it an offence for anyone to interfere with any of the company's property or the working of its lines or to intercept any message transmitted thereon. The Ontario Telephone Act makes it an offence to divulge the contents of a conversation heard by means of wiretapping, except when lawfully authorized or directed. We have had similar complaints concerning wiretapping in British Columbia and Saskatchewan. All these incidents have proven that the present provisions of the law are inadequate, that the enforcement is sporadic and half-hearted and that the penalties are insufficient. In fact, the police have been breaking the law which they were bound to uphold and enforce.

One wonders whether this legislation would make actions by the police which were de facto in the past de jure now. The new law is at least clear in three aspects. First, all electronic surveillance in the private sector will be completely illegal. Second, the possession, sale and purchase of electronic equipment by unauthorized persons which render it primarily useful for surreptitious interception of private communication is illegal. The third aspect concerns the liability of the Crown with regard to the legal interception by servants of the Crown. These are welcome features of the legislation. The enhancement of private profit cannot justify such intrusions on the personal privacy of individuals. The concerns about the bill are found in the areas of the authorization to the police to wiretap, the issuing of the authorization by judges, the question of the admissibility of the evidence obtained, the amendments to the Crown Liability Act for compensation regarding unlawful wiretaps, the amendments to the Official Secrets Act concerning alleged espionage, sabotage and subversive activities. These areas give me and many others in Canada serious concern.

The authorization to the police to wiretap, provided certain criteria have been satisfied for the judge issuing the permit, brings the entire problem of the personal privacy in a democratic country into sharp focus. This underlines the problems arising from the tyranny of technology. Personal privacy is central to man's dignity and liberty. To deny him this may be to undermine his very humanity and to erode his belief in democratic institutions and the judicial process. In the words of Mr. Justice Field of the United States:

> —Of all the rights of the citizen, few are of greater importance or more essential to his peace and happiness than the right of personal security and that involves, not merely protection of his person from assault but exemption of his private affairs—from the inspection and scrutiny of others. Without the enjoyment of this right, all others would lose their value.

That idea was repeated in a speech by Professor Edward Ryan at the Couchiching Conference of August 5, 1971. He set forth the view of the Standing Committee on Justice and Legal Affairs concerning this important problem. He said it was stated in the Justice Committee that:

> The right to privacy, far from being a mere individual claim, is itself a public interest of the highest order, in which may be found the wellsprings of individual creativity and group expression which are at the heart of popular government. They cannot be allowed to be imperilled. No more fundamental laws to our ideals is possible than that posed by the possession and potential abuse of overly wide governmental powers in this area.

• (1630)

From those statements arise such questions as: should the police be reduced to snooping on the members of our society, and have the police made out a case that police snooping is necessary and effective to combat crime? It has been said, first, that the police should be as well equipped as the criminals, and secondly, that crime is on the increase. The new bill deals with the problem of whether the police should be as well equipped as the criminal. Private surveillance is illegal, as is the possession, sale and purchase of unauthorized electronic equipment.

The second assertion that crime is on the increase does not necessarily jibe with the facts. The fact is that more crime is reported today than in the past, and therefore it does not follow that more crime is being committed. The assertion that police wiretapping and electronic surveillance is necessary to combat crime should be reviewed on the basis of facts. The self-conferred right to wiretap by the police has had no appreciable effect on crime detection. The evidence discloses that wiretapping is used by the police for the purpose of aiding in investigating and seldom if ever for the purpose of collecting evidence. The following was stated in the brief of the Canadian Civil Liberties Association which was presented to the standing committee:

> In a learned law review article, Brown and Peer made the following observation, generally supported by experts in the field:
>
> "Wiretapping is of very little use in connection with ordinary felonies and crimes of violence. There is lacking in this sporadic sort of crime the pattern of continuity necessary for effective wiretap operation by the police officers."

No less an authority than Ramsay Clark, U.S. president Johnson's last attorney, has voiced his misgivings as follows:

> In several cities where organized crime is most severe, police and prosecution have in the past used wiretap without inhibition. It has not been effective. Organized crime still flourishes in these communities. In other cities where there has never been organized crime, police have never used wiretap. The massive programs required to end organized crime have no place for wiretap. It is too slow, too costly, too ineffective ... Organized crime cannot exist where criminal justice agencies are not at least neutralized and probably corrupted to some degree ... The F.B.I. used electronic surveillance in the organized crime area from at least the late 1950's until July 1965 ... So far as is known not one conviction resulted from any of these bugs ... In 1967 and 1968, without the use of any electronic surveillance, F.B.I. convictions of organized crime and racketeering figures were several times higher than during any year before 1965. The bugs weren't necessary.

With regard to organized crime in Canada, we had a Royal Commission studying crime in Ontario in 1961. In their report they stated that organized crime was virtually non-existent. In 1969, the Canadian Association of Chiefs of Police stated that organized crime was in its infancy. Is it necessary to give these wide powers with regard to wiretapping and electronic surveillance? The bill provides that the permit shall be granted by a judge. The problem arises as to whether the authorization should be given by a judge or by the responsible minister; in other words, should it be granted by a judicial authority or a political authority. The problems with which we have been confronted in having the judicial authority grant the permits are that the application for the permit must be made ex parte, in other words by one person. The application is