

bail only on a certificate signed by the attorney general. That certificate cannot be delegated, it is not something that can be done by the police. It has to be done by the attorney general on his own authority.

Mr. Orlikow: Where does he get the information?

Mr. Turner (Ottawa-Carleton): I do not think the hon. member for York South wants to leave the impression that the attorney general is not accountable. He is more accountable than anyone in the judiciary. He is accountable to the legislature and to the people of the province.

Some hon. Members: Oh, oh.

Mr. Turner (Ottawa-Carleton): Oh, yes, it has been part of the tradition of the British parliamentary system that the attorney general, whether he be the attorney general in parliament or in a legislature, must be an elected officer of the government and must be responsible as Member of Parliament or as a member of a legislature to the people through his elected position.

Mr. Douglas (Nanaimo-Cowichan-The Islands): That is political accountability, not judicial accountability.

Mr. Turner (Ottawa-Carleton): Political accountability is one given to him under this bill for the operation of an extraordinary provision of law, a provision of the law that is likely to be controversial in its administration, and I recognize that. That controversy is something for which the attorney general should bear responsibility. I would not want to involve the judiciary in that type of controversy. When I have the honour, I hope, to introduce a bill on electronic eavesdropping or wiretapping, I think the responsibility for issuing any warrant to wiretap should not lie with a judge but should lie with the attorney general of a province or with the Attorney General or Solicitor General responsible to this Parliament. The reason for this is the same, that when you are dealing with something that involves the discretionary side of the administration of justice, the person using this discretion ought to be held accountable to the people. One should not involve the judiciary in that type of accountability.

• (3:30 p.m.)

As I have stated, there is no automatic suspension of bail here. The suspension will have to be made on a certificate by the Attorney General, not the police but by the Attorney General, and the police after all are accountable to him. The Attorney General is responsible for the police or for their administration, or mal-administration, whatever it may be. So, there is no breach in that link of accountability beginning with the police, through to law enforcement, to the prosecution, up to the Attorney General, from the Attorney General to the legislature, and on to the people.

I think, Mr. Chairman, I have made the points I wanted to make. We are dealing with a dangerous cons-

Public Order Act, 1970

piracy that has proved how lethal it can be, and because of that I think that to allow the ordinary provisions of bail to apply would defeat the purpose of this specific, short-term piece of legislation. The FLQ is just not an ordinary group of citizens but a group of people dedicated to the overthrow of government by violence and in a seditious manner. To allow that type of person out on bail if apprehended—and apprehension is obviously difficult as current events demonstrate—with the possibility of intimidating witnesses, or reconstructing the conspiracy, or threatening life, is something we have to contend with within the terms of this bill. I do that, taking full cognizance of the purport of the remarks that have been addressed to me.

I would not be introducing this type of measure in the general scheme of things were we living in different times, and as soon as I can I will be continuing in Parliament with the type of measure which is more palatable to me in terms of bail reform, the law relating to arrest, and the rest of the legal reform program that we have been introducing over the last two years. But, Mr. Chairman, this is a specific measure to meet specific circumstances and I must take cognizance of it in that respect.

Mr. Barnett: Mr. Chairman, I find the logic of the minister quite extraordinary. If one were to follow his argument to a logical conclusion, his theory of the political accountability of the Attorney General, one is led to the idea he is suggesting that we should abolish the courts altogether. After all, if the Attorney General is responsible to the legislature, and through it indirectly to the people, why not allow him to decide "off with his head" in respect of an accused?

Mr. Woolliams: What manner of nonsense is this?

Mr. Barnett: Surely, the Minister of Justice is not trying to suggest seriously that decisions that affect the life and death, or freedom and captivity of individual citizens should be handled through the process of what he calls political accountability? I have tried to follow the minister's argument in support of this bill through its various stages, but I find myself feeling more and more as though I were in an Alice in Wonderland atmosphere.

In his most recent remarks, the minister again referred to a very serious conspiracy. There are certain facts that have been reported in this House. The kidnappings have been reported. The murder of a minister of the Crown of the province of Quebec has been reported. But, Mr. Chairman, so far as the records of this House go, we have not had anything more than pure hearsay about this conspiracy with which clause 4 of the bill is designed to deal. I am just wondering how much research someone 50 years from now would have to do to find any real evidence in the records of this House concerning this conspiracy to which the minister keeps referring, and referring, and referring.

Like other hon. members I have hearsay knowledge. The minister, having a closer association than I with the area in which the conspiracy developed—