

*Adjournment Debate*

the House. I think it is a very urgent matter because Canadians, perhaps as never before—maybe this kind of book is unprecedented—are scandalized by this book, as I am. They resent very much the kind of opportunities which the mass media and mass publication, and so on, provide for an individual who really is beneath contempt and who should not be allowed to profit from his crime.

I would only suggest that this is a country with a great respect for the rule of law. No one will be served by having some half-baked solution that results in frustrating the Canadian people even more than they are now at the prospect of a man like Clifford Robert Olson making a substantial profit from the publication of such a book.

NATIONAL SECURITY—CASE OF CANADIAN PROFESSOR—  
APPLICATION OF OFFICIAL SECRETS ACT. (B) TIMING OF  
DECISION TO PROSECUTE IN GREAT BRITAIN

**Hon. Ray Hnatyshyn (Saskatoon West):** Mr. Speaker, the Solicitor General (Mr. Kaplan) continues to hide from his responsibilities in the Hambleton spy matter. This evening I want to discuss some of the issues in this matter.

The Government has avoided prosecuting the spy Hambleton. It claims the April 25, 1980, legal opinion provided by the Department of Justice, determined that a prosecution would not be successful. The Government had already determined at that point that Hambleton should be prosecuted. The Government was simply without what it considered to be sufficient evidence.

What did the security service do at that point? It went back to Mr. Hambleton and told him of the decision of the Department of Justice, and he began to tell his story. The Solicitor General says that no prosecution could be undertaken thereafter because these confessions were taken without a caution being given to Mr. Hambleton. I ask the Solicitor General where in Canadian law is it mandatory that a caution be given to make a statement voluntary? The only requirement is that when a statement is made to a person in authority, it be made without fear of prejudice or hope of advantage. The Boudreau case in 1949 established that to be the law in this country.

In any case, the Solicitor General did not even bother to return to the Department of Justice to get a second opinion. One has to ask why did he not return?

The Minister hides behind the claim of lack of evidence, and behind a legal excuse as to why Hambleton was never prosecuted; yet he did not bother to go to the Department of Justice to see if his judgment held any water whatsoever. He says there was no direct evidence other than that supplied by Hambleton. Yet, when my colleague, the Hon. Member for Durham Northumberland (Mr. Lawrence), asked whether the Canadian Government knew that direct evidence was available that Colonel Rudolph Hermann passed United States secret classified information to Hambleton on Canadian soil, the Solicitor General of Canada refused to answer for reasons of so-called national security.

• (2225)

Again, why could the Solicitor General not give us this information? I submit that the answers can be found in many of his responses to questions in the last two weeks. The Solicitor General says that after Hambleton was told of the Department's decision not to prosecute, all of a sudden he began to talk. The Solicitor General said:

We learned a great deal more about his activities after the Security Service informed him of the decision.

The heavens opened and the sun came out. The Minister says that there was no inducement; he was simply advised of the legal opinion. Why, may we ask, was this spy so forthcoming?

Let us dig a little deeper. On December 1, 1982, as reported at page 21172 of *Hansard*, the Solicitor General said:

The Hon. Member has to recognize that the Security Service is not primarily in the business of catching crooks, seeing them tried, and seeing them punished. The objectives of the Security Service are much broader. They are to protect the national security of the country.

On December 8, 1982, as reported at page 21393 of *Hansard*, the same Minister said the following:

That Service was quite satisfied to be running a very successful counterespionage operation which was very productive. Hambleton was giving the Service information, which information the Service was sharing with the other friendly intelligence services, including MI5.

What we have here is a situation in which the Minister responsible for the Security Service made the political decision not to prosecute Hugh Hambleton. He says that he did not have the evidence. Yet after April 25, 1980, he never returned to the Department of Justice for another legal opinion. He has said that he does not have the legislation, yet our Official Secrets Act is broader than Britain's. He has hinted vaguely at the true story, that he and the Security Service simply decided that Hambleton should be used for the information he could provide and that a prosecution would go by the boards. This was probably effected through a deal with Hambleton. I suggest it is inconceivable that Hambleton would talk without some kind of deal. One thing is certain; the Government wanted Hambleton to think that he had a deal.

On this issue the Government cannot have it both ways. Either it admits that it induced Hambleton to provide his statement, or it admits that it should have prosecuted, for without inducement there was no obvious bar to prosecution. Why does the Solicitor General not come clean with the House and with the Canadian people? Why does he not tell us the whole story? Is it because he knows his handling of this entire affair has been appalling and he seeks to cover up his role?

Some may ask if there is anything wrong with using Hambleton for information. Why should spies be prosecuted? I say to those people that this man has committed crimes of a very serious nature. He has undercut the defences of our country and of our allies. By giving this man immunity we send messages to his patrons. They know how Canada treats its spies. Spies have nothing to fear in this country under this Government.

On that side of the House we have, as Solicitor General, Hugh Hambleton's aider and abettor. I am asking a simple