

if Parliament takes it down, a very large number of people, who may not be as wise and as courageous as my honourable friend who has just taken his seat (Hon. Mr. Murdock), may infer that there no longer exists a feeling that certain actions are disreputable and are contrary to the interests of the community, and they may be tempted to do the very thing that this section warns against. That is my chief objection to the repeal of this provision at the present time, particularly as since 1919 we have not been making any very marked progress towards the millennium in which law and order will be universally respected.

There are external influences at work in this country. Have those influences become weaker since 1919? Communistic Russia still exists, with its seemingly all-powerful Government, behind which lie influences that have dominated their policies, internal and external, and have been growing stronger and stronger. Those influences have not been diminished or weakened in our own country. We know that in England and in Canada certain incidents have occurred which have made it necessary for the Government in each case to adopt strict measures to counteract the influence of Soviet Russia. It is well for us to pause and consider whether it would be wise for us to take down this warning and thereby very probably—I think, almost inevitably—render more dangerous to us those public policies of Soviet Russia which it is sought to propagate in our own country.

I do not think that the conventions or legalized policies of society in the interests of law and order have been materially strengthened in this country during the past ten years. There is a disrespect for law and order. There is a tendency to throw off all the conventions of society and even to revolt against laws and regulations. This is not a matter of congratulation either here or in the United States. Would it be well for us at this particular time to repeal this section—to pull down this danger signal, if you have a mind to call it so—and by implication rather give encouragement to the forces of disorder and of disrespect for law and the conventions of society? Such is the consideration that impels me at the present time to vote against the deletion of section 98. I do not think the proposed action would be conducive to the best interests of the country, social or other, at the present time. A matter that gives us concern is the outcropping of dishonesty in our business and official life. It is true that the majority of men are honest, as they have been in decades past, but of late there has been an astonishing revelation of lack of

Right Hon. Sir GEORGE E. FOSTER.

honesty in the ordinary business affairs of life, and we are led to wonder whether or not we are progressing along the lines of social and national welfare.

I do not intend to labour this question. It is all very well for my honourable friend who preceded me (Hon. Mr. Murdock) to argue, as he seemed to do, that such impulses and actions as are referred to in this section are to be met by sound reasoning and an exposition of the fallacy of the opinions that are held. If such an argument were brought to its logical conclusion we might be asked to do away with all our laws and let these people "pop out," as my honourable friend says. The trouble is that at the same time they might pop out many good things and many citizens as well.

I feel that the action I took on previous occasions I must take at the present time, and I shall vote for the retention of this clause.

Hon. Mr. FORKE: I should like to point out to the right honourable junior member for Ottawa that the disrespect for law that he mentions is not particularly related to the class of people dealt with in section 98. I admit that there is a good deal of disrespect for law. Perhaps the reason for that is that we have too many laws, and that as a result people look rather lightly upon some of the enactments passed by our legislative assemblies.

I have not so much fault to find with the punishment of crimes or offences against the State as I have with the method by which it is sought to discover those crimes and offences. For instance, in subsection 4 of section 98 we have this provision:

In any prosecution under this section, if it be proved that the person charged has

(a) attended meetings of an unlawful association; or

(b) spoken publicly in advocacy of an unlawful association; or

(c) distributed literature of an unlawful association by circulation through the Post Office mails of Canada, or otherwise, it shall be presumed, in the absence of proof to the contrary, that he is a member of such unlawful association.

Since when, under British justice, has a man had to prove himself innocent? Is it not the duty of the State to prove him guilty? A man, through inadvertence, might happen to get into some unlawful assembly, and he would have to prove his innocence.

Hon. SMEATON WHITE: Why not?

Hon. Mr. FORKE: It is not British law. He has to prove that he is innocent.