

unless he can prove otherwise. If he cannot prove otherwise, he is liable to five years' imprisonment.

How does one prove that one is not a member of an organization, Mr. Speaker? How does one prove a negative? This is the one clause in the bill on which I thought the minister would relent, because it is the one part of this legislation with regard to which there has been almost unanimous condemnation. I notice that the Attorney General of Ontario, Mr. Wishart, speaking in the legislature said he hoped Parliament would amend the retroactive feature of the new bill which requires a person who had attended meetings of the FLQ to prove he is not a member of that organization. I notice that the former Premier of Quebec, Mr. Bertrand, said he objected to the retroactive clause because, and I quote:

It places the onus of guilt on persons who "used to be members of the FLQ one or two years ago" before the movement was declared outlawed.

He added:

There is a danger here to human liberties—liberties which have taken men ages to acquire.

Almost every reputable newspaper and most of the outstanding editors of this country have condemned the retroactive features which are to be found in this legislation.

I believe the bill before us is even more dangerous because it represents a delegation of powers to persons who are not accountable to this parliament.

Some hon. Members: Hear, hear!

Mr. Douglas (Nanaimo-Cowichan-The Islands): During the time this legislation was going through committee of the whole, the minister gave us bland assurances on almost every clause that our fears in this respect were not well founded. The fact is, of course, that the administration of this bill will not be in his hands; it will be in the hands of the Attorneys General of the province, in particular, of the Attorney General of the province of Quebec.

I recall that on November 4 when I was speaking on second reading of this bill, the minister interrupted me to contend that the Bill of Rights was still in effect in spite of the fact that the War Measures Act had been invoked. If this is true, the Attorney General of the province of Quebec has been breaking the law for weeks on end, and I ask the Minister of Justice (Mr. Turner) what he has done about it. Has he raised his voice? Has he done anything? Day after day when we asked the minister about the fact that persons detained in Quebec have been held incommunicado—and the Attorney General of that province has publicly so admitted—he said he would convey our concern to the Attorney General of Quebec.

• (9:40 p.m.)

The Prime Minister talked today about the review committee which had been set up in the province of Quebec. That committee has made some reports on its activities. Mr. Jacques Hébert, president of the Civil Liberties Union, stated publicly that, contrary to what

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they had been told by the Attorney General of Quebec, they found that very few of the prisoners' families had been apprised of the situation or advised that they had the right to visit. Mr. Hébert said that the committee had been told by several prisoners that they had been victims of psychological and sometimes physical methods that are absolutely unacceptable.

When I raised the matter in the House, the Minister of Justice said, "Well, that is the responsibility of the Attorney General of Quebec". When I asked the minister whether he would investigate the statement made by Mr. Jacques Hébert and his committee and report back to the House, the minister said that he would consider it. He has never replied in the House nor told us what was the result of his investigations into the treatment of the persons who were detained. The fact is that the powers granted under the War Measures Act have been abused, and abused abominably. The author of those regulations, the Minister of Justice, has merely stood in this House ringing his hands like an outraged virgin.

This is what has happened since October 16. Ninety per cent of those arrested and detained have been released, presumably because they were innocent. Many of them have lost their jobs, their reputations, and I am afraid in some cases have lost their faith in the system of justice in this country. The powers that were granted under the War Measures Act have been used to settle old political scores and to harass political opponents. It is not without significance that many of the people who were picked up were members of the FRAP organization, a municipal political organization that was endeavouring to get some seats on the municipal council in opposition to the overwhelming majority of Mayor Drapeau.

It is also not without significance that a large number of those picked up belonged to the Parti Québécois. I disagree heartily with the separatists of Quebec or of any other province. I think that anyone who wants to take Quebec or any other province out of confederation is stupid. But as long as those who advocate such policies propose to do so by constitutional and democratic means, they have as much right to express their views as any member in this House. If they can be abused, harassed and detained, then it is only a matter of time till other groups get exactly the same treatment. Individuals have been kept in prison anywhere from three to 21 days, then interrogated for a few minutes and dismissed. But dismissed embittered, and having lost faith in the judicial process in this country.

The Attorney General of the province of Quebec is already showing an appetite for more arbitrary powers; he is now asking for emergency powers for the provinces which they can invoke on their own without having to refer to the federal government or the federal Parliament. He is asking for censorship of the press, for exceptional powers of arrest and for identification cards which will require every citizen to be photographed and fingerprinted. He is now talking of taking action against teachers who are accused of political indoctrination in the classroom. Who is to decide what is political indoctrination? What started out as a measure to stop terrorist activity is now moving into repression against ideas.