pattern of installations were to continue, obviously we would have a pattern of illegal wiretaps.

The Minister of Justice indicated that the original bill which came forward represented some form of compromise in regard to the exclusionary rule in that it would have permitted direct evidence to be excluded if it were illegally obtained, but would have allowed indirect evidence. Again I would draw the minister's attention to some practical considerations. Any person who has ever been interested in and made a study of law enforcement knows that it is not the direct evidence that the police would seek to admit in any case; it is the indirect evidence, the leads, the fruits of the poisoned tree, that the police are really interested in. That is what they want, and if they have it, nothing else matters.

Let me draw the minister's attention to the evidence of the chief of police of metropolitan Toronto, speaking on behalf of the Canadian Association of Chiefs of Police. This was evidence before the Standing Committee on Justice and Legal Affairs in the last parliament. The chief of police gave evidence to the effect that in the 155 cases of wiretapping leading to criminal prosecution in the courts in Toronto, in not one instance was the actual intercepted conversation used in prosecutions, only the indirect evidence that was obtained as a result of having received that conversation. So I suggest that without some exclusion of the indirect evidence, the entire evidentiary protection through some form of exclusionary rule is meaningless.

During the last parliament a number of submissions were made on behalf of various groups and individuals on this most important question. We all know that this bill has been before this parliament on three separate occasions. A great deal of evidence has been led and I think we should take great pains to consider the whole of the evidence and not only the most recent. One of the briefs presented to the last parliament was that of the Canadian Civil Liberties Association, and I want to quote from their brief, which was submitted orally and in writing on June 6, 1972. The brief said this, in part:

> One of the encouraging aspects of Bill C-6 is the provision for ruling inadmissible all evidence obtained from unauthorized eavesdropping. Unfortunately, however, the prohibition applies only to the actual communication. Experience reveals that the police resort to electronic surveillance primarily for the leads that it produces. Samuel Dash, a noted U.S. commentator on electronic surveillance—

I note that that is the same Sam Dash who is now counsel to the Senate Watergate inquiry in the United States.

> —has pointed out that wiretapping "is done for the purpose of aiding investigation and never for the purpose of collecting evidence".

Moreover, Mr. Speaker, I would refer to a passage in an article by Professor Stanley Beck of Osgoode Hall law school which appeared in the *Canadian Bar Review* about three years ago. I quote from that article:

> The police would be quite content to have the admission of wiretap ... evidence barred in court ... as long as they were free to use it for investigative purposes. This attitude of the police was confirmed to (the author) in conversations with officials of the metropolitan Toronto police force who described the investigative aspects of electronic surveillance as "something more than snooping and something less than a search for specific evidence under a search warrant".

Then the Civil Liberties Association concludes:

> Thus the mere exclusion of the taboo conversation will not constitute a sufficient deterrent to the practice of unauthorized surveillance. We know also that victimized citizens are generally reluctant to take action against improper police conduct. In order, therefore, to provide a more effective deterrent, we respectfully submit that the fruits of unlawful eavesdropping also be rendered inadmissible as evidence.

Finally I would refer to comments made again by a supporter of the Liberal government in the last session, Mr. Terrence Murphy, a person who is no longer a member of this House but who perhaps was one of the more enlightened members of that committee. I might add that he is an experienced trial lawyer and defence counsel and that he has also done some prosecution work in the city of Sault Ste. Marie. This is what he said:

> I am in complete agreement with your submissions in so far as they pertain to the admissibility of the fruits of an illegal tap. I do not think the fruits should be made available or made admissible in evidence at all if the tap itself was illegal.

That is the point on which the majority voted 11 to 5 in the committee on September 16 last, and I suggest is the position that should be taken by all members of this House. In committee the Minister of Justice, not content to leave the bill in a form where illegally obtained direct evidence would be inadmissible, went even one step further and wanted to have not only the indirect evidence admitted but the direct evidence also.

It is significant that the minister moved an amendment in the committee to allow the direct evidence to be admitted and that that amendment was resoundingly defeated. The minister based his rationale on the fact that the Law Reform Commission of Canada would be looking into the whole question. Of course, that is an excuse that is known to many politicians interested in the field of justice to be really an excuse for inaction, and is not acceptable and certainly was not acceptable to the members of the committee at that time.

The Minister of Justice has made reference to letters and telegrams received from provincial Attorneys General. He talked in terms of an unanimous verdict. I suggest that the minister went out and invited the sort of support he got. Indeed, I think it is clear from the record of the standing committee that the minister wrote a letter on October 30 to all the Attorneys General asking for their support. Indeed, I suggest he pleaded for their support. Let me quote from his letter. The minister said:

> The amendment would introduce into the Canadian criminal law system the complete doctrine of the suppression of evidence obtained directly or indirectly as a result of illegal conduct.

I pointed out at the time, as I point out again tonight, that this is a misstatement of the nature of the amendment which was passed by 11 to 5 in the committee. This was not the introduction of the complete doctrine of the suppression of evidence obtained directly or indirectly as a result of illegal conduct. It relates only to illegal wiretapping. Indeed, I would have reservations regarding any thought of introducing the complete doctrine of the suppression of evidence at this time. In his letter the minister went on to say this:

> It would be contrary to the interests of the administration of justice to introduce the suppression doctrine into Canadian law—

Mr. Lang: Mr. Speaker, I rise on a point of order.