

*Invoking of War Measures Act*

for. If the government will indicate that this is what they will do, we will confirm the action they have taken to handle this crisis.

**Some hon. Members:** Hear, hear!

**Mr. Woolliams:** It seems to me that the powers under the War Measures Act are particularly stringent. This is so of the Order in Council. We should have a specific statute to cope with a specific situation. There is a crisis in the province of Quebec, but there certainly is not a war. The government says they had to act quickly and so they brought in this Order in Council. They should now put their law drafters to work on a bill to amend the Criminal Code and enact the law necessary to cure this crisis. We would then have a specific law for a specific purpose. If they followed this proper parliamentary procedure the new law would become a permanent part of the Criminal Code.

I am not very concerned about who might be elected a Member of Parliament and appointed Minister of Justice. Whoever it might be, I am sure he would carry out his duties with a degree of responsibility. But when you invoke a law like this, what will happen throughout the country? As the Minister of Justice said today, the administration of justice is a function of the attorneys general of the provinces. So we will have ten attorneys general administering this act. What will happen is that every police officer will have the right to act under this measure. How can the Minister of Justice know what houses are being walked into tonight? How can he tell us tomorrow in the House of Commons the number of doors that have been knocked on, the number of arrests that have been made and the number of people who have been detained without bail, without counsel and without the right of a trial within a certain number of hours or days? How can he fulfil that responsibility? That is the situation which results when you create law by Order in Council rather than by Parliament.

Many policemen are dedicated to their jobs and I am sure the majority of them will carry out their duties with the proper degree of responsibility. However, it takes only a few irresponsible police officers to create a great deal of injustice, and the responsibility for that will lie at the feet of the Minister of Justice. Let us not conclude this debate with the idea that because the Minister of Justice says we should not worry, because he will always accept the responsibility, everyone will interpret the government's intentions with responsibility and the courts will determine that what is intended is reasonable. The actions of the government in this respect have, in effect, made this country a police state. This debate is really a process of speaking and listening. This law existed when the government came into the House: today make no mistake about that. The law was in existence and this debate has given us an opportunity to express ourselves and indicate where we stand.

Through the implementation of the War Measures Act and the Orders in Council contained therein, the government has set aside the constitution and civil rights for everyone in Canada. What is going on in Alberta tonight,

[Mr. Woolliams.]

that they need this kind of law? What is going on in British Columbia, that they need this kind of law? Indeed, what is going on in Manitoba, that they need this kind of law, or in Ontario or the Maritimes—

**An hon. Member:** And Newfoundland.

**Mr. Woolliams:** Yes, and even Newfoundland.

**An hon. Member:** Oh, but Joey is there.

**Mr. Woolliams:** I appreciate that someone might say these criminal elements could move out of the province of Quebec into Ontario or any other province, but that is no excuse for making law by Order in Council and in secret. The law should be known by Canadians who sit in their living rooms and by Canadians who walk the streets. When the law is made by Order in Council, in secret and at night, particularly when it is made retroactive, the civil rights of Canadians leave the purview of this Parliament and go out of the window of every home in Canada. That is the point we are making.

● (9:30 p.m.)

So, I say this. We have the question of civil rights. What are they? They are the right of the individual to life and the right of the individual to liberty. We have heard so many definitions of liberty. We appreciate the kind of liberty we talk about in respect of Canada when we all give up something for the benefit of the whole society. Then, they talk about freedom of speech. This is evidence that they knew for a long time they were going to do this. In fact, I am convinced that when the Leader of the Opposition asked the question two or three days ago this Proclamation was on the tracing board.

Last night when I was at the CBC I was told the personnel of the CBC had been advised that there was censorship so far as discussion of this problem is concerned on the air, through television or radio. I should like to ask what minister picked up the phone and called President Davidson of the CBC. Had this ever been done when the Conservatives were in office, I wonder what would have happened. I should like to know what minister gave the instruction to the president which caused the close-down of the news last night on the CBC.

We now not only have this type of law, but in addition we have a news agency set up and controlled by the executive of Canada which has become all powerful by means of an order in council implementing the War Measures Act. It does not really matter what position members of the opposition take in respect of this particular Proclamation. If they vote against it, they would be saying they are voting against the methods, although they appreciate the crisis and realize there must be some action taken. If they vote for it they would, in effect, be saying this government was caught because it procrastinated for so long. I am sure these people must have accepted the statements of the Prime Minister and the Minister of Justice today that a statute would be brought in to replace this secret Order in Council which was made in the middle of the night. If the minister is shak-