

## The October Crisis of 1970: Human Rights Abuses Under the *War Measures Act*

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In an attempt to revisit and stimulate debate on the long-term ramifications of the October Crisis, the following essay examines the crisis from a unique perspective: human rights. The literature on the crisis, particularly in English, is dominated by political histories and testimonials, as well as assumptions surrounding the public's response to the use of emergency powers. Such accounts fail to convey the complex reaction to the use of the *War Measures Act* in peacetime. The author argues that the crisis was not limited to Quebec and Ottawa, and that the *War Measures Act* was responsible for extensive human rights abuses across the country. Moreover, the abuses committed under the act engendered a small but vocal opposition across the country. The essay begins by placing the crisis in the context of radical social protest movements and police abuses of individual rights in the 1960s, followed by a detailed account of the crisis and human rights abuses. The final section explores the long-term implications of the crisis.

Dans une tentative de revoir et de relancer le débat sur les conséquences à long terme de la crise d'Octobre, l'article suivant examine la crise selon une perspective unique : celle des droits de l'homme. Les écrits portant sur la crise, surtout ceux en anglais, sont dominés par des histoires et des témoignages politiques de même que par des hypothèses entourant la réponse du public à l'utilisation des mesures d'urgence. Ces informations ne communiquent pas la réaction complexe face à l'utilisation de la *Loi sur les mesures de guerre* en temps de paix. L'auteur affirme que la crise n'était pas limitée à Québec et à Ottawa et que la *Loi sur les mesures de guerre* a été responsable d'abus considérables des droits de l'homme de par le pays. De plus, les abus commis sous cette loi ont engendré une opposition minime, laquelle s'est toutefois manifestée avec beaucoup d'énergie de par le pays. L'article commence par situer la crise dans un contexte de mouvements de protestation sociaux radicaux et d'abus commis par des policiers dans les années 60 sur le plan des droits individuels, poursuit avec un récit détaillé de la crise et des abus des droits de l'homme et se termine par l'étude des conséquences à long terme de la crise.

**P**ierre Vallières and Charles Gagnon, the ideological leaders of Canada's home-grown terrorist organization, the Front de libération du Québec (FLQ), were arrested and charged with a variety of offences, from murder to bombings, in 1966. While in jail awaiting trial, Vallières wrote an internationally bestselling book titled *Nègres blanc d'Amérique* (*White Niggers of America*). Borrowing the imagery of the civil rights movement to symbolize the repression

and second-class status of French Canadians, he proclaimed that “to be a ‘nigger’ in America is to be not a man but someone’s slave.... The workers of Quebec are aware of their conditions as niggers, exploited men, second-class citizens” (1971, 21). The book was a call to arms. A few years later, in October 1970, Vallières’s cohorts in the FLQ kidnapped a British trade commissioner and a Quebec cabinet minister to advance the cause of an independent Quebec state. The federal government responded by invoking the *War Measures Act*, a two-page statute that essentially gave dictatorial power to the federal cabinet, and in doing so suspended the rights of all Canadians.<sup>1</sup> The “October Crisis” has since become a legendary event in Canadian history.

Surprisingly, despite the generous literature in French on the crisis, there is very little written in English. The available literature is primarily concerned with the federal government’s justification for invoking the *War Measures Act* (did an apprehended insurrection exist?); the motivations of the prime minister and his cabinet (to suppress the independence movement in Quebec?); the political manoeuvrings in Quebec; and the internal dynamics of the FLQ. In contrast, francophone historians have greatly enriched our understanding of the crisis with detailed accounts of how virtually every aspect of Quebec society was affected by the crisis. Their focus on Ottawa and Quebec, however, belies the broader ramifications of the October Crisis.<sup>2</sup>

In the following pages, I offer a more nuanced account of the October Crisis. First, I argue that the crisis was not limited to Quebec and Ottawa. Second, I suggest that the *War Measures Act* was responsible, directly or indirectly, for extensive human rights abuses across the country. Third, I argue that the abuses committed under the *War Measures Act* engendered a small but vocal opposition across the country. According to the authors of the popular Canadian textbook *History of the Canadian Peoples*, “most English Canadians and, initially, most francophones accepted claims by Trudeau and Bourassa that the FLQ was planning a full-scale insurrection that had to be nipped in the bud” (Finkel and Conrad 2002, 338-39). Such accounts fail to convey the complex reaction to the use of emergency powers in peacetime. Finally, I argue that the crisis was not an isolated incident. A history of violent protest and police abuse of individual rights preceded the kidnappings.

Social movements are an important theme in the history of the October Crisis. The FLQ did not emerge in a vacuum. As one scholar of social movements has suggested, the 1960s were “the climax of a period of social movement activism in Canada” (Carroll 1997, 4). It was a period characterized by the mass mobilization of new social movements and by pronounced radicalism. Social movement actors played a crucial role in confronting the state during the crisis. Eric Bédard

(1998) and Jean-François Cardin (1990), for instance, have demonstrated that the student movement and organized labour were powerful oppositional forces during the crisis. Human rights organizations, in particular, were closely attuned to the abuses committed under the *War Measures Act*. The universal suspension of human rights is, in retrospect, the most damning indictment of the government's decision to invoke the *War Measures Act*. As one of Pierre Elliott Trudeau's biographers, Richard Gwyn, notes, "Trudeau smeared irredeemably his reputation as a champion of civil liberties. No other prime minister has been so severely criticized for crushing civil liberties" (1980, 11).

### **Prelude to the Crisis**

The history of the October Crisis is intimately linked with Quebec's Quiet Revolution. After almost a generation of rule by the autocratic Premier Maurice Duplessis (1936-39, 1944-59)—who once claimed that the only protection people needed against discrimination was the Bible—the Liberal Party of Quebec ushered in a new era when it came to power in 1960 (Rubinstein 1972). The pace of change after 1960 was breathtaking. The state, not the church, was to be the main instrument for the realization of francophone Quebecers' aspirations. Education was secularized, and state funding for schools grew from less than \$200 million in 1960 to over \$1 billion in 1970; Hydro-Quebec became a state monopoly and soon the largest employer in the province; universal health care and a provincial pension plan were introduced; and new agencies were created to provide capital to budding francophone businesses. It was a genuine revolution about becoming *maîtres chez nous*.

The Quiet Revolution was about far more than simply groundbreaking public policy initiatives, however. Social movements flourished. Racial and religious minorities, women, gays, lesbians, and a host of other constituencies organized in unprecedented numbers. It was a period characterized by the emergence of second-wave feminism, the challenge of the New Left, student radicalism, the stirrings of the gay rights movement, the birth of the modern environmental movement, the first public sector unions, and the proliferation of Aboriginal rights organizations (the federal government banned Aboriginal political organizing for land claims between 1927 and 1951).<sup>3</sup> The Quebec labour movement had evolved into what Bryan Palmer has characterized as "the most combative, militant and radical in Canada" (1992, 362). A massive general strike in 1972 of 200,000 workers shut down services across the province. Student activism was another flash point in the 1960s. Francophone student groups abandoned the Canadian Federation of Students and established the *Union générale des étudiants québécois* in

1964, an organization sympathetic to unilingualism and an independent Quebec state (Bédard 1998, 28). The beginning of the school year in 1967 was marked by violent student protests, culminating in a clash with police in front of the United States consulate in Montreal during a protest against the bombing of Hanoi. The confrontation left 20 people wounded and 46 behind bars (Fournier 1984, 119).

In the midst of widespread social and political change, the movement for an independent Quebec flourished. Two new separatist parties were formed in the 1960s: the Rassemblement pour l'indépendance nationale (1960) and the Ralliement national (1966). They were joined by two other organizations dedicated to an independent Quebec: the Action socialiste pour l'indépendance du Québec (1960) and the Comité de libération nationale (1962). René Lévesque united the movement under the banner of the Parti québécois in 1968, and captured seven seats and 23.1% of the vote in 1970.<sup>4</sup>

Some Quebec nationalists, however, eschewed the political movement and favoured a radical course of action. The original members of the FLQ inaugurated the organization by throwing a Molotov cocktail against the window of an English radio station (CKGM) in Montreal in February 1963. Soon after, in March 1963, they firebombed a Canadian forces barracks and spray-painted "FLQ" on the walls. Six additional bombings rocked Montreal in March and April 1963.<sup>5</sup>

A covert war quickly emerged between the Royal Canadian Mounted Police (RCMP) and the FLQ, and the authorities often employed extreme tactics in their pursuit of the FLQ. On Good Friday in April 1963, the RCMP raided dozens of homes and arrested 20 members of the Rassemblement pour l'indépendance nationale and the Action socialiste pour l'indépendance du Québec. They were interrogated and detained for up to 48 hours but were never charged (Fournier 1984, 32-33; *The Globe and Mail* 1963). Despite the raids, the bombings continued and the FLQ's ranks swelled to approximately 30 activists with an official camp in the Laurentians. Wilfrid O'Neil, a night watchman, became the FLQ's first victim: he was killed in a bomb attack on a Canadian forces recruiting centre in Montreal on 21 April 1963. By June 1963, the RCMP had successfully planted an informant in one of the FLQ cells. In August, the RCMP arrested 23 members and held them incommunicado for 10 days before eventually releasing them with the assurance that they would leave Canada (Laurendeau 1990, 150; Fournier 1984, 38-41).

Within a few months, a new and decentralized FLQ emerged: "From then on, the FLQ was no longer a single organization, a unified movement, but a collection of more or less connected but still clearly distinct groups, a set of initials to which all supporters of political violence lay claim" (Fournier 1984, 44). Robert Hudon (19 years old), the younger brother of one of the FLQ's founders, Gabriel Hudon (23 years old), formed the Armée de libération du Québec in September

1963 and led a series of armed robberies to finance the group's operations. Hudon and five accomplices were arrested in April 1964, and he was sentenced to eight years in jail. At the same time the police arrested Hudon, François Schrim (32 years old) and Edmond Guénette (20 years old) organized the *Armée révolutionnaire du Québec*. Meanwhile, in Montreal, the RCMP, the *Sûreté du Québec* (Quebec Provincial Police) and the Montreal police force formed a Combined Anti-Terrorist Squad. Within a few months, the police arrested Schrim and Guénette and charged them for premeditated murder during an attempted robbery. The two men were sentenced to death on 22 October 1965 (the sentence was later commuted to life imprisonment). On the weekend Schrim and Guénette were to be hanged (Victoria Day weekend), riots broke out in Montreal. Police beat demonstrators with riot sticks and protestors lobbed Molotov cocktails at police cars. Dozens were injured, 203 people were arrested, 14 police officers were wounded, and 131 people were charged with illegal assembly (Fournier 1984, 67, 80-82; Yorston 1965). Over the next several months, police raids continued unabated while the FLQ persisted with its violent attacks. In June 1966, the Montreal police took the extraordinary step of carrying out a series of preventative arrests before Dominion Day. At least 100 individuals were arrested and forced to fill out "political questionnaires" (Fournier 1984, 101). None of them was ever charged (Fournier 1984, 101; Stall 1966).

Hundreds of bomb attacks between 1963 and 1970 can be attributed to the FLQ. Most of the attacks were directed against federal government property (military armouries, mailboxes, government offices), transportation links (railways, bridges), and businesses. Various FLQ cells robbed banks to finance their operations and armed themselves with weapons stolen from gun stores and dynamite from construction sites. Twenty-four sticks of dynamite were found at a broadcast tower of the Canadian Broadcasting Corporation on Mount Royal (they failed to detonate). On 19 February 1969, a spectacular bombing at the Montreal Stock Exchange injured 20 people. The attack was initiated by one of the most violent FLQ cells and led by 26-year-old Pierre-Paul Geoffroy. He was arrested and pleaded guilty to all the actions of his cell in April 1969. Judge André Fabien, presiding over Geoffroy's trial, handed down the most severe sentence in the history of the British Commonwealth: 124 life sentences (Fournier 1984, 153; Lebel 1969; Lepine 1969). In October 1969, the army had to be deployed to Montreal in the wake of a night of rioting precipitated by a police strike. Labour strife and riots wracked Montreal to such an extent that, in November 1969, the city took the extraordinary step of passing a regulation prohibiting assemblies and demonstrations.

The police had a long history of using abusive tactics to deal with political radicals. Quebec's leading human rights organization, the *Ligue des droits et libertés*, often spoke out against police abuse. A few weeks after its creation, the ligue

lobbied for amendments to the *Coroner's Act*, which allowed the coroner to detain suspects forcibly for several days (Flamand 1963). Three years later, the ligue criticized the police for seizing membership lists from the offices of the rassemblement and Ligue socialiste ouvrière during raids designed to search for explosives. The ligue was also concerned with the Montreal police's practice of holding people for interrogation without warrant (Pract 1966). In June 1968, the ligue came to the defence of Pierre Vallières and Charles Gagnon, who were being held in jail while continual delays hampered defence (the two were held for 41 months before they were acquitted) (LDL 1968). The following year, the ligue found itself defending another felquiste (member of the FLQ) when it protested the fire commissioner's decision to force Pierre-Paul Geoffroy to incriminate himself for a series of bomb attacks (LDL 1969). The conflict between the police and the FLQ, and the radicalism of the 1960s, set the context for the October Crisis.

### **The Kidnapping: 5 October to 16 October**

The FLQ upped the stakes on 5 October 1970 when a cell kidnapped James Cross, a member of the British consulate in Montreal. The police immediately organized one of the largest manhunts in Canadian history: they carried out nearly 1,000 raids and arrested, questioned, and then released about 50 people (Fournier 1984, 221-22). When the provincial government balked at submitting to the terrorists' demands, which included releasing "political" prisoners and sending the kidnapers to Cuba or Algeria with an armload of gold bullion, another cell of the FLQ proceeded to kidnap Pierre Laporte, the provincial minister of Labour, on 10 October (Vallières describes Laporte as an enemy of the people in *White Niggers of America* [1971, 228]). Suddenly it seemed as if the FLQ was capable of organized and co-ordinated action that threatened the integrity of the government (in fact, the second kidnapping was not planned in advance and each cell acted independently). On 12 October, the military began patrolling the streets of Ottawa and, three days later, the army returned to Montreal.<sup>6</sup>

A crisis atmosphere was palpable in Quebec and, through the media, across the country. While Trudeau and his cabinet chafed at Premier Robert Bourassa's apparent intransigence, rumours spread about a group of prominent Quebecers setting up a provisional government to replace Bourassa.<sup>7</sup> The rumours appeared to have some credibility when, on 14 October, a group of 16 "eminent personalities"—including leading figures in Quebec media, politics, academia, and the labour movement—called a press conference to demand that the government negotiate with the FLQ (René Lévesque began the conference by declaring that "Quebec no longer has a Government") (La Presse 1970a; Tetley 2007, chap.

6). Peter C. Newman, who was responsible for breaking the provisional government story in the *Toronto Star*, would later claim in his 2004 autobiography that Trudeau fabricated the rumour to help justify the use of emergency powers (320). At the very least, the incident was the first of many efforts by the government to manipulate the media throughout the crisis.

Meanwhile, a frantic Jean Marchand warned his colleagues in Cabinet about potential rebellion and informers in the police (PCO 1970). Three thousand people crowded into Paul-Sauvé arena in Montreal, chanting pro-FLQ slogans, on 15 October 1970. At l'Université de Montréal, over 1,000 students attended a speech by Pierre Vallières and signed a petition in support of the FLQ manifesto (Bédard 1998, 86-87). While the Quebec government negotiated with an FLQ lawyer, Robert Lemieux, military reinforcements poured into the province. Six thousand troops were stationed in Montreal by the night of 15 October (Dagenais 1990, 69). Soldiers lined the streets of the city and patrolled government buildings. The newly opened Université de Québec à Montréal was shut down the next day in the midst of violent student protests (Bédard 1998, 88-89). Desperate to find a solution, on 16 October Bourassa and Jean Drapeau (mayor of Montreal) sent a letter to Prime Minister Trudeau insisting that an apprehended insurrection was underway and calling on the federal government to intervene (PCO 1970). The federal government responded with the imposition of the *War Measures Act*. The next day, Pierre Laporte was found in the trunk of a car, murdered by the FLQ.<sup>8</sup>

### ***The War Measures Act: 16 October to 3 December 1970***

#### ***Human Rights and Emergency Powers***

Recently released top-secret federal cabinet documents reveal that two meetings took place on 15 October, at 9:00 a.m. and 2:30 p.m., at which the cabinet considered implementing emergency legislation (PCO 1970). Bourassa had insisted on special measures to help his embattled administration. Trudeau interpreted this to mean an amendment to the Criminal Code or special temporary emergency legislation. Gérard Pelletier, the secretary of state, favoured the *War Measures Act* and raised the issue during the first meeting. Joe Greene, the minister of Energy, Mines and Resources, did not believe that the government could establish the existence of an insurrection to justify the use of the *War Measures Act*. Jean Marchand, one of the government's leading Quebec Members of Parliament (MPs) and the minister of Regional Economic Expansion, was convinced that the FLQ was operating as a state within a state and that the country could "lose Quebec" (Marchand cited in PCO 1970).

The cabinet was not insensitive to the potential repercussions of enacting the *War Measures Act*. Trudeau was worried that the retroactive nature of the legislation would offend human rights activists (an accurate prediction in hindsight). John Turner, the minister of Justice, feared that the use of wartime legislation would be perceived as overkill. More than anyone else around the table, Turner sought to implement special measures without having to resort to the *War Measures Act* (PCO 1970). These considerations had little impact on the resolutions that followed. The cabinet was unanimously in favour of emergency legislation.

Within hours, the police mobilized to arrest and detain suspected terrorists and their supporters. The police conducted over 3,000 searches and 497 people were detained. A clear bias against nationalists and the political left in general, including many activists, guided the police's actions (Cardin 1990, 81-82). Among the first people arrested were Robert Lemieux, Pierre Vallières, and Charles Gagnon. The initial targets also included Michel Chartrand of the Conseil central des syndicats nationaux de Montréal, Serge Mongeau of the Mouvement pour la défense des prisonniers politiques du Québec, and artists and writers Gaston Miron, Pauline Julien, Gérald Godin, and Michel Garneau (Leroux 2002, 15). The average detainee spent a week in jail; yet the vast majority of them (87%) were later released and never charged with a crime. Sixty-two people were charged by January 1971. Within a month, half of them were released and the charges were dropped. In the end, only 18 people were convicted of a crime arising from the crisis. Except for members of the FLQ involved in the kidnapping, only two individuals were convicted under the Public Order Regulations (House of Commons 1971a, 3034). "The whole exercise," as Thomas Berger has suggested, "reveals how unwise it is to have such extraordinary power easily available to any government" (1981, 209).

Everyone arrested under the *War Measures Act* was denied due process. Habeas corpus (an individual's ancient right to have a judge confirm that they have been lawfully detained) was suspended. The Crown could detain a suspect for seven days before charging him or her with a crime. In addition, the attorney general could order, before the seven days expired, that the accused be held for up to 21 days. The prisoners were not permitted to consult legal counsel, and many were held incommunicado. Membership in the FLQ became a criminal offence. In essence, criminal guilt was determined, not in a court of law, but through executive decree. J.N. Lyon captured the significance of this one simple fact when he suggested in an article for the *McGill Law Journal* in 1972 that "the judiciary was reduced to the role of timekeeper, keeping track of who attended what meetings and spoke or communicated what statements on behalf of an association" (140). Most importantly, the crime was retroactive. A person who had attended a single

FLQ meeting in the early 1960s was, by the wording of the regulations, criminally liable.<sup>9</sup>

One of Canada's most respected Supreme Court of Canada judges once noted that freedom of the press "is the breath of life for parliamentary institutions" (*Reference re Alberta Statutes* 1938). It is also one of the first freedoms jettisoned during a national emergency. Student newspapers, in particular, faced numerous obstacles under the *War Measures Act*. Authorities cautioned McGill University's student newspaper, the *McGill Daily*, against writing editorials attacking the *War Measures Act* and expressing sympathy with the FLQ (Bédard 1998, 118-19). In Ottawa, the printer of Carleton University's student newspaper decided to call the RCMP about an issue dealing with the crisis. The RCMP subsequently "allowed" the paper to print the FLQ's manifesto and commentaries on the emergency if the editors indicated on the front page that the paper did not endorse the FLQ (Munroe 1970; Romain 1970). Students newspapers in Toronto and Halifax were also confronted by their respective printers, who refused to publish the manifesto (Frank 1995; CCLA 1971). Police confiscated hundreds of copies of student newspapers at the University of Guelph for publishing the manifesto (Borovoy 1970; CCLA 1979b). The *St. Mary's Journal* in Nova Scotia carried blank spaces where a printer refused to publish articles on the situation in Quebec, and in Saanich the police paid several visits to the editors of the University of Victoria student newspaper to "remind" them that publishing the manifesto was forbidden (Hawthorn 2005; *Ubysses* 1970b; *Vancouver Sun* 1970e).

The mainstream media was also deeply affected by the crisis. Several prominent media personalities were arrested and interrogated, including CKAC radio host Louis Fournier, *Journal de Montréal* photographer Yves Fabre, and journalist Paul Chantraine (Dagenais 1990, 56). Within Radio Canada, vice-president E.S. Hallman cautioned his reporters about commenting on the crisis (CBC 1970; Bouchard 1970). Michel Bourdon was suspended and later fired from Radio Canada for insubordination, and three other newsmen were dismissed from Radio Canada's news service for lack of objectivity (Dagenais 1990, 163; Latouche 1983, 202-3). One scholar has suggested that "the most troubling aspect of the October Crisis was the pressure and the repeated attempts of intimidation from the Canadian Prime Minister's colleagues [on the media]" (Lachapelle 1990-91, 5). Gérard Pelletier, for example, phoned and visited Claude Ryan (the editor of *Le Devoir*) to encourage him and other editors to practice self-censorship. Trudeau's chief of staff, Marc Lalonde, phoned newspaper editors and discouraged others from publishing the FLQ manifesto (Lachapelle 1990-91, 5; Cohen-Almagor 2000). Guy Lachapelle describes how journalists were intimidated: "Des journalistes furent molestés, perquisitionnés, détenus pendant plusieurs jours par les forces de l'ordre. Certains

éditeurs de journaux censurèrent les articles de leurs journalistes. Des policiers déguisés en journalistes, ont filmé, lors des conférences des presses, ceux qui posaient des questions jugées trop embarrassantes pour le pouvoir d'État" (2005, 39).

Pelletier vigorously denied accusations that the government was putting pressure on the media, and he insisted that the government had only warned journalists to be sure of their facts (House of Commons 1970b, 873).<sup>10</sup> Clearly, tensions were high. The CBC postponed a few documentaries dealing with political crises and kidnappings, cancelled several television shows (one because a lead singer was imprisoned under the *War Measures Act!*), and did not air the documentary *Testament of Lenin* out of concern that it might incite the populace to violent action (House of Commons 1971b, 3906). At one point during the crisis, the president of the Federation of Professional Journalists of Quebec compared Canada to Paraguay and castigated the federal government for censoring the publication of the FLQ manifesto. Trudeau and his allies accused the media of alarming the public and giving the FLQ a partial victory by providing the organization with extensive publicity. Meanwhile, the Syndicat général des communications, representing most journalists in Montreal, and the Association professionnelle des journalistes de l'Outaouais, called for changes to the *War Measures Act* to allow greater diffusion of information (Dagenais 1990, 29-31, 151-52, 164).

The press was not without fault. Unconfirmed rumours abounded in the pages of leading newspapers about the nature of Laporte's murder and potential terrorist targets (*La Presse* 1970b). Radio stations CKLM and CKAC broadcast FLQ communiqués before turning them over to the police (thus restricting the ability of the police to respond) (Siegel 1983, 224). Raphael Cohen-Almagor concludes that "the behaviour of some organs of the French media exacerbated the crisis and forced the government to contemplate possible procedures for monitoring the media" (Cohen-Almagor 2000, 259).<sup>11</sup>

The abrogation of due process and limits on freedom of the press were not the only restrictions imposed under emergency legislation. In Ottawa, where soldiers lined the streets, the Quebec Provincial Police raided the home of a woman who had been photographed in a demonstration protesting the imposition of the *War Measures Act*.<sup>12</sup> In Toronto, a local school board considered a motion to ban teachers from speaking about the FLQ in their classrooms (CCLA 1979a). Seven members of the Vancouver Liberation Front, a fringe group sympathetic to the aims of the FLQ, were arrested and detained for distributing copies of the FLQ manifesto in Vancouver (Romain 1970; *Montreal Star* 1970; *Vancouver Sun* 1970a). In Montreal, Mayor Jean Drapeau did himself little credit by using cheap smear tactics in his re-election bid. Refusing to delay the municipal elections, Drapeau allowed the election to take place in the midst of the crisis and accused

his opponents, members of the Front d'action politique, of being puppets of the FLQ. His comments were echoed by Jean Marchand, although neither had any evidence linking the Front d'action politique with any terrorist activity (Confederation of National Trade Unions 1972, 193; House of Commons 1970a, 451-53). Drapeau won a landslide victory on 25 October.

The most blatant overreaction occurred far from the crisis itself, in Vancouver. Premier W.A.C. Bennett, in a perplexing moment of extremism, declared that the provincial cabinet had approved a regulation banning any teachers in the province, including college and university professors, from expressing sympathy with the FLQ. The order-in-council of 2 November 1970 proclaimed that "no person teaching or instructing our youth in educational institutions receiving Government support shall continue in the employment of the educational institution if they advocate the policies of the [FLQ]" (Berger 1981, 204). The order did not specify what constituted a policy of the FLQ. Moreover, the threat of dismissal alone was a direct limit on teachers' free speech, and at least one individual, a high school teacher in Dawson, was dismissed for discussing the FLQ in his classroom (*Montreal Star* 1970; *Ubysey* 1970a; *Vancouver Sun* 1970c). Not to be outdone, the acerbic mayor of Vancouver, Tom Campbell, shamelessly exploited the situation and announced that he would use the emergency powers to run hippies and draft dodgers out of town. Campbell never acted on his threat, but his rhetoric raised the ire of even those who supported the use of the *War Measures Act*. The conservative *Vancouver Sun*, no friend of hippies or draft dodgers, was disgusted with the mayor's antics and suggested that "the least responsible reaction to be found anywhere in Canada was that of Vancouver's own mayor.... His personal politicking with such a sad affair can only be described as damnable" (*Vancouver Sun* 1970b).

Tensions were high, and fear led to talk about additional limits on human rights. Jérôme Choquette, the Quebec minister of Justice, expressed support in early November for the creation of a Canadian identity card (he also asked the federal government to revoke the citizenship of any FLQ prisoners released and deported during the crisis) (PCO 1970; Bédard 1998, 131-32; Dagenais 1990, 235). Meanwhile the federal solicitor general, Jean-Pierre Goyer, mused about the possibility of enacting peacetime emergency legislation to allow the government to act quickly and decisively in any future crisis (*Civil Liberties* 1971; Leclerc 1971). Although neither idea came to fruition, both suggestions were indicative of an atmosphere in which human rights had taken second place to national security concerns.

## The Public Response

Reaction to the invocation of the *War Measures Act* included enthusiastic support and bitter opposition. Public opinion outside Quebec favoured the federal government. A rally of 5,000 people was organized on the campus of York University in Toronto to support the federal government soon after the implementation of the *War Measures Act*. The rally would leave an indelible mark on at least one of the critics who attended to speak out against the government: "I have never before or since been afraid of a crowd, never feared being torn from limb to limb, but that day I was frightened. The shouts from the students that interrupted my speech were frequent and hostile; the visceral hatred of the FLQ kidnappers and murderers, and, as I interpreted it, of all Québécois, was palpable" (Granatstein 1998, 297-98).

Within a week of implementing the *War Measures Act*, one of the country's leading civil liberties lawyers concluded that "the country is overwhelmingly behind the Prime Minister and his policy" (Borovoy 1970). In Parliament, support for the *War Measures Act* was almost unanimous: the New Democratic Party (16 MPs) alone voted against its invocation on 19 October (former Conservative prime minister John Diefenbaker objected to the soldiers in Ottawa wearing helmets, and Trudeau glibly suggested in cabinet that soldiers wear something different around Diefenbaker) (PCO 1970). Chief Justice of the Supreme Court of Canada Samuel Freedman, future attorney-general and Chief Justice of Ontario J.C. McRuer, historian Arthur Lower, and one of the most famous civil liberties lawyers in Canada, Frank Scott, also defended the government's actions (Girard 2005, 378). Every major English language newspaper supported the government.<sup>13</sup> Claude Ryan was dismayed at the uncritical support Trudeau enjoyed outside Quebec: "One had the impression that, but for a few voices crying in the wilderness, all critical reflection had practically ceased in English Canada. The solid, almost dogmatic support which English Canadians gave to the governments' decisions was such that certain dissident voices seemed themselves frightened at times of their own isolation" (Ryan 1971, 4; translation by author).

The Quebec media was more divided. *L'Action* encouraged the populace to rally behind the authorities, whereas *Le Nouvelliste* counselled the government to accede to the FLQ's demands.<sup>14</sup> While editors for *La Presse* and *Le Soleil* cautiously supported the use of the *War Measures Act*, *Le Devoir* was profoundly opposed to the use of emergency powers. Limits on freedom of the press and human rights in general were an important theme in the media's response to the crisis. A concern for human rights distinguished the coverage in English and French: "French-language papers were exceedingly disturbed by what was happening to civil rights in

Canada, while English-language dailies frequently argued that it was not the civil rights of Canadians that were so much in danger but the civil rights of the kidnapped victims" (Siegel 1983, 225). Ryan was among the leading critics of the federal government (Lachapelle 1990-91, 13-14). For weeks, as Lachapelle explains in his account of *Le Devoir's* coverage of the crisis (2005), Ryan helped to place the issue of civil liberties in the forefront of the public debate.

The reaction in Quebec was clearly far from uniform. Students protested on campus, labour organizations put aside their rivalries to organize a common front against the *War Measures Act*, and rallies were organized to call for the repeal of emergency regulations (Cardin 1990, 126-27). The Parti québécois distributed 500,000 newsletters on 28 October condemning the federal government's actions (*Pouvoir* 1970). Recent books by Éric Bédard (1998), Jean-François Cardin (1990), Bernard Dagenais (1990), and Mannon Leroux (2002) provide accounts of widespread opposition within Quebec; and yet, as John Meisel, Guy Rocher, and Arthur Silver stress in comparing the reactions of English and French Canadians to the crisis, most French Canadians favoured a vigorous reaction against the FLQ (1999, 218-19). Opinion polls suggested that both francophones and anglophones applauded the government's response.<sup>15</sup> Trudeau received nearly 12,000 letters from across the country between 16 October and 18 December, and less than 2.1% of the letters were critical of the government's actions (Trudeau 1970a).<sup>16</sup> Every French-Canadian member of Parliament supported the use of emergency powers. Drapeau, despite his seedy tactics, won a landslide victory on a strong anti-FLQ platform.

Opposition outside Quebec was far less widespread, but certainly not lacking. Dozens of poorly attended demonstrations were organized across the country by the Communist Party of Canada, the League for Socialist Action, and the Communist Education and Research Centre (Trudeau 1970b). In Waterloo, a Citizens Commission of Inquiry into the *War Measures Act* was created in December 1970 in reaction to the seizure of a Guelph student newspaper and the arrest of a Kitchener resident for distributing a pamphlet on the FLQ. The committee, which included university professors, labour leaders, church ministers, journalists, and a former premier of Saskatchewan (Woodrow Lloyd), held several public hearings in Ontario and Quebec (Comité québécois des libertés n.d.; Citizens Commission of Inquiry into the *War Measures Act* 1971; Dagenais 1990, 163; Fournier 1984, 203). Seventy-five people in Vancouver attended a public meeting to demand the repeal of the *War Measures Act* while the Lawyers' Union, a small group of Toronto-based lawyers led by Clayton Ruby, distributed a petition and organized a rally in Toronto to pressure the government to withdraw emergency powers (Munroe

1970; *Vancouver Sun* 1970d; Trudeau 1970c).<sup>17</sup> In Ottawa, the Canadian Association of University Teachers, concerned about limits on free speech, entreated the federal government to rescind the orders (Canadian Association of University Teachers n.d.). The *Canadian Forum*, a magazine with a long history of defending civil liberties, was “sickened” and “appalled” at the government’s response to the crisis in Quebec: “Nothing we know so far [December 1970] justifies the suspension of law and civil liberties in the War Measures Act” (Hughes 1970; Granatstein 1998). One of the most prominent peace organizations in Canada and a leader within the women’s movement, the Voice of Women, issued press releases stressing its opposition to the use of emergency powers (1970; 1971). The Voice of Women raised funds for detainees in Quebec, encouraged their members to send protest letters to members of Parliament, and sponsored a speaking tour by Simonne Chartrand (one of the first people arrested) across Canada. Several labour councils, including Vancouver and Edmonton, criticized the government’s handling of the crisis. Robert Stanfield, the leader of the Progressive Conservative Party, offered only token resistance in Parliament, but some of his colleagues were more outspoken: an article written by the national president of the Progressive Conservative Party, Nate Nurgitz, appeared alongside pieces by David Macdonald, Hugh Segal, Peter Desbarats, George Bain, and others calling for the abrogation of the *War Measures Act*.<sup>18</sup>

New human rights organizations were formed in the midst of the crisis. More than 1,000 students and professors attended a teach-in at the Université de Montréal on 28 October 1970 to create the Comité québécois pour la défense des libertés (Bédard 1998, 138; Spry 1974; *La Presse* 1970d; Comité québécois pour la défense des libertés n.d.).<sup>19</sup> On the same day, the Comité pour la défense de la démocratie was created in Quebec City, composed of professors and students at the Université Laval and unionists (*La Presse* 1970c, 1970d). In turn, the *McGill Daily* called on students to attend a meeting to form the Comité pour la défense des droits et libertés; students congregated at McGill on 26 October to launch the group and sign a petition to revoke the *War Measures Act* (Bédard 1998, 122-23). A Peninsula Civil Rights Committee was created in St. Catharines, Ontario. The committee quickly organized a Quebec teach-in at Brock University to protest the suspension of civil liberties; around 300 attended to lend support to the committee’s call to abrogate emergency powers (*St. Catharines Standard* 1970; O’Neill 1970; RCMP 1970). Sudbury’s newly formed Civil Rights Committee sponsored a newspaper advertisement opposing the *War Measures Act* and urged citizens to write in protest to members of Parliament (Sudbury Civil Rights Committee 1970). Meanwhile, a national human rights organization was born: the Canadian Federation of Civil Liberties and Human Rights Associations. Frustrated with the

lack of an effective national association that could respond to the crisis, several human rights and civil liberties groups joined forces in 1970 to co-ordinate their activities. The federation would be active in promoting human rights across the country for the next 20 years (Clément 2005, 24-25).

Human rights organizations in Montreal, Toronto, St. John's, Edmonton, Windsor, Fredericton, and Vancouver distributed numerous press releases and lobbied the federal and Quebec government to stop using emergency powers (Canadian Labour Congress 1971). In Vancouver, the British Columbia Civil Liberties Association admonished the federal government for failing to "indicate why the powers presently held by the government under the provision of the Criminal Code are inadequate to handle the threat posed by the terrorist activities of the FLQ" (BCCLA 1970). The association also responded to Bennett's controversial order-in-council against teachers by taking the government to court (it lost) (*Jamieson et al. v. AG British Columbia* 1971). Toronto's Canadian Civil Liberties Association (CCLA) not only lobbied against the Toronto Board of Education's resolution to gag teachers, but also presented several briefs to the federal minister of Justice and held a public seminar on emergency powers in December 1970 (CCLA 1979a). The association's general counsel, Alan Borovoy, met with the minister of Justice in the midst of the emergency, and the association was instrumental in convincing Turner to oppose peacetime emergency legislation (Borovoy 2004; Leclerc 1971; CCLA 1971). In Ottawa, the National Capital Region Civil Liberties Association sponsored an inquiry into the application of the *War Measures Act* outside Quebec (*Union of Human Rights and Civil Liberties Association* 1971).

Ironically, one of the weakest responses to the October Crisis came from the leading human rights association in Quebec: the *Ligue des droits de l'homme*. The ligue was silent until 19 October when it released a lackluster statement raising concerns about the use of the *War Measures Act* and detaining people without charges. The ligue's comments were qualified: the association acknowledged that a crisis justified strong action. Two more press releases, which was virtually the sum total of the group's public comments on the use of emergency powers, were equally deferential (*Ligue des droits de l'homme* 1970a, 1970b, 1971). The ligue's primary response to the crisis was to form a committee to help individuals detained under the *War Measures Act*, either by securing early releases or providing financial support to their families. It organized no rallies, sent no letters of protest to the federal government, took no legal action, and maintained a low public profile (Ryan 1971; Lachapelle 2005, 121-22).<sup>20</sup> Trudeau used the ligue's weakness to his advantage. During a television interview, he pointed out that the ligue "supported the government's invocation of the War Measures Act. Never forget that. It's easy when you're sitting in Toronto and Vancouver to talk about civil liberties"

(Trudeau 1970). (The ligue immediately denied that it had supported the use of the *War Measures Act* and demanded that the prime minister retract his statements. Trudeau refused to retract his comments and then proceeded to explain to the ligue's members that, despite what they thought, they did indeed support his position [Trudeau 1971]).

The failure of the ligue to respond more strongly is one of the more curious aspects of the history of the October Crisis. Several of the leading figures within the ligue were close friends of Trudeau, including Frank Scott, Thérèse Casgrain, and Jacques Hébert. Many members of the ligue genuinely supported the government's actions. Scott, for example, accepted the state's legitimate obligation to defend itself and argued that terrorism threatened the rule of law (Djwa 1987, 404-6).<sup>21</sup> Whatever the case, the ligue did not distinguish itself in 1970. Fourteen years later, its conduct continued to rankle members. In a report to the administrative council in 1984, several members of the ligue described the organization's conduct in 1970 as "shameful" and a failure to live up to the organization's mandate (LDL 1984).

### The Aftermath

The crisis lasted approximately two months. Cross was released on 3 December and his kidnapers were flown to Cuba, while Laporte's killers were captured on 27 December and sent to jail (by 1982, however, most of the exiles and prisoners were back on the streets in Quebec, having been granted parole or a reduced sentence).<sup>22</sup> The army left Quebec in January 1971, and the emergency powers lapsed on 30 April 1971 (Maloney 2003, 82). Terrorist activities diminished after the crisis, and the Parti québécois gained increasing momentum leading up to its unprecedented victory in 1976.

Did the crisis hurt the independence movement? In his biography of René Lévesque, Graham Fraser points out that Lévesque's fear that people would identify the movement with terrorism was never realized (2001, 55-56). For some people, the crisis "served to reinforce alienation from the federal order ... the October Crisis demonstrated that the federal government was prepared to defend the economically powerful and to subordinate Quebec to its will" (McRoberts 1993, 201). As Susan Mann Trofimenkoff suggests, "if the [Parti québécois] owed its birth to the turmoil of the late 1960s, it probably owed its eventual success to the dissipation of that turmoil in the mid-1970s" (2002, 327).

The October Crisis marked the end of violent revolutionary protest in the province (Whitaker 2003, 265). Pierre Vallières, the man who had successfully captured radicals' imaginations, publicly denounced terrorism in the wake of the

crisis and advocated support for the Parti québécois. The long-term impact of the October Crisis was to strengthen the democratic elements within the independence movement in Quebec. It also strengthened the human rights movement in Canada with the creation of new advocacy groups; but in many other respects the aftermath of the crisis produced disturbing precedents for restricting human rights.

The state expanded police powers and prepared new strategies to confront potential threats from radical movements in the aftermath of the crisis. The federal government, according to a 1971 white paper on national defence, was preparing the army for future domestic incursions against radical elements of the independence movement (Canada 1971). Canada's modern counterterrorism policies were a product of the October Crisis. A new state apparatus to plan for possible terrorist threats was established under the supervision of the solicitor general in 1972.<sup>23</sup> Recent access-to-information requests have revealed that the RCMP directed an extensive surveillance program against social movement organizations across the country in the 1970s.<sup>24</sup> Meanwhile, in 1972, the Quebec government amended the *Police Act* to provide the police commission with the power to establish a special tribunal, the Commission d'enquête sur le crime organisé, to investigate organized crime and terrorism. The commission was empowered to detain and question suspected criminals; it quickly came under fire from the Ligue des droits de l'homme and the Quebec Bar Association for operating McCarthy-style smear campaigns and abusing witnesses (Quebec 1976; Bernheim 2005; LDL 1978). The ligue also discovered that the provincial Cabinet had secretly created, in 1971, a Centre d'analyse et de documentation to advise the government on national security threats. The centre was severely criticized by the provincial human rights commission and the ligue, and it was dismantled in 1977. At the time, the centre had dossiers on more than 30,000 citizens (LDL 1977; Ernhoffer 1977).

Perhaps the most disturbing repercussion of the crisis was a series of illegal actions conducted by the RCMP against the independence movement in Quebec (Canada 1981; Clément 2008, chap. 6; Sallot 1979). The RCMP illegally opened people's mail, distributed false communiqués and raided the offices of the Parti québécois to steal membership lists.<sup>25</sup> The RCMP commissioner, William Higgitt, described the years immediately following the crisis as a "war between the Security Service and those forces who were disrupting and causing mayhem and unease in the country" (quoted in Canada 1981). A federal and a provincial royal commission were appointed to investigate the allegations (both reported in 1981). The chair of the latter, Jean Keable, concluded that the police's activities amounted to an unjustified attack on civil liberties: "La menace que posent ces opérations aux libertés civiles et au droit des personnes est réelle" (Quebec 1981). Two of the

recommendations proffered by the federal commission are especially relevant in this context: to replace the RCMP security service with a new civilian agency and to amend the *War Measures Act*.

The federal government quickly implemented the first recommendation, and the Canadian Security and Intelligence Service was born in 1984. Many human rights advocates, however, were skeptical. Alan Borovoy, the general counsel of the Canadian Civil Liberties Association, cautioned against divorcing criminal investigations from national security investigations. Criminal investigations dealt with specific crimes, whereas the vague mandate for national security often led authorities to undermine legitimate dissent. Creating a civilian agency with no policing responsibilities could exacerbate the danger of having government agents undercut legitimate dissent to "prevent" threats. From a civil libertarian point of view, the problem with the RCMP was institutional, and the solution was to reform the police force and introduce civilian oversight (Borovoy 1981).

The Trudeau government also moved forward with its project to patriate the constitution and entrenched a *Charter of Rights and Freedoms* in 1982. If the October Crisis tainted Trudeau's reputation as a civil libertarian, the charter could be seen as an affirmation of his government's dedication to universal human rights principles; and yet the charter did not repudiate the legacy of the October Crisis. The *War Measures Act* remained on the books, and nothing prevented the federal government from invoking the statute.<sup>26</sup>

None the less, the *War Measures Act* was increasingly out of touch with the views of Canadians and, in 1988, it was replaced with the *Emergencies Act* (Tenofsky 1989). The new legislation was a victory for human rights advocates: the law restricted the application of emergency powers and required the Cabinet to seek Parliamentary approval within 30 days.<sup>27</sup> Instead of permitting the Cabinet to imbue the executive with virtually unfettered powers, the new legislation delineated the powers available to the executive proportionate to the nature of the emergency. Many of the most egregious rights violations committed by the state during the October Crisis, including censorship and arbitrary search and seizure, were restricted to international emergencies under the new legislation; however, the government refused to include an explicit section prohibiting arbitrary arrest and detention. Habeas corpus could still be suspended under the *Emergencies Act* (Tenofsky 1989, 300-301). In addition, it remained the prerogative of the governor-in-council to define an "international emergency."

The creation of the Canadian Security and Intelligence Service (with civilian oversight) and the repeal of the *War Measures Act* have none the less altered the state's approach to dealing with national security threats. Few people will lament the demise of the *War Measures Act*. As Reg Whitaker suggests, one of

the consequences of the October Crisis was “to strengthen liberal democracy and the protection of civil liberties, as a direct consequence of revulsion generated by repressive and unaccountable state actions.” Still, any enthusiasm for these developments should be tempered with the knowledge that the federal government continues to reserve the power to restrict human rights severely to deal with perceived emergencies. The potential for abuse remains strong nearly 40 years after the October Crisis.

## Notes

I would like to thank Eric Sager and George Egerton for their comments on earlier versions of this essay. I am also grateful to the three readers’ feedback and, in particular, their attention to detail.

1. Despite common assertions to the contrary, 1970 was not the first time the *War Measures Act* was employed in peacetime. The federal government used the *War Measures Act* in 1945-46 to detain a collection of suspected communist spies (Clément 2001).
2. Sean Maloney offered a similar assessment of the literature in 2000: “The literature dealing with the Canadian government’s response to political violence in Quebec has focussed on the political aspects of separatism and the legal ramifications of the *War Measures Act*,” (Maloney 2000, 71). A significant portion of the literature on the crisis is composed of biographies of former terrorists and politicians. For a complete list of readings on the October Crisis (in English and French), see the list of primary sources at the website *Canada’s Rights Revolution: A History* at [www.HistoryOfRights.com](http://www.HistoryOfRights.com) (Clément 2007). *Canada’s Rights Revolution: A History* is a teaching and research portal on the human rights movement in Canada (with a section on the October Crisis, including many primary documents cited in this article and extensive reading lists).
3. For an overview of social movement mobilization during this period, refer to Clément (2008, chapter 2).
4. According to Kenneth McRoberts, the Parti Québécois quickly “secured a monopoly of the national question” (McRoberts 1993, 202).
5. For a detailed discussion of FLQ bombings, refer to Cardin (1990, appendix 2); Fournier (1984, chapters 9-12); Tetley (2007, appendix C).
6. It is a common misconception that the army’s intervention was authorized under the *War Measures Act*. *The National Defence Act* permitted any provincial government to call upon the federal government to mobilize the armed forces for domestic emergencies.
7. William Tetley examines the “provisional government” theory in detail in his recent account of the October Crisis (Tetley 2007).
8. It is a common misconception, including in the popular textbook *Destinies* and CBC’s TV movie *Trudeau*, that Laporte’s murder led to the invocation of the *War Measures Act*. Laporte’s murder occurred the day after the invocation of the *War Measures Act*.

9. The use of the *War Measures Act* was challenged (unsuccessfully) in court (*Gagnon and Vallières v. The Queen* 1971). Herbert Marx (1972) provides a fuller discussion of the legal ramifications of the use of emergency legislation.
10. By limiting reporters to using identifiable sources, the result “was to confine CBC news to official reports from the government or to the restrained comments the opposition parties were willing to make” (Cohen-Almagor 2000, 271).
11. Cohen-Almagor is emphatic that the Quebec media acted irresponsibly: “I have studied the relationships between terrorism and the media for many years and cannot think of a better example of irresponsible media behaviour.... Journalists broke almost every ethical norm that is accepted during hostage taking episodes” (Cohen-Almagor 2000, 275; see also Siegel 1983, 223-31).
12. It was unusual for the Quebec Provincial Police to operate outside their jurisdiction, and the police refused to comment on the irregularity (Ricker and Mackenzie, 1970).
13. The following is a sample of editorial commentary on the crisis: *Winnipeg Free Press*, 17 October 1970; *Montreal Gazette*, 17 October 1970; *Vancouver Sun*, 19 October 1970; *Evening Telegram*, 19 October 1970; *The Globe and Mail*, 20 October 1970.
14. For a detailed overview of the Quebec media’s response to the crisis, refer to Dagenais (1990).
15. Polling data is available in the following sources: Pierre Trudeau Papers, MG26 O11, vol. 43, file 25, LAC, Strategic Operations Centre – Opinion Polls, 15 November 1970; *Ottawa Citizen*, 16 November 1970; *The Globe and Mail*, 18 October 1971; Pelletier (1971); and Saywell (1971).
16. The memorandum was based on 7,620 letters written in English and 3,835 written in French to the prime minister.
17. Approximately 350 attended the rally at Nathan Philips Square in downtown Toronto.
18. David Macdonald was a Progressive Conservative member of Parliament from Prince Edward Island; Hugh Segal was the president of the student union at the University of Ottawa; Peter Desbarats was an associate editor of *Saturday Night*; and George Bain was an associate editor for *The Globe and Mail* (Macdonald and Segal 1970).
19. In January 1971, the organization sponsored a colloquium and a week of demonstrations in co-operation with the Mouvement de la défense des prisonnières politiques du Québec (RCMP 1971).
20. Claude Ryan and Claude Lemelin, both writing in *Le Devoir*, lambasted the Ligue for its inaction.
21. Scott was also interviewed in 1971 for the film *Reaction: A Portrait of a Society in Crisis* (Spry 1973).
22. The members of the Liberation Cell who kidnapped James Cross eventually returned to Canada. Jacques and Louise Cosette-Trudel returned in December 1978 and, within a year, were sentenced to two years minus a day. Both were released on parole in 1980. Louise’s brother, Jacques Lanctôt, returned to Quebec in February 1979 and was sent to prison for three years (he was released on parole in 1980). The final two members of the cell, Marc Carbonneau and Yves Langlois, remained in France until 1982 when they returned to Canada and received sentences of less than two years. The members of the

- Chenier Cell, who were responsible for kidnapping and murdering Pierre Laporte, never escaped. Francis Simard, Bernard Lortie, Fred Rose, and Jacques Rose were apprehended and imprisoned. Paul Rose and Francis Simard were sentenced to life in prison, Bernard Lortie to 20 years in jail, and Jacques Rose (who was acquitted of the murder charge) was sentenced to 8 years in prison. Jacques Rose was paroled in 1978, and his brother, Paul, and Francis Simard were paroled in 1982. Lortie was released in the late 1970s.
23. "Canadian counter-terrorism policy development originated with the activities of the FLQ and the resultant October Crisis of 1970" (G.D. Smith 1993, 103).
  24. Most of the records are restricted, but it is apparent from the materials that have been released that the RCMP monitored thousands of social movement organizations across Canada (RCMP vols. 2841 to 3439).
  25. The provincial commission linked RCMP illegal activities to the October Crisis: "il faut reconnaître que l'avènement de cette crise a introduit des bouleversements dans l'appareil des services de sécurité canadiens. Un nombre important des politiques qui prévalait dans ces services avant 1970 a été remplacé par des directives qui réclamaient une action plus agressive" (Quebec 1981).
  26. Peter Russell has argued that section 1 of the *Charter of Rights and Freedoms* provides an avenue for the judiciary to defer to the executive following the application of the *War Measures Act*: "If something like the scenario of October 1970 is repeated and the *War Measures Act* is proclaimed in force ... I think it is highly unlikely that the Supreme Court would hold that restrictions on rights and freedoms imposed by the orders issued under the act were unreasonable and unjustified. Those who have advertised the Charter as a way of preventing repressive wartime or emergency measures are unrealistic" (1987, 295-96).
  27. For instance, the *Emergencies Act* does not include a vague reference to apprehended insurrection and provides a definition for national emergencies. In addition, the act expressly forbids the detention or internment of citizens and permanent residents.

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