

*Emergencies Act*

moment of such dire need as expressed by two individuals who happened to be at the same time not appointed individuals but elected individuals.

The argument was made by the Hon. Member for Spadina that the Mayor of Montreal was either not very popular, a tyrant or whatever, but the fact remains that he was an elected official. Evidently his request had to be considered within that light. The request was reinforced not in a vacuum but by the request of another elected official who happened to be the Premier of the province involved.

I submit to you, Mr. Speaker, that the combination of these two factors is pretty powerful and such that no executive at the federal level could take the request lightly, disregard or not accede to it.

The principle, of course, is one in which I believe. In a civilized society one has to protect individual rights and at the same time ensure that collective rights have their place and are respected. The two are not exclusive of each other but complementary. There are times in emergencies when collective rights of a society may have to be given precedence over individual rights, which is abhorrent for anyone who believes strongly in individual rights. Nevertheless, in certain circumstances you may have a situation like that emerging in a civilized society where a Government acts for the sake of the common good and for the sake of the collective good. In a way it is the mandate given by the population when it elects a Government.

There may be times when, with the benefit of hindsight, criticism arises for actions that were perhaps exaggerated far too strongly and perhaps not warranted by the circumstances. But in Montreal in 1970, two individuals had disappeared and neither the local authorities nor the provincial authorities were able to cope with the situation and they sought the help of the senior level Government. What would you do in that position, I ask, Mr. Speaker?

It is important that we come to grips with the principles embodied in Bill C-77. They are extremely important. I suppose a lot of thought and consideration was given by Members to this principle in committee. It is extremely important to ensure that there is no abuse by the executive power and that such instances do not occur in a civilized society like Canada, but that the past, particularly the situation in Montreal in 1970, be analysed through the optic of the responsibility that falls upon those who are in power, with the full knowledge and understanding of the intervention, massive as it may have been as a result of a request made by elected officials at both junior levels.

**Mr. Kilgour:** Mr. Speaker, I have great respect for the the Hon. Member for Davenport (Mr. Caccia) but I differ with him fundamentally. I will say why and then I will ask him for a comment.

I realize the Hon. Member is not a lawyer, but the Criminal Code contains plenty of search and seizure provisions which

could have dealt with the situation in October, 1970. I think most lawyers and historians now agree that that is the case.

The Member takes refuge in the fact that two people were kidnapped. Unfortunately people are kidnapped all too often and we do use the Criminal Code, the police and normal civil liberties to deal with such situations. The Hon. Member is saying, in effect, that the Mayor of Montreal and the Premier of Quebec at the time could make such a request, and therefore that made the action right. Probably the best argument we will hear today as to why we need Bill C-77 is because of the abuse that took place then. As well, because of the abuse that took place in 1942, we are now bringing in a new Bill, no thanks to the Government which my friends supported over many, many years.

I remind the Hon. Member that the Mayor of Vancouver also used the War Measures Act to arrest hippies on the beach in Vancouver. I think that there were more than 600 Quebecois who were arrested and held without charge and, in large measure, I put it to the Hon. Member from Davenport, that the election of a separatist Government in Quebec in 1976 was helped by this enormous abuse of power by the Liberal Cabinet of the day here in Ottawa. Of course it was a tragic and a difficult period, but to say that we should have suspended civil liberties in Canada for the kidnapping of two people is, in my respectful view, Sir, simply wrong.

**Mr. Caccia:** Mr. Speaker, briefly, in response to the Hon. Member for Strathcona (Mr. Kilgour), the key words in his question are that most lawyers now agree that sufficient remedies exist in criminal legislation. Yes, after the fact, with the benefit of hindsight, we can all look back and draw certain conclusions. But in the situation as it was being experienced at that time, even the legal community was divided on this issue. The decision was one that had to be made in the light of circumstances that had to be judged and assessed quickly, upon requests coming from junior levels of Government. Two persons had been kidnapped, had disappeared.

• (1630)

The Hon. Member for Edmonton—Strathcona may, in his value judgment, feel that the invocation of the War Measures Act in the circumstances which then existed was not warranted. Given that the local authorities seemed to be impotent in dealing with the matter, to me seemed sufficient reason to act.

Evidently, our value judgments differ—and it is probably something that has nothing to do with our politics. Nevertheless, it seems to me, in hindsight, that, in the lack of specific knowledge of the extent of the perceived insurrection, the invocation of the War Measures Act was warranted at the time of the October Crisis.

What other measure was available to the Mayor of Montreal and the Premier of Quebec? Their only recourse was to run to the senior level of Government, and evidently they had some reasons to do so. Their political judgment, in light of the circumstances at that time, prompted them to approach the