

to the American constitution have drawn a very important distinction between advocating the use of force in the abstract, as a theory, and inciting the use of force, that is, getting people to go out and use force.

Mr. Turner (Ottawa-Carleton): Except that to advocate can amount to inciting.

Mr. Lewis: I will admit that, Mr. Chairman, obviously, but then it may not amount to incitement. What it means is to prohibit an assembly of persons discussing theories about the use of force. In this case it may be discussing theories about the use of force in connection with certain governmental change. I happen to disagree with governmental change; I oppose separatism; I believe that the means used by the FLQ are inhuman, criminal means for which they ought to be apprehended and broken up as an organization. All that is true. But I have been present at university groups and groups composed of organizations of poor people and have heard them discuss their frustrations at the prospect of getting anything done through normal channels. As a citizen believing in peaceful methods, it is my duty to attempt to persuade them that any other method can only lead to trouble. To prohibit discussion, though, is a different thing.

I have here a report from the Montreal bureau of the *Globe and Mail* of October 30, 1970, which states:

Quebec's university rectors complained yesterday that "the vague and ambiguous nature of the wartime emergency regulations have stifled academic freedom.

If my memory is correct, clause 6 of this bill is almost word for word the same as section 6 of the regulations; the only difference is that the regulation under the War Measures Act talked about "promoting," etc. The effect of the wording is exactly the same. The War Measures Act talked about "promoting" and this bill talks about "advocating or promoting", which is worse. The rectors of the university are also reported as follows:

The conference said section 6 of the regulations passed by the federal cabinet on October 9—

I suppose that should be October 16.

—places all universities in a very difficult position.

Under this section, a principal could be liable to five years imprisonment or a \$5,000 fine for having knowingly allowed the use of a university hall for "any group of people who supported—

In this case it would be for any assembly of persons who advocate or promote, etc. It is the same thing but a little broader than the regulations under the War Measures Act. The report goes on:

—this regulation opens the way for "guilt by association" and interferes with academic freedom. In a letter to Prime Minister Pierre Trudeau and Premier Robert Bourassa, the conference stated:

"You will recognize that, in the normal course of university life, groups of students or professors may endorse social, economic or political positions which by coincidence may resemble certain ideological views of the FLQ.

We do not believe that it is in the public interest to expose these citizens, or the universities where they meet, to legal sanctions."

Public Order Act, 1970

The university heads said section 6 is so ambiguous that it forced the University of Quebec to close its Montreal campus to 7,000 students for a week because Rector Leo Dorais feared he would be prosecuted in the wake of a sit-in at his office by a handful of radical students supporting the FLQ. (The sit-in collapsed after the murder of Pierre Laporte on October 17.)

The university rectors are already aware of and disturbed by this provision. They are fearful of interference with our academic freedoms, and this fear is justified. I repeat, Mr. Chairman, it is difficult for legislators to interpret the precise wording of a section. The interpretation will eventually be made by the courts in relation to a certain set of facts. We have no precise facts and therefore cannot interpret this law. It seems to me, therefore, that we have a duty to avoid going beyond those means which are necessary and essential to achieve the purpose of breaking up the FLQ. There is no reason under the sun why this bill should abridge freedom of discussion and expression of views.

I had hoped that the minister would see this point. If he does not like the particular amendment that has been moved, perhaps he could come forward with a better one to remove the fears indicated by the rectors of universities in Quebec. We would have been quite happy for him to introduce another amendment, but he seems determined to keep the language exactly as it is. Perhaps he will show the same determination on every amendment proposed by members of the House on either side.

We shall continue to move them in order to show what the law should be if it were properly organized for the purposes it is intended to serve. We shall see whether the minister can be moved to accept some of them. I hope the minister will change his mind and be prepared to accept at least the ideas which we have presented and will come forward with amendments of his own. Of course, if he does not, there is nothing we can do about it.

• (3:20 p.m.)

Mr. Cafik: Mr. Chairman, I would ask the Minister of Justice a question as a result of the remarks of the hon. member for York South. He indicated that clause 6 would prohibit academic discussion as to whether force could at any time be legitimately used or any type of similar objective. I am of the opinion, having read clause 6, that there is no such prohibition. According to my interpretation, the only prohibition is the advocacy or promotion of force for the achievement of political objectives. Certainly, this does not prohibit academic discussion with respect to the use of force. I cannot see anything in the clause that would constitute such a prohibition. I ask the minister if he would in a moment comment on that matter.

The second point is this. The hon. member for Oshawa-Whitby seemed to feel that this clause might be dangerous to members of the Parti Quebecois in the sense that any meeting might well become involved in discussing the use of force or advocating it. I do not think there is very much in common between the purposes of the Parti Quebecois and the means and purposes advocated by the FLQ. Frankly, I think it is an insult to the democratic organization of the Parti Quebecois to suggest that they