His position as to the conditions in which wiretaps should be allowed was very simple. He suggested a test, namely, that only when there is imminent peril to life or limb should the wiretap be allowed. I almost agree with that approach when I consider the catch-all approach of the minister and the catalogue approach of the hon. member for St. Paul's.

The proposition that authorization for wiretapping should be taken seriously is generally accepted by all members of the House. We have had experience with wiretaps in Canada and the United States. Permit me to refer to a recent report by the American Civil Liberties Union. It is written by Herman Schwartz, professor of law, State University of New York, at Buffalo. He sets out figures and statistics relating to wiretaps. One of his statements is as follows:

● (2010)

> The bulk of this wiretapping and bugging is now used for gambling offences, despite the original claims that it was necessary primarily for serious crimes like homicide, kidnapping and espionage: in three years, there has been only one federal device installed for kidnapping and none for either homicide or espionage; gambling installations accounted for about 90 per cent of all the federal installations in 1971.

It can be seen from the American experience that wiretaps have been primarily used for gambling installations. He then sets forth the figures with regard to combined federal and state installations. For six months' periods in 1968, 1969, 1970 and 1971 there were 1,889 orders given with regard to wiretaps. There were 1,839 installations. There were 77,227 people bugged and 1,118,912 conversations overheard. That indicates the pervasiveness of wiretapping in the United States and the number of people it involves.

In Canada, we have had a shorter experience. Evidence that came before the committee indicated that in 1972 the Royal Canadian Mounted Police had 663 installations. From those they obtained only two convictions. That is a conviction rate of one-third of one per cent. In Toronto, there were 294 installations in 1972. Although I do not have a record of the convictions, the number of people tapped and the total conversations overheard, the taps by the RCMP and the Toronto metropolitan police force almost equalled the total orders given in a period of about 3½ years in the United States. This indicates how serious this matter is.

In his presentation this afternoon, the Minister of Justice stated we must have a clear and definite approach so that the law enforcement officers will know what they are about to do and what they should do. If there was one thing that Ramsey Clark brought before the committee, it was the costliness, corruptness and corrosiveness of wiretapping. The costliness in time and money is overwhelming when you have police officers making taps for an extended period of time. The corruptness is evident in the experience across the border. The corrosiveness will be experienced in the relationship between the public and the police in regard to attitudes and morale.

What the government needs is a system of law to protect the safety and freedom of individuals without resorting to unfair and immoral practices. The Minister of Justice must not only protect the law enforcement officers; he has a clear duty to be the protector of the public interest. I have the feeling, whether rightly or wrongly—I hope it is wrongly—that the thrust of the minister's speech and his attitude in the past with regard to this bill and its passing has been that he protects rather strongly the law enforcement officers and puts in a secondary position the protection of the public interest. It is necessary that the Minister of Justice give leadership in this field. If the price of liberty is constant vigilance, the price of freedom is the full protection of the individual.

I do not find it difficult to reject the definition of "offence" that the minister submitted in the bill. However, I find it rather difficult to accept the definition contained in the amendment, for the reasons I have given. I find it far easier to accept the definition set forth by the Canadian Civil Liberties Union. I do not have much choice in this matter. When it comes to a vote, I will have to support the amendment put forward by the hon. member for St. Paul's.

Mr. R. Gordon L. Fairweather (Fundy-Royal): Mr. Speaker, by a very fortunate coincidence, the second report of the Law Reform Commission of Canada, sent to our offices just the other day, contained an admonition from the very distinguished chairman. In passing, may I say it is one of the most clearly written reports that has come out of commissions or groups reporting to governments and parliament for a long time. I wish that more government reports were written as eloquently and as straightforwardly as this one. The report begins with the following admonition:

> "Bad laws", said Burke, "are the worst form of tyranny."

Mr. Justice Hartt goes on to say:

> They are a tyranny every freedom-loving nation must fight to prevent.

I would not for one minute presume to suggest that the minister or the government are advancing bad law. However, I do say it is worthwhile that the Standing Committee on Justice and Legal Affairs has spent a fair amount of time on what I might call a cross-party approach, because vote after vote in that committee contained no party label. I can vouch for that because I was there throughout most of the proceedings.

Surely the mission of the committee has been to improve a bit of draftsmanship. I always wonder why people, ministers or anyone else, feel they must defend to the last what is really a series of words on paper. I think many laws are better after they have gone through the mill of the committee. The Solicitor General (Mr. Allmand) is here. He will recall one of the prime examples of an extremely bad law was the attempt to deal with young offenders. That law came to our committee so badly drafted that the committee of the last parliament rejected it, as did most of the people in the field who knew anything about it. It was not rejected by any plot on the part of New Democrats or Conservatives. It was rejected by the committee. I thought that was to the credit of the parliamentary committee system. Most of its members, I think, approached the examination of the bill in a desire to improve it, if we could, in the light of the experience many of us have had. In my own party there happen to be three former ministers of justice, each one of whom has held responsibility for law enforcement within the two largest