

Criminal Code

We are confronted with a situation in which there is a genuine need for action. The precedents are very clear and were established by the Protection of Privacy Act. It seems to me that we are proceeding responsibly and carefully if we pass this legislation because it protects all aspects of the public interest. It protects the public interest against crime and it also protects the public interest in liberty because it provides these extraordinary powers only under very strict limitations.

Mr. Speaker, that is the case for the bill, and as such I am pleased to support it.

Some hon. Members: Hear, hear!

● (1432)

Mr. John C. Crosbie (St. John's West): Mr. Speaker, the bill that is now before us does two things principally, as I understand it. It authorizes the government or the Solicitor General (Mr. Blais) and the government to proceed in connection with drug offences under the Narcotics Control Act and the Food and Drug Act to intercept communications that go through the mail in the same way that they are now authorized to intercept telephone communications under the earlier legislation, and with the same safeguards as in that legislation. In other words, there has to be an annual report to parliament. There has to be a notice given to the person whose mail is intercepted, within 90 days, unless a judge grants a longer time, up to three years. You have to go to a judge to get the authorization. You have to submit affidavits to him and so on.

I am not going to deal with the first part of the bill. I am very lukewarm about that. I do not like our present law relating to wiretapping. I do not like the first part of this bill that relates to the Narcotics Control Act. I do not like the cynicism that caused the government to bring into this House legislation combining the two subjects of narcotics control and drugs and national security. They are not connected. It was only a political manoeuvre to attempt to put people in a position that if they are against the bill because of its national security provisions, they can somehow be said to be supporters of those who sell and traffic in drugs and the like. That is the only purpose there can be of combining these two things.

I want to deal myself with the part of the bill that I find to be particularly obnoxious, and that has to do with national security. First, I have to agree that I believe that the state should have the right in certain circumstances, carefully defined, as our spokesman, the hon. member for Perth-Wilmot (Mr. Jarvis), said the other day, carefully defined and carefully safeguarded, the right to open written communications through the mail in the interest of seeing that the state survives—and that we all survive in a civilized society. The same as I have to concede it should have the right to listen in on telephonic communications, or bug people, and the like, if it is done with certain safeguards and to certain very strict purposes.

I have to agree there has to be some kind of power in the state or in the government to do that. But, Mr. Speaker, I do not agree with the kind of power that the government is

arrogating to itself in this bill to carry out that objective. I do not agree with it because it has been left in the hands of the government and in the hands of the Solicitor General to decide what is the matter when there is a national security question involved. That gentleman, without reference to anyone else, is to decide whether my mail is to be opened or your mail is to be opened, or whose mail is to be opened. He does not have to report to this parliament. He does not have to report to any other authority. He does not have to submit anything to a judge or some outside third party. He, and he alone, is to decide the issue.

Well, I say quite frankly that I do not trust the government and I do not trust the Solicitor General to make those decisions. If this Solicitor General were not there, and this government were not there, I would not trust the next government or the next solicitor general. I do not trust the executives to make those decisions by themselves. There should be some other authority that can be appealed to in the event of disagreement as to what is a national security matter and what is not. Apart from the fact that I do not believe any government should have the authority, I, in particular, have no reason, I have seen nothing demonstrated to me to trust the present Solicitor General to carry out these objectives. I just do not. His record of the last few weeks does not inspire me with confidence that he should have that authority. It is erratic to say the least.

It may be true, as the hon. member for Windsor-Walkerville (Mr. MacGuigan) suggests, that the public is overwhelmingly in favour of having mail interception, whether for national security, drug reasons or whatever reasons. That is probably true. He cited a figure of 74 per cent approval from his mail-out. But, Mr. Speaker, that is not the determinant of the issue. That does not determine in the House whether we should agree with the legislation or not because the great majority of the public may not care. The great majority of the public does not think a lot about these issues and they feel that they themselves are innocent of any wrongdoing, that they are not criminals themselves. They have never engaged in any criminal activity or any conduct detrimental to our security interests, so why should not mail be opened. That is the way they feel. What we do have, Mr. Speaker, is a minority of people who are concerned and who must also be considered. We also pride ourselves in saying that we are a country of great civil liberties.

As a matter of fact, in the very disappointing speech which the Solicitor General gave when he opened this debate, he mentioned that himself. Mr. Blais said as reported at page 3768 of Hansard of March 14:

Canada, and I have said this often, has the most secure civil liberties of any nation in the world.

What the Solicitor General said when he said that was buncombe. It is not the truth. And it is certainly not the truth if we pass unchanged the legislation which he has introduced to this House. What kind of poppycock is that statement? I will tell you right now, Mr. Speaker. The United States of America has got far more effective and secure civil liberties