

### Security

Canada's police have enjoyed an excellent reputation for maintaining peace and good order, and they have earned the confidence of Canadians. Recent publicity raised the possibility that this confidence may have been misplaced and that the judgment of our police forces, especially in the complex area of national security, may not always be dependable. The opposition response to that concern would be to require tight political control, including an accounting by officers of the RCMP of their methods of information gathering.

Obviously the law applies to everyone, including the police. Indeed, one might say that police in a civilized society have a particular obligation to uphold the rule of law. I think it is fair to say that most Canadian police personnel pride themselves on operating in a disciplined way within the limits society considers acceptable. However, we have before us some evidence of what, at best, may be regarded as over-zealousness and, at worst, can be described in harsher terms.

If one accepts that the government does need to tighten effective control over the RCMP, one is left with the question of how this is to be done without the government then being open to accusations of political interference. There are some very broad questions involving the rule of law and the proper limits of national security activity which need to be addressed.

While media attention has focused on the RCMP in its over-all mandate, it is clear that the motion before us deals with the security functions of the RCMP and this, indeed, is where matters have changed so much in recent years. The RCMP, in its capacity as the federal police force, has long had prime responsibility for security investigations and operations. Section 18 of the act which came into force in 1969 gave the RCMP broad responsibilities for crime prevention and for intelligence and security services. Common law tradition also gives a peace officer broad discretion to do whatever is necessary to maintain public peace and order.

Until recent times, the question of exercising any of these broad powers would not have arisen because the provocation was not there. In 1963 Canadians encountered for the first time terrorist activities involving bombings and personal injuries resulting in death. In 1970 came the events in Quebec which resulted in the proclamation of the War Measures Act.

In Quebec at that time, police cast a very wide net. Some 5,000 raids were conducted which netted 465 suspects, of whom only 62 were charged with any crime and only 30 were convicted. The criticism was made that because of weak police intelligence-gathering earlier, this wide net was cast after the event and innocent people were subjected to grave inconvenience and interference with their lives. It was also said then that, in at least some cases, addresses of known and previously-arrested radicals were not available at police headquarters. Hence, thousands of searches absorbed the regular police forces to the point where they could not perform other essential functions and where they had to ask that troops be brought in to perform them.

[Miss Nicholson.]

● (2052)

The presence of troops in Quebec streets was distressing to all Canadians, and particularly to Québécois. Many people said then, if in peaceful times the police knew more about the potentially violent, when those people did strike, that the police would be prepared and would be able to take efficient and economical measures to deal with them, without infringing so broadly on the rest of society. As John Gellner put it in his "Bayonets in the Streets", "there would not be as much hitting of air as there so often is when a liberal democracy moves reluctantly and uncertainly to defend itself against assault from within." At that time public opinion demanded and required that the police improve their intelligence gathering about potential urban guerillas.

However, Canadians were concerned also that security and intelligence gathering forces be able to differentiate clearly between peaceful dissent and potential for violent acts, between noisy students with a fondness for rhetoric as an end in itself and those who were likely move from loud words to violent deeds.

Canadians have traditionally had high requirements for our security forces. We expect they will protect us and enable us to live in peace and security under the law. The average law-abiding citizen considers that since he or she fulfils obligations in society, he or she is entitled to demand that the state fulfil its obligations by maintaining its ability to ensure security and to take adequate preventive measures. On the other hand, we have a proud tradition of respecting civil liberties and wanting to have the rights of the majority protected in ways that are civilized, reasonable, and fair to dissenters.

That sense of fairness has been less evident of recent weeks. We have heard calls for charges to be laid against RCMP officers who are thought to have acted extra-legally. Many of these requests were made without evidence of a case that would be sustainable in court. The question also arises as to whether an officer in these situations may, in fact, be able to defend himself adequately in public court, or whether, in the interest of national security, he would have to remain silent about matters which might assist his defence.

Questions of intent have to be considered. Is the police officer who enters premises without a warrant in search of information, which he believes vital to safety and security, to be charged under precisely the same "break and enter" provisions as the criminal who breaks in to steal for personal gain; or should the security officer be required to be accountable for his actions in some other fashion?

Are we limiting the protective and preventive functions of our security officers by requiring that they always have warrants? Conversely, is it a myth that security information needs to be gathered secretly, and should we challenge this myth and insist that warrants be obtained in all cases?

These are matters on which we have heard a lot from the media in recent weeks; but we need to hear from ordinary thoughtful Canadians whose interest in having a sane, secure,