

*Protection of Privacy*

I suggest there is great merit in the suggestion that we should proceed cautiously and conservatively in respect of this matter of individual rights. I hope hon. members will forgive me as a member of the NDP for making the suggestion, in respect of privacy, that the state's rights can be expanded if necessary. Here I refer directly to the use of a number of agents. It is much easier to expand legislation which starts off by being narrow than it is to narrow legislation that starts off by being too wide.

At six o'clock the House took recess.

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AFTER RECESS

The House resumed at 8 p.m.

**Mr. John Gilbert (Broadview):** Mr. Speaker, I rise in support of motion No. 8 submitted by the hon. member for New Westminster (Mr. Leggatt). In substance, the effect of the amendment would be to delete the words "or an agent specially designated in writing", referring to section 178.12 of Bill C-176.

I think the hon. member for St. Paul's (Mr. Atkey), the minister, and the mover of the motion, set forth the history of what has happened in respect of this particular section and these words in the original bill. The minister used the word "agent", and at the committee stage the hon. member for St. Paul's, in order to make it more precise and to impose greater responsibility on the minister, introduced an amendment so that it would read "an agent specially designated in writing". The minister this afternoon, in speaking in support of the hon. member for St. Paul's, indicated that the reporting provisions of the legislation gave all the protection that was required with regard to this section.

I disagree with the argument advanced by the minister. The reason my colleague from New Westminster moved the amendment was to impose the full responsibility on the Minister of Justice, the Solicitor General or the Attorneys General of the provinces. This should not place any great restriction or any great additional burden on the job. When one reflects on what has happened in Canada with regard to wiretapping in the last few years, one wonders who gave the authority to wiretap. Certainly it could not have been the Attorney General, the Minister of Justice or the Solicitor General. In all probability the authority came from the local police. We have seen the widespread use of wiretapping that has prevailed in the large Canadian cities, more especially Montreal and Toronto.

If we reflect for a moment and try to understand what has happened in the United States, it might be helpful to note that in the United States, in order for a wiretap to be permitted the authorization must be signed by the Attorney General. The reason is that in the final analysis the Attorney General must be held responsible for the issuance of the wiretap authorization. It is rather interesting to remember that J. Edgar Hoover would not act in respect of a wiretap unless the authorization was signed by an Attorney General, because he realized that ultimately the responsibility would have to fall on someone and if he signed the authorization for the wiretap he would be held

[Mr. Grier.]

primarily responsible. Therefore J. Edgar Hoover, being a very cautious person, imposed the final responsibility on the Attorney General.

I think that is where the responsibility lies. I cannot see how any burden is involved when an application is made for authorization to wiretap, if the minister is required to review the application which can then be set in motion for authorization by a judge. When I think of men like J. Edgar Hoover having wiretaps on men like Martin Luther King, I realize just how necessary it is to impose responsibility in this respect. Martin Luther King was wiretapped in the United States. Here we would have a situation, if we agree with the wording of the minister, as amended by the hon. member for St. Paul's, in which a person who is an agent specially designated in writing can act without the knowledge of the minister.

I can foresee the minister being placed in a position where it would be very awkward for him. He could raise the standard excuse that he did not know that an authorization had been given in the particular circumstances. We in this party would not want to see the minister placed in that position, because we feel he should have full responsibility in respect of the right to apply for authorization to wiretap.

This afternoon the minister was very vague about the type of person who would be specially designated in writing for the purpose of this section. Had he given a more complete explanation he would have said which persons could be designated. He might have said, for instance, that he would designate the deputy attorney general and leave it at that, because the deputy attorney general, the deputy minister of justice and the deputy solicitor general work very closely with the Minister of Justice and the Solicitor General, and so on. However, he did not say that. He left it very vague and did not answer the question. I have a fear that the persons he would designate would be persons such as the chiefs of police in Toronto, Vancouver, Montreal, and so on—those in the big cities. As my friend, the hon. member for Winnipeg North (Mr. Orlikow) says, it could even be a Crown prosecutor.

● (2010)

This takes away from the sense of responsibility which we think should rest with the Minister of Justice (Mr. Lang) or the Solicitor General (Mr. Allmand). Therefore, the amendment presented by my colleague, the hon. member for New Westminster (Mr. Leggatt), makes sense. It gives protection to all Canadians and ensures that this provision with regard to the authorization of wiretapping will not be abused.

Again I repeat that the Minister of Justice should never place himself in a position where he can say, "I did not issue it. The person that I designated issued it, and possibly in the circumstances I would not have issued it". I think he should be placed in the same position as that of the attorneys general in the United States, that when an authorization for a wiretap is issued, the Attorney General takes the full blame.

I hope the hon. member for St. Paul's will see the wisdom of this amendment because even though he is trying to tighten the amendment by using the words "agents specially designated" he is really not getting to