

Private Members' Business

apologize for my English pronunciation, but I must read this poem in the language in which it was written by its author. In reference to those events, including his arrest, Mr. Godin wrote:

[English]

They followed me, they taped me
They spied on me, they tripped me
They broke in on me, they fell down on me
They hooked me, they trapped me

They arrested me without a warrant
without a reason, without a word, without a look
and they frisked my brain

They jailed me, they banned me, they exiled me
They laughed at me, they tried to destroy me

And there was a big silence around here then
There was a sort of continental silence
All my friends had left town

None of the usual talkers could find his words or his breath
None of the usual writers could find his pen or his ink

But still I am here tonight
and I'm gonna be here for a long long time
decades and decades after they'll have disappeared from here

I'll be hanging around
looking for justice, looking for peace
looking after my brothers and sisters

[Translation]

This is what Mr. Godin wrote following the October 1970 events, and I think we should all reflect on these words. Again, the purpose of this motion is to ask the federal government to apologize to the victims of illegal arrests, and provide financial compensation.

Mr. Raymond Bonin (Nickel Belt, Lib.): Mr. Speaker, it has been suggested that the House of Commons make an official apology to those who were incarcerated during the enforcement of the War Measures Act in the early seventies and that these people receive financial compensation. According to section 2 of the War Measures Act, the governor in council may issue a proclamation that real or apprehended insurrection exists, and this proclamation shall be conclusive evidence that apprehended insurrection has existed.

Once the proclamation was issued, the governor in council had the power to make orders and regulations to deal with the situation. As a number of members will recall, the provisions of the War Measures Act were invoked in October 1970, with the announcement that a state of apprehended insurrection existed in the Province of Quebec, in response to serious concerns expressed at the time by the Quebec Premier, Robert Bourassa, and the authorities of the city of Montreal.

In a letter to the Prime Minister of Canada, the Premier of Quebec used clear and direct language to describe the dangerous situation facing the provincial government. As he said: "The Quebec Government is convinced that such powers are necessary to meet the present emergency. Not only are two completely innocent men threatened with death, but we are also faced with

an attempt by a minority to destroy social order through criminal action".

• (1125)

According to commentator Denis Smith, in referring to the events of the fall of 1970: "During an interview televised on the CBC network, Robert Bourassa mentioned a five-step revolutionary program: demonstrations, explosions, kidnappings, selective assassinations and urban guerilla warfare. The first three having apparently been carried out, Mr. Bourassa was sufficiently convinced, on October 16, that the "program" was being systematically implemented to believe that exceptional measures was necessary. We may question the nature and the reliability of the evidence available to Mr. Bourassa, but there is no doubt that at the time, Mr. Bourassa felt it was conclusive".

Mr. Bourassa and the Montreal authorities felt the evidence was conclusive and, on that basis, the federal government proclaimed the existence of a state of apprehended insurrection, pursuant to section 2 of the War Measures Act. On the basis of that proclamation, the government passed the Public Order Regulations, 1970.

On October 16, 1970, during the debate following the tabling of the regulations in the House, the then Minister of Justice, the Right Hon. John Turner, gave his colleagues the following assurances: "The procedure by way of proclamation is found within the War Measures Act. This is a completely constitutional technique. Let me point out more particularly that the regulations were issued under powers granted to the Governor in Council by Parliament; so that the constitutional source of this enactment was, and is, Parliament itself".

The constitutionality of the procedure and of the War Measures Act was subsequently also recognized by the courts. In *Gagnon and Vallières vs. Regina*, the Quebec Court of Appeal found, as had all court decisions up to then, that, under the War Measures Act and the constitution as it existed at the time, no judicial control could be exercised over the evidence in support of the decision by the governor in council to declare that a state of insurrection was feared. This decision was the exclusive jurisdiction of the governor in council.

The Quebec Court of Appeal also implicitly recognized the considerable precedents confirming the constitutionality of the War Measures Act. The courts have always held that the law is a valid exercise of Parliament's authority to adopt legislation for peace, order and good government in Canada.

The government of the time made a value judgment, which it was legally and constitutionally entitled to make on the basis of information available at the time.

It must also be pointed out that the federal government got involved in the Quebec crisis at the express request of the Government of Quebec. Following the crisis, the Quebec ombudsman investigated complaints of unfair treatment made by a number of people involved in the matter. Some of the complainants were compensated. Others had their claims dismissed. In