

# Canada

## AIR INDIA INQUIRY

# Intelligence gathering fell between cracks

Establishment of CSIS in 1984 created dilemma over who would be responsible for fighting terrorists, former top Mountie testifies

BY BILL CURRY OTTAWA

The federal government hived off the RCMP's intelligence-gathering powers in 1984 without resolving who would gather the evidence required to put criminals and terrorists behind bars, said Robert Simmonds, who was the force's commissioner at the time of the Air India bombing the following year.

Mr. Simmonds told the public inquiry into the bombing yesterday that he agreed with the government's 1984 decision to create a civilian spy agency responsible for intelligence gathering, the Canadian

Security Intelligence Service.

However, Mr. Simmonds recalled that he argued unsuccessfully for the RCMP to retain the power to gather its own intelligence that could be presented in court.

"At the end of the day, if you can't put evidence before the courts, where are you? I mean, that's the issue," Mr. Simmonds said. "The problem was that CSIS was collecting it, but it was not useable for that purpose."

Yesterday's testimony was the first time the inquiry heard from Mr. Simmonds, who led the RCMP throughout a time of dramatic change.

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Robert Simmonds, former RCMP commissioner

Appointed commissioner in 1977, he led the force throughout the McDonald Commission of the early 1980s that came down hard on the RCMP's intelligence activities. The commission's findings that the police had frequently violated civil liberties and were spying on politicians caused a public uproar and triggered calls for reform. As a result, large numbers of RCMP officers were asked to hand in their badges in order to become the first employees of the new civilian spy agency.

The difficulties inherent in the new CSIS-RCMP relationship have long been cited as

the central source of tension in the investigation of the 1985 Air India bombing. Mr. Simmonds retired in August, 1987.

The inquiry has focused significant attention on CSIS's decision to erase tapes of phone conversations involving key suspects in the bombing. CSIS had a policy of erasing tapes after they had been summarized because its mandate did not require it to compile evidence against individuals.

The legislation creating the spy agency in 1984 stated that its role is to gather intelligence, not to build a criminal case against individuals. The provision was partly inspired

by a desire to give CSIS a freer rein to gather information, while offering some protection of the civil liberties of targets.

Mr. Simmonds was asked if the RCMP would have been more successful in obtaining Air India convictions had the force retained some of its intelligence-gathering powers.

"It would be entire speculation. I have no idea. If we had a good - what we used to call a 'special branch' - within the force," would Air India have been prevented? he asked. "I don't know. I can only say that the base of information readily available probably would have been more extensive."