

Bill Blair took months to approve CSIS surveillance of Liberal powerbroker, national-security source says

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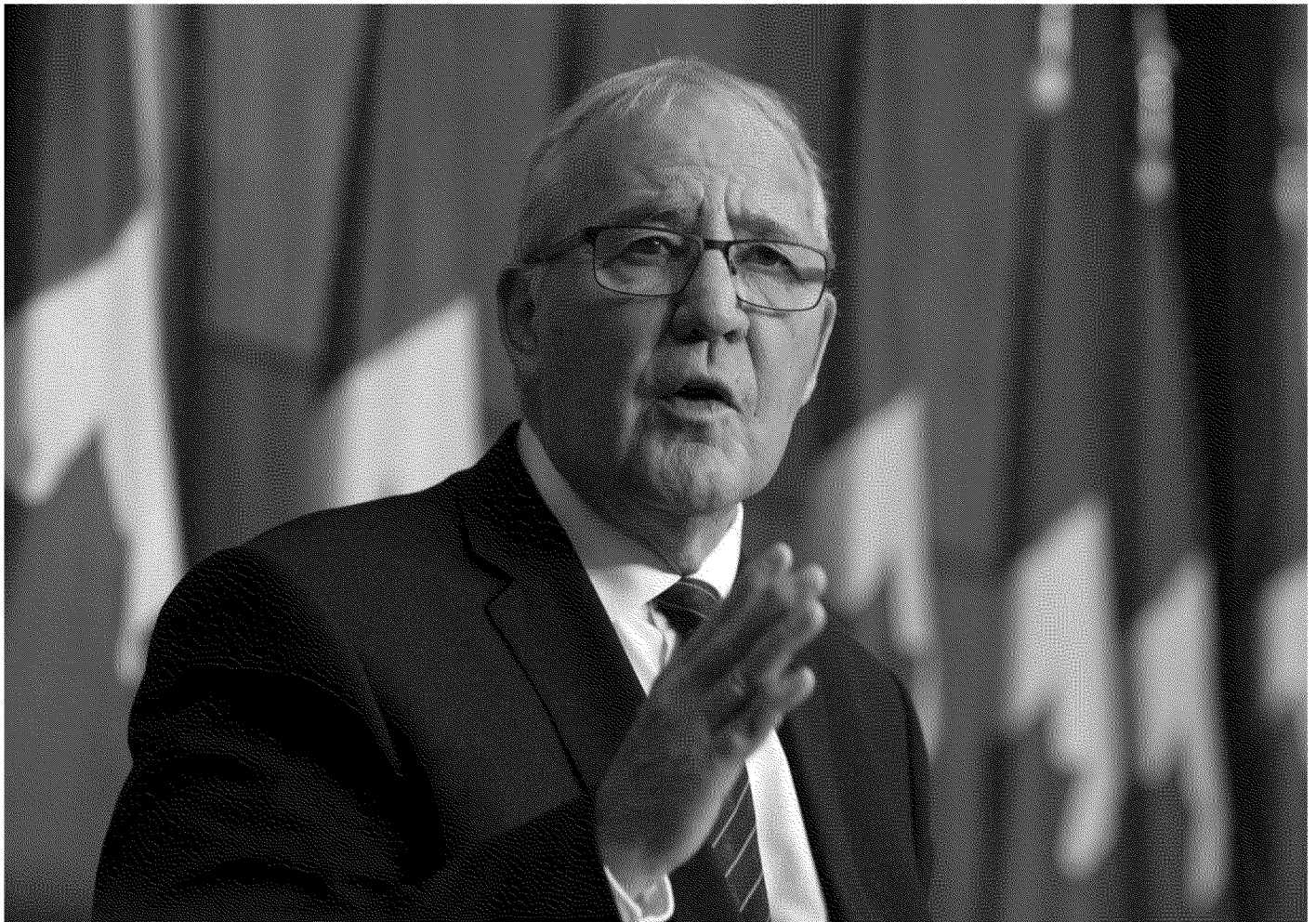
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Emergency Preparedness Minister Bill Blair speaks during a news conference in Ottawa on May 11: Some within the spy agency suspected that the then-public safety minister was hesitant to approve surveillance

because of Michael Chan's role as a major organizer and fundraiser for the Liberal Party, according to a national-security source.

ADRIAN WYLD/THE CANADIAN PRESS

Canada's spy service sought an electronic and entry warrant to monitor former Ontario cabinet minister Michael Chan in the lead-up to the 2021 federal election, but it took several months for then-public safety minister Bill Blair to sign off on the clandestine surveillance of the influential Liberal Party powerbroker, according to a national-security source.

Mr. Chan has for years been a national-security target of the Canadian Security Intelligence Service because of alleged links to China's Toronto consulate and association with proxies of Beijing. The Globe reported in 2015 that Mr. Chan had been the subject of CSIS security briefings in Ontario. He now serves as deputy mayor of the city of Markham, but was in the Ontario Liberal cabinets of Dalton McGuinty and Kathleen Wynne from 2007 to 2018.

The long-time Liberal Party kingpin has been linked by CSIS to Chinese diplomat Zhao Wei, who was expelled from Canada last week after The Globe and Mail revealed that he had been behind plans to intimidate Conservative MP Michael Chong and family members in Hong Kong.

CSIS regarded Mr. Chan as a national-security target and sought a section 21 warrant under the CSIS Act in early 2021, the source said. The spy agency wanted to intercept Mr. Chan's electronic communications and gain entry to his home and offices in what was expected to be a federal election year. Mr. Chan had already been under physical surveillance for years, the source said.

The Globe is not identifying the source because they risk prosecution under the Security of Information Act.

Although lawyers for CSIS and independent counsel from the Justice Department approved the warrant as did the office of CSIS director David Vigneault, the source said Mr. Blair, a former Toronto police chief, did not sign off on it until June.

The four-month delay left little time for CSIS to get the approval of a federal judge and to figure out the best ways to plant bugs in Mr. Chan's cars, home, office,

computers and mobile phones before the election campaign got under way.

Prime Minister Justin Trudeau triggered the election in August, 2021, for Sept. 20 – a ballot in which the Liberals returned to power with another minority government.

Former CSIS director Richard Fadden, who was also national-security adviser to Mr. Trudeau and Stephen Harper, said it should not have taken months for the minister to sign such a warrant and send it off to a judge for approval.

“There is no reason why a warrant cannot be approved within a week unless the minister goes back to CSIS to explain why he requires more information,” he said.

The national-security source said some within the spy agency suspected the hesitancy was because of Mr. Chan’s role as a major organizer and fundraiser for the Liberal Party. Speculation within CSIS was that there was discussions at the “political level” about going after Mr. Chan, according to the source.

Mr. Chan told The Globe Thursday that he was “neither aware of, or informed of any such surveillance,” saying he is a victim of “shadowy allegations and absurd conspiracy theories” from national-security leakers.

“All Canadians, particularly minority Canadians who interact with Consular officials, have every reason now to be alarmed about the threat that CSIS poses to our charter of rights and privacies,” he said. “CSIS has never discussed their concerns with me but continues to unjustifiably harass, intimidate, threaten, and frighten my friends and acquaintances.”

Mr. Chan said he supports a public inquiry, which the three opposition parties have also endorsed. Former governor-general David Johnston is to report on Tuesday on whether he will recommend a public inquiry into Chinese foreign interference into the Canadian political process.

The Globe's investigation from 2015

CSIS warned this cabinet minister could be a threat. Ontario disagreed

When contacted by The Globe, Mr. Blair, now Emergency Preparedness Minister, said he could not discuss the Chan matter because he is bound by secrecy provisions of the Security of Information Act.

Asked why it took him four months to sign a warrant that normally takes no longer than a few days, Mr. Blair said: “I am not going to discuss that because I took an oath not to do that and I’m not going to do it and you have your facts wrong.”

His office later offered an explanation for why the minister might have delayed authorizing the surveillance warrant.

“It would be unlawful to comment on specific cases, however, the signing of a warrant application under the Canadian Security Intelligence Service Act is a serious action that requires due diligence on the part of the Minister,” communications director Annie Cullinan said in a statement. “It is a standard practice to review the information available and clarify any outstanding questions or concerns prior to the authorization of such an application.”

Ms. Cullinan pointed to a 2020 ruling by the Federal Court of Canada that found CSIS and the Department of Justice “failed to pro-actively identify and disclose all relevant facts in support of warrant applications.”

She said: “These findings were deeply concerning and underscore the need for due diligence – something that is both reasonable and responsible when dealing with matters of national security.”

Federal Court Justice Patrick Gleeson ruled that CSIS failed to disclose its reliance on information that was likely collected illegally in support of warrants to probe extremism.

A review in June, 2022, by the National Security Intelligence Review Agency, one of the main watchdogs over CSIS, also found deep-seated problems, including that Justice Department lawyers failed to provide timely and accessible advice.

However, Dan Stanton, a former manager in counterintelligence at CSIS who is now the director of the national-security program at the University of Ottawa's Professional Development Institute, said that Federal Court ruling dealt with the lack of candour on terrorism cases.

Mr. Stanton said he is quite familiar with the warrant-acquisition process and has never heard of situations where the minister delayed approval by months.

"At that level it is pretty much a sure bet for signoff as the application has been subjected to a rigorous and highly disciplined review process," he said. "The minister is not likely to need months to decide – or to seek additional information. Perhaps it is the sensitivity of the target."

Mr. Stanton said investigations that touch on politics are considered sensitive and require strict controls and tight management. "But they are investigated nonetheless," he said.

He said a lengthy delay could result in lost opportunities for intelligence collection and possible threat mitigation measures.

"The threat activity does not cease while the government drafts and reviews its warrant applications," Mr. Stanton said.

Leah West, who formerly served as counsel with the Department of Justice's national security litigation and advisory group and is now an assistant professor at Carleton University's Norman Paterson School of International Affairs, said Mr. Blair would have had to consider more than whether the warrant was lawful.

"The Minister is not simply a rubber stamp here – they are the linkage between CSIS and the rest of the government and are overall responsible for CSIS's conduct so their review should be thoughtful and consider all the relevant factors," she said. "That said, several months does sound like a long time."

The Globe reported in February that the Prime Minister and senior aides were warned on at least two occasions that government MPs should be cautious in their political dealings with Mr. Chan because of alleged ties to China's consulate in Toronto.

Mr. Vigneault, the CSIS director, flagged Mr. Chan's return to public office as a Markham councillor during a fall 2022 briefing that he delivered to Mr. Trudeau and his national-security adviser, Jody Thomas, on Chinese election interference. He cautioned that Liberal MPs should be vigilant in their dealings with Mr. Chan, according to two other sources.

The Globe is not identifying the sources because they were not authorized to speak about sensitive matters.

CSIS has a dossier on Mr. Chan that contains information on his activities in the 2019 and 2021 elections, according to two national-security sources who The Globe is not naming because they risk prosecution under the Security of Information Act.

"What if CSIS is gathering information to fuel their suspicions from unreliable sources without adequate background checks, in disregard for the dangers it creates to a stable society," Mr. Chan said in his statement.

The Globe reported that CSIS said it had observed Toronto Chinese consulate diplomat Zhao Wei in meetings with Mr. Chan. Mr. Zhao was expelled from Canada earlier this month after The Globe reported on May 1 that he was behind an effort in 2021 to intimidate Conservative foreign affairs critic Michael Chong and family members in Hong Kong after the MP sponsored a parliamentary motion to condemn Beijing for its harsh treatment of Muslim Uyghurs

In 2019, according to the national-security source, Mr. Chan had a number of meetings with Mr. Zhao that were described in a CSIS 2020 briefing package as "clandestine in nature" and election-related. In that same year, CSIS observed Mr. Chan and an associate meeting with Mr. Zhao and Beijing's former vice-consul general, Zhuang Yaodong, at a Chinese restaurant, according to the source. CSIS believed Mr. Zhuang handled security files out of China's Toronto consulate, the source said.

The Globe reported in 2015 that Mr. Chan had been on CSIS's radar, stretching as far back as 2010, because of alleged close ties to the Chinese consulate. He had also been involved in community events with leaders of the Confederation of Toronto Chinese Canadian Organizations, considered one of the consulate's unofficial lobby groups.

In a 2019 briefing for the Prime Minister's Office, according to one of the national-security sources and a government source, security officials also flagged Mr. Chan's Chinese consular connections soon after he was recruited by Liberal cabinet minister Mary Ng to serve as her campaign co-chair in that year's federal election.

In that 2019 briefing, security officials told senior PMO staff, including Mr. Trudeau's Chief of Staff Katie Telford, that Mr. Chan should be on "your radar" and that "someone should reach out to Mary to be extra careful," according to one source. That security briefing also dealt with foreign interference, tactics and Chinese tradecraft, the source said.

Ms. Ng has told The Globe that no one from the Prime Minister's Office told her to steer clear of Mr. Chan, who also co-chaired her 2017 by-election campaign when she replaced veteran Liberal MP John McCallum. The Prime Minister opened the Markham-Thornhill riding for Ms. Ng, who had earlier served as his director of appointments, by naming Mr. McCallum as Canada's ambassador to China.

Mr. Trudeau later fired Mr. McCallum after he criticized the American request for Canada to detain and extradite Huawei chief financial officer Meng Wanzhou.

In the interview with The Globe, Ms. Ng said that Mr. Chan never took up the role of campaign co-chair in 2019 because, she said, there were other capable volunteers to help.

She added: "I haven't talked to Michael in quite some time."

A confidant of Ms. Ng said the MP quietly dropped Mr. Chan as co-chair after public comments in the late summer of 2019 when he condemned Hong Kong pro-democracy demonstrators and supported China's crackdown on them, attributing the protests to alleged manipulation by foreign actors.

The Globe is not naming the confidant, who was not permitted to publicly discuss the matter.

Editor's note: An earlier version of this article incorrectly mentioned a review of the National Security and Intelligence Committee of Parliamentarians. The review was in fact done by the National Security Intelligence Review Agency.

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