

Public Order Act, 1970

Mr. Trudeau: I am not waving my arms. I say the hon. member is a phony.

Mr. Lewis: Mr. Speaker, the Prime Minister suggests that I am a phony.

Some hon. Members: Hear, hear!

Mr. Lewis: All I can say in return is that he is an expert to learn from.

Some hon. Members: Hear, hear!

Mr. Lewis: Every act of his since he has taken power and rejected and discarded every progressive idea he ever held shows precisely who is phony in this House and in this country.

Some hon. Members: Hear, hear!

An hon. Member: The people don't think so.

Mr. Lewis: He set out deliberately to create a state of panic and hysteria in this country.

Some hon. Members: Oh, oh!

Mr. Lewis: And he succeeded, Mr. Speaker. He succeeded in making many of the people in Canada feel that there was an army of people in Quebec that was about to spring not only on the government of that province but on the government of every other province and the government of Canada.

An hon. Member: Cut it out.

Mr. Lewis: There may be 50 or there may be 100 of these criminals in the province of Quebec; but there has been nothing more than a failure of all the police authorities to deal with this situation as they ought to have dealt with it.

An hon. Member: Who are these people?

Mr. Lewis: What the hon. member for Parry Sound-Muskoka said was absolutely right. I suggest to hon. members of the House that he spoke profoundly and sensibly when he said that since the criminal difficulty has receded, the time has come for us to act in such a way as to reduce the tension in this country, to reduce the tension in the province of Quebec and to reduce the tension between Quebec and the rest of Canada. We ought not to pass a measure such as this one which will merely continue the same hysteria, the same panic and the same arbitrary, regressive legislation that has been in force since October 16.

There are some improvements in this bill, of course, but in some ways the present legislation is worse than the law it replaces. When you keep hysteria like this going, you merely increase it and escalate it. The abuses which have already taken place will continue under this legislation, and there is no reason why we should permit legislation that makes it possible to continue those abuses.

• (9:10 p.m.)

As I said at the beginning of my remarks, my leader has stated our position so lucidly and forcefully that I need not deal with that any longer. After these few words of introduction I will deal with what I consider to be one of the most reprehensible parts of this bill, namely, the feature of retroactivity contained in clause 8. I therefore move, seconded by the hon. member for Timiskaming (Mr. Peters):

That Bill C-181 be not now read a third time but that it be referred back to the Committee of the Whole House for the purpose of reconsidering the retroactive aspects of clause 8 thereof.

There is nothing in this bill more reprehensible than the retroactive aspect of clause 8. The amendment seeks to remove from the bill the most objectionable feature of this legislation. Hon. members will recall I moved a similar amendment during the debate on clause 8 at the committee stage. It was negatived by 51 votes to 29. I am again moving this amendment to see whether our object can be achieved on third reading. It will at least give all members the opportunity to stand and be counted on this reprehensible part of the bill now before us.

Despite the effort, involvement and prestige of the administration, the majority of those who voted at the recent Liberal convention could not approve the retroactive feature of the legislation. According to newspaper reports, the resolution dealing with this was defeated by 471 votes to 331, with 219 undecided. A total of approximately 550 could not accept the retroactive feature of the legislation, as opposed to 471 in favour. At the Liberal convention this objectionable feature was rejected by a majority of the delegates.

Mr. Turner (Ottawa-Carleton): That is straining it a bit.

Mr. Lewis: It is not. It is perfectly clear that the 219 who were undecided were certainly not in favour of this feature of the legislation. If they are undecided, they are not in favour. Although the Minister of Justice (Mr. Turner) and other hon. members tried to persuade the delegates, the majority did not accept their position. The 219 undecided were against this feature or they would have voted in favour of it. I interpret it as merely a sense of loyalty to the smile of the Minister of Justice that prevented them from saying no. Therefore, they sat on the fence, an appropriate posture for a Liberal. None the less, they were not in favour.

I suggest the vote at the Liberal convention is further evidence of the instinct of Canadians to avoid that which is repugnant to fundamental rights. As I reminded the House during committee stage and as my leader stated on second reading of this bill, retroactivity has been condemned by the constitution of every civilized country that contains this kind of provision. It has been prohibited by an international agreement to which Canada is signatory and which Canada has ratified. Clause 8 is against the tradition of justice in this country, our obligations under the international agreement and what is accepted in every civilized country in this world.