

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

**Hon. Marie-Josée Hogue J.A.,
Commissioner**

**FACTUAL PHASE (STAGE TWO) AND POLICY PHASE SUBMISSIONS OF
THE HON. MICHAEL CHONG M.P.**

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INTRODUCTION

1. The present Government has repeatedly treated foreign interference activities by the People's Republic of China (PRC) in Canada as, at best, a matter of little concern and, at worst, an opportunity to exploit for party-political gain. The issue of PRC foreign interference should be utterly non-partisan. The government of the day should unreservedly defend Canadian sovereignty and freedom against all threats, including those aimed at the Government's political opponents. Instead, the present Government, from the Prime Minister to his ministers to his top advisors—but contrary to the repeated warnings and efforts of Canada's professional security agencies—has preferred to exploit PRC interference for partisan ends. The nadir of this shameful approach to national security came when the Prime Minister co-opted the last day of this Commission's hearings to score political points on the Leader of the Opposition. But examples of the Government's cynical and unserious approach to foreign interference can be found throughout the Commission's reporting period.

2. For years now, the Hon. Michael Chong M.P. has consistently and implacably opposed the PRC threat to Canada and its allies. His positions and actions, especially his condemnation of the PRC's crimes against Uyghur and other Turkic Muslim peoples, have made him a target of the PRC. A suitably non-partisan response to PRC targeting of Mr. Chong would have seen the Government of Canada defend his freedom of speech, and his rights as a Parliamentarian, against all PRC interference. Instead, the present Government has, in turn, ignored, neglected, and denied PRC threats against Mr. Chong and his relations in China.

3. The Government's failure to protect Mr. Chong is not the only illustration of its approach to PRC interference. The cases of Han Dong, Kenny Chiu, and Michael Chan are other examples of this Government's approach to PRC interference: gross neglect or outright tolerance where that interference serves the political executive's partisan interests.

4. This Commission is an opportunity to set the record straight. Mr. Chong asks the Commissioner to make clear factual findings about past PRC interference in this country and the Government's responses to it. The first part of this submission reviews the Stage 2 evidence and proposes findings for the Commissioner.

5. Mr. Chong also asks the Commissioner to make policy recommendations to guide future governments in the protection of Canada's national security from foreign threats. The second part of this submission considers policy issues arising from the Commissioner's work.

ARGUMENT ON FACTUAL FINDINGS

A. The PRC foreign interference against Michael Chong

i. The PRC's conduct was foreign interference

6. Throughout the Stage 2 hearings, certain witnesses downplayed and even denied that the PRC committed acts of foreign interference against Mr. Chong. These included the Deputy Minister for Foreign Affairs,¹ a former National Security and Intelligence Advisor,² and the Prime Minister himself.³

7. These claims are unsupported by the public evidence before the Commission.

8. CSIS intelligence products routinely and repeatedly referred to the PRC conduct against Mr. Chong as foreign interference. The May 2021 Issues Management Brief (IMU) advised of CSIS's intention to brief Mr. Chong "regarding PRC foreign interference activity."⁴ Likewise, a July 2021 CSIS Intelligence Assessment that included information

¹ See e.g. TRN0000028, Hearing Transcript, vol. 28, October 4, p. 114, ll. 8-12 (cross-examination of David Morrison).

² See e.g. TRN0000031, Hearing Transcript, vol. 31, October 9, p. 95, ll. 4-22 (examination of Jody Thomas).

³ TRN0000035, Hearing Transcript, vol. 35, October 16, p. 44, ll. 23-26 (examination of Justin Trudeau). See also TRN0000024, Hearing Transcript, vol. 24, September 27, p. 55, l. 26 – p. 56, l. 3 (examination of David Vigneault); TRN0000031, Hearing Transcript, vol. 31, October 9, p. 94, l. 1 (examination of Jody Thomas).

⁴ CAN018796, CSIS Issues Management Brief, 5 May 2021, p. 1.

on Mr. Chong was entitled “PRC Foreign Interference in Canada: A Critical National Security Threat.”⁵

9. The IMU referred to PRC “threat actors” viewing Mr. Chong as a “target”⁶ due to his stances on China in the House of Commons, and noted that the PRC maintains an active interest in both him and his relations in the PRC.⁷ The Intelligence Assessment stated that a “PRC official”— former Toronto-based PRC consular official Wei Zhao— sought information on Mr. Chong’s relatives in the PRC.⁸ The IMU explicitly stated that one of the PRC threat actors interested in Mr. Chong was China’s Ministry of State Security.⁹

10. Further, when CSIS Director David Vigneault briefed Mr. Chong on the existence of this intelligence about PRC interest in him, Mr. Vigneault did so using a threat reduction measure pursuant to s. 12.1 of the *CSIS Act*. That statutory provision only allows CSIS to undertake a threat reduction measure where “there are reasonable grounds to believe that a particular activity constitutes a threat to the security of Canada.”¹⁰ It would not have been necessary to brief Mr. Chong under this statutory power if CSIS assessed PRC’s activities concerning him as normal diplomatic activity.

11. In short, CSIS viewed the PRC’s activities against Mr. Chong as foreign interference. It explicitly described them as such. And its actions, including conducting a threat reduction measure at the direction of the Prime Minister, were consistent with that view.

12. Finally, in August 2023, Global Affairs Canada’s Rapid Response Mechanism (RRM) reported on a disinformation campaign about Mr. Chong between 4 and 13 May

⁵ CAN001080_R01, CSIS Intelligence Assessment, “PRC Foreign Interference in Canada: A Critical National Security Threat”, 8 September 2021, p. 1. This document is dated 8 September 2021, but is a revised version of the July 2021 CSIS Intelligence Assessment.

⁶ CAN018796, CSIS Issues Management Brief, 5 May 2021, p. 2.

⁷ CAN018796, CSIS Issues Management Brief, 5 May 2021, p. 2.

⁸ CAN001080_R01, CSIS Intelligence Assessment, “PRC Foreign Interference in Canada: A Critical National Security Threat”, 8 September 2021, p. 5. Mr. Chong was advised the official was Wei Zhao when he was briefed by Mr. Vigneault.

⁹ CAN018796, CSIS Issues Management Brief, 5 May 2021, p. 2.

¹⁰ *Canadian Security Intelligence Service Act*, RSC 1985, c C-23, s. 12.1(1).

2023. The disinformation activity “centred on spreading false narratives about his identity, including commentary and claims about his background, political stances and family heritage.”¹¹ The RRM assessed that “it is highly probable that China played a role in the information operation” and that it displayed “several indicators of foreign information manipulation and interference.”¹²

13. When all these factors are assessed together, it is contrary to the evidence—and contrary to common sense—to deny that the PRC’s activities concerning Mr. Chong amounted to foreign interference against both him and his country.

14. Mr. Chong has never claimed that he and his relations have been subjected to direct physical harm by the PRC. That eventuality cannot reasonably be excluded, particularly in the case of Mr. Chong’s Hong Kong relatives. But it has not happened yet. Still, Mr. Chong is naturally and justifiably concerned about the safety and security of his Hong Kong relations. Despite the equivocation of David Morrison and other government witnesses on this point, it is obvious that for the PRC to share information about Mr. Chong and his family with its Ministry of State Security—China’s secret police—is a potential threat to their personal safety.

15. Further, where a Chinese consular official operating in this country undertakes covert collection of information on a Canadian citizen, and then covertly provides that information to China’s Ministry of State Security, those actions are plainly contrary to the principles of the Vienna Convention on Diplomatic Relations.¹³

16. One of the stranger aspects of the Government’s position before this Commission has been its denial that Mr. Chong was unlawfully targeted by Wei Zhao and that the decision to expel Mr. Zhao was (as Canadians were reasonably led to believe in May

¹¹ CAN024019, RRM Canada, “WeChat account activity targeting Canadian parliamentarian suggests likely foreign state involvement”, p. 1.

¹² CAN024019, RRM Canada, “WeChat account activity targeting Canadian parliamentarian suggests likely foreign state involvement”, p. 1.

¹³ On this point, NSIRA’s [Review of Global Affairs Canada’s Global Security Reporting Program](#) is instructive. NSIRA concluded that “the creation of a foreign intelligence entity within GAC, or the allowance of mission creep by the GSRP into *covert collection* would run against the principles of the VCDR” (emphasis added).

2023) a rebuke of the PRC's misconduct towards Mr. Chong and his relations. The evidence does not support the Government's revisionist history.

ii. The Government failed to protect Mr. Chong

17. Prior to the Commission's Stage 2 hearings, media reporting on the PRC's foreign interference activities towards Mr. Chong was based on leaks from two intelligence products—the May 2021 IMU and the July 2021 CSIS Intelligence Assessment.¹⁴

18. In his First Report, Special Rapporteur David Johnston also based his analysis on these two intelligence products.¹⁵ He concluded that the Government's handling of these two documents was “certainly the most prominent, but not the only, example of poor information flow and processing between agencies, the public service and Ministers.”¹⁶

19. Later, however, the National Security and Intelligence Review Agency (NSIRA) concluded that the “focus on these two products was misplaced.”¹⁷ NSIRA's analysis revealed that there were at least three other intelligence products about the PRC's targeting of Mr. Chong produced and disseminated *before* the Issues Management Brief. NSIRA concluded that these intelligence products were the mechanism through which the Minister and Deputy Minister of Public Safety were initially meant to be informed of the PRC's threat activities against Mr. Chong.¹⁸

20. In short, there were not two but at least five intelligence products informing the Government of the PRC's interference activities against Mr. Chong. The “most prominent example of poor information flow” assessed by Mr. Johnston was actually much worse than Mr. Johnston appreciated.

¹⁴ COM0000034, Globe and Mail, “China views Canada as a ‘high priority’ for interference: CSIS report”, 1 May 2023. See also COM0000364, NSIRA, *Review of the dissemination of intelligence on People's Republic of China foreign interference, 2018-2023*, para. 97.

¹⁵ COM0000104, Independent Special Rapporteur on Foreign Interference, *First Report*, pp. 27-28.

¹⁶ COM0000104, Independent Special Rapporteur on Foreign Interference, *First Report*, p. 28.

¹⁷ COM0000364, NSIRA, *Review of the dissemination of intelligence on People's Republic of China foreign interference, 2018-2023*, paras. 98-102.

¹⁸ COM0000364, NSIRA, *Review of the dissemination of intelligence on People's Republic of China foreign interference, 2018-2023*, para. 98.

21. The evidence before the Commission in its Stage 2 hearings supports NSIRA's conclusion. In a CSIS document that outlined the steps taken to meet its obligations under the Ministerial Directive on Accountability, CSIS explained that “[p]rior to May 2021, CSIS shared intelligence reports that discussed PRC foreign interference efforts against Michael Chong.”¹⁹ It further explained that these intelligence products were provided to numerous recipients that included: the Clerk of the Privy Council, the NSIA, and others at the Privy Council Office; the Deputy Minister of Foreign Affairs and others at Global Affairs Canada; the Deputy Minister of National Defence and others at the Department of National Defence; the Chief of the Communications Security Establishment and others at the Communications Security Establishment; and the Minister of Public Safety, the Deputy Minister of Public Safety, and others at Public Safety Canada.²⁰

22. Disturbingly, most of these recipients claim never to have received or read this intelligence. And those that did review it did nothing about it.

23. Jody Thomas, Deputy Minister of National Defence at the time, testified that she accepts she was a recipient of these documents, but does not recall reading them and therefore did not inform her Minister of them.²¹

24. Rob Stewart, the Deputy Minister of Public Safety at the relevant time, testified that he does not recall whether or not he read the intelligence products on Mr. Chong.²² He further testified that to the extent he was aware of the intelligence, he did not see it as his responsibility to be “picking up on the individuals concerned in any particular set of circumstances”—in his view this was a “downstream” responsibility for intelligence agencies.²³

¹⁹ CAN008242, CSIS, “MD on Accountability”, p. 2.

²⁰ CAN008242, CSIS, “MD on Accountability”, p. 2.

²¹ TRN0000031, Hearing Transcript, vol. 31, October 9, p. 116, l. 12 – p. 117, l. 22 (cross-examination of Jody Thomas).

²² TRN0000030, Hearing Transcript, vol. 30, October 8, p. 54, ll. 10-22 (cross-examination of Rob Stewart).

²³ TRN0000030, Hearing Transcript, vol. 30, October 8, p. 56, ll. 13-18 (cross-examination of Rob Stewart).

25. The Hon. Bill Blair, then Minister of Public Safety, insisted that he had not been provided nor had he reviewed any of the five intelligence products about Mr. Chong.²⁴ He testified that if the information had been made available to him, he would have enquired about what steps were being taken in order to inform Mr. Chong and to ensure his safety and the safety of his family.²⁵

26. Contrary to many named recipients not recalling receiving these intelligence products, the Communications Security Establishment confirms having received them.²⁶

27. Despite CSIS providing seven top-level government decision makers and their officials with these intelligence products, Mr. Chong was never informed of their content. Rather, Mr. Chong learned of the PRC's activities in May 2023 at the same time as other Canadians—thanks only to leaked reports of them in the media.²⁷

28. Based on the publicly available evidence before the Commission, there is every reason to think that if the media had not reported on PRC targeting of Mr. Chong in May 2023, Mr. Chong—as well as many of these key decision makers—would still be unaware of it.

29. Both the Independent Special Rapporteur and the Government have sought to characterize this failure as a question of “information flow”, meaning that CSIS's warning somehow failed to flow to decision-makers for procedural or bureaucratic reasons. The public evidence flatly contradicts that characterization. CSIS's warnings *did* reach their intended readers. The problem is not that the message went undelivered. The problem is that the message went unheeded. The recipients of the message did not care. No one took any steps to alert, warn, or protect Mr. Chong and his relations.

²⁴ TRN0000033, Hearing Transcript, vol. 33, October 11, p. 11, l. 23 – p. 12, l. 26 (examination of William Blair).

²⁵ TRN0000033, Hearing Transcript, vol. 33, October 11, p. 13, ll. 5-21 (examination of William Blair).

²⁶ The Chief of CSE was asked in cross-examination whether she had received these documents (see TRN0000023, Hearing Transcript, vol. 23, September 26, p. 64, l. 10 – p. 66, l. 3). The Commission confirmed in an email dated 11 October 2024 that the intelligence products were received by the Chief of CSE at the time, Alia Tayyeb.

²⁷ TRN0000018, Hearing Transcript, vol. 18, September 17, p. 31, ll. 1-4 (examination of Michael Chong).

iii. Requested findings

30. Mr. Chong asks the Commission to make the following findings:

Finding 1. The PRC's activities in relation to Mr. Chong, conducted by Mr. Zhao out of the PRC's Toronto consulate, constituted foreign interference. Those activities were not lawful diplomatic activity. CSIS was right to describe them as foreign interference. Global Affairs was wrong subsequently to characterize them as lawful diplomacy.

Finding 2. The repeated failure of several senior Government officials to heed CSIS's warnings of PRC targeting of Mr. Chong was not merely a breakdown in the flow of information. It was a failure by those officials to take an interest in, and offer protection to, Mr. Chong.

Finding 3. Had CSIS's warnings about PRC targeting of Mr. Chong not been leaked to the media, he would likely never have learned of the threat.

B. The declaration of Wei Zhao as *persona non grata*

i. Wei Zhao's conduct towards Mr. Chong was not lawful diplomacy

31. As set out above, the Commission should reject the suggestion that Wei Zhao was conducting lawful diplomacy in targeting Mr. Chong. The publicly available evidence reveals that Mr. Zhao was covertly collecting information about Mr. Chong and his family for the benefit of China's Ministry of State Security.

32. The Deputy Minister of Foreign Affairs at the relevant time, Mr. Morrison, testified that Mr. Zhao's activities with respect to Mr. Chong were normal diplomatic activity.²⁸ In Mr. Morrison's view, Mr. Zhao was simply keeping lists of people and gathering information on them—something that all diplomats do in the course of their work.

33. This assessment ignores, without explanation, CSIS's assessment that Mr. Zhao's interest in Mr. Chong was in aid not of China's Ministry of Foreign Affairs but of its Ministry

²⁸ TRN0000028, Hearing Transcript, vol. 28, October 4, p. 114, ll. 8-12 (cross-examination of David Morrison).

of State Security. Mr. Morrison's pretence of not knowing the full remit of the MSS's work is, to put it mildly, not credible.

ii. Global Affairs turned a blind eye to Mr. Zhao's activities

34. According to the National Security and Intelligence Committee of Parliamentarians' (NSICOP) *Special Report on Foreign Interference in Canada's Democratic Processes and Institutions*, CSIS had identified Mr. Zhao as a candidate for expulsion as early as 2019. CSIS provided this information to Global Affairs at the time.²⁹

35. Then, in 2021, CSIS provided additional intelligence to Global Affairs about Wei Zhao's foreign interference activities in Canada.³⁰

36. Yet, CSIS's repeated attempts to bring this intelligence to the attention of relevant officials at Global Affairs fell on deaf ears. In fact, the Minister of Foreign Affairs testified that she did not learn about Mr. Zhao and his foreign interference activities until reading about them in the media in May 2023.³¹ Minister Joly admitted under cross-examination that if she had received the intelligence earlier, she would have declared Mr. Zhao *persona non grata* at that time.³²

37. Here again the Government seeks to attribute this failure to heed CSIS's warnings as a "flow of information" problem. That is spin. The information "flowed" fine—it went from CSIS to Global Affairs, just as CSIS intended. The problem was not flow, it was interest. CSIS's warnings had not "moved beyond the working level"³³ because people in high places at Global Affairs did not take an interest in PRC targeting of an opposition MP.

²⁹ COM0000363, NSICOP, *Special Report on Foreign Interference in Canada's Democratic Processes and Institutions*, p. 52.

³⁰ WIT0000104, Interview Summary: Global Affairs Canada (David Morrison, Alexandre Lévesque, Weldon Epp, Philippe Lafortune, and Tara Denham), para. 30.

³¹ TRN0000032, Hearing Transcript, vol. 32, October 10, p. 220, ll. 7-9 (cross-examination of Mélanie Joly).

³² TRN0000032, Hearing Transcript, vol. 32, October 10, p. 219, ll. 11-18 and p. 221, ll. 12-16 (cross-examination of Mélanie Joly).

³³ WIT0000104, Interview Summary: Global Affairs Canada (David Morrison, Alexandre Lévesque, Weldon Epp, Philippe Lafortune, and Tara Denham), para. 30.

38. This failure by Global Affairs to heed and pursue CSIS's warnings about Mr. Zhao—including but not limited to his actions in respect of Mr. Chong—resulted in Mr. Zhao's continuing presence on Canadian territory, and continuing interference in Canadian affairs, for four years after CSIS's 2019 warning about him. Moreover, had it not been for the May 2023 media leaks, Mr. Zhao would likely still be working as an accredited PRC consular official on Canadian soil.

39. Finally, as further set out below, at the exact same time that the government was failing to heed CSIS's warnings about Mr. Chong and Mr. Zhao, it was also failing to approve a warrant targeting a high-level Liberal insider.

iii. Requested findings

40. Mr. Chong asks the Commission to make the following finding:

Finding 4. Global Affairs Canada repeatedly neglected CSIS's warnings about Mr. Zhao's foreign interference activities. By doing so, Global Affairs enabled Mr. Zhao to continue his unlawful activities, including but not limited to his targeting of Mr. Chong.

C. The delayed CSIS warrant

i. The warrant's target was Michael Chan

41. The Commission heard substantial evidence on a "particular" CSIS warrant.

42. The publicly available evidence indicates that the warrant's target was Michael Chan.

43. In his testimony before the Commission in April, Minister Blair confirmed that Mr. Chan was the target. Under cross-examination, Mr. Blair was asked about a media report on undue delay in approving a CSIS warrant for Michael Chan. When given an opportunity to dispute that report, Mr. Blair said nothing about the alleged target. He said only, "The

document in question was put in front of me on May 11th. I signed it off the same day, about three hours later.”³⁴

44. Meanwhile, Mr. Chan himself has publicly confirmed that he was the target of a CSIS investigation.³⁵

45. While the Government has refused in these proceedings either to confirm or deny the identity of the warrant’s target, that denial does not bind the Commissioner. She is free to find, and to affirm publicly, that Mr. Chan was the target. Indeed, not making this finding risks confusing the public and putting the Commission’s work into question.

46. Knowing the identity of the warrant’s target is essential to the coherence of this part of the Commission’s work. Mr. Chan is a former provincial Liberal cabinet minister and a prominent federal Liberal fundraiser, particularly in the Chinese-Canadian community.³⁶ Accordingly, a CSIS warrant targeting Mr. Chan is highly politically sensitive. This sensitivity is the most likely explanation for the extraordinary delay in authorizing the warrant. The Commissioner cannot discharge her fact-finding function in respect of this warrant without confirming its target.

ii. The delay was unusual and excessive

47. CSIS undertakes several steps in the preparation of a warrant prior to delivering it to the Minister of Public Safety for approval. CSIS must consult with the Deputy Minister before applying for a warrant or a warrant renewal. After that consultation, the warrant is sent to the Minister’s office for his approval. It then goes to the Federal Court for review.³⁷

³⁴ TRN0000014, Hearing Transcript, vol. 14, April 10, pp. 92, l. 14 – p. 93, l. 3 (cross-examination of William Blair).

³⁵ On 9 October 2024, Michael Chan released a [statement](#) on the social media platform X in which he acknowledged that he has been investigated by CSIS.

³⁶ TRN0000008, Hearing Transcript, vol. 8, April 2, p. 198, ll. 3-21 (examination of Michael Chan).

³⁷ CAN.SUM.000029, “CSIS Warrant Application Process”. See also WIT0000153, *In Camera* Examination Summary: Rob Stewart, formerly Deputy Minister of Public Safety, Dominic Rochon, formerly Senior Assistant Deputy Minister, National and Cyber Security Branch, paras. 13-14.

48. A former deputy minister gave evidence that the usual time to get a warrant approved once it is sent by CSIS to Public Safety is 4 to 10 days.³⁸ Yet in the case of this particular warrant, approval took 54 days.³⁹

49. CSIS witnesses gave evidence that their operational employees “were very frustrated with what they perceived as a delay in obtaining the Minister’s approval for this warrant.”⁴⁰ In an internal email, the affiant for the affidavit supporting the warrant application in Federal Court expressed concerns which included that the longer an application is delayed, the more dated the information in the application becomes. The affiant noted that if asked by the Federal Court about the delay, the affiant would describe it as unusual.⁴¹

50. Two of Minister Blair’s successors as Minister of Public Safety testified about their own practices in approving CSIS warrants. Neither ever had a CSIS warrant sit in their office for 54 days before being approved. Former Minister Mendicino stated that getting CSIS warrants approved was a “top priority” and that “there were no undue delays in the approvals of warrants during my tenure as Public Safety Minister.”⁴² Minister LeBlanc testified that warrants are like the “Crown Jewels for CSIS” due to the sensitivity of the information in the affidavits and the importance they have for CSIS to conduct its work.⁴³ He noted that his practice with warrants was to “try and turn them around the same day. If I’m in Ottawa and I’m going to sign it, I just—I know how important it is for [CSIS], and I want them to be able to get on with that work.”⁴⁴

³⁸ TRN0000030, Hearing Transcript, vol. 30, October 8, p. 31, ll. 14-20 (examination of Rob Stewart).

³⁹ WIT0000158, *In Camera* Examination Summary: Zita Astravas, paras. 39-40. See also COM0000615.BIL, “Timeline re ‘a Warrant’”.

⁴⁰ WIT0000134, *In Camera* Examination Summary: Canadian Security Intelligence Service Senior Officials, para. 76.

⁴¹ WIT0000158, *In Camera* Examination Summary: Zita Astravas, paras. 41, 43.

⁴² TRN0000032, Hearing Transcript, vol. 32, October 10, p. 44, l. 23 and p. 45, ll. 3-5 (cross-examination of Marco Mendicino).

⁴³ TRN0000034, Hearing Transcript, vol. 34, October 15, p. 140, l. 7 (examination of Dominic LeBlanc).

⁴⁴ TRN0000034, Hearing Transcript, vol. 34, October 15, p. 142, ll. 1-4 (examination of Dominic LeBlanc).

iii. There is no credible explanation for the delay

51. In the Commission's public hearings, the participants and public heard no explanation for why this warrant took 54 days to be approved.

52. Minister Blair testified that he was only made aware of the warrant on the day he signed it.⁴⁵ Further, he took no steps to make enquiries with his former office to understand how or why the warrant application had been delayed.⁴⁶

53. The explanation for why the warrant sat in his office for nearly two months, then, rests with his chief of staff, Zita Astravas. Ms. Astravas had knowledge of the warrant from the moment it was sent to the Minister's office. She was also specifically briefed on the Vanweenan list—the list of individuals whose communications may be intercepted as part of the execution of the warrant.⁴⁷

54. However, in her public testimony, Ms. Astravas was unable to offer any explanation for the delay. Her most frequent answer, when pressed to explain the delay, was that she had already provided evidence to the Commission *in camera*.⁴⁸ Notably, however, she did not say that she could not explain the delay publicly for national security reasons—she said only that she had already testified. Her evidence did nothing to explain the delay.

55. Prior to her work as Mr. Blair's chief of staff, Ms. Astravas worked for the provincial Liberal government in Ontario—the government in which Mr. Chan served as a Cabinet minister for seven years. With the formation of the Liberal government federally in 2015, Ms. Astravas came to Ottawa.⁴⁹ She has thus been a longstanding Liberal partisan and senior staffer at both the provincial and federal levels.

⁴⁵ TRN0000033, Hearing Transcript, vol. 33, October 11, p. 25, l. 7 – p. 26, l. 3 (examination of William Blair).

⁴⁶ TRN0000033, Hearing Transcript, vol. 33, October 11, p. 37, ll. 4-8 and p. 30, ll. 12-18 (examination of William Blair).

⁴⁷ WIT0000158, *In Camera* Examination Summary: Zita Astravas, paras. 29-33.

⁴⁸ See e.g. TRN0000031, Hearing Transcript, vol. 31, October 9, p. 242, ll. 1-2 (cross-examination of Zita Astravas).

⁴⁹ TRN0000031, Hearing Transcript, vol. 31, October 9, p. 204, ll. 1-9 (examination of Zita Astravas).

56. It is possible that the Commission has received an explanation for the delay *in camera*. If so, and if that explanation is supported by the evidence, then the Commission must do all that it can to provide the public with some sort of assurance. If no such explanation was offered, however, the Commission must make a negative credibility finding and draw the only available reasonable inference, namely that the warrant was delayed due to partisan political concerns for the Liberal party and the Government due to the target of the warrant and/or people on the Vanweenan list.

57. Finally, the Government's failure to approve this CSIS warrant coincided with the exact same time period as its failure to review and act on intelligence about Mr. Chong. This is evidence of the Government's partisan treatment of the foreign interference issue, as further detailed below.

iv. Requested findings

58. Mr. Chong asks the Commission to make the following findings:

Finding 5. The target of the warrant was Michael Chan.

Finding 6. The typical delay for Public Safety to approve a warrant is 4 to 10 days. A 54-day delay in approving a CSIS warrant is unacceptable. Absent exceptional circumstances, the Minister of Public Safety should not take this long to approve CSIS warrants.

Finding 7. Ms. Astravas delayed approving the warrant to protect the Liberal Party and the Government.

D. The Government has taken a partisan approach to foreign interference

i. Disparate treatment of disinformation

59. The Government has treated disinformation differently depending on whether it targets government or opposition Members of Parliament.

60. In the 2019 general election, the Buffalo Chronicle published an article that contained disinformation on the Prime Minister. Public servants in the Prime Minister's

department (the Privy Council Office) acted quickly to have the article removed from social media sites, including Facebook. Notably, they took this action without there being any definitive proof that the article was foreign state-sponsored disinformation or that the amplification on social media was state-sponsored.⁵⁰

61. Meanwhile, in the 2021 general election, Conservative candidate Kenny Chiu was the target of a disinformation campaign on WeChat that spread false narratives related to his proposal to implement a foreign agent registry.⁵¹ Neither the Panel of Five nor the Government took any action, saying that it was difficult to attribute the disinformation to foreign actors and that the media ecosystem had “cleansed itself” because Mr. Chiu had made a public statement responding to the online narratives.⁵²

62. As the Commission noted in its Initial Report, the government’s reliance on the idea of a “self-cleansing media system” is concerning because “[b]y the time disinformation fades away, it may be too late.”⁵³ Furthermore, a statement in English would do little to combat a disinformation campaign circulating in Mandarin.⁵⁴ Finally, Mr. Chiu had indicated that he was banned from doing interviews with Chinese-language media broadcasters, despite the fact that they were licenced by the CRTC.

63. Neither the Buffalo Chronicle piece nor the attack on Mr. Chiu could be definitively attributed to a foreign state actor. Yet the Government acted to protect Mr. Trudeau. The Panel of Five considered, then decided against, acting to protect Mr. Chiu.

⁵⁰ WIT0000040, Interview Summary: Privy Council Office – Democratic Institutions (Allen Sutherland), p. 5. See also Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions, *Initial Report*, 3 May 2024, pp. 121-122.

⁵¹ It is noteworthy that the government has subsequently introduced a foreign agent registry in Bill C-70.

⁵² Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions, *Initial Report*, 3 May 2024, pp. 130-133.

⁵³ Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions, *Initial Report*, 3 May 2024, p. 132.

⁵⁴ Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions, *Initial Report*, 3 May 2024, p. 130.

ii. The Prime Minister's testimony

64. In the Prime Minister's most recent testimony before the Commission, he used his access to classified information to launch a partisan attack. Specifically, he claimed that he has "the names of a number of parliamentarians, former parliamentarians and/or candidates in the Conservative Party of Canada who are engaged, or at high risk of, or for whom there is clear intelligence around foreign interference."⁵⁵

65. This information was not contained in the witness statements of the Prime Minister or any other witness. The participants were caught flat-footed. Making this evidence public on the last day of hearings prevented the participants from preparing questions for the Prime Minister and from questioning other witness about this evidence. As a result, the Prime Minister's statement looked less like treating the Commission with the solemnity it deserves, and more like using the Commission as a stage for political grandstanding and one-upmanship. The Prime Minister's performance undermined the Commission's own efforts at impartiality. Wittingly or unwittingly, the Commission became a forum for the Prime Minister's political messaging.

66. Worse, as suggested by counsel for Jenny Kwan in closing submissions, the only reasonable conclusion is that the Prime Minister was disclosing classified information in the course of his testimony.⁵⁶ If this is true, the Prime Minister appears willing to use national security confidentiality as a shield when information would be harmful to his partisan interests but to waive confidentiality to use information as a sword where it is of partisan benefit. This would make a mockery of the Attorney General of Canada's repeated and extensive claims of national security confidentiality.

iii. The delayed warrant

67. As outlined above, the best explanation for Minister Blair's failure to approve a warrant for a period of 54 days is an attempt on the part of his Chief of Staff to protect the

⁵⁵ TRN0000035, Hearing Transcript, vol. 35, October 16, p. 64, ll. 22-26 (examination of Justin Trudeau).

⁵⁶ TRN0000039, Hearing Transcript, vol. 39, October 24, p. 129, ll. 19-23 (closing submissions of Sujit Choudhry, counsel for Jenny Kwan).

Liberal Party and the Government. This coincided exactly with the period during which the Government was failing to act on intelligence about Mr. Chong.

iv. Requested findings

68. Mr. Chong asks the Commission to make the following findings:

Finding 8. The Government acted decisively to quell disinformation about the Prime Minister in GE43. Yet its Panel of Five did nothing to quell disinformation about opposition MPs in GE44.

Finding 9. The Prime Minister's testimony in Stage 2 was a partisan use of the Commission process. For the Government to insist on confidentiality when it coincides with the governing party's political interests, and waive confidentiality when doing so advances the governing party's political interests, is injurious to the Commission process and merits rebuke.

E. RRM is effective but can be improved

i. The strengths of RRM

69. As noted above, the RRM at Global Affairs detected a PRC disinformation campaign against Mr. Chong. The disinformation campaign took place between 4 and 13 May 2023, was detected in June 2023, and reported in August 2023.⁵⁷

70. Mr. Chong was generally impressed with how the RRM dealt with this disinformation campaign. He testified that he felt the RRM followed a good process for detecting information, disclosing it to affected parties, and then reporting it to the public.⁵⁸

ii. RRM can be improved

71. While the disinformation campaign against Mr. Chong reveals the important strengths of the RRM, it also highlights a significant weakness that should be addressed.

⁵⁷ CAN024019, RRM Canada, "WeChat account activity targeting Canadian parliamentarian suggests likely foreign state involvement" p. 1.

⁵⁸ WIT0000092, Interview Summary: Michael Chong (Stage 2), para. 64.

72. As explained by witnesses for Global Affairs, RRM generally has an international focus. Between elections, it monitors the media ecosystem internationally and not domestically. It is only during general elections and byelections that the RRM monitors the domestic media ecosystem.⁵⁹

73. Two problems result from this temporary shift in focus from international to domestic. First, the RRM is forced to stop, pause, or reduce the work it does internationally in order to conduct domestic monitoring. For example, Robin Wettlaufer testified that RRM's monitoring of the PRC's overseas police stations issue had to be paused in order to monitor byelections in Canada.⁶⁰

74. Second, RRM could potentially miss important foreign interference activity if it were to occur between elections. Indeed, the disinformation campaign targeting Mr. Chong was unrelated to the byelections, but happened to occur at the time of the byelections.⁶¹ Accordingly, RRM was able to detect and report on the activity. However, Ms. Wettlaufer conceded that it is "possible" that RRM would not have detected the disinformation campaign if it had not occurred in close proximity to a byelection.⁶²

75. Appropriate steps should be taken to ensure that the RRM—or a body that can undertake similar work—is monitoring the domestic media ecosystem between election periods.

iii. Requested findings

76. Mr. Chong asks the Commission to make the following findings:

Finding 10. The RRM is an effective mechanism for detecting and reporting on foreign interference in the form of disinformation campaigns.

⁵⁹ TRN0000027, Hearing Transcript, vol. 27, October 3, p. 108, ll. 9-15 (examination of Robin Wettlaufer).

⁶⁰ TRN0000027, Hearing Transcript, vol. 27, October 3, p. 171, l. 18 – p. 172, l. 2 (cross-examination of Robin Wettlaufer).

⁶¹ TRN0000027, Hearing Transcript, vol. 27, October 3, p. 175, ll. 15-21 (cross-examination of Robin Wettlaufer).

⁶² TRN0000027, Hearing Transcript, vol. 27, October 3, p. 175, ll. 22-28 (cross-examination of Robin Wettlaufer).

Finding 11. Appropriate steps need to be taken to ensure that the RRM can monitor the domestic media ecosystem not only during but also between election periods—i.e., on a permanent basis.

F. A lack of ministerial accountability and leadership

77. In addition to the specific problems identified above, the evidence before the Commission has also revealed broad failures in ministerial accountability and in leadership to counter the threat of foreign interference.

i. Failure in ministerial and prime ministerial accountability

78. The evidence before the Commission shows that the Prime Minister and multiple ministers failed to uphold their ministerial responsibility.

79. The Government’s *Open and Accountable Government* document sets out the “core principles regarding the roles and responsibilities of Ministers in Canada’s system of responsible parliamentary government.”⁶³ It explains that all ministers are “accountable to Parliament for the proper functioning of his or her department and all other organizations within his or her portfolio.”⁶⁴

80. In the testimony of Public Safety officials, it became clear that there was a stark disagreement about the flow of intelligence from the department of Public Safety to the Minister of Public Safety’s office. The Deputy Minister at the time testified under oath that paper versions of intelligence binders continued to be provided to the Minister’s office.⁶⁵ However, Minister Blair and his chief of staff, Ms. Astravas, were adamant that the department stopped sending this intelligence during the pandemic.⁶⁶

81. The Commission also heard that CSIS has developed a type of document called an Issues Management Brief (IMU) specifically to ensure that the information contained

⁶³ COM0000560, *Open and Accountable Government* (2015), preamble (pdf p. 3).

⁶⁴ COM0000560, *Open and Accountable Government* (2015), p. 3 (pdf p. 16).

⁶⁵ TRN0000030, Hearing Transcript, vol. 30, October 8, p. 8, ll. 2-23 (examination of Rob Stewart).

⁶⁶ TRN0000033, Hearing Transcript, vol. 33, October 11, p. 8, ll. 1-26 (examination of William Blair); TRN0000031, Hearing Transcript, vol. 31, October 9, p. 229, ll. 7 – p. 230, l. 20 (examination of Zita Astravas).

therein would come to the attention of the Minister of Public Safety.⁶⁷ Intelligence about the PRC's foreign interference activities against Mr. Chong was sent by IMU. CSIS explained that they produce about three IMUs per week.⁶⁸ Yet Minister Blair testified that in his time at Public Safety he never saw or reviewed a *single* IMU.⁶⁹

82. To defend his own failure to see and review intelligence destined for him, Minister Blair blamed his departmental officials and CSIS. He repeatedly said that if CSIS wanted him to know something, Director Vigneault should have briefed him.⁷⁰ In doing so, Minister Blair failed to recognize he was responsible for his department and agencies, including CSIS.

83. Minister Joly displayed a similar stance in her assessment of the failures regarding the intelligence on Zhao Wei. She suggested that there was a failing within the department or CSIS, instead of recognizing that any such failure was ultimately her responsibility.⁷¹ CSIS had brought to the attention of Global Affairs that there was a consular official conducting foreign interference in Canada. Years long delay in acting on that intelligence is the responsibility—and failing—of the Minister of Foreign Affairs.

84. *Open and Accountable Government* also affirms that the Prime Minister is vested with “special responsibility” for national security.⁷² The failures here, then, ultimately rest with the Prime Minister.

85. All these issues highlight a fundamental point about how the Government has handled foreign interference. The Government's answer is always another process; to add another mechanism for tracking information flow; to refer questions to NSIRA, NSICOP, the Special Rapporteur, and now this Commission. Yet, names of those who

⁶⁷ TRN0000024, Hearing Transcript, vol. 24, September 27, p. 45, ll. 9-16 (examination of David Vigneault).

⁶⁸ TRN0000024, Hearing Transcript, vol. 24, September 27, p. 48, ll. 16-23 (examination of Nicole Giles).

⁶⁹ TRN0000033, Hearing Transcript, vol. 33, October 11, p. 53, ll. 15-24 (cross-examination of William Blair)

⁷⁰ See e.g. TRN0000033, Hearing Transcript, vol. 33, October 11, p. 12, ll. 16-26 (examination of William Blair).

⁷¹ TRN0000032, Hearing Transcript, vol. 32, October 10, p. 218, l. 20 – p. 219, l. 10 (cross-examination of Mélanie Joly).

⁷² COM0000560, *Open and Accountable Government* (2015), p. 58 (pdf p. 71).

wittingly and knowingly participated in foreign interference threat activities have yet to be released. And, this mountain of process has yet to result in any ministerial accountability.

86. As NSIRA said in its latest report, resorting to such processes is not a panacea. There must also be “*interest* on the part of consumers for the intelligence they receive, and an understanding as to how the intelligence can support the fulfillment of their responsibilities.”⁷³

87. Or, as Mr. Chong concluded his testimony-in-chief: “At the end of the day, no amount of process is going to fix a system where Ministers and the Prime Minister are unwilling to uphold their responsibilities. You can put in place all sorts of new processes and all sorts of new policies, but at the end of the day, if Ministers and their staff, and the Prime Minister and his staff are not willing to uphold their responsibilities to protect the security of this country, then no amount of process or no amount of new policy is going to change that abdication of their responsibility.”⁷⁴

ii. Failure to agree on the meaning of foreign interference

88. The testimony of witnesses from CSIS and Global Affairs revealed that there has been longstanding disagreement within the Government about the very meaning of foreign interference. CSIS has been assessing the activities of numerous foreign threat actors as foreign interference for years. Global Affairs, on the other hand, views many of these activities as legitimate diplomatic activity.⁷⁵

89. Mr. Morrison repeatedly referred to the Government’s short list of definite instances of foreign interference and lauded the consensus that various deputy ministers reached in conducting this exercise.⁷⁶ This exercise was only undertaken in response to the

⁷³ COM0000364, NSIRA, *Review of the dissemination of intelligence on People’s Republic of China foreign interference, 2018-2023*, para. 106.

⁷⁴ TRN0000018, Hearing Transcript, vol. 18, September 18, p. 68, l. 22 – p. 69, l. 3 (examination of Michael Chong).

⁷⁵ See e.g. WIT0000134, *In Camera Examination Summary: Canadian Security Intelligence Service Senior Officials*, paras. 31-34; WIT0000138, *In Camera Examination Summary: David Morrison*, paras. 18-23.

⁷⁶ See e.g. TRN0000028, Hearing Transcript, vol. 28, October 4, p. 108, ll. 6-13 and p. 114, ll. 5-12 (examination and cross-examination of David Morrison).

Commission asking the Government for a list of admitted instances of foreign interference. It is troubling that it took the establishment of a commission of inquiry—over long Government resistance—for deputy ministers and intelligence agency directors finally to reach a consensus view on what is and is not foreign interference.

90. Mr. Morrison's evidence about this consensus view highlights an important point. *Open and Accountable Government* makes clear that the Prime Minister has a special responsibility for national security and the conduct of international affairs, and is responsible for the machinery of government. In light of these responsibilities, the Prime Minister ought to have resolved this fundamental disagreement within the government about an issue as basic as the definition of foreign interference years earlier. The failure to do so further exposed the country to greater foreign interference threats.

91. Furthermore, the consensus now reached on the definition of foreign interference may not be correct. The Commissioner should not feel obliged to uphold or approve the Government's new consensus view on foreign interference. It appears to have been reached by pressuring CSIS into accepting a narrower definition of foreign interference, one that excuses Government inaction on Wei Zhao. Having heard evidence from politicians, public servants, and independent experts, the Commissioner ought not to hesitate to reach her own determinations about the meaning and ambit of foreign interference, both generally and in the particular instances on which the Commission has heard evidence.

iii. Revolving door NSIA

92. Since 2019, there have been six people appointed by the Prime Minister to the role of NSIA (Greta Bossenmaier, David Morrison, Vincent Rigby, Michael MacDonald, Jody Thomas, and Nathalie Drouin). That is a bewilderingly high number.

93. The Prime Minister's own testimony was that, to fulfill the duties of the job, the NSIA must have the requisite experience to review intelligence and a strong sense of the

Prime Minister's knowledge and priorities.⁷⁷ How could anyone meet those requirements when only in the job for a year or less?

94. The Commission heard debate about whether the position of NSIA should be clarified in statute or another legal instrument. However, one must not lose sight of the fact that the Prime Minister appoints the NSIA. The present Prime Minister's revolving-door approach to the position speaks volumes. He has not taken the position seriously. Under his tenure, the position of NSIA has been treated as an afterthought rather than a critical national security position within the machinery of government.

95. The United States provides an important comparator. With some exceptions, the general practice of recent Presidents has been to appoint the National Security Advisor for a full presidential term. President Biden has only had one NSA, namely Jake Sullivan. In that time, Mr. Sullivan has had five Canadian counterparts.

iv. Requested findings

96. Mr. Chong asks the Commission to make the following findings:

Finding 12. Ministerial accountability plays a central role in any government's ability to detect and counter foreign interference. Where there are failures to review or act on key intelligence, Ministers are accountable for those failures and must take responsibility. Ministers in this government—including Minister Blair and Minister Joly—failed to do so.

Finding 13. For most of the reporting period, a profound disagreement about the meaning and nature of foreign interference split the public service, with CSIS on one side and Global Affairs on the other. Far from being a healthy tension or productive debate, this disagreement highlighted the Prime Minister's failure to take seriously his special responsibility for national security and the conduct of international affairs and his responsibility for the machinery of government. This failure resulted in a diminished ability by the Government to detect, respond to, and counter foreign interference.

⁷⁷ TRN0000035, Hearing Transcript, vol. 35, October 16, p. 8, l. 24 – p. 9, l. 3 (examination of Justin Trudeau).

Finding 14. The role of NSIA is a critical national security position within the machinery of government. The Prime Minister’s practice of appointing NSIAs on a near yearly basis harmed the Government’s ability to track and counter foreign interference threats.

G. Mr. Chong reiterates his requested findings from Stage 1

97. Nothing in the evidence from Stage 2 undermines the argument submitted by Mr. Chong for the Stage 1 hearings. If anything, it simply serves to reinforce the Government’s partisan approach to foreign interference.

98. Accordingly, Mr. Chong reiterates the submissions he made after Stage 1 and requests that the Commission make the following findings:

Finding 15. The PRC was the main foreign interference threat actor in GE43 and GE44. Foreign interference represents an existential threat to Canadian democracy and governments.⁷⁸

Finding 16. The PRC’s principal target in GE44 was the Conservative Party and its candidates.⁷⁹

Finding 17. CSIS’s assessment is that the PRC interfered in both GE43 and GE44.⁸⁰

Finding 18. CSIS and our other security agencies acted diligently and appropriately—including without racism—in their efforts to investigate and warn of FI in GE43 and GE44.⁸¹

Finding 19. The Panel of Five lacks institutional independence from government.⁸²

⁷⁸ Michael Chong, Factual Phase (Stage One) Submissions, 15 April 2024, p. 3.

⁷⁹ Michael Chong, Factual Phase (Stage One) Submissions, 15 April 2024, p. 4.

⁸⁰ Michael Chong, Factual Phase (Stage One) Submissions, 15 April 2024, p. 4.

⁸¹ Michael Chong, Factual Phase (Stage One) Submissions, 15 April 2024, p. 6.

⁸² Michael Chong, Factual Phase (Stage One) Submissions, 15 April 2024, p. 8.

Finding 20. The Panel of Five failed, in both GE43 and GE44, to articulate a clear standard of proof that applied to the threshold for intervention.⁸³

Finding 21. The Panel of Five—in both 2019 and 2021—displayed uncertainty about a basic fact of Westminster model constitutionalism, namely that general elections consist of hundreds of individual, riding-level contests in which we elect MPs—and not Prime Ministers or governments.⁸⁴

Finding 22. Attributing disinformation, or other forms of interference, to a foreign state is not a precondition for the Panel of Five to make a public announcement pursuant to s. 7.0 of the cabinet directive.⁸⁵

Finding 23. The Panel of Five misdirected itself in concluding that it should not make an announcement in the case of the disinformation in Steveston–Richmond East.⁸⁶

Finding 24. The Panel of Five had serious shortcomings in its ability to intake Mandarin information, its ability to communicate to Mandarin-speaking communities, and its approach to these communities as “specific interest groups” outside the Canadian mainstream.⁸⁷

Finding 25. Political party nomination and leadership contests are significantly vulnerable to FI.⁸⁸

Finding 26. SITE TF briefings to political parties were not useful because they did not warn about specific foreign interference threat activities directed at political parties or their candidates.⁸⁹

⁸³ Michael Chong, Factual Phase (Stage One) Submissions, 15 April 2024, p. 10.

⁸⁴ Michael Chong, Factual Phase (Stage One) Submissions, 15 April 2024, pp. 11-12.

⁸⁵ Michael Chong, Factual Phase (Stage One) Submissions, 15 April 2024, p. 13.

⁸⁶ Michael Chong, Factual Phase (Stage One) Submissions, 15 April 2024, p. 13.

⁸⁷ Michael Chong, Factual Phase (Stage One) Submissions, 15 April 2024, p. 14.

⁸⁸ Michael Chong, Factual Phase (Stage One) Submissions, 15 April 2024, p. 16.

⁸⁹ Michael Chong, Factual Phase (Stage One) Submissions, 15 April 2024, p. 17.

ARGUMENT ON POLICY

99. In addition to the above factual findings, Mr. Chong offers three policy recommendations for the Commission's consideration.

A. Role of Parliament

100. Mr. Chong has been grateful for the opportunity to participate in the Commission's work. He hopes it will produce a useful report and recommendations that will assist future governments to better detect and counter foreign interference.

101. In his view, however, the Commission should never have been necessary.

102. The constitutional responsibility to conduct investigations into matters like the Government's failures regarding foreign interference properly rests with Parliament and its committees. Resort to an Independent Special Rapporteur, and later this Commission, ought never to have been necessary.

103. National security confidentiality should not be an impediment to Parliament fulfilling this necessary function. Pursuant to s. 18 of the *British North America Act, 1867*, the House of Commons and its members enjoy the same privileges, immunities, and powers as the House of Commons in the United Kingdom. This provision gives Members of Parliament an unfettered constitutional right to summon any witness before one of its committees and to compel any documents necessary for it to undertake its work.

104. Again, one of Canada's key allies provides an important comparator. In the United Kingdom, the Intelligence and Security Committee of Parliament is able to conduct inquiries on national security matters. In contrast with NSICOP, the committee is a committee of Parliament and its members are appointed by Parliament (instead of by the Governor-in-Council).⁹⁰ In contrast with the Commission, no new and expensive bureaucratic apparatus is required to mount each investigation. There is no reason why a similarly constituted body in Canada could not have undertaken the necessary

⁹⁰ *National Security and Intelligence Committee of Parliamentarians Act*, SC 2017, c 15, s. 5(1).

investigation into foreign interference that the government instead assigned to first the Special Rapporteur and now this Commission.

105. Foreign interference is not going anywhere—by all accounts it may get worse. A new public inquiry cannot be called every time the government fails to act regarding foreign interference. The Commission must be mindful of and make policy recommendations to ensure that, in future, Parliament is able to fulfil its constitutional responsibility to hold the government to account, including on matters of national security.

106. Mr. Chong asks the Commission to make the following recommendations:

Policy recommendation 1: Parliament must be allowed to fulfill its constitutional role as a legislative and deliberative body, as well as hold the government to account, including on foreign interference and national security. This requires the Government to comply with any request for documents from the House of Commons and its committees, even where those documents are highly classified.

Policy recommendation 2: Legislation should be introduced to amend the *National Security and Intelligence Committee of Parliamentarians Act* to make it a committee of Parliament modelled on the UK's Intelligence and Security Committee of Parliament.

B. Panel of Five

107. In his submissions dated 15 April 2024, Mr. Chong made detailed submissions on the institutional weaknesses of the Panel of Five.⁹¹ Having heard the Stage 2 evidence, those submissions remain apposite and, as noted above, Mr. Chong asks that the Commission make specific findings with respect to the Panel's weaknesses.

108. To correct those weaknesses, Mr. Chong also asks the Commission to make the following recommendation:

Policy recommendation 3: The Panel of 5 must be reconstituted in terms of both members and power and authority to ensure that (1) the Panel has full institutional

⁹¹ Michael Chong, Factual Phase (Stage One) Submissions, 15 April 2024, pp. 7-14.

independence; (2) there is a clear standard of proof or threshold that is required to act; (3) there is a consensus on the threshold applying at the riding level; (4) foreign attribution not be required to act; and (5) the Panel has appropriate linguistic capability, including for Mandarin-language incidents.

C. Increasing national security transparency

109. Mr. Chong understands and respects the need to maintain national security confidentiality, particularly in an effort to protect the sources and methods of Canada's national security agencies.

110. However, there remains a balance to be struck between transparency and confidentiality.

111. At the outset of the hearings, witnesses testified that Canada is more secretive with its national security information than other Five Eyes allies.⁹² There is no reason that Canada should be so, and the Commission should consider recommending that efforts be made to align Canada with the best practices of our allies in this respect.

112. Further, in some instances, failure to be transparent causes more harm than good. The most obvious recent example is the alleged names of parliamentarians who have "wittingly" engaged in foreign interference.⁹³ Shrouding these names in secrecy only serves to create a cloud of suspicion over parliamentarians, particularly those who are Chinese-Canadian or Indo-Canadian. At this point, the best course of action is to make those names public. This would have the dual benefit of allowing for the necessary scrutiny on those involved in witting foreign interference, while restoring trust in the parliamentarians who are not.

113. Mr. Chong asks the Commission to make the following recommendation:

⁹² TRN0000003, Hearing Transcript, vol. 3, January 31, p. 30, ll. 10-18 (presentation of Richard Fadden).

⁹³ See COM0000363, NSICOP, *Special Report on Foreign Interference in Canada's Democratic Processes and Institutions*, para. 164.

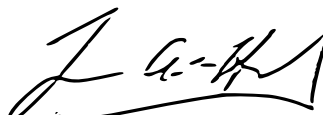
Policy recommendation 4: The Government should heed the advice of CSIS and establish a policy, grounded in transparency and sunlight, to release much more information to the public about foreign interference and national security. This includes the names of parliamentarians who are “witting” or “knowing” participants in foreign interference.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated 4 November 2024



Gib van Ert



Fraser Harland

Counsel for the Hon. Michael Chong M.P.

APPENDIX – REQUESTED FINDINGS AND RECOMMENDATIONS

Requested Factual Findings

Finding 1. The PRC's activities in relation to Mr. Chong, conducted by Mr. Zhao out of the PRC's Toronto consulate, constituted foreign interference. Those activities were not lawful diplomatic activity. CSIS was right to describe them as foreign interference. Global Affairs was wrong subsequently to characterize them as lawful diplomacy.

Finding 2. The repeated failure of several senior Government officials to heed CSIS's warnings of PRC targeting of Mr. Chong was not merely a breakdown in the flow of information. It was a failure by those officials to take an interest in, and offer protection to, Mr. Chong.

Finding 3. Had CSIS's warnings about PRC targeting of Mr. Chong not been leaked to the media, he would likely never have learned of the threat.

Finding 4. Global Affairs Canada repeatedly neglected CSIS's warnings about Mr. Zhao's foreign interference activities. By doing so, Global Affairs enabled Mr. Zhao to continue his unlawful activities, including but not limited to his targeting of Mr. Chong.

Finding 5. Mr. Chan was the target of the warrant.

Finding 6. The typical delay for Public Safety to approve a warrant is 4 to 10 days. A 54-day delay in approving a CSIS warrant is unacceptable. Absent exceptional circumstances, the Minister of Public Safety should not take this long to approve CSIS warrants.

Finding 7. Ms. Astravas delayed approving the Chan warrant to protect the Liberal Party and the Government.

Finding 8. The Government acted decisively to quell disinformation about the Prime Minister in GE43. Yet its Panel of Five did nothing to quell disinformation about opposition MPs in GE44.

Finding 9. The Prime Minister’s testimony in Stage 2 was a partisan use of the Commission process. For the Government to insist on confidentiality when it coincides with the governing party’s political interests, and waive confidentiality when doing so advances the governing party’s political interests, is injurious to the Commission process and merits rebuke.

Finding 10. The RRM is an effective mechanism for detecting and reporting on foreign interference in the form of disinformation campaigns.

Finding 11. Appropriate steps need to be taken to ensure that the RRM can monitor the domestic media ecosystem not only during but also between election periods—i.e., on a permanent basis.

Finding 12. Ministerial accountability will play a central role in any government’s ability to detect and counter foreign interference. Where there are failures to review or act on key intelligence, Ministers are accountable for those failures and must take responsibility. Ministers in this government—including Minister Blair and Minister Joly—failed to do so.

Finding 13. For most of the reporting period, a profound disagreement about the meaning and nature of foreign interference split the public service, with CSIS on one side and Global Affairs on the other. Far from being a healthy tension or productive debate, this disagreement highlighted the Prime Minister’s failure to take seriously his special responsibility for national security and the conduct of international affairs and his responsibility for the machinery of government. This failure resulted in a diminished ability by the Government to detect, respond to, and counter foreign interference.

Finding 14. The role of NSIA is a critical national security position within the machinery of government. The Prime Minister’s practice of appointing NSIAs on a near yearly basis harmed the Government’s ability to track and counter foreign interference threats.

Finding 15. The PRC was the main foreign interference threat actor in GE43 and GE44. Foreign interference represents an existential threat to Canadian democracy and governments.

Finding 16. The PRC's principal target in GE44 was the Conservative Party and its candidates.

Finding 17. CSIS's assessment is that the PRC interfered in both GE43 and GE44.

Finding 18. CSIS and our other security agencies acted diligently and appropriately—including without racism—in their efforts to investigate and warn of FI in GE43 and GE44.

Finding 19. The Panel of Five lacks institutional independence from government.

Finding 20. The Panel of Five failed, in both GE43 and GE44, to articulate a clear standard of proof that applied to the threshold for intervention.

Finding 21. The Panel of Five—in both 2019 and 2021—displayed uncertainty about a basic fact of Westminster model constitutionalism, namely that general elections consist of hundreds of individual, riding-level contests in which we elect MPs—and not Prime Ministers or governments.

Finding 22. Attributing disinformation, or other forms of interference, to a foreign state is not a precondition for the Panel of Five to make a public announcement pursuant to s. 7.0 of the cabinet directive.

Finding 23. The Panel of Five misdirected itself in concluding that it should not make an announcement in the case of the disinformation in Steveston–Richmond East.

Finding 24. The Panel of Five had serious shortcomings in its ability to intake Mandarin information, its ability to communicate to Mandarin-speaking communities, and its approach to these communities as “specific interest groups” outside the Canadian mainstream.

Finding 25. Political party nomination and leadership contests are significantly vulnerable to FI.

Finding 26. SITE TF briefings to political parties were not useful because they conveyed too little information.

Requested Policy Recommendations

Policy recommendation 1: Parliament must be allowed to fulfill its constitutional role as a legislative and deliberative body, as well as hold the government to account, including on foreign interference and national security. This requires the Government to comply with any request for documents from the House of Commons and its committees, even where those documents are highly classified.

Policy recommendation 2: Legislation should be introduced to amend the *National Security and Intelligence Committee of Parliamentarians Act* to make it a committee of Parliament modelled on the UK's Intelligence and Security Committee of Parliament.

Policy recommendation 3: The Panel of 5 must be reconstituted in terms of both members and power and authority to ensure that (1) the Panel has full institutional independence; (2) there is a clear standard of proof or threshold that is required to act; (3) there is a consensus on the threshold applying at the riding level; (4) foreign attribution not be required to act; and (5) the Panel has appropriate linguistic capability, particularly for mandarin-language incidents.

Policy recommendation 4: The Government should heed the advice of CSIS and establish a policy, grounded in transparency and sunlight, to release much more information to the public about foreign interference and national security. This includes the names of parliamentarians who are “witting” or “knowing” participants in foreign interference.