

meeting and knowledge that it was a meeting of the unlawful association.

In the same way, in the second part which the hon. member seeks to strike out the knowledge would have to apply not only to the existence of the assemblage of persons but to the fact that they advocated or promoted the unlawful acts of, or the use of the unlawful means advocated by the unlawful association.

I am suggesting that both those sections in the clause are necessary for the same reason, namely that there is an offence specifically in clause 4(d) to cover those who advocate or promote the unlawful acts of, or the use of the unlawful means advocated by the unlawful association for accomplishing its aims, principles or policies, and for the reason that the definition in clause 3 not only includes Le Front de Liberation du Quebec but also any group of persons or associations that advocate the use of force or the commission of crime as a means of or as an aid in accomplishing the same purpose. The reason is that the bill has as its purpose not only the apprehension of the membership of the FLQ but any successor organization or any organization advocating the same purposes and means, because it is obvious that the FLQ might not have a membership list or a corporate charter with objects and purposes.

If the hon. member's amendment were to succeed and it became impossible for the prosecution to prove that there was membership of the FLQ on the premises occupied or rented by the owner or lessee, then of course the purpose of the bill could be bypassed. So it is not only a meeting of the members of the FLQ but an assemblage of any number of people having the same purpose and advocating the same means as the FLQ that is unlawful under this bill. The word "means" is important. It is found in clauses 3 and 4(d) and throughout the bill because it is clear that the purpose of the bill is not to apprehend those who do not advocate the use of force or crime as a means of effecting governmental change. The words "for accomplishing its aims or principles and policies", and "the unlawful acts and unlawful means" have to be referred again to clause 3 which reads "or any group of persons or association that advocates the use of force or the commission of crime as a means of or as an aid in accomplishing the same or substantially the same governmental change within Canada as that advocated by the said Le Front de Liberation du Quebec".

The purposes and aims are quite clearly recited again in the preamble in the words "who advocate the use of force or the commission of crime as a means of or as an aid in accomplishing governmental change". Attempting to accomplish governmental change by peaceful methods or by the ballot box is not covered by the bill. So the concern that the hon. member has about free discussion is shared by me, but we are not trying to prohibit free discussion that seeks peaceful governmental change, if that is the purpose. We are trying to cover discussion which prompts seditious governmental change, that is, by use of crime, violence or force. I think that is clear throughout the bill. So the purpose of the words that the hon. member seeks to strike out is to complement the definition in clause 3 and the specific offence in clause

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4(d). If one were to leave out those words, the bill would be weaker as a result.

Mr. Barnett: Mr. Chairman, apart from anything else, if one were to accept the argument of the Minister of Justice at its face value, the words which my colleague has proposed to delete from clause 6 are redundant. If one looks at the interpretation clause 2(d) one sees that it reads:

(d) "the unlawful association" means the group of persons or association declared by this Act to be an unlawful association.

Clause 3 is the clause that declares what is an unlawful association and, as the minister quite properly indicated, it includes other than the particular group or organization currently known as the FLQ.

The clause, as amended, clearly retains within it the use of the phrase "any meeting of the unlawful association or any branch, committee or members thereof". In my submission, because of the prior definition in the bill of what the unlawful association is, all of the circumstances which the minister is arguing should be covered by the bill are clearly covered in the clause as amended by my colleague.

However, what some of us are concerned about is that when you add this redundancy to this clause and you start talking about "any assemblage of persons who advocate or promote" etc., you are moving beyond the definition in the bill of what is an unlawful association which, in my view, is certainly broad enough now for the minister's purposes. You are laying open to an offence any person who permits an assemblage of persons who may meet for discussion purposes, who may be roused by some individuals in that group who are in effect advocating certain actions, and who may decide to take a vote on whether or not certain means of effecting change in our society are or are not necessary. If that happens, presuming it is established that the agent or owner was present at that meeting and did not immediately call the police to eject that assembly of persons from his presence, you are laying open that person to a charge of an offence under the act.

These are the things we are concerned about, that this Provision not extend into what I would describe as the grey areas where people exercise the kind of freedom of speech to which we have been accustomed in this country. I can remember some very eloquent speeches made at meetings back in the 1930's under the auspices of the Communist party. It is true that the Communist party at that time had not been declared to be an unlawful association, but certainly some of the speeches that were made moved the audience in a direction that went beyond what the minister calls "the use of the ballot box". Those things happen.

• (3:00 p.m.)

We suggest that this clause as drafted is unnecessarily broad and that the question of what constitutes an unlawful association is quite clearly laid down in the bill from the point of view that the minister has outlined. The clause is open to an interpretation whereby anyone