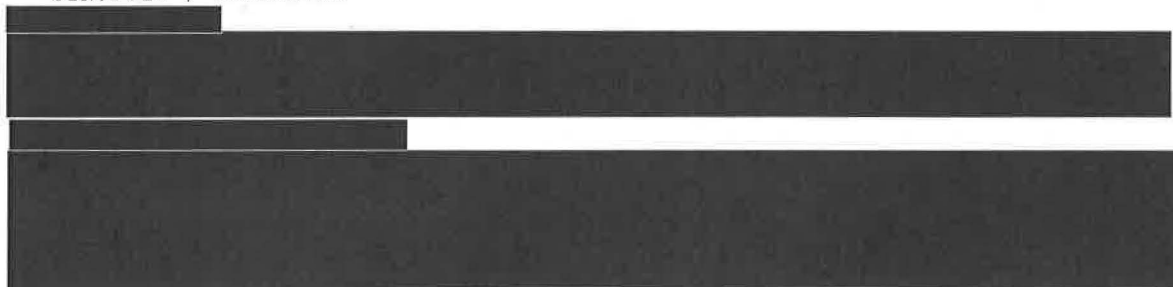
DATE
20100504



RE / OBJET:

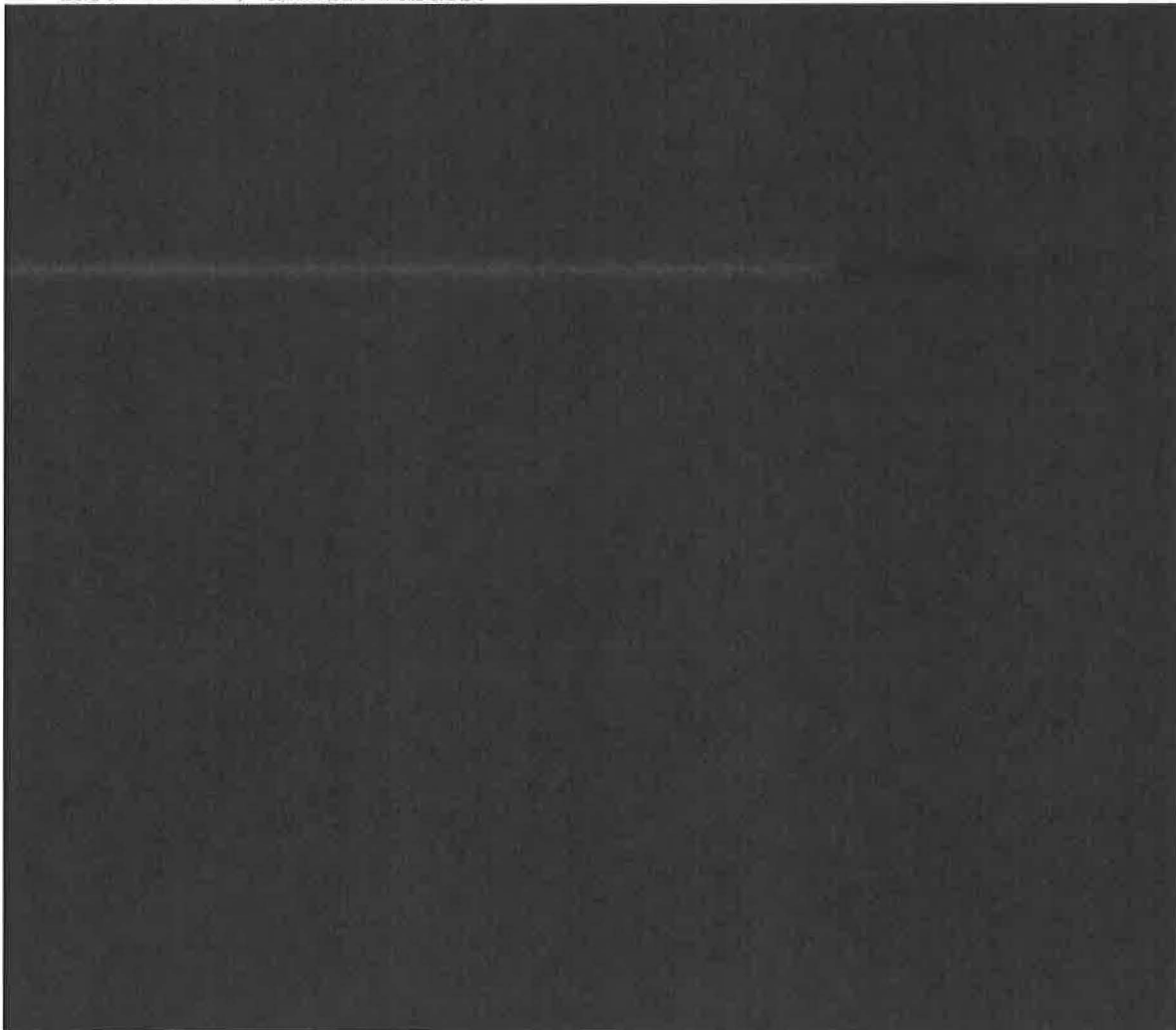


SYNOPSIS / SOMMAIRE:



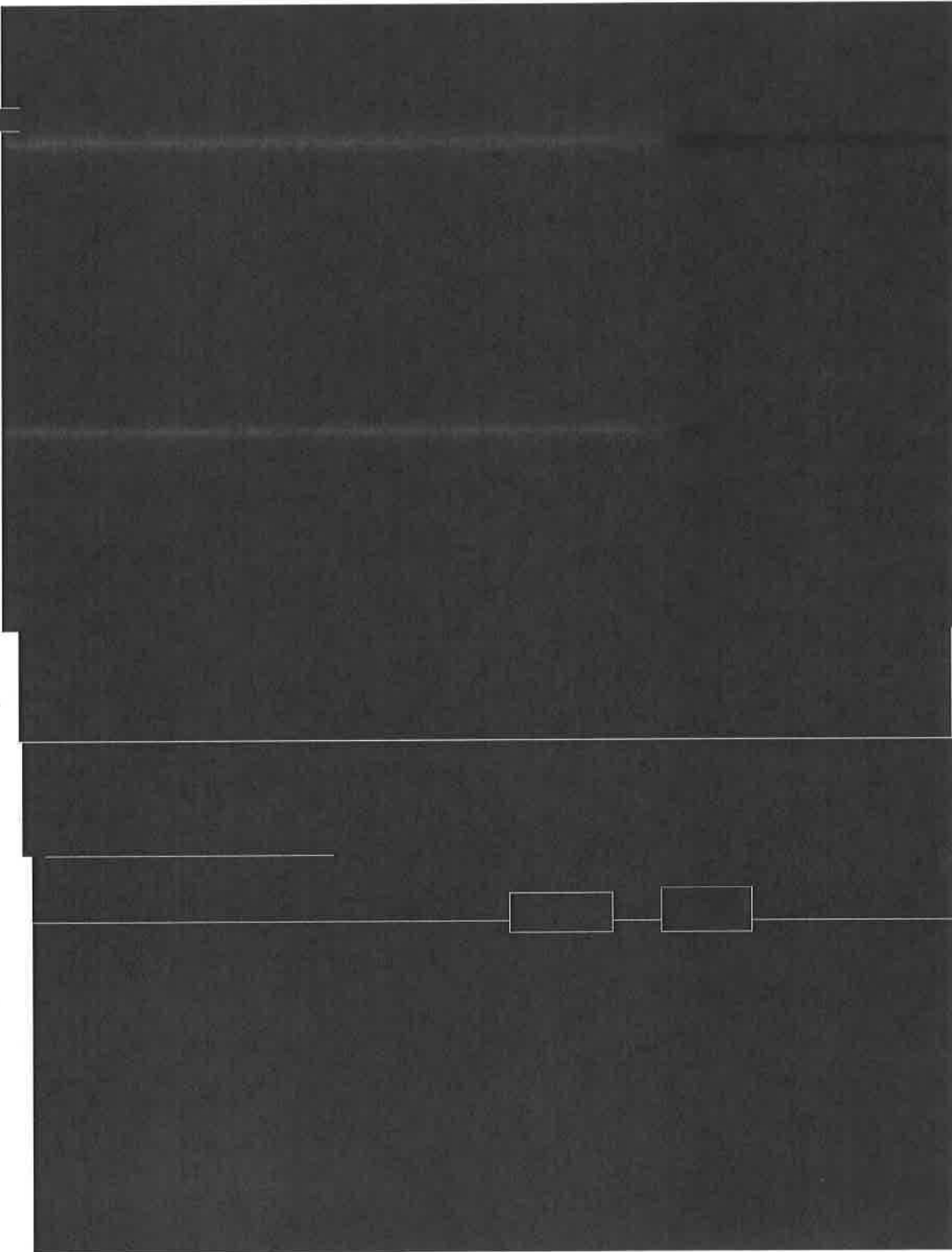


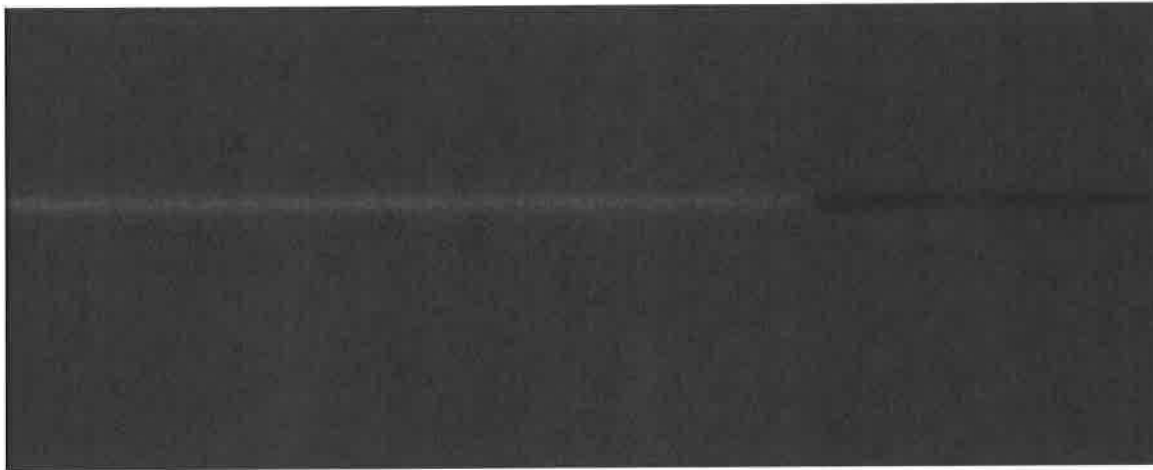
INFORMATION / RENSEIGNEMENTS:



ANALYSIS / ANALYSE:

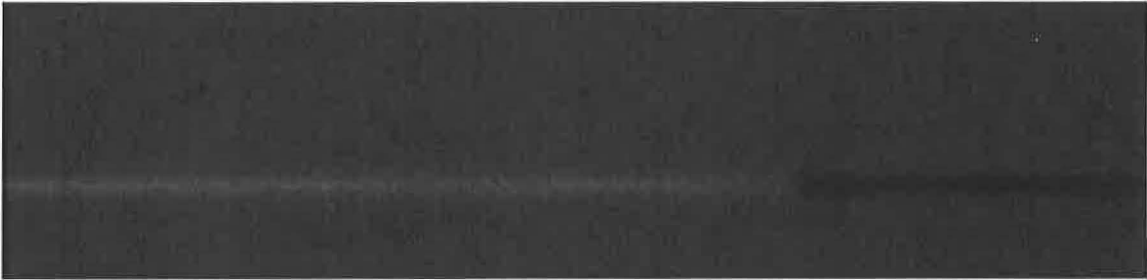






TAB

3



DATE
20100204



RE / OBJET:



SYNOPSIS / SOMMAIRE:



2010 CSIS EXECUTIVE STRATEGIC REPORT (CESR) for 2010 02 04 (15:00 hours EST) concerning the 2010 Olympic Games.

INFORMATION / RENSEIGNEMENTS:

CSIS EXECUTIVE STRATEGIC REPORT (CESR) - 2010 02 04

1. Background:

Vancouver and Whistler, British Columbia will host the XXI Olympic Winter Games from 2010 02 12 to 2010 02 28 (17 days), and the Paralympic Winter Games from 2010 03 12 to 2010 03 21 (10 days).


2. External Agency Information:

- On 2010 02 04 (Day 98), the Torch Relay will travel from Powell River, through the communities of Saltery Bay, Earls Cove, Pender Harbour, Madeira Park, Sechelt, Shishalh, Roberts Creek, Gibsons, Hopkins Landing, Langdale, Lions Bay, Furry Creek, Britannia Beach, and Stawamus, to finish in Squamish. Community celebrations will take place in Sechelt and Squamish. The 2010 JIG has not received

any intelligence indicating criminal disruption of the Torch Relay on Day 98. The Torch Relay enters the Olympic Theatre in Whistler on 2010 02 05. (www.vancouver2010.com; V2010 JIG Daily Torch Intelligence Report (DTIR), 2010 02 04; V2010 JIG Daily Olympic Intelligence Report (DOIR), 2010 02 04)

- The Poverty Torch Relay (PTR) making its way across British Columbia since 2010 01 17 aims to raise awareness of poverty and homelessness across the province. The following is an updated PTR schedule: 2010 02 04, Burnaby; 2010 02 05, Deep Cove; 2010 02 06, North Vancouver and West Vancouver. As the PTR approaches Vancouver, larger crowds may be expected. (CI JNTREP 007-10, 2010 02 02)

- Sunshine Coast, B.C.: On 2010 01 22, approximately 20 - 25 (twenty to twenty - five) protesters participated in a protest organized by CUPE against the Harmonized Sales Tax (HST). This group may use the Torch Relay as a venue to demonstrate their concerns. (V2010 JIG DTIR, 2010 02 04)



- Mayor Greg GARDNER and residents of Squamish have expressed frustration with the lack of benefits that their community will receive from the 2010 Games. Residents feel that they are paying for the increase in cost of living in Squamish while the community has not received the financial gains originally anticipated. Squamish Chief Bill WILLIAMS, chair of the Four Host First Nations (FHFN), has warned that the Olympic Games may be used as an international stage to highlight native poverty issues unless funding is provided for economic development in Aboriginal communities. (V2010 JIG DTIR, 2010 02 04)

- Police of Jurisdiction are reporting increased incidents of fraud relating to Hotel reservations and Olympic Event Tickets for sale online. Numbers of incidents involving anti - Olympic graffiti and markings within the Olympic theatre are growing. (V2010 JIG DOIR, 2010 02 04)

- JIG efforts are focused on Live - Time 'Convergence' and anti - Olympic protests scheduled for 2010 02 11 to 2010 02 15. The JIG is observing evidence of both national and international response to 'calls for convergence' aimed at disruption of the 2010 Games. (V2010 JIG DOIR, 2010 02 04)

- On 2010 02 04, 'The Olympic Torch: Symbolism and Politics Panel Discussion' will be held at the University of Victoria from 1900 to 2100. The event includes a panel discussion that will deconstruct the 2010 Olympics, with the aim of clarifying social justice issues. (Vancouver 2010 JIG DOIR, 2010 02 02)

- On 2010 02 04, the Olympic Resistance Network will hold a Media Conference. (V2010 JIG ISU Event Timeline, 2010 02 04)

- An unconfirmed number of VANOC vehicles were vandalized in an incident in Whistler. There is currently no information regarding the motivation for this incident. The circumstances suggest that the VANOC vehicles were specifically targeted. However, there were no

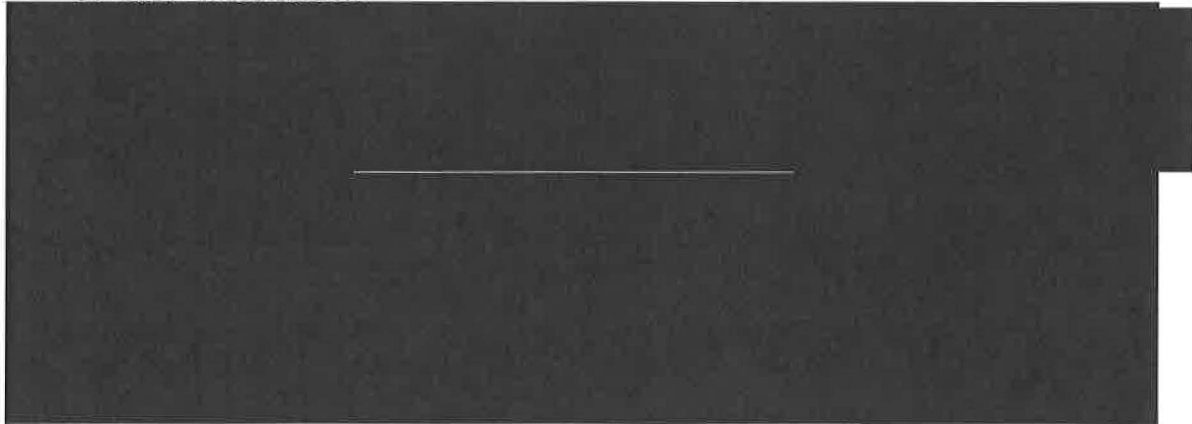
reports of graffiti or anything to indicate an anti - Olympic motivation. (Joint Task Force All Source Intelligence Centre Summaries (INTSUM) (013/V2010))

- The Olympic Security Coordinator at the United States (US) Consulate in Vancouver advised the V2010 Command Centre on 2010 02 03 that US Vice President Joseph BIDEN and his wife, Dr. Jill BIDEN, will lead a US delegation to the Opening Weekend of the Vancouver 2010 Olympic Winter Games. Media reporting of late 2010 01 indicated that US President Barack OBAMA was not expected to attend the opening ceremonies, to take place at Vancouver's BC Place on 2010 02 12.

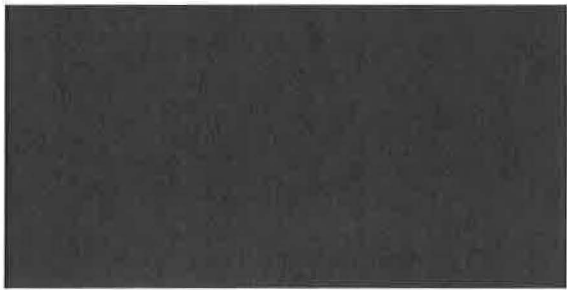
- NEWSIRE published an article on 2010 02 03 stating that the British Columbia All Chief 's task force announced that it has launched an awareness campaign targeting national and international media attending the 2010 games, to highlight Canada 's refusal to sign the United Nations Declaration on the Rights of Indigenous Peoples and the consequences of this decision. (INDIAN NORTHERN AFFAIRS CANADA (INAC) via CSIS V2010 JIG LO)

- PUBLIC HEALTH AGENCY CANADA (PHAC) assesses that a third wave of H1N1 during the Games seems unlikely at this stage. The assessed threat level for Public Health Issues is accordingly reduced to LOW. (V2010 JIG DOIR, 2010 02 04)

3. CSIS Information:



- Media reporting indicates that US President Barack OBAMA led a Cabinet - level exercise to discuss preparedness, crisis response and incident - management procedures for the upcoming 2010 Vancouver Olympics. The President wanted to see first - hand the work being done to prepare for the Winter Olympics in Canada, and US response preparedness. The White House praised Canadian security preparedness for this event. (Agence France Press)



[REDACTED]

ANALYSIS / ANALYSE: [REDACTED]

[REDACTED]

[REDACTED]

DATE
20100111

[REDACTED]

RE / OBJET:

[REDACTED]

[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

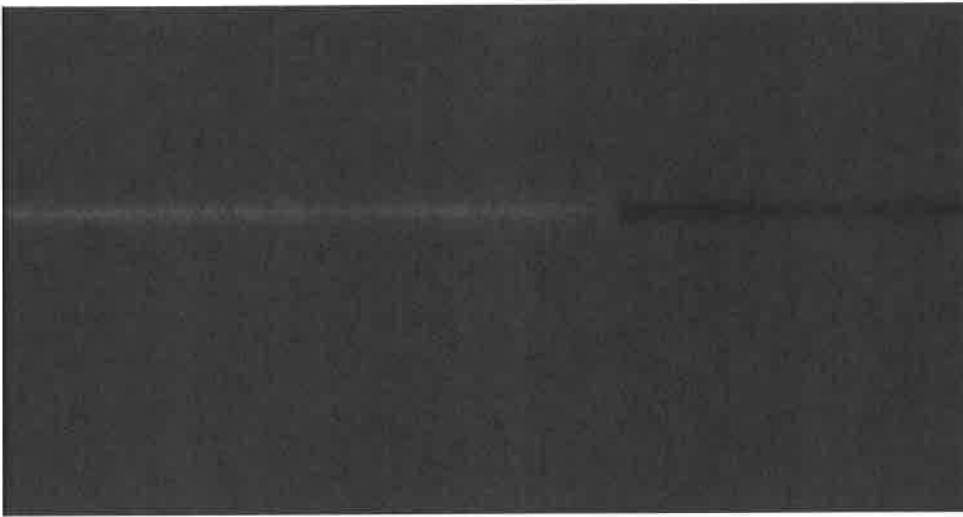
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[REDACTED]

[REDACTED]
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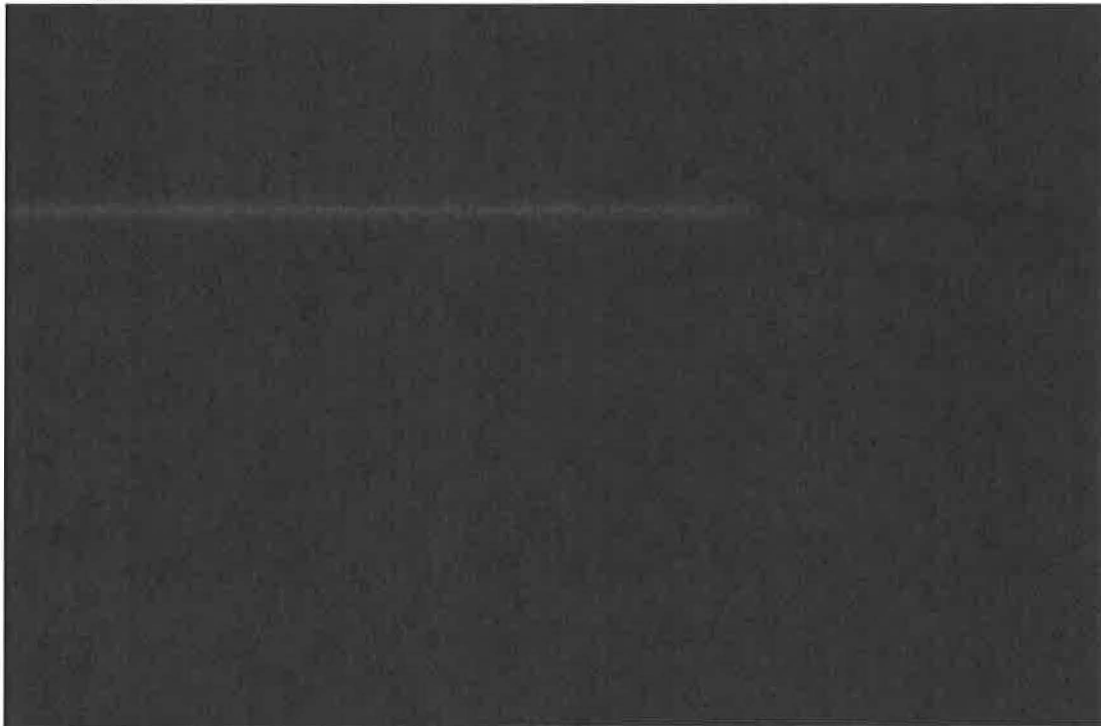
[REDACTED]
ANALYSIS / ANALYSE:

[REDACTED]
[REDACTED] DOGWOOD INITIATIVE is a
non - profit, Canadian environmental organization that was
established in 1999 'to help communities and First Nations gain more
control of the land and resources around them so they can be managed
in a way that does not rob future generations for short - term
corporate gain'. [REDACTED]

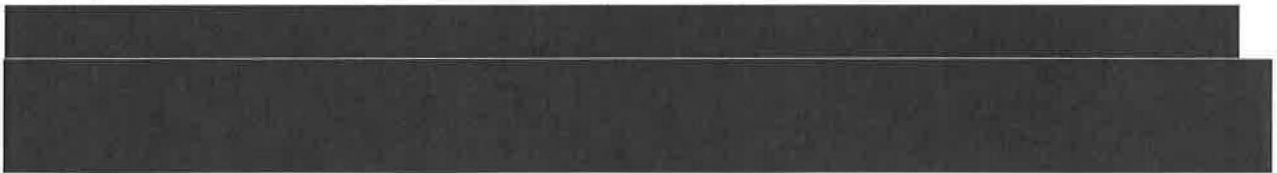




DATE
20100111



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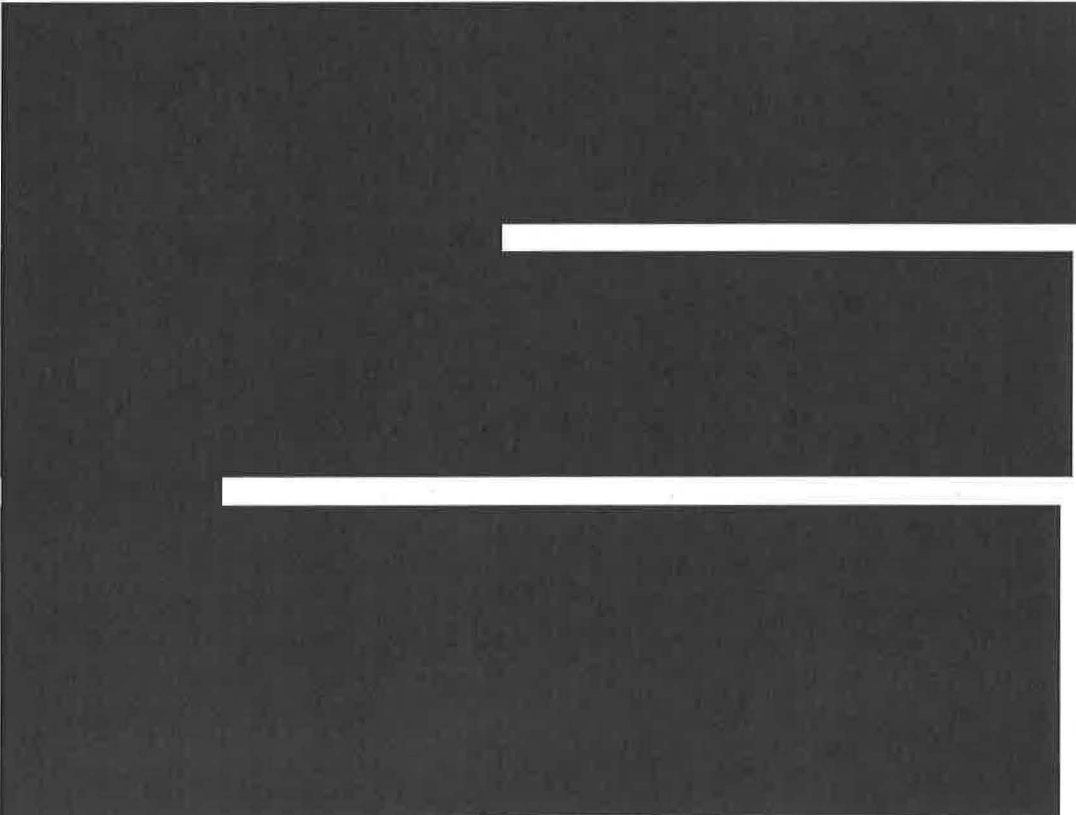


SYNOPSIS / SOMMAIRE:





INFORMATION / RENSEIGNEMENTS:

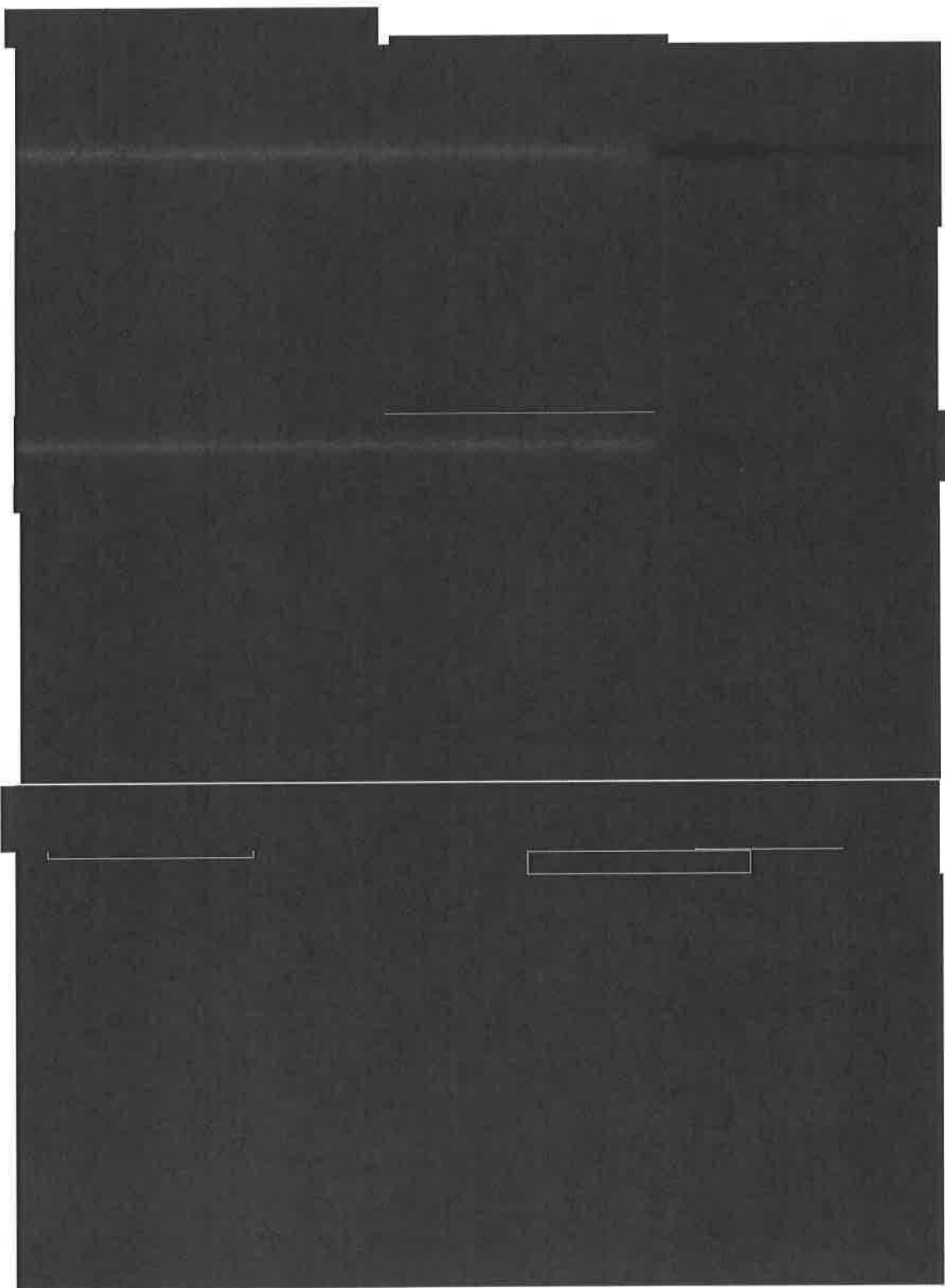


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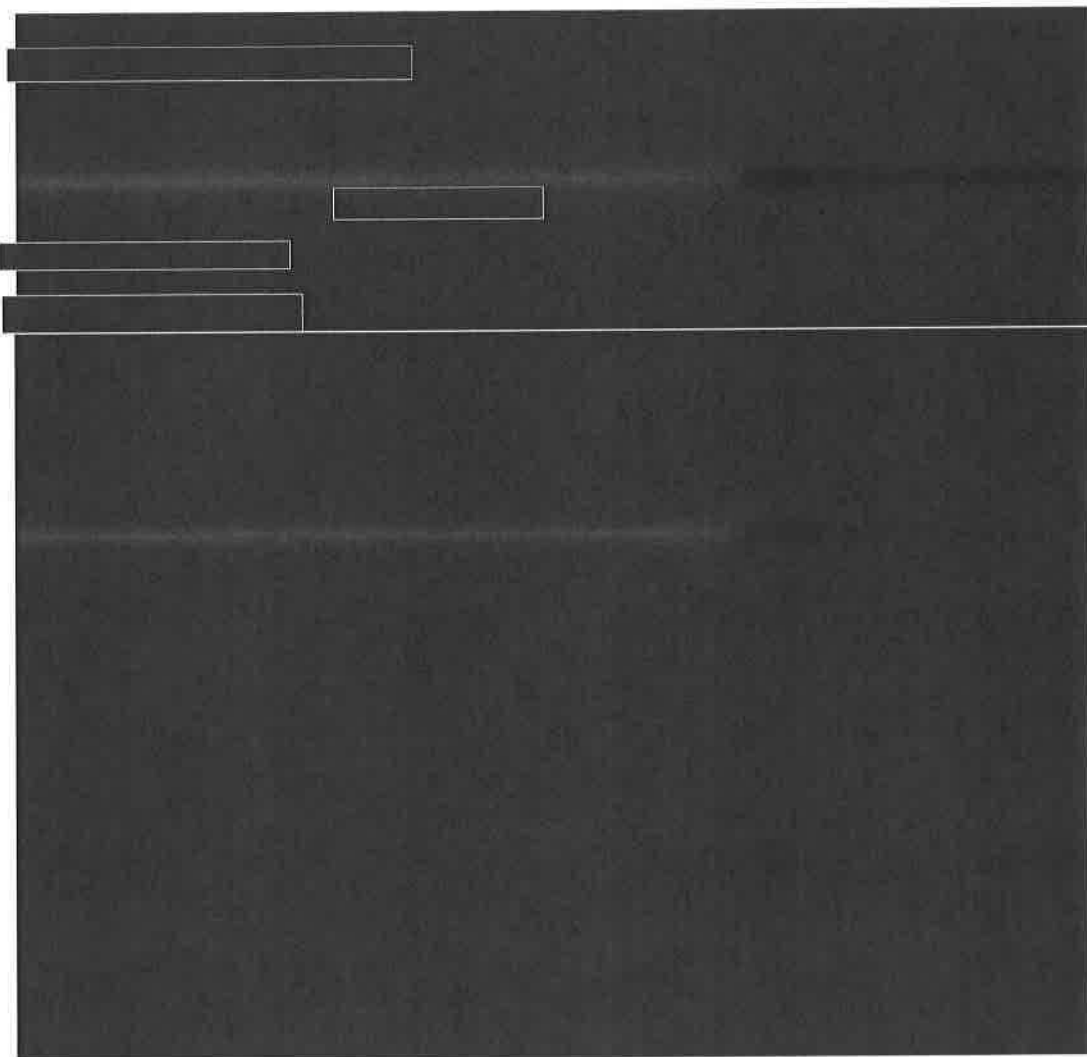
ANALYSIS / ANALYSE:

[REDACTED]

[REDACTED]



[Redacted]



[Redacted]

TAB

1

[REDACTED]

DATE
20100107

[REDACTED]

RE / OBJET:

[REDACTED]

SYNOPSIS / SOMMAIRE:

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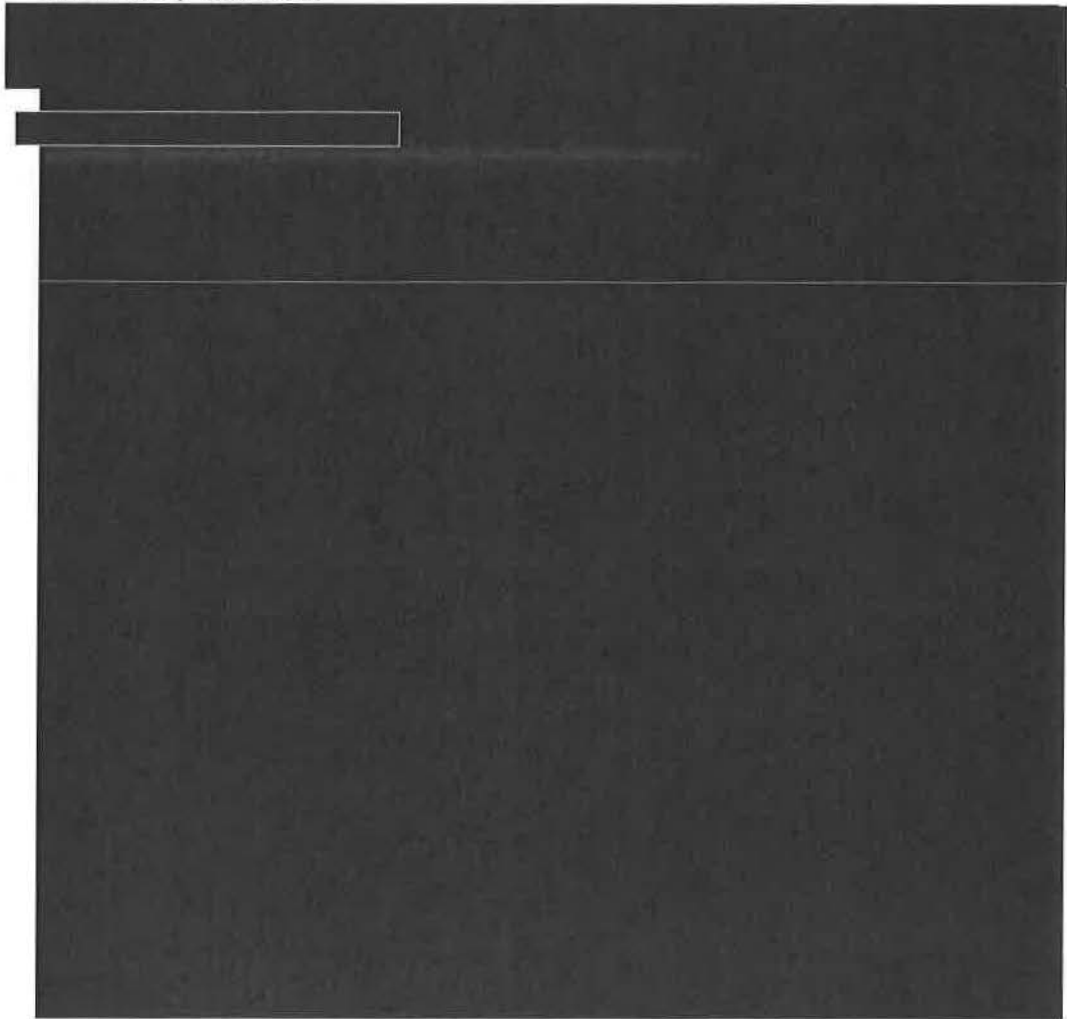
INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]



ANALYSIS / ANALYSE:



Secret

Htg → H. e. Dion

June 16, 2015

→ [REDACTED]
→ B. Roussel [REDACTED]

To pull:

- All groups mentioned in complaint letter
 - Headline
 - Forest Ethics Advocacy Association
 - Council of Canadians
 - Logwood Initiative
 - Grassroots
 - Sierra Club of BC
 - And no more.

Letter in PRS

Search
strip→ Letter to [REDACTED]
[REDACTED]

SECRET

- fun in [REDACTED]
- fun in [REDACTED]

Other sources:

- Cooperation with NETB
- [Northern Gateway Pipeline]

- [REDACTED]

- NRC on decision ?? TBD

- IAB → NPO
Contact reports
briefings
Intel. products
- } Groups
Change
NGP.

- ITAC & Sore.

→ Prairie & BC region → groups in
relation to NGP.
→ info sharing →
groups in
relation to NGP.

SECRET

File No.: 1500-481

SECURITY INTELLIGENCE REVIEW COMMITTEE

IN THE MATTER of a complaint filed pursuant to section 41 of the
Canadian Security Intelligence Service Act, R.S. 1985, c. C-23.

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

Complainant

- and -

CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

**Summary of the evidence presented *in camera* / *ex parte* on
January 28, 2016 and March 22, 2016
Before the The Hon. Yves Fortier, P.C., C.C., O.Q., Q.C., Presiding Member**

Security Intelligence Review Committee
P.O. Box 2430
Postal Station D
Ottawa, ON
K1P 5W5

Phone: (613) 990-8441
Fax: (613) 990-5230

THIS DOCUMENT DOES NOT REPRESENT, IN ANY WAY, THE VIEWS OF THE SECURITY INTELLIGENCE REVIEW COMMITTEE (COMMITTEE) ON THE MERITS OF THE COMPLAINT OR THE POSITIONS OF THE PARTIES THERETO.

THIS SUMMARY OF EVIDENCE PRESENTED *EX PARTE* THE COMPLAINANT HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 37 AND 48 OF THE *CANADIAN SECURITY INTELLIGENCE SERVICE ACT (CSIS ACT)*, AND IN CONSULTATION WITH THE PRESIDING MEMBER OF THE COMMITTEE, IN ACCORDANCE WITH RULE 48 OF THE *RULES OF PROCEDURE OF THE SECURITY INTELLIGENCE REVIEW COMMITTEE IN RELATION TO ITS FUNCTION UNDER PARAGRAPH 38(C) OF THE CANADIAN SECURITY INTELLIGENCE SERVICE ACT*.

Evidence Presented *In Camera* / *Ex Parte*

The Committee heard evidence from four (4) witnesses from the Canadian Security Intelligence Service (CSIS or Service) on January 28, 2016 and on March 22, 2016.

Counsel for the Committee and the Presiding Member had the opportunity to cross-examine all of the witnesses.

Evidence of "Witness 1", CSIS

1. The witness provided detailed testimony regarding her work experience with the Service from 2001 onwards. She also specifically described her role as Chief of the unit responsible for the Service's domestic extremism investigation between November 2013 and January 2015.
2. The witness testified on government intelligence collection priorities and testified in regards to Ministerial Directions provided by the Minister of Public Safety to the Director of CSIS.
3. The witness explained the nature of targeting authorities and how they are obtained by CSIS to investigate any threat to the security of Canada. She also identified particular targeting files under which her unit was investigating during the time period related to this complaint.
4. The witness described CSIS's practices in relation to investigating threats to the security of Canada emanating from groups involved in domestic extremism. She testified that when conducting mandated investigations, CSIS employees are governed by the *CSIS Act* and that CSIS policies further stipulate that they do not look at legitimate protest and dissent, unless it is associated with serious acts of violence.

5. The witness provided testimony about the tasking provided to the regions related to politically-motivated violence and/or sabotage.
6. The witness explained the targeting levels and warrants for certain targets within the Service.
7. The witness testified that as head of her unit at that time, she had an overall knowledge of the Service investigations that were ongoing and that that prior to BCCLA's complaint wherein one of the allegations is that the Service investigated or collected information on seven groups, those groups being Dogwood Initiative, Sierra Club, EcoSociety, LeadNow, Council of Canadians, Forest Ethics, and Idle No More, she had only heard of two of the seven.
8. The witness discussed what she knew of each of the seven abovementioned groups and her knowledge of the public's opposition to the development of the Northern Gateway Pipeline project. The witness also testified as to whether any of the seven groups were ever themselves CSIS targets, considered a threat by CSIS or flagged as such to any department.
9. When asked for her opinion regarding the testimony of the complainant's witnesses during the *in camera* hearing in which they stated that they "felt targeted" and "were being spied on", the witness conjectured that it is possible, that if one were associated with a target and interviewed as a result of that association, it could make that person feel like they were being targeted.
10. The witness provided her perspective on the content of a published article dated January 9, 2012, entitled "An Open Letter from The Honourable Joe Oliver", which includes statements from then Minister of Natural Resources about environmental groups in Canada, in which he comments that "there are environmental and other radical groups that would seek to block this opportunity to diversify our trade", in reference to the pipeline project.

Evidence of "Witness 2", CSIS

11. The witness provided detailed testimony regarding his work experience with the Service as an analyst within the Intelligence Assessments Branch (IAB) and indicated that he primarily specializes in domestic extremism.
12. The witness testified on IAB's mandate and deliverables to the government of Canada. He outlined IAB's main responsibilities which include preparing and delivering briefings, assessments and reports, providing background information on operational and managerial programs and preparing Threat and Risk Assessments (TRAs).
13. He provided examples of IAB's high government priorities and emerging threats during the timeframe related to the complaint. He testified that CSIS was mainly

focused on issues related to the the Winter Olympics and the G-8/G-20 at that time and they were occupied with trying to identify any potential threats from domestic extremists for either of those events.

14. The witness testified on the evolution of the domestic extremism threat over the past years.
15. The witness described "domain awareness" and provided specific examples of files which fell under IAB's work involving domain awareness during the timeframe of the complaint.
16. The witness provided detailed testimony on the biannual classified briefings held by the Department of National Resources (NRCan). He testified that this forum is used by the Service to share classified information with energy sector stakeholders, such as the National Energy Board (NEB).
17. The witness testified about his involvement at these classified briefings and indicated that his role there in the past has been mainly to offer the Service's view on domestic extremism and identify potential triggers for violence. He gave the Committee concrete examples of serious acts of ideologically-motivated violence from a Service perspective which were discussed at some of the NRCan briefings that related to energy and utilities sector stakeholders.
18. The witness spoke to specific intelligence assessments that were given to the NEB by the IAB involving domestic extremism issues and whether or not the aforementioned groups were mentioned in those assessments.
19. The witness described how the Service engages in outreach with energy stakeholders and also identified means, other than the classified briefings, through which the Service communicates severe emerging domestic threats to certain industries.
20. The witness described the policies and requirements for any meeting between the Service and any outside organization. He emphasized the importance of fostering collaboration between CSIS and any organization to prevent terrorism, whether it be within the government of Canada, with law enforcement partners or private industries.
21. The witness testified that IAB sometimes visits the regions and meets with their liaison team to assist in their collection mandate by presenting to them information that they may not know, be it classified or not, on topics that they may have an interest in. He indicated that this is standard collaboration protocol and part of that relationship-building with CSIS's client base, which in turn encourages these industries to share any threat-related information they may have with the Service.

22. The witness testified that the Service does not attend, nor interfere with, any events that involve legal and legitimate protests and/or dissent, as it falls outside of its mandate.
23. The witness provided contextual and classified information on certain documentation that had been redacted and provided to the complainant pursuant to an Access to Information request. Amongst other documents, he specifically gave detailed evidence in respect of a memorandum entitled "Meeting of the Deputy Ministers' Committee on Resources and Energy".
24. The witness stated that he has never briefed Minister Joe Oliver on domestic extremism, and that as far as he was concerned, the Service was unaware as to who briefed the Minister on the information related to his public statement in 2012.

Evidence of "Witness 3", CSIS

25. The witness provided detailed testimony regarding his work experience with the Service as an analyst within the IAB and indicated that his specialty lies in the Energy Sector.
26. The witness testified that his primary responsibility was to provide intelligence assessments related to threats to Canada's energy and mineral security. He summarized the energy sector file, for which he is responsible, and highlighted that the interests of his portfolio were restricted to threats to energy and primarily to critical energy infrastructure mostly from domestic extremism, terrorism, or possibly from foreign states. He testified that a secondary responsibility of his branch was to provide assessments relating to economic threats or threats to Canada's economic interests related to energy in the area of proprietary information.
27. The witness testified that he has been a coordinator for the NRCan biannual classified briefings since 2010 and described the origin and purpose of these briefings as well as the Service's role. He further testified that, although he is responsible for writing a memo to management regarding the briefings, there is no formal Memorandum of Understanding.
28. The witness testified that he has never personally seen any information collected at these briefings by the Service and that, should members of the private sector wish to provide information to the Service, he explains to them that the proper format for them to do so is to notify someone at the regional offices.
29. The witness provided testimony on certain topics that have been discussed at past NRCan briefings.
30. The witness gave examples of some briefings or liaisons with government or

private sectors in which CSIS participates other than the NRCan briefings.

31. The witness spoke about the context and content of the information that was redacted in the complainant's version of an email, dated April 19, 2013, referred to in the complainant's exhibit book, which mentions security concerns regarding the Northern Gateway Pipeline project.

Evidence of "Witness 4", CSIS

32. The witness provided detailed testimony regarding his work experience with the Service from 1995 onwards. He indicated he occupied various positions with the British Columbia Region between 1998 to present. He also described his roles and responsibilities as the supervisor for the unit responsible for the Service's domestic extremism investigations in Vancouver from 2010 to 2013 and that, as a supervisor of the unit, he was aware of all actions taken under his remit at the time.
33. The witness discussed the mandatory process and requirements for an intelligence officer to make a request to conduct a community interview related to the Service's domestic extremism investigations. The witness testified as to the frequency of those interviews.
34. The witness provided testimony as to whether or not any of the seven groups mentioned in this complaint, namely Dogwood Initiative, Sierra Club, EcoSociety, LeadNow, Council of Canadians, Forest Ethics, and Idle No More, were ever a target of a Service investigation.
35. The witness testified that he had not heard of most of the aforementioned groups prior to this complaint. He specified that the few groups that he had known at that time was known to him through open-source means.
36. The witness testified that it was not surprising that there were protests related to the Northern Gateway Pipeline Project but underscored that Service employees are mandated and limited by the *CSIS Act* which does not permit CSIS to investigate groups or individuals for their activities related to lawful advocacy, protest or dissent, unless it is tied directly to a threat.
37. The witness testified that the information flow between CSIS and private or other public stakeholders was generally a one-way transaction in which CSIS received the information.
38. The witness testified that he did not recall having seen the article written by the Honourable Joe Oliver mentioned above prior to the hearing.

July 5, 2016



Department of Justice
Canada

Ministère de la Justice
Canada

National Security Litigation
& Advisory Group
PO Box 8127, Station T
Ottawa, Ontario
K1G 3H6

Groupe litiges et conseils
en sécurité nationale
CP 8127, Succursale T
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K1G 3H6

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December 1, 2016

BY HAND

Ms. Shayna Stawicki / Valérie Poirier
Registrar
Security Intelligence Review Committee
Jackson Building
122 Bank Street, 4th Floor
Ottawa, Ontario
K1P 5N6

Dear Ms. Stawicki / Valérie Poirier :

RE: *BCCLA – Complaint against CSIS Pursuant to Section 41 of the CSIS Act*
Your File 1500-481

On November 24, 2016, Mrs. Chantelle Bowers and Mrs. Valérie Poirier enquired as to the Service's position with respect to paragraph 17 of the Respondent's Rebuttal Submissions in the above-mentioned complaint. Paragraph 17 contains a request by the Complainant to make testimonies and submissions publically available.

At paragraph 207 of the Complainant's final submissions dated September 19, 2016, the Complainant stated:

Given all the foregoing, BCCLA requests the Committee to review and clarify its order regarding the scope and application of section 48 of the *CSIS Act* as it relates to the evidence of witnesses called on behalf of the BCCLA during the *in camera* portion of the hearing into this complaint. In particular, BCCLA asks the Committee to confirm that, consistent with their *Charter* rights, witnesses who appeared before it on August 12-13, 2015 are free to speak publicly about the evidence and testimony they provided during the *in camera* portion of the hearing, and BCCLA may, if it wishes, publicly disclose its submissions.

Canada

Page 824 of 1048

In response to the Complainant's request, at paragraph 71 of the Respondent's submissions dated October 14, 2016, we informed the Committee that:

In the present case, the hearing portion of the investigation has concluded and CSIS has been provided the opportunity to protect any national security information which may have been inadvertently disclosed at the hearing. For those reasons, the Respondent does not object to the Complainant's request set out at paragraph 207 of the Complainant's final submissions.

At paragraph 17 of the Respondent's rebuttal submissions, the Respondent stated:

Given that the Service has now advised that it has no objection to BCCLA's submissions regarding the scope and application of section 48 of the CSIS Act, the complainant requests the Committee to confirm that witnesses who appeared before the Committee on August 12-13, 2015 may speak publicly about the evidence and testimony they provided during the in camera portion of the hearing, and that BCCLA may publicly disclose those transcripts and its submissions in this matter, without further concern in relation to section 48 of the *Act*. With respect, it would be preferable if the Committee could provide this guidance and direction at its earliest convenience on an interim basis, and without waiting for its final decision. (our emphasis)

The underlined portions are two new issues that were not found in the Complainant's submissions of September 19, 2016, the Complainant is seeking to:

- make the transcripts publically available;
- get a direction on an interim basis.

With respect to making the transcripts publically available, we understand that paragraph 17 suggests that only the portions of the transcripts (*those transcripts*) of the testimonies of BCCLA witnesses would be made public by the Complainant. We request that the Committee's order specify that only the Complainant's submissions and evidence may be made publically available.

While we defer to SIRC the issue of the direction on an interim basis, we note that s. 48(2) provides that "in the course of an investigation of a complaint [...] by the Review Committee, [...] no one is entitled as of right to be present during, to have access or to comment on representations made to the Review Committee by any other person." In the present case, the Committee's investigation is still ongoing and will be complete once the final report is issued.

In this specific case, all of CSIS's proposed redactions to the transcripts and summaries have so far been accepted by the Committee, we however note that this is not always the case and that the "private" nature of the proceedings has been used by the Committee to justify the release of classified information to a

Complainant. Recently in a decision concerning disclosure of evidence in complaint [REDACTED] the Honourable Gene McLean stated:



The fact that the Complainant is seeking to make materials public will be an important consideration on the redactions that may be requested on the final report.

Please note that we have also enclosed with this letter a "Protected" version of this letter. Should you have any questions or concerns, please do not hesitate to contact me at 613-842-1356.

Sincerely,

A handwritten signature in ink, appearing to read 'Steph Dion'.

Stephanie Dion
Counsel

Encl.

cc: ER&L

[REDACTED] 51000-677

R-3

SECRET/CEO

File No. 1500-481

SECURITY INTELLIGENCE REVIEW COMMITTEE

BETWEEN:

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

Complainant

- and -

CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

CSIS' BOOK OF DOCUMENTS VOL. 5

EX PARTE HEARING

Per: Stephanie Dion
Department of Justice Canada
National Security Litigation &
Advisory Group
P.O. Box 8127, Station T
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Tel: 613-842-1356
Fax: 613-842-1345

Counsel for the Respondent

SIRC / CSARS

SIRC Case # 146

Exhibit # CSIS 8A

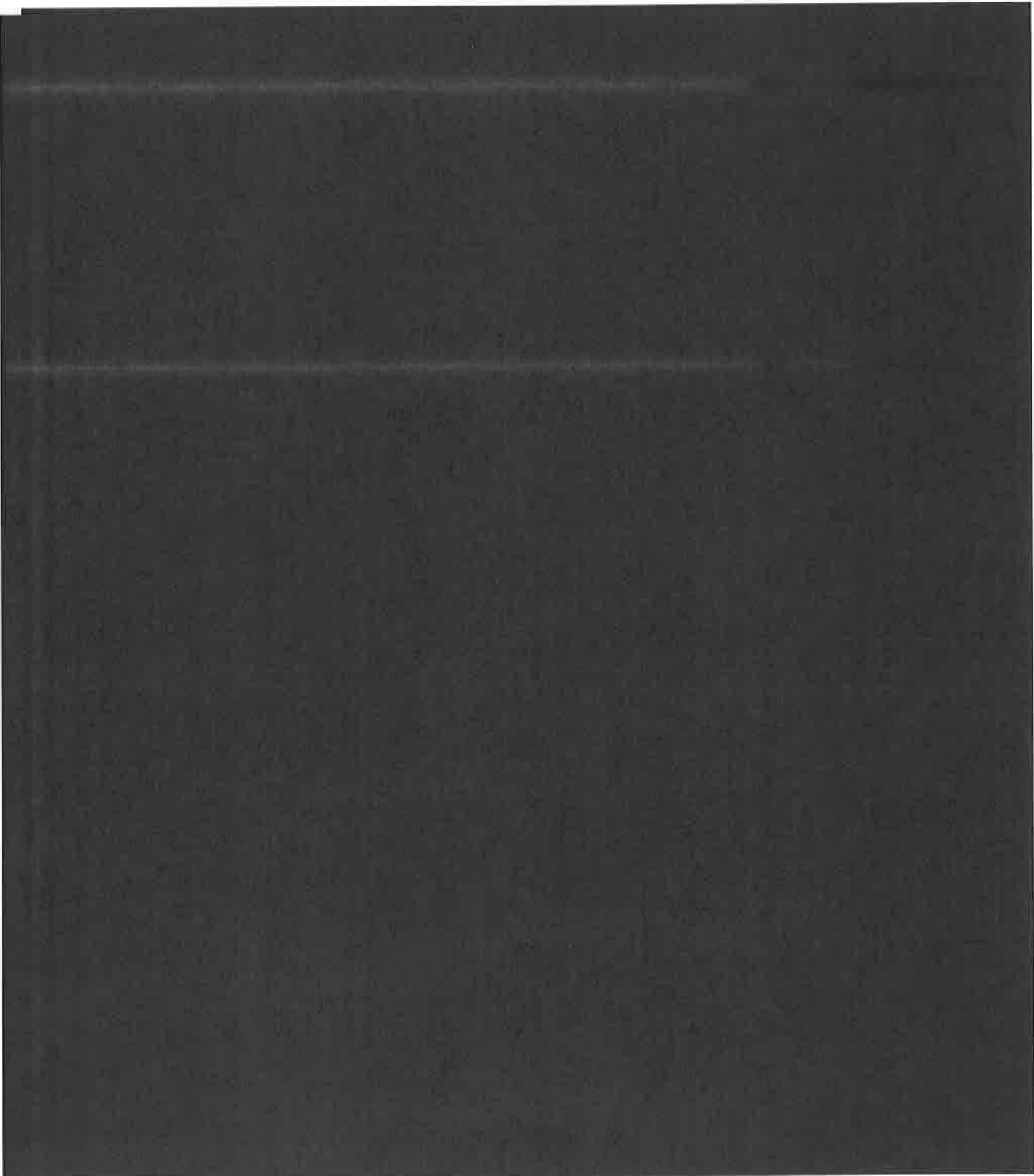
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Registrar Shauna Stawicki

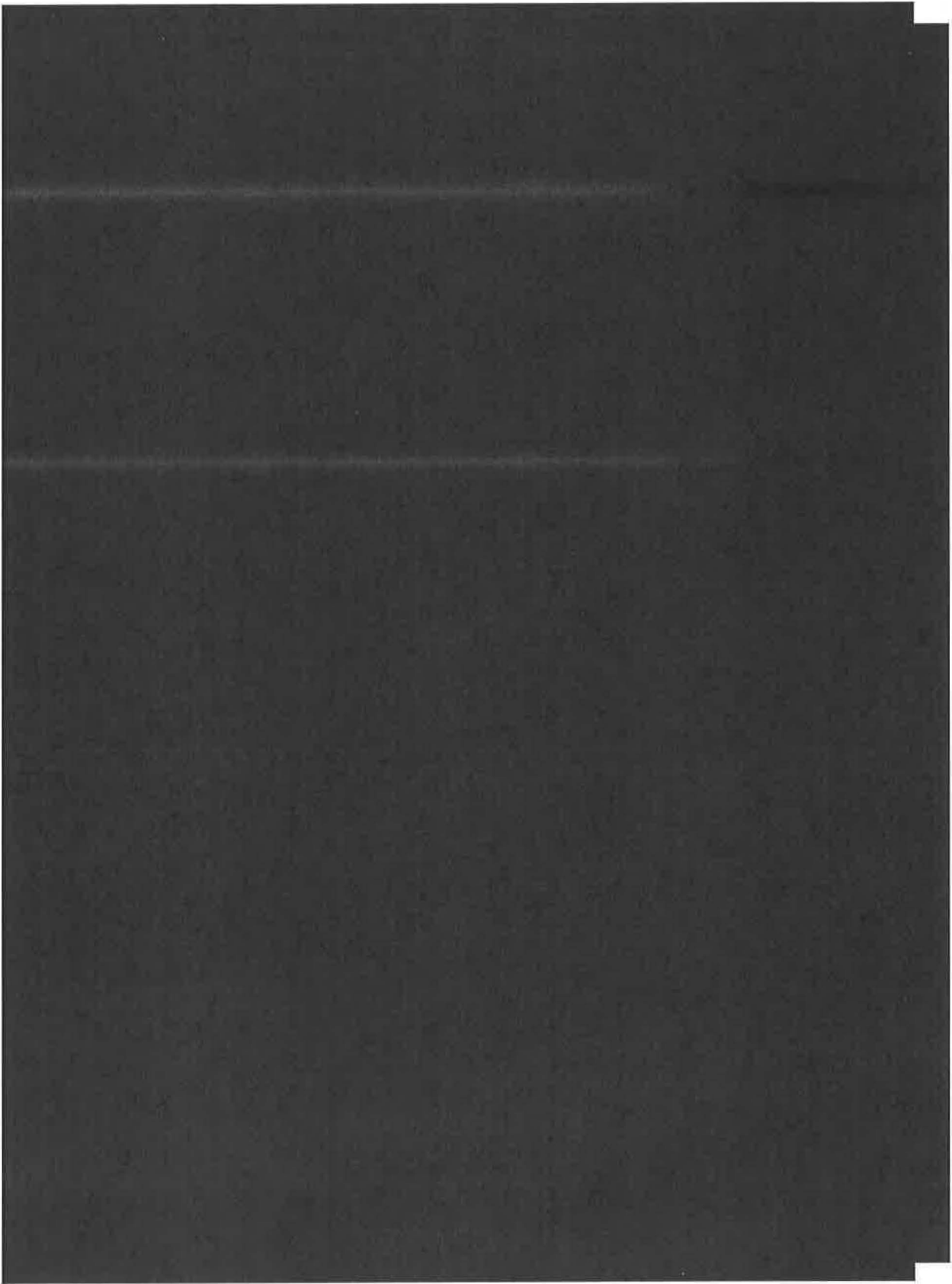
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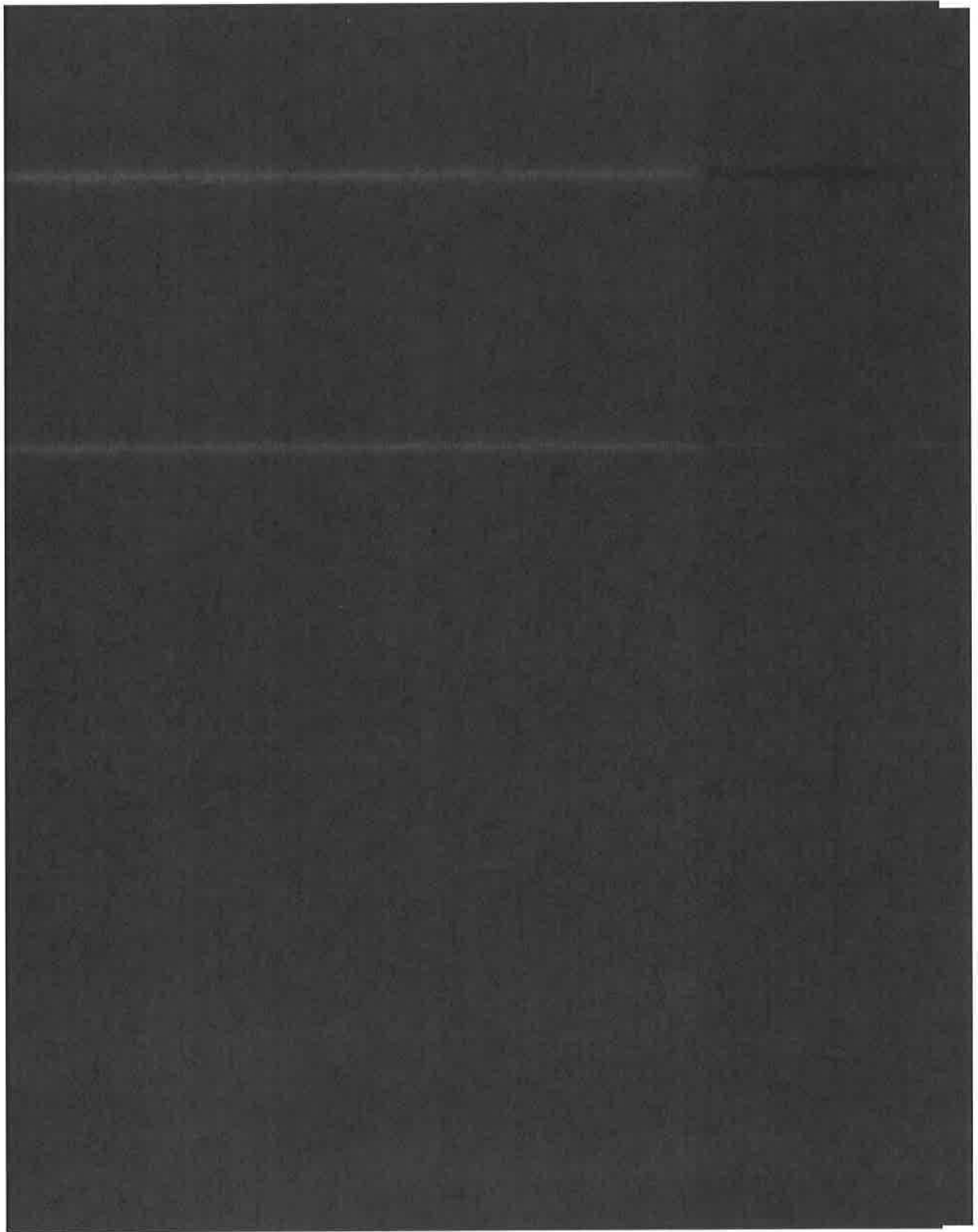
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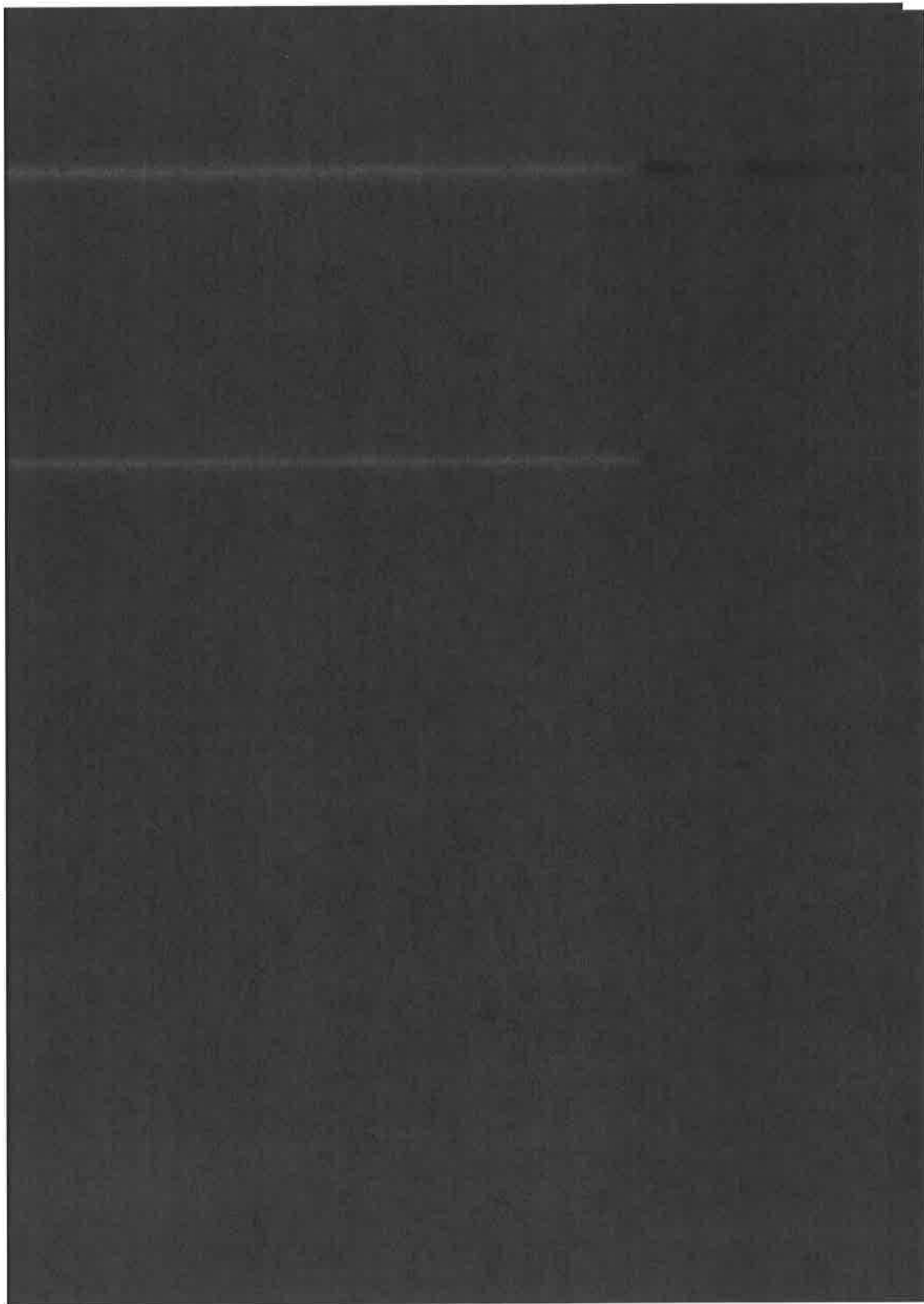
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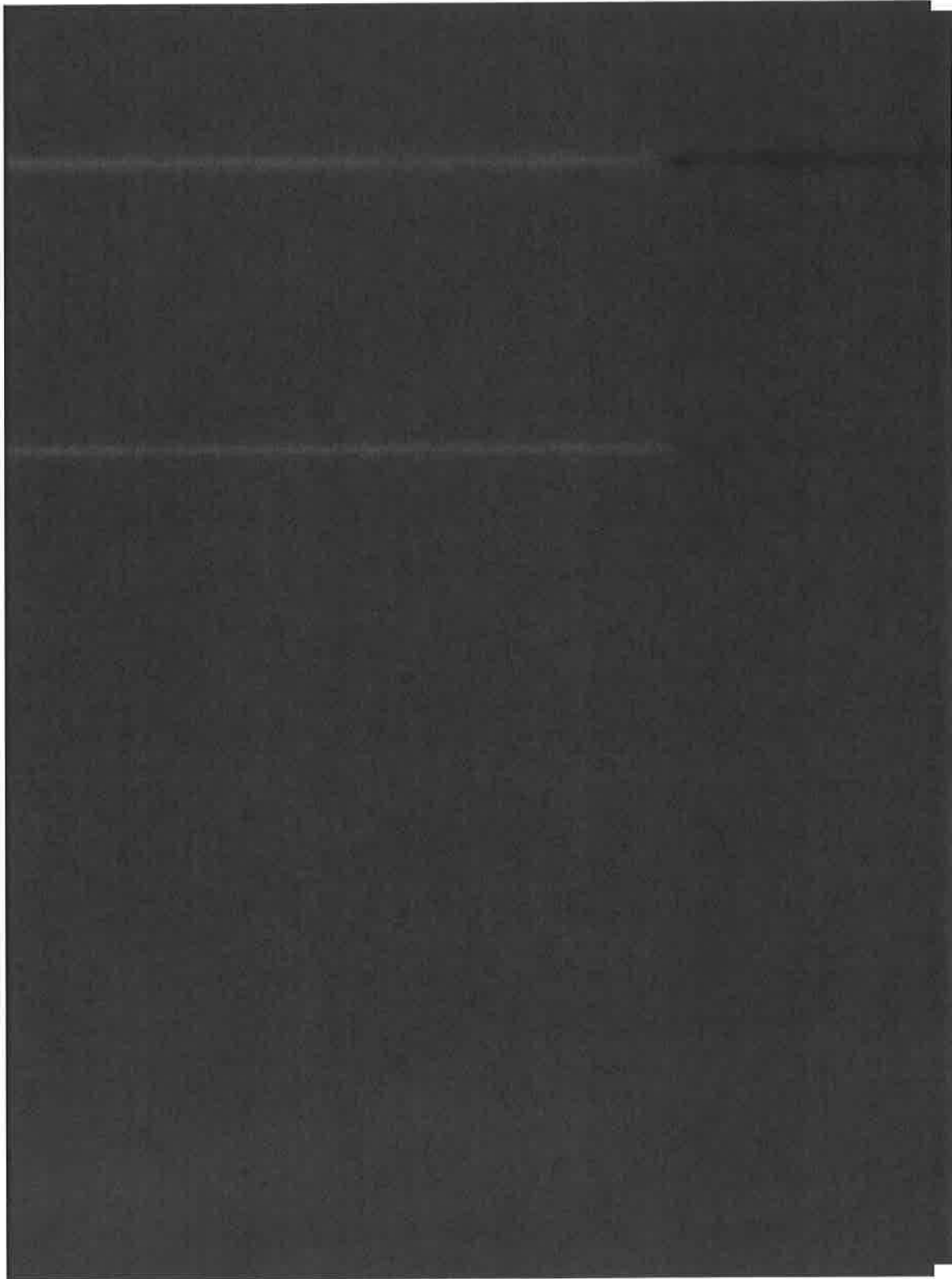


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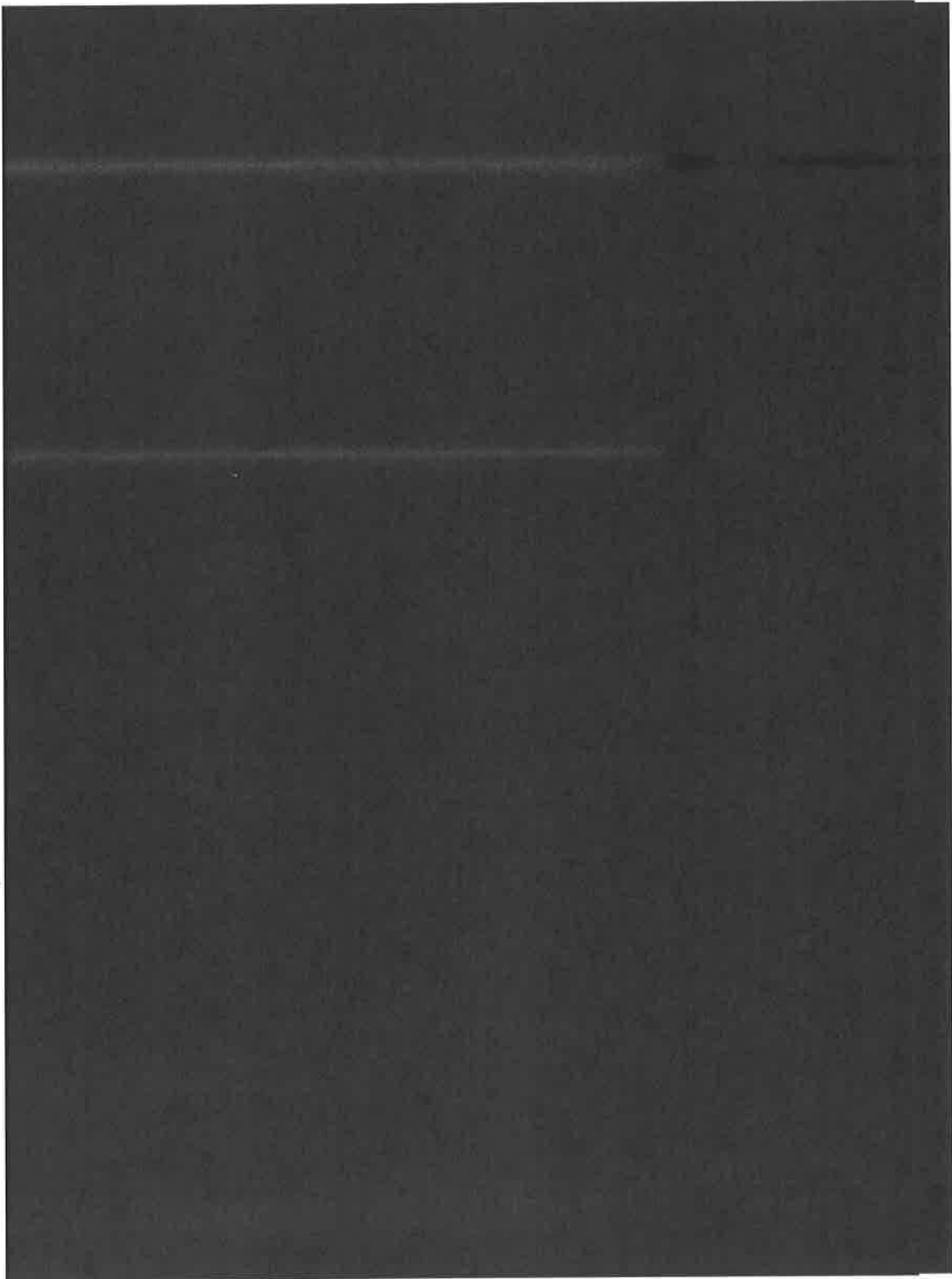
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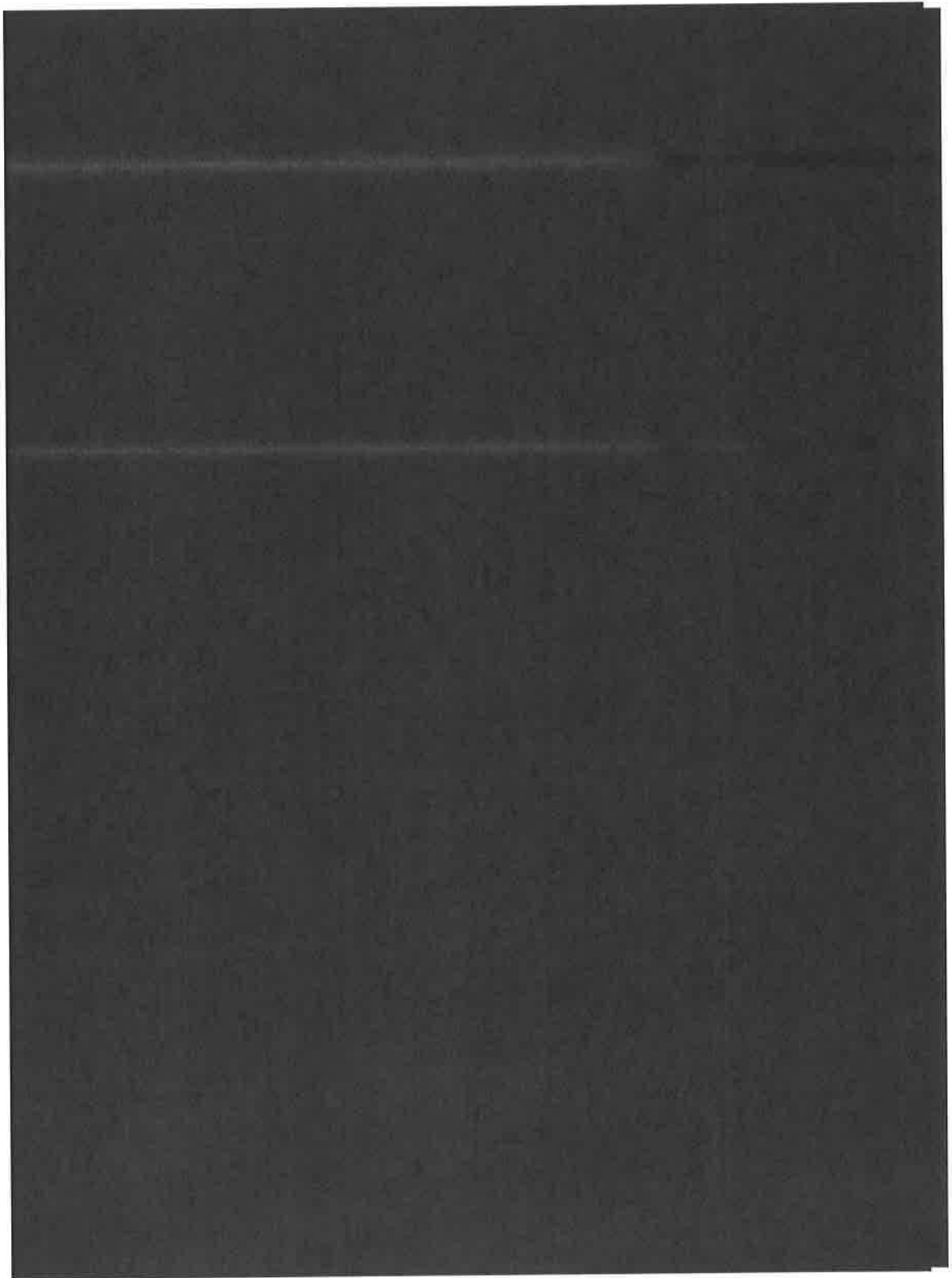
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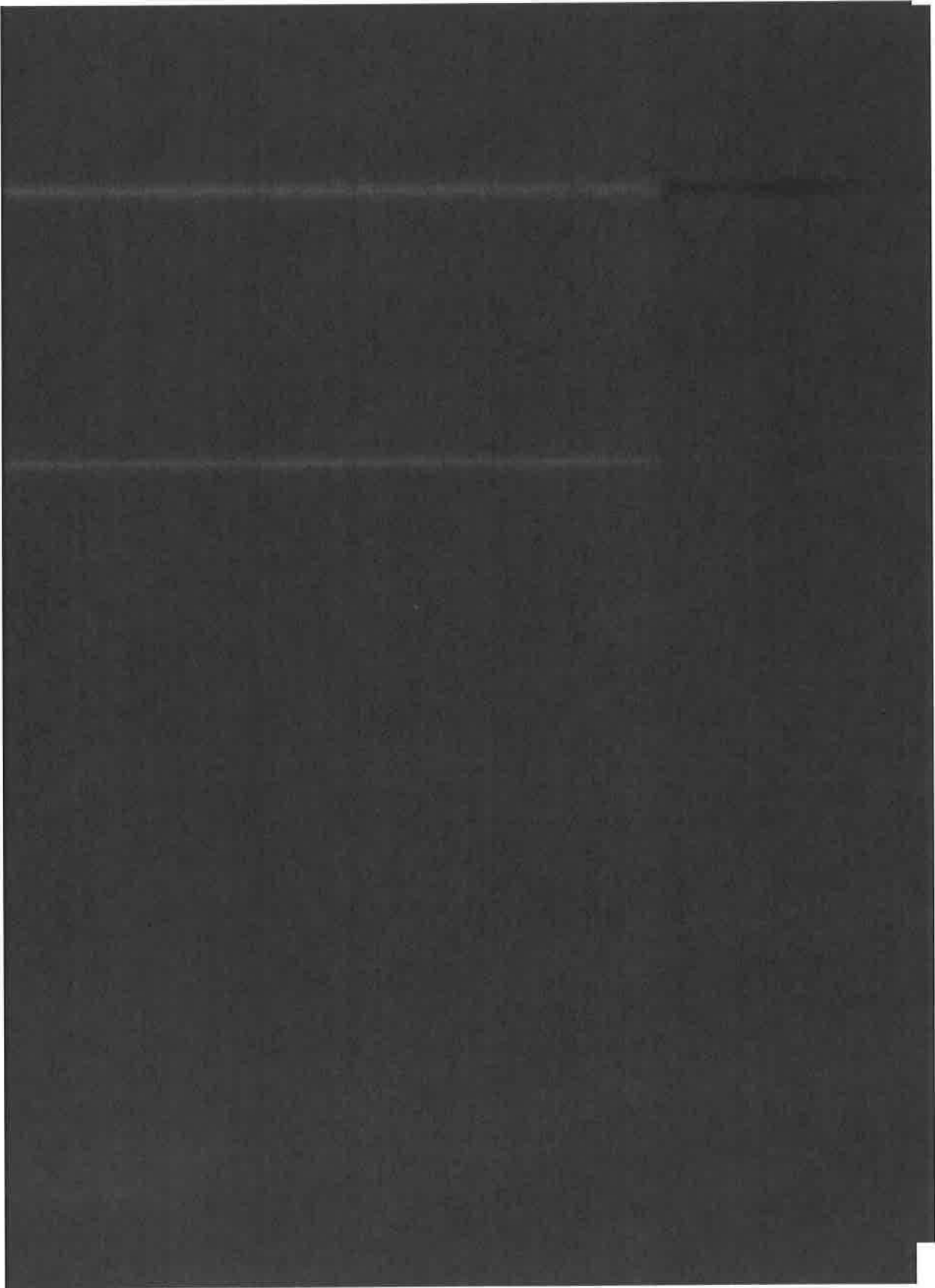
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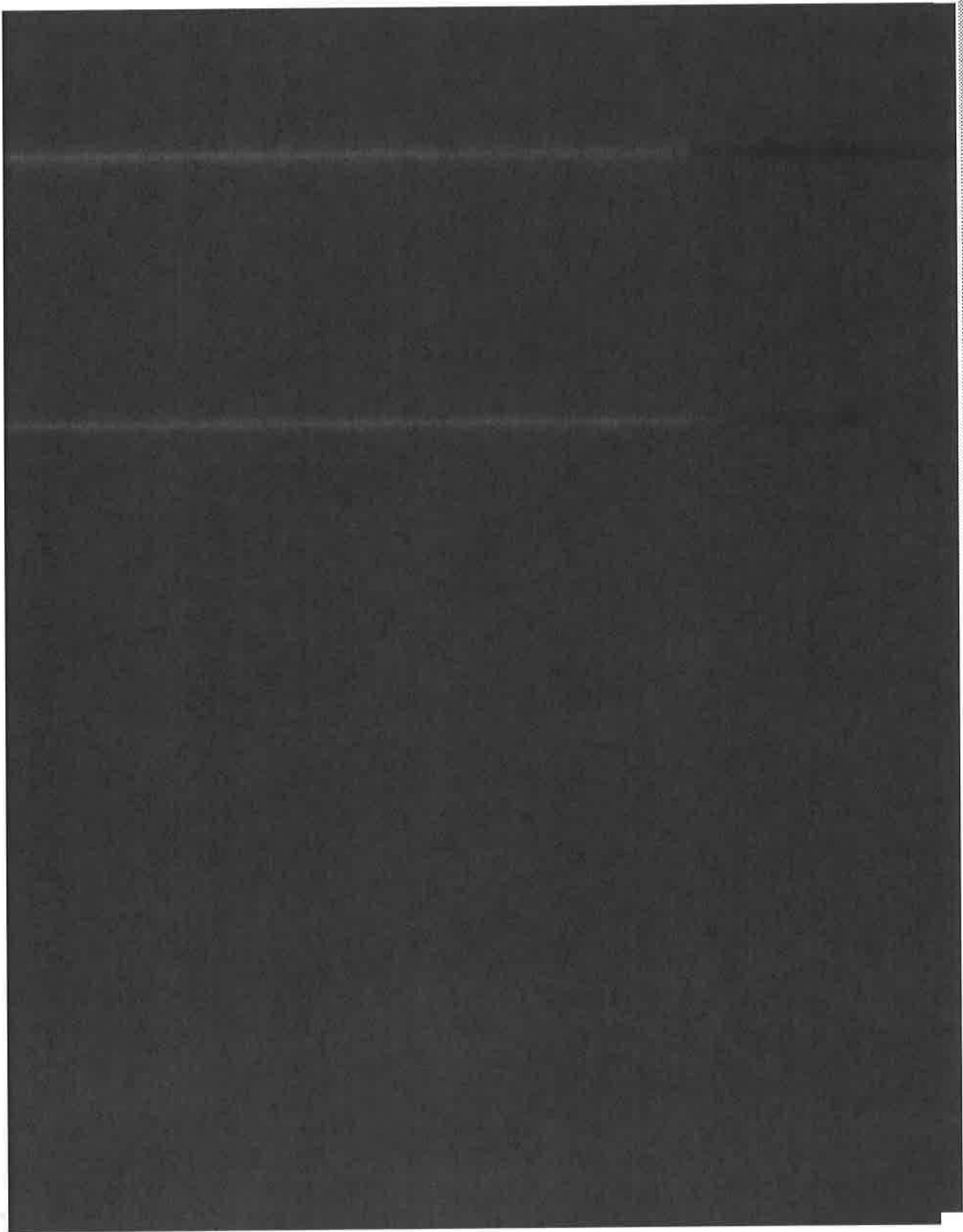
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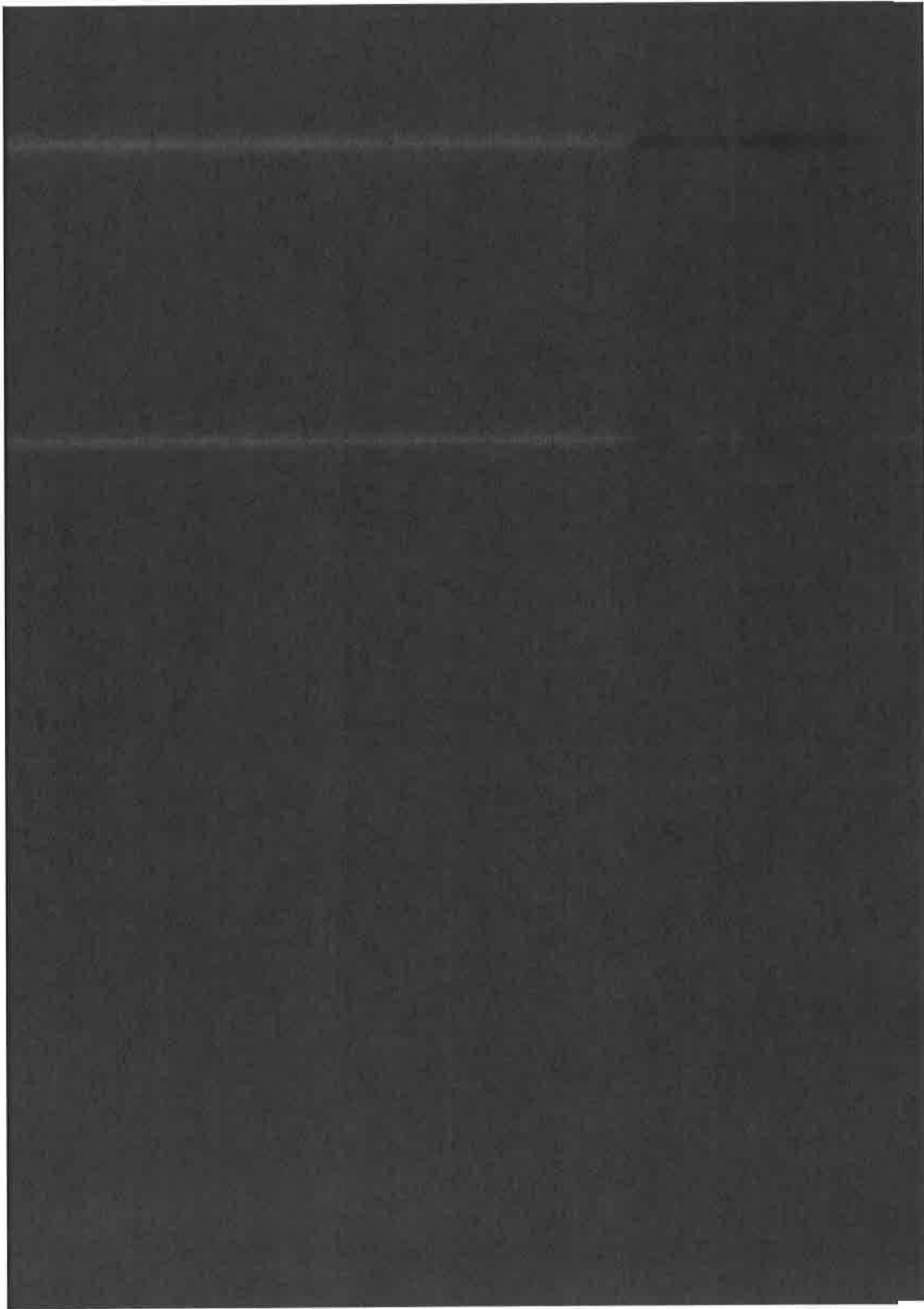
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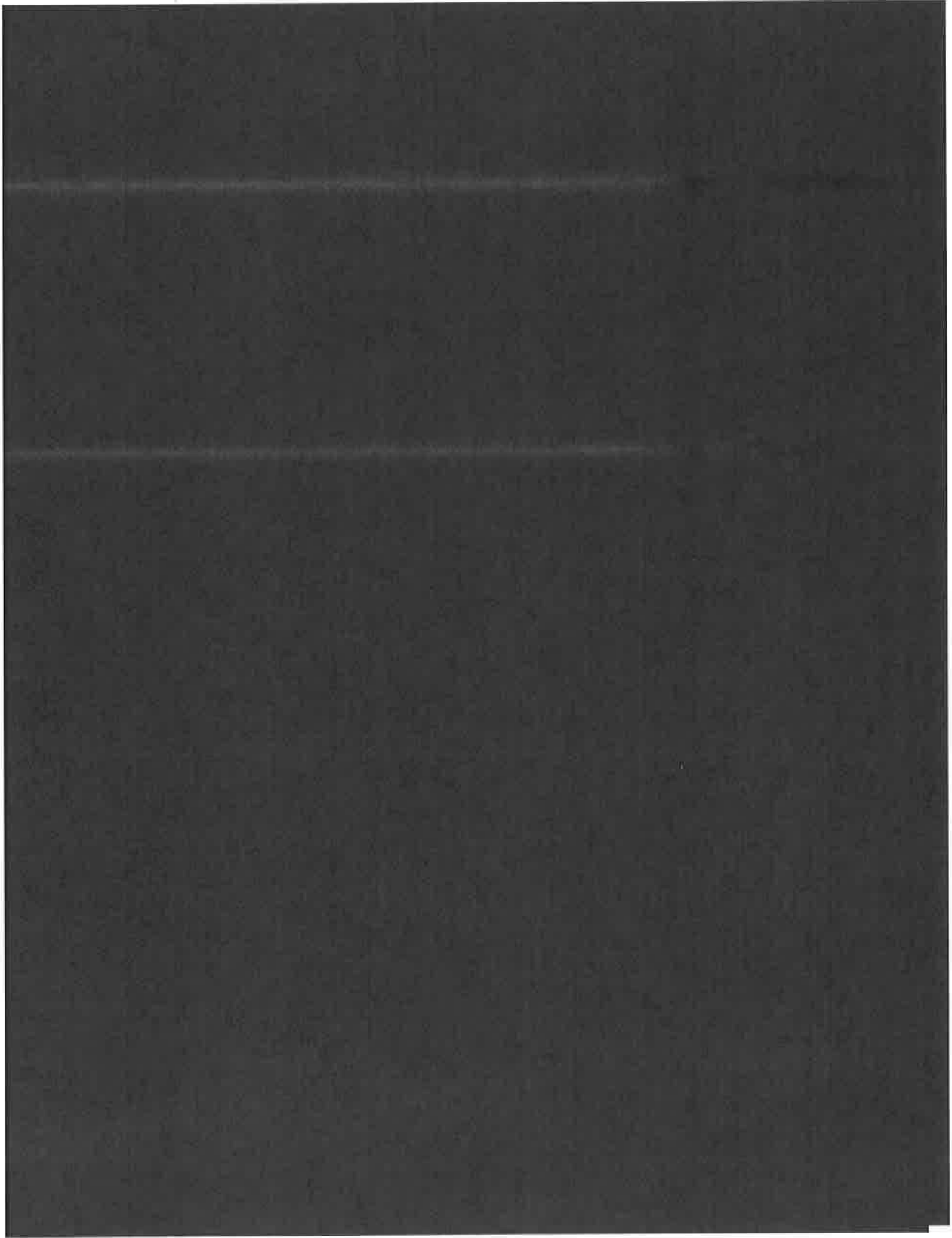


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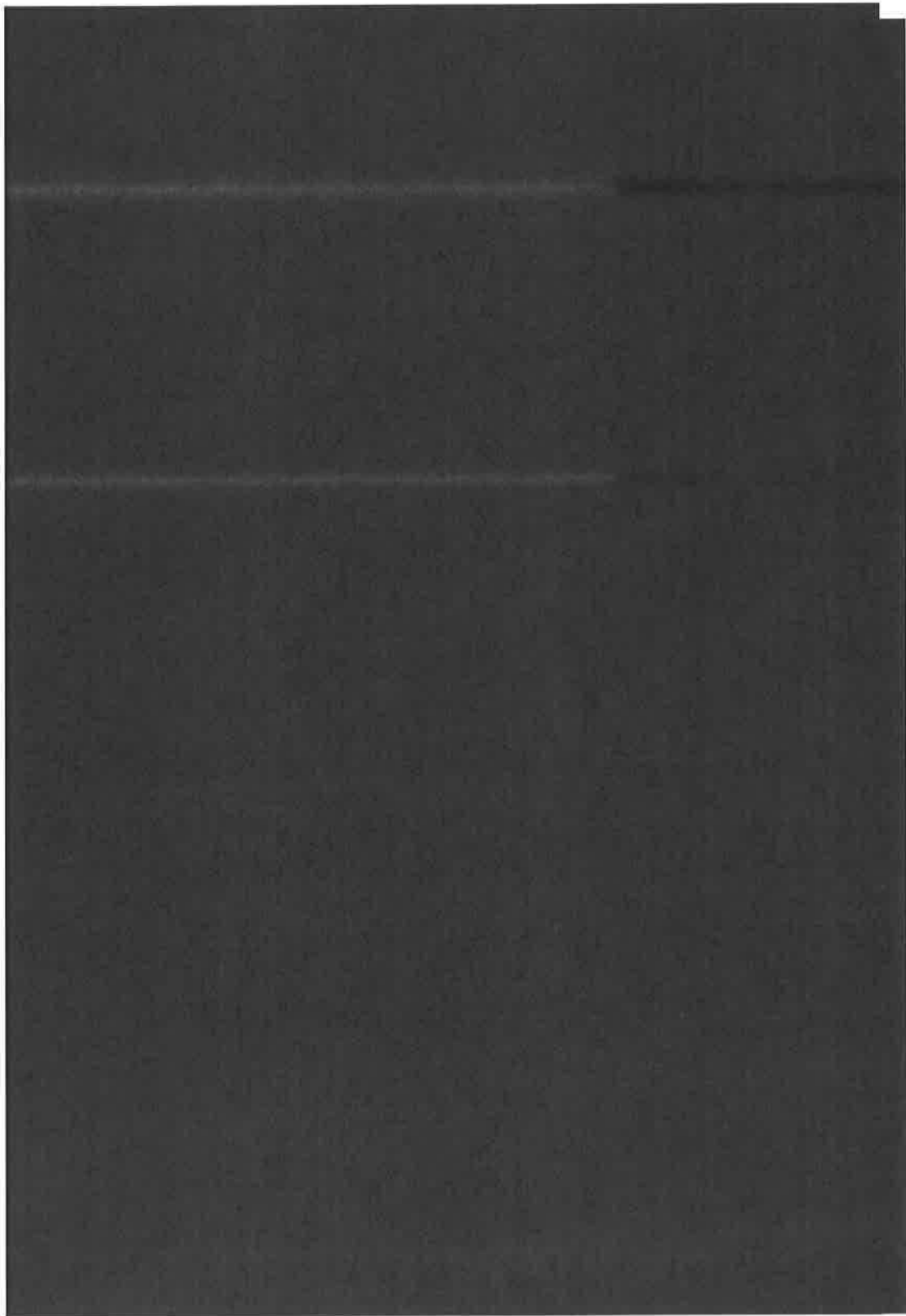
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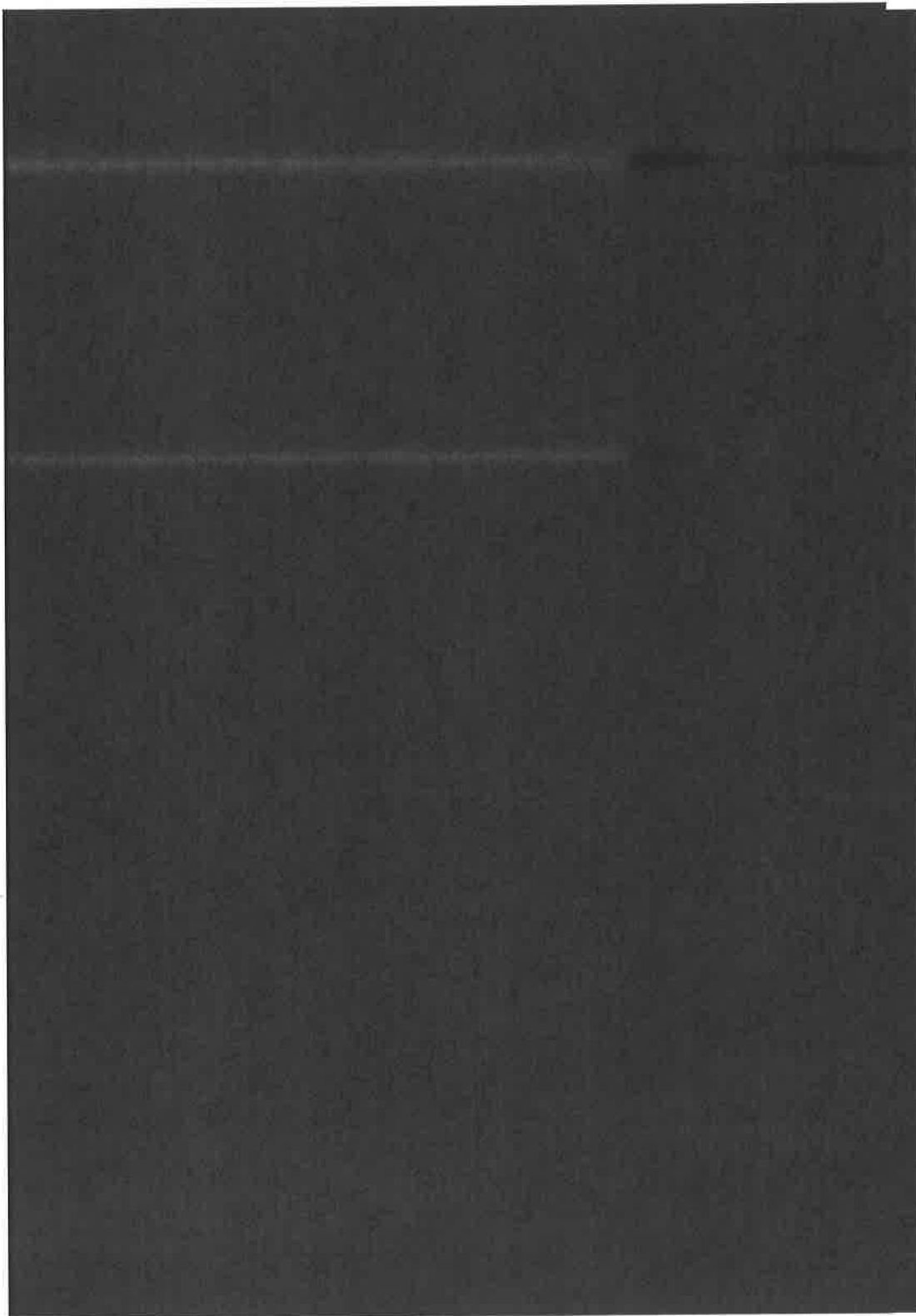
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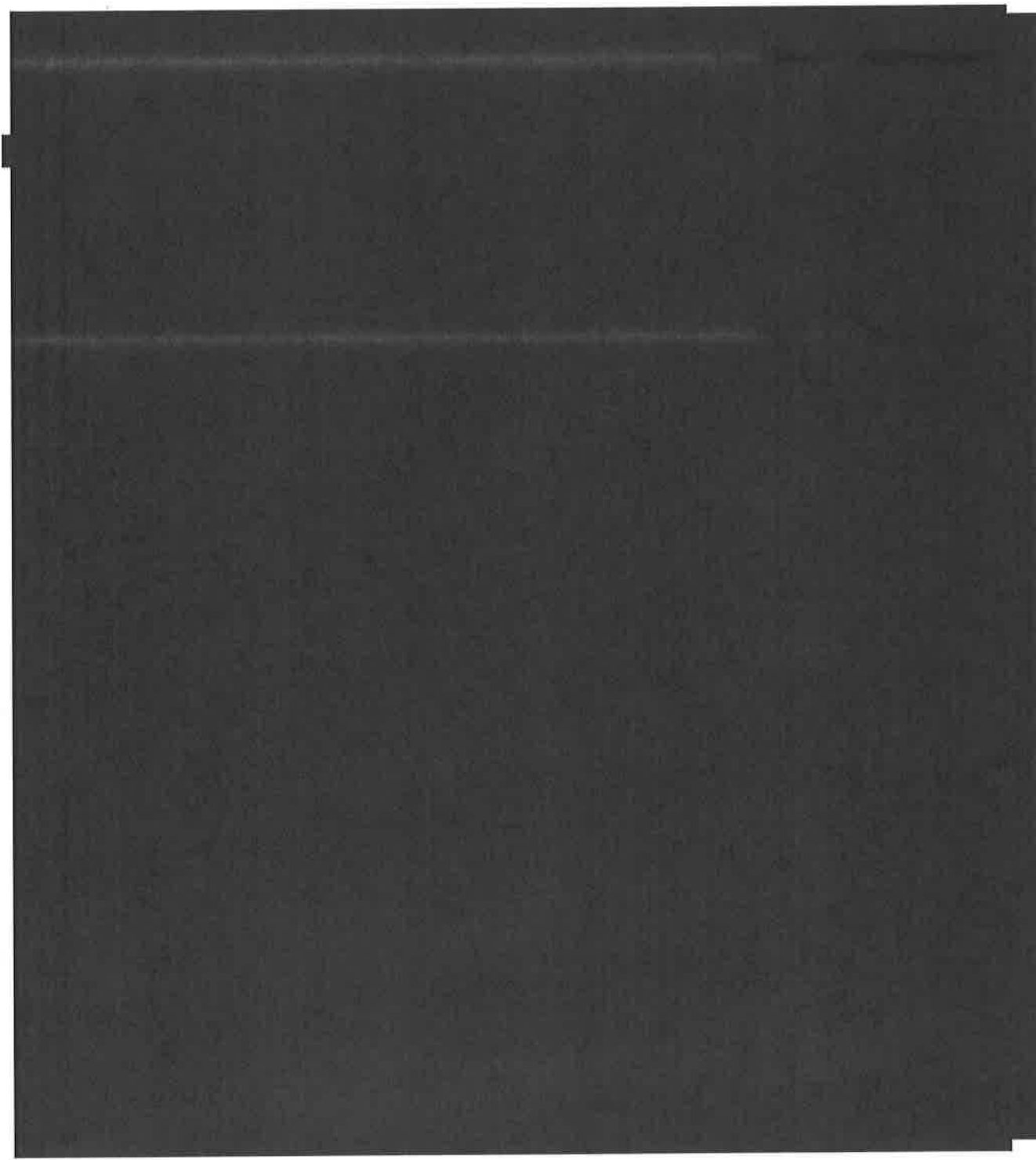
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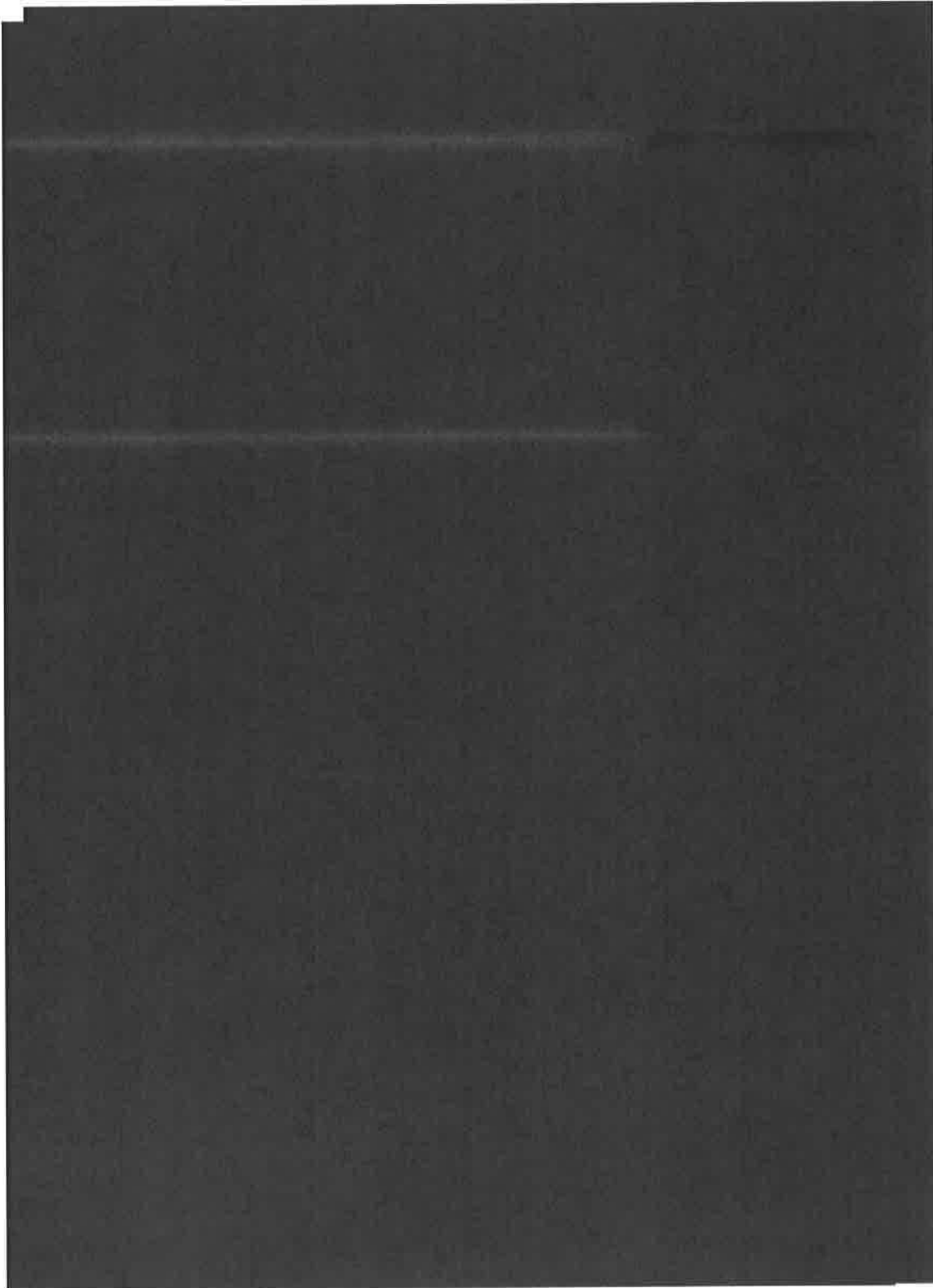
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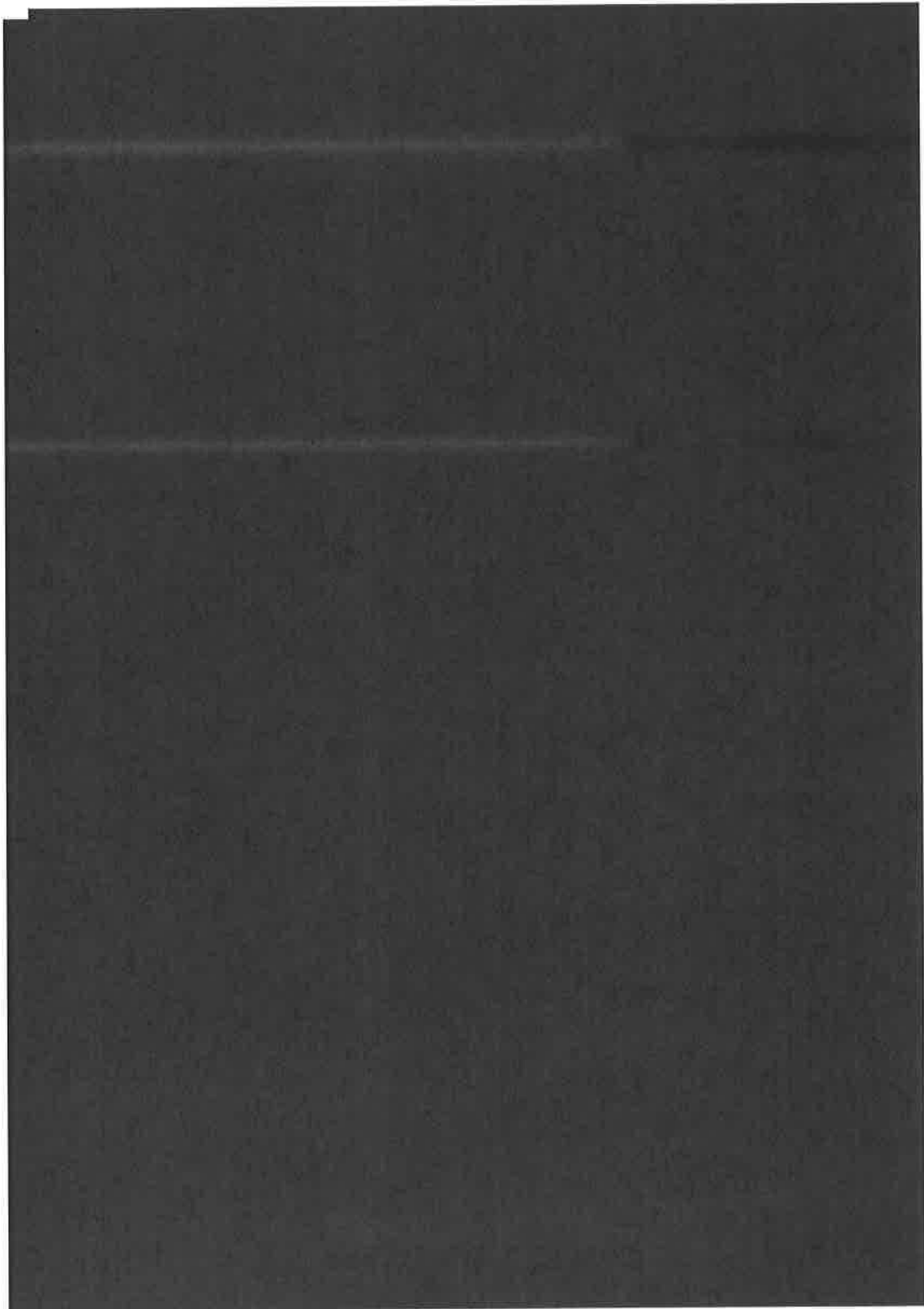
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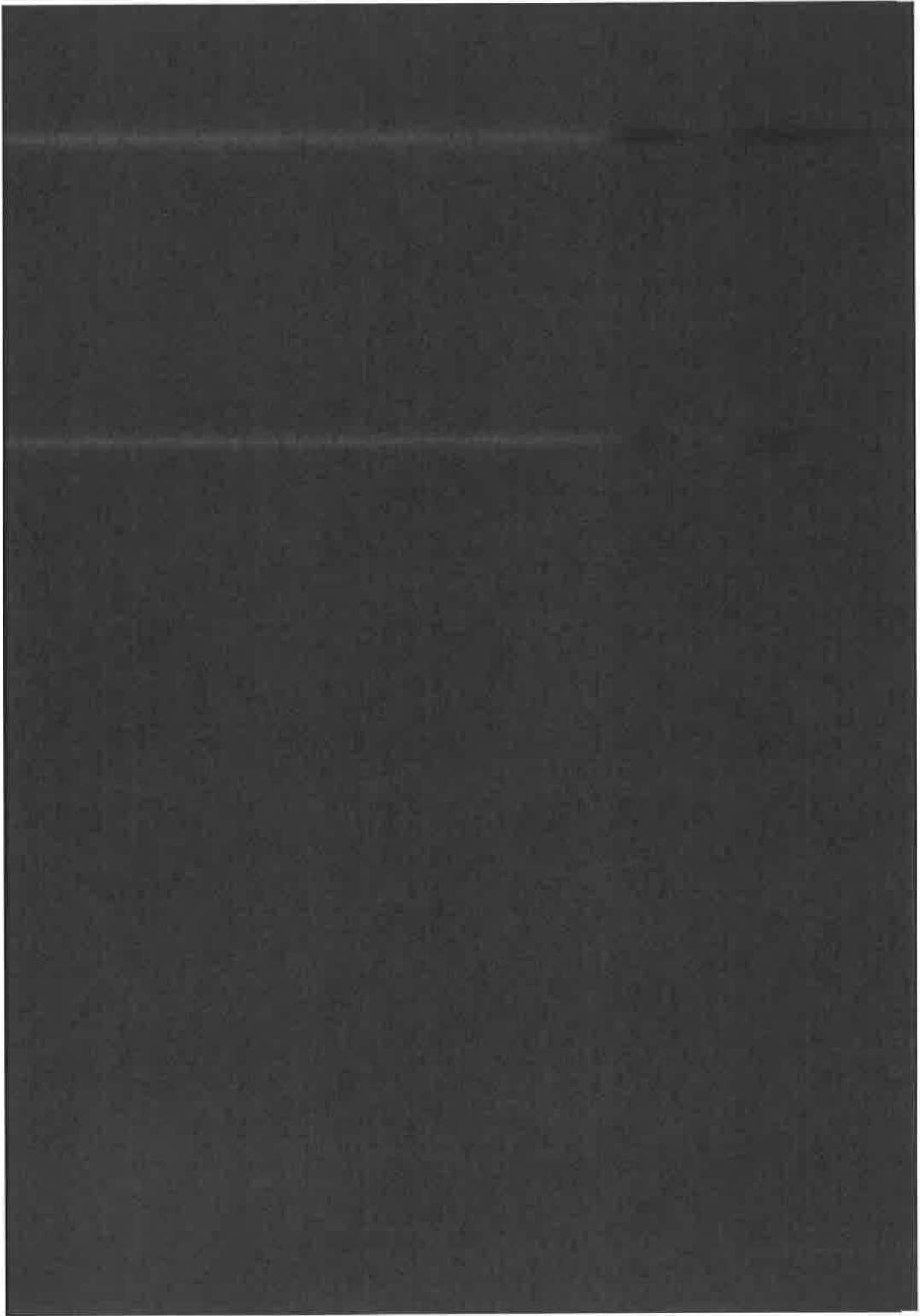
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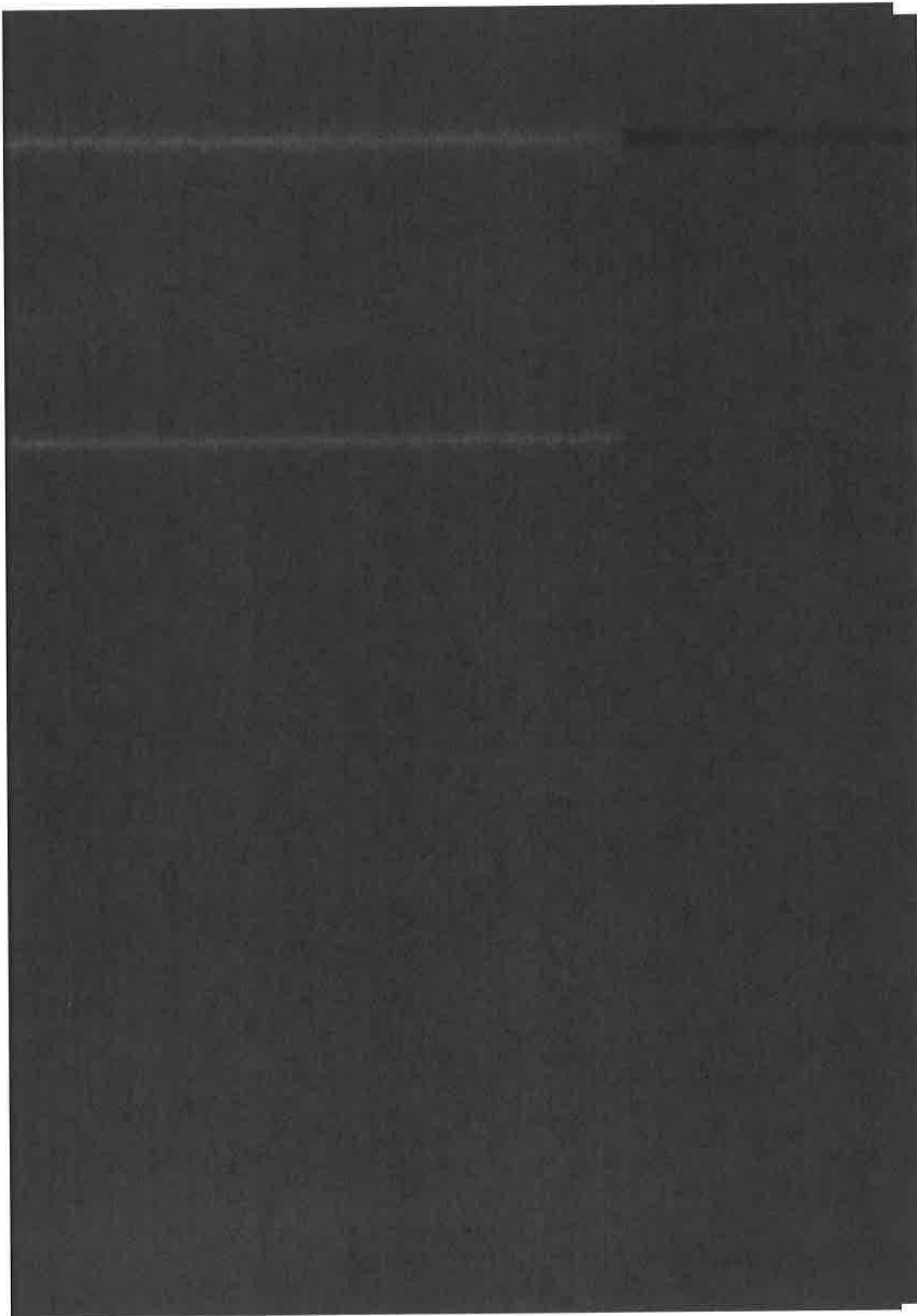
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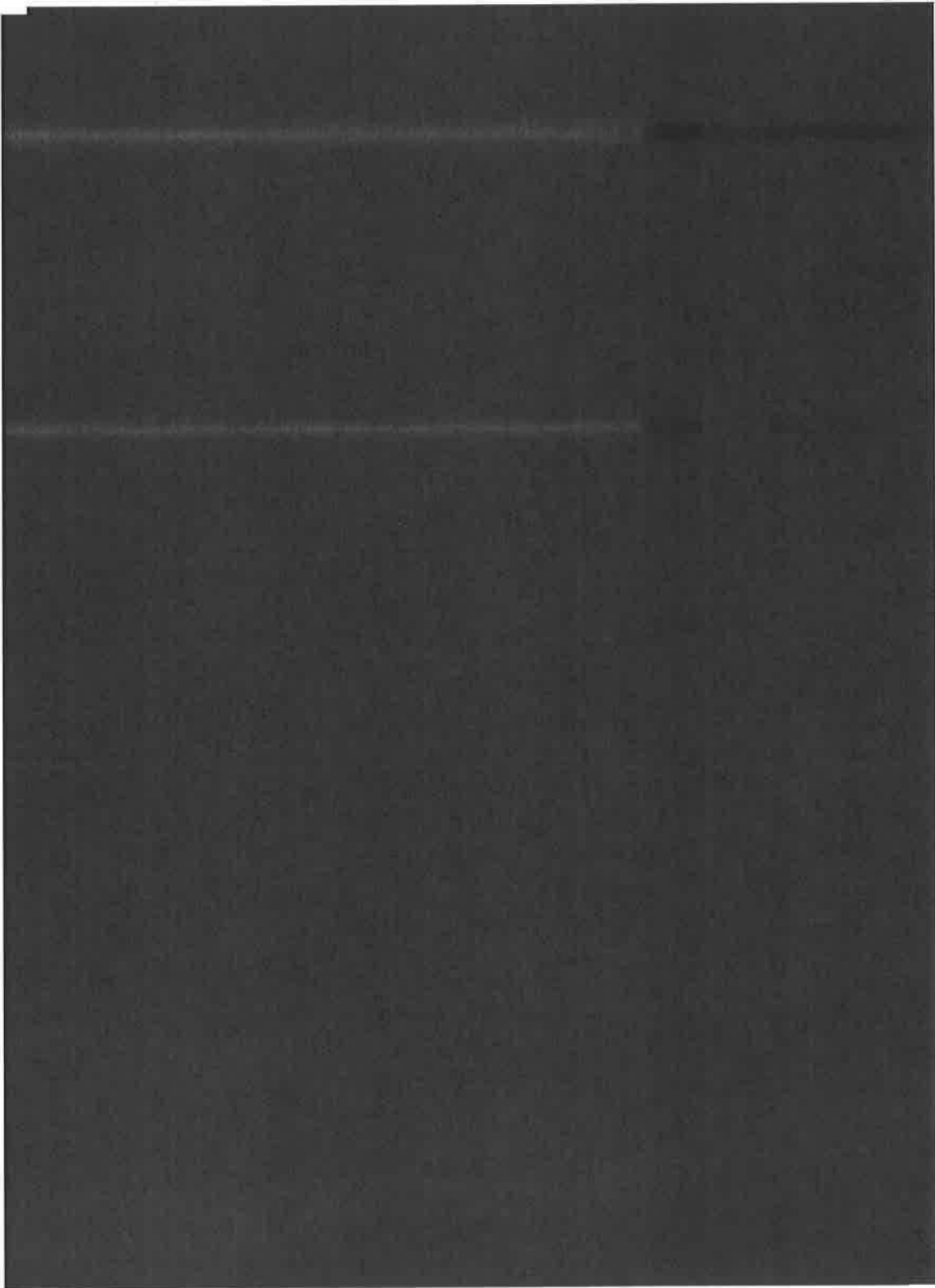


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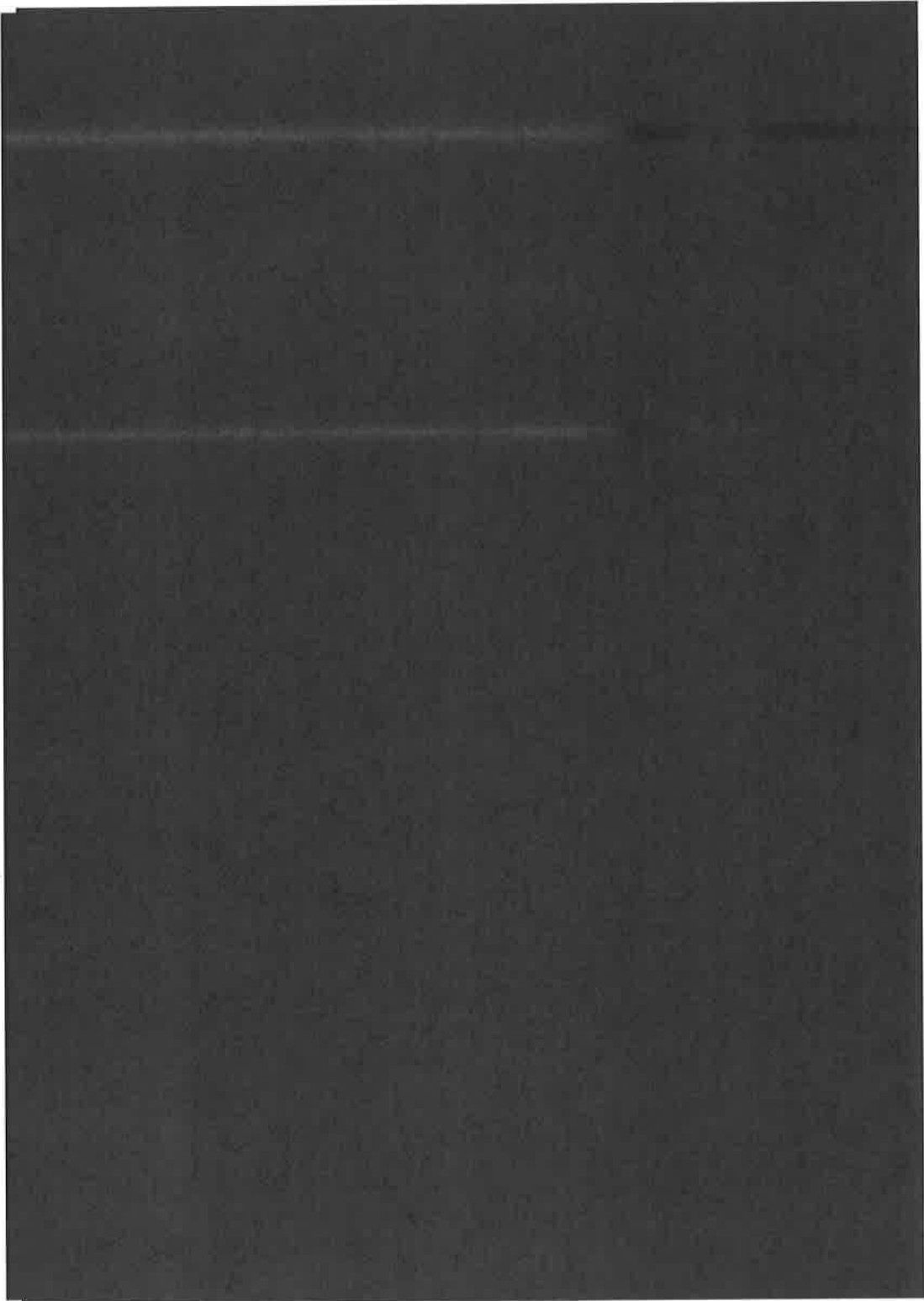
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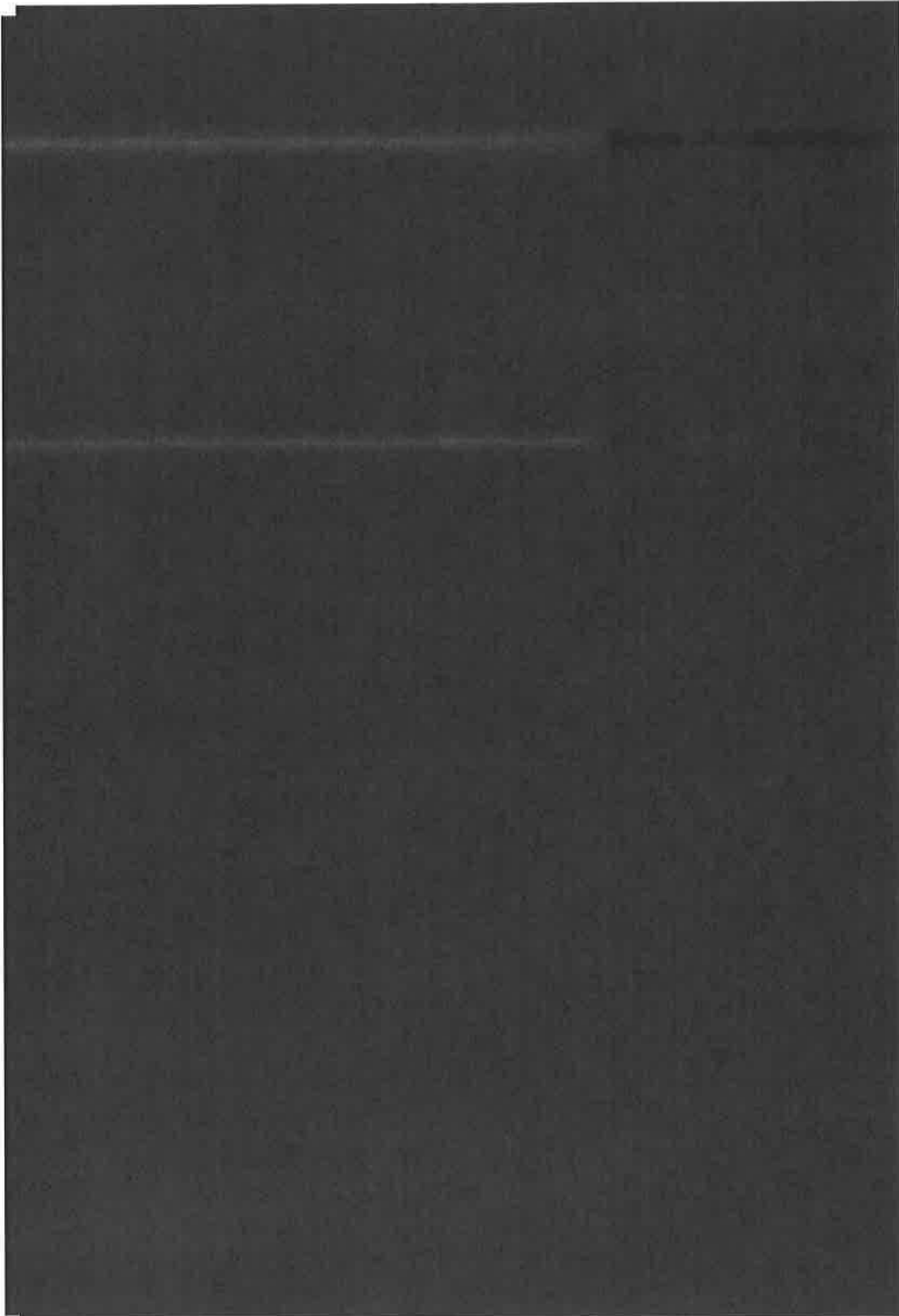
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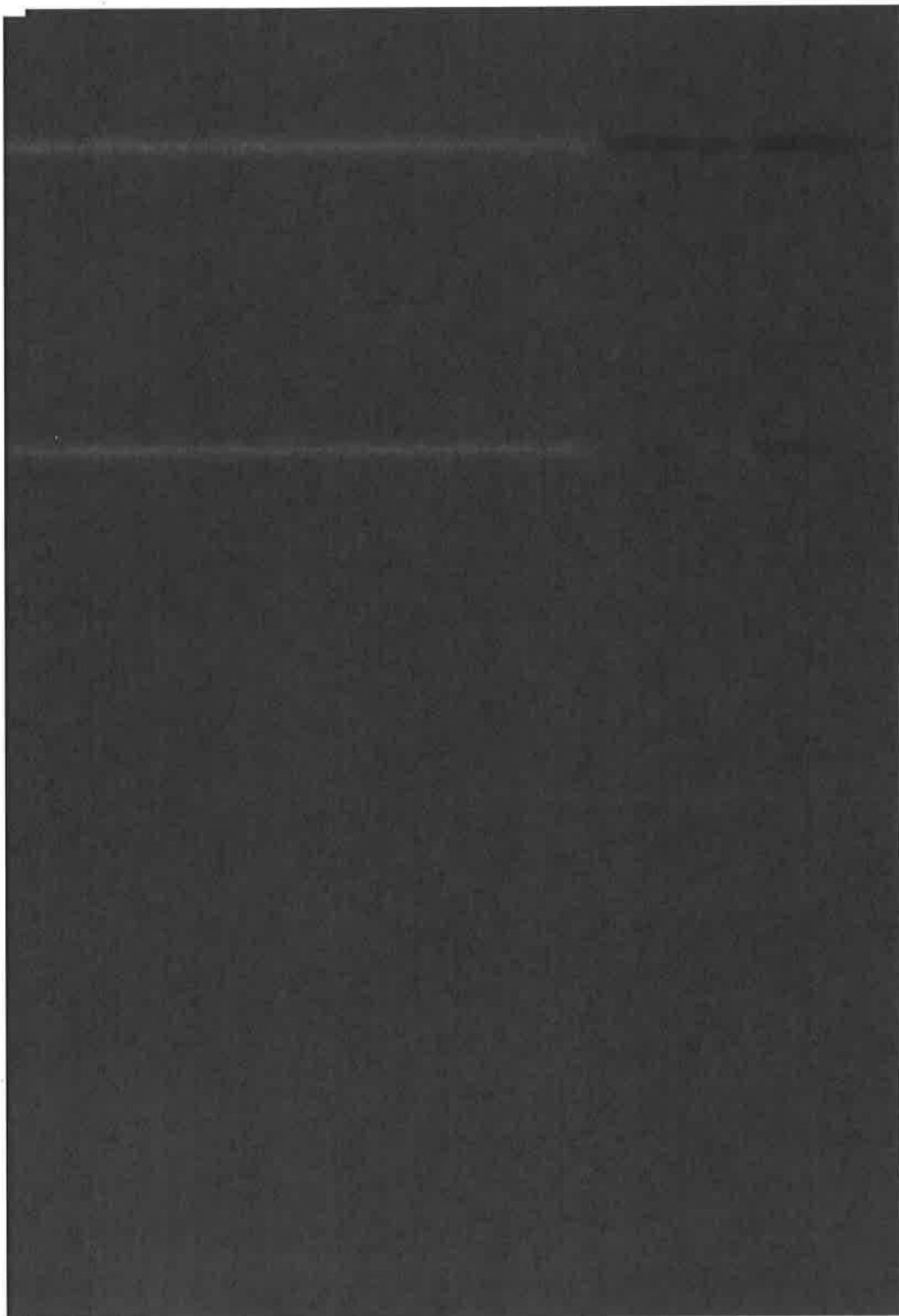
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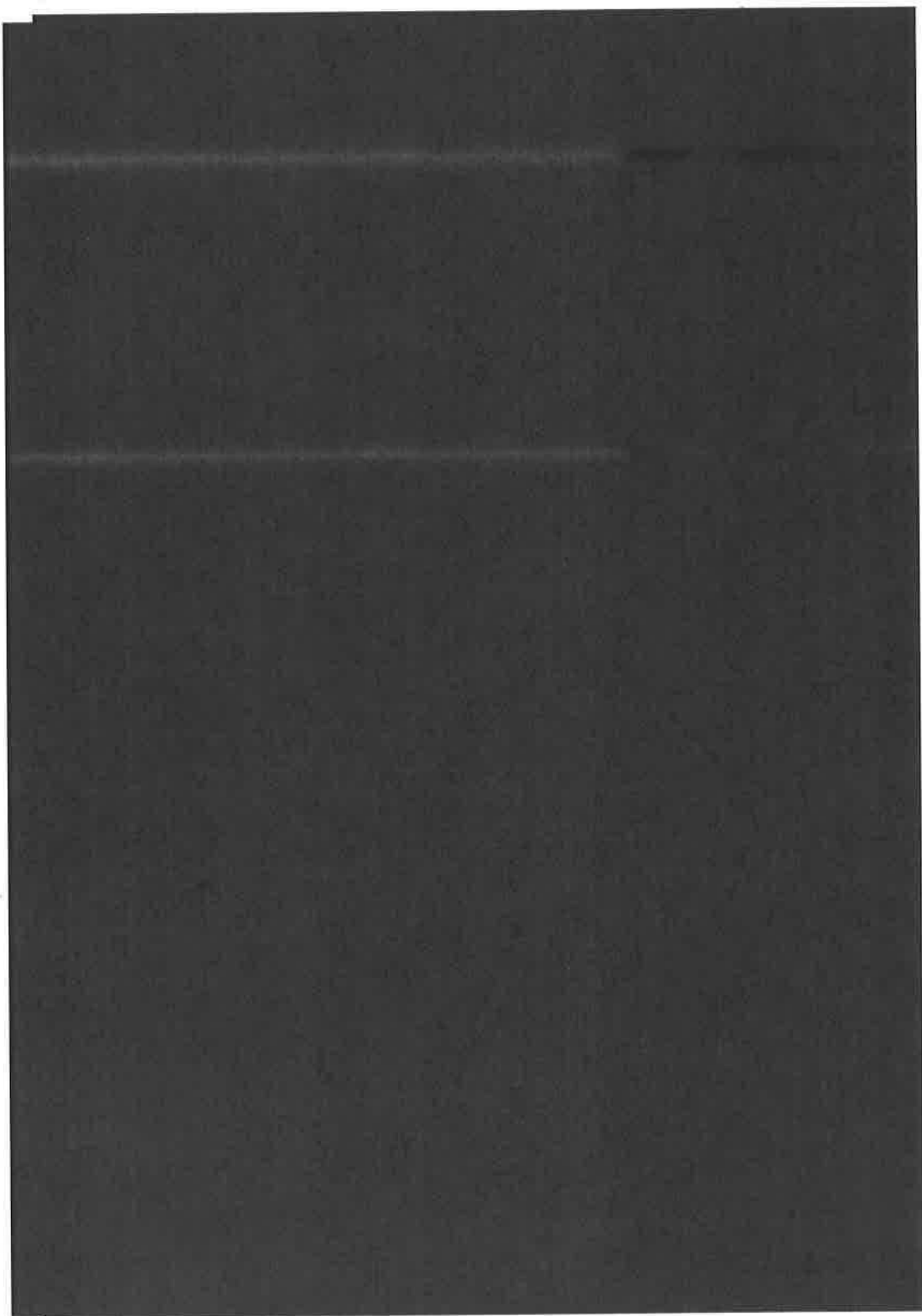


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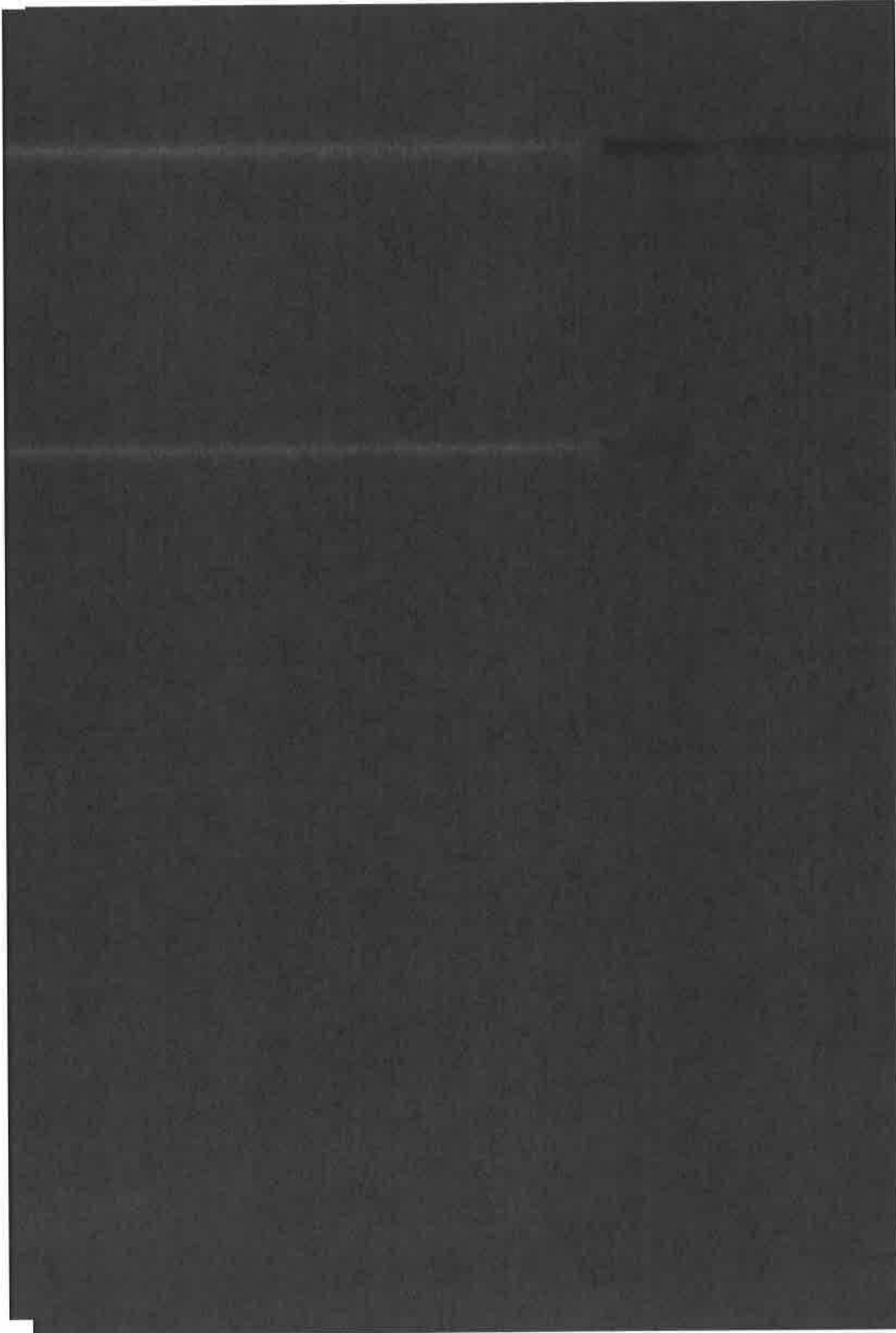
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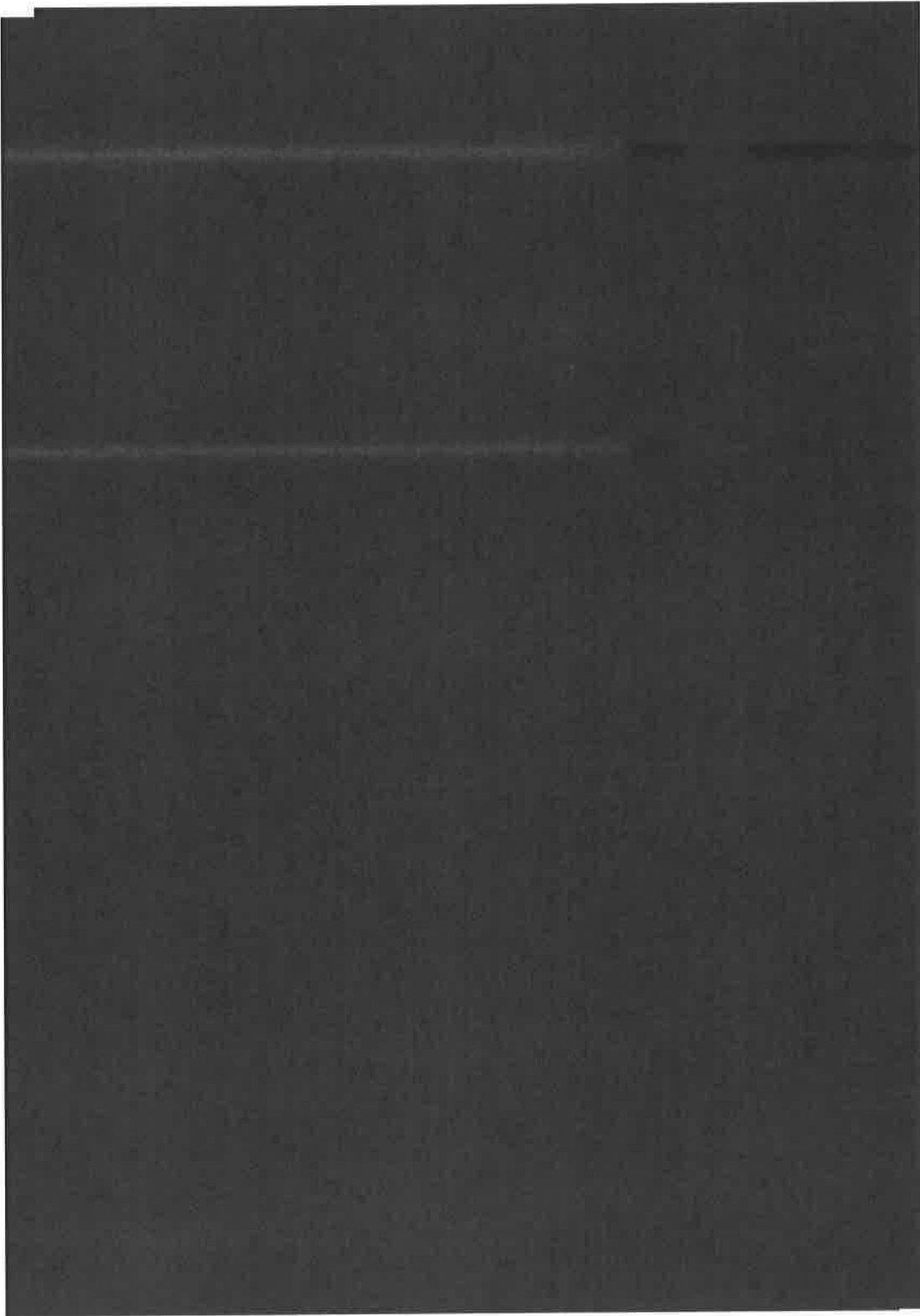
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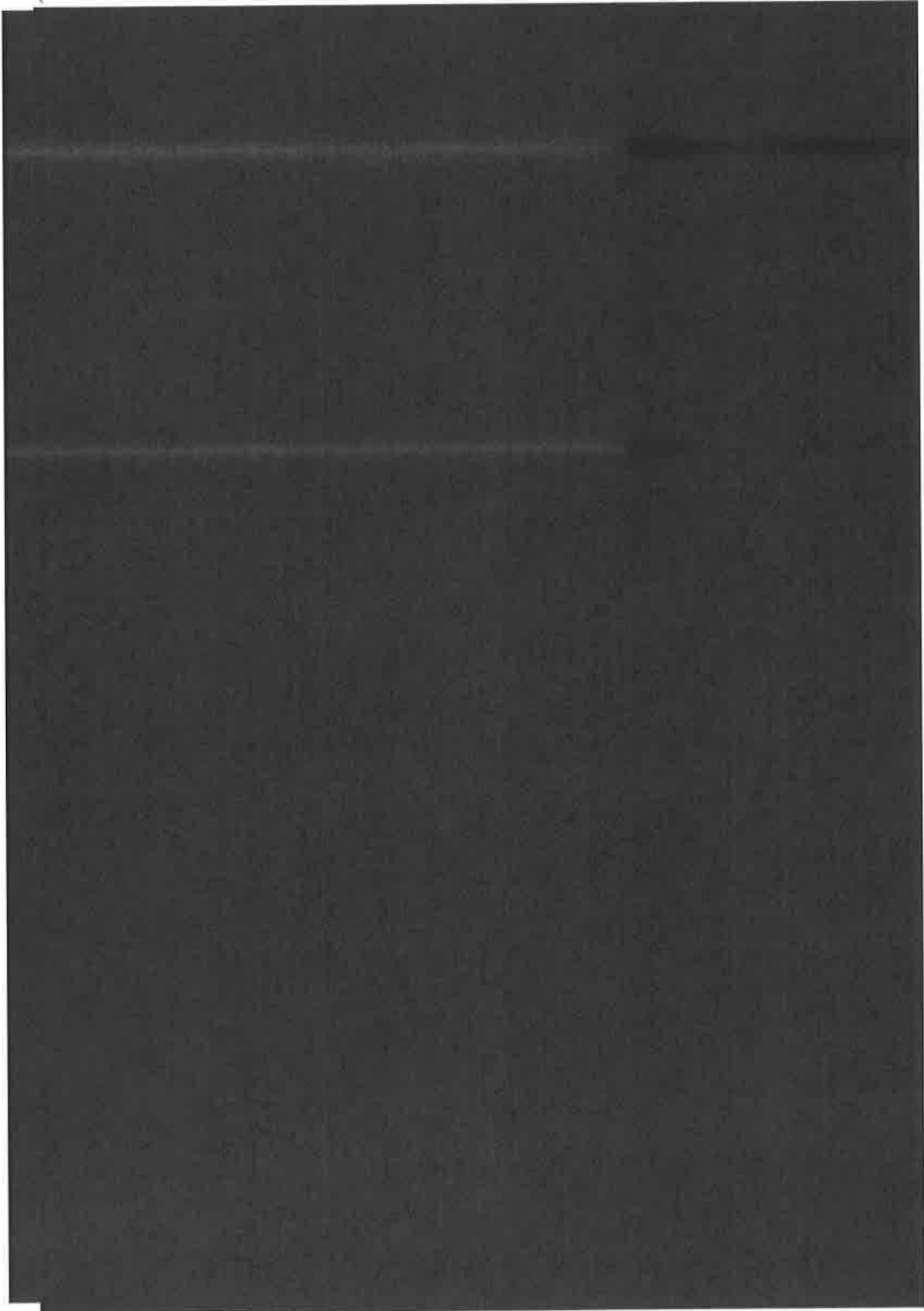
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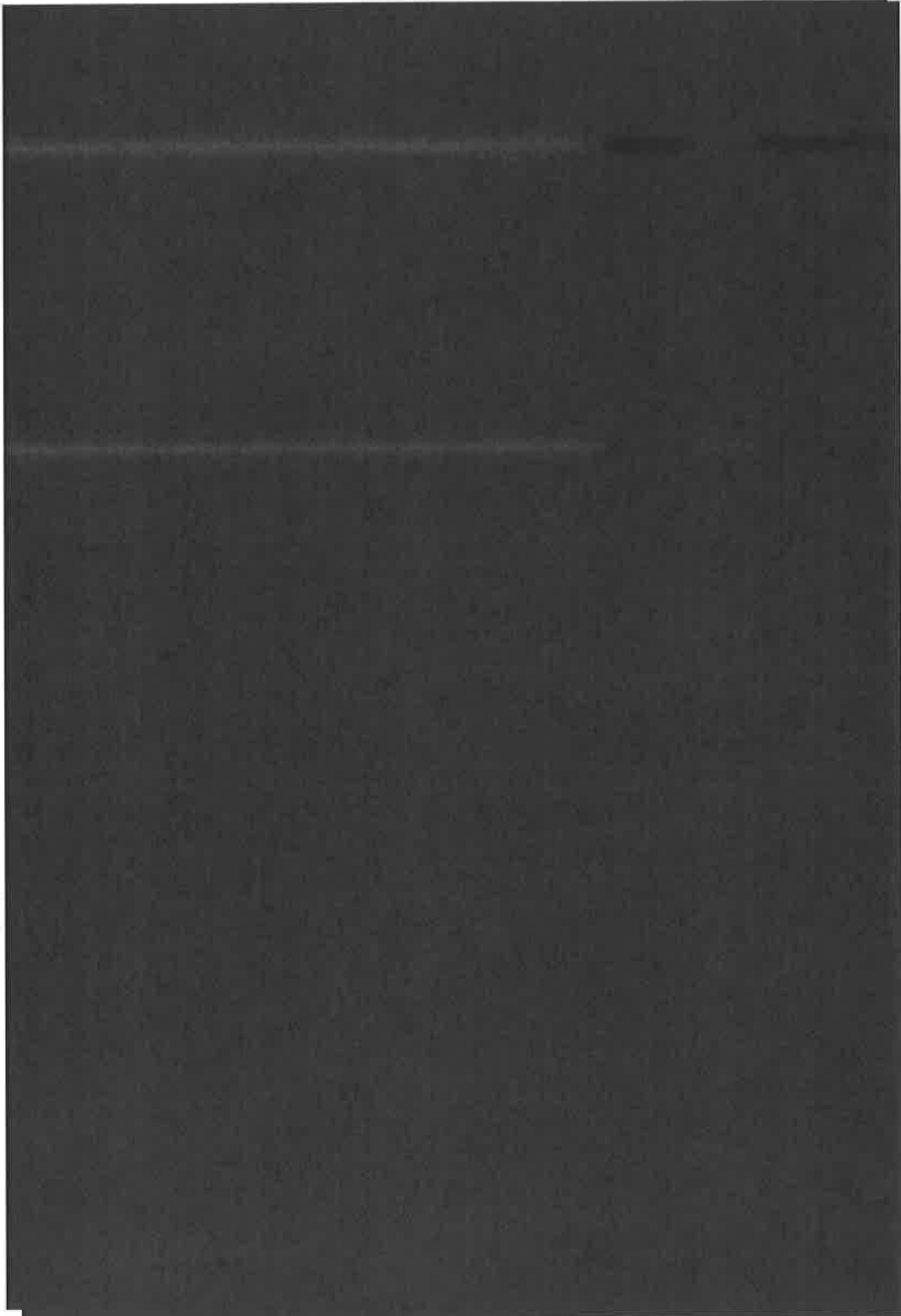
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About

The BC Civil Liberties Association was established in 1962 and is the oldest and most active civil liberties group in Canada. We are funded by the Law Foundation of B.C. and by citizens who believe in what we do.

Our mandate is to preserve, defend, maintain and extend civil liberties and human rights in Canada. We achieve our mandate through our Advocacy in Action, Public Policy, Community Education, and Justice programs.

The BCCLA is an autonomous, non-partisan charitable society. Though we strive to work cooperatively with other groups on common causes, we are unaffiliated with any other organization or political group. Our independence has been one of the BCCLA's enduring strengths for over 50 years.

Our Community Education Program

Informed and vigilant citizens are the key to protecting fundamental rights and freedoms. The BCCLA provides publications and leaflets on a range of topics at no charge to the public. These include the *Privacy Handbook*, *Rights Talk*, *The Arrest Handbook*, *Police Complaints*, *Drug Testing in the Workplace*, and the *Citizenship Handbook* offered in various languages to engage immigrants and students.

We offer a Speakers Bureau in which our staff and board members talk to students and community groups and we hold public events about civil liberties and human rights.

Our Advocacy in Action Program

We provide direct assistance to individuals who request information or have complaints about civil liberties violations by government agencies, employers and other organisations. We do all of this at no charge to the public. Common areas of work include police and privacy complaints, access to and protection of personal information, free speech and anti-oppression. While the BCCLA helps a diverse range of people, from citizens to businesses to other community agencies, complainants are frequently burdened with poverty, homelessness, addiction, discrimination, and physical or mental disabilities that limit their ability to self-advocate.

Our Public Policy Program

Over the years, the BCCLA has developed over 200 policy briefs, which serve as the principled cornerstones for our work. We meet with government and private sector officials to persuade them to change laws or policies that infringe on civil liberties and to develop new laws and policies that protect fundamental rights and freedoms. For example, our efforts have included playing a major role in advocating for human rights legislation, access-to-information and privacy legislation, while also resisting the more draconian anti-terrorism provisions. We are currently working to reform systems for accountability when there is a death of a citizen in police custody to ensure that civilians are responsible for investigating these deaths rather than police.

Our Justice Program

When all else fails, the BCCLA stands poised to challenge laws in the courts and over the years we have attracted the resources and *pro bono* legal talents to be successful at this. Since our inception, the BCCLA has always fought to preserve freedom of expression in Canada through strategic litigation, such as opposing book bans. Recently, the BCCLA sought an injunction prohibiting the Canadian Forces from transferring detainees into the custody of Afghan secret police due to the risk of torture. In addition, many people have been shocked to hear about the in-custody deaths of Frank Paul,

Ian Bush and Robert Dziekanski. In 2008, the BCCLA participated in the public inquiry into the death of Frank Paul, a 47-year-old Mi'kmaq man dumped by Vancouver police in a downtown alley where he died of exposure. In 2009, the BCCLA participated in the taser inquiry led by Commissioner Tom Braidwood, which follows the BCCLA's demands for a moratorium on taser use. In 2012, the BCCLA was successful at the BC Supreme Court in *Carter v. Canada*, which challenged the laws restricting an individual's right to choose a death with dignity.

Our General Operations

In addition to our core program areas, we regularly have projects that are not covered by other funding or have urgent needs not included in the program budgets. We also require funding for general operations, which includes office management and administration. This basic infrastructure enables the BCCLA to offer its programs and services free of charge to all Canadians and it is a critical component of our budget. We consistently exceed Canadian Revenue Agency requirements for expenditure on our charitable activities each year because we keep our operating costs very low and we rely heavily on the expertise and dedication of our Board and volunteers who work tirelessly for civil liberties at no cost to the Association.



The BC Civil Liberties Association is funded by the Law Foundation of British Columbia and individuals who believe in what we do. To support the BCCLA, visit www.bccla.org

CONTACT US:

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Toll-free: 866.731.7507
Fax: 604.687.3045



The BCCLA acknowledges the financial assistance of The Law Foundation of BC and the Province of British Columbia.

The BCCLA is a non-governmental organization with Special Consultative Status at the United Nations Economic and Social Council.

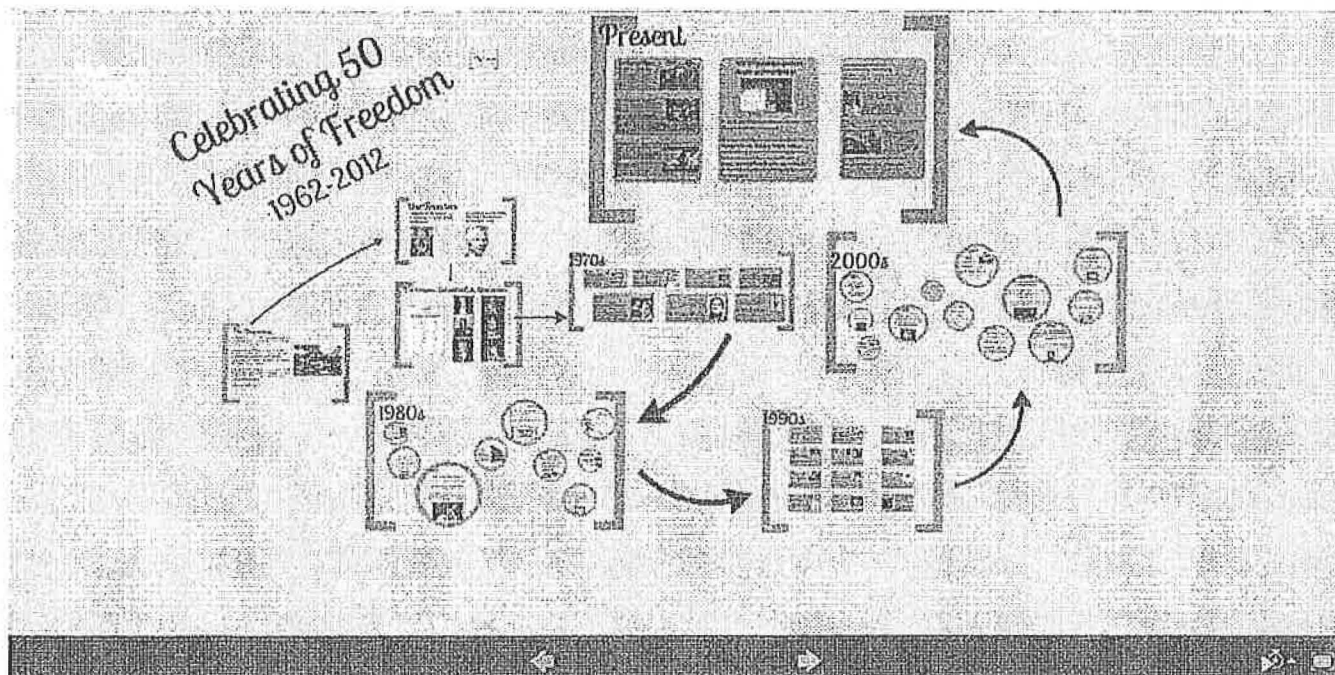


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Our History

TAKE A WALK THROUGH OUR HISTORY

Click on the image below to view a prezzi presentation on 50 years of the BCCLA's history!



(http://prezi.com/nvk4u7g7fycv/?utm_campaign=share&utm_medium=copy&rc=ex0share)

CIVIL LIBERTIES ADVOCATES AND THE ORIGINS OF THE BCCLA

The birth of the British Columbia Civil Liberties Association (BCCLA) in 1962 was a watershed moment in the Canadian human rights movement. Most of the civil liberties associations born in the thirties and forties were defunct by the late 1950s, and a new coterie of civil liberties groups emerged in the sixties beginning with the BCCLA. Similar to its predecessor, the VCLU, the BCCLA was a largely male, WASPish group of well-educated and affluent individuals from Vancouver. And yet, whereas the VCLU was a short-lived organization that created only a minor stir, the BCCLA was to have a profound impact in British Columbia.

The BCCLA was born in 1962 amidst a controversy with disturbing parallels to current public debates about the rights of terrorists. Although the Sons of Freedom was only a small religious sect that rejected materialism and sought to 'encourage' their Doukhobour brethren to avoid the trappings of modern society, their activities labelled them terrorists in the eyes of many British Columbians. Between 1923 and 1962, the Sons of Freedom's encouragement took the form of over 1100 arsons and bombings, nude parades and burning symbols of materialism.

On 24 March 1962, 150 RCMP officers (out of a total of 700 stationed in the province) raided the town of Krestova (Kootenay region) to arrest 57 members of the Fraternal Council of the Sons of Freedom and charged them with conspiracy to intimidate the Parliament of Canada and the Legislature of British Columbia. Outraged by the charge, which was clearly excessive and in no way reflected the true nature of the danger posed by the Freedomites, a group of individuals came together at the University of British Columbia to create an organization to raise funds for the

Freedomites' defence and advocate for human rights in British Columbia. Thus was born the BCCLA.

The BCCLA's first president was a Vancouver Unitarian minister, Philip Hewett, who was soon replaced by James Foulks, the founding head of the Department of Pharmacology at the University of British Columbia. The BCCLA has proven to be one of the most dynamic rights associations in the country. Between 1968 and 1973 the association fought a string of battles against censorship in Vancouver, including attempts by the city licensing inspector to shut down various local theatre productions, and attacks on the Georgia Straight (a popular alternative paper founded in 1967) for obscenity. It successfully lobbied Vancouver City Council to limit the licensing inspector's powers and, in several Georgia Straight obscenity cases, provided legal counsel and experts to testify on the literary merit of the paper's work.

In 1971, when police on horseback caused a riot by storming a crowd of youths in Gastown who were protesting drug laws, the BCCLA took centre stage in defending the rights of the protestors against police abuse. Years later, in 1979, the association succeeded in convincing a provincial Supreme Court judge to strike down the provincial Heroin Treatment Act, which was designed to forcibly detain drug addicts and to compel them to seek treatment. The court decision provided an important moral victory for civil libertarians opposed to the state's forcing individuals to be treated for addiction. Although the decision was overturned in the Supreme Court of Canada, the case reflected the rising prominence of the BCCLA and its ability to mobilize sufficient resources for a court case of national importance. Among the more notable figures involved in the BCCLA during these years was Bill Deverall, Normal Levi, Harry Rankin, David Suzuki and Hugh Keenleyside.

A key figure in the association's early history was Reg Robson, a sociology professor at the University of British Columbia whose major publications focussed on the effectiveness of alcohol treatment centres. One of the founders of the association, Robson sat on the Board of Directors until at least 1982 and served in various executive positions including executive secretary (1969-1972, 1978), president (1972-5, 1980-2) and treasurer (1975, 1979). No member was more dedicated than Robson, who served in these various capacities when no one else was available and helped to ensure the viability and institutional memory of the association.

It was Robson who would fight with the Canadian Civil Liberties Association over their differing visions of what a national civil liberties association should be and pushed for the creation of a national organization independent from the Canadian Civil Liberties Association (of which the BCCLA has never been affiliated with, even today). Robson took the lead in doing media interviews on behalf of the BCCLA during the October Crisis of 1970, he oversaw the creation of new rights associations across British Columbia, and would be a key player in the association's most active campaigns, including its reaction to the Gastown riot and challenging the Heroin Treatment Act. It was thanks to his dedication and perseverance that the association thrived and became an effective rights advocate provincially and nationally.

The BC Civil Liberties Association is funded by the Law Foundation of British Columbia and individuals who believe in what we do. To support the BCCLA, visit www.bccla.org

CONTACT US:

tel: 604.687.2919
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The BCCLA acknowledges the financial assistance of The Law Foundation of BC and the Province of British Columbia.

The BCCLA is a non-governmental organization with Special Consultative Status at the United Nations Economic and Social Council.



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SECURITY INTELLIGENCE REVIEW COMMITTEE

BETWEEN:

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

Complainant

- and -

CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

CSIS' BOOK OF DOCUMENTS VOL. 1A
(BRS [REDACTED] Reporting)EX PARTE HEARING

Per: Stéphanie Dion
Department of Justice Canada
National Security Litigation &
Advisory Group
P.O. Box 8127, Station T
Ottawa, Ontario, K1G 3H6

Tel: 613-842-1356
Fax: 613-842-1345

Counsel for the Respondent

SIRC / CSARS

SIRC Case # 146Exhibit # CSIS 2ADate January 28-2016Entered by CSIS (Dion)Registrar Shayna Stawicki

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[REDACTED]	9/11/2014	[REDACTED]	39

TAB 2: [REDACTED]

[REDACTED]	2/7/2014	[REDACTED]	48
[REDACTED]	2/25/2015	[REDACTED]	57
[REDACTED]	3/12/2015	[REDACTED]	60

TAB 3: [REDACTED]

[REDACTED]	2/4/2010	[REDACTED]	63
[REDACTED]	6/26/2010	[REDACTED]	67

	5/3/2011		74
	8/14/2013		96

TAB 4:

	1/19/2010		99
	2/6/2010		120
	2/10/2010		124
	2/12/2010		128
	3/1/2010		136
	3/23/2010		141
	4/1/2010		145
	4/27/2010		156
	5/3/2010		160
	5/5/2010		168
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	6/18/2010		184
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	6/22/2010		192
	6/22/2010		196

	6/23/2010		205
	6/24/2010		209
	6/24/2010		214
	6/25/2010		218
	6/25/2010		223
	6/26/2010		228
	7/11/2010		234
	10/5/2010		240
	10/8/2010		243
	12/7/2010		251
	12/9/2010		254
	4/5/2011		257
	4/18/2011		268
	5/11/2011		273
	6/13/2011		276
	8/19/2011		284
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	6/13/2012		293
	7/26/2012		298
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	8/31/2012		315
	1/3/2013		319
	1/8/2013		321

	1/8/2013	329
	1/9/2013	339
	1/10/2013	348
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	5/22/2014		484
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	10/15/2014		542
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	12/23/2014		560
	1/6/2015		563
	1/8/2015		566
	1/8/2015		571
	1/22/2015		574
	1/23/2015		578
	2/2/2015		581
	2/2/2015		584
	2/6/2015		587
	4/20/2015		590
	6/30/2015		593
	7/3/2015		602

TAB 5:

	3/26/2010		609
	5/27/2010		612
	8/12/2010		615

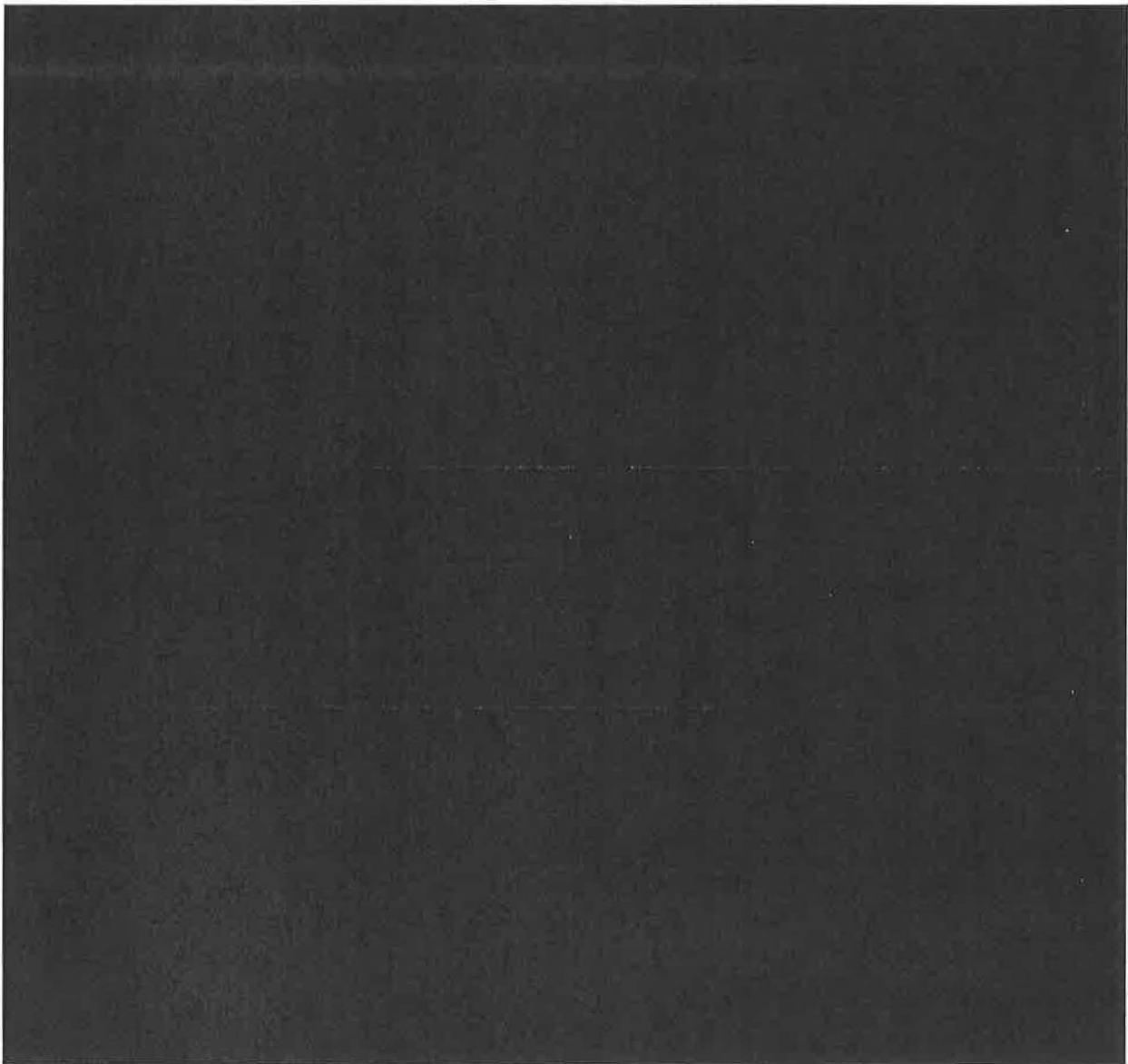
	10/6/2010	621
	9/9/2011	624
	11/7/2011	629
	12/5/2011	645
	1/25/2012	651
	5/30/2012	658
	8/2/2012	664
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	7/29/2013	698
	12/6/2013	719
	4/22/2014	722
	4/22/2014	725
	4/16/2015	727

TAB

9



DATE
20160114



RE / OBJET:



[REDACTED]

SYNOPSIS / SOMMAIRE:

[REDACTED]

Please note, action required by Regions. Thank you and best regards.

[REDACTED]

INFORMATION / RENSEIGNEMENTS:

[REDACTED]

[REDACTED]

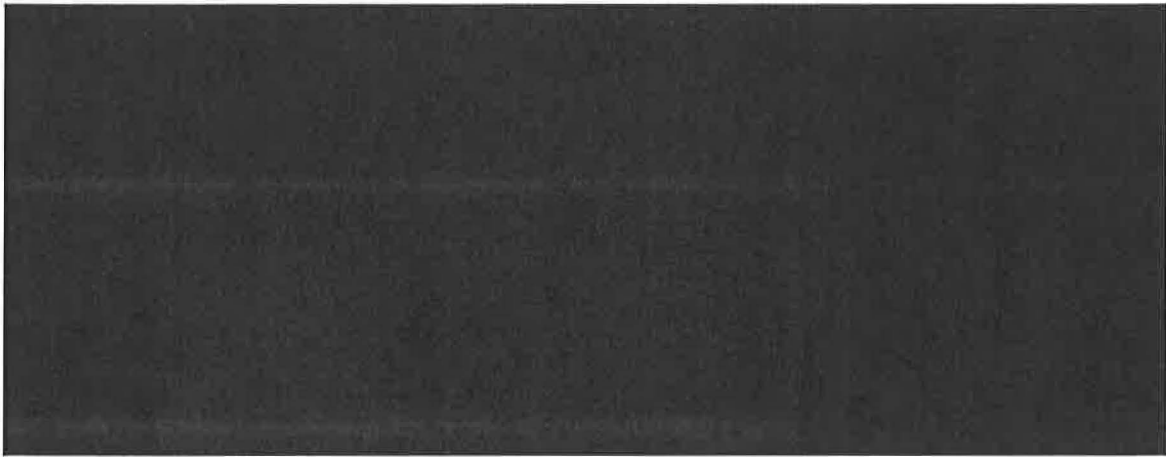
[REDACTED]

Please note, information collected [REDACTED] should only be reported if it pertains to a threat or act of serious violence to achieve a political, religious or ideological objective. Information regarding lawful advocacy, protest or dissent, should only be reported if it is carried out in conjunction with the above noted activities.

Please do not hesitate to contact [REDACTED] as we always welcome the opportunity to approach any challenges collaboratively. Thank you for all of your efforts on the domestic extremism investigations.

[REDACTED]

[REDACTED]





Department of Justice
Canada

Ministère de la Justice
Canada

National Security Litigation
& Advisory Group
PO Box 8127, Station T
Ottawa, Ontario
K1G 3H6

Groupe litiges et conseils
en sécurité nationale
CP 8127, Succursale T
Ottawa (Ontario)
K1G 3H6

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NOV 27 2015

November 26, 2015

SECRET

BY HAND

Ms. Shayna Stawicki
Registrar
Security Intelligence Review Committee
Jackson Building
122 Bank Street, 4th Floor
Ottawa, Ontario
K1P 5N6

Dear Ms. Stawicki:


RE: *BCCLA – Complaint against CSIS Pursuant to Section 41 of the CSIS Act*
Your File 1500-481

This is further to my correspondence of October 29, 2015, setting out the timelines for the above-mentioned matter.

Please find enclosed the summaries of anticipated evidence of [REDACTED]

Should you require further information, please contact the undersigned at (613) 842-1356.

Sincerely,


Stéphanie Dion
Counsel

Encl.

cc: ER&L

[REDACTED] 51000-677

Canada

SECURITY INTELLIGENCE REVIEW COMMITTEE

BETWEEN:

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

Complainant

- and -

CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

SUMMARY OF ANTICIPATED EVIDENCE OF [REDACTED]

1. [REDACTED] joined the Canadian Security Intelligence Service (CSIS or the Service) in 2009 as a Strategic Analyst for [REDACTED] Intelligence Assessments Branch (IAB).
2. [REDACTED] will testify on his responsibilities which include the assessment of [REDACTED]
3. [REDACTED] will testify on the Department of National Resources' (NRCan) classified briefings for energy and utilities sector stakeholders mentioned in the complaint letter. [REDACTED] the Energy Infrastructure

Protection Division of NRCan and have been held bi-annually since 2005 and that he has been personally involved in them since 2010.

4. [REDACTED] will give an overview of the topics discussed at past NRCan classified briefings for energy and utilities sector stakeholders and the people who attended.
5. On the issue of the NRCan classified briefings, [REDACTED] will also be referring the Committee to a review conducted by the Committee in 2011 entitled *Review of CSIS's Private Sector Relationships* where it was found that "the NRCan bi-annual classified briefings are a good example of how the Service can participate in a public-private relationship between its federal government partner (NRCan) and the private sector on a security issue."
6. Finally, [REDACTED] will be providing context to the email of Timothy O'Neil (RCMP) dated April 19, 2013 found at pp. A0008929_14-000014 and A000892915-000015 of Tab 4 of the Complaint's book of documents (Exhibit C-1).
7. In addition to the evidence described above, [REDACTED] will provide such further and additional testimony and documentary evidence as may respond to the allegations set out in this complaint or as may be requested by the Committee.
8. In giving his evidence to the Committee, [REDACTED] will refer to documents included in the Service's classified book of documents, as well as any additional relevant documents which may come to his attention before or during the hearing of this complaint.

Per: Stéphanie Dion
Department of Justice Canada
National Security Litigation &
Advisory Group
P.O. Box 8127, Station T
Ottawa, Ontario, K1G 3H6

Tel: 613-842-1356
Fax: 613-842-1345

Counsel for the Respondent

SECURITY INTELLIGENCE REVIEW COMMITTEE

BETWEEN:

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

Complainant

- and -

CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

SUMMARY OF ANTICIPATED EVIDENCE OF [REDACTED]

1. [REDACTED] began his employment with the Canadian Security Intelligence Service (CSIS or the Service) in 2008. He is an analyst within the [REDACTED] of the Intelligence and Assessments Branch (IAB) of the Service at Headquarters (HQ).
2. [REDACTED] will testify on IAB's mandate which is to provide timely and relevant intelligence which meets the Government of Canada's (GoC) stated requirements and priorities. Within the Service, IAB is responsible for prioritizing and integrating intelligence requirements from all sources in cooperation with core Operations and for providing subject-matter expertise in support of collection, reporting and Executive briefing needs.
3. [REDACTED] will provide an overview IAB's responsibilities which include:
 - Actively engaging with the GoC to identify its intelligence needs and deliver briefings, assessments and reports which meet the strategic requirements of GoC senior policy-makers.
 - Providing subject-matter expertise in support of operational and administrative programs.

- Preparing Threat and Risk Assessments (TRAs).
 - Providing outreach and education to GoC consumers.
4. [REDACTED] will testify on the different type of IAB intelligence publications that are prepared and whom they may be disseminated to.
 5. [REDACTED] will further testify that since December 31, 2009, he has prepared several intelligence products and briefings on the issue of domestic extremism and more specifically [REDACTED] [REDACTED] will also be testifying as to specific IAB products prepared after December 31, 2009 that [REDACTED]
[REDACTED]
 6. [REDACTED] will also provide the Committee with an overview of the work IAB does in the area of domain awareness. Domain awareness is done in part to ascertain potential triggers and flashpoints, and in part to ensure that CSIS is aware of what is happening should a threat arise. On this issue, [REDACTED] will refer the Committee to the study conducted by the Committee entitled *CSIS Activities Related to Domestic Investigations and Emerging Threats*.
 7. [REDACTED] will further provide a sample of briefings that he has delivered to various stakeholders (private and public sector) on the issues of domestic [REDACTED] extremism.
 8. On the issue of the delivery of briefings to the private sector, [REDACTED] will also be referring the Committee to a review conducted by the Committee in 2011 entitled *Review of CSIS's Private Sector Relationships*.
 9. Finally, [REDACTED] will provide information relating to his participation to the Department of National Resources' (NRCan) classified briefings for energy and utilities sector stakeholders which are mentioned in the complaint letter.
 10. In addition to the evidence described above, [REDACTED] will provide such further and additional testimony and documentary evidence as may respond to the allegations set out in this complaint or as may be requested by the Committee.

11. In giving his evidence to the Committee [REDACTED] will refer to documents included in the Service's classified books of documents, as well as any additional relevant documents which may come to his attention before or during the hearing of this complaint.

Per: Stéphanie Dion
Department of Justice Canada
National Security Litigation &
Advisory Group
P.O. Box 8127, Station T
Ottawa, Ontario, K1G 3H6

Tel: 613-842-1336
Fax: 613-842-1345

Counsel for the Respondent

SECURITY INTELLIGENCE REVIEW COMMITTEE

BETWEEN:

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

Complainant

- and -

CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

SUMMARY OF ANTICIPATED EVIDENCE OF [REDACTED]

1. [REDACTED] began her career at the Canadian Security Intelligence Service (CSIS or the Service) as an Intelligence Officer (IO) in 2001. She currently holds the position of Executive Assistant to the Assistant Director of Operation (ADO) at Headquarters (HQ). Between November 2013 and January 2015, [REDACTED] was Chief of the [REDACTED]
[REDACTED]
2. [REDACTED] will testify on the role of the [REDACTED] which is responsible for managing the collection programs directed at domestic extremism, [REDACTED]
[REDACTED]
3. [REDACTED] will testify on the certificates under which domestic threats were being and are being investigated [REDACTED]
[REDACTED]

4. As former Chief [REDACTED] will testify that she has an overall knowledge of the Service investigations that were ongoing while she was in that position, she will also testify to have reviewed the list of targets under the domestic threat certificates that have been the subject of an investigation within that unit since December 31, 2009.
5. [REDACTED] will provide information on the individuals, groups, organizations or events that were and are targeted under these certificates. [REDACTED]
6. [REDACTED] will provide explanation on some occurrences [REDACTED] opposition to the Northern Gateway Pipeline project.
7. [REDACTED] will also testify on several Service policies, including policies that provide guidance on issues of lawful advocacy, protest and dissent.
8. In addition to the evidence described above, [REDACTED] will provide such further and additional testimony and documentary evidence as may respond to the allegations set out in this complaint or as may be requested by the Committee.
9. In giving her evidence to the Committee, [REDACTED] will refer to documents included in the Service's classified books of documents, as well as any additional relevant documents which may come to her attention before or during the hearing of this complaint.

Per: Stéphanie Dion
Department of Justice Canada
National Security Litigation &
Advisory Group
P.O. Box 8127, Station T
Ottawa, Ontario, K1G 3H6

Tel: 613-842-1356
Fax: 613-842-1345

Counsel for the Respondent

R-3

SIRC File No. 1500-481

THE SECURITY INTELLIGENCE REVIEW COMMITTEE

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, RSC 1985, c.C-23

BETWEEN:

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

Complainant

- and -

THE CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

COMPLAINANT'S BOOK OF DOCUMENTS

Volume I of II

SIRC / CSARS

SIRC Case # 146

Exhibit # C-1

Date Aug. 12, 2015

Entered by Champ/Roy

Registrar Shayna 87

CHAMP & ASSOCIATES

Barristers & Solicitors

43 Florence Street

Ottawa, ON K2P 0W6

T: 613-237-2441

F: 613-232-2680

Per: Paul Champ / Bijon Roy

Solicitors for the Complainant

1351/15

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pursuant to section 41 of the
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BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

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- and -

THE CANADIAN SECURITY INTELLIGENCE SERVICE

Respondent

COMPLAINANT'S BOOK OF DOCUMENTSVolume II of II

SIRC / CSARS

SIRC Case #

146

Exhibit # C-2

Date Aug. 12, 2015

Entered by Champ/Roy

Registrar Shouna SA

CHAMP & ASSOCIATES

Barristers & Solicitors

43 Florence Street

Ottawa, ON K2P 0W6

T: 613-237-2441

F: 613-232-2680

Per: Paul Champ / Bijon Roy

Solicitors for the Complainant

1352/15

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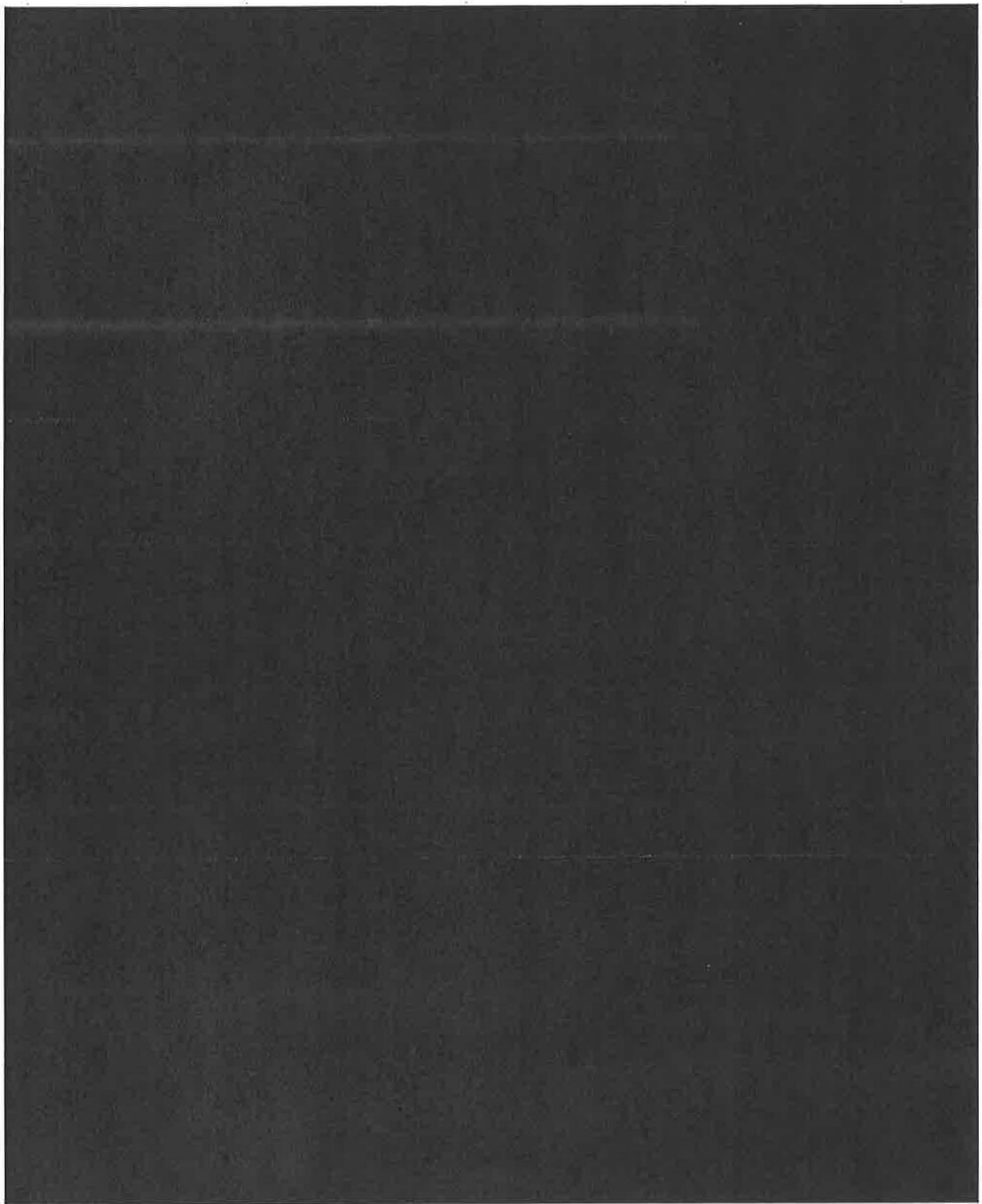
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Name	Organization

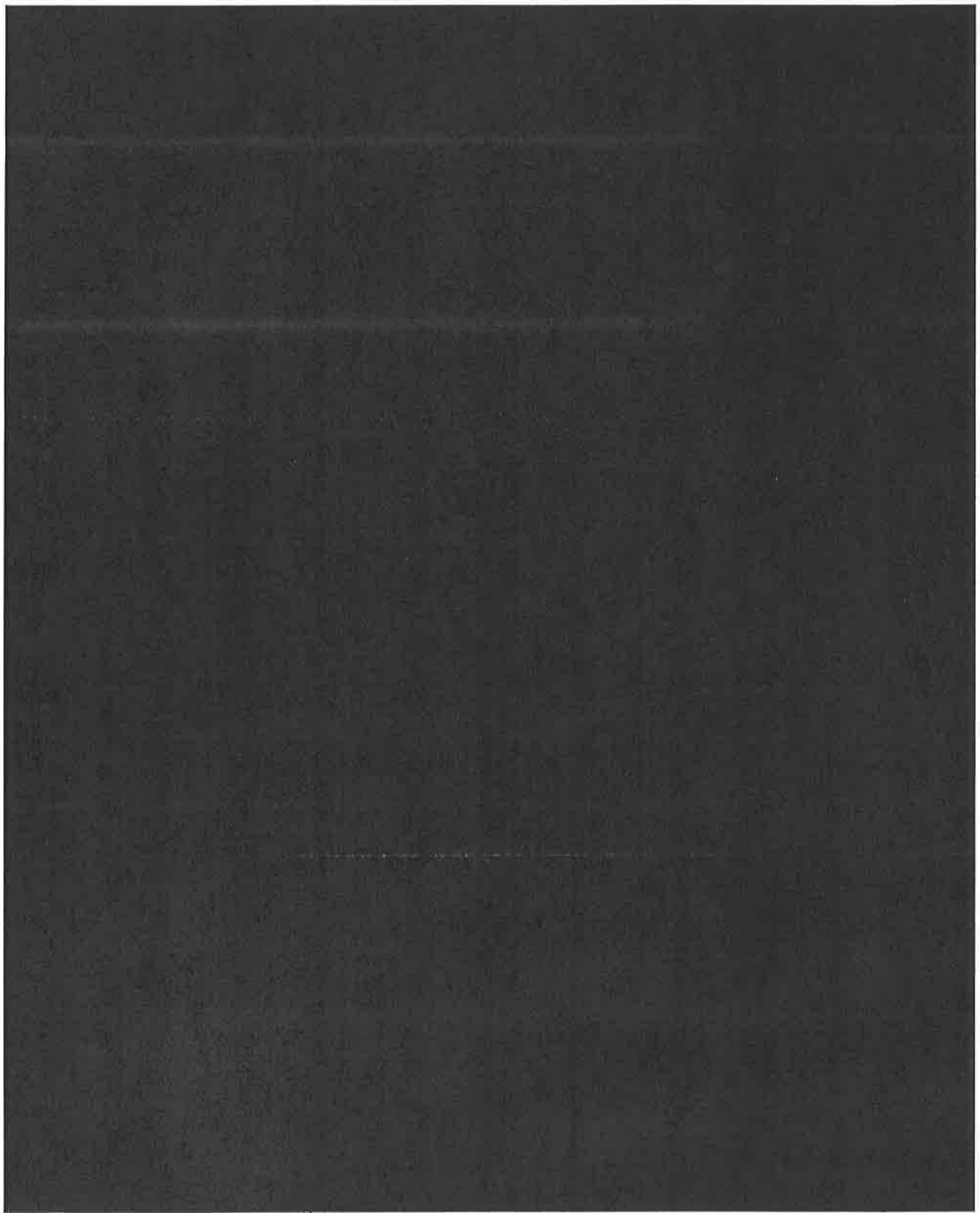
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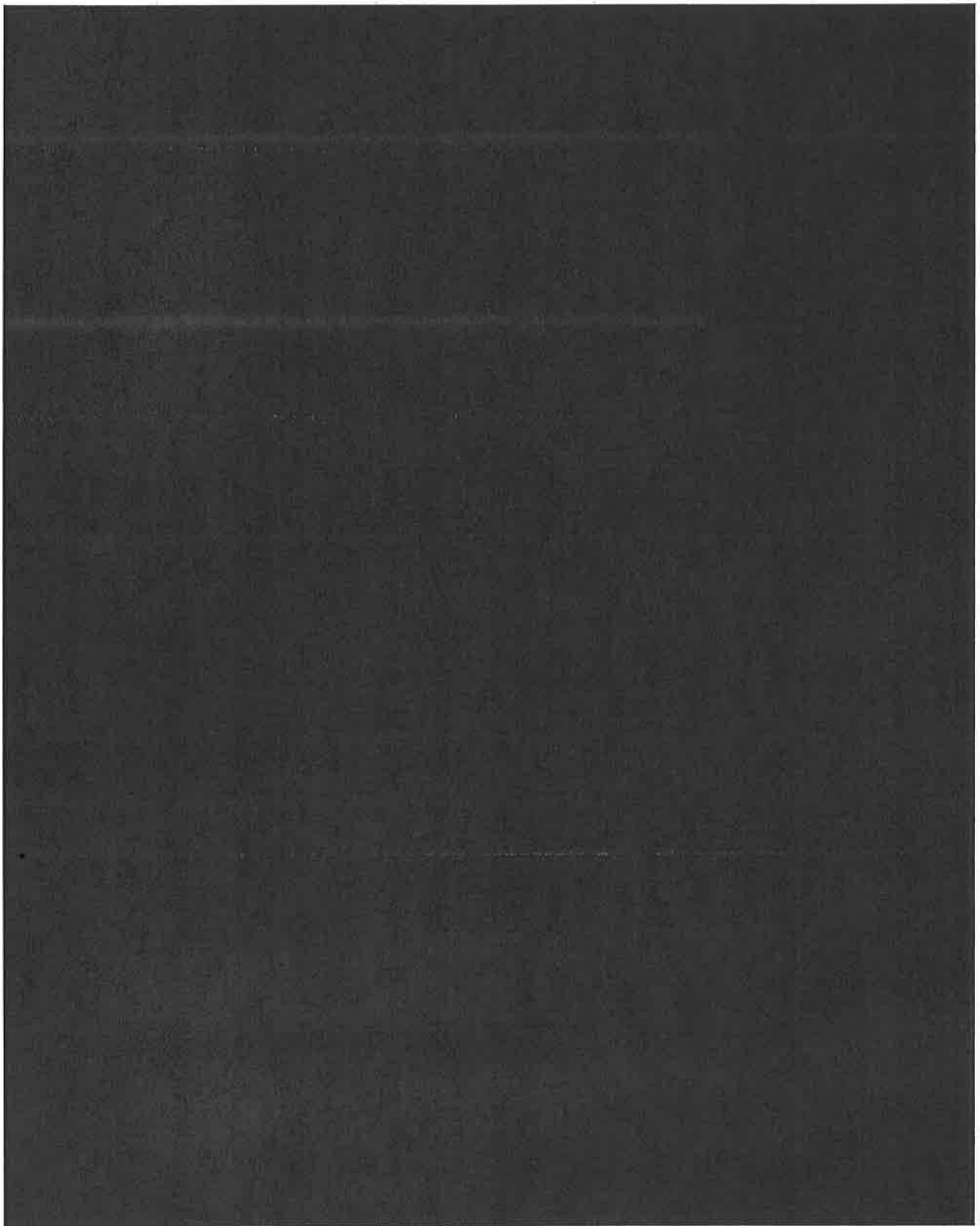


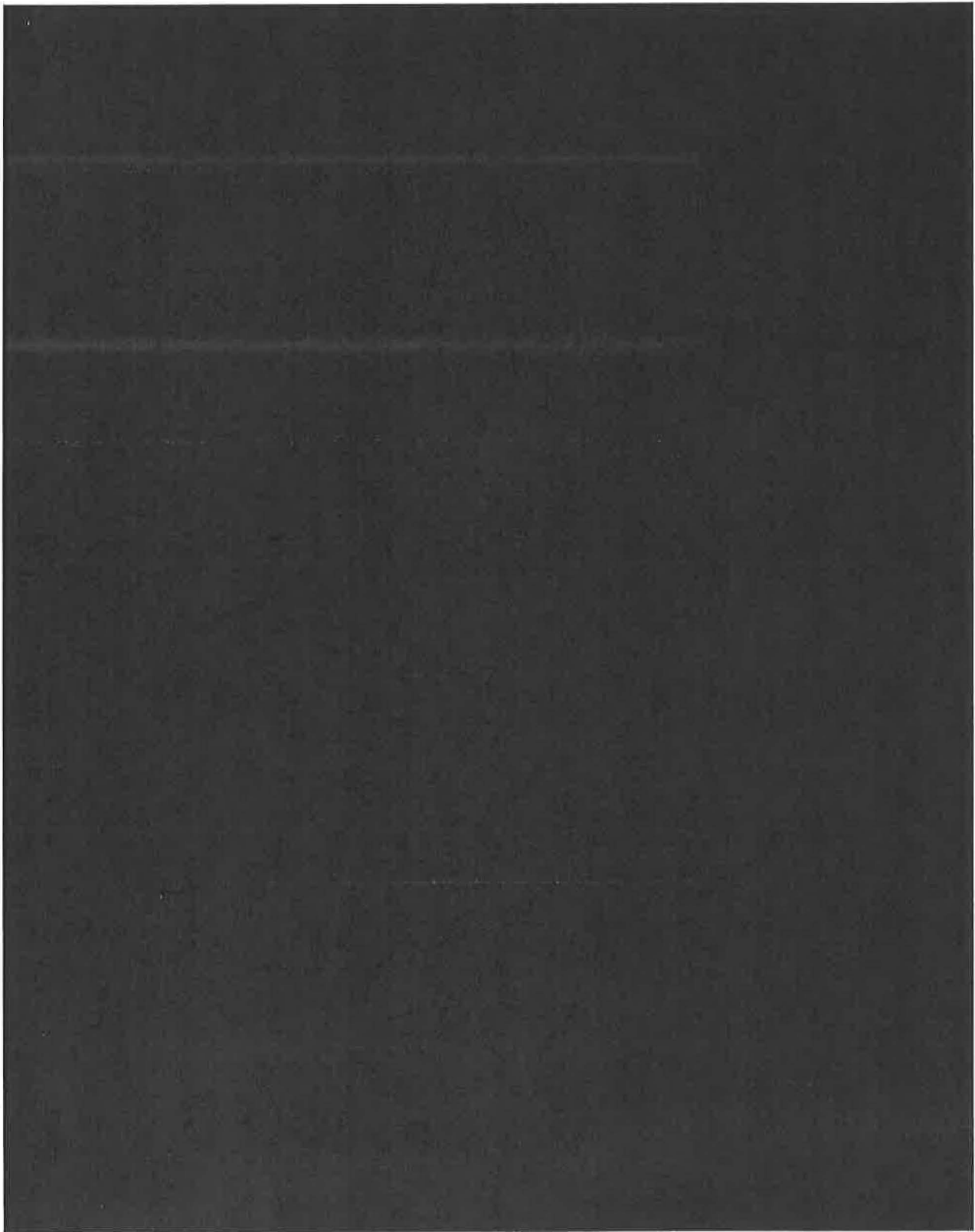
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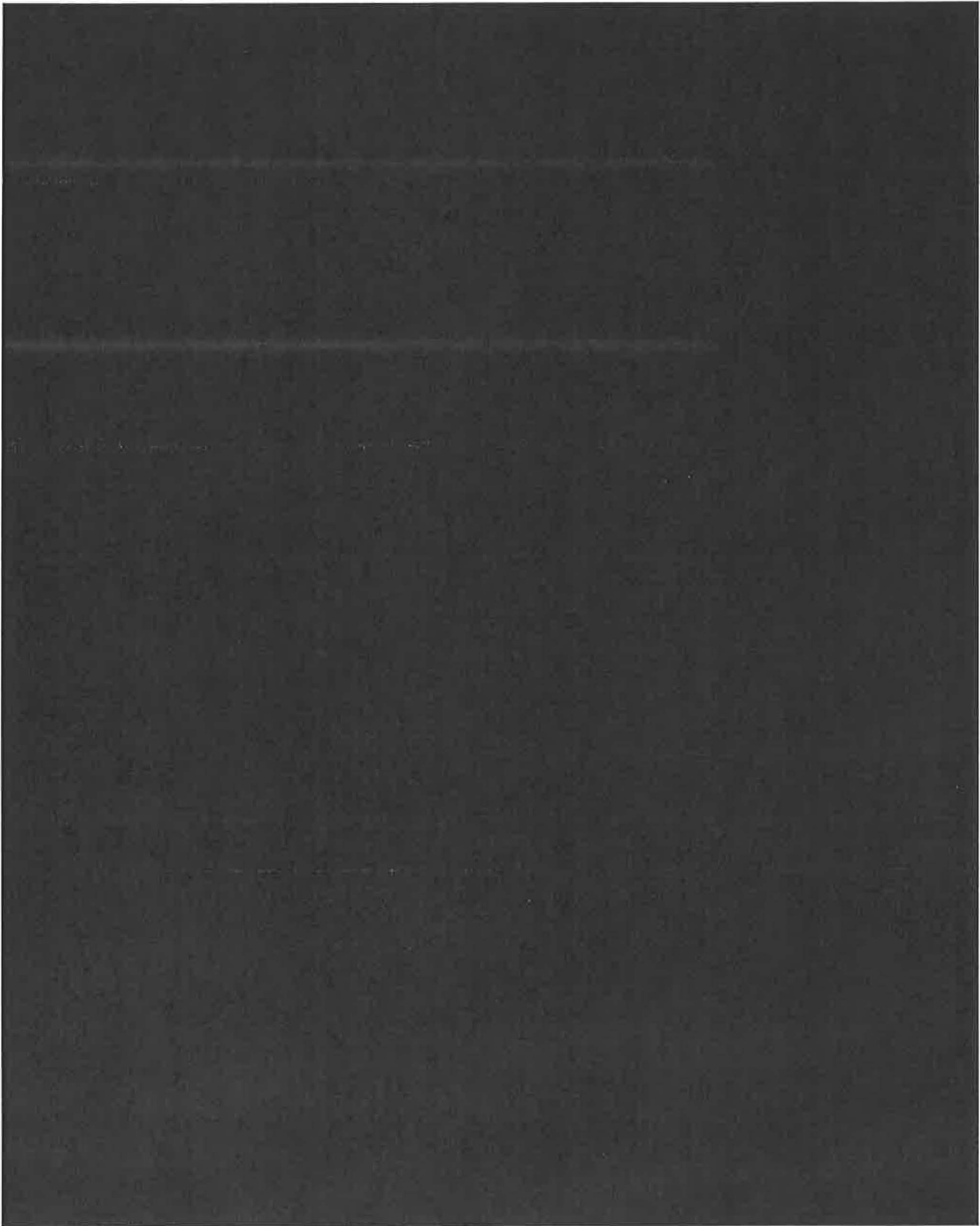
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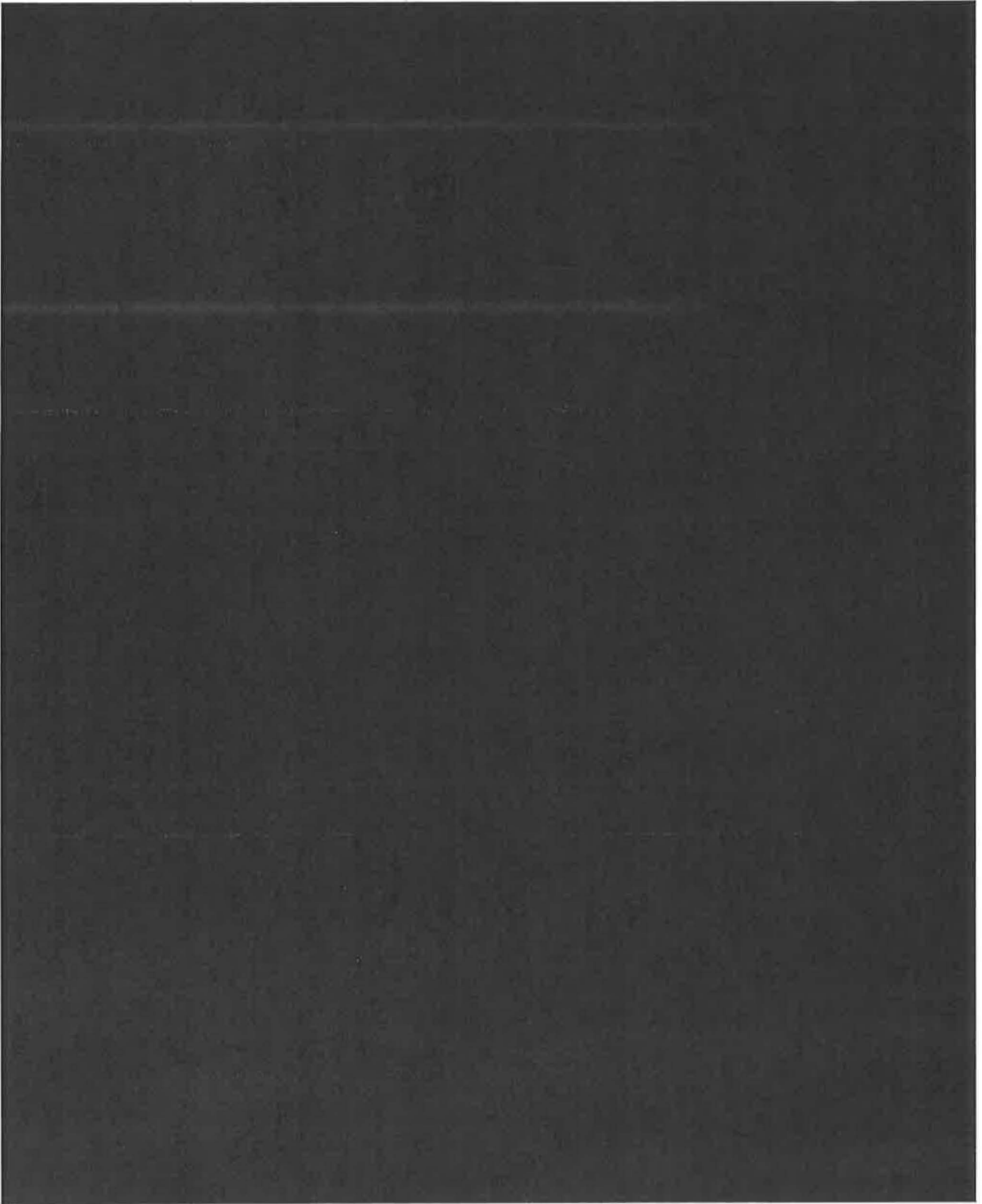
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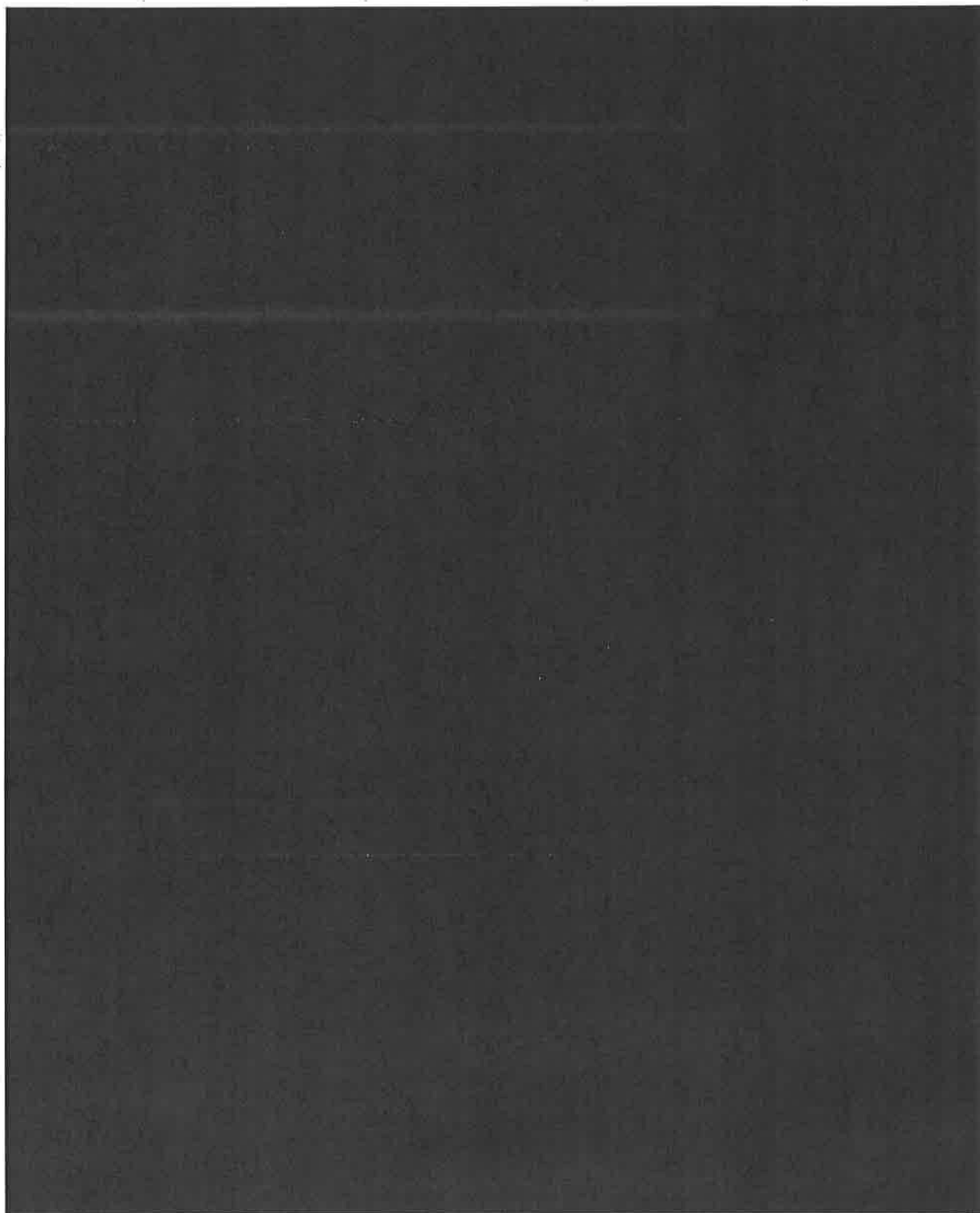




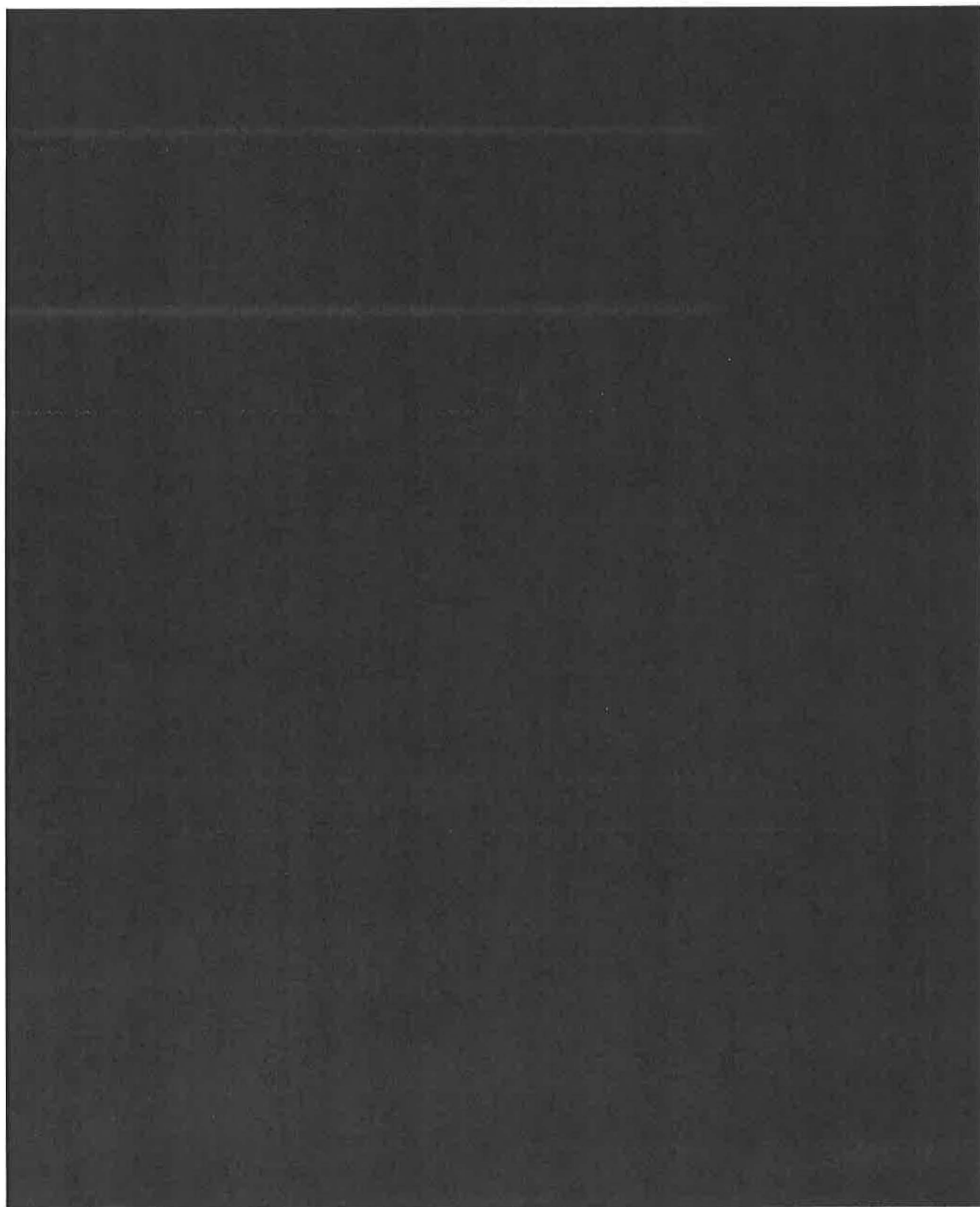


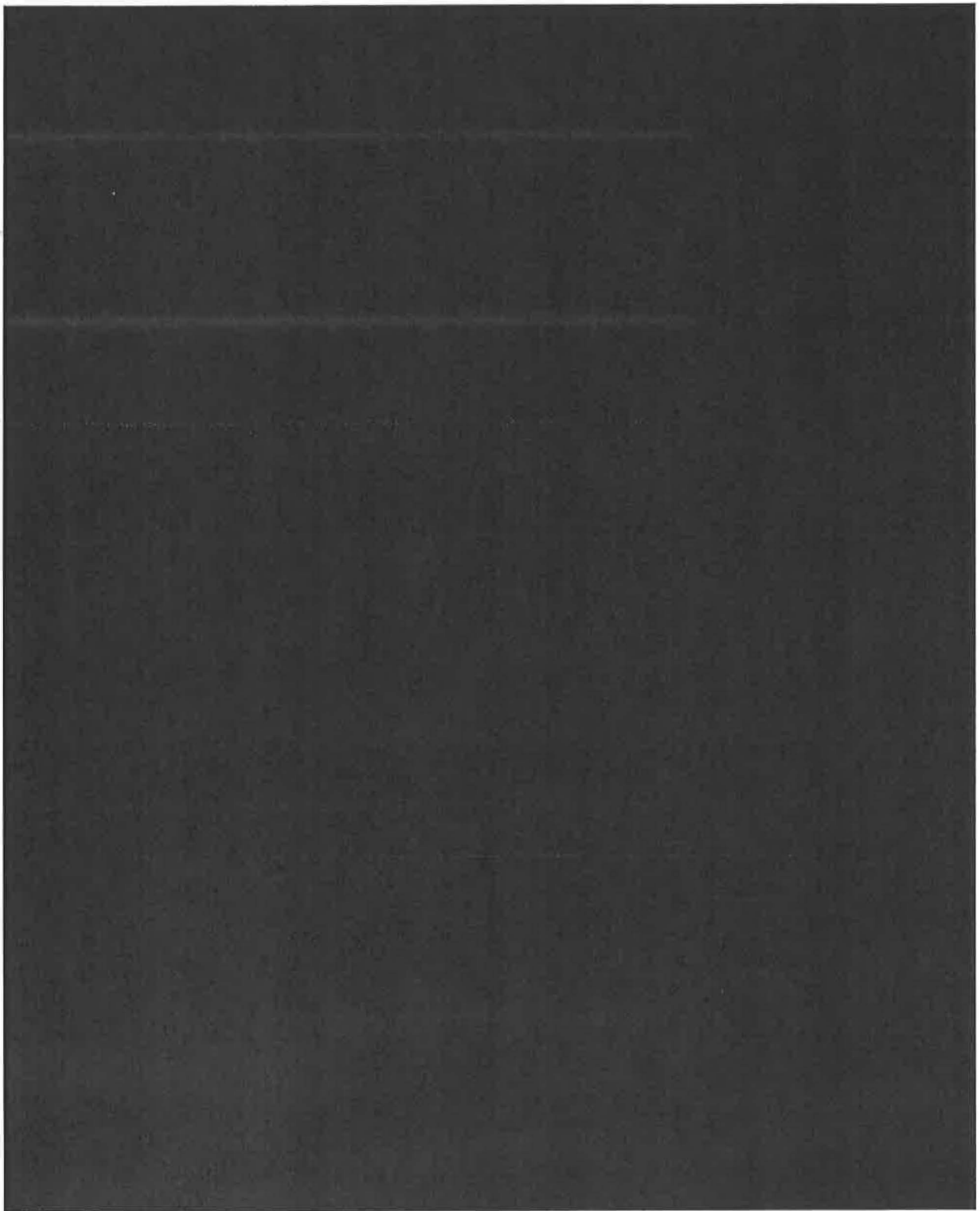


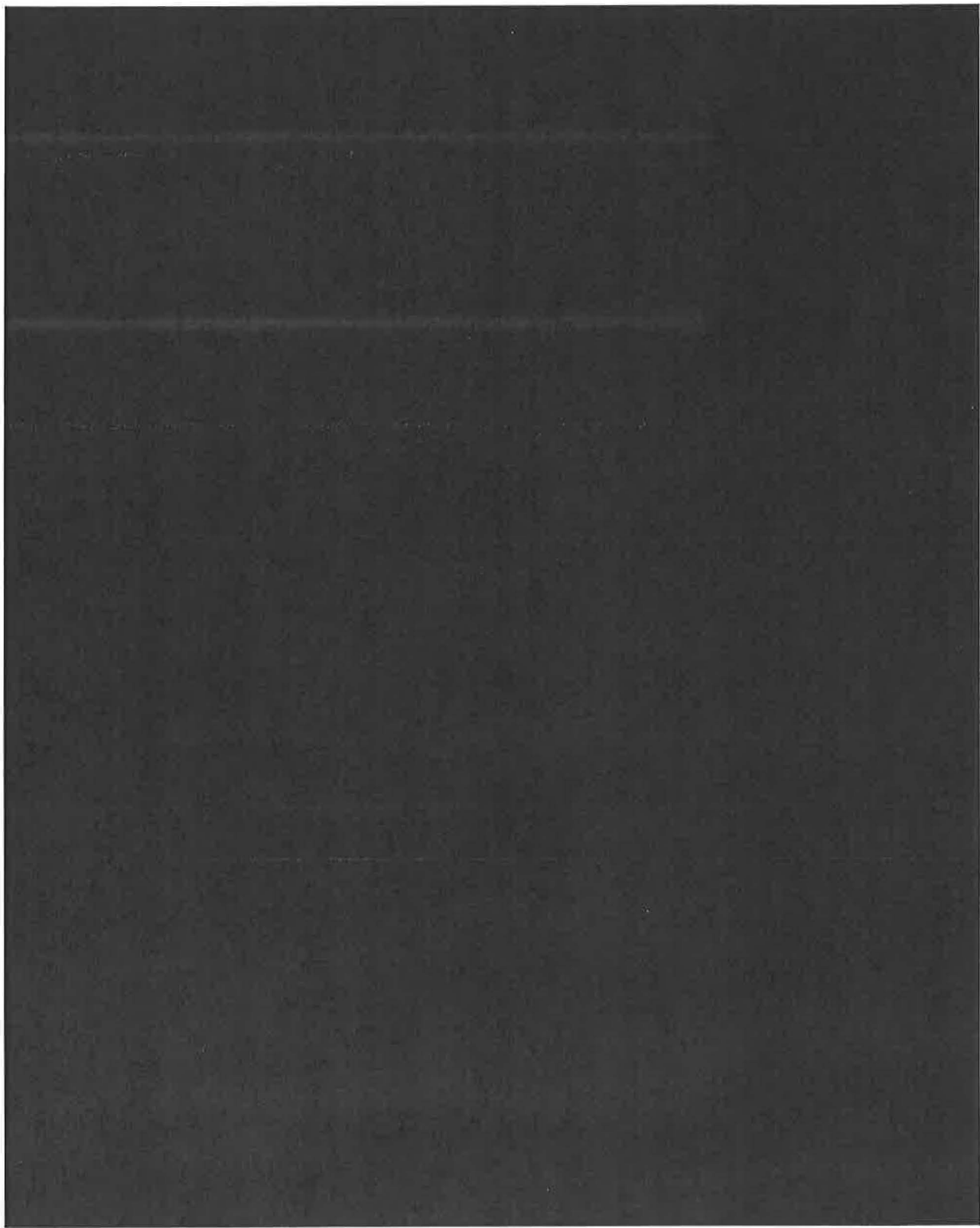
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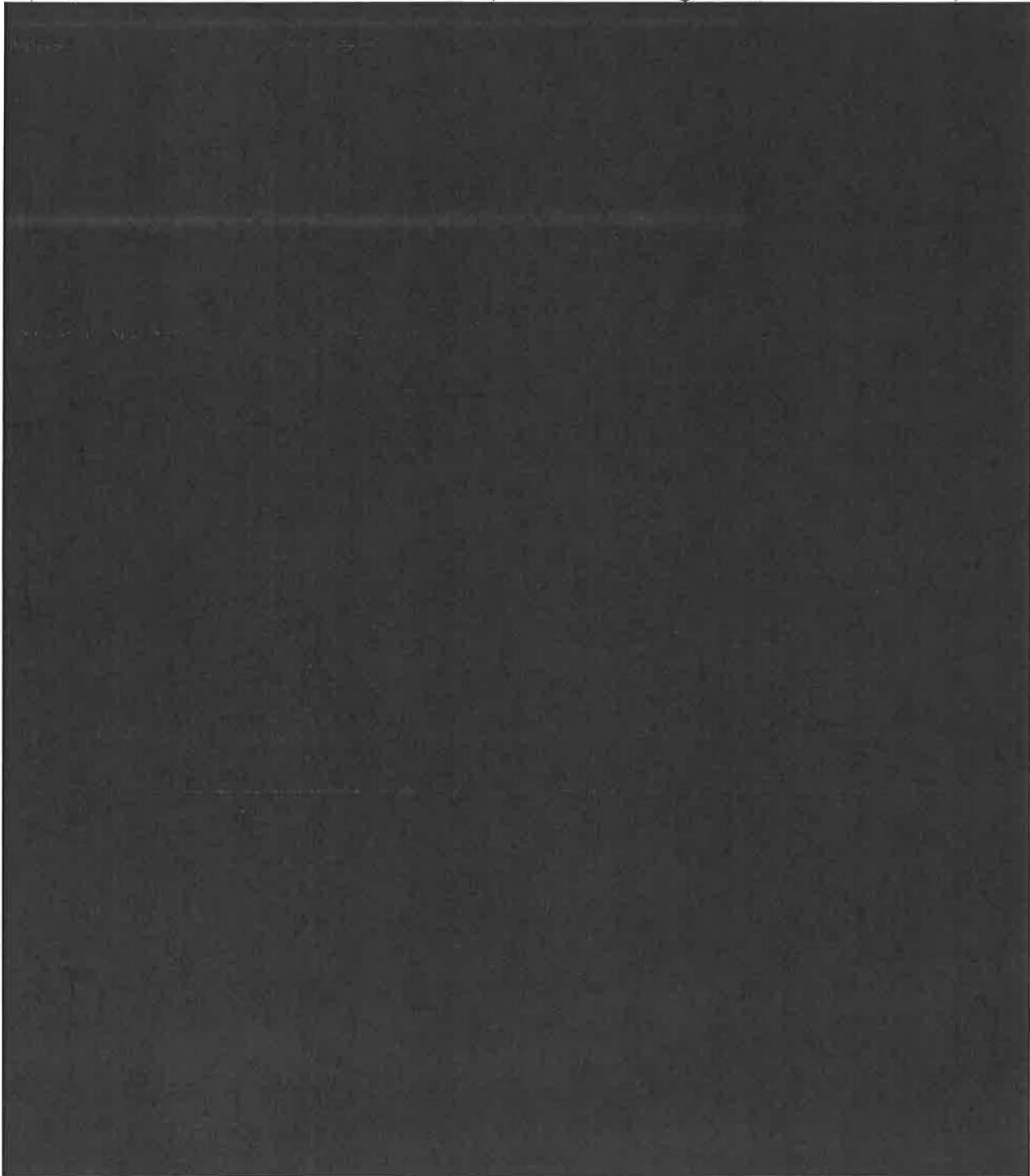


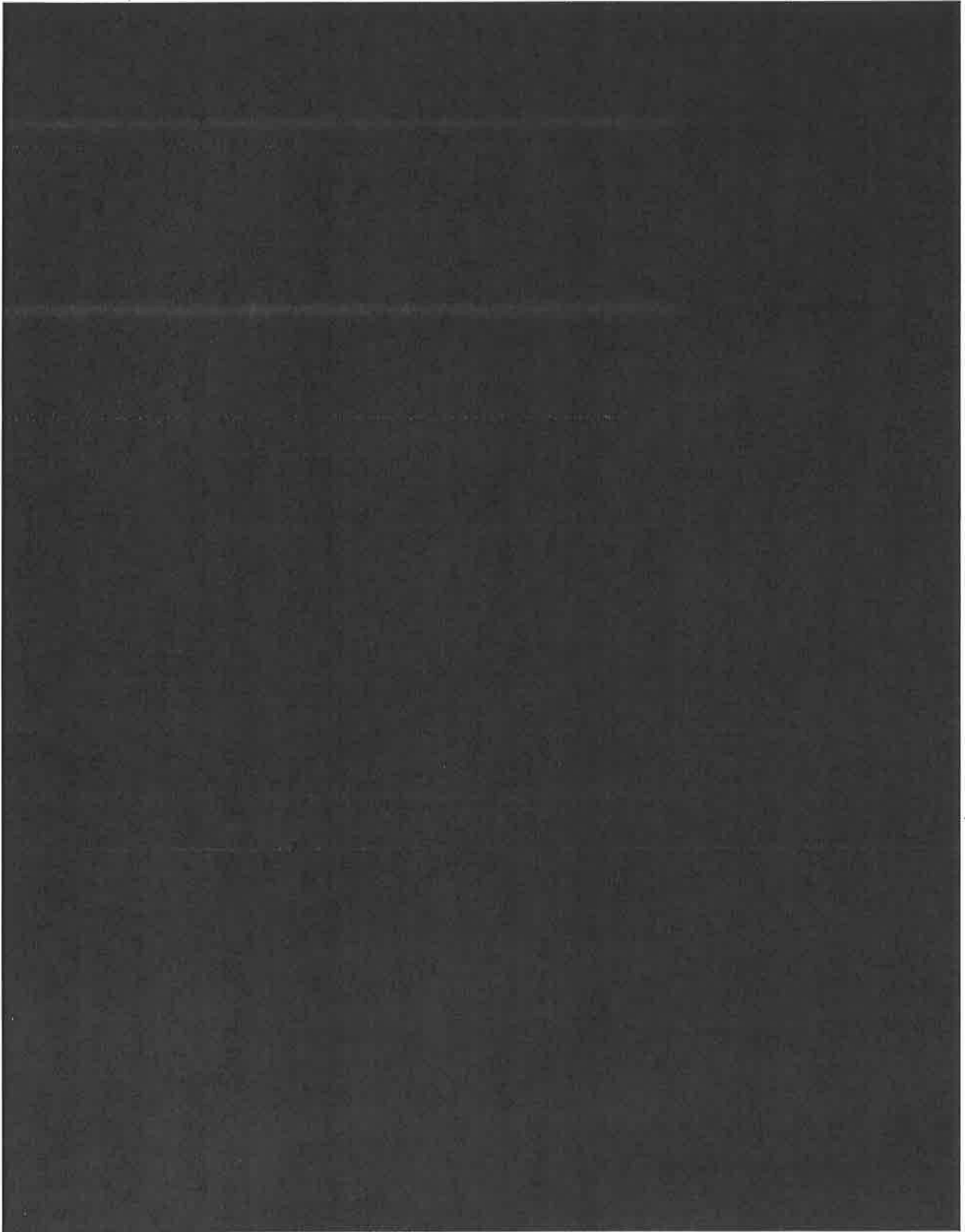




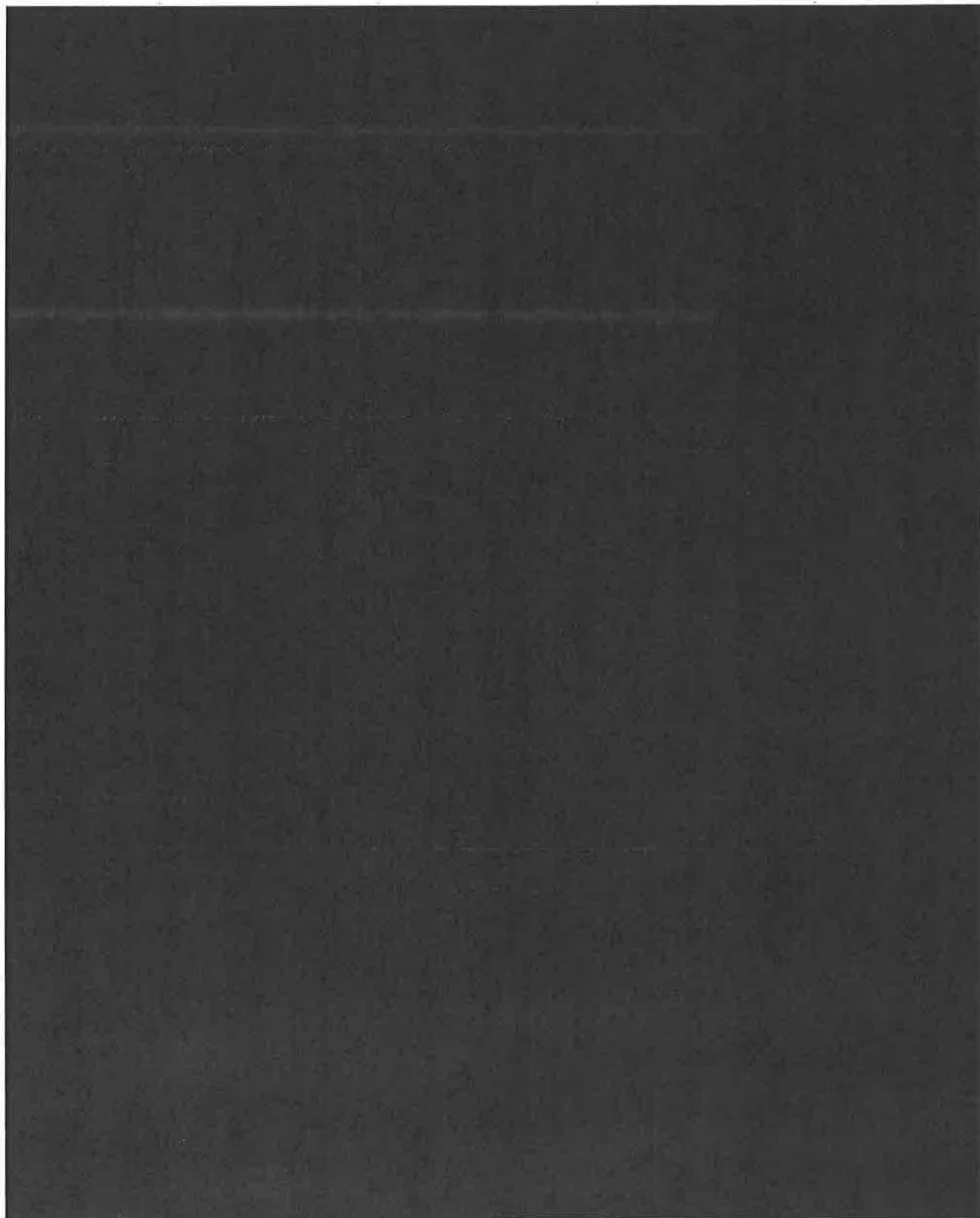


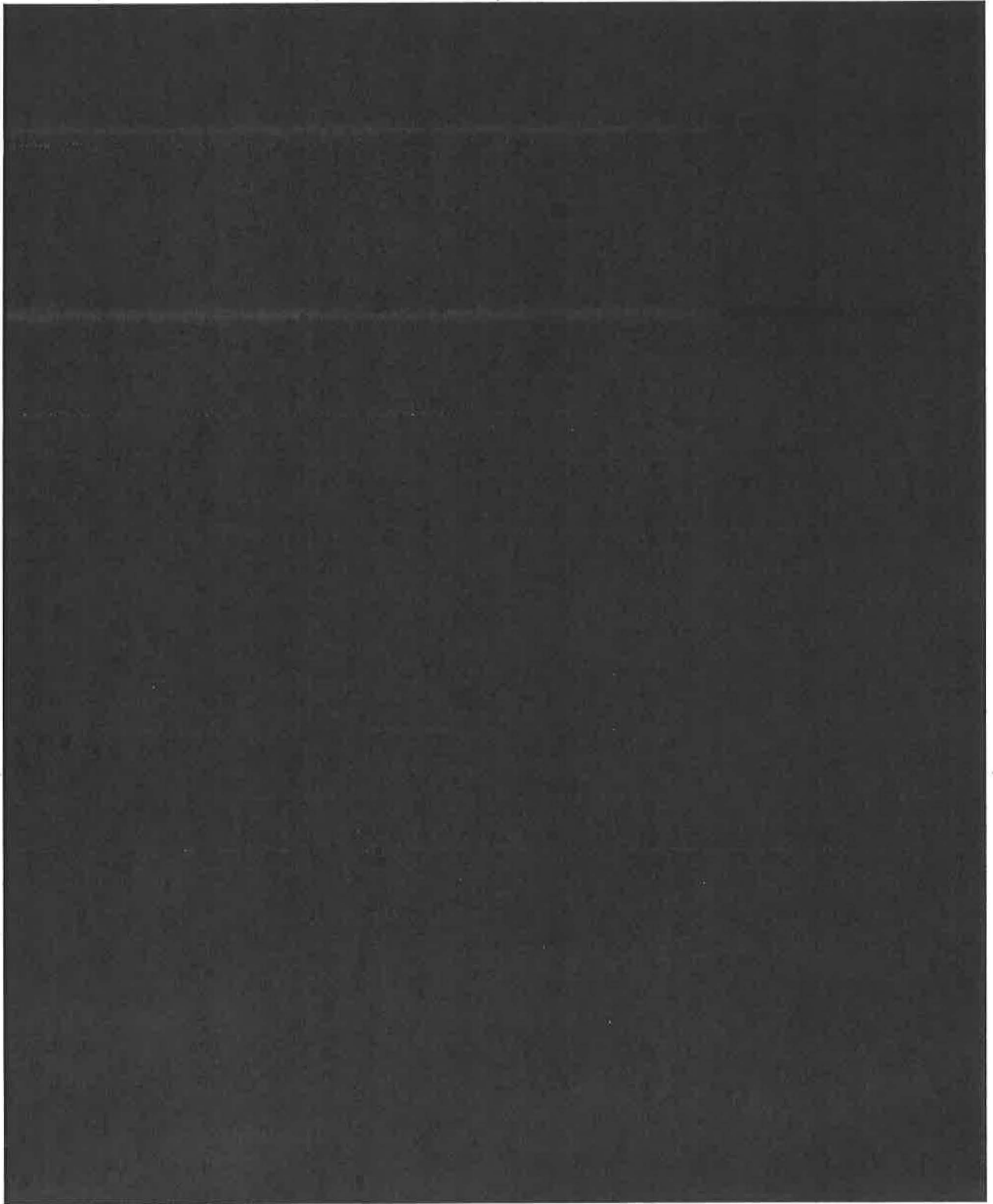
Provincial and Mun. Government	
Name	Organization

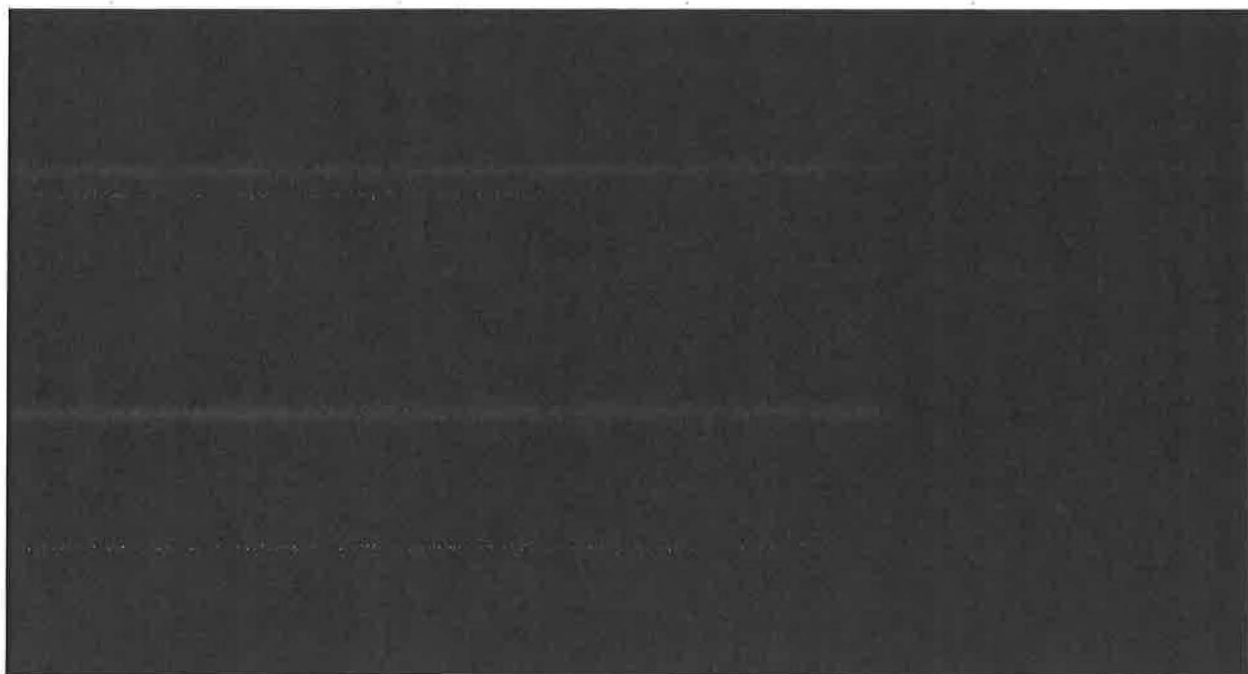




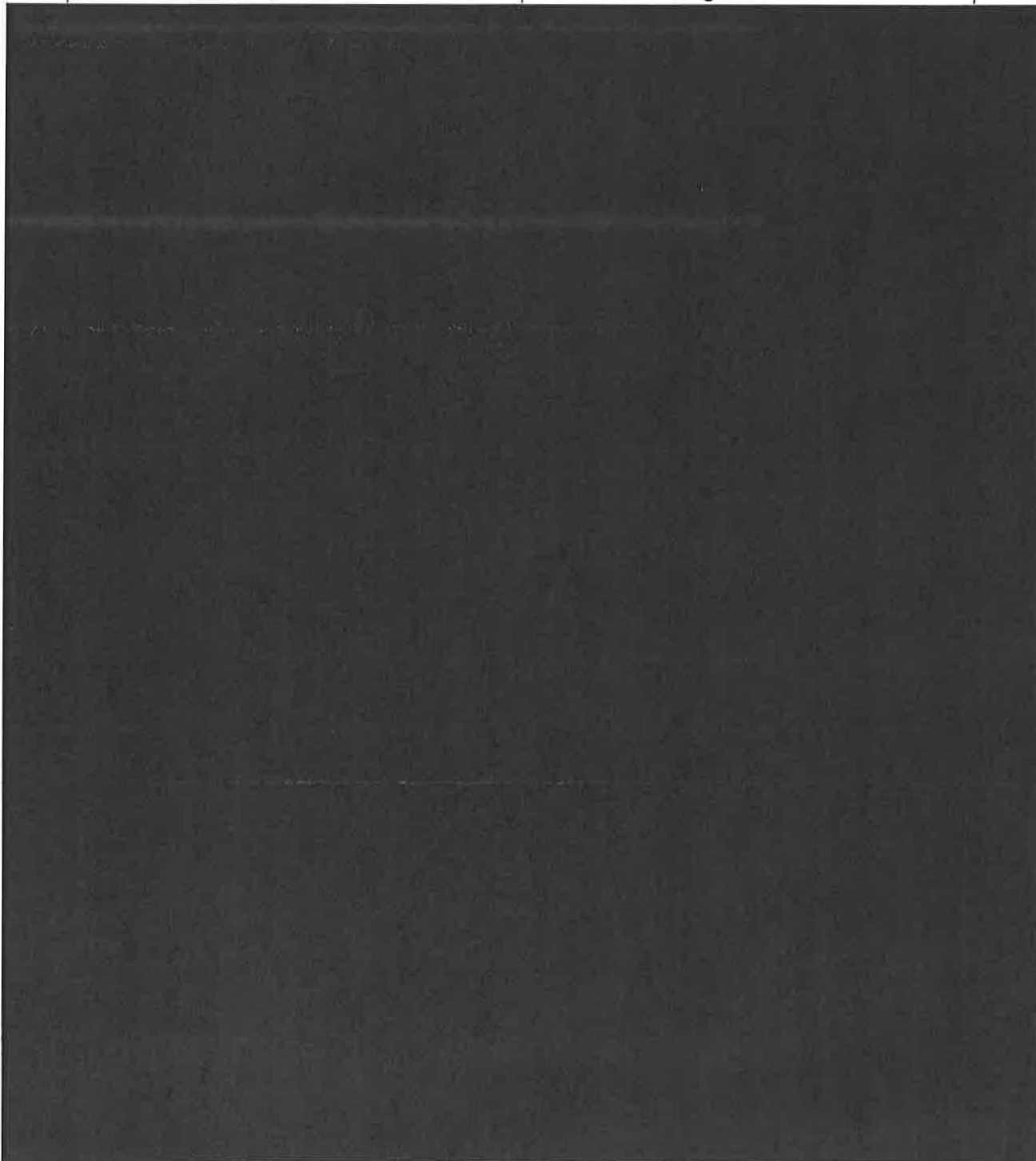
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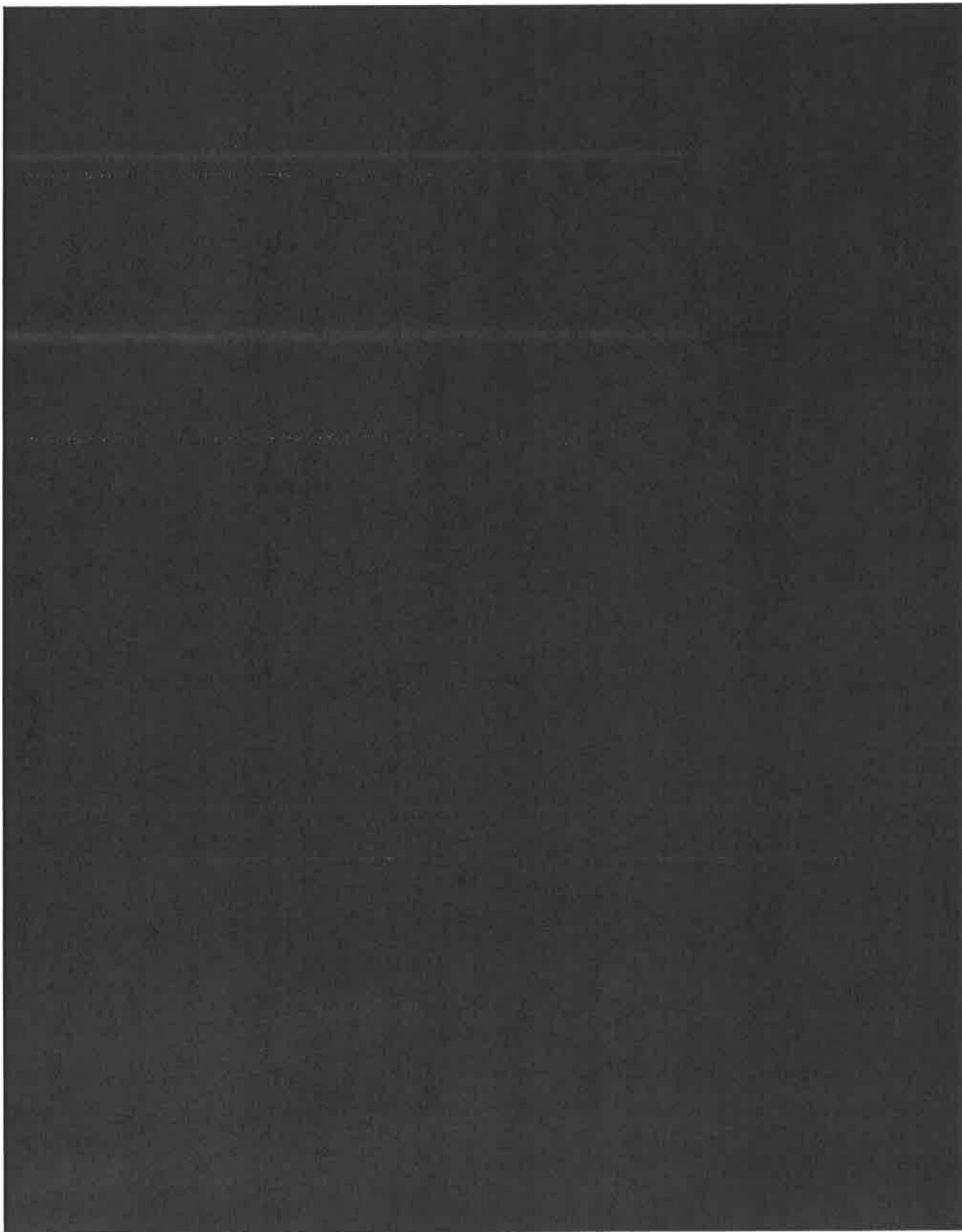






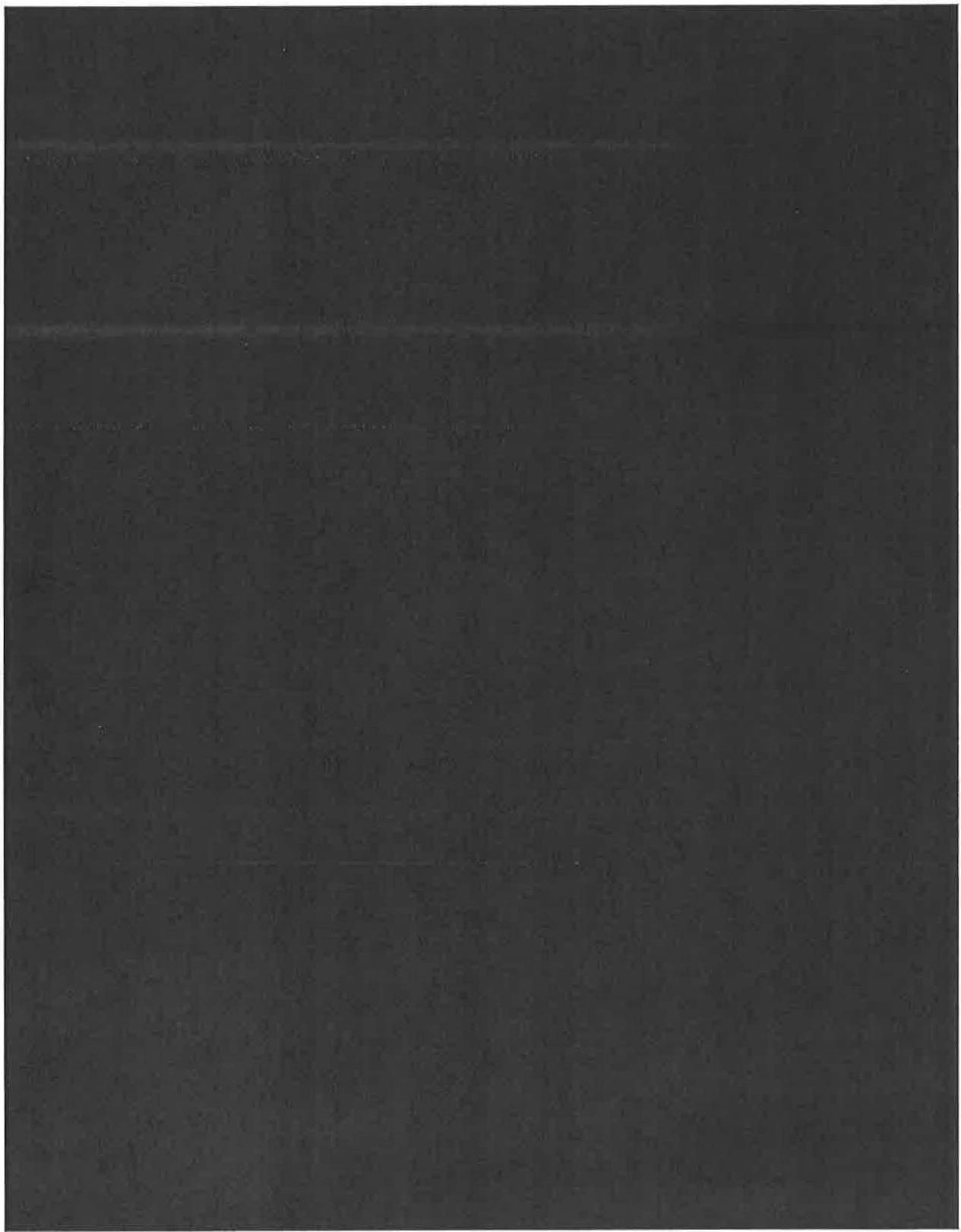
Law Enforcement	
Name	Organization

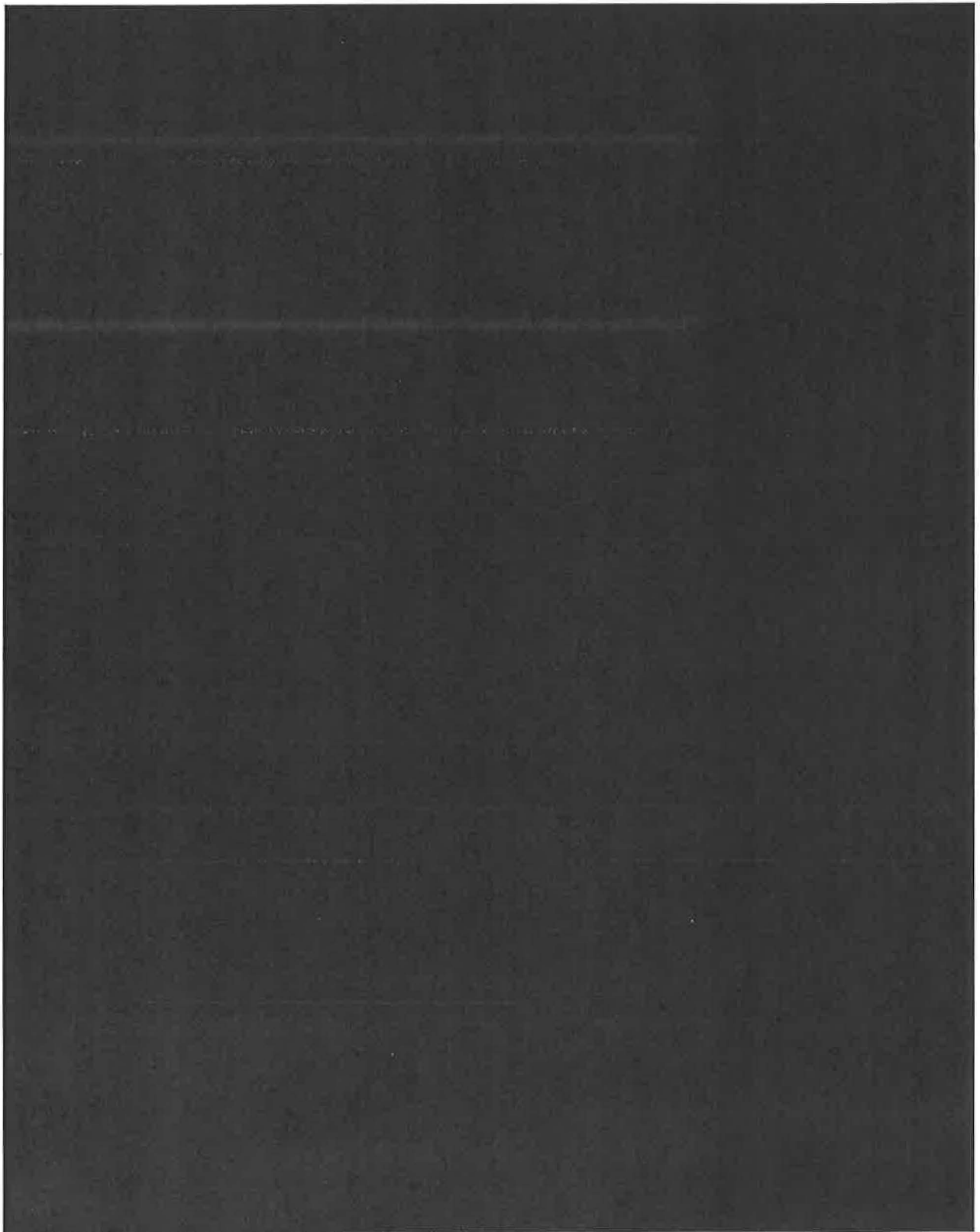


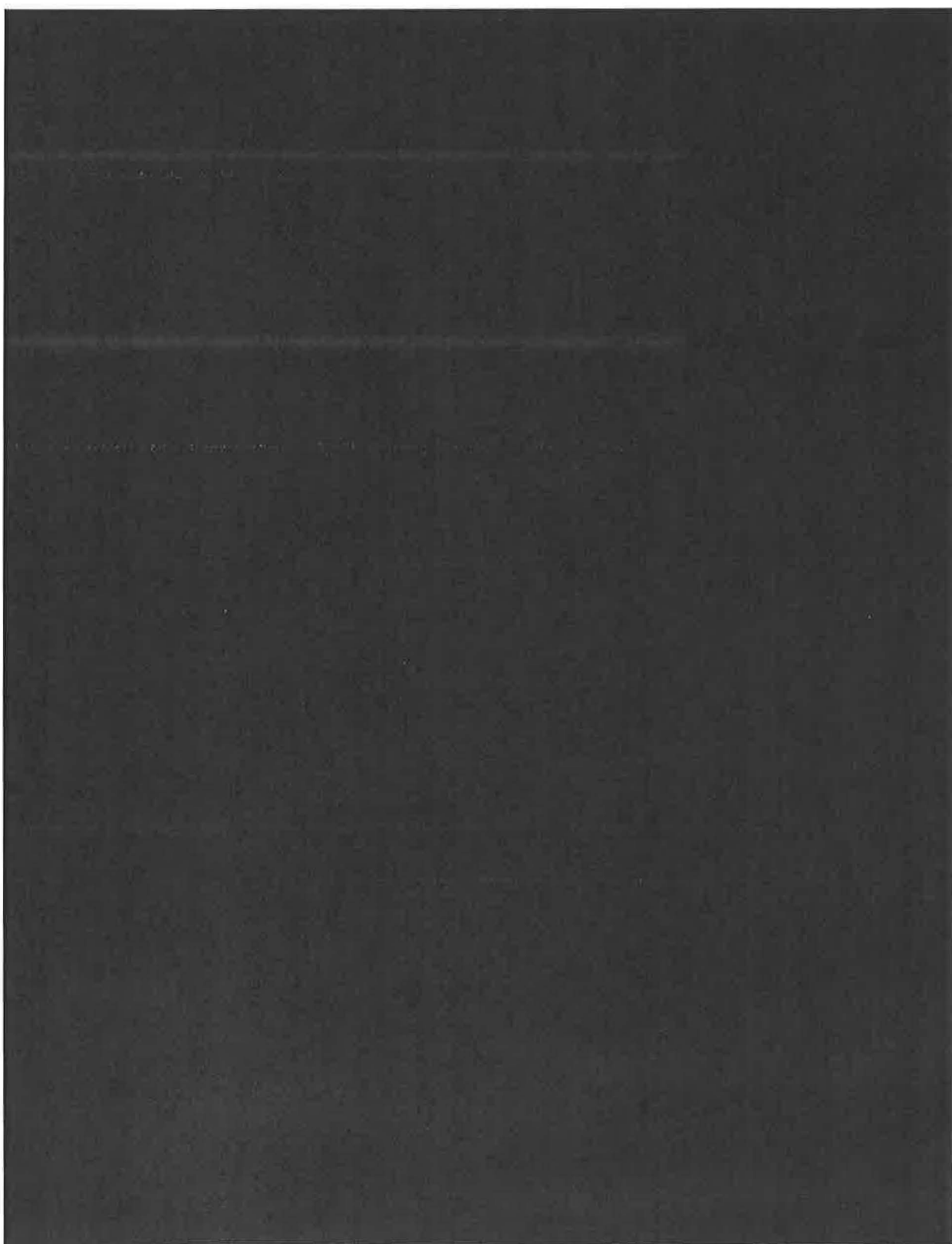


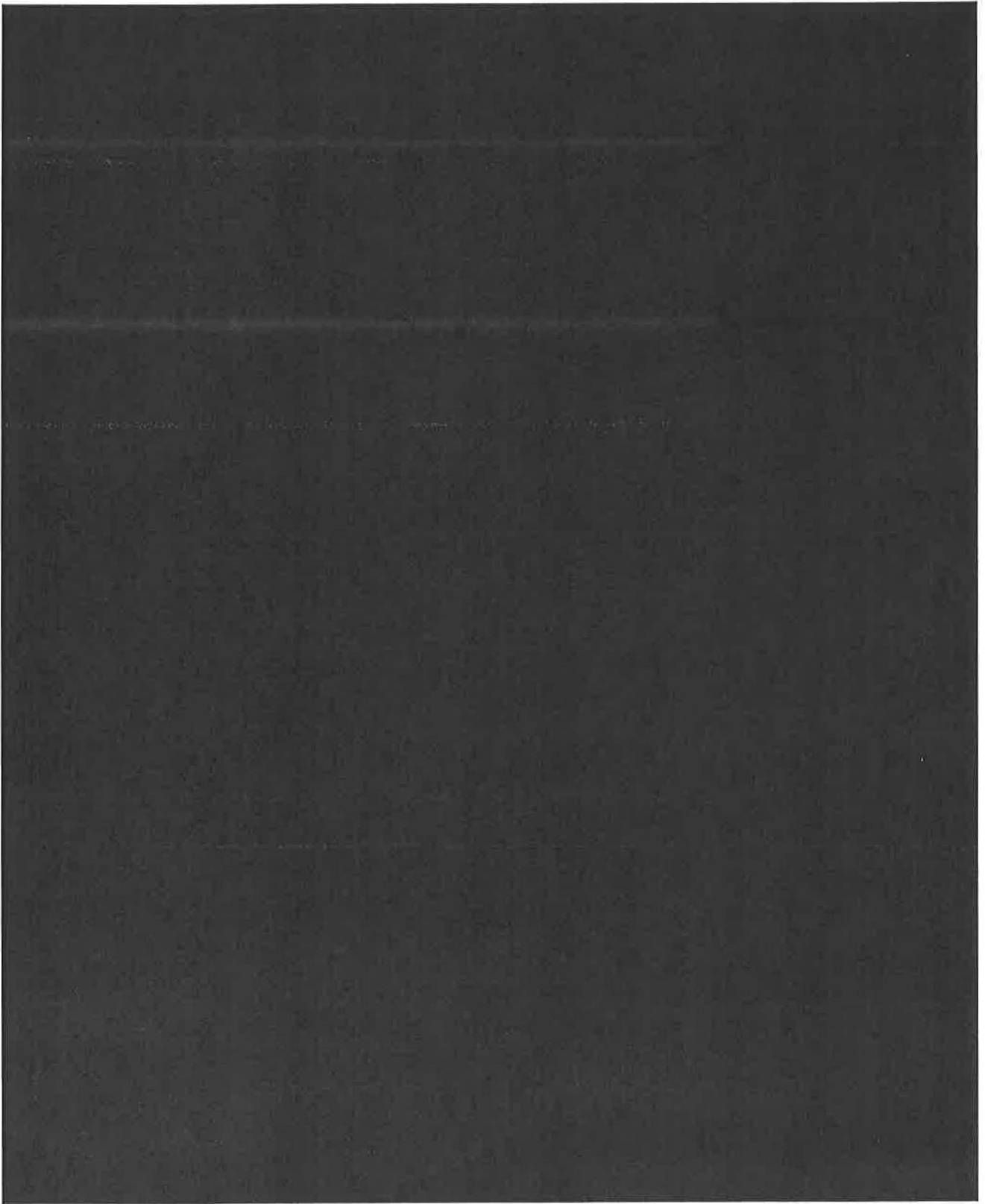
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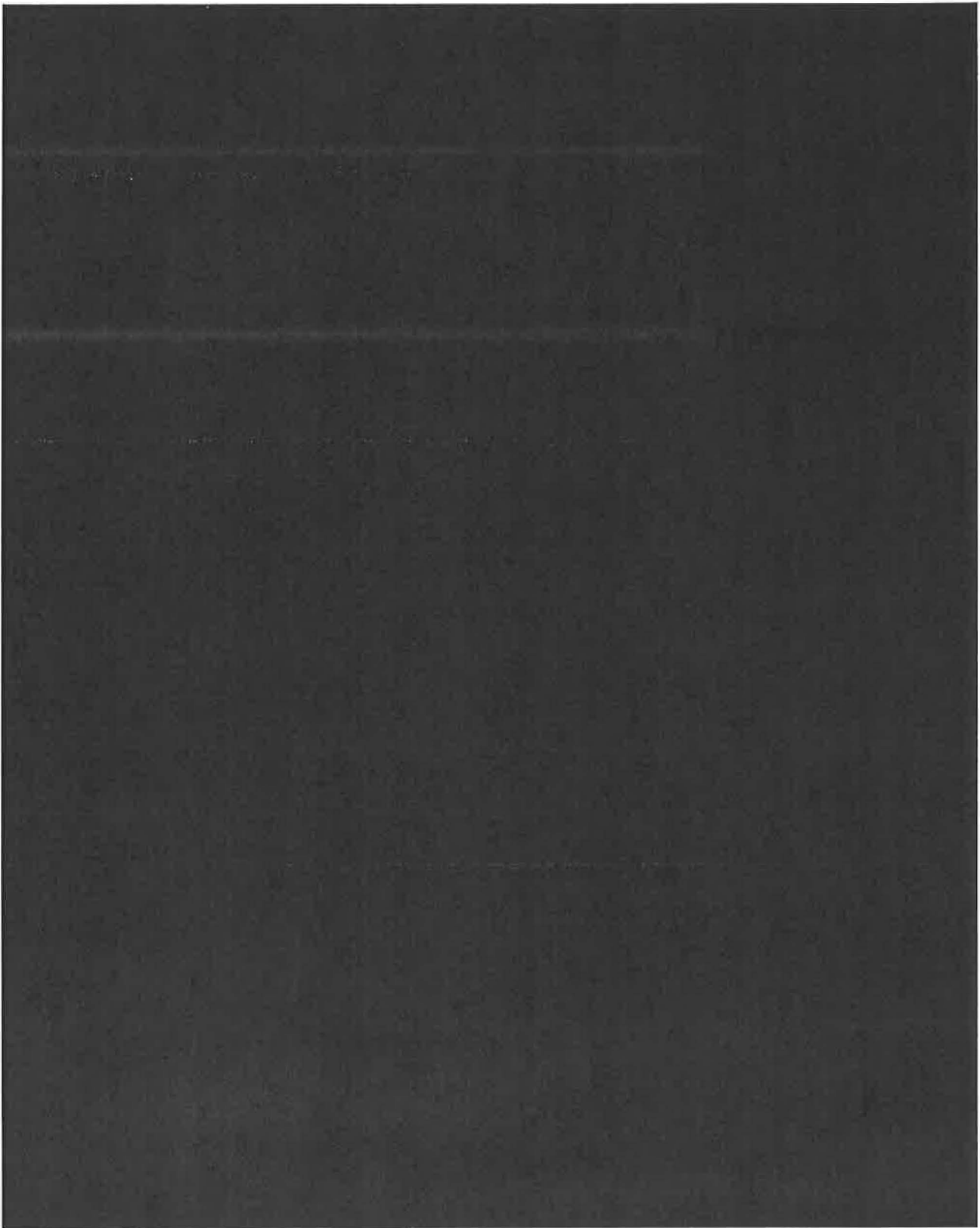
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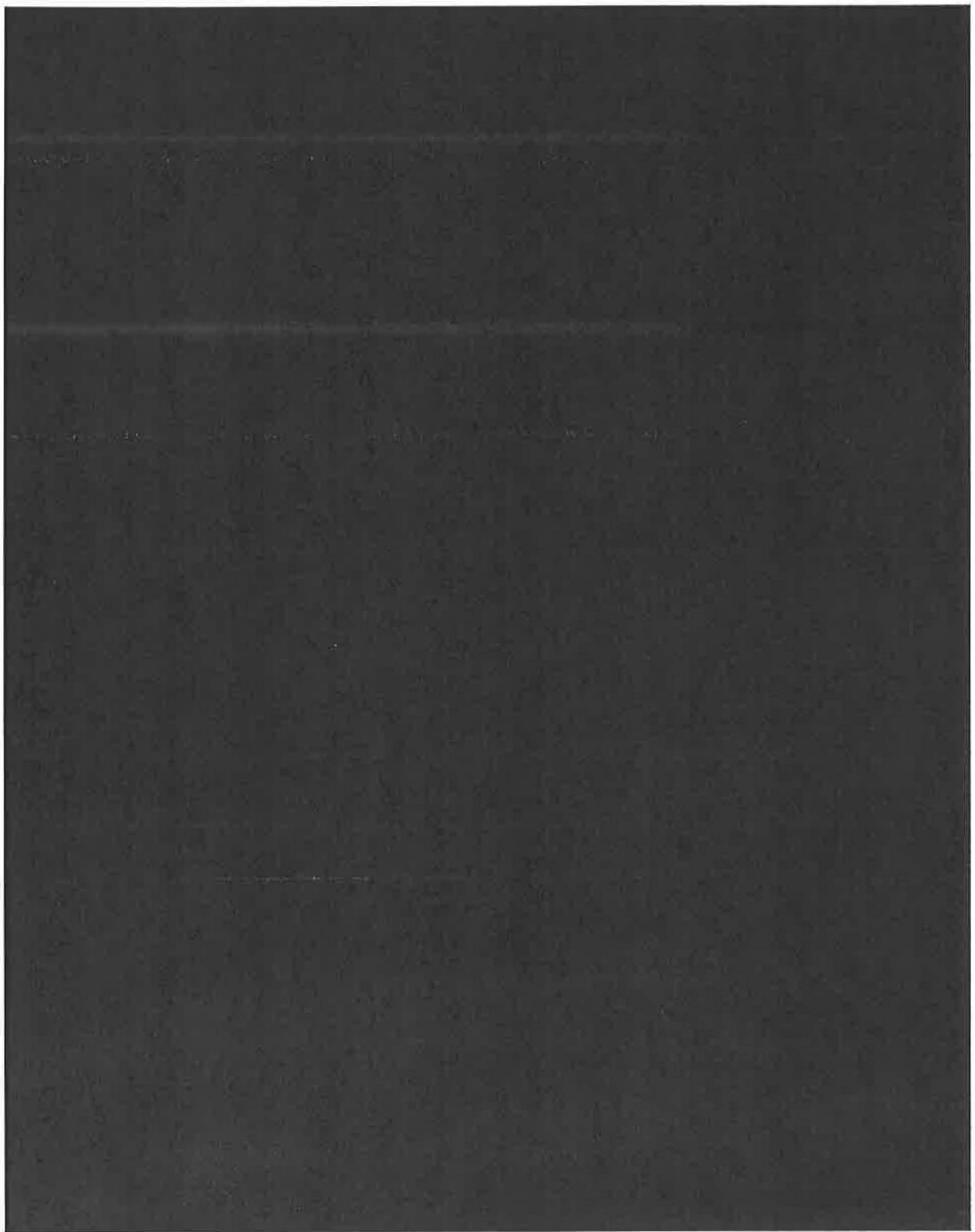


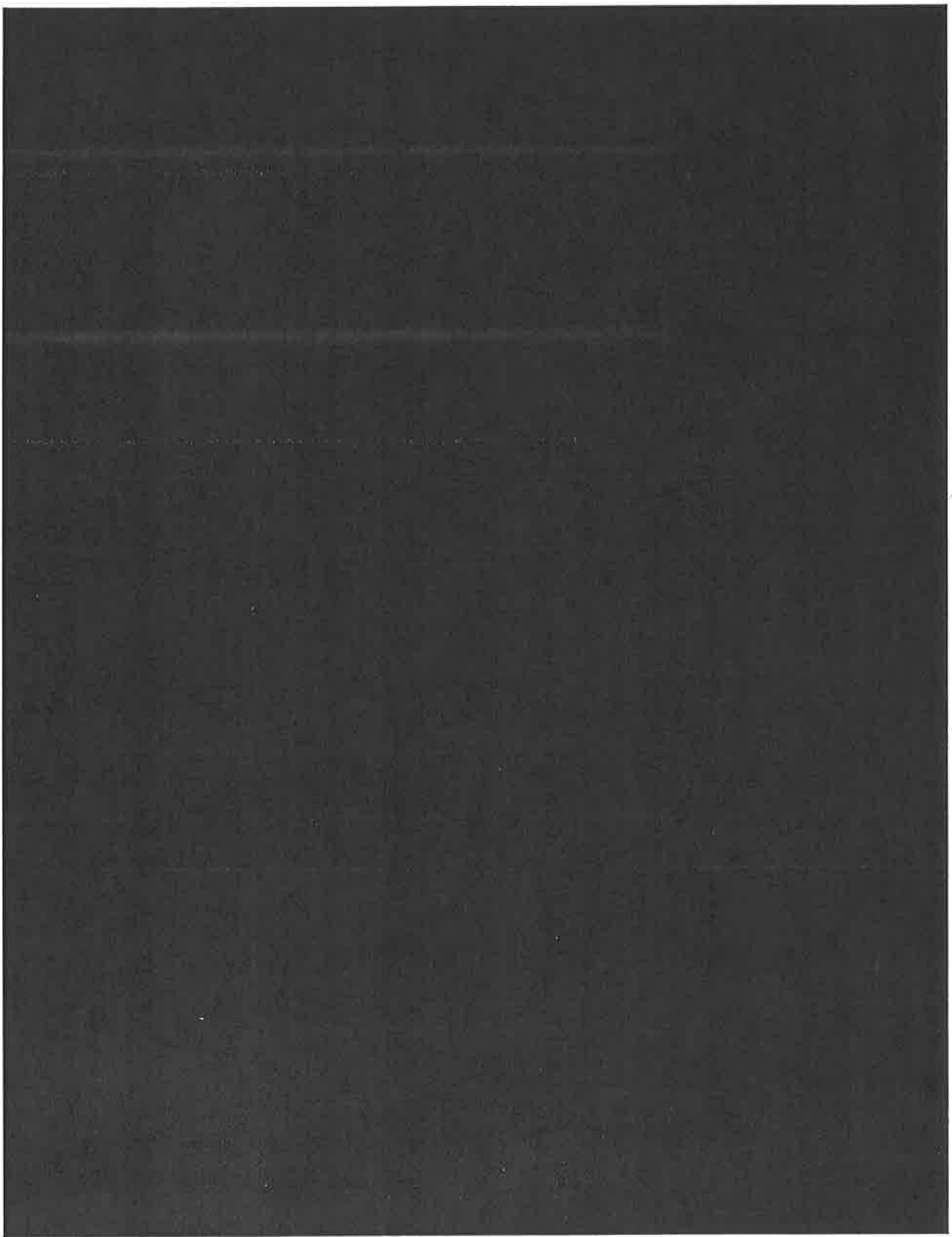


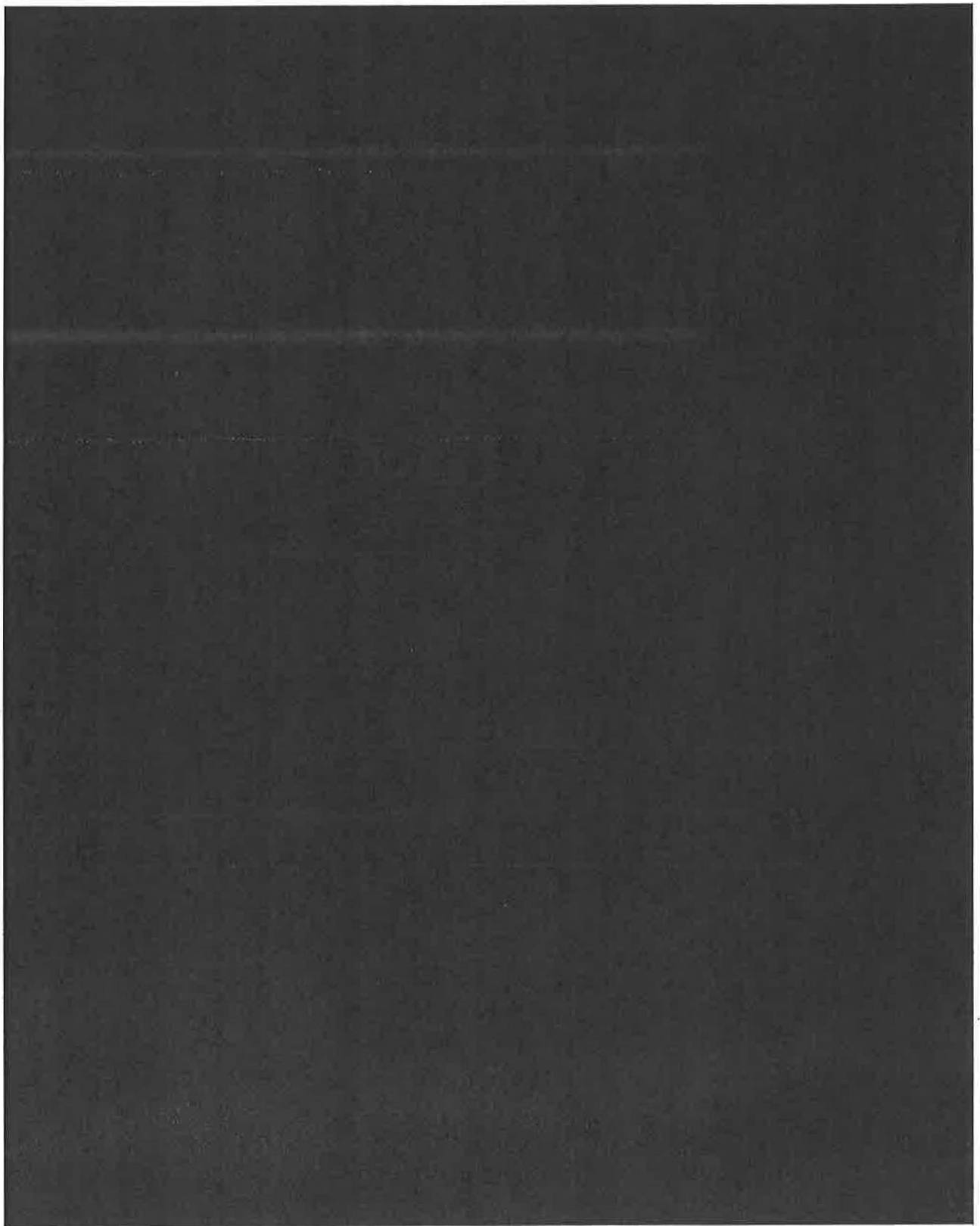


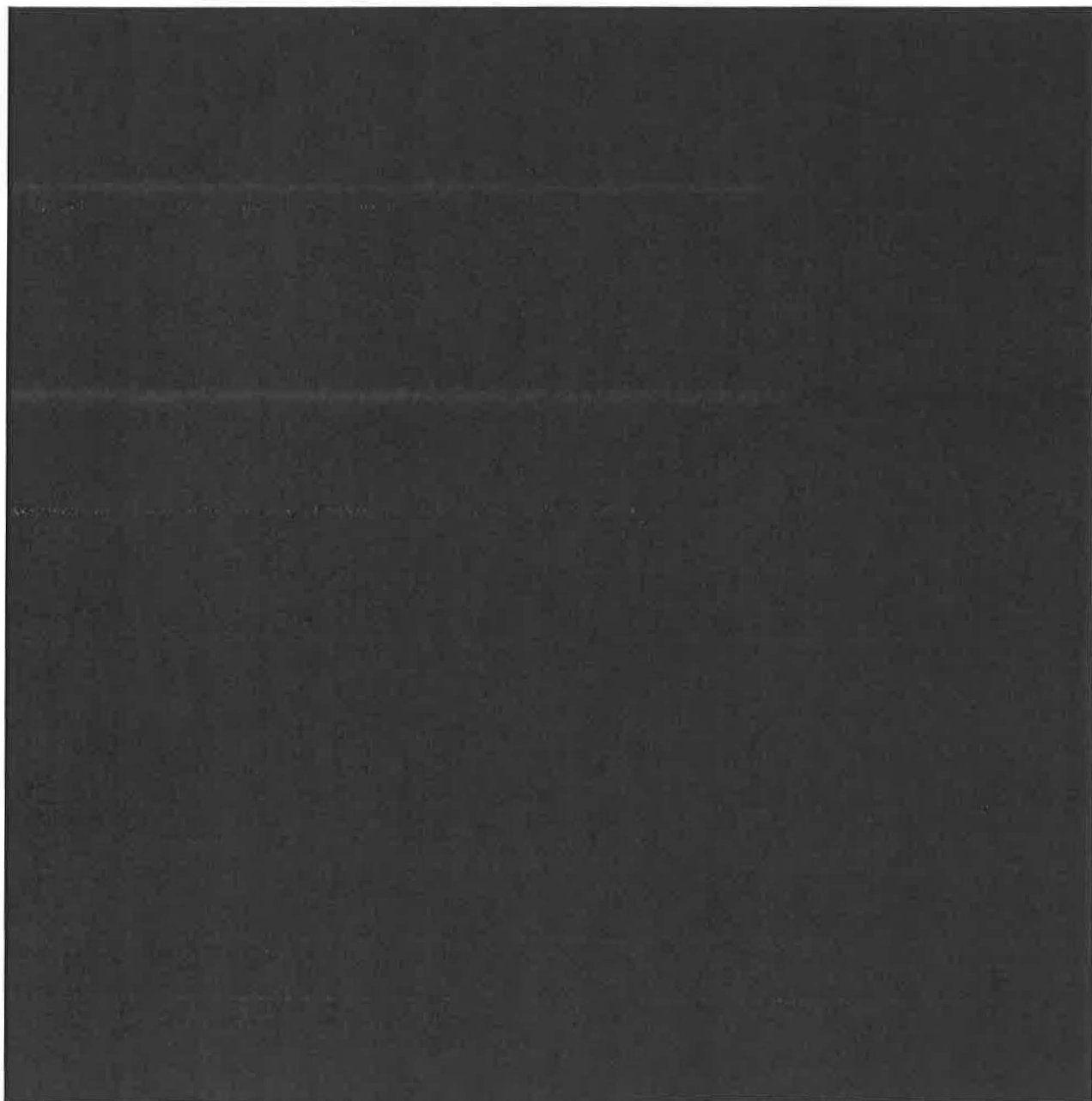




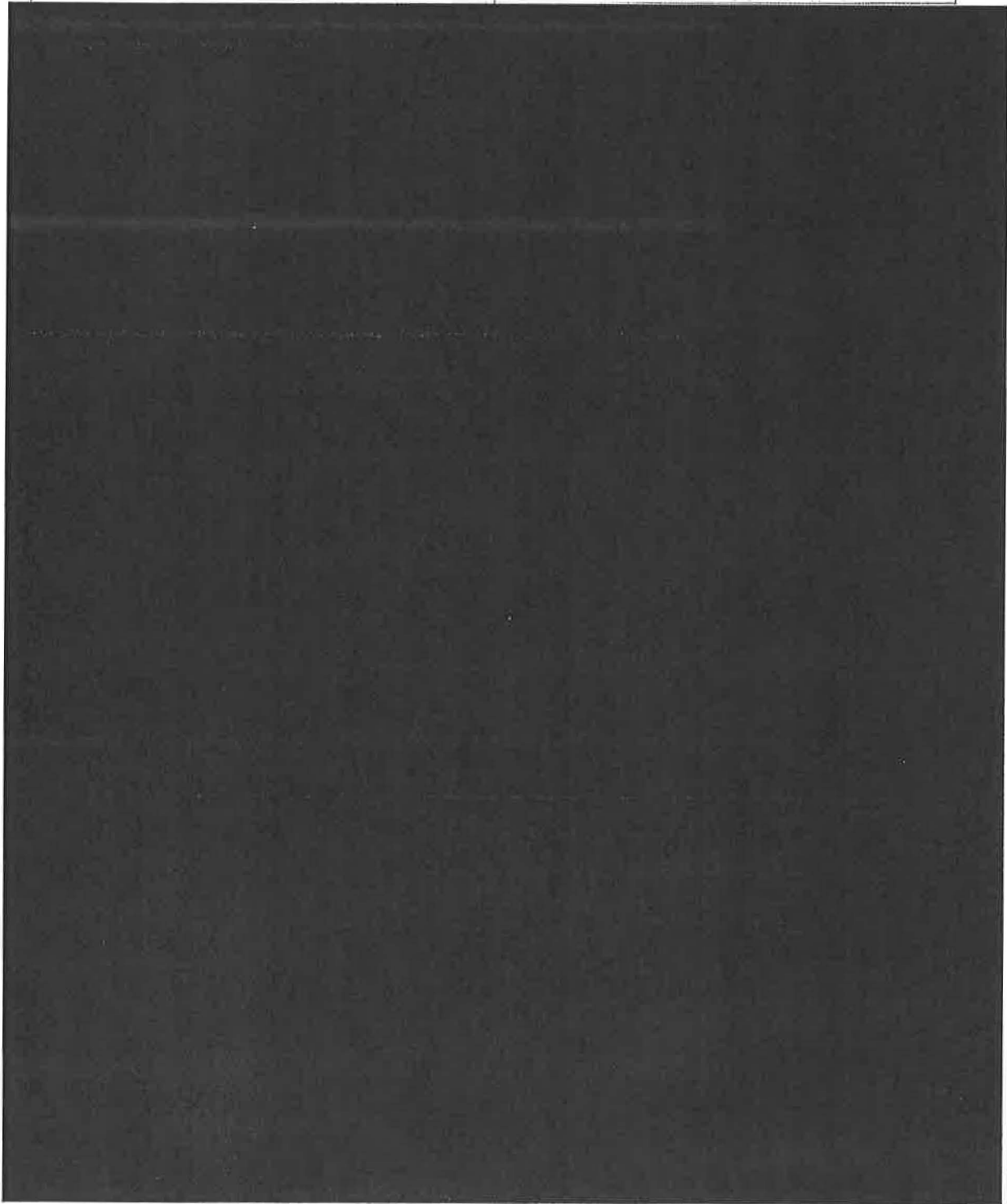


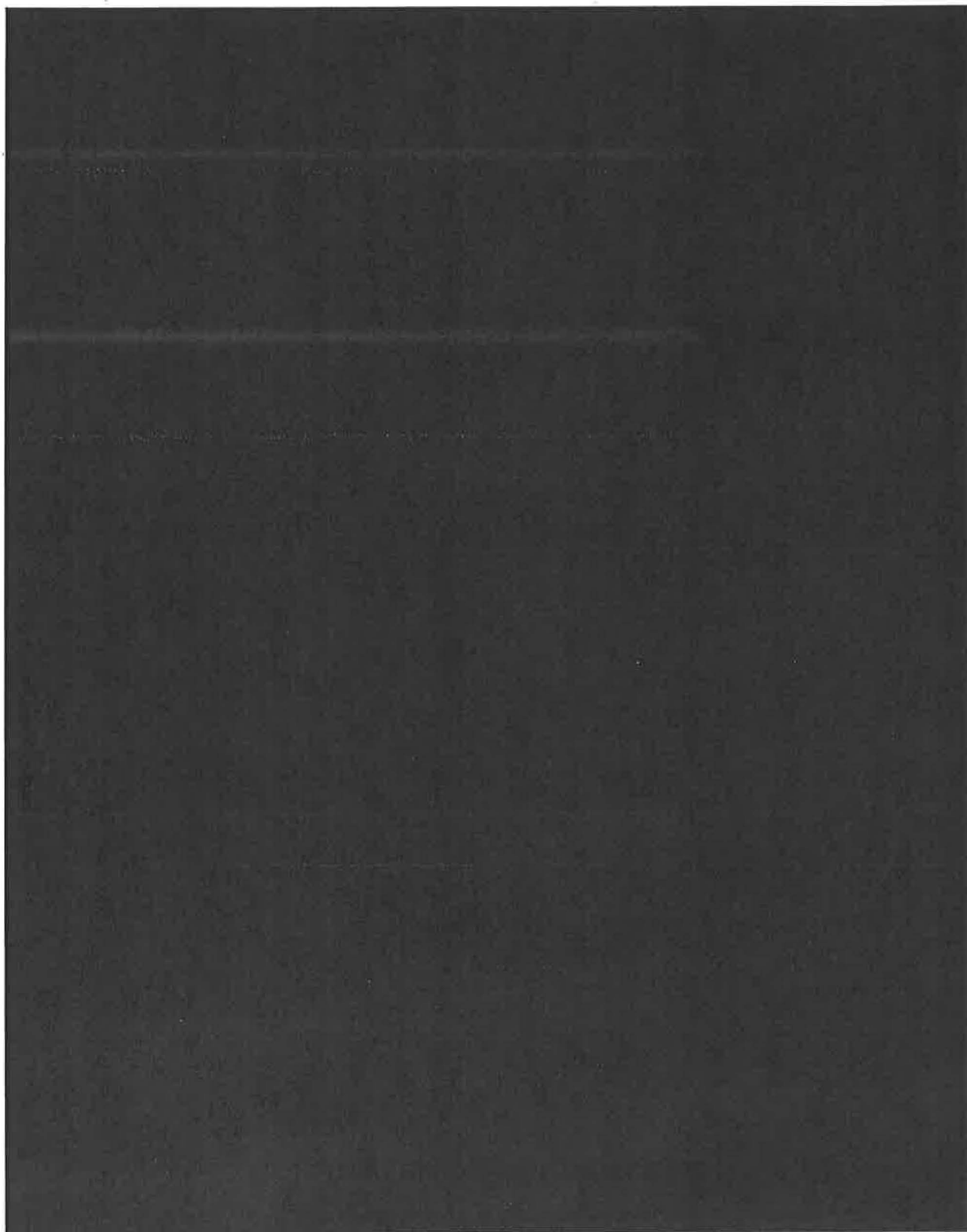


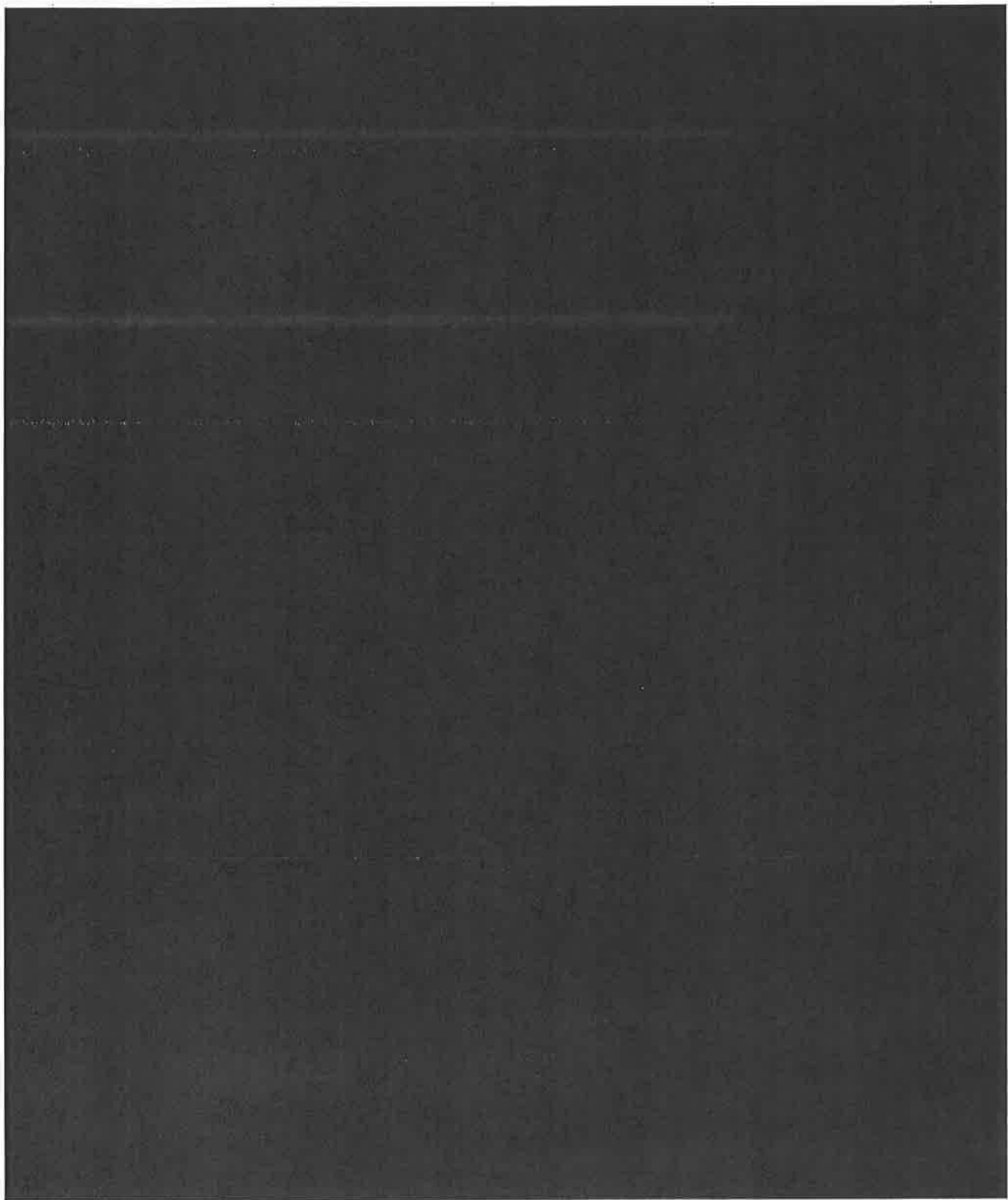


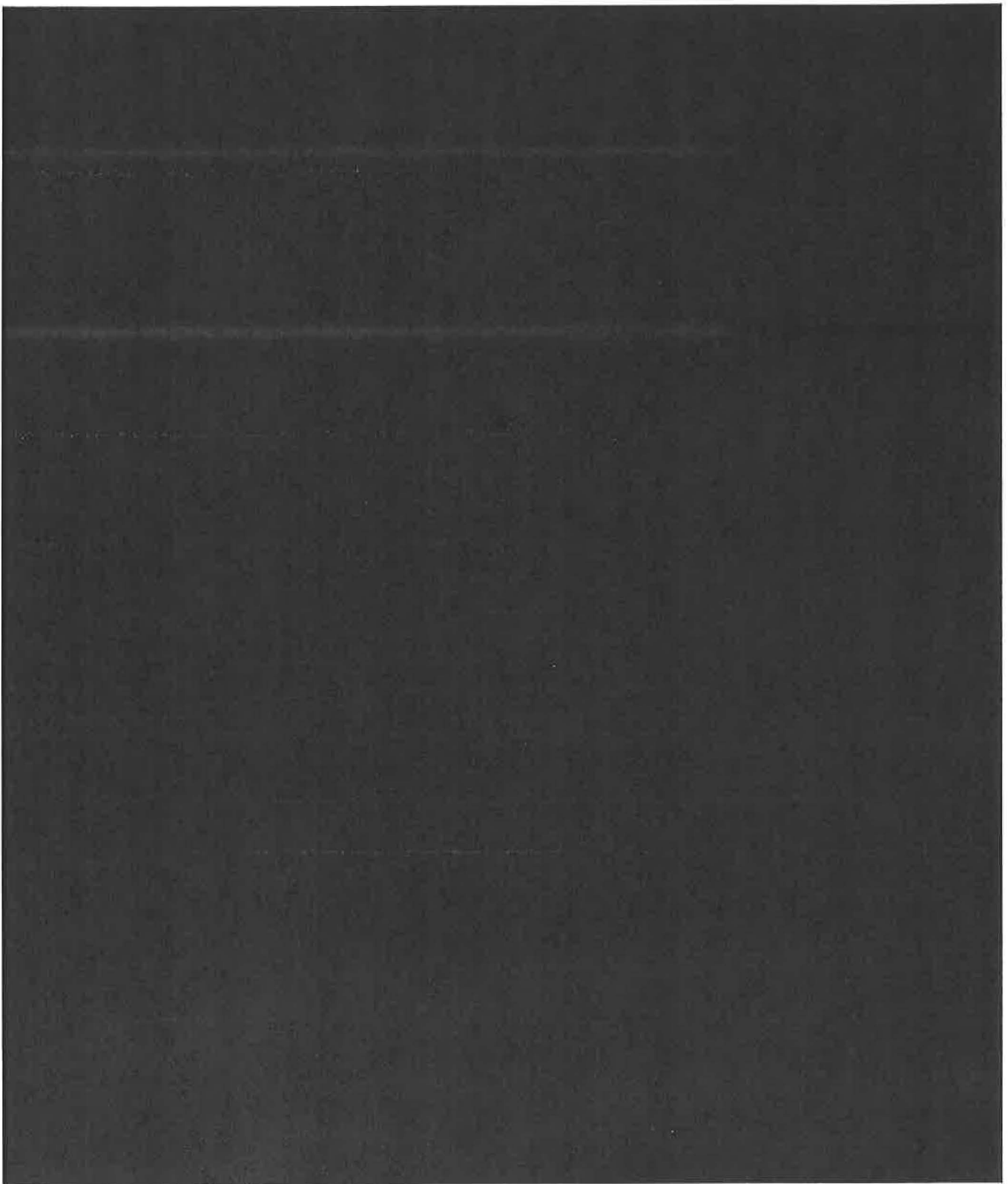


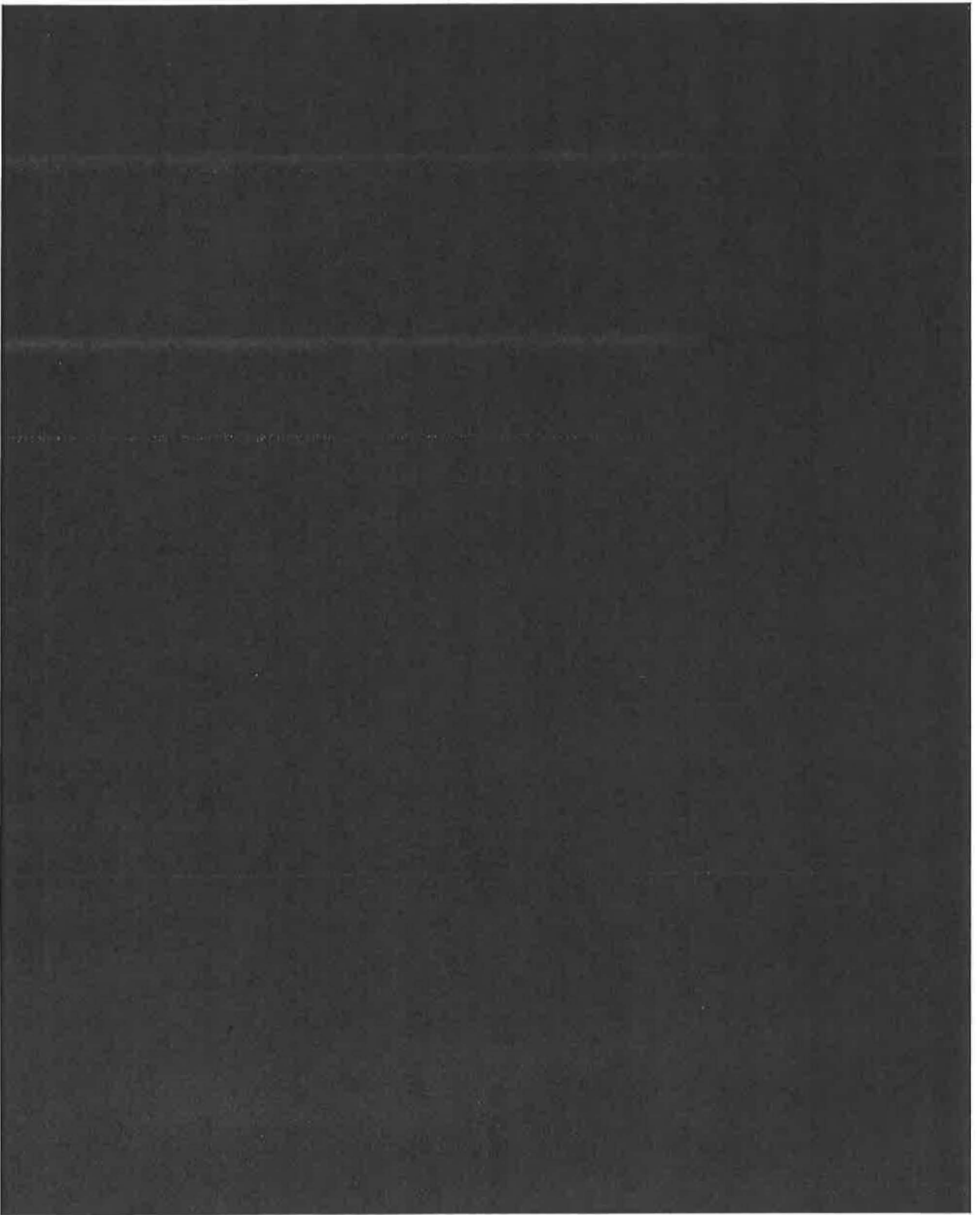
Private Sector	
Name	Organization













Foreign	
Name	Organization

