

**PUBLIC INQUIRY INTO FOREIGN INTERFERENCE IN FEDERAL  
ELECTION PROCESSES AND DEMOCRATIC INSTITUTIONS**

**WRITTEN SUBMISSIONS OF MICHAEL CHAN (STAGE 1)<sup>1</sup>**

1. Michael Chan would first like to thank the Commission for the opportunity to testify before it.
2. As the Commission will be aware, Mr. Chan has been the subject of press reports which indicate they are based on classified CSIS documents leaked by unknown employees of the federal government.
3. Those press reports make serious – and totally unfounded – allegations against Mr. Chan.
4. CSIS has never sought to interview Mr. Chan about any concerns it might have about his services to the people of Ontario. He has unjustifiably been placed in a situation where his reputation has been seriously damaged. His family has been adversely impacted.
5. He hopes that his testimony before this Commission will help to displace the cloud that has been cast over his good name.
6. Mr. Chan appreciates that the Stage 1 “Fact” portion of Commission’s mandate is restricted to the 2019/2021 elections and does not extend to his broader concerns over the leaking of classified information and his past treatment by CSIS and the press. He therefore focuses his submissions on the allegations in press reports made against him in connection with the 2019 election.<sup>2</sup>

---

<sup>1</sup> Mr. Chan's submissions are based on the evidence and information available to him from the Party Database. The Commission may be privy to other, classified information that he and his counsel have not seen. Mr. Chan can therefore not comment on such information save to say that if it contains any allegations that he has participated in foreign interference activities those allegations are incorrect.

As noted in his submissions to the Commission following the hearings of during the week January 29<sup>th</sup>, 2024, fairness issues would arise given that Mr. Chan has not been provided with specifics of any such allegations.

<sup>2</sup> There has never been any suggestion that Mr. Chan had any involvement with any “disinformation” campaign in the 2021 election directed at the Conservative Party or Messrs. O’Toole/Chiu and so there is no discussion of 2021.

**(i) Background – Michael Chan**

7. A brief summary of Michael Chan's background and political career is found at WIT0000017.<sup>3</sup> It includes 11 years of service in the Ontario Cabinet, including being the Minister for Immigration and the Minister for International Trade.
8. Canada is a trading nation. Ontario is its largest province and its manufacturing and technology hub. Its economy depends both on exports and inbound foreign investment. The roles in which Mr. Chan served necessarily involved extensive interaction with representatives of foreign governments.
9. Mr. Chan believes he honourably served in his various Cabinet roles.
10. Although Mr. Chan has very much enjoyed his political career (including his very frequent interactions with the Chinese-Canadian community) and his role as a Cabinet Minister, it is also worthwhile to preliminarily note that those who serve in senior government positions invariably have much more than a "nine-to-five" job. They work long hours and undertake difficult responsibilities for us. They (and their families) make personal sacrifices that most of us would not be prepared to make.
11. The Commission must, of course, be governed by the specific evidence before it. However, it should be remembered that it may be inherently improbable that someone who has for years voluntarily taken on the personal sacrifices associated with being a Minister of the Crown would break his or her promise of loyalty to the Crown by knowingly assisting foreign powers to interfere with the Canadian electoral process.
12. The inherent improbability of any such allegation extends to every Minister or former Minister of the Crown, regardless of their ethnicity.

**(ii) 2019 Don Valley North Nomination**

---

<sup>3</sup> WIT0000017, Interview Summary: Michael Chan.

**(a) Geng Tan/Han Dong**

13. Press reports have contained a variety of vague allegations of Mr. Chan being “too close” to officials of the People’s Republic of China (the “PRC”). However the only allegation that insinuates Mr. Chan was connected to some “foreign interference” in our electoral processes relates to the 2019 Don Valley North nomination.
14. There is not one iota of evidence that supports this allegation.
15. More particularly the allegation in the press, apparently based on some CSIS-created document, was that:<sup>4</sup>

“... Chan had orchestrated Tan’s ouster with a campaign that persuaded Justin Trudeau's aides to back Dong instead.”

This allegation is then interwoven in the article with allegations that Mr. Chan had previously been the subject of CSIS reports over his meetings with PRC officials and that the PRC favoured Han Dong over Geng Tan.

16. The article thus insinuated that Mr. Chan’s “campaign” to “orchestrate” Mr. Tan’s “ouster” and replace him with Han Dong was part of some PRC-driven plan to influence the 2019 federal election in which Mr. Chan had willingly engaged.
17. There was no campaign, there was no orchestration and there was no involvement by Mr. Chan in any “ouster”.
18. The actual facts are:

---

<sup>4</sup> CFE0000011, Cooper, Sam. “Liberals ignored CSIS warning on 2019 candidate accused in Chinese interference probe.” Global News. February 24, 2023.

- Mr. Chan had no involvement in the circumstances that led up to Mr. Tan announcing he would not be seeking re-nomination. He never talked to any of the Prime Minister's aides about Mr. Tan's future.<sup>5</sup>
- Mr. Chan under oath clearly and unequivocally indicated the allegation that he had orchestrated some campaign to oust Tan was not true.<sup>6</sup> None of the counsel who cross-examined him asked any questions suggesting his evidence on this issue should in any way be doubted.
- Mr. Chan indicated he was surprised when he heard the news about Mr. Tan not running. He testified he thought Mr. Dong would be a good candidate ("almost perfect") and phoned him to encourage him to consider running.<sup>7</sup> This makes sense: Mr. Dong had been a fellow MPP, he had recently lost in the previous provincial election and was very fluent in English, Mandarin and Cantonese.<sup>8</sup> Again, no counsel on cross-examination suggested that Mr. Chan in any way acted improperly in suggesting to Mr. Dong that he consider running.

19. Mr. Chan also notes that the Special Rapporteur in his First Report stated:<sup>9</sup>

"LPC officials disagree with the assertion that Tan Geng was "ousted" by Mr. Chan. They stated that Mr. Geng was not permitted to run as a candidate for the LPC due to a personal matter that had nothing to do with Mr. Chan."

20. In WIT0000068, Mr. Broadhurst notes that he was heavily involved in the circumstances leading up to Mr. Tan resigning as a MP prior to the 2019 election.<sup>10</sup> He indicated that Mr. Tan, although a sitting MP at the time, went through a "green light" process to determine

<sup>5</sup> TRN0000008 (PIFI - Public Hearings - Volume 8 -April 2, 2024-Floor transcript) page 227.

<sup>6</sup> TRN0000008 page 227 ("absolutely not true... a fabricated story..").

<sup>7</sup> WIT0000017, para. 16-17.

<sup>8</sup> WIT0000017, para. 16.

<sup>9</sup> JKW0000009, First Report, Independent Special Rapporteur on Foreign Interference, page 23.

<sup>10</sup> WIT0000068, Public Summary of In Camera Examination: K. Telford J. Broadhurst B. Clow and P. Traver, para 32.

whether the Liberal party would permit his candidacy in 2019.<sup>11</sup> In WIT000069, Mr. Broadhurst makes clear that as a result of Mr. Tan's personal matters it was clear he would not be greenlit as a candidate.<sup>12</sup>

21. There is no suggestion Mr. Chan was at all involved in any of this.
22. In the result, the allegation in the press against Mr. Chan is just false.<sup>13</sup>
23. One other point may be made here. If it is true that a CSIS document or government employee was the basis of the allegation in the press against Mr. Chan, we now know that that piece of intelligence information was just wrong.
24. This should not be entirely unexpected: intelligence information may be based upon human sources who may just be mistaken or who may have prejudices, motivations or agendas of their own.<sup>14</sup> They may involve conjecture or even rumours.<sup>15</sup> Those who analyse and attempt to synthesise the raw information will not be perfect. Mistakes will occur.<sup>16</sup>

---

<sup>11</sup> WIT0000068, para 61.

<sup>12</sup> WIT0000068, Public Interview Summary: Katie Telford, Jeremy Broadhurst, Brian Clow, Patrick Travers, para 24.

<sup>13</sup> Nor is it clear from the documents in the Party Database whether the proposition in the press that the PRC somehow favoured Mr. Dong over Mr. Tan has any basis in evidence (e.g. the witness in WIT0000036 indicated his assessment that the PRC viewed Mr. Tan "favourably").

<sup>14</sup> e.g. see comments by Mr. Rigby, WIT0000057, at para 7.

<sup>15</sup> Electronic intercepts of diplomatic personnel may also have challenges.

For example, Ms. Telford (WIT0000068, para 52) noted that there had been discussions that foreign officials, in order to gain favour with their superiors, might "brag" about actions they had taken to influence the Canadian democratic process and such bragging did not necessarily mean they had done what they bragged about.

Ms. Telford's note of a 2022 meeting (CAN0009803) with intelligence officials contains the note: "bragging is not doing".

Similarly, Mr. Broadhurst (WIT0000069, para 49) noted that "... sometimes Consul Generals, who are not high-level PRC officials, may falsely advertise alleged FI activities in order to gain favour with their superiors back home".

<sup>16</sup> Further, Mr. Broadhurst noted in his oral testimony that the information in intelligence reports may not be presented as the "truth" but rather be an indication that an allegation exists. (TRN0000013 at page 123).

25. Indeed in this inquiry, in connection with the "Topical Summaries"<sup>17</sup> that have been released we have rightly been warned about the potential frailties associated with intelligence information.
26. The fact that there has been, in violation of the law, leaks of intelligence information may raise questions as to what motivations some persons in our intelligence community may have. After all, whoever leaked the documents (and the press that received them) would have known of their possible frailties.<sup>18</sup>
27. Mr. Chan appreciates that the issue of the conduct of some (unknown) officials and the press will have to be dealt with at a later date but he believes it important that we do not lose sight of it.

**(b) Nomination Process/International Students**

28. Mr. Chan in his witness statement and in direct examination by Commission Counsel (Mr. Krongold) confirmed he had no involvement with the actual nomination process in Don Valley North, aside from possibly appearing when Mr. Dong announced his candidacy.<sup>19</sup> Mr. Lojko and Mr. Dong both confirmed this.
29. Although there has, to counsel's knowledge, never been any suggestion that Mr. Chan was in any way involved in this issue, it is noted the Special Rapporteur's First Report raises concerns with respect to the actual nomination process in Don Valley North and the possibility that ineligible persons (international students) may have voted at the meeting and that this may have involved foreign interference.

---

<sup>17</sup> The "CAN.SUM" documents.

<sup>18</sup> The Special Rapporteur on the "leaking" issue noted (JKW0000009, para 17):

"My mandate does not expressly include addressing the leaks themselves. Suffice it to say, leaking secret intelligence is unlawful and a breach of duty by the leaker. ....Any responsible intelligence professional knows how destructive and dangerous leaks can be. They cause mistrust. It is a matter of urgency that all efforts be made to identify and hold the leaker(s) responsible. Malice cannot be ruled out."

<sup>19</sup> WIT0000017, para 18-21; TRN0000008, page 202.

30. Mr. Chan specifically confirmed to Commission Counsel that he “definitely” had no involvement in the bussing/international student issue.<sup>20</sup>
31. Again, no counsel on cross-examination asked any questions suggesting his evidence on this issue should in any way be doubted.
32. There were also press reports on the alleged possible flow of funds (\$250,000) to 11 Liberal/CPC candidates in the 2019 election.<sup>21</sup>
33. Mr. Chan was asked about this and he confirmed he had no knowledge of this.<sup>22</sup>

**(iii) Other (Side) Issues**

34. Out of abundance of caution, Mr. Chan references an allegation made in the press against him to the effect that he had met with a PRC official (Zhao Wei) and that the meetings were “election related”.
35. Mr. Chan agreed in examination that he had on a few occasions met Mr. Wei, including at (Chinese) festivals. More particularly he had once arranged (likely in 2019) to meet at a restaurant with another PRC official, Mr. Zhung, and Zhao Weil had also attended. Mr. Chan noted that at that time he was a private citizen. He indicated that the matters discussed definitely did not involve Han Dong or Don Valley North and were not “election related”.<sup>23</sup>
36. No counsel on cross-examination suggested that there was any reason to disbelieve this testimony.

---

<sup>20</sup> TRN0000008, page 203

<sup>21</sup> CFE0000006

<sup>22</sup> TRN0000008, page 228

<sup>23</sup> TRN0000008, page 209.

37. Again out of caution, Mr. Chan addresses a press report claiming that there may have been something wrong or suspicious with him being named an (honorary) co-chair of Mary Ng's 2019 campaign.
38. Mr. Chan in his witness statement confirmed ( at para. 23) that this was an honorary role and he had no actual involvement in the campaign.
39. In any event, one Canadian politician supporting another is not foreign interference.
40. Counsel would like to add one further note on Mr. Chan's cross-examinations.
41. The Stage 1 hearings (including cross-examination) were confined to the 2019/2021 elections. Certain cross-examination questions of Mr. Chan noted he had previously publicly expressed a view on a matter of public interest: the 2019 Hong Kong protests.<sup>24</sup> It was suggested that Mr. Chan had advocated a "get tough" approach.
42. Aside from the fact that this suggestion was just incorrect, if this line of cross-examination was at all relevant to the Stage 1 issues, presumably the inference sought to be drawn by counsel was that this public expression on a matter of public interest meant that Mr. Chan was more likely than not to engage in assisting in foreign interference.
43. It is submitted we should make every effort to avoid such flawed logic.<sup>25</sup>

**(iv) Summary**

44. Mr. Chan's involvement in this Commission's inquiry is focused on the specific issues that relate to him.
45. He hopes he has been of assistance to the Commission on those issues.

---

<sup>24</sup> Mr. Chan lived in Hong Kong before immigrating to Canada as a young man.

<sup>25</sup> As citizens of Ottawa will know (Mr. Chan referred to this as the "truck unrest"), there may be a divergence of views as to what is the appropriate police response to public protests. It is beyond the scope of this submission to discuss events in Hong Kong in 2019.



46. Mr. Chan has made a life for himself and his family in Canada. He has had a 40 year long involvement with our political processes. Mr. Chan has a deep and unwavering appreciation for this country and its democratic institutions. Unfounded accusations have been made against him in the press that have falsely question his loyalty to his country. These accusations have spread and multiplied through the internet and social media.
47. The Special Rapporteur's Report has highlighted the real risks that foreign interference may pose and the complex issues that exist. Mr. Chan looks forward to the Commission's Report on Stage 1 and its eventual recommendations as to how to further protect and strengthen our democratic institutions. He hopes the Commissioner will view these submissions favourably and that the Stage 1 Report will help lift the cloud that has been over him because of the false allegations.

April 12, 2024

  
MILLER THOMSON LLP  
Counsel for Michael Chan