

Government was threatening the lives of the hostages by refusing to meet the terrorists' demands. The lives of James Cross and Pierre Laporte were threatened by the terrorists and no one else. For its part, the Government could only go so far in yielding to terrorist demands. Otherwise, by providing encouragement, manpower and funds to the terrorists, it would have invited new waves of violence which would have put in jeopardy the lives of individuals in all walks of life. In the circumstances, the hazard to the lives of the hostages remained considerable. There also was a time-factor of unknown weight.

It was a time of crisis. Two men's lives hung in the balance. Threats of further kidnappings and violence were multiplying. No one knew whether or not another group was ready to pounce. Thousands of pounds of stolen dynamite were unaccounted for in the Province of Quebec. The atmosphere in Montreal was volatile in the extreme.

The city of Montreal and the Government of the Province of Quebec, so far unsuccessful in getting any real lead on the terrorists, fearing further kinds of violence and aware of the growing anxiety of their citizens, called upon the Federal Government to invoke the War Measures Act. This Act, as its title suggests; contains powers to which no democratic government would have recourse except in situations of the gravest emergency. It was, however, the only statute to which the Government could turn. Given its peaceful past, Canada had no public order act; to have drafted such an act and put it through the legislative process would have taken far too long.

In introducing in Parliament the regulations promulgated under the Act, the Government placed very precise limitations on the powers to be put into effect, and limited the period of effectiveness to six months. The Government also announced its intention to bring a more limited legislative measure before Parliament at the earliest possible date.

The regulations promulgated under the War Measures Act made membership in the FLQ, or any other such organization undertaking specific acts of violence against the state, illegal and gave to the law-enforcement authorities broader powers than those normally at their disposal, in two specific fields:

- (1) to enter upon premises, seize evidence and arrest persons without warrant;
- (2) to hold persons in custody without charge for periods longer than those provided for under the criminal law.

With these two exceptions, the rights of all Canadians, including those arrested and detained under the Act, remained unimpaired. Due process, as you say in this country, was observed. Charges had to be laid in accordance with normal procedures, trial to be by jury in the established criminal courts. The right to representation by counsel in trials under long-established rules of evidence and jurisprudence was unimpaired.

The Public Order (Temporary Measures) Act later adopted by Parliament is limited in application to the FLQ crisis. It reduces the periods during which persons can be detained without charge and expires on April 1, 1971,* unless specifically continued in force by Parliament.

* The Act duly expired on this date.