

I was rather surprised to hear the hon. member make such a statement, because usually he is quite canny in what he has to say. By implying that section 98 was retained for political purposes he naturally suggests that the communists are going to vote for his party. That is a frank admission which, had he thought it over, obviously he would not have made. The hon. member said the section is not British and is not Canadian, but let me assure him that actions not Canadian and not British will not be punished by section 98. The hon. member also said that the time to act was after the offence had been committed. Would that apply in case of a riot in this country? After that all we would need would be the undertaker. My hon. friend also said the communists were poorly fed, that they had nothing and therefore we had nothing to fear from them. Yet the hon. member for North Winnipeg (Mr. Heaps) stated that to his knowledge they had large amounts of money and a great deal of property throughout the country.

I thought the hon. member for North Winnipeg made a very mild and well considered address. First he admitted the great condition of unrest in this country. Then he stated that he was opposed to force. The only mistake he made was that he did not draw the correct conclusion. Granting that conditions are as he said, and presuming that the hon. member is opposed to force, naturally he would desire the retention of section 98, because that section only opposes the condition which may be brought about due to force and communism.

The hon. member for Winnipeg North Centre (Mr. Woodsworth), who made the original address in regard to this measure, first quoted the United Church, which recently has taken a great political bent. Then he quoted Professor Scott of McGill, whose speeches have been read throughout the country with some alarm. Then the hon. gentleman quoted my good friend, Magistrate R. B. Graham, but I noticed that although Mr. Graham said that revolution had been necessary at other times, he did not come within a century of the present. The hon. member for Winnipeg North Centre seems to fear that in connection with section 98 the courts of this country may be prejudiced and that, being prejudiced, they may do those things which they ought not to do. If we are to assume that our courts will become prejudiced none of our laws are safe, let alone section 98. Again, the hon. gentleman took objection to the fact that where there were reasonable grounds for suspecting so-and-so,

certain action might be taken, but many sections of the criminal code are based upon reasonable grounds for suspicion, and the courts of this country are based upon reason. Objection was taken also to the fact that the penalty stated in this section is not more than twenty years. Let me tell my hon. friend that if I were defending a man I should be very happy if the section stated not more than twenty years, but I would be in difficulty if the section said not less than three months. Where a section says not more than so many years it is left to the discretion of the court and the court, having that discretion, will decide that which is right. You can trust the courts of this country to interpret the law. If I were to give advice to the hon. member for Winnipeg North Centre it would be that he look over the criminal code and see how many sections provide for penalties of \$100 or \$200 or not less than three months. This does not give the poor man, the magistrate or the judge, a chance.

I am opposed to the repeal of section 98 because of the conditions existing at the present time. Recently I read the report in regard to the riots which took place at Kingston penitentiary. The reading of that report is sufficient for me to say that at this time section 98 is the most necessary section of the criminal code. Let me ask the house this question: What is the use of deporting communists if you are going to repeal section 98, which is intended to control them? Must we control communists only by means of deportation or must we retain section 98 which is for that special purpose?

The fears of hon. members who desire the repeal of the section are unfounded, because they all admit that they are opposed to force, and the only reason we have section 98 is that it also opposes any force that might be used by communists in this country. Those who wish to abide by the law, those who are of good behaviour need not worry about section 98; there are many sections of the criminal code much more rigorous in their application than that section.

I might say to the hon. member for Winnipeg North Centre that so far as subsection 3 of section 98 is concerned I think it is rather wide in its application and the section would be much better were it not included. But the present bill asks for the total repeal of section 98, which is impossible. For these reasons and particularly at this time I think it is impossible for us to consider the repeal of the section and therefore I shall support the amendment for the six months' hoist.