

unbridled power in the hands of the Solicitor General in completely unacceptable in my view.

When I placed on the order paper some months ago the series of questions with respect to the Police and the Security Planning and Analysis Group falling within the jurisdiction of the Solicitor General, a great number of eyebrows were raised on the other side as to the inferential information which was contained in the questions themselves. I stated last night that one can only wonder at the reason for the government not denying immediately and with emphasis the possibility of the existence through the Defence Research Board of surveillance capabilities at Shirley's Bay of the whole of the Ottawa telephone system. But they got around that.

I see the Minister of Justice smiling. It is permitted to speak of these things now. But I ask the Minister of Justice this: If there is no such plan and no such capability, why does the government seek refuge in reply to that question by saying that it is not in the interests of national security to discuss these matters? They should have set everyone at ease immediately by saying that it does not exist. But the inference in the reply is that it does exist, and I maintain it exists, perhaps not in that location any longer but it is there. Now we want to give the Solicitor General the power, without any control whatsoever except for the requirement to report after the fact, to implement the whole system. I, for one Canadian, resent the extent to which that would intrude upon not only my privacy but my freedom.

We heard the Secretary of State for External Affairs (Mr. Sharp) say today that an investigation has been conducted into leaks with respect to certain communications between a Canadian official in Chile and the public. They have conducted that investigation and they think they have zeroed in on the person who was responsible for the leak. Under this clause in the bill, the Solicitor General could issue a warrant which would authorize the interception of communications on the telephone of every single employee in the Department of External Affairs or, indeed, in any government department, in order to determine where that leak originated. Indeed, they could go further than that and if there was the slightest reasonable "ground to believe" that perhaps it might be some civil servant who has left the service and is now in civilian life once again, they could intercept his communications, and on and on it could go. No citizen would be free from the intrusion of this kind of power without any judicial control.

In 1969 the minister spoke of controls. He spoke of the necessity to balance the need for giving the law enforcement agencies in this country effective means to cope with lawbreakers. That is balanced against the law and order concept and the right of the individual to privacy and freedom without intrusion into his private affairs. I ask him now whether this clause in particular, and this bill as a whole, would provide that kind of guarantee to the Canadian citizen that there will be no intervention in his private affairs to the extent which this bill seeks.

Again, on April 3, 1973, I put a series of questions on the order paper. The government in their answers hid behind the following phrase:

Protection of Privacy

It is not considered in the public interest for reasons of national security to disclose the details of security and intelligence activities.

If that kind of question can be answered in that manner, what kind of report, I ask, are we to expect from the Solicitor General under the clause in this bill? We will get the kind of report, should this clause pass in its present form, that will hide all relevant reasons for the application in the first place and all relevant reasons for the granting of any warrant. The phrase that will be used, if we from the opposition inquire about it if we ask why, when, how, or who was involved is that the information requested is not returnable by the government for reasons of national security. That is the answer we will get.

I join my friend, the hon. member for Fundy-Royal (Mr. Fairweather), in his view with respect to the October crisis. I, too, voted in favour of the implementation of the War Measures Act, but in my 16 years here that is the most shameful vote I ever cast. We were assured by the now Minister of Transport (Mr. Marchand) and by the now Minister of Finance (Mr. Turner), as well as by the Prime Minister (Mr. Trudeau), that full disclosure would be made of the basis upon which the War Measures Act was invoked. Much to the credit of the Minister of Finance, he was the one, I understand, who prevented that act from continuing in force after the date of its expiration. I congratulate him for that, in spades.

Mrs. Morin: You do not understand.

Mr. Nielsen: I only understand the concept of retaining the freedom of the citizen. I cannot give the precise figures now, but at one time a few months ago I had them down to the unit. Of the hundreds of arrests that were made after the invocation of that measure, precious few—in fact, only seven—were brought to trial out of some 400 or 500 arrests and detentions of people kept incommunicado and without benefit of counsel. And of those seven I do not think there was a single conviction.

● (2120)

Mrs. Morin: Did you witness the event?

Mr. Nielsen: Now the government wants to give the Solicitor General the same kind of power.

Mrs. Morin: Again you don't understand.

Mr. Nielsen: Again there was no justification whatsoever for that intrusion on freedom, for which I speak on your behalf as well. Mr. Speaker, I did that which the Prime Minister did not do, although he could have, and that was to spend ten years, four of them on active service, fighting to preserve the very freedom I am speaking about tonight. Maybe it is he who does not understand what motivated people to go to Europe in the last war and fight for these very things. Just maybe, perhaps it is he who does not understand.

Mr. Lang: You should have worn a helmet.

Mr. Nielsen: And what is more, the real reason—

Mr. Crouse: Erik, he says you should have worn a helmet.