

Public Order Act, 1970

only to offences under the bill, and primarily to offences under clause 4 of the bill. Because of the nature of the FLQ, the nature of the association and the nature of the conspiracy, because this is an exceptional bill for a limited period of time and because the purpose of the bill is to root out the FLQ, it is the considered judgment of those whose advice I have sought, and it is advice which I support, that the exclusion ought to be maintained here.

I want to make it clear that the provision does not go to the mere fact of a husband and wife living together. That is not involved at all. It must be an act to prevent or inhibit the apprehension or trial or punishment of someone accused under this bill. That would mean that it would have to be something more than mere living together as husband and wife. That situation is not caught or involved unless there is an active participation in preventing the apprehension. I have considered the point raised by the hon. member for Matane and the hon. member for York South, and in ordinary times my instincts would run the same way. However, I am now suggesting to the committee that it should turn down the amendment.

[Translation]

While I have the floor, Mr. Chairman, as I stated previously, I had the French text of the bill revised and confirmed on several occasions.

The hon. member for Matane stated once again that in his opinion the translation was not accurate adding that he had compared the meaning of the word "trial" with that of the word "jugement". I have inquired of the chief translator and of two other lawyers of the Quebec Bar, both French-speaking and civilists. They stated that the word "jugement" is not taken here in the restricted sense of "décision judiciaire", but rather in the general sense of the action of judging, which is moreover the first meaning of "jugement" appearing in dictionaries.

The legal dictionary of Jéraute gives to the word "jugement" the same meaning as that of the English word "trial".

The hon. member for Matane certainly knows of several usual French expressions where the word "jugement" has the same meaning as the English word "trial". One may say, for instance, "passer en jugement", "le jugement d'un accusé", "poursuivre quelqu'un en jugement".

I have at hand the two versions given in the dictionary. The French-speaking legal advisers of our department are not only members of the Quebec Bar, but also specialists of the French language.

Mr. De Bané: May I ask a question of the Minister of Justice? Does he not consider it desirable that, in a same act, the same word not be translated in different ways? For example, in clause 5—

The Deputy Chairman: Order. I must tell the hon. member that, even if the Chair allowed the minister to clarify the word "jugement", it might be better, at this point, to make a decision with regard to the first amendment of the hon. member for Matane, this would then enable the House to vote on the second amendment of the hon. member, asking that the word "jugement" be

[Mr. Turner (Ottawa-Carleton).]

replaced by the word "procès". At that time, the debate could perhaps be more detailed.

So, if the hon. member for Matane wants to make a few comments, I would ask him to refer as little as possible to an amendment which will be dealt with later.

Mr. De Bané: Mr. Chairman, according to the hon. minister's reply I might be prepared to withdraw my amendment on the word "jugement". I wanted to ask him a question in order to expedite our proceedings and, according to his reply, I might withdraw the amendment and save the House's time.

The Deputy Chairman: I will point out to the hon. member that his amendment is not now before the House. I feel we should deal with the amendment on section 23 of the Criminal Code, after which the hon. member will be quite free to put his question to the hon. minister.

● (2:10 p.m.)

[English]

Mr. Lewis: I want to say a word in reply to what the minister has said. I am fully aware that we are dealing with an unusual situation. I know the minister, and I appreciate his sincerity when he says that normally his instincts would go in the same direction as ours. What concerns us here is the morality involved in making a wife turn her husband over to the police, which is, in effect, what this means. The exception to section 23 is based upon simple human morality, simple human relationships. It is nothing extraordinary. I cannot accept the minister's explanation.

I do not see that the purpose which this bill sets out to achieve would be harmed to such an extent as to justify excluding the exceptions which are in the Criminal Code in favour of a spouse. I do not see how the purposes of the bill would be so badly hurt that we should pass an act which says, in effect, to a wife or a husband: If your spouse is being chased by the police and comes into the home you are to forget your relationship as spouse and hand him over to the police, or lock the door in his face, or refuse to give him food. This is the kind of everyday thing which is involved in what we are now discussing. If the minister could persuade me that to omit this provision embodying the humane attitude of section 23 of the Criminal Code was absolutely essential in order to achieve the purposes of the bill it would be a different story, but I cannot for the life of me see how this is the case, and so I have to support the amendment of the hon. member for Matane.

Mr. McCleave: Like other hon. members, I have given anxious consideration to the amendment before us. There are really two considerations which have to be balanced in the scale. First, every means must be available of tracking down those involved in the FLQ conspiracy. Then, there arises an extremely valid social consideration with respect to husband and wife. Marriage is perhaps the strongest single element which contributes to society; great as the needs of the state may be, we should none the less have due regard for marriage. It is a balance of interests which is involved here, but in this instance I