

Public Order Act, 1970

● (9:00 p.m.)

Mr. Peters: There is nothing new in that.

Mr. Hogarth: Nobody wants to listen to the hon. member.

Mr. Deputy Speaker: Order, please. The Chair is experiencing some difficulty in following the hon. member's speech. I wonder if hon. members in the chamber would allow the hon. member for York South (Mr. Lewis) to conclude his remarks.

Some hon. Members: Hear, hear!

Mr. Lewis: Mr. Speaker, I do not mind interjections from the Liberal benches if they are even half intelligent. I can tolerate them then. May I remind hon. gentlemen opposite that whenever somebody interjected on an earlier occasion, they were all indignant at not being taken seriously; but apparently the defence of civil liberties is something they can laugh at. They are laughing at that this evening, as they have before.

Some hon. Members: Hear, hear!

Some hon. Members: Oh, oh!

Mr. Gibson: The hon. member knows better than that.

Mr. Lewis: We tried to bring in a number of amendments—

Mr. Gibson: The hon. member knows better than that.

Some hon. Members: Oh, oh!

Mr. Deputy Speaker: Order, please.

Mr. Lewis: I wish hon. members would not pay attention to the hon. member for Hamilton-Wentworth (Mr. Gibson). It is really such an awful waste of time and energy. As I was saying, Mr. Speaker, we tried during the committee stage of the bill to amend the law so that its most obnoxious aspect would be removed. We tried, for example, to persuade the minister to change part of clause 4 of the law so that it would be impossible to intimidate people and inhibit them from communicating information regarding the FLQ, something which journalists all over Quebec were worried about. They are inhibited in this matter today. The hon. member for Matane tried to suggest to the minister that in clause 5 ought to be incorporated provisions similar to those now contained in the Criminal Code, so that the right of a spouse, which under the Criminal Code is extended to the spouse of a kidnapper or murderer, would also be made available to the spouse of one who might be arrested, I suggest to you, for a much lesser offence, the offence of having participated in some meetings some years ago as set out in clause 8.

We tried to persuade the minister that the provisions of clause 7 with regard to bail ought to be a matter for the judiciary and that the power ought not to be given to

[Mr. Lewis.]

a political officer and, therefore, to the police forces of a province. My hon. friend, the hon. member for Broadview (Mr. Gilbert) asked the government to accept an amendment which was surely correct, right and just. It sought to provide that no one should be convicted of a crime under clause 8 unless when he attended a meeting of the FLQ many years ago he knew of the criminal aspects of the organization.

I tried to persuade the minister to remove the provision that a policeman may arrest people on mere suspicion and to replace it with reasonable and probable grounds for that suspicion. We emphasized the importance of this provision, because we were not talking in a vacuum; we were speaking with experience behind us, with the experience that 400 or so of the 450 people who had been arrested were released without charge. We had 400 innocent people incarcerated from between three and 21 days and then released without charge. Above all, we tried to persuade the government to establish some supervisory body. We moved such an amendment, as did the official opposition. We tried to persuade the government to allow Parliament to say that if ten members so signified with their signatures, this law could be terminated on a date prior to April 30, 1971.

I suggest to you, Mr. Speaker, that every one of the amendments to which I have alluded, and I remember those that we moved better than those the hon. member for Matane moved—many that he moved fell into exactly the same category as the amendments we moved—would have removed the most obnoxious parts of this bill and made the bill not a good bill, because it would still have interfered with civil liberties, but one that would have been confined merely to the powers that the police in the province of Quebec could reasonably desire and expect. They would have removed the excessive arbitrariness of that bill. But the minister sat there unmoved, adamant and intransigent.

I ask myself, why was that, Mr. Speaker? I can find only two reasons. The first is that there was some kind of order from the cabinet to the minister, an order given perhaps with the acquiescence of the Attorney General of Quebec, saying that there would not be a comma changed in this bill: it had to go through with every word and every comma just as originally drafted.

Some hon. Members: Shame!

Mr. Lewis: The second reason I can think of, Mr. Speaker, is that the minister and the government feared that if they reduced the severity and arbitrariness of this bill, they would be admitting that invoking the War Measures Act and the regulations under that act were clearly panic-stricken measures for which there was no excuse. Indeed, there was none then and there is much less now.

I say to this House, Mr. Speaker, that the hon. member for Parry Sound-Muskoka (Mr. Aiken) was entirely right in what he said this afternoon. We in this party have said on many occasions that the Prime Minister set out deliberately to create in Canada a state of panic and a state of hysteria. He deliberately set out to do that, and he can wave his arms all he likes.