

Let me say this about the motions the House is presently considering. If they do not pass this time, it is certain that somebody else will come forward at some time in the future, say in ten years, and present similar amendments. Why do I say that? Considering the direction the world is taking and nations generally are taking, we will need to ban these kinds of electronic surveillance devices; I mean, ban them in the hands of private citizens and ban them in the hands of those who work for the public.

Mrs. Morin: Don't say that in the province of Quebec.

Mr. Gilbert: After the FLQ episode, it should be said.

Mr. Leggatt: There was a report this morning from Quebec that two more lawyers have been bugged, wiretapped.

Mrs. Morin: Not by the police.

Mr. Leggatt: We do not know that, madam. I say that through you, of course, Mr. Speaker. It is interesting to note that if the bill were passed as it now is, without motion No. 2 in the name of the hon. member for St. Paul's (Mr. Atkey), what happened in Quebec would be perfectly legal. As I pointed out this afternoon, it is usually easy to find reasons for accusing a lawyer of wrongdoing and it is quite easy to obtain authorization. For example, the Income Tax Act could be used as a device to gain permission to bug.

If I may return to the amendments before the House, they would bar the use of this immoral device in connection with the Criminal Code, except in cases already noted. You must understand the pervasiveness of the device and how widely it can be used. The report from the Solicitor General (Mr. Allmand), which I read, indicates that in 1972-73 there were 663 taps, resulting in four prosecutions, two of them successful. That is a success rate of one-third of one per cent.

The trouble with the electronic device is, first of all, that it does not do what the police want it to do. Not only does it not increase the efficiency of the police or increase their ability to convict; quite often the use of the device will inhibit the prosecution. Evidence obtained through its use may be ruled as inadmissible and, if that kind of evidence is relied on, a good case could go down the drain. We have to ask ourselves whether these two convictions would have occurred if other good police devices had been used. I submit the traditional ways of obtaining evidence, such as getting out of the car, walking around and talking to people, are the kinds of police activity that work. To give them these new electronic toys, hide them in closets and let them stay there for 18 hours interfering with the privacy of thousands of citizens while a person is under suspicion, is so pervasive and erosive of the right of freedom of speech that on balance we cannot afford to use this kind of device in a civilized society.

● (2130)

I predict that if we continue to use this immoral device we will have reports in the future and someone will stand up in this House in five years' time and again attempt to ban it. I hope he is successful. I hope the time will come when we realize we have an obligation and a duty not only

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to our citizens but to citizens of other countries to take the leadership in this field.

Many members have quoted Ramsey Clark. I wish to quote what he said about the use of wiretap when he appeared before our committee. He was one of the most successful attorneys general of the United States. His attack on organized crime was as successful as any. He is not some bleeding-heart liberal who is not willing to use the practical devices available, where they are moral devices, in order to reduce or prevent crime. He said:

I come not to give advice but to express my impressions of the experience of your neighbour to the south. I come because I desperately hope to see from nations in this world the new moral leadership that if founded on the proposition that governments can protect their people without acting unfairly or immorally themselves in any respect. I believe that. I do not believe the rule of law can be an effective means of social change otherwise. I do not believe it can have the respect of the people otherwise and I have not seen a society or a people who believe that wiretapping is moral. It is inherently immoral and therefore to justify it you have to say the end thoughts justify these means.

I come further because of my great concern about government lawlessness, the excessive use of force, violence, treachery and secrecy, and because I believe your fortunate country has a high opportunity and, with that, a high obligation to show the world that we can act fairly with safety.

I submit that is a very statesman like approach to law enforcement. The hon. member Fundy-Royal mentioned the cliché of law and order. In fact, the advocates of law and order in the United States have found themselves on the wrong side of the law all the time. I sometimes wonder how legitimate was their concern when they found it so easy to violate laws that applied to them.

We have to ask ourselves whether these devices increase or enhance the success of prosecutions. There is no doubt in my mind that they do not. It is wasteful of a police officer's time, inordinately expensive, thoroughly inefficient and extremely unsuccessful. To embark upon this device and avoid very real changes to improve efficiency in the use of our police forces in this country—I have great respect for our police forces—is to reduce respect for law and order, to reduce respect for the police and thereby to increase the likelihood of further acts of crime.

Mrs. Morin: You should be a policeman for 15 days.

Mr. Leggatt: I will end my remarks on that note. I think there are a number of police officers in this country who agree with this approach, although I am sure it is not the majority opinion.

An hon. Member: That's for sure.

Mr. Leggatt: I think on any fair examination of what you are going to get and what you are not going to get, you will be very sorry.

Hon. Otto E. Lang (Minister of Justice): Mr. Speaker, the hon. member for New Westminster (Mr. Leggatt) has once again put before us the proposal he put before the House in earlier debate, and in committee. It is a proposal to remove entirely the possibility of law enforcement officers who are attempting to enforce the law against organized and serious crime in this country using wiretapping or other electronic surveillance that is necessary for their investigative procedures. I find it strange that the