

referred to in the amendment moved by the hon. member for Calgary North.

• (8:20 p.m.)

The Chair has the responsibility of deciding whether the amendment now before me for a ruling on its procedural acceptability is one of substance or is an extension or a direction within the confines of, or is relevant to, the motion to appoint a committee. In my opinion, the amendment of the hon. member for Calgary North is in fact an extension or amplification of the main motion. It seems to the Chair that the committee could not be asked to consider the main motion in an abstract form without reference to events in Canadian history, whether it be the events described in the amendment of the hon. member for Calgary North or events such as those referred to by the hon. member for York South.

Having come to the decision that it is in fact not a substantive motion but a motion that extends or amplifies the main motion, I am of the opinion that it is procedurally correct and I am prepared to put the motion. The hon. member for Calgary North, seconded by the hon. member for Lambton-Kent (Mr. McCutcheon) moves:

That the motion be amended by adding at the end of the first paragraph thereof the following:

"and, for better assuring the purposes of such report with respect to emergencies that endanger the existence of government, inquire into and first report upon all the circumstances anticipatory of and giving rise or purported to have given rise to the proclamation of the War Measures Act on October 16, 1970, as well as all the circumstances thereafter following and thereto related which may have or presently or in future may endanger the existence of any government, whether federal, provincial or municipal."

Mr. David Lewis (York South): Mr. Speaker, I think the ruling you have just given makes an important difference to the motion before the House. If the government party will have the sensitivity to support the amendment so that the committee is given the necessary power to make some kind of intelligent investigation of the reasons that make special legislation necessary, then the committee might have a job to perform that will be meaningful. But I have a strong suspicion that the government will not support the amendment, that the government is not in favour of any investigation of the reasons for invoking the War Measures Act, that the government is not in favour of such investigation because even it now knows that the invocation of the War Measures Act on October 16, 1970, was a shameful overreaction followed by the deliberate creation of hysteria and panic throughout the country.

Because the government now knows that that is the case, it has not the courage to permit a parliamentary committee to call before it witnesses and to inquire into the actual things that happened last fall. I cannot under any circumstances support the motion on the order paper because it is based on the assumption that special legislation to deal with possible future emergencies is necessary. The motion before the House does not say, as it might have, that the matter will go to a committee for decision whether or not special legislation is necessary. It might give the committee an opening to look into that if

National Security Measures

the amendment moved by the hon. member for Calgary North (Mr. Woolliams) is accepted by the House; but as I am certain it will not be accepted by the Liberal majority in the House, what we are left with is an instruction to a committee that starts with the implicit statement that special legislation is necessary and so all the committee has to do is decide what kind of legislation this House should pass.

It is also significant to note that the motion before us does not make the slightest reference to individual liberty and individual rights. The Minister of Justice (Mr. Turner) quite properly said that he had to weigh the relationship between national security and public order and individual liberty and individual rights. It is very nice to say that but I submit, Mr. Speaker, that the motion to set up this committee ought to say it. The motion ought to say to the committee: Please inquire into the question whether or not special legislation is necessary, and when and if you consider legislation please keep in the forefront the preservation of human dignity and liberty in Canadian society.

Therefore, I ask myself why the government is making this motion. Why is a government that did not hesitate to bring down the War Measures Act on October 16, 1970, and did not hesitate to bring in the public order act at a later date, now wanting to establish a committee when it has already made up its mind—and the Liberal majority on the committee will be so instructed—that there must be legislation? Why does the government send this matter to a committee? I have a suspicion that the government already has some draft legislation or clauses that will find their way to the committee via a member of the committee, that the government already knows what it wants in the legislation. So why does it not produce a bill?

The minister said this afternoon that he wants the people of Canada who are interested in civil liberty and in this kind of question to appear before the committee. They could appear before a committee that was considering a bill just as readily as they could appear before a committee considering this motion. Why, then, is the government presenting this motion instead of taking the responsibility of and having the courage to present a bill to this House? I have no hesitation in finding an answer.

An hon. Member: Even you don't believe that.

Mr. Lewis: I do believe it. Knowing the feeling across this country about the way in which Canadians were taken in last fall, the government does not have the courage to present a bill on its own but wants the subterfuge umbrella of a parliamentary committee. In order to make certain that the government gets out of the committee what it wants to get out, it made the committee a joint committee of the Senate and House of Commons.

Mr. Jerome: Would the hon. member permit a question? Is the hon. member—

Mr. Deputy Speaker: Order, please. The parliamentary secretary may ask a question if the hon. member for York South (Mr. Lewis) is prepared to entertain it.