

tions of intrusions on the part of the state on the private lives of citizens, need not and cannot apply. Let us try to follow what that subsection implies. It means that any single party to a communication, by giving consent either expressed or implied—and I do not know to this day what “implied” consent is—can have a third party listen in on a conversation originated by the first party or received by the second party.

In other words, I could if I so wished—and I assure you that I do not wish—if I sought to frame the hon. member for Scarborough East, call up a third person and say, “I will call the hon. member for Scarborough East, and you bring along your tape-recorder or just simply listen in.” That would be without my notifying the hon. member for Scarborough East. Then his words could be intercepted and recorded, and thereby used against him.

I hope that somebody can stand up at this third reading stage of our procedure to indicate why what I have suggested can be done cannot be done, or indeed will not be done. I know wiser heads around this place have suggested to me outside this chamber, but in the halls of this House, that this kind of thing is done all the time. For example, an employer can rightfully say to a third party, “I shall call my employee,” or “I shall be called by my employee, and I want you to listen in.” If that can be done in our society, then I say it is wrong and it ought not to be done with impunity.

Surely this bill falters right at the very beginning, and from then on its temper is the same. I suggest to the Minister of Justice (Mr. Lang) that the limitations which he has put in the bill, the limitations which he has acceded to, and the limitations which have been thrust upon him through the procedures in committee and in this House, can be obviated for a good part of the time by the provision of subsection (2) to which I have just referred.

I was referring a short while ago to older and wiser heads around this House. Recently, one of them indicated to me that this is a bill which no self-respecting lawyer would want to be without, or that no lawyer could vote against because the lawyer would see how the bill could help investigative police practices. It just happens, Mr. Speaker, that a very few days ago in the city of Toronto I met a man who had retired after many, many years on the bench. I certainly will not specify who he was, but it was someone whom many of us have learned to respect over the years. He said to me, “Mr. Harney, what kind of madness are we stepping into when we proceed to pass a piece of legislation such as the one you are studying in Ottawa at the moment? What are we doing to ourselves? What is our opinion of ourselves that we must proceed to pass this kind of legislation?”

Of course, my answer to him was, “You know much more about the bench, about jurisprudence, about police activity, about investigation, about crime, the prosecution of crime and conviction than I do. Surely you must feel, as so many in your field have felt, that there is some value in the bill.” And he said categorically, “None at all.” So there are very wise heads experienced in the law in this country who are opposed to this bill, Mr. Speaker.

Of course, those of us who will oppose the bill on third reading or who will hesitate before we stand up and vote for the bill because it contains some good, or who will

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simply absent ourselves because we cannot be associated with its passage, will be told that this bill at least prohibits some eavesdropping and that what it provides for the police and the state is necessary, although perhaps objectionable and not particularly nice. Evidence has come out to the effect that wiretapping is not effective. Let me be a “law and order” man for the moment. I think that allowing the police freedom, under limitation, to wiretap will hamper their investigative activities.

Some hon. Members: Hear, hear!

Mr. Harney: Time and time again our police departments in various parts of the country have been completely taken over by a love of gadgetry and machinery. Rather than go out and follow the standard, normal steps of investigation, they have allowed themselves to become bedazzled by machinery, by computers and by electronic gadgetry. I would feel more secure as a citizen of this country, worried about the depredations of organized crime, if I knew the police were not relying upon gadgetry of this kind.

● (1750)

I need not remind hon. members of the House how, and by whom, persons involved in the kidnapping and murder of Mr. Laporte were finally brought to court. I am sure there was wiretapping in that investigation. I certainly know that there were squads upon squads, indeed legions, of police of all kinds around Montreal. As well, the military were evident in huge numbers. The investigation was eventually successful, not because hundreds of people around Montreal were hauled out of their beds in the middle of the night and held for periods of time without charge but because an RCMP officer, literally on his time off, finally realized that standard steps of investigation had not been taken. He checked for himself and turned up the evidence which brought to court those who were eventually charged with the kidnapping and murder of Mr. Laporte. And all the rest had been bedazzled by machinery.

Mrs. Morin: The hon. member knows that is not true.

Mr. Harney: If the hon. member suggests that I know it is not true, let her stand in her place when her turn comes and present evidence to the contrary. Further, if the Minister of Justice knows it is not true, let him back the hon. member for Louis-Hébert (Mrs. Morin).

Mrs. Morin: Why does the hon. member not start proving what he is saying?

Mr. Harney: I have said what I have said. If I may speak again on third reading, or provide information to another hon. member who will speak on third reading, I will establish the truth of what I have said. Perhaps my most serious worry is that this is the first time this parliament has legislated against wiretapping. I know there are provisions in the law allowing the telephone company—the ubiquitous, omniscient telephone company—to watch its wires and the people using them: however, this is the first time that parliament, in full deliberation, has decided to take away by an act of law some of our privacy. I know one can say, “Of course, people have been wiretapped