

*Communist Activities in Canada*

today satisfactory? In the year 1936 when parliament amended the Criminal Code it eliminated the offences of which the communists, in the trial to which I have referred, were convicted. It substituted an amendment to the sedition section of the Criminal Code. By chapter 29, section 4, of the statutes of 1936, parliament simply substituted a further definition of the expression "seditious intention", and that is where the matter has stood since. It is for that reason we have not had prosecutions and convictions of communists since that time for advocating precisely what Tim Buck and his associates advocated, in respect of which they were convicted and sentenced in 1931.

During this session I put some questions on the order paper because I was anxious to get at this question of the efficacy of section 133, the section in relation to sedition in the Criminal Code, in the light of the position in which the legislation of 1936 left the law. These are my questions, and I read the answers immediately following the question instead of separating them:

1. How many prosecutions have been instituted for seditious offences since the 1936 amendment of section 133 of the Criminal Code?

Two on behalf of the government of Canada. There may be other prosecutions instituted by the attorneys general of the provinces of Canada of which the federal government has no record.

2. What was the nature of the offence charged in each case?

In one case the charge was speaking seditious words against His Majesty the King. The other case was one in which the accused was charged with being a party to a seditious conspiracy.

3. What was the outcome of the prosecution in each case?

The outcome in the first case was "charge dismissed." In the second, the accused was convicted but the conviction was later quashed on appeal.

It is quite apparent either that the present law is not being put to work, or that it has not adequate teeth in it, to strike at what we contend ought to be an offence, namely, the advocacy of the overthrow of the governmental institutions of the country by force.

The Prime Minister (Mr. St. Laurent) was at pains today to try to put the burden upon the attorneys general of the provinces. I want to say a word about that, sir, because it is a fact that most of the counter-espionage work in this country, as is well known, is carried on through the Royal Canadian Mounted Police. The provinces have not attempted to duplicate the existing machinery for counter-espionage work in Canada. Then, sir, we always come back to this: that the attorneys general of the provinces, in carrying out their duty in regard to prosecutions, are only able to work upon the substantive law created by this parliament for the purpose. It is only an offence created under

[Mr. Fleming.]

the legislation that parliament itself passed which will warrant the attorneys general of the provinces setting in motion the procedure designed to prosecute persons who are guilty of offences. The fact of the matter is, sir—we ought to be fair about it, because the return submitted by the Minister of Justice (Mr. Garson) to which I have just adverted makes it abundantly clear—the Criminal Code in Canada at present is not strong enough to warrant the attorneys general of the provinces launching prosecutions designed to obtain convictions in cases where people in this country are preaching the doctrine of overthrowing the government by violence.

Is there any hon. member in this house who doubts for one moment that the communists today are preaching the same doctrines as those which were the essence of the theses and statutes that were made exhibits, and upon the basis of which a conviction was obtained in the Tim Buck case in 1931? Today direction from Moscow is much clearer than it was nineteen years ago when Tim Buck was convicted. That fact has been exposed in the quarrel between Tito and the Kremlin. Tito is a communist, and he has set up a communist government in Yugoslavia, but the basis of the quarrel between him and the Kremlin is that Tito is not prepared to take orders from the centre of communist world authority, namely, the Kremlin.

It is quite clear that it is no part of the communist plan to wait until they have massed the support of the majority of the people in a country. They have never waited for that in any country in which they struck. What they have sought to bring about was a well-organized, well-trained, and well-disciplined minority, who knew their job and were ready to strike when the order was given. The communists have gone into a country under one guise or another to get control of the key posts in the government until the time was right. In Greece they nearly succeeded in establishing a communist regime in the beginning of 1945. They would have succeeded in doing so had it not been for the presence of British troops under General Scobie. In late 1944 and 1945, the test of the communist strength in that country was the free elections that were held. The communist elements knew they could not make any kind of a showing at that election, so they decided they would boycott the election. They asked everybody to boycott it. The election thereby became a test of communist strength, but over ninety per cent of the electors turned out at the polls.

When some of us were in Greece a year and a half ago, the Prime Minister told us