

Official Secrets Act

● (1222)

Any law which does not deserve the respect of the people is not a law that should be on the statute books. I do not mean by this that we should remove the Official Secrets Act entirely, but we should certainly tailor it to make it conform to what the views of society think it should be.

Any act which would not sanction a situation such as we saw today, or in this House yesterday when the hon. member for Nickel Belt (Mr. Rodriguez) quite conscientiously and in good faith, when participating in a debate dealing with the Post Office, read from a secret report, namely the Hay report, a report not officially released, is a bad act. There is no doubt that someone gave that document to him or to somebody else. The hon. member was technically in default under the act.

How can we in this House discharge our duties in view of the failure of governments to provide us with documents which constitute reasonable analyses and suggestions in respect of problems in government departments? This forces us to break the law. I suggest with respect that possibly you, Mr. Speaker, at some time or other before you occupied that position—I am not going to ask you to deny this, because you cannot—have been in company with most members of this House in having in their possession documents not officially authorized, and perhaps not even dangerous. You, and all of us, were in breach of the act at those times. There are ministers in the House today who have, or through their assistants, deliberately leaked documents to provide a favourable impression of their activities, or quite frequently to deal with issues and confrontations between themselves and other ministers.

Mr. Lang: Mr. Speaker, I rise on a point of order. I think the hon. member for Peace River (Mr. Baldwin) said there are ministers in the House today who had themselves, or through their assistants, leaked documents. It seems to me he is in that way making an allegation of the commission of an offence.

An hon. Member: Oh, sit down.

Mr. Lang: I would think he ought not to do that unless he is prepared to give clear evidence about it.

Some hon. Members: Oh, oh!

Mr. Lang: The hon. member for Grenville-Carleton (Mr. Baker) seems to think this is a strange request. I am simply saying that if the hon. member for Peace River is there stating a specific illegal act, is describing an illegal act and ascribing it to a minister in this House, he ought to have some evidence to support what he is saying, or he ought not to say it, and ought to have the good grace to withdraw that allegation, making clear he is not alleging, because he lacks evidence to allege, any such wrong doing.

Some hon. Members: Oh, oh!

Mr. Baldwin: Mr. Speaker, if possible the minister is making himself even more ridiculous than he did the other day. I did not think that was possible, but apparently he has been successful.

[Mr. Baldwin.]

Some hon. Members: Hear, hear!

Mr. Baldwin: I made a general statement. If this minister can stand up in this House and say on his honour as a member of the House that none of his colleagues at any time has ever directly or indirectly leaked information to the press, or to other people, to influence the course of the appreciation for their actions, or to deal with confrontations, let him stand up and say so. If he can make that statement and guarantee it, and if he does so, I will say nothing more about it, but will leave it to the public and the press to judge who is correct.

Mr. Lang: Mr. Speaker, on the point of order, the hon. member for Peace River has now, indeed, even moved from the specific allegation of an illegal act and wrong doing to the general question of whether anything was ever leaked. What an extraordinary proposition he is putting forward! How extraordinary that he could a moment ago make a general charge of illegal act or wrong doing against ministers in this House—

An hon. Member: My goodness, he is sensitive.

Mr. Lang:—and now says he will not withdraw that but stand by it, not because he is going to produce a tittle of evidence about it, but will stand by it unless someone on this side can make a sweeping and absolute defence against some leak somewhere, which is quite a different issue. What an extraordinary legal doctrine, that the hon. member for Peace River may make a charge in relation to wrong doing, and then, rather than having evidence, he says; “Let the defence come forward first before the charge is even substantiated.” I find that so extraordinary that it colours his entire earlier rhetoric about our legal system, our courts, and their role in it.

An hon. Member: How sensitive can you be.

Mr. Lang: It seems to show a complete lack of understanding of our legal system. If members opposite suggest I am sensitive about this, let me say that I am sensitive about the need to adhere to some decency and some tradition—

Some hon. Members: Oh, oh!

Mr. Lang:—and some traditions of British justice and fair play. If hon. members opposite find that unimportant, then let me say that, to me, it is extremely important that no member in this House should in that fashion seem to put the burden on others by a general statement of illegality and wrong doing. I take it the hon. member for Peace River should have the good grace, with his wisdom and experience in the law, to move away from any suggestion that he would, without evidence which he is willing to produce, make an allegation of illegality or wrong doing on the part of, as he said, ministers in this House.

An hon. Member: Your halo is crooked.

Some hon. Members: Oh, oh!