

prejudice the public interest in the sense that an accused might tend to re-commit a crime, cause violence to others, intimidate witnesses and so on. Because of the nature of this FLQ conspiracy I am of the view that the second feature, namely the public interest, would not be served by this bill with the adoption of this amendment.

• (3:10 p.m.)

The very nature of the seditious objectives of the FLQ is to attempt, or promote, the overthrow by violent means, by force or by crime, of the government of Quebec or Quebec in its relationship to Canada. There is more than a little evidence to indicate that members of organizations like the FLQ if apprehended, arrested, and then allowed to go free on bail, following the ordinary principles of law would be tempted to escape the country or to seek and perhaps be granted refuge in other countries. The ordinary extradition laws do not reach out to these cases. What is perhaps more important, I think it would be unrealistic to ignore the fact that given an organized conspiracy as we have here, the likelihood of frustration of the measures taken by the law enforcement authorities would be high if released members of unlawful organizations such as the FLQ were able, when released, to make contact with other conspirators.

I think we are entitled to assume in this case that the risk of intimidation of witnesses would be extraordinarily high. I do not say I am not sensitive to the remarks the hon. member addressed to me or to the way he put them. Were we dealing with the ordinary scope of the criminal law, then I would be most receptive to them. But I have stated on a number of occasions that this is not an ordinary criminal measure but is an extraordinary criminal measure to deal with an extraordinary threat. I say to the hon. member that in terms of this bill his amendment would be meaningless because, as a practical matter, this is what would happen if subclause 1 of clause 7 were repealed altogether and nothing substituted therefor. In short, the government recognizes the extraordinary rule embodied by subclause 1 of clause 7, but it is a rule designed to meet an extraordinary situation. The primary purpose of the provision is to ensure that members of the FLQ and their supporters, who are to be proceeded against under law, will not be in a position to frustrate these proceedings by being allowed to escape justice or interfere with the trial by intimidating witnesses or otherwise.

Because the information relating to conspiracy is in the hands of the law officers who are responsible to the Attorney General, and because of the fact that the Attorney General will be responsible to the legislature of the province and will therefore be responsible to the people, I prefer that these extraordinary measures, namely the suspension of bail by discretion, be in the hands of the Attorney General. He will be accountable for the administration of these extraordinary measures during the six months' period which this bill has to run and I would rather not impose upon the judiciary the responsibility of being a party to the suspension of bail. For these reasons, I urge the committee to refuse this amendment.

Public Order Act, 1970

Mr. Woolliams: Mr. Chairman, would the minister permit one question. It is a very simple question. In respect of association, such as that involving the FLQ, I think that if someone were charged and obtained bail, provided it were permitted, the laws of extradition between here and the United States might not apply.

Mr. Turner (Ottawa-Carleton): That is the advice I have been given. I should point out that when we talk about the suspension of bail we are dealing only with a person charged with an offence under clause 4, namely membership or participation in the FLQ. The suspension does not attach the other offences.

Mr. Orlikow: Mr. Chairman, like the hon. member for Broadview, I have always been sympathetic to the excellent statements the Minister of Justice has made concerning the extension of the system of bail to permit people who have been charged with an offence, who are known in the community and are not likely to disappear, to be permitted out on bail until their trial. Therefore, despite the difficulties the Minister of Justice enumerated, I am rather perplexed about what is going on at the present time. I do not question the right, and indeed the duty, of the government to keep in jail until they come to trial people who have been charged with offences such as kidnapping, dynamiting and so on, and possibly even membership in the FLQ.

However, there were people arrested almost a month ago who have been charged with sedition who may or may not be guilty. I assume that when their cases come up for trial the courts will decide whether or not these people are guilty. Some of them may be found guilty, but some of them may well be found to be innocent. Although I hold no brief for them, some of these people are quite well known and are not likely to disappear. Some of them hold important positions in the province of Quebec. Yet, some of these people who were arrested in October may not come to trial until January or February and the trial may continue for a month or so. These people could be locked up in jail for a period of four to six months. I think this is an extremely serious matter. Unfortunately, as indicated by a survey carried out by CTV and released yesterday, a majority of the people of this province believe these people are guilty and should be very heavily punished. However, it well may be that many of these people who will have spent some four to six months in jail will be found to be innocent.

It seems to me the situation we have before us now is very different from the situation the minister had in mind until very recently. I must say to the minister that I am not at all convinced by the argument he has put forward this afternoon concerning the need to keep these people in jail until their trial. While he did have the co-operation of members on this side in the past, I want to tell him that if he continues doing what he is doing now that co-operation will not be forthcoming in the future.

Mr. Lewis: Mr. Chairman, if I may, I should like to deal very briefly with the minister's reply. I want to say