

*Criminal Code*

It is almost trite for me to say that this legislation infringes on the basic freedom of the individual, but there is a corollary: that freedom is of precious little value if the individual is the victim of the law breaker or the subversive. Indeed, in terms of national security, when that is under attack and no adequate defence is available, that basic freedom has the potential of becoming meaningless by its elimination.

However, on balance what I really seek is the assurance that there will be strict observance of the purposes to which the interception of mail should be directed or confined, and I look to the government, through its Solicitor General, for that assurance. I do not look to the law enforcement agencies of this country. I do not look to the security service officials. I look to the Solicitor General and the government that he represents to assure me that proper safeguards are in place and are working. I look to him to assure me that the power is restricted and used appropriately; and I look to the Solicitor General to assure me that the power is not to be used as a matter of routine and as simply a substitute for the conventional law enforcement measures that are our tradition.

Acknowledging that the reality of our times is that crime and subversive activity do occur in Canada, and further acknowledging that our law enforcement and security services must contend with these threats, we look to the Solicitor General and the government for a final assurance. Can they assure us that it is necessary to compromise further the fundamental right of privacy in order to protect us effectively from the threats of crime and subversion?

There is no doubt that the Solicitor General and the government would give these assurances that I seek. The question is not whether they will give them but rather how valid are they once given. Because this is a government which gives assurances at any time, in any place, about anything. We have had assurances in the House that there were no illegal or irregular security service activities. How quickly that proved wrong! We have had assurances in the House that these incidents amounted to one or two in number and were isolated. How quickly that proved wrong! We have had assurances that the McDonald Royal Commission was going to solve all these problems, but once the commission was constituted events alone overtook it and left it far behind. We have had assurances that no members of parliament were subjected to electronic surveillance. There are many in the House and in this country that doubt that assurance. Most recently we have had an assurance about the extreme sensitivity of a particular top secret document, and yet there are widely circulated reports, which are uncontradicted, that some 58 copies of that so-called top secret, sensitive document have been distributed around this capital.

Let us be more relevant. Let us talk about assurances on mail opening, which is the subject matter of this bill. In July 1975, in the House, the then solicitor general, now Minister of Consumer and Corporate Affairs (Mr. Allmand), assured us that first class mail cannot be opened. The then postmaster general, Bryce Mackasey, in 1975 gave the same assurance in the House.

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The present Solicitor General in his former role as postmaster general said the same thing in the House of Commons last November, only to be contradicted moments later by the then solicitor general, who got his news from the CBC. On November 9 the present Solicitor General told the House that he had checked with the Post Office's security and investigation officers. He assured us that there was no problem, but the director of the security intelligence branch of that department told the McDonald Commission that he knew about these instances in or about mid-October.

Why have all the assurances proved to be so false and so hollow? If one were a cynic, one would have to say that the motive for giving that type of assurance was simply to protect the political skin of he and they who gave it. That would be if one were cynical. If one were generous, one would say that these assurances which have been so false and so hollow were given to allay the suspicion and cynicism of Canadians. However, the result has been just exactly the opposite.

The bumbling, stumbling, fumbling and heavy-handed ineptitude of this government has been the very food for the cancer which has caused the suspicion and cynicism not just of members of this House but of Canadians everywhere. How did we get there? Where did this ineptitude come from? I think I know. It comes from the extraordinary and remarkable doctrine of the Prime Minister (Mr. Trudeau) regarding ministerial responsibility. I am not sure I can put it as succinctly as he can, but I can paraphrase. The Prime Minister gathers his cabinet around him and gives them the following marching orders: "For heaven's sake, do not inform yourself about what is going on in your department. Above all, do not ask the right questions of your departmental officials. Cloud yourself and shroud yourself in ignorance, because as long as you can survive without a criminal charge being brought against you, we will all be all right". That is the doctrine, and that is the feed and the fodder for the cynicism and suspicion which is abounding in this country.

In this atmosphere along comes Bill C-26, to permit the legal interception of mail. The Solicitor General knows full well that the reaction is cynicism and suspicion. There has been a virtual litany of editorial comments, and I will quickly quote a few. "It," meaning this legislation, "is at best premature. It is also opportunistic, threatening and profoundly distressing". Another editorial: "To legalize the opening of mail is an act of contempt remarkable even by the generous standard of Pierre Trudeau". Another one: "A piece of tough anti-crime legislation that will be popular at election time". Another one: "A rush to amend a law that has not been enforced". "Retroactive sanction of illegal activities". The editorials go on and on.

This is the atmosphere in which this House and a diligent, hard working Standing Committee on Justice and Legal Affairs must deal with this extremely important legislation. Who is to blame? It is not the opposition or Canadians from coast to coast. Those who are to blame sit on the government benches opposite, those whose irresponsibility is remarkable