

Sauriol, referred to yesterday? Mr. Houde only said what many others said of the late plebiscite in and out of this house.

Hon. L. S. ST. LAURENT (Minister of Justice): In reply to the first question, I have not arrived at any conclusion as yet. In reply to the second question, I have come to the conclusion that it would not be proper to institute proceedings against Mr. Sauriol. I received a report on this matter from the counsel who is usually employed by the Royal Canadian Mounted Police in Montreal which has impressed me with the undesirability of instituting proceedings. I dislike taking up so much time with these matters, but it must be done if they are to be finally disposed of. The counsel considers that it would be doubtful whether or not he could establish his facts upon the reports he has received from the Royal Canadian Mounted Police. In addition, he writes:

As to the expediency of taking action, the following comments may be considered by the authorities:

It is a well known rule that under our criminal law, any one, whether the victim or not of an offence, may take action.

This discretionary power brings to the fore the question of the advisability of proceeding in any case.

This discretion is a right vested in any citizen as well as in those who have the responsibility of the admission of justice. It belongs to them all, once satisfied that the evidence justifies them to take action, to decide whether or not such action should be taken.

As far as the authorities are concerned, their decision must not be guided simply by the specific case under consideration, but must be inspired by the broader view of good government. For such decision they are answerable to the people who have entrusted to them the responsibility of governing.

This right to take action has been restricted in a number of offences under the Criminal Code of Canada and under the defence of Canada regulations, in certain matters such as in the present. And for the prosecution of certain offences, consent from the responsible authorities is required.

In confining this discretionary power to the governing authorities in these particular cases, the legislator has given more importance to the feature of expediency, and has left it entirely to the governing authorities to decide whether in any case, taking action would be a remedy worse than the evil.

The occasion which gave rise to the speech referred to is the provincial general election. While the occasion is not a defence for violation of the law, yet, it cannot be denied that on such occasion, it is according to the principles and customs, that greater tolerance be granted to the people to give their views and discuss the status of those who have governed them.

Election time is, in fact, the only time when a free people can discuss public matters for the purpose of the very creation and establishment of the next government.

The occasion becomes the rational foundation of that tolerance. This, again, does not justify the violation of the law, but it increases the degree of wisdom needed for the government, to use adequately the discretionary power given to it to take or not to take action, and it would appear better and more in line with a free constitutional foundation of power to make a mistake in granting too much tolerance, than to make a mistake in restricting it too much.

Furthermore, the action of the authorities will be much more publicized than the speech of one Jacques Sauriol and the speech, by the action of the authorities, will be given the real publicity.

Again, the action of the authorities will have a reaction, and it is logical to expect the general electoral campaign to be a proper occasion, if not the ideal occasion, for further violations.

The effect of the speech of Sauriol is known, and is not, as far as we know, of any importance. The effect of an arrest is not known but can be anticipated as fostering the movement and inflaming declarations to come.

I do not think the attack on the federal police has, in any way, touched the stability of its good character and reputation, and when this temporary situation created by the election will be over, Sauriol's speech will have been forgotten.

May I say, in support of this opinion, that these views on the expediency of proceeding are absolutely in line with the reason of existence of regulation 39 itself.

The purpose of the regulation is definitely to assure the efficient prosecution of the war, and in deciding as to what action can be taken, the same aim has to be kept in mind.

The very question for the authorities to decide is whether taking action, under these circumstances which are temporary in character will not be more harmful than refraining from taking it.

On consideration of that opinion I have come to the conclusion that the taking of action might be more harmful in its result than to refrain from taking it at this time.

Mr. DIEFENBAKER: Whose opinion is that?

Mr. ST. LAURENT: That is the opinion of Mr. Gerald Fauteux, K.C., Montreal, who for some years past has been the counsel consulted by the Royal Canadian Mounted Police.

Mr. DIEFENBAKER: Why should not the same principle be applied so far as these simple Jehovah's Witnesses are concerned?

Mr. ST. LAURENT: The members of Jehovah's Witnesses against whom warrants had been issued were defaulters under the National Resources Mobilization Act.