

Official Secrets Act

case of Alexander Peter Treu. This government has put out the lights for him.

The facts behind the charges against Mr. Treu, if there is a charge in the true sense of the word, not a technical sense, are extraordinary. In March, or at least early 1974, the authorities began a most painstaking investigation of his documents. The only charges which the former minister of justice, Mr. Turner, was able to lay were the two rather innocuous charges upon which he was convicted. The trial did not start until 1976, and a year and a half after it started Mr. Treu received from the NATO service centre in Brussels another contract related to the contract upon which he had been working before the documents were seized. He received a contract, and was operating under that contract, and he received other contracts as well since the time the investigation had started, and the last contract, which he received in 1977, Mr. Treu is still engaged in carrying it out, and he is still receiving classified documents. Those are the facts of the case.

However, this government has refused to look at the matter from the viewpoint of equity, to order a new trial in the open. It is one of the most extraordinary situations I have ever seen in all my years at the bar. There are a number of questions which cry out aloud against this government. There is the case of Treu alone, which goes in one slot. There is the case of this law, this stupid, tyrannical authoritarian law which, as an English judge once said, "has long outlived its usefulness in its present form and has to be pensioned off." A law such as this deserves contempt, and that is all I have for it.

This, Mr. Speaker, is a strange and disturbing case which remains a mystery in a dark room, behind locked doors. Unless this House and this country meet the challenge, open those doors, and turn on the lights, in my humble opinion a very substantial injustice will have been committed and carried on. Here is one small man against whom is arrayed the enormous power of the state and the state system. He is not a real criminal, as the judge himself said in sentencing, in the ordinary sense of the word, but had to be sent to jail as a deterrent to others, yet nobody else knows what the facts are.

If there is a criminal in this matter in the general sense of the word, it is the government that sits opposite, criminal in the sense that it has taken the proceedings which, in my opinion, are against natural justice and human rights. We in this House just a short time ago cried out unanimously against this kind of trial which was being perpetrated in the Soviet Union, and we did so promptly. I would suggest to the members of this House that we look at what we are doing in the case of Alexander Peter Treu.

Some hon. Members: Hear, hear!

Hon. Otto E. Lang (Minister of Transport): Mr. Speaker, I rise here to speak in this debate on behalf of the Minister of Justice (Mr. Basford) because he has previous commitments in British Columbia today. He has several very important meetings, including, I believe, one with the premier and one with the Law Society, which were longstanding commitments. As hon. members know, a debate like this is brought about with

[Mr. Baldwin.]

relatively short notice. Indeed, we are grateful that perhaps the notice in this case was a few hours longer than normal, but even at that the travel plans and firm commitments of the Minister of Justice were in place.

First I would like to note that the hon. member for Peace River (Mr. Baldwin), in moving this motion, is asking for a review of a law, and that is in itself not an extraordinary matter but one which, after a period of time, obviously deserves attention, and I am sure it is receiving that attention.

The motion would have an examination undertaken by a committee of this parliament. No doubt at some point that would be the right course as well, although it may very well be that the best course is for the Minister of Justice and others charged with responsibility in this area to consider what propositions and proposals they would want to put forward, and have them examined as proposals rather than in the abstract.

● (1242)

I found the motion rather strange in that in referring the subject matter to a committee it seemed to go on to tell that committee in advance about the results of its work. It directed that the scope be limited to certain things. That would be, perhaps, an unusual way of concluding a question before the question is even raised in the committee. It shows the kind of confusion that the hon. member for Peace River is bringing into this area, which is a very important area.

It is important to understand that we all believe very firmly in the principle of the independence of the courts and their role in safeguarding rights of citizens while at the same time enforcing law laid down by parliament. It is important that we avoid intemperate outbursts against judges and the courts, against process and procedure, in the absence of the full facts, and to avoid implications that the courts are in some way misbehaving or mishandling the question. We have seen that recently from the hon. member for Peace River. I think it is unfortunate and wrong.

The fact that a trial was held in secret is, of course, a matter which can catch the public imagination and be made to sound as though something very strange was going on. The hon. member for Peace River referred to it in that way when he said in his closing rhetoric that this was held in a dark room behind closed doors. Mr. Speaker, neither the hon. member for Peace River nor I was present, and neither of us knows whether the room was dark, middle lit, or lit very brightly. That is a small example of the way in which rhetoric is designed to excite opinion about an issue which may be in the process of being handled in a completely legitimate way and in a way in which it would be handled even after the closest scrutiny by any committee. After the restructuring of laws in this particular case the same procedures might be followed.

There are reasons for a court from time to time to have discretion to exclude its deliberations from public view. Only about a year ago a piece of legislation with which I was associated as Minister of Justice, was endorsed by this House. It gave some additional powers to courts in relation to exclud-