

"Well, John, are you going to see justice done?" The lawyer said, "Hell, no, I would like to win one for a change."

**Mr. Wagner:** Really, really.

**Mr. Baldwin:** I see the hon. member for Saint-Hyacinthe (Mr. Wagner) looks pained.

I listened with interest to the hon. member for New Westminster (Mr. Leggatt). I read the committee reports. The committee was good and did a commendable job. It worked hard on this difficult and complex problem, heard witnesses and, from time to time, divided on some issues. This remarkably good committee was composed of members such as the hon. member for Fundy-Royal (Mr. Fairweather), the hon. member for St. Paul's (Mr. Atkey), and other members from our side. The hon. member for New Westminster was a valuable member of that committee.

The hon. member for New Westminster talked about, "Nineteen Eighty-Four" in connection with this bill. I do not know how often he has read the book; I commend frequent readings. Many years ago I had a good friend who was a member of the CCF party. I sent him a copy of the book. He read it once and said he enjoyed it; he read it again and joined the Conservative party, and has been a good member ever since. I recommend to the hon. member for New Westminster that he take another look at the bill, because then we may hear him gently tapping on our door some day.

**Mr. Knowles (Winnipeg North Centre):** Not the hon. member; he is a strong man.

**Mr. Baldwin:** I support the recommendations of the hon. member for St. Paul's. I suggest that we add clauses 178.11 and 178.18 to the list of clauses which ought to be considered seriously. These are the two clauses in the bill which provide that illegal wiretapping shall be an indictable offence. We might add these clauses to the list so that they, in turn, can be the subject of wiretapping, so to speak.

Seriously, Mr. Speaker, many people are saying this debate is a lawyer's delight, that lawyers are engaging in this debate, that it involves a complicated legal subject and so on. Some suggest that the rest of the members have fled from the House. I do not think that is the case. If it were true, it would be a sad commentary on this parliament.

This is a serious bill, involving serious principles.

**An hon. Member:** Hear, hear!

**Mr. Baldwin:** The hon. member may laugh, but I think I am correct. I am not talking about any particular amendment when I say this; I am talking about the whole bill. We must be ever vigilant to see that the liberties of the people are not filched from them without their knowledge, silently and stealthily, until some day they wake up and find they have lost a great deal of their liberty. What was done in the name of ideology 30 or 40 years ago will illustrate the truth of what I say. I am not imputing any sinister motives of that sort to anybody.

### *Protection of Privacy*

● (1630)

How frequently, in the name of attempting to provide weapons for those involved in law enforcement agencies, have we taken away rights which are essential for the preservation of things people hold dear? Democracy, liberty and freedom are not that old. Mankind became a walking, thinking animal half a million years ago. However, we have only had these freedoms for 150 years. Now, we have a steady encroachment. We have seen that in this House in the extent to which the rules of this House have been altered to deprive members of the opportunity to discharge their responsibilities to their constituents and the people of this country. We have seen how easily this happens. Although they will not say it publicly, there are members opposite who agree with me. However, I will not go into that.

We must bear in mind that a jurisprudence will grow out of this particular bill. It will not be done quickly and easily. Judges called upon to interpret sections of the act will not be allowed to look at what was said here. They will build up their own jurisprudence. A number of decisions will be made which will have the effect of placing interpretations on this act. It will be brought back to this House within several years because of these interpretations. In sending this forth as our act, let us not be too free with the liberties we are giving away.

I say to members opposite that there should be a clearly defined category of those cases, instances, charges and sections in the Criminal Code for which law enforcement authorities are entitled to secure an authorization to engage in electronic surveillance of private communications as defined in the legislation. The hon. member for St. Paul's (Mr. Atkey) and the hon. member for New Westminster (Mr. Leggatt) mentioned things which may be done by the authorities which may involve the use of material gathered by electronic surveillance. One very strong reason for suggesting there should be a clear, well defined list of offences for which authorization to wiretap may be sought is that it will have the effect of limiting the extent to which law enforcement agencies and others may be tempted to go outside the lawful means by which they can engage in electronic surveillance.

We must not kid ourselves. It is utter nonsense for us to stand here and say we have laid down rules and the police will abide by them. I hold no brief for or against the police. They are a very important and useful segment of our society. They have an extremely and important function in the order of our society. However, they are part of an adversary system. There is no doubt in the minds of any of us who have been involved in the practice of law that, being part of the adversary structure, they will from time to time make improper use of the powers granted under this act. One dare not look at the amendment offered by the hon. member for St. Paul's without at the same time, taking into account what the Minister of Justice (Mr. Lang) is seeking to do by some of the amendments he will be offering.

Recently, I have been more interested in this. I have heard it suggested that the only cases where we may envisage an illegal application of the powers granted will be where the police decide for certain reasons they will engage in electronic surveillance and then not do anything