

Mr. Hnatyshyn: He has been making speeches on this subject for a long time.

Mr. Young: The other day the hon. member for Peace River said that he held no brief for Mr. Treu, yet today his hope is that the verdict will be overturned on appeal. He said that the government has "put the lights out for Mr. Treu", that there has been a "selective prosecution" of Mr. Worthington and the Toronto *Sun*, and that it was an "act deliberately taken". This was not the kind of feeling which was gathered by a fairly well-known member of the press corps in this building, who is perhaps a much greater friend to the Conservative party than to this party or to myself, even though, if I may say, I went to school with the gentleman at one time.

I would like to read into the record the comments of Geoffrey Stevens in the *Globe and Mail* on March 18 of this year. The headline is "Mr. Basford's statement: calm, intelligent, non-partisan, restrained". In the course of that editorial, these comments are found:

Justice Minister Ron Basford, a young veteran at the age of 45, is nearing the end of a 15-year career in Parliament; he will not be a candidate in the forthcoming general election. Yesterday, Mr. Basford ensured that he will depart with distinction.

His statement to the Commons was everything we should expect from the Attorney-General of Canada on such a grave matter. It was intelligent, carefully reasoned, non-partisan, restrained in its language and calm in its tone.

Later on in the article:

—the government cannot ignore the leak and dissemination of documents which it deems to be vital to the security of the nation. Thus, Mr. Basford has consented to the prosecution of the Toronto *Sun*.

Although it can be argued that the *Sun* virtually dared the government to prosecute by publishing its material five days after the Solicitor General had first demanded that Mr. Cossitt return the document, no one likes to see a newspaper hauled into court for giving its readers information which it judges is in their interest to have.

Freedom of the press, however, is not a licence to break the law.

Those are the remarks of a reporter who watches these proceedings nearly every day of the week we are here, Mr. Speaker.

Mr. Baldwin: May I ask the hon. member a question?

Mr. Young: I will take a question at the end of my remarks, if the hon. member will allow me to continue. I say that only because I have some comments grouped before me and I do not want to lose track of my thoughts.

● (1622)

I listened to the hon. member for Halifax (Mr. Stanfield) with care because I have a great deal of respect for him. It seemed to me that his speech was built on the premise that the Official Secrets Act is bad because of the power of secrecy, because the power to hold hearings and trials in camera is built into it, and more so because he feels the scope of the act is far too wide and must be limited. I did not hear him outline a definition or a circumscribing of the scope that he felt would have been appropriate. It is much easier to be critical of a matter than to be positive; it is sometimes easier to criticize than to defend. I was always taught that one should criticize in

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a constructive manner. If you are going to say that the scope of something is too broad or the powers are too wide, then you should suggest a better outline of what you would like to see. But I did not hear that. I heard that the law was bad, that it was too powerful, but I did not hear what the definition of limitations of the law should be.

The hon. member for Lanark-Renfrew-Carleton touched upon some issues which reflected on the merits of the case. I want to be careful not to do something that I do not think anybody else should do. He referred to some comments on the supposed continuing employment of Mr. Treu. I do not want to say anything more than that those are not the facts as I understand them.

If I may deal with some of the facts involved in the case of Dr. Peter Alexander Treu, Mr. Speaker, they are that he was charged in March, 1976, on four counts under section 4(1) of the Official Secrets Act. The charges alleged in substance that Dr. Treu violated provisions of the Official Secrets Act by retaining in his possession certain documents without authority and failed to take reasonable care in the keeping of such documents. As mentioned already in public debates, the documents alleged to be in the possession of Dr. Treu were, for the most part, classified NATO documents.

After a trial held in camera, Dr. Treu was convicted on two of the four counts and was sentenced to two years in the penitentiary. Dr. Treu has appealed the decision to the court of appeal of Quebec. Shortly after his arrest on the charge he was granted bail and he continues to be free on bail pending his appeal.

Since this matter is now pending before the court of appeal it would be improper at this time to comment further on the facts of the case.

There has been considerable debate in this House and in the press concerning the decision made by the court to proceed in camera. Section 14(2) of the Official Secrets Act provides as follows:

In addition and without prejudice to any powers that a court may possess to order the exclusion of the public from any proceedings if, in the course of proceedings before a court against any person for an offence under this Act or the proceedings on appeal, application is made by the prosecution, on the ground that the publication of any evidence to be given or of any statement to be made in the course of the proceedings would be prejudicial to the interest of the state, that all or any portion of the public shall be excluded during any part of the hearing, the court may make an order to that effect, but the passing of sentence shall in any case take place in public.

Parliament, in enacting the Official Secrets Act, did recognize that there would be instances where, by reason of the necessity to protect the interest of the state, in camera hearings would be required. Parliament, however, did not grant the state nor the prosecutor the power to unilaterally decide on the question of an in camera hearing. Parliament entrusted the judiciary with the power to make such decisions upon its being shown that the public interest would require an in camera hearing.

In comparison, Mr. Speaker, section 442(1) of the Criminal Code provides as follows: