

vent Communist candidates from appearing against other candidates in the last election? If the section is useless, why keep it?

May I also call attention to this point? Why should there be talk only of Communists when it comes to this question? The Fascists, the Nazis in Germany, are just as violent concerning change of government as are the Communists. I think we have in the Criminal Code, under the sedition sections, quite enough to meet the Fascists and the Nazis as well as the Communists.

For these brief reasons I believe we had better return to our Criminal Code, which affords us all necessary protection against those who may wish to resort to force in one form or another.

Hon. Mr. GORDON: Is there anything on record to show that persons other than seditionists or Communists have suffered under section 98?

Hon. Mr. DANDURAND: I am not quite sure as to how many have been proceeded against under clause 98. Tim Buck—

Hon. Mr. GORDON: Are there any others?

Hon. Mr. DANDURAND: I cannot answer the question.

Hon. Mr. GORDON: Is this amendment introduced mainly because of Tim Buck's objection to section 98?

Hon. Mr. DANDURAND: No. I should think that any Communist who desired to preach his doctrines would be most happy to be prosecuted under section 98 in order to pose as a martyr and get into the lime-light, as Tim Buck did.

Hon. Mr. GORDON: I never could see how any person except a seditionist need fear section 98. My honourable friend asks, if the law is useless why keep it on the Statute Book? I do not think that is a good reason for its repeal. It may have deterred many a would-be seditionist. That is what the section was enacted for—to forestall trouble, and it appears to have been pretty effective.

Right Hon. ARTHUR MEIGHEN: I find no fault with the discretion exercised by the honourable leader of the Government (Hon. Mr. Dandurand) in reading a memorandum from the honourable Minister of Justice instead of venturing to express his own views and giving his own reasons therefor. I feel confident that in his heart he has no sympathy at all with the terms of the memorandum, and I put it on record at the opening

Hon. Mr. DANDURAND.

of my remarks that as a member of this House I feel a sense of insult and resentment that the honourable Minister of Justice should have addressed such a memorandum to us. No intelligent person could possibly come honestly to the opinion that that memorandum is a fair presentation or interpretation of the intent and effect of the section to be repealed.

The memorandum states that somebody—the implication is, because of this section—was arrested for having a copy of Plato's Republic. What is the purpose in telling that to the Senate? A tyro of the second book would know that under the authority of this section nobody could be lawfully arrested because he had that work in his possession, or the Bible or any similar work. I do not believe for a moment that under this section anybody was ever arrested even ostensibly for any such so-called offence. If he was arrested at all it would be in respect of something else, regarded as serious at the time of the War.

Then the memorandum goes on to tell us that under this section a man is to be punished for being a Communist. That is just plainly, openly and violently false—and I hope those words are carried. No man can be arrested under this section because he is a Communist or has any particular belief, whatever it may be.

The memorandum quotes an opinion of Macaulay's that it is only when the individual, having harboured wrong ideas, gives effect to them to the detriment of the State that he ought to be punished. Who within the four walls of Parliament or of anything other than a lunatic asylum would ever entertain a contrary opinion? This section never did, does not now, and never could punish anybody for harbouring an opinion, however foolish, lunatic or dangerous.

One would also think from the memorandum that this section was devised under the panic of war, to deal with offences which would never be offences in time of peace. I know the honourable leader of the Government does not think so; he never did. Does anyone suggest that in time of peace anyone should be allowed to advocate the use of force to bring about a change of government? Is that, all wrong in time of war, all right in time of peace? I know the Minister opposite does not think so. What is more, I know the Government does not think so.

The honourable leader of the Government tells us that this Bill, as representing the opinion of the Commons, has been presented to us frequently before, but we have always rejected it. I know he did not intend to mislead the House, and if he will reflect a