

Invoking of War Measures Act

to answer to the people of this country for what they are doing now; but more so, I think, they will have to answer for what was not done for so long.

I heard the Minister of Labour (Mr. Mackasey) this morning, with his usual eloquence and sincerity, talk about some of the problems he has faced and the violations taking place around his home and office. Those are terrible. We have heard about these things for many, many months and years. One cannot help asking, not even the most charitable, why was so much allowed to happen without the state taking retribution by utilizing the powers of the police and the courts in their municipal, provincial and national emanations. The right hon. member for Prince Albert (Mr. Diefenbaker) yesterday, and my colleague for Red Deer today, catalogued, I think powerfully, masterfully and fairly the situation in respect of that particular aspect of the case. The public will ask, as it must, why this was not done. After this first operation is over, the public will have to know something more about the government's various operations in what I hope is the final phase of the crisis. This information must be forthcoming. There is a major responsibility on the government in this connection.

The Minister of Labour told us this morning to read between the lines of the letters from Montreal and Quebec City. I have done that and I have not been able to learn the answer. There is no denying that these regulations offer a panoply of powers. It is the essence of any constitutional democracy that any emergency action be limited as much as possible to that which stimulated the action, and that the suspension of normal constitutional procedures be limited as narrowly in time as possible. Just the opposite happens when governments take unto themselves a plenitude of powers and when there is a lengthy period of suspension of the normal course of constitutional processes.

● (4:50 p.m.)

Professor D. E. Smith, an authority who has studied the Canadian constitution, recently wrote an article in the *Canadian Historical Review*. I quote:

Constitutional governments cannot ignore this temporary concentration of power, for as long as it lasts it forms a threat to the constitutional order. It is essential, therefore, that the threat be removed as quickly as possible. And this can be best accomplished by establishing rules for the initiation and exercise of emergency powers. Emergency powers should be initiated only for the defence of constitutional government and they should be devoted solely to ending the crisis. Any other use of extraordinary powers by the executive would destroy the distinctive feature of constitutionalism—the restraint of arbitrary political power.

I hope that if this debate accomplishes anything, it will reinforce the urgency of finding these other measures and means which have been suggested by the Leader of the Opposition and spokesmen for other parties in reference to the provision of legislation which more narrowly and precisely, and just as effectively, accomplishes the ends. It will then not be necessary for Canadians to have their state, their country, their nation operate under this very drastic and extreme legislation designed for use on

[Mr. Macquarrie.]

the rarest possible occasions. I hope that something new will be found as soon as possible.

The indication which came from all parties would presage its rapid translation into legislation. The suggestion that we are debating the end as well as the means would no longer be an essential part of our operation. There are always uncertainties when the state leaders have to operate under emergency situations.

I was disturbed when I read an excellent editorial in this morning's *Globe and Mail*. I am not suggesting that the editorial disapproves of the action, but it does underline something. I quote from the editorial:

There is a more immediate responsibility—to make certain that the powers the Government has taken are not abused. That they are used only for the purpose stated, to combat those who would use violence to destroy our society. That they are not used to inhibit old enemies or hamper legitimate political opposition. We must be told who is arrested, when they are arrested, why they are arrested and when they will be tried and for what offences. We must be certain that every soldier on civil duty in Quebec is essential to public order.

If there is opportunity for wrongdoing, intentional or otherwise, then all guardians of freedom should be concerned. I was interested to read the report of the raid on the home of Dr. Lebel in Hull yesterday. One item that impressed me was, and I quote:

Police took Parti Quebecois literature from her room.

Wrong as I think the Party Quebecois is, surely they are not criminals for publishing these documents. This is the kind of danger that may arise.

Mr. Langlois: They also took the phone book. Come on, don't be silly.

Mr. Macquarrie: Pardon me, while I instruct this gentleman. The rule is when one wishes to address this House, he rises, gets acknowledgement from the Speaker and makes a speech.

Mr. Langlois: We all know that.

Mr. Macquarrie: Rudeness is never a substitute for ability. The fact that literature not of a terrorist nature was seized is something which should cause people to be concerned. Mistakes do happen. There may be people who do not have their instructions precise. This is why the continuation of such broad vehicles which permit mistakes is not something we should applaud. That is why we are suggesting these things be made more precise, direct and less restrictive. There are many questions.

I noted with interest the exchange between the hon. member for Calgary North (Mr. Woolliams) and the Minister of Justice (Mr. Turner). These questions will arise if this broad opportunity exists for long. The hon. member asked the minister, what about communists?

Some months ago I saw a most unsavoury group of people on the lawn of Parliament Hill. They were called Maoists. It strikes me that they would exactly fit the