

**Mr. Deputy Speaker:** Order, please. I think the expressions of opinion by the minister and the hon. member for Peace River (Mr. Baldwin) would indicate that the point has been clarified, at least to my satisfaction. I listened to the hon. member for Peace River who at one time implied that I, as a member, might have at one time, in my parliamentary life had some documents in my possession. I did not take that as a direct innuendo, but rather a statement said in a way that would mean any person at some time in his life might find himself, without his own knowledge, in that position. I took the hon. member's statement perhaps a little more lightly than did the minister. The minister did quite rightly rise to clarify the issue. I think we should leave it at that point.

**Mr. Baldwin:** Mr. Speaker, I was attacking the law and how it operates as being a stupid, silly, and ridiculous law. It was certainly not an attack in the parliamentary sense against any person at all. I think the Minister of Transport should have realized that. This reminds me of a judge we used to have in the Peace River country. He was there for a good many years and we used to refer to him as "the judge of necessity" because of that very old motto about necessity.

However, let me carry on, Mr. Speaker. I have said that in my opinion this act is no longer a weapon of defence but has now become an offensive mechanism. That is borne out by the report of the Royal Commission on Security in 1969. I am not going to take the time to read the document in whole or in part, but it does make some very strong criticisms of the operation of the Official Secrets Act.

That commission made some suggestions that I and other members on this side have advanced from time to time. Some of us who have been in the House for some time will remember the unfortunate case involving a postal clerk by the name of Spencer. He was a former member of the communist party and had gathered together information that was publicly available to anybody in this country, and had given it to an agent of another country. There was a fuss in this House, and the then Prime Minister, Mr. Pearson, quite courageously stated the facts and said that no action would be taken because of the nature of the proceedings that would have to be initiated. The man died, not long after. He was then suffering from terminal cancer. This shows the stupidity of the existence and maintenance of this act.

Those who have criticised us who have suggested that the law should be changed, have always asked us to define the kind of crime that should be covered. They have talked about definition of the kind of criminal actions that should be covered, and have referred to the use of the phrase "national security", which we deliberately put into this motion because it involves the subject of discussion. I recognize that it is not easy, Mr. Speaker. The words "national security" are comparatively new words which have come into the lexicon of governments and the courts since the time of Joseph MacCarthy and the cold war. But even if the Solicitor General (Mr. Blais) would find difficulty in defining them, I have seen in this House monstrosities in legal form perpetrated as legis-

lation, after people in the Department of Justice have struggled to bring forward legislation.

• (1232)

I suggest that it is not beyond the scope and the capacity of this government to produce the limited, narrow type of definition to which provisions of this kind should be restricted. To say that it is hard to do, is no answer. The trouble today is that the normal practices of cover-up and concealment, which in the passive sense have been so evident in the operations of this government, have now been translated into intimidation and threats, as in the case of Rudnicki and in the case of attempts by the government to stop the operations of the Laycraft commission and the Keable commission using section 4(1) of the Federal Court Act. There are also the examples of the uranium cartel, that diabolical regulation which was enacted and the attempt by the Prime Minister to intimidate the CBC to take a course of action with regard to national unity, which was, in his opinion, the only course that could be taken.

There was a recent disclosure yesterday in the newspapers of the RCMP apparently taking OHIP records illegally and then saying they cannot break another law by revealing them. There is the case of the Toronto *Sun*, a case of selective prosecution that, in my opinion, was deliberately taken. I am not talking about whether or not the *Sun* is guilty of an offence under the act. As a matter of fact, as I tried to make out a moment ago, almost anything can be a crime under the Official Secrets Act. The Toronto *Sun* has been selectively prosecuted and the case is very similar to the Aitken's case in the United Kingdom.

I believe that part of the reason for which the *Sun* was picked out is because it came to the defence of Dr. Treu about the very dangerous trial that was undertaken in that regard by the government. In the Treu case, the trial and the conviction were in secret, and the sentence was open only because the law demanded it. The reasons for judgment disclosed in this sentencing are remarkable. The comments of the learned trial judge who sentenced this man to two years, and the fact that the government, not only stood by passively, but launched the prosecution, are events which I find extraordinary.

I find it difficult to believe that a government would act as this government has acted, and looking ahead I hope that the appeal will change the conviction. If it is not changed, Mr. Treu will go to jail for two years, or whatever time is suggested by the appeal court. I am convinced that if the government takes the same attitude it does now, Mr. Treu will be told while he is in jail that if he says anything his rights to parole will be limited, his opportunity to seek early release through parole will be limited, and he will be told that if he says anything after he has left jail he will be liable for further infractions and further charges under the Official Secrets Act.

Alexander Dumas should have lived today, Mr. Speaker, to write about this as he wrote about the Count of Monte Cristo or as in the story of "The Man in the Iron Mask." Those are the kinds of situations which have been created under the operation of the Official Secrets Act. It is particularly so in the