

Criminal Code

to inquire into how various ministers of the Crown have exercised their responsibility.

Has the Prime Minister agreed to any of this? Has our great civil libertarian Prime Minister agreed to one thing that the Civil Liberties Association of Canada requested? He has not. They have not. They have ignored it because they think that the majority of people are not concerned about these matters. They think they are safe in ignoring them. Well, I don't think they are safe in ignoring it, Mr. Speaker. That is what the Nixon administration thought down in the United States of America when they originally got started on their grubby path to glory. We all saw how glorious it was when they got finished.

Now, we don't have the same protection here. The Bill of Rights that was passed by the right hon. gentleman from Prince Albert (Mr. Diefenbaker) doesn't, through the interpretation of our courts, supersede and come ahead of every other law of the land. So for a solicitor general to make such a blatantly false statement as he made, unknowingly I will agree—I agree unknowingly, not knowingly, because the hon. Solicitor General (Mr. Blais) doesn't know what he is talking about, so it is not deliberate. It is not intentional. For him to say that Canada is the greatest bastion of civil liberties in the world today demonstrates the lamentable lack of his state of knowledge of civil liberties. He knows nothing about them.

The greatest bastion of civil liberties in the world today is the United States of America. The second greatest would be Great Britain where they have a tradition, where they believe in what they say, where governments are very careful, in security matters and all other matters, not to step out of line because of the force of public opinion in that society. That's where civil liberties are strong and vibrant today, not in Canada where a government feels free to act illegally for years and then comes before the House of Commons and asks them to pass legislation not only authorizing but giving them even more powers than they had assumed before.

Well, Mr. Speaker, we have the U.S. experience. There was a good article by Michael Valpy in the Vancouver *Sun* of February 18 on this subject. He compared it to the United States of America, and he referred to the 1972 Keith decision where Justice Lewis Powell, a conservative on the bench of the United States of America, said, and I quote:

"We cannot accept the government's argument that internal security matters are too subtle and complex for judicial evaluation . . . If the threat is too subtle or complex for our senior law enforcement officers to convey its significance to a court, one may question whether there is probable cause for surveillance."

Now isn't that just solid common sense? If the Solicitor General can't persuade a judge that he needs a warrant for national security purposes or if his officers are so opaque or so unable to convince the judge, surely to God there is no cause for surveillance.

"That decision effectively ended warrantless wiretapping in purely domestic security surveillances (with the court reserving judgment on the rights of foreign agents . . .

In the 1975 *Zwelon v. Mitchell* decision, the court further restricted the executive's powers: "A warrant must be obtained before a wiretap is installed on a domestic organization that is neither the agent of nor acting in collaboration

[Mr. Crosbie.]

with a foreign power, even if surveillance is installed under presidential directive in the name of foreign intelligence gathering for protection of the national security."

It doesn't matter what the name is; you have still got to go and get judicial sanction before you start off on this course. But under this legislation our Solicitor General can open mail and give his sanction; he can open anyone's mail without reference to anyone. He doesn't have to justify it. He doesn't have to discuss it. And, Mr. Speaker, when we have a situation like we had a week or two ago with our hon. member for Leeds (Mr. Cossitt) when the government was threatening and bullying and browbeating and waving all its weapons and saying what it was going to do, when we had that situation we had no impartial third party to decide. But the government said it was national security, and the government is not going to explain why. It's not even going to say how many copies there are of the document, the 58 copies. They won't even say that there are 58 or one copy. That's national security, you know, to give any information. That's what the government said.

Well, obviously we've got to have some other authority, judicial or parliamentary, to which these matters can be referred as to whether it is really a national security issue. It could be a committee of the House of Commons with five people on it representing the various parties, but there has got to be a judicial reference. There has to be more information come to us on how many warrants were given for national security and what kind of national security, did anything result from those warrants or not and so on, when we are agreeing to the Canadian people having their rights changed and infringed like this.

We need more information, and we need the minister to justify what he is doing before at least a judge or someone, the same as in the other part of this bill. Everybody is very careful what they say about the RCMP. Let me say this, Mr. Speaker. I think the RCMP is a fine police service.

Mrs. Holt: How can you?

Mr. Crosbie: But that doesn't mean to say that I am afraid to criticize the RCMP. Not on your life, sir. I am not afraid of criticizing anyone, and if the RCMP deserve criticism, I am going to criticize them; or if the police deserve criticism, I will criticize them. That doesn't mean to say I don't think they are doing a fine job. What is required is to have the RCMP removed from the security services altogether. They shouldn't be involved in that grubbier side of extra-legal operations. That should be done by security forces. The RCMP should be left to do their thing in the area they are best capable of doing it where their reputation is not going to be sullied by some of the things that are bound to sully it in this grey security area. That is the first thing the government should do.

Not only have there been all the violations of the law I mentioned earlier, but the same thing is being done with Ontario Health Insurance Plan records. The law has been broken there. The RCMP, doing security checks or something like that, got information from the Ontario Health Insurance