CANADA-U.S. PARKS STAFF

For the second year, the United States and Canadian national parks are exchanging staff. Roy Addie, of the National Parks Branch, Department of Indian Affairs and Northern Development, Ottawa, was chosen to serve as Assistant Superintendent of Rocky Mountain National Park, Estes, Colorado, for two-and-a-half months, beginning September 5.

An officer from the National Parks Service, U.S. Department of the Interior, will later be chosen to serve in a similar position in a Canadian national park for about the same period.

The exchange program was established last year (see *Canadian Weekly Bulletin*, Vol. 23, No. 12, dated March 20, 1968, P. 4), to enable staff in various aspects of national and historic park administration to gain a knowledge of the other country's procedures and policies and, where feasible, to apply that knowledge to their own park system.

Although the national parks systems of the two countries differ, and have developed independently of each other, both the U.S. and Canada are world leaders in the application of the theory that suitable and sufficient historic sites and wilderness areas should be preserved.

Canada's national and historic parks system now consists of some 29,400 square miles and is made up of 19 national parks and 626 historic sites, of which 44 are major historic parks and sites.

The U.S. National Parks Service includes 168 historic sites, 71 natural areas, and 36 recreational sites, comprising some 43,000 square miles in all.

TWIN FREEDOMS OF A DEMOCRACY

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authorize these exceptions?

Applications for authorization to conduct electronic surveillance should be made only by the chief of a designated law enforcement authority or his appointed deputy. There is some difference of opinion here as to whether the application should be made to the attorney general or to the chief judge of a trial division. As I have stated on other occasions, my personal inclination is that someone who is politically accountable to the people – rather than a judge – should assume the responsibility for that authorization. The very nature of the proceeding is *ex parte*, (a notice is not given to the other party). Accordingly, a judge would be required to issue a one-sided order without a real hearing in which all parties could make their representations. Rather than put a judge in that position, I would prefer having the judiciary examine the evidentiary and adversary aspects of invasions of privacy and place the responsibility for its authorization on those responsible to Parliament or a legislature and, through that popular forum, to the people.

(4) If there are authorized exceptions, what terms or conditions should be attached to these exceptions for purposes of supervision and control?

POSSIBLE LIMITING CONDITIONS

Some of those limiting conditions *might* include the following:

(a) The grant of any power ought to be "the least possible power adequate to the need proposed". Accordingly, the application for an order should be particular as to the facts and circumstances relied upon by the applicant, the nature of the offence sought to be investigated, the place of interception, the type of communication to be intercepted, the identity of the persons whose communications are to be intercepted, perhaps a statement as to whether other investigative techniques have been tried and failed, and the time for which the interception is to be maintained.

(b) No order should authorize the overhearing or recording of communications for a period of time beyond that which is necessary to achieve the order's objective. There must be a proportionate relation between the duration of the surveillance and the need for such surveillance. A surveillance warrant should not open the door to indiscriminate "fishing expeditions".

(c) Any exceptionally authorized use of electronic surveillance must protect the integrity of privileged communications, unless an additional special need is demonstrated. This would have to be a question of fact to be determined in each particular case.

(d) All recordings would have to be made in such a way that their authenticity could not be suspect.

(e) Every subject of electronic surveillance must be permitted to have his day in court. The fear of possible unknown surveillance must be lessened. Provision might be made for a civil cause of action whereby an individual would be able to take whatever action might be available to him to recover, where appropriate, civil damages. The knowledge that the subject might ultimately have an opportunity to seek redress should have a deterrent effect on abuse of the technique of electronic surveillance.

(f) Any administration of criminal justice authorizing even the exceptional use of electronic surveillance techniques must contain some provision for a public accounting. Indeed, public support for the exercising of even this limited surveillance can only be obtained where the public can be responsibly informed of the extent and character of its use. This accounting would provide, as well, an empirical base by which may be measured the need and extent of success of electronic surveillance as a law enforcement technique....