

Mr. Lambert (Edmonton West): Subject to conditions.

Mr. Turner (Ottawa-Carleton): I submit that the debate on this bill should not be a mere resurrection of the previous debate but that we should concentrate upon the nature and terms of the bill now before the House and the purpose that the bill is meant to achieve.

During the past two weeks the government has repeatedly been asked by members opposite to reveal the factual basis upon which the government acted. As the Prime Minister (Mr. Trudeau) stated on Friday, October 23 in this House, and as he has reiterated on several occasions since then in the House, the country already knows the facts upon which we based our decision. We received written requests from the government of Quebec and from the civic administration of Montreal for immediate assistance in the face of what they called apprehended insurrection. A Quebec minister and a British diplomat had been kidnapped and governments had been held to ransom. Large amounts of dynamite had been stolen, were ready for use and had been used before. Arms and ammunition were in the possession of terrorists.

All this was against the background of an erosion of public will and confidence in the ability of the institutions of government and law enforcement agencies in Quebec to respond to this crisis. We do not have to explore plots or allegations of provisional governments to appreciate the acute sense of apprehension and fear in Quebec in those days preceding the proclamation of the War Measures Act.

Those who still continue to suggest that our decision had to be based upon some sort of tallying up, some sort of mathematical summary of the number of sticks of dynamite that had been stolen, or the estimate of the number of terrorists involved with the FLQ and the number of specific instances of violence that had taken place, operate, I submit, from a misleading premise. Let there be no mistake: the government recognizes that the decision involved a value judgment, it involved an assessment by the government of all the available facts, but the decision of the government must be viewed against the total background of events in Quebec, events that form a continuum of change in the social fabric of that province.

I submit, Your Honour, that the state cannot be reasonably required to measure danger in the "nice balance of a jeweller's scale". These are words used by a Chief Justice of the United States, pronounced in the case of *Gitlow v. New York* in a statement that was later approved by Mr. Justice Oliver Wendell Holmes. The Chief Justice went on to say:

A single revolutionary spark may kindle a fire that, smouldering for a time, may burst into a sweeping and destructive conflagration. It cannot reasonably be required to defer the adoption of measures for its own peace and safety until the revolutionary utterances lead to actual disturbances of the public peace or imminent or immediate danger of its own destruction; but it may, in the exercise of its judgment, suppress the threatened danger in its incipency.

[Translation]

The government recognized and, from the beginning, expressed the opinion that the War Measures Act was

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"too blunt an instrument", to repeat words I used previously.

We recognized the need for more definite but flexible statutory instrument and we must review exactly what was involved when the War Measures Act was invoked.

Some of the criticisms aimed at the government in some circles were absolutely irresponsible and irrelevant. When the government invoked the War Measures Act, it changed the law of the land only to the extent of the change brought about by the regulations made under the act. Nothing else was law. The War Measures Act is only an enabling statute giving the government the power to make orders and regulations dealing with various number of matters.

But only the regulations are law and those defined by the government increased the powers of authorities charged with the application of the law or reduced the common rights of citizens to a very limited extent.

As a result of the regulations, arrest and investigation powers of the police have been extended in very specific circumstances and for a very limited period. These extended powers are solely procedural: the power to arrest without warrant, to detain for a limited period without indictment, to search without warrant and to suspend bail upon request of the Attorney General.

I am not underestimating these powers, nor will I deny that they restrict some of the procedural guarantees embodied in our regular criminal law. However, these powers have been vested in the authorities responsible for application of law, under control of a provincial Attorney General, with a specific purpose. They were created for a specific objective and aimed at the FLQ, which has been declared an illegal association, in regard to which new crimes have been defined as coming within the provisions of the law. But the other laws which, in Canada, govern other areas of activities have not been suspended.

After the horror, shame and disgust that Canadians experienced last month when confronted with the acts of the FLQ came a period of deep reflection on the part of millions of our fellow countrymen. We have witnessed the deep attachment of Canadians for Canada and their affection, their faith in a very special social order which is part of the Canadian soul.

This feeling of solidarity first revealed itself in the massive support given to the government and in the endorsement of its policy by this House. Others expressed a feeling of sadness and bitterness that in our country our most cherished liberties had to be suspended, even temporarily. I appreciate all these tokens of support such as the Prime Minister has foreseen them in his statement to the House on October 16.

● (3:10 p.m.)

[English]

This deep concern of Canadians everywhere is proof that we have in Canada a sensitive yet resilient society, a society capable of defending itself, yet not unaware of the costs that are associated with this defence, a society which does not permit itself to confuse the illness with