

*Security Intelligence Service*

**The Acting Speaker (Mr. Herbert):** Order. Even if it is Monday morning, we had better bring the proceedings back to normal.

**Mr. Hnatyshyn:** I wanted to explain, Mr. Speaker, if I may—

**Mr. de Jong:** You have a lot to explain.

**Mr. Hnatyshyn:**—that the Hon. Member for Lethbridge-Foothills made what I thought was a very constructive contribution to this debate. I wanted to find out whether or not we are going to get any participation from the NDP—

**Mr. de Jong:** Sit and watch. Take your seat and listen.

**Mr. Hnatyshyn:** Mr. Speaker, these people are absolutely out of control today. I do not know what they have eaten on the weekend, but they simply cannot keep still. I am trying to be helpful to them. I have spent my whole political career trying to be helpful to the NDP, and have given them advice and assistance. What do they do? They reciprocate by yelling at me when I am trying to speak.

**The Acting Speaker (Mr. Herbert):** Order, please. I think under the circumstances it would be just as well if we continued with the debate.

● (1130)

**Mr. Jim Manly (Cowichan-Malahat-The Islands):** Mr. Speaker, I appreciate having the opportunity the Conservative Party has given me to speak on this Bill. Usually three members of the Conservative Party speak in between each member of the New Democratic Party but the Conservatives do not seem to have as much interest in this Bill as they should. Perhaps that can be attributed, as you have said, to the fact that this is a Monday morning. However, I appreciate the opportunity to try to make a case to my fellow Members of Parliament and to the Canadian public about why the Bill should not pass.

As I read it, the underlying principle of the Bill is that a free and democratic society in Canada can best be protected by a security service with extraordinary powers to pry into the lives of ordinary citizens and that such a security service does not even need to be subject to parliamentary scrutiny. That is the underlying principle of the Bill as I interpret some of the clauses and the absence of certain clauses.

To understand why the Bill is so unacceptable to this Party, we must go back to 1976-77 when Canada was rocked by a series of revelations about illegal action on the part of the security service within the Royal Canadian Mounted Police. The shock that Canadians felt at this illegality was matched only by their disgust as the Government's attempts to stone-wall the issue. Not a single Cabinet Minister or Government backbencher had the gumption to speak out against this betrayal of trust by those charged with protecting our liberties and safeguarding our democratic society.

It was revealed that there had been cases of illegal barn burning, stealing dynamite, breaking into press agencies, breaking into democratic party offices and so on. When the heat became too intense for the Government, it finally appointed a royal commission, a tried and true method of diffusing public attention from a scandal. It was widely felt at the time that the commission would do nothing more than cover up. The McDonald Commission was the most expensive royal commission in Canadian history to that point, costing some \$15 million. When it finally reported in January, 1981 the Government sat on the report until August 25, and then issued it along with two additional papers which disputed certain of the commission's findings.

To date there has been no government action against any of the law-breaking by members of the security service. We get conflicting testimony from two Ministers so we are not even sure whether any internal discipline has been taken against those members of the RCMP who violated internal regulations.

The report of the McDonald Commission was not by any stretch of the imagination a high water mark for civil liberties in Canada. The commission did mostly what it was instructed to do; or, rather, it did mostly what it was supposed to do for the Liberal Government but did look at a number of actions which it thought may have been illegal and in which prosecution may have been warranted.

Even this mild criticism of the security service and of the Government was too much for the Solicitor General of Canada (Mr. Kaplan). When the report was released to the public he issued a statement in which he said:

Both the Department of Justice and independent outside legal counsel have considered very carefully the criticism of the RCMP's lack of respect for the law. On numerous occasions the Commission criticizes conduct that it describes as not specifically authorized by law. It is the opinion of the Department of Justice and independent counsel that unless conduct is prohibited either at common law or by legislation it is not unlawful, and in proper circumstances conduct not specifically authorized by law may be necessary and appropriate.

This is an important principle to keep in mind when you look at Bill C-9, because in a number of situations the Bill falls short of the recommendations of the McDonald Commission, which, as I say, was not in any way a high water mark for civil liberties in Canada.

For example, at page 1071 of the report, recommendation No. 17 advises administrative guidelines concerning the principles to be applied and the use of undercover operators by the Security Intelligence Agency. It says that these guidelines should be approved by the Solicitor General and publicly disclosed. I should like to draw attention particularly to the suggested guidelines 17(e), (f) and (g), which read as follows:

(e) undercover operatives must not be used for the purpose of disrupting domestic groups unless there is reason to believe such a group is involved in espionage, sabotage or foreign interference;

(f) undercover operatives should be instructed not to act as agents provocateurs and, in situations where they become aware of plans for violent activity, to do what they can to persuade the members of a group to adopt milder methods of protest;

(g) interviews of persons for security screening purposes should not be used as occasions for recruiting such persons as sources—