

Invoking of War Measures Act

the truth—and even though people are unable to use the machinery of government to achieve their objectives, I still believe that government by the people is the only form of government that is worthy of people like us who have a great heritage to preserve and to protect.

I believe that this sort of measure has reduced the members of the House to the role of rubber stamping a decision by the Prime Minister of the country. This applies to the backbenchers on the opposite side of the House as well as those of us on the opposition benches. If we are going to be reduced to the role of rubberstamping, after the event, something the government has done, then I believe the sooner the doors of this Parliament are closed and the truth becomes apparent to the people, the better. The people are being lulled into a sense of false security as a result of our not being given the facts. As I say, their representatives are being faced with a fait accompli when they are invited to endorse a policy adopted by the government without their knowledge, and without being given any information on which to base a judgment.

Those are the reasons I must oppose this measure. When the votes are registered on Monday, let no one say there were those of us in this House who were afraid to stand up and be counted. I am getting my vote in early. My vote will be one that says I believe that, serious as the situation in the province of Quebec undoubtedly is, it is important that, in giving the government power to deal with the situation, we should not throw away those liberties that all of us from coast to coast have won, liberties which our forefathers gained for us with such difficulty.

These rights that we have won are worth preserving. In my view their fate cannot hinge on the decision, judgment and honesty of one man, no matter how able he may be. We must keep these rights in our own hands if we are to consider ourselves worthy to sit in this House and to represent the people in our constituencies.

Mr. Mark MacGuigan (Windsor-Walkerville): Mr. Speaker, as the Leader of the Opposition (Mr. Stanfield) said yesterday morning, this is a most serious matter. I sincerely regret that many of those on the opposite side who have spoken to this question have not regarded it as sufficiently serious to comment on the matters genuinely at issue and to avoid political recriminations.

The Prime Minister (Mr. Trudeau) has invited the members of this House to make constructive comments on the changes they would like to see made in the regulations, and to comment on the provisions they would like to see incorporated in the new piece of legislation of a less sweeping nature that he has promised to bring forward as soon as it is feasible to do so. If opposition members are not prepared to fulfil that duty, then I am. I should like to begin my remarks by commenting briefly on the regulations which have been presented to the House for its consideration and approval.

• (2:40 p.m.)

I would comment in particular on two of the regulations before commenting in general on the question of

[Mrs. MacInnis.]

unlawful associations. First of all, with regard to regulation 7(2), which provides for a detention for 90 days before a person is brought before a judge, I would submit that 90 days seems to be an unnecessarily long period. I believe this period in these regulations, and also in any subsequent statute which might be passed, might well be limited to 30 days. This would seem to fulfil the needs of the moment and would also provide for a somewhat greater protection for the liberty of the subject.

I would also draw the attention of the House to regulation 8(a) where it is provided that:

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

(a) attended any meeting of the unlawful association...is, in the absence of evidence to the contrary, proof that he is a member of the unlawful association.

I think this sub-paragraph goes too far. I do not think we ought to have this type of provision in the legislation which states that mere attendance at a meeting, even of such an unlawful association, in the absence of more evidence is proof of membership. I would also have some reservation about sub-paragraph (c), if this purports to mean that someone who, as a result of negotiations entered into between the government and an organization such as the FLQ, were ipso facto to be considered a member of that association. I believe if there were evidence to the contrary in such a case, such a person would not be guilty of any offence under these regulations.

Despite my feeling that several of these regulations go too far, I am very firmly in agreement with the principle of these regulations and with the action which the government has taken. The member who preceded me just now was discussing the passing of the unlawful association legislation in Canada. She referred to the fact that in 1919 the Conservative government at that time passed unlawful association legislation and installed it in the Criminal Code as Section 98.

Some 17 years later, in 1936, a Liberal government removed that unlawful association section from the Criminal Code. What the previous speaker failed to avert to was the fact that it was precisely because this provision was made an amendment to the Criminal Code rather than a temporary emergency measure that it lasted for 17 years. The problem with unlawful association legislation is that after the crisis period is over, it tends to remain on the statute books and its interpretation is extended to apply to situations for which it was never intended, and sometimes very unfairly so. This does not mean that such legislation is not very essential at moments of crisis to deal with particular problems which exist at that time. The essence of the distinction is simply that this legislation should be in effect for as short a time as is necessary to cope with the specific problem for which it is intended, and it should not remain indefinitely on the statute books of Canada. That is precisely the way in which this measure works.

The real test of the government's intention will be how the exceptional powers which are granted by these