

## **Comments by T. C. Douglas, Leader of the New Democratic Party, On the War Measures Act.**

### **1. Comments made on the National network of Television (CBC), October 16, 1970**

If the day ever comes in Canada that a group of individuals can dictate to the legitimate government, then we're on our way to anarchy and chaos. We have supported the government in its attempts to negotiate with the kidnapers without acceding to their demands in the hopes that Mr. Cross and Mr. Laporte can be released to their families unharmed.

We've supported the government in bringing in troops where they thought the police forces needed additional assistance but now we have come to a serious difference of opinion.

The government believes, that civil disturbances and sabotage can be anticipated on a very large scale. We have said to the government that if this is true -if the government hasn't got the necessary peace power to deal with the situation then the proper approach is to come to Parliament to ask for additional power.

As a matter of fact, the government hasn't been using all the powers it has now. Under the Criminal Code it has very sweeping powers to deal with treason and conspiracy and seditious intent. But the government feels that police need more power.

We contend that if the government needs more power, then, in a democracy, the proper thing to do is to come to Parliament and ask Parliament to clothe government with sufficient authority to cope with a serious situation. But the government hasn't done this. The government has taken the unprecedented action of proclaiming the War Measures Act.

This is the first time in the history of Canada this has been done in peace time. Few people realise what's involved in proclaiming this act. This means that the constitution of Canada is suspended, that all legislation is set aside, that the government now, by order-in-council, can do anything that it chooses to do could levy taxes, spend money, can deport people, can intern people, close newspapers, can impose censorship.

I'm not saying that the government is going to do all these things. But I am saying that it is dangerous to take these tremendous powers in order to deal with a situation that could be dealt with very easily, namely by bringing into the House of Commons a bill to amend the Criminal Code, giving the powers to search without warrant and whatever other powers it needs to cope with the situation in the City of Montreal.

I am opposed to the FLQ and any other organization that seeks to bring about social change by violence and force. I'm in favor of social change, but I think social change has to be brought about by democratic means.

But we are not going to defend democracy by having the government bypass Parliament and refuse to use the democratic means which it has at hand. If we want to demonstrate that democracy is more effective than violence, then, surely, we should be using the democratic procedures instead of that the government has taken under the sweeping War Measures Act.

It now has the power to say not only the FLQ is an illegal organization, but says that any organization which the authorities consider to be guilty of advocating change by force is automatically an illegal organization, not just in Quebec but anywhere in Canada.

And any person who is arrested for belonging to or supporting, or contributing to such an organization can be held in jail for 90 days. At the end of that time, an individual has the right to appeal to a superior court judge to set a date for his or her trial.

And that trial may be set some time ahead. This means that a Canadian citizen can be held for three or more months without being brought to trial, without any opportunity to prove that they are innocent, without any opportunity to prove that they do not belong to an illegal organization or to prove that the organization that they belong to does not in fact advocate social change by force and violence.

This is going a long way in undermining the rights of Canadian citizens.

I believe in the democratic process. I don't think the democratic process is going to be strengthened by infringing on the liberties and freedom of the Canadian people. I believe that government ought to be doing two things:

I think immediately, next Monday (Oct. 19), it should come to Parliament and ask for whatever police powers it requires to deal with the situation in the province of Quebec and in the City of Montreal in particular. And I feel certain that if they can show that the police powers they have are inadequate, if they can justify the granting to them of more powers, then, I think, Parliament will approve.

And I suggest a second thing. What they have to do is to look very carefully at the cause of all this discontent. Revolutionary troublemakers can only succeed if they are able to get support from people. Where do they get that support? They get it from the disadvantaged and the alienated. They get it from the Lapalme workers who callously were thrown out of work by the government.

They get it from the unemployed who are looking for jobs, they get it from the students who see very little future. And I believe that these disturbances are symptoms. We must not deal just with symptoms. We must deal with root causes.

0More police powers, more soldiers, these alone will not guarantee peace and security. We must remove the social discontent and the frustration that is beating at the hearts of four or five million Canadians tonight.

## **2. Further comments made in a television broadcast on October 26, 1970**

Let there be no doubt about one thing. All political parties in the House of Commons and the vast majority of Canadians are united in their determination to stamp out terrorism and to punish those who have been responsible for the kidnapping and murder of innocent victims.

But in the process we must do everything in our power to preserve the basic rights and fundamental freedoms upon which our democracy is founded. It is true the government has the primary responsibility to prevent lawlessness, to apprehend the guilty, and to see that they are punished by the due process of law. But private members have the additional responsibility to see that the innocent do not suffer with the guilty and that basic human rights are not destroyed in a wave of hysteria. That is why members of the New Democratic Party voted against invoking the War Measures Act and the regulations that were enacted under it.

-240Under Canadian law, individuals are presumed innocent until proved guilty. But the War Measures Act regulations state that any person attending a meeting of an unlawful organization or having conveyed material by telephone, broadcasting or in print from an organization declared to be unlawful is presumed to be guilty of being a member of that organization unless he can prove otherwise.

It is a dangerous course to abrogate basic freedoms in this manner. We have seen this course followed in such countries as South Africa, Rhodesia and Czechoslovakia. In each of these countries people were told that their rights were being taken away temporarily for their own protection. Surely it is the responsibility of all those who love freedom in this country to question the need for the absolute and sweeping powers of the War Measures Act which endanger many of the safeguards against arbitrary arrest that our forefathers won for us.

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