

*Protection of Privacy*

person is reintegrated back into the community. We have to operate on the basis of faith and on the basis that the administration of justice will be fair at all times. This type of amendment will not lend itself to that approach; it will create ill-feeling between an accused and the Crown, between the police and the community, which is not the type of relationship that we want if the final solution is the reintegration of an accused back into society.

We have had some experience in the matter of search warrants. In many cases the police enter a house without a search warrant although they know they should have one. They take the law into their own hands and take their chances. I have the feeling that the same will happen in regard to wiretapping. Many policemen will be very zealous in the performance of their duties, will take the law into their own hands and act accordingly, and in many cases illegally.

Therefore, we in the New Democratic Party feel that all the safeguards that can be obtained should be obtained, and these should be set forth in the bill. We were rather proud of the amendment set forth by the hon. member for St. Paul's in the committee, which was very simple, very clear and very understandable in law, to the effect that any evidence, whether direct or indirect, obtained by illegal means shall not be admissible.

What the minister has done in his motion, what the hon. member for St. Paul's has unfortunately done in his amendment, and what the minister has done in his sub-amendment, will not help to make the law clear, precise and understandable. For this reason and for the other reasons I have stated, we in the New Democratic Party will oppose all three.

**Mr. Erik Nielsen (Yukon):** Mr. Speaker, there was a time when my rising in my place in this chamber to raise the question of wiretapping was greeted with a good deal of scorn by hon. members opposite. I recall their scoffing, their jeering, when in 1963 and 1964 I attempted to alert the members of the House of Commons to the fact that certain members' telephones were being bugged or tapped. I was almost laughed out of this place. There was another member who was alert to the danger at the time, and he is still with us; I refer to the hon. member for Nanaimo-Cowichan-The Islands (Mr. Douglas) who also raised this matter at the same time as I did. Indeed, I think he raised it first.

Since that time I have periodically raised the matter in the House of Commons, and each time members opposite have jeered and made all sorts of attempts to belittle and to put down the danger that is inherent in electronic interception and electronic intrusion. Indeed, the venerable fourth estate is not free from criticism in this regard, because they too entertained quite a doubt as to the validity of the questions I was raising on those occasions.

Now all of a sudden, since the Watergate affair has arisen in the United States, the question becomes respectable. Now when any member stands in his place and discusses his fear of surreptitious bugging, it is a respectable subject—and I am grateful for that. It is even a respectable subject for the fourth estate to speak about now. No longer am I pictured as an alarmist. No longer are articles written asking me to come forward with proof

[Mr. Gilbert.]

that these things are happening. The fact that they are happening is now accepted, accepted by reason of events south of the border. So even out of that untidy mess down there some good has come, in that we are now seeing the serious fashion with which the members of the House are tackling this subject.

The fact is that a remote-controlled amplifier and microphone no larger than the head of a pin can capture a conversation and transmit it by wire for a distance of 25 miles. A parabolic microphone without wires or radio transmitter can catch the conversation of people in a boat in mid-lake and record it on shore. The switching of a single wire can convert any telephone in Canada into a live microphone conducting sound, even when the telephone is in its cradle. Cameras the size of a cigarette can photograph a room two blocks away by moonlight. Infrared light techniques permit a room to be watched and photographed from an adjoining room through apparently opaque walls, while wall microphones, of course, can hear and record anything said in such a room. Radio pills substituted for the subject's aspirins and lodged in his stomach can transform him into a living electronic beacon. The investigator's dream—making his subject a walking transmitter and enabling the investigator to hear everything the subject says to anybody else, or even what he mutters to himself—can be realized by the wiring of a person's clothing.

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The electronic pill in the stomach of people is nothing new, although this must play havoc with the digestive operation of the subject. There are transmitters so small that they can be mounted as a tooth in a dental bridge.

The corollary to all this, as revealed in testimony before the House of Commons Committee on Justice and Legal Affairs, is that our telephone can be tapped, our office bugged, our files photographed, our physical movements monitored, our communications recorded—all this without our knowing anything about it or having any right of recourse or any protection in law. The Orwellian society of 1984 may be here already. The open society has become the bugged society. The struggle for freedom is being mortgaged to the parabolic microphone. The zones of solitude are being occupied. There are no more sanctuaries. The erosion of privacy is the beginning of the end of freedom.

Those are not my words, Sir, they are the words of the minister of justice who preceded the minister who now holds that portfolio. They are the words of the now Minister of Finance (Mr. Turner) in a speech he made in September, 1969, to the Canadian Bar Association's annual meeting in Ottawa.

**Mr. Peters:** It sure isn't the present minister.

**Mr. Nielsen:** No, it certainly was not the present Minister of Justice (Mr. Lang). If you will permit me to finish one additional quotation from the speech of the minister, he went on to say:

But this is not all. The right to privacy goes not only to the core of our being as individuals, but to the core of our collective being as a society. John Stuart Mill wrote that "The worth of a state in the long run is the worth of the individuals composing it." A state that demeans its citizens demeans itself; a society that mocks the privacy of individuals mocks itself.