

Invoking of War Measures Act

• (8:50 p.m.)

Parliament's chief and most glorious function is to be the watchdog of freedom. If Parliament surrenders this role, it abdicates its chief function. Freedom in security is worth fighting for. Freedom depends upon continued vigilance against encroachments on freedom, whether real or apprehended. Freedom does not depend on force, not on the severity of laws in the face of dissatisfaction, but on the ability of government to remedy the abuses that have created the dissatisfaction.

I suppose that the party system and the attitudes, particularly of government members, are such that it will be quite useless to appeal to them to change their minds and not support this particular resolution. We know this resolution will be accepted no matter how firmly the opposition does its duty to oppose what we think is an unwarranted encroachment on the rights of citizens of this country. I urge the government to demonstrate its good faith, concern for freedom and sensitivity to the supremacy of Parliament by rescinding the application of the War Measures Act and this proclamation with its wide and dangerous consequences, which I and other speakers have outlined, as soon as possible and to substitute a law to be passed by Parliament which can meet, rather than exacerbate, the crisis that Canada faces today.

Mr. Norman A. Cafik (Ontario): Before getting to the primary remarks that I have in mind, Mr. Speaker, I wish to comment on the observations of the hon. member for Greenwood (Mr. Brewin). I have in front of me a copy of the War Measures Act. I do not say that the hon. member has deliberately misled the House, but I interpret this Act in a different way. The hon. member stated that these broad and far-ranging powers are in fact in force now. I quote from the act as follows:

(1) The Governor in Council may do and authorize such acts and things, and make from time to time such orders and regulations,—

The act goes on to provide:

(2) All orders and regulations made under this section shall have the force of law, and shall be enforced in such manner—

I contend that to say we have passed the War Measures Act in such a broad way as the hon. member has outlined is simply and totally false.

Some hon. Members: Hear, hear!

Mr. Cafik: This act can only be interpreted in a reasonable way. I suggest we have to look at the act. It clearly states that the regulations are what will go into effect. These regulations are what was tabled in this House today. I suggest that comments which go beyond the range of those regulations are irrelevant and that it is silly to present them at this time.

Some hon. Members: Hear, hear!

Mr. Cafik: It has been suggested by some hon. members that some, if not all, members on this side of the House have no respect for personal rights and liberties. I think I

[Mr. Brewin.]

speak for members on both sides of this House when I say that we all have a great and abiding concern for individual rights and freedoms.

Some hon. Members: Hear, hear!

Mr. Cafik: I do not subscribe to the view that the state is supreme over the individual. Quite the contrary. None the less, I feel very strongly that no man is allowed to exercise his freedom and rights in such a way as to deny those same rights to the collective group of Canadians. I further suggest that this is the situation we have before us. The FLQ traitors and bandits are threatening to take the lives, and indeed have taken the lives, of individual citizens in this country. If we do not act in a responsible, quick and efficient manner, we are not fulfilling our obligations as members of this House or members of this government.

Some hon. Members: Hear, hear!

Mr. Cafik: Every one of us can surely make a not too subtle distinction between freedom and licence. Licence gives the right to do anything without any consideration being given to its effect upon others. Freedom does not give that right. Freedom implies obligations and duties. Freedom is a sham if it does not allow other people the same freedom that we want for ourselves.

We cannot defend freedom by destroying it. There are always dangers. I agree with the Prime Minister (Mr. Trudeau) in his statement that this is an act he would have preferred not to bring forward, but the situation before us demands that kind of positive action to protect the people of this country. No nation which lacks the courage to defend itself deserves to survive. In fact, in our troubled times I suggest it would not survive. We live in an age of violence. Violence exists to some extent here and abroad because we have not been careful enough to preserve these basic rights in the past. Far too often we have mollicoddled those people who have been willing to deny us our fundamental rights and have not defended ourselves against them. It is damn well time we did.

Some hon. Members: Hear, hear!

Mr. Cafik: I believe this proclamation is necessary, and indeed essential, to protect the civil liberties of all Canadians, not to destroy them. It is an interim measure. As soon as possible I hope we will take other steps in order to have permanent laws and regulations in order to safeguard ourselves at all times. I do not know how in this moment of crisis we could have acted otherwise. The element of surprise was absolutely essential. That quality could never have been fulfilled had we listened to the advice of opposition members presented here today. How could we act differently than we did when the Premier of one of our great provinces asked that we act immediately so that his province could be protected? How could we not listen to him and the mayor of Montreal when they outlined the urgency of the situation? How can we do otherwise than give them the power to protect the people they represent? We could not remain helpless in the face of this treachery. We had to act, and we did.