

*National Security Measures*  
**GOVERNMENT ORDERS**

**NATIONAL SECURITY**

**APPOINTMENT OF SPECIAL JOINT COMMITTEE ON LEGISLATION TO DEAL WITH EMERGENCIES CAUSED BY LAWLESSNESS OR VIOLENCE**

**Hon. John N. Turner (for the President of the Privy Council)** moved:

That a Special Joint Committee of the Senate and House of Commons be appointed to examine, inquire into and report upon the nature and kind of legislation required to deal with emergencies that may arise from time to time in the future by reason of lawlessness or violence in Canadian society and that endanger the existence of government or the maintenance of the peace and public order;

That twelve members of the House of Commons, to be designated by the House at a later date, be members of the joint committee on the part of this House;

That the committee have power to sit during sittings and adjournments of the House;

That the committee have power to report from time to time, to send for persons, papers and records, and to print such papers and evidence from day to day as may be ordered by the committee;

And that a Message be sent to the Senate to acquaint Their Honours thereof.

He said: This resolution arises out of the tragic events of last October and the experience of the government of the Canadian people with respect to those events. The question which this House is being asked to place before the committee for report is the nature and kind of legislation required to prevent and to deal with emergencies precipitated by resort to lawlessness or violence which can reasonably be anticipated to arise in the future.

In October, 1970 the government of Canada, the government of the province of Quebec and the administration of the city of Montreal were faced with a crisis that culminated in kidnapping and violent death. It is not my intention to review the events of that crisis because I am certain that they have been inscribed indelibly in the minds of all hon. members. Much has been said about them both within this House and outside of it, and it is sufficient for me to recall that the government decided, very reluctantly, to invoke the provisions of the War Measures Act.

I have used the word "reluctantly" deliberately because we recognized last October and still recognize that that act, with its sweeping regulation-making authority, touching upon almost every conceivable aspect of our social structure, conferred more potential power on the executive than was needed to meet an October, 1970 type of crisis. We also recognized that power of this kind should not be given to the executive except under conditions of absolute necessity. It was in recognition of this that, as soon as possible, the government introduced the Public Order (Temporary Measures) Act, 1970 which, upon its enactment, restored the War Measures Act to its dormant state.

[*Translation*]

Even if the October events are now part of history, we must nevertheless consider the present state of our socie-

[Mr. Jerome.]

ty having regard to the lessons learned from those unfortunate events. We must study our society as it is now, when the impact of such events may increase or escalate because of our important and sophisticated means of communications heretofore unknown, but we must also be prepared to see things as they really are and, unfortunately, we are living at a time of confrontation where too many perhaps have embraced a philosophy which is based on violence and destruction. Their aim is not to ensure reforms or changes through democratic processes, but to destroy the established order and the social structures, in order to replace them with some form of totalitarianism. Such individuals do not hesitate to commit the most serious criminal offences. They have repeatedly done so, by resorting to burglary, bombing, arson, blackmail attempts on governments, kidnapping and even murder.

Hate, destruction and violence have been preached throughout the land and, although there were fewer and much less serious overt acts of disorder and violence outside Quebec than in that province, there is no guarantee, Mr. Speaker, that in future there will be no escalation in this field in other parts of Canada.

• (3:40 p.m.)

[*English*]

On the basis of Canadian history and Canadian experience over the past decade, and the existing social climate, it appears to the government that the events of last October and November cannot be relegated to the status of isolated aberrations unlikely to be repeated. While every responsible person must hope that there will be no repetition, there can be no assurance of this. Indeed, the government believes that some additional legislation is necessary to cope with those problems that may result in the future from disruption, intimidation and violence used as weapons of political action. Such legislation should be designed to permit a graduated response to emergencies that may arise. To the extent possible, response must be in direct proportion to the dimensions of the threat. The adequacy of our laws to meet future emergencies depends not only upon an analysis of those laws as implements of effective crime control but also upon a balanced assessment of whether they reflect the generally accepted and articulated values of our society—one of which is that they must not only facilitate the apprehension and prosecution of the lawbreaker but also that they must protect the innocent from unreasonable interference and harassment. A law that fails to reflect the articulated values of the social order to which it applies is a law that cannot and will not be enforced effectively.

The government is also fully aware that additional legislation in the field of criminal law, whatever form it might take, will not in itself provide definitive solutions to the problems I have been talking about. Indeed, if these problems are to be solved—and if society is to flourish, they must be solved—the primary solutions will be found outside the criminal law. Most of all, the solutions must be found in reforms that eradicate those