

News Sources Protection Act

● (1730)

In one case, *The Attorney General v. Clough*, a tribunal was set up to inquire into breaches of security in connection with spying offences committed by an admiralty clerk in Great Britain. The day following the clerk's conviction, Clough published an article saying that the clerk's spying led to foreign trawler spying fleets turning up in the area of certain sea exercises. Clough refused to tell the tribunal the source of his information. We therefore come to a case where someone was able to publish a story without disclosing his source and without having pressure upon him to bring forward the facts to prove they were true. Then we have the case of *The Attorney General v. Mulholland* and the case of *The Attorney General v. Foster*. Both cases relate to the same inquiry.

Mulholland had written a colleague of his in the admiralty, called Vassall "auntie" to his face, that a girl typist had decided that no £15 a week clerk could possibly live the way he did honestly, and that it was the sponsorship of two high-ranking officials which led to Vassall avoiding the strictest part of the admiralty's security vetting. Foster had written that Vassall was known to have bought women's clothing. Both refused to answer questions as to their sources of information. We talk about democracy, which always renders a defendant the rights of an individual, but here is someone before the courts, with no recourse, because he is maligned, things are imputed to him and cannot defend himself. Surely it is basic that every defendant has that right in court.

We also have the case of *McConachy v. Times Publishers Limited*. A trade union official was suing a newspaper for libel, his complaint being that he was made out to be dictatorial and dishonest in the administration of the affairs of the union. On examination for discovery both the reporter concerned and the editor of the newspaper refused to answer questions as to their sources of information. As a journalist, I can see a reason for that; on the other hand, when we talk about the protection of society should such a person really not have the same right of recourse in the courts as any other citizen in order to know the facts of the information so that he may defend himself?

I might sum up by reading into the record a couple of quotations of Lewis H. Lapham who reported for the San Francisco *Examiner* and the New York *Herald Tribune*. He later wrote for the *Saturday Evening Post*, *Life* and *Harper's Magazine*. Writing in August, 1973, he said:

City editors give thanks for news of shipwreck and prominent suicide, and the press must always be said to welcome a declaration of war.

As a newsman, one can accept that as being true. He continued:

Even so, and despite all that can be said or proved about the viciousness of the press, I am addicted to newspapers, and I continue to believe that a belligerent and unruly press raises the best defence against the abuses available to the present system of American government.

As a journalist, I certainly support those words. Then he wrote:

My objection to the shield law is that its enactment would encourage the press in its most cowardly instincts and so disembowel it.

Later he states:

Contrary to fond expectations, the passage of a shield law would concede additional authority to those people whom the press chooses to identify as its enemies. Anybody who doubts this has only to consider the present reporting of the Watergate investigations. So many journalists have reported so many statements attributed to unspecified sources (most of whom must be assumed to be lying in their own interest) that the truth of the matter has been wilfully distorted. The resulting confusion serves the purpose of the men hoping to excuse themselves from blame and criminal convictions.

Perhaps I might end on that note because, as a former journalist, I believe it is the strongest point of all. If a journalist does not have to reveal or, as a fighting or crusading journalist, does not have to stand up and give the source of information or face the consequences at a certain point in time, and does not believe that the public interest is so great that he should reveal that source no matter what it means to his reputation as a journalist, then he is in a position to say things and accuse people of wrongful acts when there is no way to prove what his sources of information are or whether or not they are correct. In such a case, the press would not long be in a position to maintain the quality of reporting to which the public has become accustomed.

As much as this bill is well intentioned, I suggest no possible theme could be stronger and better in our society than a desire to do everything possible to keep a free competitive press which has access to information which can be made public. But nothing would be worse than to say we will help the press by giving them special privileges which mean the taking away of the freedom and the guarantee given to individuals in our society, although we appreciate the integrity and drive of the press.

Mr. Denis Ethier (Glengarry-Prescott-Russell): Mr. Speaker, in debating this bill, which I assume is of great importance to everyone in this House and to every Canadian, we are invited to take this opportunity to express our opinions and the opinions of those who elected us. Since this bill suggests that we change or amend the existing law—and I am sure it was introduced after numerous and lengthy interventions by previous members of this House—I wonder if one hour is sufficient time in which to deal with such a bill. Nevertheless, in such a short period I should like to air my views in opposition to the bill.

In a society such as ours the press plays a very important role, even in our parliamentary system. Members of parliament on the government side represent the majority. That is the reason they were called upon to form the government. Members of parliament in opposition represent and defend the views of the minorities. Thirdly, the minorities who have no representatives in this House depend upon the press to defend their views in addition to their duty of informing Canadian citizen of local, national and international events.

At this point I wish to compliment the members of the press for their very precise and rapid system of informing the Canadian people. We certainly appreciate the efforts made by reporters and their informants when we consider the on-the-spot reporting. One might mention the recent Middle East crisis, the Viet Nam war and the Chilean army coup. There is no doubt that press reporters covering