

The Government of Canada knows what evidence has been received in hearings before this Commission or recorded in documents received.

The Provinces have available all our public evidence and are at liberty to investigate further those matters, as was done in British Columbia concerning surreptitious entries in criminal investigations.

The law governing this Commission requires us to make recommendations in a report.

The law requires certain steps to be undertaken before we can make a report which is valid in law and we must obey the law.

The law requires that if our report is to include any report against a person, notice must be given to that person of the charge of misconduct.

That this raises difficult issues is demonstrated by the lengthy representation made to us by two counsel for the RCMP, for members of the RCMP, and more recently—that was in early March, and more recently by counsel for the Attorney General of Canada.

I emphasize the Attorney General of Canada and not as reported by a national agency, the Solicitor General.

We, unlike the Canadian Civil Liberties Association, cannot, until the procedure required by law is complied with, reach any conclusion of illegality as far as specific cases are concerned.

As far as systematic techniques are concerned, they are in the public domain and the appropriate authorities have been at liberty to investigate them in detail and reach their decisions as to whether or not to prosecute.

Now, I make those comments in an attempt to enable you to understand our process.

Everything I have said has been said from this chair in public on other occasions, but that does not necessarily mean, I realize, that you have known exactly what has been said in that regard.

All I have tried to do is emphasize that our procedure is governed by law and we are not at liberty, simply, to refer to any specific acts and specific situations as being unlawful.

Whereas others can do so in print or orally, they can say that the unlawfulness has been established by admissions and by evidence.

MR. ALAN BOROVOY: Mr. Chairman, the proposal we had made a couple of years ago did not contemplate such findings in specific cases.

I quite appreciate that problem.

Our proposal was that the Commission should have recommended that the normal law enforcement processes go forward.

That was the recommendation we had sought.

Had they not gone forward, naturally, we could not have said anything to you about that.

But our hope is that, and the point of the submission then was that you would have used your best offices to encourage the normal law enforcement processes to go forward, and that would not have required specific findings in specific cases.

THE CHAIRMAN: It would have required a report by us and it would, therefore, require representations by counsel as to whether there was conduct not authorized or provided for by law.

Thank you. We will adjourn now for fifteen minutes. Pardon me.

I have been advised by my fellow Commissioners there are no further questions, and since I have just completed my questions and comments, we can, therefore, adjourn for the day.

But before doing so, I would like to emphasize again, our gratitude to the Canadian Civil Liberties Association for the high standards of the written submission that has been given to this Commission and the oral submissions made today.

All three of us have said that and I need not say any more, I hope.

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