

totally unnecessary to invoke to deal with the crisis. That is the fact. I would like to ask the Prime Minister, if the sheep on the other side would—

**Madam Speaker:** Order, please. The hon. member for Oshawa.

**Mr. Broadbent:** In order to assure Canadians that their rights will never again be unnecessarily suspended by arbitrary action, given the fact that any charter of rights will by nature only provide recourse to violations after they occur and the government's repeated commitments made over a number of years since the invocation of the War Measures Act, will the Prime Minister now assure the House either that amendments will be brought in this session to the present act, or that the government will do what it has promised, as I have indicated many times, which is to bring forward a new piece of legislation which could be used in emergency situations without such a complete violation in an unfair fashion of the rights of innocent people?

**Mr. Trudeau:** Madam Speaker, we would be anxious to do what the Leader of the New Democratic Party suggests, as we were anxious then, if we could have some agreement on every side of the House to amend the Criminal Code so that the police could be permitted, in cases of widespread violence as existed in October, 1970—

**An hon. Member:** Widespread?

**Mr. Trudeau:** Conservatives opposite shake their heads in incredulity when I talk of widespread violence.

**Mr. Baker (Nepean-Carleton):** We just read the reports.

**Mr. Trudeau:** There had been more than 100 violent acts over a period of several years, including raids on arsenals, including bombings, including derailments of trains—

**An hon. Member:** That has happened in the last couple of years too.

**Mr. Trudeau:** —including the whole downtown section of St. Catherine Street being torn apart, including murder and kidnappings. If this is not widespread—

**Madam Speaker:** Order, please. May I ask the Right Hon. Prime Minister to concentrate on answering the question of the hon. member—

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

**Madam Speaker:** —for Oshawa rather than questions thrown across the floor by other hon. members.

**Mr. Trudeau:** Madam Speaker, I point out that the question of the Leader of the New Democratic Party really establishes the very basic truth that every democratic country has certain exceptional measures to which it can have recourse in cases of widespread violence. In the case of Canada these exceptional measures are not provided for in the Criminal Code. It would

be our preference to have had them provided for in the Criminal Code—

**Mr. Broadbent:** You have had ten years.

**Mr. Trudeau:** —and to have that in the future. But I think the question should remind us that what the War Measures Act did was not bring in some sledge-hammer which hit every citizen in every province on every matter in this country. It only had the effect of bringing into operation a certain number of regulations which were the equivalent of any sensible amendment to the Criminal Code.

● (1440)

Therefore, this hallucination about the War Measures Act is often used to forget that we did nothing more under the War Measures Act than bring in certain exceptional measures which, I repeat, are used in practically every other democratic country.

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

**Mr. Broadbent:** Madam Speaker, most lawyers interested in civil liberties now concede that the Criminal Code was completely adequate to deal with the level of violence which, everyone agrees, and to be dealt with at the time. That is the point.

I should like to ask the Prime Minister quite seriously, because I would commit my party on the spot, whether he is saying that he would be interested in establishing an all-party committee which, on a priority basis this session, would look into a replacement for the War Measures Act. Because if that is what he is saying, he will have our support 100 per cent.

**Mr. Trudeau:** Madam Speaker, I am somewhat puzzled by the statement of the Leader of the NDP. He begins his question by saying that the Criminal Code, in the opinion of most experts, is enough. Why, then, is he asking for more?

**Mr. Broadbent:** It was enough in 1970.

\* \* \*

## PENITENTIARIES

DORCHESTER, N.B.—REQUEST FOR PUBLIC INQUIRY INTO HOSTAGE-TAKING INCIDENT

**Hon. Allan Lawrence (Durham-Northumberland):** Madam Speaker, in my question yesterday to the Solicitor General about the Dorchester tragedy I was only able to hint, due to source confidentiality, at the gross suppression of the facts in relation to the tragedy by both the penitentiary officials and the RCMP.

My question to the Solicitor General today is as follows. In view of the publication today of certain allegations by the brother of the dead guard that the two guards who were the hostages had in fact subdued the prisoners and were actually standing when the emergency task force broke into the wash-