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Freeing James Cross

HOW SAFE CONDUCT FOR THE KIDNAPPERS WAS ARRANGED



When James Cross was kidnapped by the Liberation Cell of the Front de Libération du Québec on the early morning of October 5, the whole government was galvanized; and the agency immediately drawn into the middle of the maelstrom, Cross being a foreign diplomat, was the Department of External Affairs.

Within hours a Task Force was created which was to become the central non-police operation in the crisis. The Task Force encompassed many government departments but External Affairs provided the location and the head of the group—Claude Roquet, special assistant to the Under-Secretary of State for External Affairs and a man little known outside the Canadian government until he flew to Cuba with the kidnappers on December 3.

This is an interview with Mr. Roquet and Allen Rowe, a fellow officer of the Department.

The Laporte kidnapping is not discussed in this interview because of the impending trial.

The Cross kidnappers' demands, to recapitulate, were that police investigations be stopped, that 23 prisoners (political prisoners in the language of the FLQ) be released and moved to Cuba or Algeria,

that press and television publicity be given the FLQ manifesto, that a group of workers in Montreal be rehired, that \$500,000 ransom be paid, and that public disclosure be made about a police informer.

Mr. Roquet said that all of these demands did not seem to the Task Force to be of equal seriousness or importance. As soon as the demands were received, he said, there was a series of immediate consultations between Ottawa and Quebec at various levels leading to the position announced by Mitchell Sharp, the Secretary of State for External Affairs, in the House of Commons on October 6. Mr. Sharp then confirmed receipt of the FLQ note, summarized the seven conditions which it contained, declared them a wholly unreasonable set of demands, and went on to say that he hoped the FLQ would communicate further with the authorities.

At what point was work actually started on the safe conduct as a contingency?

It was felt from the start that a safe conduct for the kidnappers themselves would not be too difficult a problem. It could have been arranged very quickly. But one must remember that the

continued on page 2

kidnappers were talking about the release and safe conduct of prisoners who had been condemned by normal legal processes not for their opinions but for crimes. Their release was certainly not in the cards. When planning for a safe conduct, what we were prepared to think about was the possibility of transport out of Canada for the kidnappers themselves.

Soon after the initial communique became public knowledge, the governments of Cuba and Algeria were advised, as a matter of courtesy, that their countries had been mentioned in these communiqués; from that point onward we kept in touch with the two governments.

At the outset we naturally concentrated our effort on what to make of the set of unacceptable demands which confronted us. The governments of Canada and of Quebec tried to decide to what extent these people could be influenced, what could be done to keep them from killing. The first stage was one where the main concern of the government was to keep a dialogue going while the situation was being assessed and work was proceeding.

Hence the broadcast of the manifesto as requested by the kidnappers and the offer of talks.

On October 10 when Mr. Choquette [Quebec Minister of Justice] outlined more fully the official position, he indicated among other things that the kidnappers would receive safe conduct in exchange for the release of Mr. Cross.

How were you able to feel the mood of the kidnappers?

There was a good deal of effort made to analyze very closely everything that came from them. There were signs in several of their communiqués that the so-called "Liberation Cell" was in no rush to kill Mr. Cross. The government had already made certain gestures, such as broadcasting what the kidnappers called the manifesto. Deadlines put on Mr. Cross' life passed without mishap and gradually one saw that these people might wish to take advantage of an opportunity to get out of the predicament they had created for themselves. Some of their conditions were soon toned down; for instance they declared that they would not kill for the sake of dollars. There was sufficient difference between the various communiqués to enable us to think that the situation was still fluid and that the kidnappers were not necessarily as unyielding as they had made out in the beginning.

Can you go into some detail on the safe conduct arrangements?

The only discussion we ever had with the Cubans and Algerians concerned safe conduct arrangements for the abductors. There was never any question

in our minds of their receiving prisoners.

For various practical reasons (geographical distance, presence of a Cuban Consulate in Montreal and of a resident Canadian mission in Havana), it was decided that these arrangements should be made with Cuba. We made a request that Cuba assist us for humanitarian reasons, and the Cuban government agreed. The safe conduct offer was then formulated in consultation with the Cubans.

Planning and implementation of the safe conduct involved complex consultations among federal and Quebec government authorities, Cuban representatives, the police forces and also the armed forces which provided transport facilities. There were rehearsals by the government personnel involved to ensure that the procedure worked out for the safe conduct would unfold without incident. The thoroughness and intensity of these consultations (including those with the Cubans) made it possible for the safe conduct to be effected as

smoothly as it was. Although it is not necessary to repeat all the facts that are already public knowledge about these events, one should not forget the major role played by the lawyer Robert Demers, who, consulting with all the authorities concerned, managed to secure the kidnappers' acceptance of the safe conduct procedure.

Safe conduct was offered in general terms on the 10th. The offer was repeated by Mr.

Bourassa [Prime Minister of Quebec] in his statement of October 15, which included a specific reference to Cuba. In commenting on the offer on October 16, Prime Minister Trudeau said "by offering the kidnappers safe exit from Canada we removed from them any possible motivation for murdering their hostages." A detailed description of the safe conduct arrangements was broadcast repeatedly on the 17th, before the death of Mr. Laporte. Even after the death of Mr. Laporte, Quebec sources promptly confirmed that the safe conduct was still available to the kidnappers of Mr. Cross. The object was to make sure that the kidnappers not only would know that this had been formally offered by the authorities, but that they would also be aware of all the mechanics of it, so they could assess the fairness of the proposal and know exactly how to proceed.

There is no doubt that the kidnappers received all this information immediately. They knew that the arrangements had been organized around the cooperation of the Cuban government. The Quebec and Canadian authorities early decided that it was essential not simply to make a vague offer of safe conduct but to be very concrete and even dramatic—to hold out to the kidnappers something which they could clearly visualize. The device of

"There were signs that the so-called Liberation Cell was in no rush to kill Mr. Cross."

consular immunity was deliberately designed to provide for a kind of neutral ground. The site of Expo 67 had been chosen for the temporary extension of the Cuban Consulate to assure these people also that they would be coming to a wide-open space, an area that was familiar to them.

The arrangements for clearing and protecting the site were made known. The fact that aircraft were standing by was publicized for several weeks. It was obvious that everything was ready if only the kidnapers would come forward.

In the end, as you know, the kidnapers did not give themselves up voluntarily. They were discovered by the police. The safe conduct was offered to them in order to avoid a shoot-out and to ensure that Mr. Cross would not be injured.

It was stated clearly right from the start that they could keep their weapons and their hostages—in other words, maintain their own bargaining power all the way until they were in the hands of the Cuban representatives. A further guarantee was that the hostages would not be turned over by them directly to the Canadian authorities. They themselves would not surrender to the Canadian authorities but to the Cuban authorities. The hostages would not be released until the kidnapers had reached Cuba.

Was there a contingency plan for what would happen to the hostages if the kidnapers did not make it? Were they told what would happen to Mr. Cross if they did not reach Cuba?

In other words, if they had been seized by the Canadian authorities, or something like that?

Their principal guarantee was that any such development would have caused an international scandal of major proportions. The Canadian government, in effect, was putting itself deliberately in a situation where any double-cross would have been quite an intolerable development. We had built a situation where we were compelled to stick to our bargain, precisely because we intended to do so. We had no other wish than to abide scrupulously by every detail of these arrangements. This is what happened.

The mechanism for safe conduct in this case was different, to my knowledge, from anything that has happened in any other country. There have been kidnappings elsewhere. People have been released from prison and shipped abroad, and the victims subsequently released. That kind of operation is relatively simple because the kidnapers themselves do not feel trapped. They are not apprehended. They continue to hold their hostage. The local government in that type of situation merely tries to protect itself from any double-crossing. For instance, it arranges for prisoners to

be sent out of the country and put in the hands of an impartial third party, say the government of 'X'. Once the prisoners are there, they await the release of the hostage. When he is released the government of 'X' proceeds to send the prisoners on to 'Y', their final destination. If the hostage is not released, the government of 'X' presumably returns these people to their country of origin, in accordance with prior undertakings. In our case, we had to devise a system whereby the kidnapers would come forward of their own free will and release their hostage before they had attained safe haven abroad. It was quite tricky.

The kidnapers obviously expected that the Canadian government would play fair. The way they behaved when they arrived at Terre Des Hommes, the way they behaved during the trip was not suspicious. They obviously thought the mechanism provided quite reasonable assurance.

There was never any problem in the fact that Canadian officials would accompany them?

No, because, first, they were accompanied by the Cuban representative who had received them at Man and His World. Secondly, they seemed to find it quite natural for Canadian officials to accompany them. After all, we had to satisfy ourselves that the arrangements were complied with. There was no surprise, no resistance.

Can you describe the flight?

Did you talk with the kidnapers during the trip?

The flight itself was in a Canadian aircraft manned by Canadian personnel. The atmosphere was quite relaxed, quiet, and subdued. There was no unpleasantness. We spoke with the kidnapers, who seemed to react quite well to our presence. The Canadian government had made available a doctor on the flight—one of the women was expecting a child at almost any moment.

What is the status of the Task Force now?

The officers who comprised it have now returned to their regular duties and the operations center has resumed its normal function. There may, incidentally, have been some misconceptions among people about how the center in fact did carry out its activities—that the electronic gear we had at our disposal may have constituted a super electronic brain thinking out our whole plan. Nothing could be further from the truth. What the center's equipment did do mainly was to serve as a mechanism for accelerating the flow of information, sorting it out, and enabling a group of people from various departments and agencies to consider situations methodically. In the end all the thinking was done by people, in the same way that the kidnapping and, unfortunately, the killing had been done by people.

"The kidnapers obviously expected that the Canadian Government would play fair."

Hope You're Not—But If You Are

[A SURVEY OF HOW VICTIMS OF CRIME ARE PAID IN CANADA]

Part of the common law in Canada has always been that a person has the right to bring civil action against anyone who intentionally attacks or injures him. But for a victim of crime that's usually hollow comfort, since the offenders often can't be found or are in jail and broke. If money can assuage the hurt, the only place it's likely to come from is the state.

This concept has long been talked about, and in some places put to practice. New Zealand has paid victims since 1963, Great Britain since 1964, and in the late sixties several of the United States started plans which compensate victims of some crimes. In the 91st U.S. Congress, just passed, Senator Yarborough of Texas introduced Federal legislation to compensate victims of violent crimes, but it wasn't passed into law.

Today in Canada, crime victims in the provinces of Alberta, Newfoundland, Ontario, and Saskatchewan are paid for their woes, and Quebec may be added soon.

Saskatchewan was the first and has been more or less the model for the other provinces. It patterned its own Crime Injuries Compensation Act of 1967 basically on New Zealand's, though it added compensation for people hurt while keeping the peace or helping lawmen.

It pays for pain and suffering or death, and for monetary loss due to an attack—such as lost eyeglasses, medical costs not otherwise covered, loss of work, and so on. It doesn't pay for property lost through crime—none of the provinces do.

As in all the provinces, payments are made through an appointed crime compensation board, whose decision is final. On the three member Saskatchewan board are a lawyer, a farmer, and a housewife, who travel about the huge province holding hearings—usually open to the public and relatively informal, though all legal rights are protected, which includes cross examination.

The role of the boards is to decide whether there has been a crime and what the recompense should

be. For their purpose an incident may be called a crime even though the offender is "legally incapable of forming a criminal intent," such as a legally insane person. In Saskatchewan there's no legal limit to what the board can pay, but considering what you might expect to receive for a grievous assault, they haven't paid much. Any payment over \$1,500 has to be approved by the provincial cabinet, and few claims have gone there.

Ontario soon followed Saskatchewan, but its Law Enforcement Compensation Act, also passed in 1967, only compensated people killed or injured while assisting a police officer or trying to keep the peace themselves. The first application was from the family of a cab driver named Larry Botrie, shot as he left his cab to call police. The board turned down the Botries, saying he wasn't actually assisting a police officer, but the public reaction moved the government to amend the statute — more along the lines of Saskatchewan—and the board subsequently awarded Botrie's mother \$100 a year for life, and his brother \$1,000 for funeral expenses and \$350 for legal fees.

Ontario is much more populous than Saskatchewan, and the latest figures indicate that there are over 30,000 crimes of violence a year there (including attempted assaults), so the board appears less busy than might be expected. By the end of 1970 the board had received only about 1,300 applications in all, had passed on 100 of them, and had made 94 awards. They averaged about

\$2,000 a year, including one \$10,000 payment—the highest lump sum payment permitted in Ontario, though pension-type awards may total more.

There may be several reasons for the seemingly low use of the law by eligible victims. A study of the system made by Professor Allen Linden of the Osgoode Hall Law School in Toronto said that some victims decide against seeking compensation because they think the amount of money involved is too small, or they don't want anything more to do with the incident.

The *Toronto Globe and Mail* recently did an article saying it is also likely that many citizens don't know about the law. The Ontario government does not publicize it, and the board's only report to date had a small distribution. But the board does ask judges and crown attorneys to tell victims of their right to compensation, the paper said.

The cast of the Ontario board is a little different than the Saskatchewan board. It has five members. The chairman, Judge Colin Bennett, is the province's chief county court judge. The vice chairman is chairman of the Ontario Police Commission. The other members are a clothing manufacturer and two retired county court judges.

In the past, neither the Saskatchewan nor Ontario boards have actually investigated incidents themselves. The Attorney General's office in Regina says they don't anticipate the need to, but Ontario suspects it has been getting some one-sided stories, and is hiring an investigator. Already it has reduced pay-

ments because it felt the applicant had been partly to blame for the attack.

Alberta passed its law in October, 1969, and to date has handed down some 30 decisions, the Attorney General's office says. Twenty-two of the decisions resulted in payments totaling about \$50,000. Half of that was paid to a man who was beaten and his leg amputated after helping a woman being attacked.

Alberta's law is much the same as the others. It pays up to \$10,000 for physical disability or disfigurement and pain and suffering, and compensates victims for expenses, financial loss, maintenance of children born of rape, and other losses due to injury.

Newfoundland's law has been on the books since the spring of 1968, but its first use is soon to come. Two claims were made recently, and a board will shortly go into business.

As in all the provinces, Newfoundland's law was not passed because of any great public demand for it. "It just seemed a proper thing for government to do for its people," says Attorney General L. R. Curtis.

British Columbia, too, has a crime compensation law on the books, but it leaves the workings up to municipalities, and, according to the Attorney General's office in Victoria, none to date have made any start.

Quebec does not have a crime compensation law, but it may soon. After a bill was introduced in the Quebec national assembly in December to pay Mrs. Pierre Laporte an annual pension of \$16,000, the premier of Quebec, Mr. Bourassa, said the government is considering legislation to compensate all victims of crime in the province.

For More Information: For public officials, scholars, journalists, or anyone wanting more detailed information, the Embassy Office of Information in Washington has a limited number of copies of the crime compensation laws of Saskatchewan, Ontario, Alberta, and Newfoundland. Write to Canada Today/D'Aujourd'hui at the address on page 8.



ILLUSTRATION: PAUL HOFFMASTER

Canadian English: It's a Little Different, Eh?

On the eve of the first World War, Rupert Brooke recorded in his travel diary that "what Ottawa leaves in the mind . . . is the rather lovely sound of the soft Canadian accent in the streets." Today, over the sound of the traffic, the visitor might notice that *Ottawa* is often pronounced *Oddawa*, and that the city's most famous hotel is known, phonetically at least, as the *Shadow*. Were he armed with Mark M. Orkin's *Speaking Canadian English* (General Publishing; \$7.95), the tourist would learn that the habit of replacing *t* with *d* is a widespread North American linguistic development, and one of the many instances of American speech patterns influencing Canadian English.

Orkin, a Toronto lawyer, is a Canadian version of *Pygmalion's* Henry Higgins—a man obsessed by the uses, abuses and nuances of language. In an earlier book he chronicled the troubled history of Canadian French. Now he gives an equally learned and lively account of Canadian English, a variant of the language that is as interesting as it is ignored.

As Orkin shows, the most common attitude of English Canadians to their tongue is one of indifference. Until World War II, research into Canadian English was almost nonexistent, with the result that the bloodlines of the language are extremely obscure. The most popular myth about the evolution of Canadian English, promulgated by schoolmarm and Anglophiles, is the contamination theory. In this version, the settlers of pre-Confederation Canada spoke a pristine British English, a noble tongue that was gradually sullied by contact with American English. In fact, the influence may have worked the other way around.

By the time of Confederation, half of Canada's population was of British descent, but there is very little evidence that everyone went around talking like Queen Victoria. Today, the stock joke is that a Canadian is someone who is mistaken for an Englishman in the States and an American in England. Even so, says Orkin, "A Canadian speaker when he is being himself undoubtedly sounds more like an American than he does an Englishman."

In his everyday speech, the average Canadian treads an uncertain, arbitrary and sometimes self-contradictory path between British and American usage. At school, he will probably be taught to spell like an Englishman, but his newspapers will often as not use American spellings. His daily vocabulary will verge on the schizophrenic. In general, the Canadian prefers the American *billboard*, *editorial*, *gas* and *muffler*, instead of the British *hoarding*, *leader*, *petrol* and *silencer*; at the same time, he favors the British *blinds*, *porridge*

and *tap* over the American *shades*, *oatmeal* and *faucet*. Sometimes the Canadian will embrace both usages, using *clothes pegs* as well as *clothes pins*, carrying out both *rubbish* and *garbage*, receiving either a *parcel* or a *package*, wearing *overshoes* and *galoshes*, retiring either to the *lavatory* or the *toilet* and getting away from it all by taking either a *holiday* or a *vacation*.

Pronunciation is even trickier. The CBC, as the guardian of national cultural values, has leaned toward Britain even in those cases where most Canadians may look southward. Thus the network's *Handbook for Announcers* admonished them to say *shed-yule* for *sked-yule*, *clark* for *clerk*, *tomahto* for *tomayto* and to rhyme *missile* with *Nile* not *thistle*. One English pronunciation that is favored by the majority is the bugle *u* in *Tuesday*, *tune*, *stupid*. Occasionally there are pronunciations that are a typically Canadian compromise. *Khaki*, for example, is pronounced *kakkee* in the U.S., *kahkee* in England—and *karkee* in Canada.

Canadian English does have its own coinages. Not surprisingly, many of these are connected with the outdoors—*muskeg*, *splake*, *goldeye* and *caribou*. There are also some delightfully evocative regional terms: in Labrador, *childbirth* was once called a *puffup*, while there is no more apt way of describing small boys than the Newfoundland *pucklins*. It is to Canada's credit that, unlike American English, it is not rich in acronyms, or derivative names for racial groups. Nor does the list of unusable expressions in parliamentary Canadian English show much oburgatory inventiveness on the part of Canadians. Australia has banned "a miserable body-snatcher" and "my winey friend." The Legislative Assembly of Uttar Pradesh forbids "mulish tactics" and "sucking the bones of the poor." Ottawa proscribes such weak innuendo as "absolutely unfair" and "he ceases to act as a gentleman."

In looking at the future of Canadian English, Orkin foresees an increasing trend toward Americanization. Yet, he says, with the renewed flowering of Canadian letters and a greater public awareness of the origins and resources of Canadian English, it may well stay different. One Canadianism will never disappear—the characteristic, interrogative *eh?* So entrenched has this become in Canadian speechways that border officials have come to regard it as a pretty good way to spot a Canadian.

This article, written by Geoffrey James, is reprinted from the January 4, 1971 issue of Time Canada. Copyright 1970 Time Canada.

ARNOLD HEENEY

1902-1970

Arnold Heenev, twice Canadian Ambassador to the United States and since 1962 Chairman of the Canadian section of the International Joint Commission, died at his home in Ottawa on December 20, 1970.

Although he had known of his impending death for more than a year, he continued to serve as long as his health permitted on both the U.S.-Canada Permanent Joint Board on Defense and on the International Joint Commission, which regulates boundary and international waters matters between the two countries. One of his last official acts was to issue a comprehensive report on pollution in the lower Great Lakes. He also found time to complete the first draft of his memoirs.

In a tribute to Mr. Heenev, Prime Minister Trudeau said that with his death, "Canada has lost one of her most talented citizens—one who in a single lifetime



contributed the equivalent of several full careers."

A lawyer, Mr. Heenev was appointed secretary to the then Canadian Prime Minister Mackenzie King in 1938, and subsequently held a series of senior public servant positions, including that of Ambassador to NATO.

He was Ambassador to Washington from 1953 to 1957, and again from 1959 to 1962.

In 1965, he and former U.S. Ambassador to Canada, Livingston Merchant, made a landmark study of U.S.-Canadian relations, which recommended that the two countries play down differences and seek wherever possible a common position on questions of foreign affairs.

He leaves his wife, Margaret; a son, The Reverend Brian Heenev, of Edmonton; and a daughter, Mrs. Patricia Jane Kasirer, of Montreal.

PHOTO: MILLER OF WASHINGTON

A Flourish of Reports

Several illuminating studies on the Canadian scene were released in the last weeks of 1970 by the government, Senate committees, and a royal commission.

They deal with the press, science, income security, and the status of women; and future issues of *Canada Today/D'Aujourd'hui* will treat them at greater length. The February issue, for example, will contain a several page review of the frank, half-million word report called *Mass Media*, issued by the Special Senate Committee on Mass Media.

If you'd like the complete reports, you can get them from Information Canada, 171 Slater Street,

Ottawa, Ontario, Canada. Ask for:

Mass Media. Chairman: Senator Keith Davey. Three volumes for \$13.50.

A Science Policy for Canada. By the Special Senate Committee on Science Policy, chaired by Senator Maurice Lamontagne. \$3.50.

White Paper on Income Security. Chaired by the Honorable John Munro, Minister of National Health and Welfare. Free.

Report of the Royal Commission on the Status of Women in Canada. Chairwoman: Miss Anne Francis. \$4.50.

Clean Car

The car is Miss Purity, and she goes a long way towards being a true "clean air car." Built in four months last year at the University of Toronto as the university's entry in the M.I.T./Caltech transcontinental clean air car race, she was a co-winner in her class—the electro-propane hybrids, which means she has four modes of operation:

—A basic internal combustion engine (a Chevrolet 302-cubic-inch V-8) converted to use propane fuel, for country driving;

—An all-electric system, for limited no-pollution city driving;

—A series-hybrid electric, for low power but unlimited distance with minimum pollution; and

—A powerful parallel-hybrid which uses the electric system to smooth out power peaks.

A solid state logic system, using the accelerator pedal only, chooses the best operating mode.

Miss Purity cost \$40,000 to make, with all the design and construction done by professors and students at the university's Faculty of Applied Science and Engineering.

It appears she'll stay on the road and possibly have progeny: the faculty has just received an \$11,000 gift as a start in keeping the research project going. Professor I. W. Smith, of the mechanical engineering faculty and a key member of the design team, is head of the new project planning committee. He says its aim will be a low-pollution vehicle suited to a typical Canadian operating situation, adding that an additional \$100,000 or more will

be needed to continue the work.

For more detailed technical information, write Professor Smith, the Cockburn Unit in Engineering Design, Faculty of Applied Science and Engineering, University of Toronto, Toronto, Canada.



The Status of the Public Order Act

[As of the Press Deadline of This Publication]

On November 2, 1970 Justice Minister John N. Turner introduced in the House of Commons a Public Order (Temporary Measures) Act, 1970 to replace the War Measures Act. Parliament passed it on December 3.

While not directed at any geographic area of Canada, the provisions of the Act are restricted to controlling the activities of the Front de Libération du Québec or any other organization that advocates use of force or the commission of crime to bring about governmental change within Canada with respect to the Province of Quebec or its relationship to Canada. It expires on April 30, 1971, though it could be terminated by proclamation earlier than that.

On January 4, 1971, Prime Minister Trudeau met with eight prominent Quebecers seeking repeal of the act. Following that meeting he told the press there would be no repeal without a request from Quebec. He said he and Quebec Premier Bourassa had discussed repeal before Christmas and again that very morning (January 4) "at great length."

"The dilemma," the Prime Minister added, "is that if we were to repeal the Temporary Measures Act, say next week, and if some new crisis arose

in Quebec next month, we would still have nothing to deal with it."

On January 6 the Quebec Government formally decided not to request repeal of the Public Order Act. Premier Bourassa, following the Cabinet meeting, said the act would remain; but enforcement would be relaxed:

"The risk . . . is too great for us to ask immediate repeal of the law. Instead, the government will recommend to the police that they return to the use of normal procedures except in exceptional cases."

On January 11 Acting Prime Minister Mitchell Sharp told the House of Commons that the government does not intend to withdraw the Public Order Act at present. He said that the matter of more permanent

ways to deal with civil emergencies will be brought before parliament in the near future, echoing the Prime Minister who earlier said:

". . . we are committed to bring before parliament this subject of an intermediary measure between the War Measures Act and the Criminal Code. Certainly well before April we will have seized parliament of that problem and hopefully found the solution."



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