

Protection of Privacy

province in which the alleged offence is being committed be available; will the Solicitor General be available? No. The fact remains, that however assiduous they are in the discharge of their duties they will not be present, if not in all the cases certainly in many of them. So we get down to the position—it is of that I intend to speak today—where so far as the administration of justice is concerned the section that will be used, as has been said by a number of members, will be the one to provide for the appointment of an agent.

Sir, I have been concerned about the way this government has acted on matters connected with freedom in this land. When Joe Drybones won his case in the Yukon on the Bill of Rights, who was it that appealed? It was the Department of Justice and its counsel who was instructed to oppose the Bill of Rights to the limit and have a declaration of the Supreme Court of Canada that it was in no way more than a grandiloquent declaration of freedom. Oh, how they love the Bill of Rights, but when they had an opportunity not to appeal the case of that Indian who had been successful under the Bill of Rights who was it that appealed? The Department of Justice. The same thing happened in respect of the Lavell case of which I shall speak on another occasion. What is the idea in this? Tell me where else such a provision exists? Where else can agents be appointed who have the right to take away many civil rights for 36 hours. Who are these agents to be—incognito? Will they be chosen as a result of consultation with the police? How will they be named? Will they be named in advance? How does the minister expect the agent will be available if 600 judges all across this country will not be available?

To me that explanation is simply hairsplitting on the part of the minister. Suppose a difficulty arises suddenly and action is necessary in an emergency, for example, in the province of Saskatchewan? How do they get in touch with the Attorney General of Saskatchewan to name an agent? Why is the minister so certain that that agent, if named in advance will be available? I am amazed that one incognito would be available but 600 judges would not be available. But the minister pushes ahead. He has what I describe in the kindest of good feelings, a bullheaded astigmatism. He just simply decides it will be done, and now he is trying to intimidate the committee. He is trying to have a second bite at the cherry because the cherries they produced to him were not the ones he wanted.

Mr. Lang: The committee did not agree with you.

Mr. Diefenbaker: That type of interruption indicates that the hon. gentleman has not had many cases in his life in the courts. As I have said, the minister does not trust committees. I shall not go further into that except to say that if committees are to be effective they should not be made a pet's plaything, no matter how you spell "pet". Backbenchers should have the opportunity to strike for views they believe to be right. I think that this committee has been one that deserves the commendation of the House of Commons, not the unbridled condemnation that the minister apparently will pile on it because he did not get what he wanted. I sometimes think that if he had had a little more experience at the Bar, he would not be so certain that he is right in everything when he tries to push these things through.

[Mr. Diefenbaker.]

● (1250)

I ask him this question, because I know he will be anxious to answer it. In the last year the government of Canada has been spending hundreds of thousands of dollars on available buildings and rooms for the accommodation of visitors to Canada. Some \$750,000 were spent over the year for rooms for the visiting members of the Commonwealth. Why were those rooms not used the other day in this exhibition of cabinet movability? Was there any danger that they were being bugged? Was that the reason they were not used? The cabinet members went out into the country, to that place known as O'Brien's Castle, at a cost of \$260,000. The place had not been used for the last couple of years. It is far removed from the spying eyes of those who might see the cabinet in action—I mean moving in the direction of action.

What happened? It was just like a great callithumpian parade. All the ministers were off to the country to this hideout. Thousands of dollars were spent to renovate the place. There were secret servicemen and mounted police around to guard the secrecy of this cabinet meeting. Was the minister afraid of bugging? There is no danger of bugging out there because no one ever knew that the place would be used, even by the cabinet. But this indicates that the government is very concerned that there is danger that someone may be bugging the two cabinet rooms. You do not have to worry about that. But I would like the minister to explain this pilgrimage. Off to the country—away they go with mounted police, outriders, secret service. Why all these precautions? I will repeat, was the government afraid that it was being bugged? I do not know what you call those people who do bugging, but were they afraid of such people?

Mr. Nielsen: They were all inside the cabinet.

Mr. Diefenbaker: Now, I come back to this: why does the minister want this? What is the purpose of pretending that this is a bill to control privacy, when as a matter of fact, it is a licence to an unknown agent to practice the very converse of privacy. What is the purpose of it? An agent must be specially designated in writing for the purposes of the section. When he gets this designation, how long does it exist? Will the agent simply go ahead at the end of 36 hours and get another extension? This is the most dangerous provision that has ever been incorporated in the law of this country; it is dangerous to freedom.

Some hon. Members: Hear, hear!

Mr. Diefenbaker: What were the explanations? The explanation is that there is an emergency. The reason is that this government wants to be in a position where it can do as it pleases. So far as I am concerned, I will oppose this bill to the limit, unless the minister withdraws this portion thereof. There are other amendments on which members will have their views, but it is unbelievable that any minister could produce this thing which is of the essence of tyranny and capable of being used to destroy political opponents or others with whom the government is in disagreement.

That is what happened at Watergate. My 20 minutes are up, Mr. Speaker, but I want the minister to know that this