

National Defence

sake of the Canadian public, let me say this. Few men who committed crimes in the first great war received sentences which were not correct. They were charged with drunkenness and overstaying leave, which I had the honour of doing, and offered every excuse in the world. I think I got five days confined to barracks, and then did it again. That will continue. You can tell any soldier that he is going to get confined to barracks if he overstays his leave two days in London, and he is going to overstay four because he does not care about fifteen days confined to barracks. For instance, suppose a man were on leave in London or in Paris. Can you imagine a man walking along the Champs Elysées in Paris suddenly saying to his pal, "We had better get home in time or we are going to be confined to barracks for five days"? How utterly ridiculous!

It is suggested that these rules should be so simplified that every soldier is going to have time to read them. If they were half as thick as this pamphlet I have in my hand, they would not read them. If they did, they would not train to become the men we need during a war. Even with regard to courts martial, let the public of Canada remember this. It was seldom that any man did not receive his just deserts from his fellow soldiers, officers who had served. A man who becomes an officer does not lose his human instincts and the human kindness that runs through any man's body. They feel for the common soldier when he comes before them, just as any civilian would. No man becomes hardened towards his fellow man because he serves his king and country. I will say this, and I think every man in this house who served in the first war will agree: The percentage would be one-tenth of one per cent where there was a miscarriage of justice dealt out by active service officers. Fortunately I did not spend much time with courts martial in Canada during the first war. I say "fortunately" because from what I heard about some of the courts with elderly gentlemen who wanted to get overseas, there might have been grave infractions of the law and miscarriage of justice. But overseas men were not sentenced who did not deserve sentences, except in the most remote cases. I have talked to men whom I have defended in courts martial and the courts have said, after they have heard me or heard my plea as the defending officer of these men: "What do you think we should really give this man?" I have suggested five months first field punishment No. 1. I have had these men say, "I deserve every bit of it; I struck that officer. I got drunk. It is not the first occasion, it is my third. I am lucky I am not going to be shot." One man I have in

[Mr. Ferguson.]

mind turned out to win the D.C.M. and rose to the rank of sergeant. The last time I saw that man, he was proceeding with a bayonet into a machine gun nest and I believe he received a bar to his D.C.M. for his actions on that occasion. Men who went to Wandsworth, sentenced by the military courts of England—I believe the most severe military prison in the British empire—came out of there and admitted that they were better men than when they went in. Do not let it ever be forgotten that amongst the soldiers defending Canada were men who came out of the penitentiary and joined the armed forces, and who had committed the most atrocious crimes apart from murder that it is humanly possible for a man to commit. Many of these men who were convicted by fair and just courts did not receive any sentence while fighting overseas with the first Canadian army. I say this to the minister. Do not let him try to prepare a pamphlet that he believes will ever be read by two per cent of the Canadian army. If there is ever a war on, a real soldier will never even read the first page, and yet he will serve well and most of them without crime of any kind.

Mr. Speaker: Order. If the minister speaks now, he will close the debate.

Hon. Brooke Claxton (Minister of National Defence): I should like very much, Mr. Speaker, to express the great pleasure I think it is to all of us to have heard this bill debated in the co-operative way in which it has been debated. As another "other ranker" of the first war, I should like to say that I particularly agree with a good deal of the gusto and also of the sentiment of the last speaker, the hon. member for Simcoe North (Mr. Ferguson).

Mr. Macdonnell (Greenwood): Would you give us some personalities too?

Mr. Claxton: I could also give some personalities, both on the giving and on the receiving end. During the second world war I was one of those people whom the hon. member defied really in his last remarks, for I wrote a little pamphlet on military law. I do not know how many people read it, but at least it was printed to the extent of some 25,000 copies. Up to that time, that was perhaps one of the greatest distributions of a book in Canada apart from the Bible. I do not think it got many people into much trouble, but it helped quite a few younger officers to pass their examinations. I do not think it got down to the rank of the hon. member and myself during the first world war, so that we did not cause any more trouble because of that publication.