

HON. MR. PEARSON: I would suggest that that situation is not different, at least in some respects, from that of Canadians at home, who say the same things about the United Nations action in Korea.

If Mrs. Rodd is guilty in that regard—and I certainly am not attempting to defend her; I think it would be atrocious conduct—any action that might be taken against her for what she said about alleged atrocities in Korea would apply equally, in my opinion, to Canadians in Canada who said the same things.

MR. GREEN: I think there is a difference, Mr. Chairman.

MR. FLEMING: There is a possibility. Mrs. Rodd has gone to Korea, a country which is engaged in hostilities with Canada, as well as with other nations.

HON. MR. PEARSON: Would that make a legal difference in the kind of situation you have now?

MR. FLEMING: I think it would make a difference. If Canada is a party to the hostilities vis-à-vis north Korea, and a Canadian national goes to north Korea, it seems to me there is a fundamental legal distinction there, and it seems to me that the point which Mr. Green makes in comparing that situation with a case where a Canadian, let us say, went to Germany during the last war, has a lot of force to it.

MR. GREEN: If your contention is correct then there was no difference between 1939 and 1945. Consider a Canadian in Canada criticizing Canadian troops. Let us say a Canadian went to Switzerland, managed to get over the German border, was friendly with the Germans, and was obviously on their side. That Canadian then came back home to Canada and told about alleged atrocities committed by Canadian troops.

HON. MR. PEARSON: I appreciate that difference; but I think the legal situation is not the same as it was in the war against Germany. Of course, legally, we are not at war in Korea. We are simply engaged with other United Nations forces in a police action. That may be a distinction without an actual difference.

But I think there is a legal difference because we cannot apply, as I understand it—and I am not a lawyer—we cannot apply our laws in this situation in the same way as we could apply them if there was a war between ourselves and the other country.

MR. FRASER: But that woman could not be in north Korea unless the Russians had helped her to go in there.

HON. MR. PEARSON: Of course.

MR. FRASER: She is there for no other purpose.

HON. MR. PEARSON: Of course; and I am not attempting to defend her at all. I am trying to suggest that the same kind of offence is being committed in Canada today by Canadians, but probably not to the same extent. If you will read the communist newspapers in Canada, you will see some of the things they are saying about our operations in Korea.

MR. GREEN: But this woman has actually gone to north Korea. She is there with the consent of the north Korean government, and the north Korean government are our enemies at the moment.

HON. MR. PEARSON: I suggest to you that she has either committed treason or she has not committed treason. Isn't that the case?

MR. LESAGE: I think it is a case for the courts, Mr. Chairman.

HON. MR. PEARSON: Yes; but on what other ground could we try her in the courts?

MR. GREEN: It may be necessary to remand her under the Treason Act.