

Inquiries of the Ministry

stated whether or not the Department of Justice had come to a conclusion whether there was or was not the appropriate basis for a prosecution to be launched under the terms of the Criminal Code.

I need not emphasize in this house that the hon. member for Lake Centre has been a most consistent exponent of the liberty of the individual and most certainly never implied that there should at any time be action taken which was not under the clearly stated criminal law of this country. However, the question has not been answered whether in the opinion of the government the conduct of Endicott and his associates does lay a foundation for a charge under the Criminal Code as amended or under its original provisions. The reason I mention the matter now is because within some measurable time we doubtless will be leaving this place until November, and I think the question should not be left in abeyance.

The explanation given by the Minister of Justice implies that an opinion may be held that a charge should be laid but that it would not be wise to lay it. It seems to me that the Department of Justice must decide whether, under the laws passed by this house, there is or is not ground for prosecution. If the laws are too severe they should be amended and ameliorated. If they are not severe enough they should be amended so that they will deal with offences in an appropriate manner. But if laws have been passed by the parliament of Canada then it is the duty of the Department of Justice to carry out its responsibility to see that the laws are observed. It is not in keeping with our judicial system that the Department of Justice shall adopt a course in applied psychology and try to determine what the effect will be of prosecution or otherwise.

The Minister of Justice has said that Endicott's abuses of our freedom have already brought him into sufficient contempt. The same thing may be said about a murderer. It brings him into contempt when it is known he has committed an offence that justifies prosecution. I come back to this matter for the reason that this morning I have received, as I feel sure all other hon. members have also received, a pledge for peace circulated by these traitors. I use the word "traitors" in the sense that they have been trying to destroy the spirit of our people for the defence of our own freedom. It is for the courts to say whether there has been an act of treachery justifying a penalty under our laws, and only the courts should decide that question. This is a pledge which people are asked to sign and doubtless they will collect

[Mr. Drew.]

these cards and announce at some future time that they have been signed by thousands. It will not make any difference how many sign them because they will use a figure that will be suitable to them in any event. This card with the dove of peace, issued by these people who are serving the Kremlin in an attempt to undermine the spirit of defence of our people, can only be regarded with contempt, but the question still remains whether that is enough and whether there is or is not ground for prosecution in the courts as a result of the course they are following. It seems to me that it is still for the Department of Justice to make a decision on that basis and not on what they anticipate the psychological reaction might be.

Right Hon. L. S. St. Laurent (Prime Minister): I think the hon. gentleman forgets that the administration of justice and the enforcement of laws passed by parliament are in the first instance the responsibility of the attorneys general of the Canadian provinces. It is quite true that any citizen can lay a complaint. It is quite true that the officers of the Department of Justice could initiate a complaint, but the proceedings would thereafter be under the control of the provincial administrations. It is my submission that it is quite proper for the Department of Justice, before deciding whether it will do something that might be done by the attorneys general and which would regularly be done by the attorneys general of the provinces in the case of ordinary crimes, to consider whether or not the result of their laying a charge would be apt to produce benefits for the public generally. The hon. gentleman believes, as I do, in the accuracy of everything he has said about these people serving the interests of the Kremlin, but between believing that that is so and being able to produce legal evidence before the courts that it is so, to the extent which would bring about a conviction, there is quite a wide gap. I think the Department of Justice is wise in considering the probable results of the initiation, in quite an unexceptional manner, by the federal Department of Justice of prosecution for a crime against the peace, order and good government of the country which normally would be within the jurisdiction of the provincial authorities. The Minister of Justice (Mr. Garson) was very careful to say that nothing in their attitude or their statements at the present time can be construed as absolving Mr. Endicott or the others who print these appeals for peace. Each action is a separate incident and if and when it became advisable to prosecute them each one of those incidents would be taken into account.