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SUBMISSIONS TO----------House of Commons
Standing Committee
on
Justice and Legal Affairs

RE---------- Bill C-6 - The Protection of Privacy Act

FROM---------- The Canadian Civil Liberties Association

Per A. Alan Borovoy
General Counsel

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Tuesday, June 6, 1972 Ottawa

Introduction

The Canadian Civil Liberties Association is a national organization with a cross-country membership of more than three thousand people and five affiliated chapters. Our membership roster includes a wide variety of callings and interests- lawyers, writers, professors, businessmen, trade unionists, minority group leaders, housewives, television personalities, actors, etc.

Among the objectives which inspire the activities of the Canadian Civil Liberties Association is the desire to promote legal protections against the unreasonable invasion by society of the freedom and dignity of the individual. It is not difficult to appreciate the relationship between these goals and the subject matter of this brief - the protection of privacy.

Privacy is central to dignity and liberty. The human being in our society requires a retreat from public view, even when "objectively" he has nothing to hide. He needs a secluded sector in which to ventilate his hopes and fears, his loves and hates. To deny him this is to undermine his very humanity.

The development of electronic eavesdropping devices and the increase in their use have threatened the enjoyment of this fundamental freedom. The failure of Canadian law hitherto to deal adequately with this threat has been a source of deep concern to many people. For this reason, we welcomed the introduction of Bill C-6 and its predecessor.

While there is a wide consensus against permitting electronic surveillance by members of the private sector, there is considerable controversy as to how much, if any, should be permitted by law enforcement authorities. The problem is to strike a reasonable balance between the interests of law enforcement and the interests of personal privacy.

We are particularly grateful for this opportunity to present our views on Bill C-6 to the House of Commons Standing Committee on Justice and Legal Affairs. The only regret we have in this connection is that your invitation was not received until a few days ago. Consequently, the ensuing submission is not as detailed and comprehensive as we would have wished.

The Permissible Grounds for Electronic Surveillance in Bill C-6

Ironically, the Bill which is entitled, The Protection of Privacy Act, will permit a degree of electronic snooping beyond what has been recommended by some of the most ardent proponents of this practice. Even the most sympathetic supporters of electronic surveillance have advocated that, in the hands of the private sector, it be completely outlawed and, in the hands of the police, it be confined to the most serious of criminal offences.

To its credit, Bill C-6 outlaws electronic surveillance by the private sector. The enhancement of private profit cannot justify such intrusions on personal privacy. But in the area of police bugging, the Bill threatens to permit the very proliferation of snooping practices against which virtually all of the experts have warned us.

Far from limiting police snooping to the most serious offences, Bill C-6 permits judicial authorization of electronic surveillance as an investigatory technique for all offences which "may be prosecuted by indictment". The only other limitations are that the judge believe alternate investigatory techniques to be inadequate and such surveillance to be in the "best interests of the administration of justice". There is nothing further in the Bill to guide the judge in the exercise of this discretion.

But offences which "may be prosecuted by indictment" include a very wide range of illegal acts - from serious violence to petty theft. They include such diverse matters as income tax evasion, possession of marijuana, theft over and under $50, impaired driving, etc. Thus, regardless of any Government intentions to the contrary, the terms of this Bill are such that police bugging could be authorized when there is no greater a threat to the viability of the body politic than the smoking of a reefer, the theft of a newspaper, or the impaired driving of an automobile. Even if the police are not often likely to request authorization under these circumstances, why should we run the risk that it might happen on some occasions?

Moreover, even as regards most of the more serious indictable matters, there is reason to doubt the effectiveness of wiretapping as an investigatory technique. 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".[1]

Indeed, one of the expert witnesses who appeared before this Committee, Professor Robert Blakey, himself a supporter of law enforcement bugging, agreed with this thesis. He pointed out, that electronic surveillance "has a limited use against the traditional common law felonies"...He explained the reasons for this as follows:

> "To use a wiretap or bug, you must by definition have more than two persons involved because you are going to intercept a communication. Solitary criminals are not amenable to attack by using this investigative technique. More than that, you must have a pattern of activity... By its nature, to make the equipment effective, you must have more than one party, and you must have some continuity in time, some pattern of activity".[2]

But the offences which are capable of "prosecution by indictment" also include situations where the deeds are sporadic and the offender acts alone. To the extent, therefore, that Bill C-6 provides for potential authorization to wiretap in regard to indictable offences virtually <u>without limit</u>, it creates the risk of precipitating gratuitous invasions on personal privacy.

Costs and Benefits of Electronic Surveillance-Some Recent Evidence

If the permissible grounds for bugging are presently too broad, are there any other criteria that would be appropriate? To what extent, if at all, could these criteria be refined in order to strike a more desirable balance between the interest of law enforcement and the interest of personal privacy?

In this regard, it would be helpful to evaluate the costs and benefits of electronic surveillance in those areas where its proponents and practitioners claim its greatest utility. Accordingly, we attempted to examine the actual recent experience in some of the jurisdictions where these techniques are being used.

Since there are virtually no legal limitations against electronic surveillance in Canada, we thought we could learn a great deal about its costs and benefits from the experience of Canadian law enforcement authorities. During the spring of 1971, the Canadian Civil Liberties Association wrote to a number of law enforcement authorities at the federal, provincial, and municipal levels across Canada. The letter requested the following information -

1. On how many occasions was electronic surveillance employed in 1970?
2. The general nature of the case.
3. The length of the surveillance.
4. The position of the person who authorized it.
5. The charges laid (number and kind).
6. Disposition (conviction, acquittal, withdrawal, pending).

Here are the replies:

- From Sault Ste Marie - "Nil"
- From Windsor - "Electronic surveillance equipment is used very sparingly, and only after permission has been granted by myself for its use, and only in the area of organized crime, bookmaking, prostitution, and recently in a murder investigation."
- From Winnipeg - "This department does not maintain or engage [sic] any telephone wiretapping. Certain electronic devices are utilized for burglar alarms, etc., but there is no infringement on the laws of the country".
- From Fredericton - "Nil".
- From the Attorney General of Manitoba - "...I have never authorized the use of electronic surveillance equipment by the R.C.M.P. in Manitoba...."
- From the Attorney General of Alberta - "Alberta is a contract province, that is, the Provincial Police are the Royal Canadian Mounted Police. Therefore any statistics regarding electronic surveillance are kept by the Royal Canadian Mounted Police and, no doubt, if you have been supplied by that Force with statistics, the Alberta statistics will be embodied in the same".
- From the Attorney General of Prince Edward Island - "We are unable to provide you with any information under the headings outlined in the questionnaire as our response to each of the questions is in the negative".
- From the Deputy Attorney General of Nova Scotia - "Our answer is negative with respect to all questions contained in your questionnaire".
- From the Police Department of Charlottetown - "Nil".
- From the Dept. of the Attorney General of Saskatchewan - "We are satisfied that the (R.C.M.P.) does not make any unwarranted use of electronic devices nor have I received any complaints with respect to the use of such devices".

- From the Dept. of Justice, New Brunswick - "It may be that you could obtain the information you require from the individual municipal police forces in the province or the R.C.M.P.".
- From the Vancouver Police Dept. - "With respect to the information you request concerning our experience with electronic surveillance..., it is not considered in the best interests of law enforcement, or the community this Department serves, to furnish information of this nature .
- From the Metropolitan Toronto Police Dept. - "I regret to inform you that the information you have requested concerning electronic surveillance...cannot be provided by this Police Force".
- From the Attorney General of Ontario - "I regret that we will not be able to complete the questionnaire".
- From the Solicitor General of Canada - "Insofar as electronic surveillance is concerned, this is a subject that has been referred to in the House of Commons on a number of occasions over the years. The stand has always been taken by the responsible Minister of the day that it is not in the public interest to enter into a debate on this subject. I support this policy and therefore I am unable to supply the information you request on this topic".
- From the Quebec Minister of Justice and Montreal Police Dept. - No reply.

Regrettably, the foregoing represents the totality of evidence since 1969 that we have been able to obtain regarding the use and success of electronic surveillance by law enforcement authorities in Canada.

We thought, therefore, that it might be helpful to examine recent American experience. In 1968, the United States Congress passed the Omnibus Crime Control and Safe Streets Act[3], which authorized police bugging at both the federal and state levels. Fortunately, this statute requires American law enforcement authorities to disclose publicly the kind of information that we were seeking from the Canadian authorities, and much more. Let us, then, examine some of this information.

According to the analysis performed on the American experience by Professor Herman Schwartz[4], we find the court-authorized installations as follows: 1968 - 147, 1969 - 271, 1970 - 583, and 1971 - almost 800. These figures did not involve national security surveillance which, according to Professor Schwartz, "involves a great many taps and bugs, on many, many people, over long periods of time"[5].

For a comparison of costs and benefits in the court-authorized situation, it is best to single out the year 1969. The returns from succeeding years are not sufficiently final as of this date.

In 1969, at both federal and state levels, law enforcement authorities, pursuant to court warrants, installed electronic surveillance devices in 170 cases. As of December 1971, criminal convictions were registered in 70 of these cases.[6] The statistics are simply quantitative and as a result they cannot provide any guidance as to how necessary the bugs were in obtaining these convictions. Indeed, Professor Schwartz has advised us that in some of the cases that have come to his attention, the courts found that the bugs were unnecessary and in other cases the prosecutors even conceded this point. The most we can say, therefore, is that the bugs were associated with these convictions. But we do have some idea of how much privacy was invaded during the process. In the course of obtaining convictions in these 70 cases, the law enforcement authorities overheard approximately 31,436 people in approximately 173,711 conversations.[7]

No doubt, a good number of these conversations were of a trivial and impersonal nature. But it is inconceivable that so vast a network of audio surveillance would not also have intercepted a good number of highly personal and intimate communications.

In quantitative terms, at least, the cost in privacy is astronomical. What about the cost in dollars?

According to Professor Schwartz, in 1969, the total costs were alleged to be about $[illegible].[8] He then points out that in the next year, the costs grew substantially so that in 1970, "the total cost was over three million dollars."[9]

It would be interesting to determine also the approximate average cost of a successful eavesdropping installation. Since the conviction figures are too incomplete after 1969, we should calculate only the 1969 costs. In doing so, we find an average cost of more than $9700 per successful installation.

It is important to note in this respect that the financial statistics are limited to man hours and equipment costs in conducting the surveillance. They do not disclose the man hours of lawyers' and judges' time in preparing and processing each application.[10]

In summary, then, the U.S. experience for the year 1969 tells us that there were 70 successful installations out of 271 at a cost in money of more than $660,000 and a cost in privacy of more than 30,000 people overheard in more than 170,000 conversations.

The real question is whether the benefits derived are worth the cost incurred. Are the crimes detected and the criminals convicted worth the money spent and the privacy lost?

Of the eleven successful installations at the federal level in 1969, 8 related to gambling, 2 to drugs, and one to forgery.[11] At the moment, we do not have in our possession a comparable break-down for the state convictions. But, according to Schwartz, of the 59 successful installations, "...gambling predominates, which on the state level, is generally small-time bookmaking".[12]

We have no information, at the moment, as to whether any of these cases might have netted members of the criminal syndicates, and, if so, their importance. But there are certainly an impressive number of experts who contend that through the years electronic surveillance has been an effective instrument in the war against organized crime. Indeed, Parliament has been exhorted to enact legislation to permit police bugging essentially for this purpose.

Electronic Surveillance and Organized Crime

Of course, a legislative enactment carefully drawn to confine police bugging to activities associated with syndicated crime would be much more desirable than the open-ended provision which Bill C-6 presently contains. But, in our respectful opinion, even this limited case has not been made.

The most that the proponents of electronic surveillance have been able to claim is that the technique is <u>useful</u> in combatting organized crime. What, we submit, they have failed to demonstrate is its <u>indispensibility</u>.

Indeed, the evidence on this matter is far from convincing.

Consider, for example, the following remark of the U.S. President's Commission on Law Enforcement and Administration of Justice:

> "On the local level, Chicago and New York City, where the organized crime problem is the most severe, appear to be the only cities in which large, firmly established police intelligence units continue to develop major cases against members of criminal cartels".[13]

The significance of this observation is that while the New York authorities have been engaged in extensive electronic surveillance, the Chicago authorities are subject to Illinois' total ban on electronic bugging.[14]

It is, therefore, significant to note the tribute which the President's Commission paid also to the Illinois Crime Commission.

> " The Illinois Crime Commission, through public hearings and the efforts of its own investigators, continually exposes organized criminal activities".[15]

Moreover, no less an authority than Ramsey Clark, former U.S. Attorney General, has voiced deep misgivings about the employment of electronic surveillance to combat organized crime in the United States.

> "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. Scores of convictions were remanded for special hearings because persons charged with crime were overheard, but no evidence of any crime obtained by such surveillance, directly or indirectly, was ever introduced in a federal trial, so far as is known.
>
> 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. Other techniques such as the strike force proved far more effective".[16]

Indeed, according to the U.S. Department of Justice of the 210 known suspected members of La Cosa Nostra indicted or convicted during the 13 years preceeding 1968, 48 were indicted or convicted "during fiscal 1968".[17] Even the F.B.I.,despite its bitter conflicts with Ramsey Clark about the wiretapping issue,

declared that 1968 "was a year of striking accomplishment against the bulwark of the hoodlum criminal conspiracy - La Cosa Nostra". [18] Law enforcement claimed this success without the use of electronic surveillance.

Where so fundamental a value as privacy is concerned, we submit that the onus of demonstrating the need for such invasions as electronic bugging must devolve upon those who seek their use. They must demonstrate the magnitude of the evil to be purged and the indispensibility of the means to be used.

As regards organized crime, this onus has not been discharged. The Americans have at times experienced considerable failure with the bug and substantial success without it. The Canadian evidence is far from compelling. We know less about organized crime in Canada and still less about the experience in dealing with it. Where the facts are so equivocal, the bug cannot be described as indispensible. On this basis, even against organized crime, we cannot now justify in Canada such corrosive invasions of personal privacy.

A Justification for Electronic Surveillance

Apart from the delicate area of national security, the only ground which we can conceive of as justification for electronic surveillance at this point is the prevention of an imminent peril to human life. If, for example, a person has been kidnapped and there is reason to believe that X knows his whereabouts, a bug on the premises of X might be justified in order to find and rescue the hostage. Even in such emergencies, we would justify these invasions not to detect killers but to prevent killings. The preservation of human life in imminent peril could justify the intrusion on personal privacy.

The Procedural Safeguards of Bill C-6

Moreover, we believe that the procedural safeguards in Bill C-6 provide inadequate protections for the right of privacy. The initiative to apply for judicial warrants

is given to police officers especially designated for such assignments. But recent experience has taught us that many police officers have a substantial capacity to anticipate danger. Moreover, policemen will be subject to tremendous pressures by their peers to seek out the most apparently convenient of investigatory techniques available.

For these reasons, we submit that the initiative for wiretapping applications should reside with a political authority such as the Attorney General. He is subject not only to the pressures of the police but also to the counter pressures of the public. Thus, he can be more readily relied upon to limit the number of attempts to seek such pervasive power.

In all cases including emergencies, a judicial warrant should be required. We find it difficult to conceive of the emergency which would justify by-passing the scrutiny of an independent tribunal. Even if this scrutiny is exercised with less vigor than it should, the ritual, itself, will impress upon many police officers society's revulsion against such invasions of privacy.

Of all the provisions of the 1968 Act in the United States, the one relating to emergency bugging came closest to defeat in the U.S. Senate. It won by an only seven vote margin (44-37)![19] No doubt, one of the reasons that the vote was so close is attributable to the fact that many American senators were unable to conceive of the need for such emergency powers. In the words of New York Judge E.S. Silver, a former District Attorney with experience in these matters,

> "The need for an order doesn't suddenly pop up. The situation develops over a long period of time, at least a considerable number of days. Thus the law enforcing agent has plenty of time to get the order if he has the legal grounds upon which to get it".[20]

Indeed, a request for such emergency power has often generated suspicion about the motives behind it, because as the U.S. Supreme Court observed, "...there seems little likelihood that electronic surveillance would be a realistic possibility in a situation so fraught with urgency".[21]

In this regard we should also bear in mind that judicial hearings have often been arranged quite expeditiously in order to provide the legal authorization for blood transfusions to the dying children of Jehovah's Witnesses. There is no reason to believe that the judiciary would be less available and less resilient in the emergencies contemplated by wiretap legislation.

We have learned from other jurisdictions that many wiretap warrants are authorized in a rather pro forma manner. One of the reasons for this is that the law enforcement authorities will often seek out judges more sympathetic to the police point of view. This leads us to recommend that the judges who deal with these matters be rotated so that not all of them would be empowered at any given time to issue authorizations for electronic surveillance.

As another safeguard against the pro forma order, we would suggest that the victim of an electronic bug be given the right, when the issue becomes public at a subsequent hearing, to launch a retroactive challenge against the warrant and the evidence obtained therefrom. The judge at trial, or on a stated case, should be empowered to quash the warrant and rule out the wiretap evidence if he believes that the initial authorization had been improperly given. His decision would also be made the subject of the appeal procedure. The mere knowledge that this could happen might increase the care taken by all parties at the initial hearing.

But not all electronic bugs will culminate in public hearings. Thus, their victims may never learn of the intrusions they have sustained. In order to minimize the surreptitious character of the process we believe that the Bill should contain a provision requiring notification to the victim within a reasonable period after the termination of the surveillance. Such notification would enable the innocent victim to seek redress where the surveillance might have been improper. Moreover, the requirement of notice would create another political deterrent to widespread and needless bugging. Telling the victim is the perfect complement to disclosing the statistics. The prospect of more angry people might serve to restrain much needless bugging.

We note that such a provision was included in the U.S. statute, Professor Blakey's proposals, and the recommendations of this Committee. It is regrettable that the Government did not see fit to include it in Bill C-6. We submit, therefore, that you should try again.

A crucial problem concerns the duration of a surveillance warrant. It must be long enough to enable the police to make the necessary interceptions, but not so long that it intrudes needlessly upon the privacy of its many victims. Bearing in mind that the warrant is subject to extensions in proper cases, we can see no reason for the initial warrant to allow bugging for as long as 30 days. In this regard, we note that this Committee recommended 14 days and Professor Blakey recommended 15 days. In view of our proposal to limit bugging to emergencies involving imminent peril, we find it difficult to conceive of a need initially for anything longer than a 7 day warrant. In any event, the Government's 30 day time limit could transform what might be a necessary intrusion into a gratuitous fishing expedition.

One of the encouraging aspects of Bill C-6 is the provision for ruling inadmissible all evidence obtained from unauthorized eavesdropping. Unfortunately, however, the prohibition applies only to the actual communication. Experience reveals that the police resort to electronic surveillance primarily for the leads that it produces. Samuel Dash, a noted U.S. commentator on electronic surveillance, has pointed out that wiretapping "is done for the purpose of aiding investigation and never for the purpose of collecting evidence".[22] Moreover, Professor Stanley Beck in a comprehensive Canadian Bar Review article, has shown that this investigatory attitude extends to Canada as well.

> "The police would be quite content to have the admission of wiretap ...evidence barred in court...as long as they were free to use it for investigative purposes. This attitude of the police was confirmed to (the author) in conversations with officials of the Metropolitan Toronto Police Force who described the investigative aspects of electronic surveillance as something more than snooping and something less than a search for specific evidence under a search warrant".[23]

Thus the mere exclusion of the taboo conversation will not constitute a sufficient deterrent to the practice of unauthorized surveillance. We know also that victimized citizens are generally reluctant to take action against improper police conduct. In order, therefore, to provide a more effective deterrent, we respectfully submit that the fruits of unlawful eavesdropping also be rendered inadmissible as evidence.

Bill C-6 at present conditions the admissibility of surveillance evidence on the prior release to the accused of the context and transcripts or particulars of intercepted communications. In order to enable the accused effectively to challenge what may be unlawful bugging, he should be entitled also to prior examination of the authorization and the application upon which it was based.

The Problem of Subversion

Finally, a word about the proposed amendments to the Official Secrets Act. In our view, these provisions create two basic problems:

1. there is no distinction made between subversive activities on behalf of foreign governments and those that are essentially indigenous and
2. the warrant granting authority resides in the Government rather than a court and the warrants are potentially of unlimited duration.

In a world rife with conflict, intrigue, and enormous resources for international hostility, it would be foolish to deny the Government the opportunity to engage in precautionary electronic surveillance against the agents of foreign powers.

However, we see no need to dispense with the requirement of a judicial warrant. Indeed, in some ways, it is even more vital. As Harvard Law Professor Alan Dershowitz observed, the general surveillance contemplated in the case of subversion is, "sometimes invoked as a pretext for political surveillance of an altogether illegitimate kind."[2] No court would be likely to refuse a warrant in a proper case of subversion. However, being more independent of the political processes, the court might be more demanding as to the time, character, and terms of the warrants that it issues. Judicial scrutiny would constitute one of the very few safeguards available against improper surveillance in security cases.

Moreover, we do not believe that purely domestic subversion should be treated in a manner analagous to subversion on behalf of a foreign government. The evidence is not at all convincing that indigenous subversives pose a comparable threat in today's Canada. In this connection, we submit that the statutory criteria which we

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Moreover, we do not believe that purely domestic subversion should be treated in a manner analagous to subversion on behalf of a foreign government. The evidence is not at all convincing that indigenous subversives pose a comparable threat in today's Canada. In this connection, we submit that the statutory criteria which we

recommended above could provide adequate opportunity for the necessary surveillance against domestic subversives. Where there is good reason to believe that human life is in imminent peril, our general proposal contemplates a right in the state to obtain a judicial warrant for electronic surveillance.

Conclusion and Summary of Recommendations

In our view, the chief pitfall of Bill C-6 derives from its failure to recognize that personal privacy must be more adequately protected from the encroachments of police power. The Bill would permit too much and restrain too little. The powers are excessive; the safeguards are inadequate.

Accordingly, the Canadian Civil Liberties Association requests the House of Commons Standing Committee on Justice and Legal Affairs to consider the ensuing recommendations for amendment to the Government's Protection of Privacy Act.

A- Regarding the Proposed Amendments to the Criminal Code

1) confine electronic surveillance to emergencies where it is the only reasonable means available to prevent an imminent peril to human life

2) the initiative for surveillance applications should reside with a political authority such as the Federal Minister of Justice and the Provincial Attorneys General and not with any police officers

3) in all cases a judicial warrant should be required

4) judges dealing with these matters be rotated so that the law enforcement authorities cannot select those judges whom they believe to be more sympathetic

5) the victim of electronic surveillance be permitted at trial to appeal the validity of the original warrant and the judge at trial, or on a stated case, be empowered to quash it retroactively and rule out the evidence if he thinks the warrant was improperly granted
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6) require that victims of electronic surveillance be notified within a reasonable period after the termination of the surveillance

7) the duration of the initial warrant should be limited to no more than seven days

8) provide that the fruits of unlawful electronic surveillance be rendered inadmissible as evidence

9) condition the admissibility of surveillance evidence on the prior disclosure to the accused of the authorization and the application upon which it was based.

3- Regarding the Proposed Amendments to the Official Secrets Act

1) confine electronic surveillance to perils to the national security emanating from foreign Governments.

2) require judicial warrants for such surveillance.

Respectfully submitted,
Canadian Civil Liberties Association

per A. Alan Borovoy,
General Counsel

FOOTNOTES

1. 44 Cornell L.Q. 175, at 183-84.
2. Proceedings of the House of Commons Standing Committee on Justice and Legal Affairs, 10 June 1969, pages 1312, 1318.
3. 18 U.S.C. § 2510, et.seq.
4. Herman Schwartz, A Report on the Costs and Benefits of Electronic Surveillance, Dec-1971, published by the American Civil Liberties Union. Prof. Schwartz' source for this information was the"Report on Applications for Orders Authorizing or Approving the Interception of Wire and Oral Communications", published by the Administrative Office of U.S. Courts, Washington, D.C., for the years 1968-70.
5. Ibid., pp. i-ii. The 1971 estimate was subsequently furnished by Prof. Schwartz.
6. Ibid., pp. ii, iv, v; The Schwartz Report actually shows a smaller figure for convictions because its terminal date was Dec.31, 1970. The figures used in this brief were updated as of Dec. 31, 1971.This service was kindly rendered for the C.C.L.A. a few days ago by Professor Schwartz himself.
7. Ibid., pp. ii, 13; Professor Schwartz arrived at these approximate totals by multiplying the number of installations by the average number of people and conversations overheard. The averages were included in the official Court report.
8. Ibid., p. 40.
9. Ibid., p. 41.
10. Ibid., p. viii.
11. Ibid., p. 28; Supra, note 6.
12. Ibid., p. 21.
13. "The Challenge of Crime in a Free Society", 1967, U.S. Government Printing Office, Washington, page 198.
14. Ill. Rev. Stat., c. 38, § 14-1, et seq. (1965).
15. "The Challenge of Crime in a Free Society", op. cit., page 198.
16. Ramsey Clark, Crime in America, Simon and Schuster, (1970: New York).
17. Press Release, Department of Justice, Dec-4, 1968.
18. F.B.I. Annual Report, Fiscal Year 1968.
19. 114 Cong. Record S 6193 (daily ed. May 23, 1968).
20. 1955 House Hearings 98

21. Katz v. United States, 389 U.S. 347, at 358 n. 21.

22. Samuel Dash, The Eavesdroppers,(1959).

23. 46 Canadian Bar Review (December 1968).

24. "Wiretaps and National Security" in Commentary, January 1972, page 56, at 61.