

techniques that destroy nations from within. I have taken unpopular stands. I frankly state that in 1948 my own party came out in favour of outlawing communism. I was the only one to oppose it. I received a very unusual lack of welcome. The Conservative party was going to sweep Canada with that policy. I said, "You cannot do it. You cannot deny an individual the right to think as he will. The offence is not in being wrong, the offence is in doing wrong." Wherever communism has been outlawed it has operated underground. When it has come out, it has been stronger than ever.

It is interesting to note that under this regulation the communists can do what they want in Canada without being subject to the provisions of this section as it now reads.

A person who

- (a) is or professes to be a member of the unlawful association,
- (b) acts or professes to act as an officer of the unlawful association,
- (c) communicates statements on behalf of or as a representative or professed representative of the unlawful association,
- (d) advocates or promotes the unlawful acts, aims, principles or policies of the unlawful association,
- (e) contributes anything as dues or otherwise to the unlawful association or to anyone for the benefit of the unlawful association,
- (f) solicits subscriptions or contributions for the unlawful association, or
- (g) advocates, promotes or engages in the use of force or the commission of criminal offences as a means of accomplishing a governmental change within Canada is guilty of an indictable offence...

Wrong should be punished. Why not amend the Criminal Code? Why bring in a great umbrella which will deny freedom elsewhere in Canada in trying to meet a situation in one province? It is as simple as that. One section of the regulation reads and I think somebody made a mistake here:

In any prosecution for an offence under these Regulations, evidence that any person

- (a) attended any meeting of the unlawful association,—

It does not say when. If any member of this House ever attended one of those meetings he will, prima facie, be guilty of that offence. There ought to be some amendment. I presume it was intended the next line should also apply:

- (b) spoke publicly in advocacy for the unlawful association,—

Grammatically it cannot stand up. It does not say when. All that is necessary is for someone to say, "I saw you attending a meeting of an unlawful association". You are then before the court. You can be picked up and detained without the opportunity of habeas corpus. A change should be made in that, because grammatically it is not correct. If it is read altogether, it says "attended any meeting of an unlawful association, spoke publicly in advocacy of that unlawful association." Either it does not mean what it says or it does not say what it means.

• (2:30 p.m.)

Some hon. Members: Oh, oh.

Invoking of War Measures Act

Mr. Diefenbaker: One can be arrested without warrant for committing an offence. There are sections about peace officers, sections 10, 11 and 12, all of which I support.

I ask the government even now to withdraw this resolution, bring in a bill and let members of this House give effect to bringing about changes in the Criminal Code to cover the situation rather than take away from Canadians something which is dearer than life itself—their civil rights, their right to live their lives as they will and not to be denied their constitutional freedoms without which life would cease to have any interest.

I am concerned for my country. I have known during the years the degree of fear, frustration and foreboding in the hearts of Canadians in every part of our country. Where is the pride in Canadianism today? People are fearful. Permissiveness has become a way of life and Parliament has made its contribution to that concept in abortion changes and in legalizing adult homosexuality. Everywhere groups of individuals contend that, because they have numbers behind them, they are above the law. The result is that freedom is destroyed for the rest of Canadians. I make this plea to the government. I brought in the Bill of Rights. It was ridiculed for many years. It finally became law in 1960 and from 1960 until 1969 various individuals across Canada in the universities and in the lower echelons of the courts declared that the Bill of Rights was merely a pious declaration written in grandiloquent language but having no binding effect on the courts. Indeed, I was surprised that when Joe Drybones of Dog Lake Reserve had his case heard before the Supreme Court of Canada, the Government of Canada was represented by counsel who bitterly contended that the Bill of Rights had no legal effect and was merely a declaration. The courts held otherwise and today Canadians enjoy a freedom under law which they did not have before.

Mention was made today by the Leader of the Opposition of the Bill of Rights, to the effect that the Prime Minister had hoped he could make it into a constitutional amendment. Such is not possible. As I see it, it will not be possible in the generation of any member of this House because the provinces will not give up their jurisdiction over property and civil rights. Dare any government bring before the Parliament of Canada a measure for the repeal of that act? Habeas corpus itself is only a statute. It was enacted in the 17th Century, yet no one dares abolish it except in circumstances of grave emergency.

I would like—and hon. members may think it is only a dream—to see action taken by the Parliament of Canada which will raise the hearts of men, and raise the horizons of young men and women, to give them an understanding of the greatness of our tradition, of the meaning of freedom and its record in Canada. It was in Canada that slavery was first abolished under the British Crown, 40 years before it was abolished elsewhere. I should like to see a declaration made by a committee of this Parliament setting out national goals, a declaration of our hopes, our expectations and our ideals. It would have no probative value but it would contribute to achieving the objectives I have in mind, that is, in giving Canadians principles to