

"There is an Alice in Wonderland quality about this bill"

# Teach-In discusses Temporary Measures Act

by Liz Smith

The Public Order (Temporary Measures) Act, Bill C-181, was the topic under discussion at a Teach-In held in the bearpit, Tilley Hall, on Thursday, November 12th. About 75 people attended the 2 and one-half hour Teach-In.

Bill C-181, "an act to provide temporary emergency powers for the preservation of public order in Canada", is designed to replace the War Measures Act which was put in effect October 16. The War Measures Act will be revoked automatically when the new act is proclaimed.

The Public Order Act, if passed, will be in effect until April 30, 1971, unless a resolution by both Houses of Parliament lengthens or shortens it.

The crucial differences between the acts are that the Canadian Bill Rights applies except in the areas of arbitrary detention and bail. As Alan Reid, professor of law and a resource person at the Teach-In said, "Stating that the Bill of Rights applies is sort of a fraud, because in these two important areas (detention and bail) the Bill of Rights does not apply."

The new act in section nine states that, "a peace officer may arrest without war-

rant a person he has reason to suspect is a member of the unlawful association (the FLQ). In section seven it states that a person charged with an offence under section four shall be detained in custody without bail if the Attorney General files a certificate saying there is "just cause" for his detention.

Le Front de Liberation du Quebec is declared an unlawful association and "just cause" for detention is declared under section four of the bill.

Section Four reads: A person who a) is or professes to be a member of the unlawful association; b) acts or professes to act as an officer of the unlawful association; c) communicates statements on behalf of or as a representative or professed representative of the unlawful association; d) advocates or promotes the unlawful acts of, or the use of the unlawful means advocated by, the unlawful association for accomplishing its aims, principles or policies; e) contributes anything as



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dues or otherwise to the unlawful association or to anyone for the benefit of the unlawful association; f) solicits subscriptions or contributions for the unlawful association; g) advocates, promotes or engages in 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 unlawful association is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

Section four was mentioned several times during the Teach-In as an example of the vague wording of Bill C-181. Referring to the use of such general terms as "advocacy" in the bill, Perry Robinson, a resource person from the philosophy department said, "There is an Alice in Wonderland quality about this bill."

Professor Alan Sinclair replied, "I am sure there is an Alice in Wonderland quality about any legislation to a person who is not accustomed to it." Professor Reid was a resource person for the Teach-In from the faculty of law.

Another section under particular discussion and disagreement was section eight of the act. Professor Serge Moran from the University of Moncton suggested that section eight seemed to be retroactive. In Moran's words, "To find the evidence that one acted illegally, you must go back to a time when the action was not illegal."

Section Eight states: In any prosecution for an offence under this Act, evidence that any person, either before or after the coming into force of this Act, a) participated in or was present at a number of meetings of the unlawful association or of any branch, committee or members thereof; b) spoke publicly in advocacy for the unlawful association, or c) communicated statements on behalf of or as a representative or professed representative of the unlawful association is in the absence of evidence, proof that had unlawful association.

Prof. Sinclair replied, "English law is dog law. The dog does something wrong and you beat it. Unfortunately that's the way it is."

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THE EDITORS

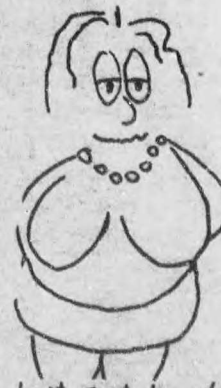
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