

sion for the review of federal and state laws relating to wire tapping and electronic surveillance in the United States, and some mention may be made of these as the days go by in regard to the provisions of these proposed laws in the United States.

It seems to me that people who say that wire tapping is some kind of panacea or some great solution for controlling the activities of the criminal element are exaggerating. I think it is a valuable tool but I do not think the extension of the power merits the consequent menacing of civil rights that this implies. It seems to me that the judiciary must be relied upon to a greater and greater extent in supervising application under this type of legislative application, and indeed in supervising and taking part in the whole structure of law and order as they used to do.

The position of judges today is being eroded. There is no question about that. It seems to me that a judge is about the only one in our system whose only mandate it is to do the right thing. Sometimes politicians cannot do it for political reasons; sometimes lawyers cannot do it because of certain pressures so judges are the persons to whom the average Canadian looks to protect his civil liberties. When the Minister of Justice or anyone else starts to undermine a judge's discretion by introducing the concept of mandatory sentences, even in a small way, it makes me uneasy. You do not have to be a judge to hear a guilty plea and give a mandatory sentence. Anyone could do that.

The way the parole system works now pretty well isolates the judge. I am sure many a competent justice or magistrate agonized over what he considers an appropriate sentence for a particular case, has given what he considers a fair verdict and much to his surprise when going down the street a few months later, meets the person he sentenced to a term of several years.

Surely there must be some way that judges can be brought closer to the parole board in reassessing whether it is appropriate to allow the criminals they have sentenced to be put back on the street. I think the minister should address himself to this.

There is one other thing I should like to suggest to the minister tonight, Mr. Speaker, and I say it without malice and I mean no harm to the Solicitor General either. One of the most interesting things the minister could do in gathering together the elements of law enforcement in this country and the reassessment and readjustment of the judicial and police processes, would be to be less concerned about abolishing capital punishment and more concerned about abolishing the office of solicitor general altogether. That is not an original idea. I am looking back some years at things that were said and the warnings given by a former minister of justice.

In the *Toronto Star* of December 22, 1965, a former minister of justice, Davie Fulton, was quoted as saying when the Solicitor General's department was taken out of the Department of Justice: It would be far more likely under the new setup that an RCMP report would never get to the Department of Justice.

That is from a former and respected minister of justice in those days who made the prediction of trouble ahead. Another former minister of justice, the former minister of finance who has recently resigned from this place, also had

### *Measures Against Crime*

misgivings about the duality of responsibility between the Ministry of Justice and the office of the Solicitor General. He must have felt, as I do, that it is rather incongruous that the Attorney General of Canada, the chief legal adviser to the government, does not have direct command of the national police force.

In an old newspaper article entitled "Justice Department—How to Re-Create the Image" there are a few very interesting quotes which I should like to put on the record.

For decades, justice was one of the prime seats of power in Ottawa, the justice portfolio ranked second only to the prime minister's job; the minister who held the post had political power and prestige almost unmatched in the federal government.

I think this is particularly vital at this time when public confidence in the administration of justice is, to put it charitably, pretty well shaken. The article continues:

Then something happened. Justice went into a nosedive from which it still has not recovered.

This article appeared in 1969 and there is no reason to believe that justice has made any great strides since then. It continues:

The decline began during the late fifties and early sixties.

The article then refers to some of the factors.

... the damaging involvement of two Liberal justice ministers in the scandals of the mid sixties. The late Guy Favreau left the post under a cloud as a result of the Rivard affair.

It goes on to trace the history and points out that during his brief stint as minister of justice the present Prime Minister (Mr. Trudeau) managed to swing the spotlight back on his portfolio by putting through controversial and very famous amendments to the Criminal Code.

● (2050)

The article goes on to say that Mr. Turner, then minister of justice, had several new bills he would like to bring before the Commons. It states what they were. The article continues:

So he's turning his attention to re-establishing justice as a power centre of government—"putting the department back in the ball game", as he calls it.

That is interesting. In 1969 the then minister of justice wanted to put his department back in the ballgame. Instead, he recently left the ballpark. I wonder if that frustration had anything to do with his decision to go. The feeling in the department at that time was that the minister was making some progress. Obviously that was not the case.

I want to say again that this is something the Minister of Justice ought to consider very seriously. He ought to ask himself whether, in billing this piece of legislation as part of a so-called peace and security package, he can honestly do that in conjunction with a minister, however honest and sincere in his feelings, who differs philosophically from him. It is said that a house divided against itself cannot stand. It seems that the Department of Justice and the Department of the Solicitor General are pretty well divided against themselves. As these articles point out, justice has lost control over many of the functions that once made it a vital and prestigious department.

The portfolio of Solicitor General has as its present incumbent a minister who has said unequivocally that he