

9 February 2024

BY EMAIL

The Commissioner
Public Inquiry into Foreign Interference
in Federal Electoral Processes and
Democratic Institutions
<aiD@pifi.epie.gc.ca>

Dear Commissioner:

Re: NSC Hearings – Hon. Michael Chong Closing Submissions

Please accept this letter as our closing submissions on the NSC Hearings.

On 29 January 2024, at the very outset of the NSC hearings, the Commissioner said: “some members of Parliament have publicly asserted that they themselves have been the target of foreign interference and that they were not notified about it in good time by Canadian authorities.”¹

Our client, the Hon. Michael Chong, is one such member of Parliament. He was heartened to hear the Commission emphasize this aspect of its work from the very start.

The NSC hearings were directed at the challenge of balancing the undoubted need for national security confidentiality with our growing appreciation of the concurrent need to increase our country’s resilience to foreign interference through some measure of transparency and public awareness.

In their evidence, the experts and witnesses have made clear that the protection of Canada from interference by our adversaries demands constant vigilance from our elected officials and our public servants. Mr. Chong came into these hearings with profound respect for the work our

¹ Transcript, Public Hearings, Volume 1, 29 January 2024, p. 2, l. 24 – p. 3, l. 1.

national security agencies do to keep this country safe and live up to the promises we have made to our allies. The evidence we have heard so far reaffirms Mr. Chong's confidence in our national security professionals.

But something has clearly gone wrong.

Despite the expertise and dedication of our national security community, Mr. Chong and his family have been exposed to threats of coercion by PRC officials and agents operating in this country. Other MPs have also been targets. Almost all of what we know of these events has come not from awareness-raising sessions such as the NSC hearings, or from forthright statements from cabinet ministers, or from briefings of members of Parliament by officials, or from testimony at parliamentary committee hearings, but from newspaper reports based on sources in the intelligence community.

This Commission is a belated opportunity for the Canadian public to learn the true extent of foreign interference in this country. It is also an opportunity to learn who knew what and when in the Government of Canada, and why the intelligence concerning elected members of Parliament and candidates produced by Canada's intelligence agency was not acted upon by the Ministry. We emphasize that it is the public who must learn. For it is the public that has the ultimate responsibility in our democracy to judge political decisions taken by the Ministry. It will not be enough for the Commissioner and her counsel team to learn what has gone wrong, and to write up their findings in a confidential annex that hardly anyone will ever see.

Mr. Chong fully appreciates that much of the Commission's work must take place behind closed doors. But we ask that you always bear in mind the purpose of national security confidentiality. It is to protect national security sources, methods, and information that could damage Canada — not to protect the Ministry or elected officials from damage because of their handling of the national security file.² If the Ministry has failed to protect Mr. Chong and his family, or other members of Parliament, or diaspora communities across this country, that is something the Commission must explore in public hearings by calling witnesses, demanding documents, and making findings.

The witnesses before the Commission during the NSC hearings warned against the practice of overclaiming that can creep into our national security culture.³ Mr. Fadden pointedly observed that this country is less transparent about national security matters than our American, British

² See Transcript, Public Hearings, Volume 4, 1 February 2024, p. 108, ll. 7-18 (cross-examination of David Vigneault and Daniel Rogers). See also MDCooooo01, p. 6.

³ See Transcript, Public Hearings, Volume 2, 30 January 2024, pp. 25-28 (Michael Nesbitt); Transcript, Public Hearings, Volume 3, 31 January 2024, pp. 20-22 (Richard Fadden).

and Australian allies.⁴ That should give the Commission pause. Throughout the coming hearings, the Government of Canada can be expected to resist disclosure, resist discussion, resist determinations. When it hears those submissions, the Commission must ask: is this truly to protect national security or is it to protect something else?

All of which is respectfully submitted.

OLTHUIS VAN ERT

Per: 

Gib van Ert and Fraser Harland

cc: client

⁴ Transcript, Public Hearings, Volume 3, 31 January 2024, pp. 24, ll. 6-8 (Richard Fadden).