

Criminal Code

report. There must be a periodic, regular review of the exercise of these extraordinary powers; and they are extraordinary, interfering as they do with the rights and liberties of the subject. There is an obligation by the government of the day to look at the details of the issuance of these warrants in a special committee, in order to establish that they have been validly exercised and that no abuses have occurred. There must not only be no abuse of these powers, but by adopting the English principle, and even the United States principle, there must appear to be no abuse of the exercise of these powers.

[*Translation*]

Mr. Pierre De Bané (Matane): Mr. Speaker, with this bill that seems rather innocuous, I think we are dealing with one of the most basic questions that we were called upon to consider during this session. Indeed, we are studying a bill concerning one of the most basic rights of the citizen, that is his right to privacy.

Of course, we recognize that community life entails some constraints, but I think that before the government introduces a bill designed to infringe upon the basic rights of the citizens, strong and watertight evidence is needed.

Now, what is the situation? The Solicitor General stated, when he opened the debate, as recorded on page 3768 of *Hansard*:

No one would suggest that the proposed measures themselves are an absolute requirement for the protection of our sovereignty, not any more than those measures relating to drugs are going to solve the whole drug problem in Canada.

Mr. Speaker, the best proof that this legislation is not urgent is that no government in the last 40 years has deemed advisable to violate the secrecy of the mail. Why then such a hurry to introduce this bill when a royal commission is precisely looking into this matter and when the government itself is not sure of its position. And on this point I quote the Prime Minister himself who stated at a press conference on February 10 last:

[*English*]

If the commission says it is not necessary then it will no longer be authorized. The law will cease existing.

● (2042)

[*Translation*]

So I wonder why would the government take the liberty of violating one of the fundamental rights of the citizens before obtaining the recommendations of its own commission? It could have asked the commission to produce an interim report but preferred to disregard altogether the commission which was established by the government itself to study this matter. This is, Mr. Speaker, the first reason why I am not prepared to vote for this bill. I think that when we want to infringe on the fundamental rights of the citizens, we should have an overwhelming proof rather than prejudging the reports of a commission saying that the legislation will be revoked if the

[Mr. Nielsen.]

commission thinks the power which is to be given to the police is dangerous.

The second reason, Mr. Speaker, for which I am against this bill is that for several months we have seen a sad sight, namely different ministers who had to admit that they were unaware of the irregularities committed by the RCMP and, worse still, that this illegal practice had been going on for 40 years. Mr. Speaker, this is an extremely serious matter and as long as hon. members and the population are not convinced that mechanisms have been put in place like in other countries to control the operations of the police, to ensure that everyone is subject to the law, I am not prepared to vote for this bill.

Mr. Speaker, this matter of the fundamental rights of citizens outweighs by far all other considerations. The question to be debated in fact is whether the citizen or the individual comes before the state or not. This is in fact the most important question. Once again, I think that the right to privacy is one of the fundamental rights which is closely related to the freedom of expression, and as stated by the commission formed by some hon. members in England in 1957:

[*English*]

The report of the committee of privy councillors appointed to inquire into the interception of communications, whether practised by unauthorized individuals or by officials purporting to act under authority, stated that the feeling still persists that such interceptions offend against the usual and proper standards of behaviour as being an invasion of privacy.

[*Translation*]

But I should like to quote a few interesting excerpts from the official report of the proceedings of the Select Committee of the American Senate which deals with the same subject. For instance, on page 93, Chairman Frank Church is reported as saying to Mr. Helms, Director General of the CIA:

[*English*]

We are talking about a plan that went on for 20 years that everybody recognized was against the law . . . I am trying to find out why a program like this went on for 20 years, was against the law of the country by every indication we have . . . and all I am trying to find out from you is whether you believe that the CIA does not have to abide by these laws . . .

[*Translation*]

And the Chairman added:

[*English*]

In fact, the Inspectors General of your own Agency who looked into the program said that in their estimation it produced very little worth-while intelligence. They were concerned about its illegality, and at one point recommended that it be discontinued.

[*Translation*]

Again the Chairman is speaking, on page 41:

[*English*]

Yesterday, we heard from the members of the Inspector General's office of the CIA, an office that conducted periodic reviews of this program and an office which concluded that it was of marginal value, in terms of the intelligence collecting, so much so that it was recommended to the Agency, finally, that the program either be discontinued or turned over to the FBI.