

*Protection of Privacy*

by the Prime Minister of Canada (Mr. Trudeau), that there was indeed an insurrection, that there was indeed a possibility of a toppling of the instruments of government, a real threat to government and a real threat to our way of life. As time went on it became apparent that people were being held in custody incommunicado, without counsel, without the usual things that protect all Canadians, and without charges being laid. Doubts began to appear in the newspapers and doubts began to arise in my mind about whether the government had used in a proper manner the power which it has in the statute books of this country.

As time went on, people were released, some with their lives ruined, some with their businesses ruined, and only a few were ever brought to trial. Then the press of this country said that they, too, doubted the veracity of the government in the earlier assertions that were made and I began to wonder what had happened to our community. As a member of the Bar of the province of Ontario, I am going to say that if the Law Society of this province and other provinces had been as zealous with respect to the protection of civil liberties as they were in arguing about the right of a person to blow into a breathalyzer, perhaps some different complexion might have been put on this matter.

● (2140)

Doubts on these questions have lingered in my mind and, I am satisfied, in the mind of a former attorney general in this country. He, unlike the Minister of Justice, was a practising member of the Bar before he came to this place. For a time he practised while he was a member. He has seen in the courtroom and in other places the tremendous power of the state used in the apprehension and prosecution of criminals, and the relative difficulties experienced by people caught in the toils of the law. When bills seek to confer emergency powers without recourse or redress, any member of parliament with any sense of justice must be concerned about the attitude of the government which is to administer the law. The hon. member for Fundy-Royal (Mr. Fairweather) can be forgiven for looking with suspicion at certain sections of the act. He can be forgiven for his doubts about the validity of certain sections when he looks across the aisle and sees those who would administer the law.

The present Minister of Supply and Services (Mr. Goyer) at one time was responsible for a different portfolio. He would counsel the Solicitor General (Mr. Allmand) with regard to any decision which would need to be taken with respect to the section we are considering. For that reason I am prepared to suggest that we should distinguish between ordinary crimes committed and those crimes which may be detrimental to the state. Of course, I am talking about offences which honestly, truly and obviously involve the security of Canada.

There should be differences with regard to the apprehension of ordinary criminals and those who would plot against the state. The government's record in making judgments of that sort is not good; actually, it is dreadful. So we can all be forgiven if we do not trust the government in the use of this section. We cannot be certain this government will not panic. We cannot trust the government not to use certain powers conferred but this bill for its own purposes. We have seen this government acting in

[Mr. Baker.]

desperation not just in the 1970 incident, to which I am alluding but in other circumstances. It has reacted irrationally in other ways.

As the section we are considering would confer great power to deal with the freedom of individuals, but would not provide for any of the normal safeguards, we can be forgiven for being skeptical. Such tremendous power carries great responsibility. The degree of responsibility must be as great as the power which is being conferred. We do not trust the government with this power, and I am sure I speak for many members.

Of course, when the government apprehends a real attack, as opposed to a suspected attack, or the possibility of a real attack involving the security of the state then without doubt, as most members of this House would agree, the government ought to have at its disposal extraordinary powers for dealing with the situation. I suppose this particular section is designed to meet such conditions. But what worries me is this: the wording in the reporting provision of the bill is not strong enough. As the hon. member for Yukon (Mr. Nielsen) suggested, the whole truth will not be set out in reports which under this bill must be made from time to time. In this regard the relevant section to do with reporting speaks of "a general description". That refers to methods of interception. You can bet your bottom dollar that the emphasis will be on the general rather than on the specific description. Even if there is an opportunity to make specific disclosure, the government will avoid that opportunity like the plague.

Why do I guess that? I have heard government members avoiding answering even the simplest questions during the question period. Those questions do not even involve national security, although they do involve our economic health. The Minister of Consumer and Corporate Affairs (Mr. Gray), when asked simple questions, to do with inflation in this country, food prices, etc. has referred to that lightning-rod of Canadian politics, Beryl Plumptre, and suggested she will answer. Of course, she is not here in the House to answer.

Today I listened to the Minister of State for Urban Affairs (Mr. Basford) waffling, if I may use that expression, in committee with respect to certain events which have occurred within Central Mortgage and Housing. There, again, we saw a member of the government evading the truth in committee. He was aided and abetted by partisan members of the committee who were afraid that the truth would be uncovered. That is what we face. That is the kind of thing which raises doubts as to how this part of the bill will be used once it becomes law.

Speaking for myself—I do not know if I speak for all—if I could choose the member of the treasury benches who would administer this bill without rigidity, without arrogance, but with understanding of the dreadful power contained in the bill, I would choose my neighbour, the former minister of justice who now is the Minister of Finance (Mr. Turner). If the statement of the former minister of justice referred to at length by the hon. member for Yukon in the debate on November 28, represented that minister's position on the place of government in our society and the use of power, he is at least reasonably fit for the position which he held and which many in this country wish he held now.