

Protection of Privacy

errors, went astray, broke the law, then I would be arrested like anybody else. But we live in a country where people are free, and as long as they respect law and order and justice, there is no reason to fear wiretaps. On the other hand, those that want to overthrow the government by force, by violence, with arms, with bloodshed, those people must be watched closely by the RCMP, by the provincial and municipal police, is short by all those whose duty is to maintain law, order, and peace.

[*English*]

Mr. Peter Reilly (Ottawa West): I notice that the Minister of Justice (Mr. Lang), in whose name this bill stands, was on this side of the House during most of the remarks made by the hon. member for Louis-Hébert (Mrs. Morin) and that during most of the remarks of the hon. member for Témiscamingue (Mr. Caouette) he was out in the lobby. Frankly, with friends like that, I don't blame him one bit for getting out of his seat. The leader of the Creditiste party calls me a journalist who listens at doors. Certainly, I never listened at his door. I doubt very much whether anything of any value would emerge, judging from the remarks the hon. member made this afternoon.

I cannot recall having sat in one place and listened to as big and bubbling a pot of disconnected, irrelevant hysterical hyperbole in all my life since the heyday of Senator McCarthy—and I don't mean Eugene. We have heard speeches this afternoon which have been highly entertaining, I grant you, but they have all had one thing in common, and it is this: they had absolutely nothing to do with the motion before us. We heard from the hon. member for Louis-Hébert an indictment of union leaders and of union members, and of the hon. member for Saint-Hyacinthe (Mr. Wagner) and more of the same from the leader of the Creditiste party. But we have really heard no argument addressed to the amendment which stands in the name of the right hon. member for Prince Albert (Mr. Diefenbaker). No one advanced any reasons why it should not pass. I want to rise to support that amendment and to say that unless it becomes part of the bill I cannot support the bill.

I have profound reservations about this bill, and I am not at all sure that I like it even with the amendment proposed by the right hon. gentleman. I am not a lawyer and I am not qualified to speak on the legal ramifications of the bill, particularly as they apply to evidence in a court of law. But I do know one thing. The right of the individual to his or her privacy, the right of the individual in this society to be protected from the police—and I use those words advisedly—is the most important area in which we can legislate in this parliament. It is for that reason that I have decided to speak on this bill, and it is for that reason that I feel very strongly about the matter at hand.

● (1620)

For the very first time we are granting permission to people to transmit electronically, and to record, the private conversations of other people. In some cases we are going a step further and, for the first time, allowing proceedings thus transmitted and transcribed to be admitted as evidence in a court of law, and allowing secondary evidence that is obtained by virtue of that mechanical

[Mr. Caouette (Témiscamingue).]

transmission to be used as evidence against an accused. That is a very serious step to take.

All of the remarks of the hon. member for Louis-Hébert notwithstanding, this is not a step that we should take lightly. I would prefer a simple one paragraph bill dealing with this whole matter which would provide that it shall be an indictable offence punishable by up to five years in prison for any person to transmit or to record the private conversations of another person or persons without their consent. I think that would be a fine bill, but I know it would not get support from a majority of members in this House. To suggest, as the Minister of Justice (Mr. Lang) has—and this is the heart of the matter that we are discussing here—that there should be a 36-hour more or less free fire zone during which the police, without any kind of authority from a judge, can bug someone's telephone or plant transmitting devices on their person, in their luggage or in their clothing, is to vacate a very important area of his responsibility.

Not only the Royal Canadian Mounted Police are involved in this matter, as we keep hearing. The minister seems to be intent on trying to persuade us that only the RCMP will be using these devices. I suggest to you that we should look at the kind of people who will be using these devices, and using them free from any kind of supervision of a judicial nature if this bill passes without amendment. Not only will there be the provincial police forces of Ontario and Quebec; not only will there be the notorious anti-subversive squad of the Montreal police force, whom I would not trust two feet never mind with a wiretapping device for 36 hours, as would be the case if the bill passes as the minister wants, but there will be a multiplicity of departmental agents who will be running around looking for bugging equipment and for permission to use it.

If history tells us one thing, Mr. Speaker, it is that if you give people a licence to do something they will go ahead and do it just as quickly as they can. We will have people from the income tax branch, the national revenue department, the labour department and all departments under whose jurisdiction lie statutes with any kind of sanctions in them at all in regard to offences wanting to wiretap and bug people's conversations in the interest of preserving the security of the state. I suggest to hon. members that we are embarking upon a very serious step if we allow such people to move one inch without the approval of the last bulwark that we have against the invasion of privacy of the individual, namely the judiciary.

I think it is nonsense to suggest that judges cannot be found. Judges have always been found to sign search warrants. It was not too long ago that a woman arrested for picketing the United States embassy was arraigned in her jail cell. A judge came down from the courts to No. 1 station in his robes and arraigned her right in the jail, and I will have more to say about that to the minister at another time. But judges are available. Judges have always been available and they are paid to be available. I do not believe for one moment that the minister can sell any reasonable person the argument that the police need 36 hours of untrammelled, free fire time to plant these bugs.

The minister says that we must help the police. I do not want to bind the hands of the police, but where do we