

Official Secrets Act

the House to freely express his views in the House in the course of carrying on his parliamentary business.

The first principle, in my view, is that there must be excluded any consideration based upon narrow, partisan views, or based upon the political consequences to me or to others.

In arriving at a decision on such a sensitive issue as this, the Attorney General is entitled to seek information and advice from others but in no way is he directed by his colleagues in the government or by parliament itself. That is not to say that the Attorney General is not accountable to parliament for his decisions, which he obviously is.

Clearly, I am entitled to seek and obtain information from others, including my colleague, the Solicitor General (Mr. Blais), and the Commissioner of the Royal Canadian Mounted Police on the security implications of recent disclosures. This I have done.

In my view, the special position of the Attorney General in this regard is clearly entrenched in our parliamentary practice. Based on the authorities and on my own experience as a member of the government for ten years, which has included my three immediate predecessors, this special position has been diligently protected in theory and in practice.

Mr. Speaker, the second principle is that every citizen is subject to the law. One of the pillars of our system of government, dating back three centuries, is that neither the king nor any other person, be he a member of this House, a member of the government, a member of the press, or someone possessed of title or position, is above the law. The law should apply to all, equally. He who breaks it must bear the consequences.

Third, with today's differing ideological viewpoints between different countries, it is essential for the preservation of our democratic way of life that there would be maintained a strong and vigorous security service. In spite of all that has been alleged and what is properly being examined by the McDonald Commission, we are being well served by a group of dedicated individuals.

The Minister of Justice went on to refer to his consultation with his officials and their advice in the matter, upon which he was relying. That, surely, is an answer, and a complete one, to the use of the word "harassment" used by the hon. member. We have before us the law of the land. Members opposite are sometimes seen to ask the government to ensure the law is observed and not in any way ignored. In this case the Attorney General, looking at his obligations under the law, following the highest precedents and traditions of his office, reached the conclusion that his consent under the Official Secrets Act was the appropriate course of action to take, and he therefore followed it. That is surely an answer to this particular part of the motion, one which should stand and should lead the hon. member for Peace River to accept and to qualify his remarks. He should accept these explanations and comments and qualify his remarks concerning harassment.

We do have in this country an Official Secrets Act, and we shall continue to need one. There seems to be no debate about that. The debate may go on with respect to interpretation and, perhaps, about some procedures within the law, but the law does stand. Hence, the judge in the Treu case was quite right in being concerned about implications that he had in some way ignored the law when those implications were somewhat overstated by the hon. member for Peace River.

The hon. member touched on another item. I do not know that he produced any evidence on it, but it concerned the suggestion when he said, I think, "the continuation of receipt of classified information by the defendant in this case." My information does not agree with that, and I do not know where the hon. member is receiving his. However, as I have indicated in some four or five cases during the course of my remarks, the

[Mr. Lang.]

hon. member for Peace River has substituted allegation and suggestion and hint without evidence at all for any substantial base upon which to make his case. We have heard him refer to the Official Secrets Act which he admits is required. He would argue about the nature of matters which should come before it. But surely in addition to those of national security and defence, there is a need to protect certain matters which need to be received in confidence, such as private information which is sometimes designed to be in confidence, such things as cabinet documents and information which in that way it is important to keep confidential.

The question of procedures which will follow is one which we can debate, but surely the hon. member would admit that some trials would have to be in secret. He should therefore avoid rhetoric which makes him sound as though he would never, at any time, have a part of any such secret trial.

Mr. Speaker, may I call it one o'clock?

Mr. Deputy Speaker: Order, please. It being one o'clock I do now leave the chair until two o'clock.

At one o'clock the House took recess.

● (1402)

AFTER RECESS

The House resumed at 2 p.m.

Mr. Lang: Mr. Speaker, I think it is clear, even from the motion, that from any analysis of the nature of the problem of secrecy and the protection of information, we need an Official Secrets Act. It is fairly clear in almost any circumstance it would be somewhat broader than the narrow definition prescribed for it by the motion of the hon. member for Peace River. I am thinking of information which, if released, might impede law enforcement, or assist criminals, which might interfere with our foreign relationships or, indeed, if information was received in confidence on categories which might continue to deserve protection.

I think that the reference I made to the Worthington case and the statement by the Minister of Justice adequately dealt with the course of conduct he felt obliged to follow. I do not want to say more about that in view of its nature as a case before the courts.

I think it is clear, without any reference to the Treu case, that secrecy in a trial may well be required. If that is the case, then the approach in the Official Secrets Act, which gives the judgment to the court and the decision of the judge as to when that should be the case, is the right and time-honoured approach. I think it sits very badly with a member of parliament, or indeed anyone, to attack intemperately that process of the court or the judge without the least bit of evidence of any misapplication of principles of law, fairness, and justice, to make it seem as though something nefarious had gone on.