

ever, I think there was a lot more emotion than fact in it. But this is the kind of subject in which emotion can be aroused.

Mrs. Morin: Why are you afraid of emotion?

Mr. Baldwin: I am not afraid of emotion, and I hope the hon. lady is not afraid of emotion either. I think the Minister of Justice would be a better minister if he showed more emotion once in a while. We will watch him when his amendment is defeated and see what emotion he shows then.

Mrs. Morin: You should have lived in the province of Quebec for ten years.

Some hon. Members: Oh, oh!

Mr. Baldwin: Does the hon. lady suggest that the province of Quebec is not a province like other provinces because of the quantity of illegal action which takes place there? She is wrong in this regard. My friend, the hon. member for Yukon (Mr. Nielsen), suggests that she meant that the province of Quebec is not a province like other provinces because more emotion is displayed there. However, that is another argument for another time, another place and other circumstances.

● (2140)

But it is a danger, if anybody wants to pursue this issue, to see the extent to which the government, any government—I don't care whether it is a Conservative government, Liberal government, Social Credit or even an NDP government—having once taken authority which it did not possess previously, will take steps to see that that authority grows and expands until it grows out of all recognition.

Hon. members may not be aware of the fact that the Income Tax Act was originally passed during the First World War as a temporary war tax. Look at the monstrosity that is being created now. Does anybody imagine that this bill, as the minister seeks to amend it, will stay in its present form? Another minister of justice, another government will seek to widen the ground that has been gained and to secure more and more authority.

I have here a book entitled "Private Lives and Public Surveillance," by James B. Rule. I have only just received it and I have not had time to find out his qualifications. I see he is a law professor. At the end of the book there is a chapter on "The Future of Surveillance." Anybody reading it will find out that the author takes an objective view point. He says there is ground for surveillance in certain cases, but he assesses the virtues, the strengths, the failings and the weaknesses. In his conclusions he makes some very categorical statements which hon. members should take to heart. I quote the following from page 350:

I have taken pains to emphasize that the potential for repressive use of these systems is anything but identical with actual repression. On the contrary, discussion has made it plain that some surveillance systems are capable of putting up considerable resistance to "unauthorized" use of their facilities. Nevertheless, any over-all response to these systems must take into account not only their present impact, but also their future prospects. And this means accepting the possibility that, in the course of other politi-

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cal changes, the intent and political disposition of those who control these systems may change.

We have no assurance that another government ten years from now may not attempt to add to, to widen, to strengthen and to make more powerful these weapons which are now being placed at the disposition of the authorities, both federal and provincial, in this country. In my lifetime in the practice of law in the criminal courts, in some 30 to 35 years of practice defending some thousands of cases, I have seen that the court processes work very well indeed. In my opinion it was very seldom that guilty people were acquitted, and very seldom that innocent people were found guilty. This is due to the opportunities for cross-examination, to the demand that a person charged with a criminal offence shall face his accuser and shall have the right to give evidence.

It was not so many years ago that the right of an accused person to give evidence was first made available in the United Kingdom, and carried here. Now there is the right to have a trial held in the public purview, within sight of neighbours and friends, open to the people of the community, with the right of an accused to have a jury and with the onus of proof falling on the Crown. In such circumstances very seldom is there a miscarriage of justice. But with regard to this intrusion to obtain evidence as a result of an illegal wiretap, I ask, what kind of illegal wiretap? In what kind of case will it be used?

As I pointed out the other day, we are not just looking at criminal law. As I understand the interpretation section, this would be applicable to any civil action involving a federal statute. Just look at the possibilities with regard to criminal action. What is to prevent any police detachment in a major city from establishing an M squad, or whatever you want to call them, who are unknown to the remainder of the people on that police force, who are charged entirely with the responsibility of intercepting private communications, who are unknown to anybody but possibly one superior officer. Evidence they have obtained by any number of illegal interceptions could be passed to that superior officer who would then instruct that an investigation take place or that the character of an investigation presently taking place be altered by reason of this illegal evidence. And it need not be evidence intercepted just by a police officer or peace officer. Any private body or private agency could be engaged by a police detachment to obtain evidence and as a result of that evidence instructions could be given to an investigating officer, who in turn knows nothing about the antecedents of the evidence, about the way in which the interception was made, or in fact that there was any interception at all.

It is all very well for us to talk about these things and to say we are for law and order. Mr. Speaker, I am for law and order, but first I am for law. It seemed that the hon. member opposite who spoke this afternoon wanted order, not law. I point out to her that the two go together. We cannot have order unless there is proper and adequate law attached to make sure that the order that is to be preserved is preserved under the rule of law. That is a very important consideration. It would be wrong for this House, wrong for the government, wrong for this party, wrong for any hon. member to ignore that very salutary warning.