

ROYAL CANADIAN MOUNTED POLICE

REASON FOR FAILURE TO REPORT INTERCEPTION OF SOME COMMUNICATIONS AS REQUIRED BY OFFICIAL SECRETS ACT

Mr. Erik Nielsen (Yukon): My question, Mr. Speaker, is for the Solicitor General. The former solicitor general, now Minister of Consumer and Corporate Affairs, made three specific reports to parliament under section 16(5) of the Official Secrets Act in which he indicated that the only methods of interception utilized were wiretapping and eavesdropping by microphone. This amounts to misleading the House contrary to the former solicitor general's duties as prescribed by law. Will the Solicitor General explain why it was that his predecessor so seriously misled the House and why he was unable to obtain from his officials the details of the mail interceptions routinely carried out during the years he was solicitor general?

Hon. Francis Fox (Solicitor General): As to the reporting requirement the hon. member mentioned, it is my understanding that it is a requirement under the provisions of section 16 of the Official Secrets Act which was added to the legislation in 1974 and my understanding is that it obliges the minister to make an annual report to parliament on interceptions of communications which had been made under that section of the Act.

Mr. Nielsen: The minister has neglected to explain why reference to mail interceptions was omitted. The last report made under section 16(5) of the Official Secrets Act was signed by the present Solicitor General. Will the hon. gentleman tell us whether he asked for or received any advice from his predecessor who held the office of Solicitor General until September, 1976, concerning interception of communications other than by wiretaps or bugging, specifically the interception and copying of mail?

Mr. Fox: My predecessor did say in that report which was tabled last year that there had been a request submitted to the Department of Justice for a legal opinion to ascertain whether an interception of the mail could be made legally under section 16(5) and the opinion received from the Department of Justice was that the opening of mail could not be legally carried out under section 16(5) of the Official Secrets Act and that section 43 of the Post Office Act took precedence over the Official Secrets Act.

Mr. Nielsen: The minister failed to mention that in that report only one authorization was requested. Will the Prime Minister tell the House, in view of the massive failure of the former solicitor general to exercise his responsibility as clearly outlined in section 16(5) of the Official Secrets Act affecting one of the basic pillars of our constitution, whether the former solicitor general, now Minister of Consumer and Corporate Affairs, is prepared to tender his resignation for his part in allowing this sordid affair to develop?

Right Hon. P. E. Trudeau (Prime Minister): The hon. member is making an argument and a suggestion. I think both are quite false.

Oral Questions

KNOWLEDGE OF DIRECTOR GENERAL OF SECURITY SERVICE OF INTERCEPTION OF MAIL

Mr. Allan Lawrence (Northumberland-Durham): A supplementary question to the Solicitor General relating to mail interceptions. The hon. member will recall that on Thursday last I asked him who else in rank above the deputy director of the security service knew about the mail interceptions. His answer to me was: "We have not yet been able to determine whether any higher authority than the one I have mentioned was aware of these activities at the time." Four days having now elapsed since Thursday, I ask him whether he can tell me specifically whether the director general of the security service knew about mail interceptions in June of 1976 when they were terminated.

• (1432)

Hon. Francis Fox (Solicitor General): Mr. Speaker, the answer is that the director general of the security service was not aware of any case where the mails had been opened contrary to Section 43 of the Post Office Act.

PRESENCE OF DEPUTY DIRECTOR OF SECURITY AT MEETING CONCERNING POSSIBLE FURTHER ILLEGAL ACTIVITIES

Mr. Allan Lawrence (Northumberland-Durham): That is not what I asked. I asked if the director general knew of any illegal mail interceptions at that time. If the answer to that is no, I would simply ask this. Was the deputy director general present at the conference a few weeks ago when the Solicitor General asked his advisers, and presumably they would be the security advisers, whether the security service at that time were engaged in any other illegal activity other than the APLQ break-in. The Solicitor General is looking puzzled. He will remember that when the whole matter of the APLQ break-in came to light, he told this House that he had been assured by his security advisers there was no other illegal activity carried on up to that time by the RCMP. Obviously the security service knew about the mail interceptions in June 1976. My question is whether the deputy director general of the security service was present at that conference the minister had with his advisers.

Hon. Francis Fox (Solicitor General): No, Mr. Speaker. The deputy director general of operations was not present at that time. The question was put to the then Commissioner and the present deputy director general of the security service. They had no knowledge. I have spoken with the director general of the security service. I have not had the opportunity of speaking with the former Commissioner. It is quite clear the director general of the security service had no knowledge of mail interceptions which led to opening of the mail.

Mr. Lawrence: Are we to assume that in June, 1976 the deputy director general of the secret service knew of the mail interceptions but at that time and since the director general did not know? Are we then to assume that there was a breakdown in communications at that level in the security