



## RECENT PUBLICATIONS AND DOCUMENTS

**National Security: The Legal Dimensions, study prepared for the McDonald Commission on R.C.M.P. Activities by M.L. Friedland, Ottawa, Minister of Supply and Services, 1980, 219 p.**

When a series of revelations concerning activities of the R.C.M.P. in the post October Crisis period occurred in the early part of 1977, the Government's response was to appoint a three-man Royal Commission to inquire into these matters. This move was vehemently criticized at the time as being a ruse to avoid dealing with the allegations of security service misconduct. In the early days of the Commission's investigation these charges appeared to be offered some support by the plodding, deliberate pace of its operations. These criticisms have largely been dispelled by the thoroughness of the Commission's work and the apparent exhaustiveness of its investigation.

In fulfilling its terms of reference, the Commission had three research studies undertaken of which this paper by Professor Friedland of the University of Toronto Faculty of Law is one. It is interesting to note that this study bears a June, 1979 date of completion and yet it was only released to the public in early 1980. Despite the thoroughness of the research, there is no material in the study which would appear to require security clearance. One can only conclude that the reason for the delay between completion and publication of the study must lie elsewhere.

Professor Friedland begins his paper by making the frank and disarming avowal that he did not know what "national security" was when he started the study and still does not know what it is now that he has completed it. As modest and refreshing as this type of admission is on the part of one of Canada's leading criminal law scholars, one would expect him to go on and discuss what "national security" might be and the experience other jurisdictions have had with this concept. Unfortunately there is no such discussion.

This does not, however, detract from the excellence of what Professor Friedland has given us. He presents in synoptic form the present law and alternatives on treason, sedition, sabotage, unlawful assembly, inciting mutiny, police powers of arrest, search and surveillance, mail opening and many other offences. He presents a thorough discussion of the Official Secrets Act, its application and alternatives to it. The security aspects of access to government information are presented. The circumstances in which emergency powers are and ought to be invoked by Parliament are thoroughly canvassed.

Unlike many legal scholars, Professor Friedland has a clear, easy-flowing style of writing and presentation. His paper, unlike many of the writings of his fellow academics, should be read and can be readily understood by more than just the law professoriat. His study appears to be the first of its kind in Canada dealing with this topic in

such a comprehensive manner. It is to be hoped that the general thrust of Professor Friedland's analysis, that we use the criminal law we have more rigorously before we adopt more stringent national security legislation, will have an important effect on the Royal Commission when it prepares its Report.

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**Fiscal Position of the Provinces: The 1980 Budgets, by Marie Burrows, The Conference Board of Canada, 1980, 7 p.**

This occasional paper (No. 8) is concerned with the relative financial position of Canada's ten provinces as conveyed through their respective 1980 budgets. This comparative assessment is made through an overview of the prevailing provincial budgetary revenue and expenditure balance, followed by a tabular analysis of expenditures by broad service functions in each province. Such an emphasis on the expenditure side appears to have displaced a concurrent appraisal of the fiscal capacity of each province to fund its committed service expenditures.

This paper is offered in four parts, with the first devoted to a comparative study of the current account balance among the provinces. Five provinces, up