

*Public Order Act, 1970*

obvious when the government's own party, meeting over the last week end, spoke favourably of the action taken by the government and at the same time spoke of the utter necessity for there to be some kind of review clause in the legislation.

A basic question has not yet been answered by the Minister of Justice, and this alone should underline the necessity for some kind of check being made on the administration of the bill. That basic question is this: What does the FLQ stand for? What in fact is the FLQ? In the preamble, and I think also in clause 3, the minister has tried to describe some of the things that the FLQ might do. In referring to those things he is referring to things which quite accurately and honestly will be covered by the provisions of the Criminal Code.

One question that is being raised here, a question that I think it is critically important that the minister answer, is: What in fact makes the FLQ different from other organizations? What are the stated aims and purposes of this organization, the members of which can be indicted and found guilty? The Minister of Justice has given no clear statement with regard to what the FLQ is, and neither has the Prime Minister. I doubt whether either of them has answered this question publicly outside the House. We know for a fact that the very dangerous step that has been taken by the government, both in its introduction of the regulations under the War Measures Act and its introduction of this legislation which makes an organization illegal in itself and its members subject to certain penalties, is the foggiest, fuzziest, most fraudulent kind of thing to do. It has been done in the hope of trying to deal with a very serious situation.

Apart from being very bad legislation, it is very old-fashioned kind of legislation. Members of the governing party some 30 years ago realized how foolish it was to try to define an illegal organization, and they did something to try to end such legislation. The fact that it is almost impossible to know from the legislation just what the FLQ really stands for, and that the government has not tried to define it in this House, is bad enough. But what is transparent to an increasing number of people in this country is not only that you cannot define what the FLQ is as a distinctive organization in itself, but the very action of outlawing a certain organization lends the possibility, the very real possibility, of smearing individuals, groups of people and organizations.

• (3:40 p.m.)

We have seen an example of this as recently as a few days after the invoking of the War Measures Act when the Minister of Regional Economic Expansion (Mr. Marchand) inadvertently, to say the least, referred to the FRAP party in Montreal, indicating that it might be some kind of front organization for the FLQ. How a minister of the Crown could make that kind of a monumental slip in the last few days of a major municipal election campaign, and then not feel compelled to resign, is a principle I cannot understand.

Even more, there is a kind of ridiculous quality to this whole affair. I suppose the letters that have become most

[Mr. MacDonald (Egmont).]

well-known in our society in the last few months are, of course, the letters FLQ. In fact, I heard a little story the other day and apparently it is true. A child came home from school and asked his father how many letters there are in the alphabet. His father replied that there are 26. To which the child said: No, no, there are only 23, they have taken out F, L, and Q. Even the children realize the ridiculousness of this situation, and it is ridiculous I agree.

I presume that if somebody were to come to parliament hill this afternoon waving a placard with the letters FLQ on it, he would immediately be apprehended and obviously indicted because he was displaying these three letters. If it turned out that in very small print below FLQ there appeared "Fédération de libérale du Québec" I wonder, then, what in fact would be the interpretation of his innocence or guilt.

This is ridiculous because the idea of dealing with a very serious problem of terrorism and social unrest in the Province of Quebec or anywhere else is futile if it is based on the idea of outlawing an organization. If in fact the minister wishes to insure that justice is going to be done, in what I call an almost absurd situation, at the very least there needs to be the establishment of some kind of a review board. I would ask quite frankly when this bill becomes operable, as the successor to the War Measures Act, who will be the major victims of this clause outlawing this organization? I do not think the victims will be the people who have committed acts of terror.

I think the first and most obvious reason for this statement is, of course, the penalty which, as I recall it, is only five years or \$5,000. In respect of a man who has participated in a bombing, in an act of terror, in a kidnapping, or in that most brutal act of all, an assassination, it would be utterly and transparently ridiculous to charge anyone under that kind of measure. Naturally, he would be charged under the Criminal Code in which there is a reference to these acts of physical destruction, kidnapping or of murder.

What is then left? If there were a group of people who were plotting to overthrow the government by violent means they, too, would not be charged under this bill because this is a major crime. There is a provision for sedition and treason in the Criminal Code. So, we cannot include those masterminds who may be plotting to overthrow an established authority in this country.

Who then remains to be convicted under this measure? We have seen that one person was convicted because he confessed. Presumably, if some person had not committed some obvious act of crime or terror but admitted freely to being a member of such and such an organization, he might well be convicted. In other words, those people who might be convicted under this measure would be those who might convict themselves of membership in the organization.

What happens in a society during a period when there is great focus upon a particular crisis or a particular act of social unrest? Some people who are on the fringes of sanity, or on the fringes of the regular mainstream of