

Communist Activities in Canada

I want to see our Canadian parliament proceed by purely democratic methods. I do not want to see our parliament meet this totalitarian menace by the adoption of totalitarian methods. The method which my leader has put forward today is a purely democratic method of the enactment of law binding upon all and known to all who will be affected by it. The method proposed is not to pick out a particular political organization that we know to be communist, namely, the Labour-Progressive party, and to say that that shall be deemed to be illegal—not that the Labour-Progressive party is entitled to any particular sympathy, because they are thoroughly communistic. They preach the communist doctrine and they preach communist methods.

An hon. Member: They admit it.

Mr. Fleming: If you simply passed legislation to declare the Labour-Progressive party to be an illegal organization, that would not get at the root of the problem. The root of the problem is, and must always be, those acts in which that doctrine or the preaching of that doctrine issues. You could abolish the Labour-Progressive party or declare it to be illegal and it would simply turn up tomorrow under another name. That is what happened during the war years when the old communist party of Canada was declared an illegal organization, and the Labour-Progressive party appeared the next day and blossomed forth as a reproduction of the old communist party. As I have said, that would not be an effective way of grappling with this problem. The effective way is to legislate in such a way as to make an offence of those overt acts which strike at the roots of our system of government and our conception of individual freedom.

It is worth remembering that in the past communists in this country have been placed upon trial for offences of the kind I have been describing here tonight. It was not when the law was in its present form. It was at an earlier period when there were some teeth in the law. At the moment I am not advocating any particular and detailed form of legislation. I do not know that in a debate of this kind it would be proper to do more than to indicate the intent, purpose and scope of the proposed legislation. As I have said before, it is a mistake to approach an amendment of this kind and criticize it because it does not contain all the words that would necessarily be written into the Criminal Code if the intent of the amendment appealed to the house.

When the law had teeth in it communists were placed upon trial and communists were convicted. Was it because of the existence of

[Mr. Fleming.]

some abstract theory? No. Was it because communism as such was declared to be an illegal doctrine? No, it was not just that. Communists were placed on trial and communists were convicted because the doctrines they were propagating were doctrines that proposed the overthrow of government in this and other countries by force. Some of the facts of this situation have been forgotten throughout the country, and if I may say so they have been forgotten by many hon. members of the house. They have forgotten just what it was that was the basis of the conviction of Tim Buck and others of his ilk in 1931.

In the courts of Ontario nine communists were placed upon trial in the year 1931 for certain offences. At the hearing the charges against one man were dropped. The remaining eight were tried and found guilty upon three counts. One of those convicted was sentenced to two years' imprisonment on the first two counts and one year on the third count. The other seven were sentenced to five years' imprisonment on the first two counts and two years on the third count, the sentences to run concurrently.

Mr. Diefenbaker: What were the charges?

Mr. Garson: I wonder if my hon. friend would permit a question. What were the counts? What were the charges?

Mr. Fleming: I am dealing with the case that is reported under the title of *Rex v. Buck*. The excerpts that I shall be reading are excerpts from the judgment of the Ontario court of appeal in 1932 delivered by Sir William Mulock. The case is reported in several series of reports. The one I have before me is 57 Canadian Criminal Cases. The report begins at page 290. I do not wish to spend too much time on the subject of the nature of the indictment. It involved various offences under the old section 98 of the code. As I have indicated, there were three counts in respect of these various individuals. What I am discussing is the essence of the offence at which the law was striking, the essence of the offence of which these particular individuals were found guilty. I begin by reading an excerpt to be found at page 295 of the report, being the judgment of the court of appeal delivered by Sir William Mulock:

Buck testified that the communist party of Canada was a section of the communist international, and that from the year 1924 onward the above-named theses and statutes became binding upon the communist party of Canada. The communist international at the meeting of its second world congress . . . held in Moscow in July, 1920, passed certain theses and statutes.

These theses and statutes were put in at the trial as an exhibit. These are some of the