

*Public Order Act, 1970*

A suggestion has been made by the hon. member for Egmont that this law eventually will bring about the aims of the FLQ. That is absurd. I suggest that the moment we interfere so drastically with the administration of justice in any province we will bring about a constitutional problem which will just amplify those we already have on our hands.

Hon. members opposite are concerned, and so are we, about the resolution that was passed at the convention last weekend. We must all be concerned about that, particularly on this side of the House, but let us bear in mind that that resolution was predicated on the belief that there would be no want of confidence in the attorney general of the province of Quebec. It is obviously absolutely impossible to do what these projected amendments and the resolution suggest on the one hand, and then say we have complete confidence in the attorney general on the other. That is the only way in which we can deal with the resolution.

**Mr. Mark Rose (Fraser Valley West):** In my contribution to the debate on this amendment to the motion for third reading, I would like to deal at least with some of the points raised by my colleague, the hon. member for New Westminster (Mr. Hogarth). I would like to suggest to him that he put his case forward strongly and urgently. A colleague close to me adds "ridiculously". Anyway, he spoke very forcefully about this particular matter. It seems to me, however, that on a number of other occasions the constitutionality argument has been raised and, I believe, answered.

● (4:10 p.m.)

There are a number of special cases in our legal system which result from the government of Canada having passed special laws and because of the speciality of these laws the federal authority has handled their administration. I should like to cite three or four of these. There is, of course, the narcotics legislation which is under the authority of the Royal Canadian Mounted Police.

**An hon. Member:** That is different.

**Mr. Rose:** There is customs and excise; there is the Income Tax Act.

**An hon. Member:** That is different.

**Mr. Rose:** There is the Food and Drug Act.

**An hon. Member:** That is different.

**Mr. Rose:** It seems to me that it is not a closed case, no matter how loudly are shouted the positions from either side of the House. I believe some room for argument exists and I think we delude ourselves if we suggest there is no room for a constitutional argument on this or even on the matter of the war measures proclamation itself.

I think we can claim that our debate during the last month has shown that there is another side of the coin in

[Mr. Hogarth.]

our dealing with the vicious things that happened due to the FLQ in Quebec. People are now beginning to realize that all the arguments that have been used by the government in the proclamation of the War Measures Act are not necessarily valid and that there is room for another opinion. I think more people are beginning to take a look at the alternative option.

Dealing with the amendment before us, I should like to read a brief excerpt from the Gazette of November 14, 1970, dateline Quebec where Derek Hill writes:

The honest law-abiding citizen has nothing to worry about whatever measures are taken by the government, concluded Mr. Choquette.

Mr. Choquette's argument has been raised a number of times all over the country, not just in Quebec. We hear that you have nothing to worry about as long as you are a law-abiding citizen. We are always told this, but try and put that across to the 397 people who were in jail for days and weeks without charge and were subsequently released. I would like to ask if their experience illustrates that law-abiding citizens had nothing to fear under the legislation and regulations following proclamation of the War Measures Act. Obviously, a number of those people had a great deal to fear.

How many innocent reputations have been tainted, not because they were charged and convicted but because they were picked up in the street? They were left to languish in jail with no opportunity to inform their families. They were a worry to their families and employers and have had the finger of suspicion pointed at them for the rest of their lives. We should think of these things and ask some of these people who were picked up and released without charge how they feel about the absurdity of a review board.

Police can make mistakes, Mr. Speaker, as can all humans. I happen to believe that the Montreal police may be more accident prone than others. I say this because my province had a recent nasty experience with the Quebec police when a British Columbia civil servant was pistol whipped on the the street by the Montreal police.

**An hon. Member:** Quebec.

**Mr. Rose:** I am sorry, Quebec City.

**An hon. Member:** Get the facts.

**Mr. Turner (Ottawa-Carleton):** On a point of order, Mr. Speaker, I think that this case is before the courts and so the hon. member may not want to say too much more about it.

**Mr. Douglas (Nanaimo-Cowichan-The Islands):** He can certainly discuss the facts of the case.

**Mr. Turner (Ottawa-Carleton):** The case is before the courts and one of the rules of this House is that members use their best discretion when a matter is before the courts. I think the member could use his best judgment.