

It is obvious, therefore, that if society is to benefit from in-depth reporting, reporters must enjoy the right to withhold information concerning their sources. Editors of some of the largest newspapers in the United States are saying that one of the fastest ways of removing the problem which has arisen in that country is to allow a large number of their reporters to go to jail. They believe the reaction from the public would be strong enough to change the present state of affairs. I could list a number of cases in the United States of reporters being sent to jail for refusing to reveal the sources of their information, cases involving such things as fraud in connection with the development of parks, cases where commissioners and other elected officials had been guilty of taking bribes.

There is, of course, the recent case of Spiro Agnew, who had taken bribes, and the indication the public has received in the last day or two that President Nixon may have received a political pay-off for allowing the price of milk to rise in the United States, not to mention the pay-off he may have received for allowing Hughes to develop gambling casinos. Hon. members may recall investigations by newspapers into numbers rackets, into the Mafia, into the wholesale importation of drugs from Mexico. In this last instance the police were able to secure a jail sentence for the reporter concerned because he refused to disclose the source of his information.

It seems to me we are seeing the press in the United States acting in a much more responsible manner than one would have thought possible. It was not Congress, it was not the judiciary, it was not the CIA or the FBI which broke all the major stories involving corruption and other acts which were placing democracy itself in jeopardy. It is the press which made these disclosures, resulting, in many cases, in the arrest, or, what is more important, in the elimination from office of persons whose operations, if continued, might eventually prevent democracy from functioning.

In Canada, too, there is a crying need for reporters who set the highest standards for their work. Maybe we should examine the performance of the press in Canada. I certainly give the CTV full credit for initiative in a recent venture. I think what they were doing was trying to force members of my party, who are probably more willing to undertake crusades than others, to do something about a situation which those responsible for the program believe is getting out of hand in Canada, a subject which parliament has not really considered very closely or intelligently.

Mr. Knowles (Winnipeg North Centre): They bungled it.

Mr. Peters: They bungled it, but I give them full credit for having tried. With the Conservatives, I imagine they did better. But that is just a guess.

There must be some investigative body working to see that democracy functions in the best possible manner. I do not believe the press in Canada has played such a role for a number of years, but I am as hopeful as are, I am sure, all members of the press and all members of this House that reporters and the news media in general will continue to develop in the field of investigative journalism so as to bring about a strengthening of the democracy upon which

News Sources Protection Act

we depend. In a democracy, an informed public is a necessity, and if we fail to ensure the provision to the Canadian public of the information and knowledge necessary to enable each citizen to form his views in an intelligent way, democracy will quickly find itself in difficulty. No doubt there are some forms of government which cannot tolerate an informed press. But we in Canada, attached as we are to democracy, need a free and informed press and, therefore, to some extent, a protected one.

● (1720)

Mr. Jim Fleming (York West): Mr. Speaker, I rise to speak to this bill having spent the first 11 years working within our news system as a journalist in the newspaper, television and radio media. I covered local politics and had my share of so-called "leaks" or inside information. I worked the past five and a half years, until becoming directly involved in active political life, as a news commentator and had the experience of receiving information with regard to which certain pressure was placed on me to reveal my sources. There was, however, no dramatic show-down when I did not wish to do so because I felt it would jeopardize the people who had given me that information which I felt should be made public.

Having said all that, however, I must oppose Bill C-41 because I believe it is not necessary in our system as it functions today. I believe that, rather than helping the media it would be dangerous to the quality of the products of our news media. I believe that if this bill were passed it would serve the reverse of its well-intentioned purpose. As the hon. member for Timiskaming (Mr. Peters) mentioned a moment ago, the news media must have the wherewithal to garner its news and to make it public. I suggest that if this bill passed and became law, and protection of source were given directly in the law, it would not in fact give them that wherewithal. It would put the wherewithal under great question, thus making the honesty and veracity of the press and the media questionable.

I think the issue can be divided into two parts, namely the public interest in the due administration of justice, and secondly, the public interest in the free and unrestricted flow of information and in the accurate reporting of this information. With regard to the former, that is the public interest in the due administration of justice, the free and unrestricted flow of information has prevailed until the present. The common law recognizes today that there is no privilege for newsmen. The common law principle is that there should be no general privilege of confidential communications, with very few basic exceptions. These exceptions are solicitor and client relationships, the Crown, and spouse privileges. These are the carefully reasoned exceptions to this rule. The four main common law jurisdictions continue in consensus on this point, subject to legislative amendments, such as the one we have before us today.

May I start by comparing some other jurisdictions with which Canada has a great deal in common. I begin by presenting the experience in statute law and in common law in England. The United Kingdom Law Reform Committee in its 16th report on Privilege in Civil Proceedings of 1967 stated the desirability of keeping the number of recognized privileges at a minimum, and added that the better solution is to grant a wide discretion to courts to