

Protection of Privacy

sion and those offences cut out of the amendment that were first suggested by law officers of the Crown as perhaps being an overreaching of the original intent of the bill. One other aspect of the amendment I was happy to see come forward for the first time was the acceptance of the principle that where there is a pattern of offences by persons acting in concert, and I am talking about indictable offences other than those in the list, the pattern of activities on the part of organized crime could be the subject of an application for authorization to wiretap.

The term "organized crime" is not a legal term. It is not in any of our formal jurisprudence. However, I feel confident that our judiciary, as they attempt to assess the applications that come before them for authorizations, and as they are met with arguments by Attorneys General and other agents on certain groups of minor offences which form part of a pattern of activities which are a part of organized crime, will provide the flesh and bones of that term and soon develop a jurisprudence unto itself. This will be useful. It will meet the needs of both freedom and the law enforcement officers as they carry out their duties.

In acknowledging that the amendment put forward by the hon. member for Sarnia-Lambton is acceptable to me and I believe to my party, I wholeheartedly concur in his suggestion and his repeating of the fact that the primary emphasis of this bill is perhaps not that which has been the subject of discussion throughout much of this debate; it is to prohibit wiretapping; it is to prohibit the possession, purchase or sale of electronic eavesdropping devices and prohibit the disclosure of information obtained as a result of illegal wiretapping. Throughout all our dealings with this bill and this amendment we must never lose sight of the fact that these three prohibitions are the main object of the exercise in which we are engaged. The country needs these prohibitions, and needs them soon.

Mr. Stuart Leggatt (New Westminster): Mr. Speaker, I am disappointed that we have now come to the point of expanding the amendment originally introduced by the hon. member for St. Paul's (Mr. Atkey). A very valid question was asked across the floor of the House as to what offences will be left after we have extended them to the list just quoted by the hon. member on the government side. I am reluctant to accept this new list. It seems we are extending it to every major offence.

I want to give some particulars of the offences that in my opinion obviously lead to abuse of this immoral activity of wiretapping. The amendment seeks to allow wiretapping for purposes of the Narcotic Control Act and the Food and Drugs Act in areas of trafficking, or being in possession for the purpose of trafficking. If we think back to the kind of scenario we could expect as soon as we have a police force seeking to obtain evidence against someone being in possession of drugs, not necessarily for the purpose of trafficking, obviously it is a *fait accompli*. They would have a prima facie case of wiretapping against anyone they suspected to be in possession. They probably would not know the amount of the drug, and they would not be able to say definitely whether it was there for mere possession and use or whether it was in possession for the purpose of trafficking.

Therefore, under this amendment you open the whole door to wiretapping for every kid who is smoking a

[Mr. Atkey.]

marijuana cigarette. It is certainly common knowledge that the use of marijuana among the younger generation has reached epidemic proportions. We have evidence that over 50 per cent of high school children have used the drug. I do not condone the use of marijuana, but with something used as extensively as this I do not think we should be expanding this provision so as to wiretap every kid at high school who happens to have a marijuana cigarette. Yet under the terms of this amendment that would be the result, and this is why I cannot accept it.

● (1730)

I am pleased there have been some negotiations between the hon. member for St. Paul's and the justice minister which removes some of the proposals, but I must say I am concerned that within this list of offences we still have section 62 which deals with sedition. This allows the police to wiretap conversations to determine whether a private conversation between one person and another advocates the forceful overthrow of the government. This is a pretty serious and severe step in terms of freedom of speech. Therefore I would oppose the section on sedition being included in the particular amendment; and I might also say it was included within the original amendment to the bill of the hon. member for St. Paul's.

As I look at these offences I observe we have already dealt with trying to control bootlegging, the possession of alcoholic spirits and conversations that may or may not be seditious held between private persons. Certainly there are areas where one could suspect political eavesdropping. Any offence in connection with the operation of a public office could easily lend itself to political surveillance. The real lesson is that once you get into the issue of wiretapping you open a bottomless pit.

I should like to come back to the original point which we made in this House last week, and it is this. We can tamper with the bill all we want, we can try to amend it and then amend our amendments and go round in circles. But the trouble is that we are dealing with an immoral activity, and it is immoral activity on the part of the police. Amend the bill all you like, but you will still not make it a satisfactory bill. My party will oppose the subamendment presented to the House to amend the motion of the hon. member for St. Paul's.

Mr. Joe Hueglin (Niagara Falls): Mr. Speaker, this is a debate which very largely has been entered into by members of the legal profession. As one who has had very little connection with the law except in so far as it has acted to protect me, I have been very interested in what has been transpiring during this debate. My intervention is to very greatly commend these members for the efforts and the time they have spent here. A balance is being developed and achieved in this bill, largely, I believe, as a result of the urgings of Conservative members. It is a fine example of our system in operation as between opposition parties and the government.

There are two important philosophies included within this bill. The first is that no unauthorized individual should be able to exercise electronic surveillance over any other citizen in this country. This is one of the most important things that has been done here to protect ourselves. What we have seen with Watergate and other