

*Privilege*

In a matter of national security, I hope neither this side, nor the other side, would have to act in a spirit of political contention. After all, when the security of the country is at stake, we are first and foremost Canadians. We should try to see our duty and discharge that duty. That has been the inspiration of the government's motives, and I am willing to believe that it is also the inspiration for the responses we have heard.

In this particular instance, it is so important for parliament and the country to understand what is implied here that I feel I must go into some detail on the nature and the consequences of the particular document which is in the hands of the hon. member for Leeds.

I understand he showed the document to the press. The press reported that he had a top secret document marked, "For Canadian Eyes Only". Also I understand he told the Solicitor General (Mr. Blais) that he had that document, or two documents, in a conversation which took place this morning. Thus, the fact that he has a top secret "For Canadian Eyes Only" document has been established and is recognized. At any rate, the analysis of the Royal Canadian Mounted Police is that there is sufficient and probable grounds to believe that he has such a document.

Last night after the House had adjourned, the RCMP through the Solicitor General, informed me of this. Also they informed me that they had a document from the law officers of the Crown, the Crown Attorney, the Department of Justice, to the effect that, in their opinion, what the hon. member for Leeds has done provides reasonable grounds to justify the issue of a search warrant under the Official Secrets Act. That is the information the Solicitor General and I received from the RCMP and from the Department of Justice.

Two courses would have been possible. The first was to say "let the police do their duty, let us not interfere, let them lay an information and have a search warrant issued, and let them make a search." That course might have raised the same kind of opposition from the Tory party as we heard today, that courtesies were not extended; that we should have considered he is a member of parliament; that he should have been asked to hand over the document, rather than seek a search warrant; and so on. The Solicitor General and I made the decision, in effect, that in this case we would not have the search warrant issued immediately, at the risk of being accused by other people of interfering in the normal course of justice and preventing the police from searching. We decided not to do that. We decided to follow the course which hon. members seem to agree was the right one, that is, to try to do it by agreement; to let the hon. member for Leeds know the grave consequences of his acts; to permit him to hand over the document; and hopefully help the police as to the source of that document and how such a secret document could come to him.

I believe the Minister of Transport (Mr. Lang) has dealt with the legal aspect. It has been claimed by several hon. members of the opposition, and indeed by the hon. Leader of the New Democratic Party (Mr. Broadbent), that he should

[Mr. Trudeau.]

have until Monday morning to think it over. It seems to me the Minister of Transport gave the basic legal reality of this. If anything, we were in default in not letting the police do their duty last night or this morning.

**Some hon. Members:** Oh, oh!

**Mr. Trudeau:** I wish hon. members of the opposition would listen. I have a great deal to say.

**Some hon. Members:** Hear, hear!

**Mr. Trudeau:** There have been other instances in recent months of members of parliament having been objects of search warrants. The opposition knows that two members of my party were searched under a search warrant. I was told in advance, as I let the hon. Leader of the Official Opposition (Mr. Clark) know in advance when it concerned a member of his party, that there would be a search conducted against some members of my party. I shied away, and I said, "Do your duty. I don't want to interfere in any way". It was not a different type of situation, but the act under which they were acting was not the same.

**Mr. Baker (Grenville-Carleton):** Was it not the Criminal Code?

**Mr. Trudeau:** One reaction was to tell the police to do their duty, and not interfere. That is what I have done when it concerned members of my party. When it concerned members of the opposition, we did them the courtesy, as is demanded by the opposition and by the hon. Leader of the New Democratic Party, of saying, "Please co-operate. You may not know the seriousness of the crime. You may not have understood the consequences of making public this document. Please co-operate". We do not like to have search warrants issued against members of parliament. We sought for co-operation.

As I understand it, the reproach is for not having given the hon. member until Monday morning to think it over. When someone is in possession of a stolen document—and I do not say the hon. member stole it; but it is a stolen document, it belongs to the security services of this country—he is not told by the police, "We are going to search you tomorrow or perhaps Monday morning. If we find it on you, then we may lay some charge". He is not given that kind of advance notice. As the Minister of Transport correctly said, if reasonable and probable cause exists, and if an affidavit is made, the person who is suspected is searched, and he is given no courtesies. In this particular case we did give warning, and we did seek co-operation.

I believe the Solicitor General and the police, in due course, will be able to argue more thoroughly why time is of the essence here. It is because more damage can be done if more aspects of that document are leaked. Already enough damage has been done. The member of parliament could either hand over the document and settle the matter, or he could have it seized and then consult his lawyers as to what his rights are.