powers we were prepared to grant on a temporary basis along with the safeguards which we insisted should accompany any additional powers granted to the police authorities.

When the government introduced Bill C-181 which is now before us, we voted for second reading of that bill because we had committed ourselves to considering the request of the government for additional powers if the government could justify the need for more powers. I quote what I said in the House of Commons on November 4, as recorded at page 893 of *Hansard*:

> I think we have to question whether such restrictive legislation is required in a situation which the government itself contends no longer constitutes an insurrection. I think Parliament should grant the police the powers necessary to apprehend terrorists and kidnappers, but I do not think the government has shown us that it needs powers as wide and as repressive as those which are contained in this legislation.

At that time the members of my party said that we had serious misgivings about this legislation. We thought it was too arbitrary and too repressive. In our opinion, up to that time the government had not given any justification for declaring that public order in this country was in danger. Since we said we were prepared to consider the request of the government for additional powers which they felt were not contained in the Criminal Code, we allowed that legislation to come before the Committee of the Whole in order that in Committee we might get two things from the government—some justification for the declaration that public order was endangered and the more repressive and heinous sections of this bill removed or at least modified.

Every member of this House knows the result of the debate which took place in Committee of the Whole. The minister was completely adamant and inflexible. He refused to accept a single amendment presented by the opposition parties. The most reasonable requests were rejected out of hand. The government used its huge majority to smother every attempt to make this legislation less repressive and less objectionable. The result is that on third reading we have before us a measure which in the opinion of this party is completely unacceptable.

Some hon. Members: Hear, hear!

Mr. Douglas (Nanaimo-Cowichan-The Islands): It is unacceptable because the legislation goes far beyond the additional temporary powers to detain and search without warrant which we talked about at the time the War Measures Act was invoked. This legislation still retains the power to hold a person who has been arrested for 90 days before a date for trial is set. A person can not only be held for 90 days without bail, but if the trial is set some time in advance, bail can still be denied. An accused person could be detained for months before being given the opportunity to have his day in court and have the properly constituted authorities decide whether he is innocent or guilty.

• (9:30 p.m.)

The second feature of this bill to which we take strong exception is that it takes from the judiciary the right to grant bail and vests that power in the Attorneys General of the provinces. When an accused person asks for bail, the agent of the Attorney General is the prosecutor; he can give the court the reasons why in his opinion no bail should be granted. What the minister has done under this legislation is to make the Attorney General and his agent not only the prosecutor but also the judge and the jury; they have not only the right to argue against bail being granted but the right to deny bail no matter what the court might think.

In defending this indefensible piece of legislation the minister has trotted out a new doctrine of justice, that of political accountability. I say that this is the most dangerous and the most sinister doctrine I have ever heard outlined in this Chamber. The minister says the Attorney General, to whom this legislation gives the right to deny bail, is accountable. To whom? He is accountable to the legislature in which his colleagues have a majority. Mr. Speaker, that is not a great measure of accountability.

Second, the minister says the members of the legislature are accountable to the electorate. But what if the majority of the electors do not agree with the ideas of the accused? Is the fate of accused persons to be determined by a show of hands? Are we to have people's courts in this country as they have in mainland China? Are we going back to the days of the Roman mob when a man's fate depended on whether the crowd held their thumbs up or turned them down?

We in Canada have been proud that under our system of justice any individual, though the majority of the community might disagree with him, has the right to be tried before a competent court of jurisdiction, by due process of law. The minister now tells us that accused persons will be judged by a count of heads, a show of hands. If the minister's theory of political accountability is put into effect, what will happen to minorities? The measure of a country's system of justice does not depend on the rights granted to majorities. The measure of a nation's sensitivity to justice depends on the rights it grants to minorities—even to a minority of one.

Some hon. Members: Hear, hear!

Mr. Douglas (Nanaimo-Cowichan-The Islands): If we come to a point where the treatment of an accused person is determined by a political officer and is dependent on political accountability to elected members and the electorate, we have moved from the idea of the rights of a minority to a position in which we allow the majority to determine what happens to an accused. I say that the government, by this legislation, is substituting political justice administered by elected officers for judicial justice administered by persons who are free from political pressure and political influence.

Our third objection to this legislation relates to the retroactive feature in clause 8 which we say is abhorrent to all who believe in basic civil liberties. This clause states that mere presence at FLQ meetings some time in the past warrants a presumption of guilt and constitutes proof that an accused person is a member of the FLQ