

Invoking of War Measures Act

I also believe that it is not good enough for the government, when the country finds itself in a condition such as this, simply to point the finger at certain revolutionaries who, it says, have brought the country into this condition. I am trying to be fair when I say that the government in authority when this condition was developing must also be prepared to answer for the condition in which the country finds itself.

Some hon. Members: Hear, hear!

Mr. Stanfield: A special danger exists, and the government has taken the measures it has taken. I believe strongly that it would certainly have been far more preferable to introduce special legislation with much more restricted powers than the powers the government now has having invoked the War Measures Act. The Prime Minister has said that it was not possible. I am not going to spend much time arguing about what was possible or what was done, but I assert that, rather than coming here this morning and seeking the approval of the House for a measure for which the government must accept the responsibility for having taken, the government should have concentrated on bringing before the House a bill which would have carefully restricted the special powers that it is seeking to deal with this condition. Such a bill would contain proper safeguards to reduce to a minimum the possibility of any partisan action. I do not see that in these regulations. We do not really know when these powers will end. The regulations are sweeping. I want to say perfectly frankly that I would not be prepared to support a bill that embraced these regulations but I would certainly be prepared to co-operate in providing, for a limited period of time, such unusual and extraordinary powers as were clearly necessary for the government to enforce the law.

Consider, for example, the provisions in these regulations. The regulations make it a crime to be a member of an unlawful association. First of all, they provide as follows:

The group of persons or association known as Le Front de Liberation du Quebec and any successor group or successor association of the said Le Front de Liberation du Quebec 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 governmental change within Canada is declared to be an unlawful association.

In other words, the government is creating a new crime, and I should point out in passing that it has now become a crime to be a member of an association which advocates the use of force or the commission of a crime. Under the emergency powers which the government now has it could, of course, create a new crime tomorrow. I simply wish to say that I certainly want to see the law enforced, I want to see those who are guilty of subversive activities prosecuted and punished. But I am not prepared to see it made a crime to be a member of an association, particularly in view of the measures relating to evidence in section 8, which reads as follows:

In any prosecution for an offence under these Regulations, evidence that any person

[Mr. Stanfield.]

- (a) attended any meeting of the unlawful association,
- (b) spoke publicly in advocacy for the unlawful association, or
- (c) communicated statements of the unlawful association as a representative or professed representative of the unlawful association is, in the absence of evidence to the contrary, proof that he is a member of the unlawful association.

Under that section it might very well be that someone who some time ago might have attended a meeting of some association that is defined as unlawful by these regulations could be convicted of an offence which carries a penalty of up to five years imprisonment.

Certainly we must protect our society. Certainly we must prosecute people who try to overthrow it violently or to use violence to achieve their purposes. But I am not convinced that we have reached the point where we must define as a crime membership in an association unless, of course, there is direct implication in the committing of a crime. When we consider the safeguarding of our society we have to consider not only the enforcement of the law, the direct protection of society against criminal acts but also the preservation of the strength of our society, and not weaken it by making it a crime to be a member of an association. I suggest that this could have quite widespread application throughout our country.

• (11:40 a.m.)

I apologize for not making my remarks more succinct but I did not have an opportunity to see the regulations until a short time ago. Nevertheless, I urge that the government, instead of seeking the approval of the House for the measure it has already taken, the invoking of the War Measures Act, should heed what is said in the House today and should at the earliest possible date bring in a bill with much more restricted powers, many more safeguards with regard to review, and of a much more limited duration.

I put these views forward very solemnly, Sir, because I am very concerned that in our desire to deal with this tragic situation that has developed, our desire to deal with these terrorists who are a menace to our society, our desire to do those things that are necessary, we do not weaken our social fabric by invoking powers that are far too extensive, possibly creating new crimes on the spur of the moment, and do not provide adequate safeguards for review.

Some hon. Members: Hear, hear!

Mr. T. C. Douglas (Nanaimo-Cowichan-The Islands): Mr. Speaker, these last few days have been days of anxiety for all the people of Canada, and particularly for the members of this House who sit on the treasury benches. We have all been appalled and disgusted by the abduction of two innocent men who are being held as hostages in an attempt to blackmail the government into releasing convicted criminals and to do certain other things which, in my opinion, are completely unreasonable.

Because this situation is so delicate we in this party have carefully refrained from making any statements or