



## *In Camera* Examination Summary: Bill Blair

Commission Counsel examined Member of Parliament and Cabinet Minister Bill Blair during *in camera* hearings held in July and August 2024. Counsel for the Attorney General of Canada appeared on behalf of the Government of Canada and had the opportunity to examine the witness. The hearing was held in the absence of the public and other Participants. This summary discloses the evidence that, in the opinion of the Commissioner, would not be injurious to critical interests of Canada or its allies, national defence or national security.

### Notes to Reader:

- Commission Counsel have provided explanatory notes in square brackets to assist the reader.

## 1. Examination by Commission Counsel

### 1.1 Witness

- [1] Minister Blair confirmed the accuracy of the summary of his interview and adopted its contents as part of his evidence before the Commission.

### 1.2 A Warrant

- [2] Commission Counsel referred to a chronology prepared by the Attorney General, which tracked an application by the Canadian Security Intelligence Service (“**CSIS**”) for a warrant. The chronology included information about:
- a) Letters from Director Vigneault to Minister Blair (the “**initial letter**”) and to Deputy Minister of Public Safety, Robert Stewart, requesting approval for an application to the Federal Court for warrants;

- b) The signed consultation of Deputy Minister Stewart, dated four days later, which was passed, along with the rest of the warrant package, to Minister Blair's then Chief of Staff, Zita Astravas;
- c) The date when CSIS provided Ms. Astravas, other members of Minister Blair's office and Public Safety officials with a secure briefing (the "**Initial Briefing**");
- d) Minister Blair first saw the warrant application and received a secure oral briefing from Director Vigneault 54 days after the date of the initial letter. Minister Blair signed the warrant application on the same day that the briefing with Director Vigneault took place (the "**Minister's Briefing**").

- [3] Minister Blair testified that the initial letter from Director Vigneault was included in his package, but did not contain a date stamp. Minister Blair learned about the date of the letter as part of the Commission's proceedings. He was not aware that Ms. Astravas had received the Initial Briefing, and similarly learned of the secure Initial Briefing as part of the Commission's proceedings. He was not aware of any discussions that took place in relation to the warrant application before receiving the materials and the Minister's Briefing on the date he signed the warrant.
- [4] Minister Blair testified that the Minister's Briefing he received took place at CSIS Toronto Regional HQ in a secure video conference room. Other officials were present via videoconference. In the briefing, he received information about the warrant, read through the documents, and signed off on the warrant that same date.
- [5] Minister Blair agreed with the affiant's recollection that he, Minister Blair, indicated near the start of the briefing that he was prepared to approve the warrant, and that much of the briefing dealt with other matters. Minister Blair clarified that he had read through the documents exhaustively before joining the video conference and signing the warrant. He did not recall any discussion with the affiant about the warrant.
- [6] With respect to the Initial Briefing, Minister Blair testified that he would expect conversations to take place between CSIS, his Deputy Minister, and his Chief of Staff before a warrant was brought to him for final approval. He would not expect to be

briefed on the content of those discussions, but if something was coming forward to him for his authorization, he expected to be advised of such discussions.

- [7] Commission Counsel referred to the interview summary of Zita Astravas as well as documents and testimony relating to the Initial Briefing with CSIS.
- [8] Minister Blair confirmed that he was not aware of the content of these discussions.
- [9] Commission Counsel referred to a briefing note prepared for Director Vigneault in advance of the Minister's Briefing.
- [10] Minister Blair confirmed that he did not learn these details, which were included in the briefing note for the Director's information, in the Minister's Briefing. He had many meetings with Director Vigneault, and Director Vigneault never flagged this information or raised any concerns about the warrant more generally with him, at any time. In hindsight, Minister Blair could see how the information in the briefing note might, amongst other things, raise questions. If the Director had raised any concerns, Minister Blair would have addressed them. As no concerns were raised, notwithstanding the information available to Director Vigneault, Minister Blair would conclude from that that Director Vigneault did not consider it necessary to bring this information to Minister Blair's consideration.
- [11] Minister Blair testified that Ms. Astravas served for a considerable period of time as his Chief of Staff in Public Safety and in various other ministerial positions. He always found her to be conscientious and that she demonstrated integrity in all her actions. Minister Blair reiterated that Director Vigneault did not bring anything to the Minister's attention as a concern.
- [12] Minister Blair confirmed that he approved other warrants during his time in office. He did so promptly. Usually, warrant applications took between four and eight days, after being sent by CSIS, to move through Public Safety officials and his Ministerial Office for his review and approval. Minister Blair would spend a number of hours looking at the underlying documents relating to the application, and could ask clarifying questions as needed.

- [13] Minister Blair testified that it was important to deal with warrants promptly because they raise matters of national security. Warrants engage extraordinary authority and lead to an application before a federal judge. Moreover, it was also important to ensure the application, and the information on which it was based did not become stale. It was his responsibility to deal with warrant applications as expeditiously and completely as possible. It was also important to respect the duty of candour in relation to all information provided to the court. Minister Blair communicated his expectation that warrants be dealt with promptly to his staff.
- [14] Commission Counsel referenced the 54 calendar day interval between the submission of the warrant package to Public Safety by CSIS and the Minister's Briefing. Minister Blair's expectation was that CSIS would act in a way that was appropriate to their investigations, both in dealing with Public Safety Deputy Minister, Mr. Stewart and the Ministerial office, and in relation to bringing warrants forward. Minister Blair confirmed that he had a number of discussions with Director Vigneault and Mr. Stewart over the course of the 54 day period. Neither Director Vigneault nor Mr. Stewart raised any concerns about a delay in respect of a warrant application. Minister Blair surmised that because no concerns were raised, neither felt that the delay was problematic.
- [15] Minister Blair commented that he had no benchmark against which to assess the 54-day interval. He did not know whether other warrants would take as long to reach him. He expected that CSIS, Director Vigneault, and his Ministerial office would exercise due diligence in relation to warrant applications, to ensure that the necessary work was complete before it reached his desk for his approval. Minister Blair added that during the relevant period, a number of other significant incidents and issues were being addressed by Public Safety. In addition, the pandemic was underway, which created logistical difficulties and may have been a factor in the length of time it took for the warrant to be put before him. If delay was a concern, or if there was some impediment to bringing the warrant application forward, he expected it would have been brought to his attention.

### 1.3 Warrant procedures

- [16] As to whether there were any systems or procedures that he might recommend when dealing with politically sensitive warrant applications (e.g. warrants targeting members of the governing party, or an opposition party), Minister Blair testified that the oath taken by the Minister of Public Safety supersedes any political considerations, and that the Minister has a responsibility to the country to do his job without fear or favour. He suggested that a better job could be done of formalising the flow of information between agencies, citing a number of instances where information did not reach the appropriate Minister. As current Minister of National Defence, Minister Blair oversees the Communications Security Establishment (“**CSE**”), which has established a robust, rigorous system for information sharing. Minister Blair receives briefings several times a week from the Chief of CSE and her team, and those briefings are well-documented. All documents put before him are dated, and he signs them once they have been viewed. Minister Blair emphasized the importance of accountability and a strong governance structure in the area of security and intelligence.
- [17] Commission Counsel referred to the Shawcross Principle [a constitutional convention that states that while the Attorney General is entitled to consult Cabinet colleagues about the policy implications of prosecutorial decisions, he or she is not to be directed or pressured on such decisions by the Cabinet and that the decision should be made by the Attorney General alone] and its potential application to the role of the Public Safety Minister.
- [18] Minister Blair highlighted that the warrant authorization power is a statutory authority. It is clearly set out in the *CSIS Act*, and creates a responsibility for the Minister. He felt he was clear on how the authority was to be used, and always endeavoured to exercise that authority in the way that was expected under law. He expressed that ensuring there is clarity for anyone holding the position of Minister of Public Safety would be helpful.

### 1.4 Information Flow and the Targeting of Michael Chong

- [19] Commission Counsel referred to a list of CSIS intelligence reports relating to Michael Chong and other Members of Parliament. Minister Blair, through an employee at Public

Safety, is listed as a named recipient of the reports. He confirmed that he did not receive any of the intelligence reports, nor was he ever briefed by Director Vigneault or his team on any intelligence pertaining to Mr. Chong. He learned of the threats against Mr. Chong through the media leaks. Minister Blair explained that he did not have direct access to the terminal through which secret documents were shared with Public Safety. To get the documents, someone from Public Safety would have to access the terminal and bring the documents to Minister Blair.

- [20] Minister Blair testified that during the pandemic, he relied exclusively on verbal briefings from Director Vigneault or others at CSIS to receive intelligence. Any relevant documents shared with him during the briefings in a secure space would be taken away at the conclusion of the briefing.
- [21] Commission Counsel referred to the 2024 report authored by the National Security and Intelligence Review Agency, entitled “Review of the dissemination of intelligence on People’s Republic of China political foreign interference, 2018–2023”. Though the report does not name Mr. Chong, it indicates that CSIS disseminated intelligence reports related to Mr. Chong before May 2021. Minister Blair confirmed he did not receive any of these reports. Minister Blair observed the NSIRA report states the documents were “sent” to him, but he does not know what process was used to send the documents as he did not receive them.
- [22] The report also states that Public Safety advised NSIRA that at least one such report was provided to the Minister of Public Safety, likely as a part of a weekly reading package in 2021. Minister Blair testified that he did not receive weekly reading packages during that time.
- [23] Minister Blair commented that clearly there were significant deficiencies in the way Top Secret intelligence was shared between the agencies and his office. He commented that at CSE, he receives regular briefings with a team, and then has follow-up meetings with the Chief to ask questions. This consistent information exchange is helpful, but was not in place with CSIS during his time as Minister of Public Safety.

## 1.5 HASA Strategy

- [24] Commission Counsel referred to a document indicating Minister Blair was briefed early on in his tenure about Canada's Hostile Activities by State Actors strategy ("**HASA Strategy**"). Commission Counsel also referred to a memorandum to Minister Blair on HASA, which states that Canada's ability to address the HASA threat is limited by the absence of a holistic approach, and that Public Safety is leading the development of a whole-of-government strategy that seeks to build resilience against, and counter threats from HASA.<sup>1</sup> Minister Blair testified that these documents accord with his memory. When he first assumed office, he was briefed extensively on HASA. At that time, he was dealing with the downing of Flight PS752, as well as coercive activities by Iran aimed at families of the victims. He was briefed on the work that had been done on countering threats from hostile states, and discussed the need to develop a more comprehensive strategy in response to HASA.
- [25] Commission Counsel referred to a draft of the HASA Strategy dated September 2020.<sup>2</sup> Minister Blair indicated this document in this format was not brought to him by the Deputy Minister. He was aware the Deputy Minister and his team were working on a HASA strategy.
- [26] Commission Counsel referred to a meeting record of the Deputy Minister Committee for Intelligence Response ("**DMCIR**") dated June 1, 2023. Minister Blair confirmed he and the other Ministers met and received extensive briefings from CSIS. Their goal was to create a common understanding of the issues being disclosed in the press at that time. The four Ministers also received follow-up briefings after another Member of Parliament made public statements about receiving a briefing from CSIS. They also discussed how the Government of Canada could more effectively respond to issues of national security and intelligence, how to make sure there was proper governance and oversight of intelligence, and how to ensure appropriate and timely action was taken. One of the recommendations that came forward was the establishment of a National Security Council, which was announced in July 2023 and has since been formed.

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<sup>1</sup> CAN015248.

<sup>2</sup> CAN003249.

## 1.6 Briefings to the Minister of National Defence on Parliamentarians

- [27] Minister Blair explained that CSE was aware that a hostile cyber actor targeted the emails of certain Parliamentarians. It is not within CSE's mandate to deal directly with Parliamentarians. CSE informed House of Commons IT and the Sergeant-at-Arms of this incident. CSE provided the same information to the federal agencies responsible for those IT systems and for the protection of those individuals. Minister Blair recalled that the incident took place a few weeks before he was named Minister of National Defence.
- [28] Minister Blair stated that if CSE became aware of a threat against any Canadian, let alone a Parliamentarian, or to critical infrastructure that there would be action.

## 1.7 Authorizing Cyber Operations

- [29] Commission Counsel referred to a document package containing an application for an active cyber operation. Minister Blair explained that when CSE makes such an application, the Chief of CSE and her staff brief him on the nature of the operation, why it is necessary, and if the application is for a renewal, the results of previous operations. The briefings are comprehensive, and Minister Blair has an opportunity to ask questions and get more information.
- [30] Minister Blair underscored that there is a material difference between authorizing a cyber operation under the *CSE Act* and approving a warrant application under the *CSIS Act*. The *CSIS Act* provides that the Minister's approval must be obtained before CSIS makes an application for judicial authorization for a warrant under section 12 or section 16. The authority under the *CSE Act* is different. Subject to the oversight of the Intelligence Commissioner, the Minister's authorization is required to initiate an active cyber operation. The *CSE Act* provides him with the authority to approve cyber operations, but also bestows a responsibility. CSE diligently provides Minister Blair with the information he needs to discharge this responsibility. The application contains information about prohibited conduct, and that any contraventions must immediately be brought to his attention. The information contained within an application is helpful and enables him to exercise an appropriate level of oversight and accountability for this extraordinary authority.



## 1.8 Governance and Accountability Mechanisms

- [31] Minister Blair spent most of his career in law enforcement. He underscored the need to ensure law enforcement officers remain accountable to authority. Good governance is necessary to effective policing, and this also extends to national security. The exercise of the extraordinary authorities Canada bestows on its national security and intelligence agencies requires good governance. That includes oversight mechanisms. While NSIRA and the National Security and Intelligence Committee of Parliamentarians are excellent oversight bodies, their review occurs after-the-fact. This is one reason for a National Security Council—to advance the idea of real-time oversight. This is also why CSIS's authorities were crystallized in the *CSIS Act*, which is now due for an update. National security is predicated on public trust. Public trust is strengthened through clear lines of authority and more transparency.
- [32] Minister Blair commented that Australia and the United States have useful models that could inform ideas for improved accountability mechanisms in Canada.

## 1.9 Intelligence to Evidence

- [33] Minister Blair has observed that it is challenging to take intelligence and turn it into evidence. Canada gives its national security and intelligence agencies extraordinary authority to collect intelligence, with the clear caveat that it is inadmissible in court as evidence. This caveat protects the agencies' ability to gather intelligence, because the threshold for evidence is higher than the threshold for intelligence. He suggested creating a mechanism, perhaps through judicial review, to deal with the instance where intelligence needs to be actioned in order to hold someone criminally accountable, or to keep someone safe.

## 1.10 Resourcing for the Royal Canadian Mounted Police (“RCMP”)

- [34] Minister Blair acknowledged the natural tension between the RCMP's mandate to do provincial contract policing and their federal policing responsibilities. For federal policing, there is a problem with resources and adequate staffing. One of the challenges for federal policing is that it is difficult to find people with the right set of skills to conduct

the kind of work federal policing does. There is no centralized pool of individuals from which the RCMP can recruit. By contrast, the Federal Bureau of Investigation (“**FBI**”) takes trained accountants, lawyers and technicians and brings them to the FBI academy and teaches them how to be investigators. That model is something Canada should explore with respect to the RCMP.

## 2. Examination by the Attorney General of Canada

- [35] In relation to the warrant discussed earlier, Minister Blair confirmed that CSIS did not express any concern that the information in the application was stale dated.
- [36] Minister Blair agreed that any actions he was able to authorize as Minister of Public Safety or Minister of National Defence are entirely constrained by the legislation governing those authorities (namely, the *CSIS Act* and the *CSE Act*).