

Protection of Privacy

with during this debate, the law as proposed by the Minister of Justice will not be the best law in both these important areas.

We will have an opportunity to speak on a number of other amendments. However, I think it is important at this time that we consider the extent of the power we will be giving law enforcement agencies. What we ask of them, when granting this power in a free society, is that they in turn observe the law in terms of the protection it provides the citizens of this country. There is nothing in this bill, particularly in the amendments which are proposed, that in any way limits the investigatory powers of the police forces. I suggest it maintains them and at the same time protects the public. We ought not lose sight of either point of view during the consideration of this legislation.

Mrs. Albanie Morin (Louis-Hébert): Mr. Speaker, I shall be very brief on this particular amendment because I feel we have lost too much time already. What upsets me more and more is the fact that the number of crimes committed in Canada has been increasing steadily in the last few years. Our penitentiaries are bulging at the seams, and plans are being made to construct more and more elaborate penitentiaries; yet legislation is being drawn up and amendments are being introduced to limit more and more the powers of the police forces. Everyone is up in arms because of the Watergate affair, but hon. members must not forget that the Watergate affair was brought on by politicians and not by the police.

Some hon. Members: Hear, hear!

[*Translation*]

Mrs. Morin: Therefore, Mr. Speaker, we must ask ourselves what should come first since the crime rate increases in Canada and terrorism—we must not forget—is always creeping in Quebec. Must we first of all prevent crime or invade more and more the people's privacy? What must take precedence? Is it crime prevention or the invasion of privacy?

I find that the hon. member for St. Paul's (Mr. Atkey) bears too much on the definition of the word "offence". If I remember well my law studies, it seems to me that when you restrict the definition as he does, this leads to trouble. I would much prefer that the bill remain in its present form and that the definition of the word "offence" remain broad.

[*English*]

Mr. Sinclair Stevens (York-Simcoe): Mr. Speaker, in considering amending the bill before us I should like to lend my support to those who have already stated we must be cautious in amending any legislation which has the net effect of taking away rights which have literally taken us hundreds of years to secure. The section in the legislation before us dealing with the definition of "offence" is relatively broad, and I feel that the amendment proposed by my colleague, the hon. member for St. Paul's (Mr. Atkey), is wise in that it defines more precisely what we in this House hopefully intend when we move to amend the bill.

I am sympathetic to the problems of the police and, like many members of this House, I am alarmed at any suggestion that we may in fact have organized crime in this country, or that our laws are in any way hampering the police in their investigation and prosecution of those who

[Mr. Baker.]

may be conducting unlawful activities or involved in organized crime. I would stress that there is a delicate balance in these matters which we in this parliament should never ignore. I feel it is very easy to overreact. Certainly the government which is still in office in this country overreacted in one instance. I hope we will never tolerate a similar overreaction which results in the taking away of privileges and rights from people without cause.

Some hon. Members: Hear, hear!

● (2050)

Mr. Stevens: Of those who say that this limits the legislation before us, I would ask, why do they not want it limited? Have they no concern for the rights of Canadians? If we are trying specifically to assist the police in better ways of bringing to justice those who are involved in organized crime, why do we not support an amendment to the legislation that simply defines that this is exactly what we are trying to do? I urge members of this House to read the amendment proposed by my colleague, the hon. member for St. Paul's. I think he has in a very definitive way spelled out the crimes we will tolerate in respect of this new activity. He specifically stipulates what the crimes must be and states:

—where there are reasonable grounds to believe that such pattern of offences is part of the activities of organized crime—

That, to me, is the main question that is before us when we consider this amendment. We are attempting to give, in a very limited sense—I believe we are rightfully limiting it—a right to our police forces to use certain activities which heretofore have not been welcomed, in the hope that it may assist them in dealing with organized crime. For that reason I do not intend to speak at length: there are many amendments before us. I believe it is important that we limit the rights we are talking about. It is particularly important to limit these rights when dealing with an arrogant government such as we now have in this country.

An hon. Member: Are you afraid of the police?

Mr. Stevens: Yes, I am.

[*Translation*]

Mr. Pierre De Bané (Parliamentary Secretary to Secretary of State for External Affairs): Mr. Speaker, I am against the use of bugging devices and all types of wiretapping in any circumstances, and I believe that we could protect the liberty and security of the citizens by avoiding these methods.

I am opposed to wiretapping for two main reasons, first on moral grounds and second, for reasons of ineffectiveness.

As regards the moral grounds, Mr. Speaker, I believe that nobody has ever claimed that wiretapping is not in itself an immoral and degrading act. And if we want people to respect the law, the first thing to do is to make it a moral law with high ideals rather than stating that the end justifies the means.

On this point, I was influenced by the statement made by the former Attorney General of the United States, Mr. Ramsey Clark, before the committee on justice and legal affairs, who knew from his experience in the John Ken-