

Congress addressed itself to this issue in Title III of the Omnibus Crime bill of 1968. It authorized the Department of Justice to instal electronic eavesdropping devices on organized racketeers by application to a court and upon a showing of probable cause.

Up to that point the United States legislation is similar to the legislation that we have before us. Then he went on: —I also insisted—and continue to insist—that each application and full supporting papers be personally presented to me for my evaluation.

So, the Attorney General of the United States in the pre-Watergate days believed that wiretapping was dangerous, and that not only should there be judicial approval by an authorization given but in addition there should be the careful perusal and consideration by the Attorney General of the U.S. to the end that injustice should not be permitted to be legalized.

When I raised this matter first, I met quite a reaction. The hon. member for Windsor-Walkerville (Mr. MacGuigan) is not here so I will not refer to him, although he did to me in my absence. But the argument advanced went across this country. People began to realize the danger and there was a flood of complaint and condemnation of this emergency section in every part of Canada, making due allowance for the hon. member who said that in one province it was regarded as necessary.

On Friday I spoke and reiterated the strongest objection, not based upon a desire to preserve and protect wrongdoers but to ensure that a law that applies to wrongdoers cannot be used against other Canadians who have committed no crime. That is what happened in the United States in connection with Watergate, where a coterie of individuals decided that they had a God given right by the propinquity they enjoyed to the president to destroy or endeavour to destroy those who did not see eye to eye politically with the President of the United States.

● (1520)

I will say this for the Minister of Justice (Mr. Lang). He pressed this bill in its original form with all the power at his command, but he listened to argument. And while he brushed aside what I had to say last May, what was heresy in May has become orthodoxy for him in November. That is what happens. If the House of Commons discharges its responsibilities, if the minister is prepared to listen, then ultimately out of a consensus this institution can arrive at legislation beneficial to all Canadians.

**Some hon. Members:** Hear, hear!

**Mr. Diefenbaker:** The minister had an amendment moved last evening. He had discussed it with me yesterday morning. He produced what he thought would meet the general tenor of my strong objections, which was that the judiciary shall not be bypassed, no matter what the emergency, in view of the hundreds of judges that we have. I thought we had only 600 judges. The hon. member for Ottawa-Carleton (Mr. Turner) raised the number, I think, to 900. In any event, within the purview of the definition of the judiciary I presume that number is very close to actuality. I pointed out this question: if you cannot find a judge how are you going to find your agent? How are you going to find the Attorney General of the

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province within which the offence allegedly has been committed? How are you going to find the Solicitor General?

The amendment that was suggested and moved last evening is one that actually meets in general the whole thrust of the argument I advanced. However, I would make a couple of suggestions.

Provision was made therein that:

Where the judge to whom an application is made pursuant to subsection (1) is satisfied that the urgency of the situation requires that interception of private communications commence before an authorization could, with reasonable diligence, be obtained—

That is pursuant to the judicial portion of the bill.

—he may, on such terms and conditions, if any, as he considers advisable, give an authorization—

I suggested, and the minister accepted the suggestion, that the authorization should not be one of these telephonic authorizations.

**Mr. Speaker:** I am sorry to interrupt the right hon. gentleman for a moment, but I must remind him that his time has expired. I have to inquire whether there is unanimous consent to allow the right hon. member to continue.

**Some hon. Members:** Agreed.

**Mr. Diefenbaker:** My thanks. As I was saying, it should not be one of these telephonic authorizations, nor of the type of the northern outdoor courts that were referred to by the hon. member for the Yukon (Mr. Nielsen), who pointed out yesterday that he was able to get an ex parte order from a judge who was 200 miles away on a fishing trip. That kind of thing cannot be done if this amendment is accepted. There has to be an authorization from a judge, and it must be a written authorization. If there were action taken without a written authorization, action on the part of a police officer would be a nullity, ineffective, and unusable.

Then, there was no provision for a time limit in the draft that the minister brought to my attention, and I urged that the same period of 36 hours should be the limit under the amendment. Sir, I am not one who gloats over changes that are made. Parliament used to operate this way in the days of Mr. King, in the darkest days of war, but I do find that some hon. members do not operate this way, and I do not except the hon. member for Windsor-Walkerville (Mr. MacGuigan) who, in my absence the other day, chose to make a personal attack. That does not worry me one bit. He showed how right the original bill was. He gave it his approval. Anyone who might think anything to the contrary belonged outside the purview of those who regard law and order as important, not only in universities but in the law courts. He poured forth ridicule.

I am not going to read all he said because I will have another opportunity on third reading, if he chooses to get into the debate again. However, by the time the minister got through introducing this amendment yesterday, I may say I have never seen a rug pulled from under an hon. gentleman to the extent that one was pulled from under the hon. member for Windsor-Walkerville. If the hon. gentleman has any alibis I will be glad to hear them, but I simply point out to him that parliament is a place you