

Mr. LAPOINTE (Quebec East): The representatives of the Liberty League had a better argument than my hon. friend. He should be satisfied with them.

Mr. WOODSWORTH: I want to read a few more sentences from this document:

The inhabitants of Quebec, no less than the inhabitants of other provinces of Canada, have certain constitutional rights as Canadians.

And again:

The law of sedition can stop all preaching of violence, the law of seditious libel can stop all revolutionary propaganda in newspapers, the law of unlawful assembly can prevent riotous and disorderly meetings. The padlock act in so far as it goes beyond them is itself destructive of the institutions it seeks to uphold.

And again:

The factum submitted by Your Excellency's government to the Supreme Court of Canada in the reference on the Alberta press bill says: "The authority that can impose some restriction on the freedom of the press, a freedom which is in a legal sense now complete, can impose any restriction."

There is the situation. I told the house, at the beginning of my speech, I was not asking for disallowance. But I would point out that disallowance, which was practically ruled out by the Minister of Justice a year ago, has since been made use of by this very government with regard to the Alberta legislation, and there are still some cases pending.

Surely we have not arrived at that stage in Canada when one law applies to one province and another law to another province or, more closely, when the same law can be used in one province and not used in another. I continue my quotations:

Counsel for Your Excellency's government, Mr. Geoffrion, in this case is reported by the Canadian press as adding: "The rights of the public as well as those of the newspaper publishers had to be considered. There was a right on the part of the public to have the channels of information kept open. This right was of the essence of democracy. If the people were to pass judgment on governments, governments could not interfere with the information the people were to receive. Democratic government and a free press were inseparable. Democracy could not function without a free press, and other forms of government could not function with one. Wherever democracy fell, the freedom of the press disappeared. It was the right of the public to obtain information for which people fought in past years in both France and England. Interference with the newspapers of Alberta affected Canadians from coast to coast. People in all parts of Canada were entitled to know what was happening in every other part and what the people of other parts were saying. They were also interested in having people in other parts know what they were saying. If a province could control the newspapers at all it could establish complete control. The bill before the court,

if held good, might be a forerunner to the complete domination of the newspapers in any province by the provincial government, to the licensing and control of reporters for papers outside the province, and to the placing of policemen at provincial borders to stop information from going in or out."

The petition comments:

All this is as applicable to the padlock act as if the learned counsel had been discussing that act in set terms.

Emphasis is given to some points that I have already raised.

. . . the padlock act appears to be a clear invasion of a field of jurisdiction exclusively assigned to the dominion parliament. . . . Sections 3 and 4 of the padlock act clearly create a new crime and provide a penalty for it, though the padlock act seeks to evade the provisions of the British North America Act by leaving that crime undefined. . . . Sections 12, 13 and 14 of the padlock act, in addition to creating a new crime, restrict and regulate the freedom of the press. Such legislation it is submitted, is ultra vires the province on three grounds, set forth in the factum submitted by Your Excellency's government to the Supreme Court of Canada in the reference on the Alberta press bill.

The grounds are then set out. I believe I shall not go farther with this document. It is in the hands of the minister. I wish it had been possible to put it earlier in the hands of every hon. member. All of us should know the seriousness of the situation.

May I point out that many protests against the legislation have been coming in. One came from a committee of the Canadian Bar Association. There was one from the Social Service Council of Canada. I have had scores from all kinds of labour organizations. I submit the government cannot possibly escape its responsibility in the matter.

Only a year ago the Ottawa Journal spoke in these terms:

Actually, this bill is not aimed against lawlessness. It is aimed against liberty, against liberty to write and speak, to discuss and debate. It is a vicious law because:

1. It enables an executive officer to punish a man (by padlocking his house) before any court has found him guilty.
2. It puts the burden of proof of innocence on the person thus attacked.
3. It bars any appeal from the decision of a single judge of the superior court.
4. It enables any peace officer to seize literature, not only of a communistic sort (with interpretation of what constitutes communism left to the government) but also of a sort "tending to produce communism."