

were "X" number of temporary permits issued in his province for the purpose of bugging telephones or eaves dropping in places where persons were gathered to carry on private conversations.

I am not prepared to give these kinds of powers to a minister in this House; therefore I am much less prepared to give such powers to a minister outside this House over whom the House has no control and no authority whatsoever. If I am here in years to come and ask the Solicitor General a question such as I have referred to, I do not propose to have him answer that the matter is under the jurisdiction of the minister of such and such a province and I will have to ask him, because the Solicitor General has no authority over what the provincial minister does under the legislation.

I think the most serious exception to this prohibition against wiretapping and electronic eavesdropping is contained in clause 5 of the bill, amending the Official Secrets Act which, without the authorization of a court and for no limited period of time, allows the solicitor General at his discretion to order invasion of the privacy of any citizen of Canada where he is satisfied that such action is necessary for, and I quote, the—

—detection of espionage, sabotage or any other subversive activity directed against Canada or detrimental to the security of Canada—

I recognize that very rigorous powers are necessary when we are dealing with espionage and sabotage, but we have had enough experience in this country to know what strange interpretations can be put on the words "subversive activity" and even more on the vague and nebulous phrase "detrimental to the security of Canada". Under these phrases we have seen university student groups and trade union groups investigated. Under this kind of phrase, candidates for FRAP in the Montreal civic elections in the fall of 1970 were thrown into jail. It depends entirely on the point of view as to what constitutes subversive activity and what is detrimental to the security of Canada. There have been attorneys general, solicitors general and ministers of justice who looked upon any group which was seeking, even by democratic means, to bring about fundamental changes in our society as carrying on subversive activities and being detrimental to the security of Canada.

This bill gives sweeping power to a minister who entirely on his own initiative and entirely at his own discretion can bug your telephone, Mr. Speaker, mine or that of any other person whom he thinks is likely to be guilty of subversive activity or doing or saying something which is detrimental to the security of Canada.

• (2050)

Our experience of the way in which governments interpret the security of Canada does not give me ground for much confidence in this legislation. I think of civil servants who have been dismissed, and the only ground given for their dismissal was that they were security risks—nothing more. No evidence was forthcoming; they were not allowed to face their accusers or hear the accusations made against them; they were not allowed legal counsel; they were not permitted to examine the evidence upon which they had been condemned.

Protection of Privacy Bill

This makes me apprehensive when I read clauses like five and six in this part of the bill. I think of what some agencies of government have done, of individuals who have been denied entry into Canada or who have been deported from Canada for security reasons. No evidence was forthcoming. There was no way of finding out whether it was hearsay evidence, whether it was gossip, whether some malicious neighbour had reported on them adversely. I believe a recent edition of *Maclean's* told the story of a Canadian who had served in the last war, lived here for many years but had been unable to obtain Canadian citizenship.

I recall the case of a British couple living in Burnaby who came here in 1948. Both the husband and the wife had served in the British army. To the best of my knowledge they are good citizens, active in civic affairs, but they were denied Canadian citizenship and they cannot find out why. I could not find out why. No one would even say that they were security risks. They were simply told it was not in the public interest that their application be approved. When governments can hide behind excuses of this kind, merely saying that someone is a security risk or has been carrying on subversive activities, which sometimes means he has joined an association of unemployed, I read these provisions with apprehension and trepidation.

All of us in this House support the principle of the bill before us. We approve the idea of preventing any invasion of the privacy of Canadian citizens by means of electronic devices of one kind or another. What disturbs me is that the exceptions are so sweeping that they are open to abuse. The bill contains nothing like the safeguards it ought to contain if we are to have confidence that these sweeping powers, which are being given not only to a minister of this government but to the attorneys general of all the provinces, will not be abused.

I realize, of course, that the Minister of Justice and the Solicitor General (Mr. Goyer) will argue that it is necessary for us to accept these sweeping powers and these possible invasions of our privacy in order to safeguard the country against criminal elements. But I remember the words of Edmund Burke, who said: "Necessity has been the excuse for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves." Let no one for one moment think I am suggesting the Minister of Justice is a tyrant. I both know him and like him too well for that. What I am saying is that tyranny always begins by persuading us to surrender some of our civil liberties in order to protect our larger freedoms. But after this process has continued long enough we find we have lost those larger freedoms.

Some hon. Members: Hear, hear!

Mr. Douglas: We cannot protect freedom by undermining freedom. It is an old saying, but it is still true, that the price of liberty is eternal vigilance. Unless we question these small and insidious encroachments upon our civil liberties, we shall find that the very basis of freedom and democracy upon which this country is built has been destroyed. I once heard an old friend of mine, Aneurin Bevan, making a speech in which he said: "In Germany, democracy died by the headsman's axe; in Great Britain it