

*Criminal Code*

application of this kind made to him, the person whose mail is being opened, be it the sender or the receiver, should be notified within 90 days.

Section 3(4) of the Official Secrets Act says:

Every person is guilty of an offence under this Act who  
(a) retains for any purpose prejudicial to the safety or interests of the State—

On Friday I asked what term "purpose prejudicial to the safety or interests of the state" means on any official document. Is this to be subject to executive discretion?

—any official document, whether or not completed or issued for use—

● (1532)

The danger is that a person could receive a document, if the government was negligent enough. It is alleged that there are 58 copies of a classified document floating around. Any number of government departments and agencies could have copies of this document. A copy could land on someone's desk. It could land on my desk, and someone could say that the hon. member for Calgary North has a secret official document which is classified, and therefore he is guilty under the Official Secrets Act.

The Official Secrets Act has not been amended for years. I think it was drawn up in 1919. It has not been changed, and I say it is too dangerous to allow the Solicitor General the power to issue warrants against the media, members of parliament, and the citizens of this country. The minister is absent today, but when the bill gets to the committee I hope he will see his way clear to accept, for once, a reasonable, positive amendment which would provide that mail may be opened under the Official Secrets Act only with authorization from a judge, and only if the person who is the object of the mail opening is notified within 90 days, and that period could be extended by a judge.

We have heard a lot of hullabaloo recently with regard to security. A poem was sent to me by one of my constituents. Much of it does not apply to this matter, so I will read just one verse of it, as follows:

We have the S.S.—

Meaning the security service.

—roaming over the land,

Our mail might as well be on the newsstand,  
In the name of security M.P.'s are confronted  
As well as the media on matters unfounded,  
To secure our fair land is not their promotion,  
As much as to keep the Grit Party in motion.

Here is another verse:

Tom Cossitt got hold of some documents rare  
And caught the P.M. unaware,  
Whose anger was such, but his reason not much,  
When he called on General Dare.

This woman caught the significance of what has been going on, and in a few poetic lines put it in its proper perspective. Intimidation of the worst kind has been inflicted upon the media. Members of parliament have been intimidated for getting information, and there will be intimidation against

[Mr. Woolliams.]

Canadians generally because of the power provided by the Official Secrets Act. I am not prepared to give holus-bolus to the Solicitor General the power to issue warrants, the expiration of which we do not know, to open the mail of Canadian citizens. As the woman said in her poem, the mail might as well be on the newsstands.

**Mr. Roger Young (Parliamentary Secretary to Minister of Justice):** Mr. Speaker, Bill C-26 has two objectives. The first objective is to permit more effective investigation and prosecution of organized crime in one of its most dangerous and lucrative activities, narcotics smuggling. Second, it will give us an important tool to deal with espionage and international terrorism. While the latter objective is extremely important for the security of Canada, it is the former, the control of drugs, where we can expect the interception of postal communication to be most frequently applied.

In the past three years this government has introduced a number of measures designed to enhance the protection of Canadians against crime and violence. They included stricter sentencing, prohibition of certain firearms favoured by professional criminals, tightening of bail law, tougher measures regarding electronic surveillance, and a new bill regarding fugitive offenders and extradition.

These measures are important and will have their effect, but more is needed. Bill C-26 is, of course, a temporary measure which will expire one year after the McDonald inquiry makes its report. In the interim we cannot risk increasing the vulnerability of Canada to abuse of the postal system for purposes of endangering national security or trafficking in drugs.

Let me begin my remarks by noting that at present Canada is the only major western country which does not provide for the authorized interception of mail by post. In Britain the secretary of state has had this power since 1663. In 1957 a committee of privy councillors was established to look at the interception of communications as it existed in Britain, with a view to seeing whether the practice should cease. The committee found that such interception was vital both in terms of national security and crime detection. In its report to parliament the committee stated, and I quote:

The Security Service is part of the defence system of the country, and its supreme task is the defence of the Realm, and this necessarily involves protection from espionage, from sabotage, and indeed, from every kind of action that threatens the security of the State. It is upon the security of the State that the citizens rely for the enjoyment of their freedom . . .

That report went on somewhat later to say, and I quote again:

If it could be shown that this method of intercepting communications, either by letter or by telegram or by telephone conversation affected the law-abiding citizen to his detriment, even though the power was being exercised to prevent and detect crime, we would have hesitated to recommend that the power of interception should continue to be exercised for this purpose. But so far from the citizen being injured by the exercise of the power in the circumstances we have set, we think the citizen benefits therefrom. The adjustment between the rights of the individual and the rights of the community must depend upon the needs and conditions which exist at any given moment and we do not think there is any real conflict between the rights of the individual citizen and the exercise of the power to intercept by the Secretary of State . . .