
Submissions To : The Government of Canada

Re : The Public Order (Temporary Measures) Act

From : The Canadian Civil Liberties Association

per Eamon Park

Chairman of the Board

A. Alan Borovoy

General Counsel

November 7, 1970.

The crisis of conscience continues. The Canadian people seek, at the earliest possible moment, an end to terror and a return to civil liberties. The new Public Order (Temporary Measures) Act represents the latest Government attempt to satisfy both objectives.

The Canadian Civil Liberties Association feels that the new Act is not adequate to the task. As a force against terror, its need is not demonstrated. As a step back to freedom, its role is quite limited.

We understand Parliament's desire to rid Canada as quickly as possible of the awesome War Measures Act.

However, once the new legislation replaces the old, it too must be subjected to public criticism. Although milder than the Regulation under the War Measures Act, it, nevertheless, perpetuates the same dangers.

1. A person can still be jailed for five years for mere membership in (whatever this means) or other support of the FLO without any evidence that he perpetrated, participated in, plotted or even considered a terrorist act.
2. A person can still be punished for mere attendance at past FLO meetings.
3. A person can still be arrested without warrant and detained for substantial periods without charge or bail, all on mere suspicion.
4. Property can still be seized on mere suspicion, without warrant and kept for substantial periods without a hearing.

The Prime Minister has told Parliament and the public that he has already disclosed all of the facts necessary to justify the Government's action. Clearly, however, these facts, though sufficient to justify more vigorous law enforcement, do not constitute the " clear and present danger " which democracies have traditionally required in order to invoke extraordinary powers.

On the basis of what, then, can we justify the risks that we have taken and are continuing to take with the civil liberties of innocent people ?

In Quebec, hundreds of people have been arrested and imprisoned without charge. Even outside beleaguered Quebec, we have seen press censorship in Guelph and Halifax, threats against hippies in Vancouver, a house raid against a member of the peace movement in Ottawa, and the intimidation of teachers in British Columbia. Despite the statement of limited Government intentions, nothing in the new Act provides a sufficient safeguard against a continuation of these abuses.

Facts not faith are the necessary condition for the surrender, even temporarily, of fundamental human rights. In view of the Government's failure to demonstrate, even with a broad outline of the facts, that we are facing a clear and present danger, the Canadian Civil Liberties Association respectfully requests the revocation of all the emergency powers currently in effect.

We request also that the War Measures Act, itself, and any permanent legislation which the Government is planning to introduce on this subject be referred to a Parliamentary Committee for review and examination. The proper balance between social order and personal freedom is the most vital issue in democratic society. The entire society should be encouraged to participate in the process.

Respectfully submitted

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