

cept of open hearings with the right of the defence to present a case. Surely we ought not to approve it.

There is another matter that Professor Ryan dealt with in some detail, Mr. Speaker. In New York state there has been experience which shows what happens when this kind of system is followed. The police very quickly learn that some judges are more sympathetic to their cause, and give them permission, than others; so they do what Professor Ryan calls "judge shopping": they look for the judge who is likely to give them permission to do the things they want to do. Who will question the decision once a judge has given permission to carry on this very questionable, although sometimes necessary action?

I say very seriously, Mr. Speaker, that the right to give the police permission to conduct wiretapping should be vested in the Minister of Justice federally, and with the attorneys general provincially. They should be required by law to make regular reports on the number of applications for wiretapping and the number they have approved, without, possibly, giving the names of the people involved and the reason permission was given. Without such a safeguard, Mr. Speaker, I suggest that to a large extent this bill will be completely ineffective because its loopholes are so wide that a truck could be driven through them.

As I said earlier, under this law the police will be permitted to do as much wiretapping as they have up to now without any legislation. That being the case, I think this provision in the bill ought to be amended. When the committee meets, I hope it will permit representations to be made by interested and knowledgeable associations and individuals. I hope, too, that the committee will see its way clear to amend this provision in the legislation to provide that the agency responsible shall not be a judge but, rather, the appropriate minister of the federal and provincial governments.

There are clauses in this bill which deal with the right of the police to conduct electronic surveillance where it is believed that espionage or insurrection is planned. No one would question the very serious effects that such plans might have on this country and on our democratic rights. On the other hand, we must be extremely careful that such powers are not misused and abused. Need I remind members of the House of the events of October, 1970—of the more than 400 people who were apprehended in Quebec under the provisions of the War Measures Act? Need I remind members of the House that a very small number, a handful, were actually charged and even fewer were convicted?

Obviously, a large number of people were apprehended and held for a time when they were either not guilty or the government did not believe it had enough evidence to make a charge stick in court. Without again debating the events of October, 1970, I think we should learn a lesson from them and be careful that the powers given to the police and the government under the clauses of this bill which deal with the Official Secrets Act, and so on, are not abused.

Mr. Speaker, I have no concrete suggestions to make at this time. However, I hope the committee will deal with this matter extremely carefully in light of experience gained over the years as a result of actions of not just this

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government but earlier governments—experience which goes back, in my city, as far as 1919. At that time the father of the hon. member for Vancouver-Kingsway (Mrs. MacInnis) was charged for printing in a newspaper two verses from Isaiah. I think we ought to be extremely careful and take whatever steps we can to guarantee that this kind of excess will not recur.

I do not want to prolong this debate unnecessarily, Mr. Speaker. We shall not oppose the bill at this stage. However, I say to the minister that I for one am gravely apprehensive about what the bill will do. I think my colleagues share my apprehension. We are afraid the bill will do exactly what the government says it will do. It will restrict and curtail the rights of people in this country. It will affect private citizens and the police. It will give the authorities the right to interfere with, to intercept and to listen to private conversations between ordinary citizens in this country.

• (2030)

I wish, Mr. Speaker, I could support this bill wholeheartedly. I wish I thought this bill will do those things which the minister talked about. I think the illustrations given by Professor Ryan and the letter written by the Civil Liberties Association to the former minister of justice show that citizens of this country more experienced and knowledgeable about this matter than I am gravely doubt the wisdom of the approach the government is taking in the bill.

The Acting Speaker (Mr. Boulanger): Order, please. Is the house ready for the question?

Mr. T. C. Douglas (Nanaimo-Cowichan-The Islands): Mr. Speaker, I had not intended participating in this debate. I thought I would wait until the Standing Committee on Justice and Legal Affairs had had an opportunity to examine the bill and recommend changes to it and express my views at the report stage. The more I read this bill, the more I am profoundly disturbed about some of its provisions. I was particularly disturbed after listening to the speech of the Minister of Justice (Mr. Lang) this afternoon. Therefore, I crave the indulgence of the House for a few minutes so that I may make some preliminary remarks about the legislation in the hope that the Standing Committee on Justice and Legal Affairs, made up of some of the best legal brains in the House—

Mr. Alexander: Hear, hear!

Mr. Douglas: —will carefully examine the bill and reconsider some of the provisions which give me and my colleagues cause for deep concern. I am sure every hon. member of the House endorses the principle of the bill. Its purpose is to guarantee to every Canadian citizen privacy and protection against wiretapping and eavesdropping through the use of electronic devices.

In a complex, congested society such as ours we all feel the need to preserve our privacy. Men and women have the right to privacy in their own homes; they have the right not to allow interlopers to invade their homes. We have the right to receive our mail freely and not have it intercepted and perused by unauthorized persons. In the same way, surely we have the right to carry on conversa-