

2024

Public Inquiry Into Foreign Interference in Federal Electoral Processes and Democratic Institutions

**WRITTEN SUBMISSIONS OF THE
CONSERVATIVE PARTY OF CANADA
RE: PHASE II**

A. Introduction

1. On October 24, 2024, the Globe and Mail editorial board noted that when it comes to foreign interference, “[t]he needs of the Trudeau government, not Canada’s security, have been the guiding principle.”¹ Based on the oral and documentary evidence received by the Commission (both public and *in camera*), the Commission should make a factual finding to this effect.
2. Although Participants to the Inquiry were limited in their ability to access evidence made available to the Commission, a number of facts became abundantly clear over the course of the factual phase hearings. Those facts collectively illustrate the reality conveyed by the Globe and Mail’s editorial – the Trudeau government put Party before country.
3. The “Government of Canada,” it must be remembered, since 2015 to the present day, has been constituted by Liberal Party MPs and cabinet members, with Prime Minister Trudeau as its head. The evidence demonstrates that, throughout this period, upon receipt of intelligence and information from Canada’s intelligence and security services about foreign interference into Canada’s democratic institutions, the governing Liberal Party’s attitude was to react not on the principled basis that foreign interference should be checked and stamped out regardless of who it affected, but rather, according to the vicissitudes of political expediency.
4. Where foreign interference appeared to be helping Liberal election prospects, intelligence about it was suppressed. Where Liberal political staff got wind of the fact that Canadian

¹ The Editorial Board, “Trudeau cries wolf on foreign interference”, The Globe and Mail (24 November 2024), online: <https://www.theglobeandmail.com/opinion/editorials/article-trudeau-cries-wolf-on-foreign-interference/>.

intelligence and security services were seeking judicial authority to surveil people suspected of foreign interference and/or their targets, including senior Liberal operatives, they inexplicably gummed up the works and slowed down the intelligence gathering process.

5. Where, on the other hand, there was an opportunity to leverage purported intelligence about other Canadian political parties – intelligence about which the Canadian public could not possibly know, the Liberal Party leader - the Prime Minister himself - was all too pleased to offer vague, dramatic theatrics, suggesting that foreign interference was not a Liberal Party problem, but a problem for others.
 6. In summary, when it comes to foreign interference, the Liberal Party has been guided by the attitudes of “*Party before country,*” “*suppression before transparency,*” “*delay, deny and deflect for as long as you can and then, when finally forced to take action delay, deny and deflect some more.*” This is what the evidence at this Inquiry has demonstrated – and it is something that, respectfully, the Commission should formally confirm.
- B. The Liberals Knew About Han Dong’s Complicity in Foreign Interference Before the 2019 Election and Choose Not to Act for Partisan Reasons**
7. During the first factual phase, the Inquiry learned that Prime Minister Trudeau was personally briefed about foreign interference concerns with respect to a prospective Liberal candidate, Han Dong. This briefing happened just hours before the deadline in the 2019 federal election to substitute in a new Liberal Party candidate in Mr. Dong’s riding, Don Valley North.

8. Rather than risk not having a Liberal candidate on the ballot in a single riding, Mr. Trudeau put Party before country and turned a blind eye to the intelligence that he received about Mr. Dong. Based on the evidence that this Inquiry heard, it is evident that Mr. Trudeau cannot hide behind any professed imperfections in his knowledge about the intelligence and the facts regarding Mr. Dong.
9. Mr. Trudeau wants Canadians to believe that he took serious action with respect to the information he received about Mr. Dong, but this is false. Prime Minister Trudeau and the Liberals permitted Mr. Dong not only to contest the 2019 election, but also the subsequent election in 2021 as a Liberal candidate, and to sit in the Liberal caucus for 4 years. Indeed, they showed nothing but feckless indifference to the intelligence about Mr. Dong until the allegations against him were made public.
10. In fact, it was only when the allegations were made public that Mr. Dong – allegedly of his own volition – rose in the House of Commons and indicated he was withdrawing from the Liberal caucus. Whether or not the Liberals took certain internal measures to push Mr. Dong out of caucus, their failure to act until the affair became public – and to barely take action even then – is a clear example of the prioritization of Liberal partisan interests over Canada’s national interest.
11. Since leaving the Liberal caucus, Mr. Dong has stated on record that he would like to rejoin the caucus. Shockingly, Minister LeBlanc – responsible for Public Safety – is on record as being willing to mediate Mr. Dong’s return to caucus with the Prime Minister. Even on this, however, there is a lack of clarity as the Liberals weigh what response best accords with their partisan interest – in hearings during the second factual phase, the Inquiry heard

Mr. LeBlanc say that the Liberals are now waiting for the Commission's report before taking the matter up again, thus continuing to leave Canadians in the dark five years after the issues surrounding Mr. Dong first arose.²

C. The Liberals Threatened National Security by Delaying the CSIS Warrant That Targeted Michael Chan for Partisan Benefit

12. In the second factual phase, the Inquiry heard extensive evidence about how a CSIS warrant intended to counter foreign interference at the heart of Canadian democracy languished in the hands of a long-standing Liberal Party operative, Zita Astravas, for 54 days.
13. Minister Blair confirmed the target of this CSIS warrant publicly – under oath – in the first phase of the Inquiry. When pressed in cross-examination about allegations that he had delayed the approval of the warrant application, Minister Blair was only too happy to very publicly shut down any suggestion that he, *personally*, delayed in affixing his signature:³

18 MR. NANDO de LUCA: So there's a passage
19 that's highlighted in the document itself in purple. Perhaps
20 you could read that to yourself to save me from reading it
21 into the record. But generally, it suggests that there was
22 undue delay in your signing off on a warrant or -- to surveil
23 Michael Chan in the lead up to the 2021 federal election.
24 Can you comment on why it took so long for
25 you to sign off on the warrant?
26 HON. WILLIAM BLAIR: Yeah, let me comment.
27 This paragraph is false.
28 MR. NANDO de LUCA: What aspects of it are

² Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions, Public Hearing, vol 34, (15 October 2024) at 165-166.

³ Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions, Public Hearing, vol 14, (10 April 2024) at 91.

1 false, sir?
2 HON. WILLIAM BLAIR: There was no delay of
3 several months. The document in question ---
4 MR. NANDO de LUCA: Right.
5 HON. WILLIAM BLAIR: --- was put in front of
6 me on May the 11th. I signed it off the same day, about
7 three hours later.

However, at the time, Minister Blair conveniently failed to acknowledge or even advert to the extraordinary delay on the part of his own chief of staff in delivering the warrant application to him for his signature.⁴

14. Then, in the second phase of the Inquiry, when further information came to light about this extraordinary delay at the hands of Ms. Astravas, the Liberal government lawyers attempted to unring the bell and asked Participants to ignore what Minister Blair had publicly confirmed, i.e. that CSIS had targeted Michael Chan, a former provincial Liberal Cabinet minister with deep and long ties to the Liberal Party, both provincially and federally. The Trudeau government also sought to silence public discussion on the fact that the warrant application would no doubt have implicated other high-ranking Liberals, through the “*Vanweenan* list” appended to it.
15. During examination at the second phase of the Inquiry, Minister Blair and Ms. Astravas were unable to provide any explanation for the unprecedented 54-day delay before authorizing the CSIS warrant.

⁴ Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions, Public Hearing, vol 14, (10 April 2024).

16. A bit of perspective is required here. Minister Blair's sworn evidence is that, as Minister of Public Safety, whose statutory responsibility is to review top secret information gathered and compiled by Canada's security agencies and to approve and sign-off on the evidentiary package that is to be put before the Federal Court for consideration, Minister Blair was able to sit down and fulfill his statutory duty in 3 hours.
17. His chief of staff, Ms. Astravas, who has no statutory duty in this regard, and whose only administrative, political function was to review and ensure that the application package – which had already been prepared by intelligence professionals – was complete and ready for signature by her Minister and to make arrangements for that signature, took 54 days to fulfill her task.
18. In other words, it took Ms. Astravas 432 times longer to do her job than it took for her boss to do his.
19. Such dilatory conduct boggles the mind. Participant after participant attempted to get some understanding from Ms. Astravas, Minister Blair and even Prime Minister Trudeau's most senior political staff for why it took so long. All were stymied in their efforts, and no cogent explanation was provided. The imperative is therefore upon the Commission to provide a conclusion to this mystery, and the answer should be obvious. Upon receipt of the warrant application – including the *Vanweenan* list – Ms. Astravas realized that a number of high-ranking Liberals were going to be surveilled by CSIS, and realized that the information that would emerge from this surveillance was likely to be highly damaging to the Liberals.

20. So what did they do? Minister Blair’s office delayed the warrant authorization for 54 days – over six times longer than the typical processing time for comparable warrants. The glaring discrepancy between the delay in authorizing the politically-damaging Chan warrant and two other contemporaneous warrants – taking 4 days and 8 days respectively – demonstrates how far from the ordinary course the Chan warrant process was.⁵
21. As this deeply concerning incident came to light, rather than those responsible taking accountability or being held to account, the Prime Minister declared his full faith in those culpable – Minister Blair and his former Chief of Staff Ms. Astravas.
22. Of course the Prime Minister has full faith in them – he has full faith that his partisan ministers and partisan political staffers will do whatever they can to stymie investigations into foreign interference that they perceive as being detrimental to the partisan interests of his government and the Liberal Party.
- D. Even at This Inquiry, the Liberals Have Sought to Use Foreign Interference as a Partisan Tool**
23. Finally, the Prime Minister’s nakedly partisan performance at the second factual phase of the Inquiry confirmed that, rather than taking foreign interference seriously and prioritizing Canada’s national interest, his primary objective is simply to leverage foreign interference for cheap political gain.
24. With great dramatic effect, and in an oratory reminiscent of Senator McCarthy’s “names” speech in 1950, the Prime Minister claimed that he was in possession of a list of current

⁵ Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions, Public Hearing, vol 31, (9 October 2024) at 267.

and former Conservative parliamentarians that were in some way impacted by foreign interference.⁶ The Prime Minister deliberately obfuscated the reality of whether these Parliamentarians were implicated in or targets of foreign interference, to try to shroud the simple reality that by-and-large, foreign interference in Canada's democratic processes has largely been to the detriment of the opposition parties and intended to assist the Trudeau Liberals.

25. Indeed, during cross-examination a few minutes after the Prime Minister delivered his clearly-rehearsed speech, the Prime Minister was forced to admit that his purported list of names included not only Conservative Parliamentarians, but Liberal ones too – a fact that he had conveniently omitted in his evidence in chief.
26. Then, when pressed further details about the salacious claim he had levelled, rather than coming clean with Canadians, the Prime Minister and the Government took refuge in the so-called “national security interest” privilege – which, over the course of the Inquiry, was proven to be quite malleable in the hands of those who control it.

E. The Core Factual Finding – The Liberals Put Party Over Country

27. Taken together, the evidence heard during the Inquiry leads to the inescapable conclusion that the Liberal government has prioritized its partisan interest over Canada's national interest at every turn. Furthermore, the Inquiry has unveiled how the highest-ranking

⁶ United States Senate, ““Communists in Government Service,” McCarthy Says,” online: <https://www.senate.gov/about/powers-procedures/investigations/mccarthy-hearings/communists-in-government-service.htm#:~:text=%22While%20I%20cannot%20take%20the,In%20Robert%20C>. Senator McCarthy's smear campaign would meet an ignominious end in 1954 at the hands of attorney, Joseph Welch, who rhetorically revealed that the Senator's campaign was carried out in bad faith, i.e. “*You have done enough? Have you no sense of decency?*” <https://www.senate.gov/about/powers-procedures/investigations/mccarthy-hearings/have-you-no-sense-of-decency.htm>

members of the Liberal government continue to shirk responsibility for their failures to address foreign interference.

28. The Inquiry heard about Ministers and senior staffers – such as Minister Joly – whose ministerial responsibility should include countering foreign interference, yet who have never been briefed on it. Even when Ministers had been briefed on foreign interference issues, they repeatedly claimed to have no recollection of what they had been told or what they had said or done. The same was true for high-ranking Liberal staffers.
29. It is readily apparent that the Liberal government has treated foreign interference as a partisan tool that it can ignore or enable when it thinks it is benefitting from it – including cynically using it as a distraction when faced with other political scandals – such as one-third of the Prime Minister’s backbench caucus calling for his resignation.
30. Simply put, the Inquiry has provided overwhelming evidence that should lead the Commission to adopt as a factual finding the concluding paragraph of the Globe and Mail’s October 24, 2024 editorial:

“Image over substance, and party before country. For many months – for far too many months – that has been how Mr. Trudeau and his Liberals have approached what should be the deadly serious matter of foreign interference.”⁷

⁷ The Editorial Board, “Trudeau cries wolf on foreign interference”, The Globe and Mail (24 November 2024), online: <https://www.theglobeandmail.com/opinion/editorials/article-trudeau-cries-wolf-on-foreign-interference/>.

F. Policy Recommendations

31. In terms of policy recommendations, the CPC submits that the Commission should find that the government has the existing requisite constitutional and legislative resources to combat foreign interference. As one example, when public servants, elected officials or others in public life are being targeted by foreign interference, there are existing methods through which they can be told.
32. We have seen how the Prime Minister has no problem rising in the House of Commons to disclose otherwise classified information when he wishes. Moreover, the relevant national security actors are already empowered under section 12.1 of the *Canadian Security Intelligence Service Act* (the “*CSIS Act*”) to employ “threat reduction measures” – which includes the capacity to brief individuals that are positioned to take action to reduce threats, even if those individuals are not the direct target of the threat.⁸
33. While the Prime Minister denied during his testimony that “threat reduction measures” could be employed this way, since that performance, he has effectively admitted in the House of Commons that he has directed the national security agencies to use threat reduction measures in exactly this way:

“I have asked the security services to figure out a way to give some information to the leader of the Opposition... [i]t would be easier if he got his security clearance, but I've asked them to give him some information nonetheless.”⁹

⁸ *Canadian Security Intelligence Service Act* (R.S.C., 1985, c. C-23) at s. 12.1.

⁹ Catherine Tunney, “Trudeau says he's asked spy agencies to share foreign interference information with Poilievre,” *CBC News* (30 October 2024), online: <https://www.cbc.ca/news/politics/trudeau-poilievre-foreign-interference-names-1.7368280>.

34. If there is any ambiguity about that in the *CSIS Act* – which the CPC does not believe there is – the Commission should provide guidance to clarify it.
35. Finally, the CPC cautions the Commission against making policy recommendations that would unduly impede the free speech of Canadian citizens or political leaders. The idea of using the threat of foreign interference in democratic processes as a trigger for the Government to try to further regulate what Canadians see or say is not an outcome that should result from this Inquiry. Indeed, it would be a tragically ironic outcome if the result of repressive foreign totalitarian states interfering in Canadian democracy was greater government control over Canadians' free speech.
36. While some opposition leaders have sought and received security clearances issued by bureaucrats working for the Trudeau government, the problem with requiring leaders to obtain security clearance from the government is that it then severely constrains what those leaders (or anyone else) can do with information once it is received. This was acknowledged by the Prime Minister's chief-of-staff in her witness statement in Phase 2.¹⁰
37. It was also graphically illustrated in real time from a recent statement by Elizabeth May (leader of the Green Party) before the Standing Committee of the House of Commons on Public Safety and National Security. In those comments, Ms. May described the process she went through with unnamed bureaucrats from the security establishment before being able to make public statements:

¹⁰ Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions, "Interview Summary: Katie Telford, Brian Clow, Patrick Travers," (15 October 2024) at para 33.

“Before I spoke publicly...the notes I planned to use in a press conference I shared with security agencies. ... some things I had intended to say that I thought would be non-controversial and not reveal any secrets but before I said a word ... I went through my notes with security experts... I actually edited and changed what I was going to say in a press conference, not taking out names, but even the number of people who might be considered semi-witting in any way potentially compromised.

I'm telling you how it is when you navigate with top secret security clearance, what you can say and what you can't say...”¹¹

38. It will not help our democratic processes if nameless, faceless bureaucrats – who work for and report to the incumbent government – are given a right of censorship under threat of criminal sanction – over our political leaders’ discourse including discourse in the very embodiment of our democracy, i.e. Parliament.

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¹¹ Elizabeth May, Public Safety and National Security Committee (18 October 2024), online: <https://parlvu.parl.gc.ca/Harmony/en/PowerBrowser/PowerBrowserV2/20241018/-/42464?Language=English&Stream=Video>.