

Then page 264 of the report reads:

The committee recommends that government grants be made for research devoted to the development of new and improved methods for identifying and treating the dangerous offender.

At page 265 the report reads:

The committee recommends that further research be undertaken to determine the most appropriate way in which to deal with the persistent petty offender.

As far as I know, Mr. Speaker, most of these recommendations were not followed, and now we are starting again with insufficient knowledge of how to deal with the question. Our institutions are overcrowded. Some people who have worked in and with the institutions and regional centres, such as the one at Abbotsford, tell me the institutions are not working as they were intended to work. The original idea was to segregate special cases such as dangerous offenders. It was intended that prisoners sentenced to long terms for serious crimes could be sent to a centre like Abbotsford where they could receive treatment which, hopefully, would change them and keep them from committing such crimes in the future. But apparently, partly because of tremendous overcrowding, acute cases are being sent to Abbotsford, and I presume other centres, for short terms in order to get the kind of treatment which should be available to them in the institutions in which they are already incarcerated.

● (1620)

Because prisoners are sent to an institution a long way from home, away from friends and family, the chance of successful treatment is lessened. Also, because the staff turnover in institutions like Abbotsford is high, rehabilitation programs are not successful. We have not been successful because we have not studied the problem in the way the Ouimet committee suggested in 1969. Various royal commissions have studied this question. We now know that a certain percentage of prisoners, about 5 per cent, are hopeless cases. On release they will revert quickly to old habits and commit further crimes. If that is so, and I have no reason to doubt it, then instead of labelling these criminals as dangerous offenders and putting them away for a long time, why not recognize them for what they are, criminals incapable of change? Therefore, I submit we should build preventive detention centres where prisoners serving long sentences, say from 20 and 25 years, will be humanely treated during their incarceration. So far we have not done the necessary research and studies to enable us effectively to segregate dangerous from not dangerous offenders. So far our attempts to identify these people and sentence them accordingly have been inadequate.

Lastly, and briefly, let me talk about wiretapping. Obviously, the majority government now wants to do what it could not do as a minority government. In the last parliament, the then minister of justice, who is now Minister of Transport (Mr. Lang), wanted to give the police the wide powers being proposed in this bill. He was unable to do it because New Democrats, Conservatives and even Liberals opposed him. I remember that the hon. member for Fundy-Royal (Mr. Fairweather), the hon. member for Peace River (Mr. Baldwin) and others were against the proposal, as were some government backbenchers who believe in civil liberties and the right of Canadians to privacy. Not even they could swallow the proposals of the then minister of

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justice. Now it is different. Now the government has a majority.

Mr. Knowles (Winnipeg North Centre): The Senate tried to do what the then minister of justice could not do.

Mr. Orlikow: As my colleague from Winnipeg North Centre (Mr. Knowles) reminds me, the Senate tried to do what the then minister of justice could not persuade the House of Commons to do. We let the Senate know it could not overrule the House of Commons. Now the government proposes, again, essentially what the then minister of justice proposed. The bill provides, first, that in certain circumstances the police shall be allowed to use, at trial, illegally obtained evidence; second, that persons whose conversations had been intercepted need not be notified of the surveillance during surveillance; and third, that the period of surveillance is to be extended from the original proposal. We oppose this. There is no evidence showing the police lack powers to control crime. There is no evidence showing wiretapping is a successful tool. According to my information, evidence in only 18 of 550 authorized wiretapping cases was actually used at trial. By itself, wiretapping does not do the job and can be a dangerous weapon. I remind hon. members of the powerful testimony the former attorney general of the United States, Ramsay Clark, gave before the justice committee several years ago.

I shall now mention something that happened in my city a few weeks ago. The police and the provincial attorney general's department of my province had reason to believe that a certain judge in Winnipeg was doing things which were either illegal or improper. The police went to the attorney general for authorization to conduct electronic surveillance of that judge's conversations. They did this quite properly under the law. I am not criticizing the police. I note a Conservative member shaking his finger at me as if suggesting that I ought not to be saying these things. I tell him that I have discussed what I am about to say with the attorney general of Manitoba and have his permission to speak.

The attorney general signed the application giving permission to wiretap telephones at any address used by the particular judge under suspicion. As I say, the attorney general gave that authority. The police, who were not acting illegally, put the tap on the trunkline which went into the office of the particular judge whose conversations were to be wiretapped. Unfortunately, that telephone line was part of the trunkline serving two other judges. Under the present law, the police were required to notify the other two judges of the electronic surveillance. They learned that the police had listened to their telephone conversations, and lo and behold were annoyed, to say the least—even flabbergasted. One was so upset that he wanted to move his office, which I can well understand. He did not want anyone listening to his telephone conversations.

Wiretapping is a potent instrument and a dangerous tool. It should be used with great care only in exceptional circumstances. I presume we do not want the police to break the law. Surely we should encourage the police to obey the law and act in accordance with the law. Therefore, allowing the police to use illegally obtained evidence, or to wiretap indiscriminately, is a mistake. In all cases