

*Security Intelligence Service*

irreparably damaged if we did not have the accurate intelligence supplied by our present security service.

As the Mackenzie Commission said in 1969:

—the duty of the State to protect its secrets from espionage, its information from unauthorized disclosure, its institutions from subversion and its policies from clandestine influence is indisputable; what are matters for dispute are the organizations and procedures established by the State to meet this responsibility in an area which can touch closely upon the fundamental freedoms of the individual.

[*Translation*]

At recent hearings before the Senate, where many people challenged the organization and methods we proposed, there was never any question about the need for some kind of security intelligence organization.

We want to restrict the mandate of our Security Service in order to define more clearly, and in greater detail, the scope of our security intelligence activities. We want to indicate the exact powers the Service will be authorized to use, and we want to specify the conditions and limits of use of those powers. We want these conditions to be defined within a detailed framework that will ensure full respect for the law, and we intend to establish a non-governmental and fully independent committee that will monitor the justification of security intelligence activities and report regularly to the Solicitor General of Canada and to Parliament.

The purpose of this Bill is therefore, to a large extent, to provide a new set of guarantees and controls that do not exist at the present time, in order to protect the rights of Canadians against undue interference. If we are at all concerned about the quality of our democracy and the freedom of dissent and political association that is fundamental to our society, I believe this legislation is necessary. The MacDonald Commission emphasized that, in Canada, the aim of a security and intelligence service is to protect the needs of a free and democratic society. That is the whole purpose of Bill C-9.

[*English*]

There are those who say that the new framework being proposed could be introduced within the present RCMP security service. In fact, some people interpret the separation of the security service from the RCMP as an implied criticism of the ability and integrity of our national police force. I want to make it very clear that this is a fundamental misunderstanding of the Government's position.

The RCMP is the finest police force in the world. It enjoys a well-deserved international reputation. I, for one, am extremely proud of the force that has displayed such integrity and dedication to the cause of law enforcement. However, the very system which makes the RCMP an effective police force makes it less suited as a security intelligence organization. The RCMP has had the job of providing policing for Canada for well over a century. It has had the responsibility for assuring national security developed as a special division within the RCMP since World War II. However, the way in which the debate on Bill C-157 developed shows that Canadians them-

selves appreciate the distinction between police work and security work.

It became clear early in the decade that interested Canadians want the Solicitor General to know exactly what the security intelligence service is doing at all times and to be responsible down to the detail of every warrant issued by the court for intrusive investigative action against a suspected threat to the security of Canada. The public and the Senate committee made it clear that only in this way is there adequate accountability for the service.

The Government agrees. This sensible demand requires a close link between the Government and the security service—an important relationship or link of overall government responsibility for what the service does. On the other hand, when one looks at police operations, the public expectation and the long-established tradition are the opposite. Parliament has given the police of Canada, including the RCMP, the Criminal Code; and the Government has given the RCMP policy guidelines for intrusive techniques. The law provides that they obtain warrants from judges.

Everyone surely knows that the Minister, the Solicitor General, does not tell the RCMP when to open and close criminal files. The Solicitor General does not tell the RCMP who to investigate or who not to investigate and where or when to seek a judicial warrant to engage in more intrusive investigation. The Canadian people want police investigations to be entirely free of government interference and direction. In other words, people want the RCMP security service to be accountable, but in police work they want the RCMP to be independent.

It has not been easy for the RCMP to contain at the same time these two conflicting responsibility models. Two royal commissions have shown the problems which can arise. It is time to recognize this incompatibility. It is time to permit the RCMP to continue its traditional and fundamental independence in policing. Indeed, as I will show in a few minutes, its policing role in relation to security is to be considerably enhanced by this Bill. At the same time the security service is to be spun out, its powers of arrest are to be removed, and it is to be given the degree of ministerial involvement and greater accountability which security work requires.

● (1240)

The Mackenzie Commission set out its reasons for separation in 1969 as follows:

Apart from a similarity in some investigative techniques, the differences between police and security duties seems to us to be wide. Police forces are concerned primarily with law enforcement, including post factor investigations, with the collection of evidence and with the prosecution of crimes. Security services are primarily engaged in preventative activities and the collection of intelligence . . . We feel, in short, that the professional security service officer is quite different from the professional policeman and that this difference should be reflected in recruiting methods, in training and career patterns and in organizational structure . . . On balance, the best solution seems to us to be the creation of a new non-police agency to perform the functions of a security service in Canada.

When the Commission's report was presented to this House, the Hon. Robert Stanfield acknowledged these differences and expressed "doubts" as to whether the "Mounted Police lends