

thing must end. After the experience of Watergate we do not want to give to the government of this country, to the Attorney General or to the Solicitor General (Mr. Allmand) the power to do that which is destructive of the essence of freedom.

Some hon. Members: Hear, hear!

Mr. Diefenbaker: Mr. Speaker, I thought I was allowed only 20 minutes, but having concluded may I just say that I will have some more to say later on when we reach third reading. May I emphasize once more that there will be no pussyfooting about this. The minister is not going to push this through the way he did the LIFT program which lost the western farmers hundreds of millions of dollars.

Some hon. Members: Hear, hear!

[Translation]

Mr. Speaker: It being one o'clock, I do now leave the chair. The House will resume at two o'clock.

At one o'clock the House took recess.

AFTER RECESS

The House resumed at 2 p.m.

Mr. Barnett J. Danson (York North): Mr. Speaker, I enter this debate as a layman, although it seems to me it is one that suits lawyers better, and it is particularly difficult following the right hon. gentleman from Prince Albert (Mr. Diefenbaker) who has made a major part of his career the defence of human rights and individual rights.

My instincts oppose wiretapping in any form—

Some hon. Members: Hear, hear!

Mr. Danson: And in this way my instincts would support the amendments of the hon. member for New Westminster (Mr. Leggatt). I consider the whole question of privacy of the individual to be of the utmost importance to us, particularly in this highly technological world where, with electronic surveillance, the opportunities for wiretapping become greater and more insidious. The whole question of the invasion of an individual's privacy is insidious, and wiretapping is a particularly insidious type of intrusion that can grow. We did not seem to take this very seriously in years past, but as we have seen what happened in other nations, and the possibilities in our own nation, we are now taking it very seriously indeed. We have genuine reason for concern, and the experience of our friends to the south has highlighted this concern, and shows how cancerous the whole process can be.

Some of us have been to other nations where it has been a way of life for many years, and we know the discomfort it can cause. The sheer discomfort of knowing that you cannot talk in privacy with your friends, even with your own wife, and to feel you cannot express your views freely and openly, is overwhelming. But I think we should not forget that the main intent of this bill is to make wiretapping, electronic surveillance, illegal for the first time. It is

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the first time this parliament has come to grips with this problem. There are some exceptions allowed by the bill, and I think it is the exceptions that worry us most of all. If these are unchecked and not scrutinized very thoroughly, I think we would have further reason for concern.

The most encouraging part of this debate and the proceedings in committee has been the scrutiny to which the bill itself has been put because of the concern of members in all parties. We well realize that in a society where organized crime and crimes of violence are increasing, the police deserve the utmost legitimate support that we can provide them. I think we are fortunate in this country to have the quality of policemen and police forces that we have. They do some very dirty jobs on our behalf, some very dangerous jobs, and in our striving for the protection of individual human rights we have not made their job easier. But I think it is important that we have stood on these principles, and I am sure the forces have adapted to them.

Yet there still remain opportunities and temptations for abuse, not because police are inhuman, but indeed because they are very human. Like you and I they have wives and families, concerns and consciences, but at the same time I think we should not be naïve and fool ourselves, because there are exceptions, and these exceptions are those which we must guard against. They can, and indeed have, endangered the respect which most of us have for our policemen and police forces. What I find discouraging is that while the vast majority of law officers do not engage in practices which are not within the law, or within the spirit of the law, I am disturbed by the fact that some practices of this type are overlooked by the colleagues of police officers, by men of the highest calibre, who would not engage in such practices themselves. In addition, they are winked at by lawyers who go along with them in courts because they have to get along with the police. Indeed, the judges themselves know about such practices, and so do many politicians. We must make certain that our laws are so framed that the public is protected against these abuses which do take place.

I am particularly concerned about the admissibility of evidence obtained by illegal means. I am not sure that my interpretation is correct, but it seems to me incongruous that illegally acquired information could be admissible in a court. It is even more curious that if a police officer obtained information illegally himself, used it in court, and the prosecution was successful in having a defendant convicted and sent to jail, the policeman in turn may be found guilty of the illegal acquisition of information and be liable to a fine of up to \$5,000 and five years in jail. In the end, he might find himself in the same cell as the fellow he had prosecuted. Those would be a most uncomfortable five years.

This sort of thing makes a mockery of the law, and that is what we are trying to avoid here. I particularly welcome the requirement for control by the attorney general of each province, or his agent, and I think these agency slips should not be given out quite as freely as the authorizations we give to check the returns at polls during an election campaign. I further welcome the requirement for an ultimate authority, for a decision by a judge. The 36-hour provision is one which disturbs many of us; I