

### *Invoking of War Measures Act*

Section 9 of the regulations deals with arrests without warrant, and further provides that the arraignment and charge after arrest must take place within seven days, subject to the right of the provincial attorney general to extend that period for a further 21 days. This is a serious infringement of civil rights. Whether or not it is justified in the circumstances, again is something that only future disclosure of the grounds on which this decision was made by the government will permit people like myself, who do not have access to the full information, to judge.

• (7:10 p.m.)

Section 10 provides for search without warrant. I do not think anyone can take exception to that one in the circumstances. Section 11 deals with retention of evidence, and section 12 provides that regular criminal procedure applies to the prosecution of these people, except as specifically altered by the regulations. That is a saving provision and I think again that under the circumstances and, with the knowledge we have, it is one that can be fully supported.

The government has admitted that this proclamation of the War Measures Act has given it more power than is needed in the circumstances. But it has also taken the minimum possible amount of power under that statute. It is the only statute that it had available to it. Hon. members opposite have said, "You should have done something else." What else could have been done other than amend the Criminal Code, and how many hon. members opposite would have been prepared to agree to the type of amendments to the Criminal Code that would be necessary, and for the debate on them to take place in short order? How would they have been better prepared for such a debate than for this one in which they are asked to endorse the proclamation of the War Measures Act? How would they have known a great deal more about the facts of the case?

We have seen some considerable confusion on the other side of the House. Some people have said that we have given unlimited power to the Prime Minister. The hon. member for Red Deer (Mr. Thompson), and most of the other Conservative party speakers, have objected to the action on that ground. Members of the New Democratic Party read the act and the regulations more carefully, and said we are giving unlimited power to the provincial attorneys general.

Whatever it is, Mr. Speaker, I contend that we are not giving unlimited power to anyone, but this does not denigrate from the fact that a serious curtailment of civil rights is taking place. The hon. member for Coast Chilcotin (Mr. St. Pierre) complained to some extent about the work of the press. However bad it may be in his opinion, or in anybody else's opinion, I am glad that it is the press and not the Conservative party that is communicating to the public the situation under this particular act.

I would like to speak now along this same line on another subject. I have not always been entirely in sympathy with the various agencies for which the Secretary of State (Mr. Pelletier) reports to Parliament. Allegations were made by the leader of the Ralliement Créditiste

[Mr. Mahoney.]

and by others, in and out of this House—the hon. member for Sainte-Marie (Mr. Valade) also spoke on this subject—suggesting that the Canadian Broadcasting Corporation, and in particular its French language network, has in fact been harbouring people who have been active participants in the FLQ.

The Broadcasting Act passed by this House of Commons in 1968 provides among other things that the national broadcasting service, the CBC, should:

contribute to the development of national unity and provide for a continuing expression of Canadian identity;

I would be most reluctant to see any move taken in this House to give the government the opportunity of dictating to the Canadian Broadcasting Corporation. I think that the Secretary of State is regrettably stuck with the very unsatisfactory job of reporting to this House of Commons for a highly contentious organization, and really all he can do is report. It would be out of the question, it would be a more serious move in the long run than the government has taken in invoking the War Measures Act, to require that a political officer of this government should have any direction over the policies and affairs of the CBC.

The Canadian Broadcasting Corporation, Mr. Speaker, consists of a board of directors. The board of directors is composed of a president and 14 other directors appointed by the Governor in Council. These directors spend a great deal of time flying back and forth across the country in the first class sections of Air Canada aircraft. Perhaps instead of junketing off to Yellowknife as they did some time ago, and to Halifax within the last month, they might just sit down and appraise just what is going on in their corporation.

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

**Mr. Mahoney:** This is where the responsibility lies to see just what is happening in the CBC, without involving political officers, cabinet ministers in the government, in a situation in which the government has no right to be involved. If the board of directors of the CBC—I am challenging them today—will just look at what it is doing, and stop taking the snow-job they are getting from that high-priced bunch of assistant vice-presidents that they have over there—

**Mr. Bell:** What about the minister?

**Mr. Mahoney:** —then I think there is some hope that the CBC may return to fulfilling the objectives Parliament conceived for it in the Broadcasting Act.

The government has to govern. Another thing that has been largely forgotten in this debate by the people opposite is the fact that the government is accountable. The government has taken a very grave move. It will be accountable to the electorate for that move, not only for what it has done to date but for how it conducts itself as long as the War Measures Act is in force. I think I can assure this House that hon. members on this side, as well