

Postal Service

denied the use of the mails. They were denied the right to send out and denied the right to receive. At another time when the estimates of the Post Office Department are before us it is my purpose to do what cannot now be done, and that is to inquire in regard to a number of the details as to the procedure which has been followed.

One of the things that have taken place is that a number of these people have come to Ottawa and have called on officials of the Post Office Department. In certain cases where these individuals or companies were prepared to comply with the terms laid down by the Post Office Department the orders, which the Acting Postmaster General has described as fraud orders, have according to my information been withdrawn. It would be interesting to know what representations were made and what conditions were attached; and when the estimates of the Post Office Department are before us it will be possible to ask those questions and to obtain that information.

Dealing again with the denial of the use of the mails to certain brokers: this did bring the whole matter to the attention of the public, and for the first time brought home the fact that there are 1,100 of these orders outstanding, of which only a small proportion apply to the brokers. It was done in a way that suggested something more than the ordinary procedure contemplated by that regulation, which has been in force for a very long time.

This order is one of long standing. It has been administered by different governments and has been regarded as a means of denying the use of the mails for obviously improper purposes. But what cannot be overlooked in this case is that a device was employed which had the effect of giving to the Postmaster General the authority of a securities commissioner, no matter whether that was the intention or not. The Postmaster General denied the use of the mails; by doing so he effectively denied the possibility of these people carrying on business. In that way he was achieving a result which, according to the Minister of Justice, had the commendable purpose of preventing fraud.

But the thing we should always bear in mind in considering the action of officials under regulations of this kind is that never at any time have we been prepared to accept the proposition that any minister or any official is infallible. The moment we are prepared to concede infallibility in any minister—and we most certainly will not concede it to the Minister of Justice—we shall be then accepting a basic proposition in the totalitarian state, where we take from the courts

decision as to the rights of individuals, and leave it to some official to say whether a person may carry on his means to earn a livelihood or not.

The principle is there; the principle is clear. The more desirable the purpose, the more important it is that we carry out that purpose under the rule of law. In this case the Minister of Justice has informed us there is to be an amendment that will permit appeals. That is an empty concession.

Mr. Garson: I think for the sake of accuracy I should offer a slight correction. I said that we have under consideration the advisability of an amendment.

Mr. Drew: Oh; then, we may take it that that was only a gesture which may or may not have any value, depending upon whether it has complete acceptance at a later date.

Mr. Garson: If my hon. friend would permit me to state my position correctly, I have not stated it as he has just stated it. I am saying that we have under consideration the advisability of introducing an amendment along the lines set out in my speech to which he referred, and that in that connection we are seeking representations from the broker dealers association represented by Mr. McTague before we make up our minds.

Mr. Drew: One of the reasons I say that this may or may not have any meaning is that we remember it was a year ago in March that we were informed that the government had under consideration an amendment to the Criminal Code to deal with communism. We have not got any further ahead with that. The government is dismissing from its service those with communist tendencies without having any law to state that that is an offence. It is doing that in somewhat the same way that it is dealing in this case with companies and individuals under the 1,100 fraud orders that are active and outstanding at the present time.

We are told that consideration is to be given to the right to appeal, but I would point out that such right of appeal may be an empty right in the case of any business organization which is committed to a substantial overhead and is denied by an arbitrary order of this kind the opportunity to carry on its business during the time the appeal process is being carried forward and the court has the opportunity to determine if that decision should be made by the Minister of Justice. The whole business of a company might be wiped out and the real opportunity to take an effective appeal denied simply because of the delay as much as the actual cost of the appeal. It may be that the cost of the appeal would not be nearly so important as the cost of carrying unproductive