

notes give us all the explanations necessary for an understanding of the proposed legislation. We repealed the old law against sedition, a law which was not oppressive. As I have stated, I am not going into an elaborate discussion of this matter, but I should like to quote the opinion of an acknowledged authority on our criminal law, and the author of textbooks on it—Mr. Crankshaw. In the third edition of his work on the Criminal Code, page 131, he says:

At the present day, when the right of forming political organizations, of holding political meetings, and of giving,—through the press, or on the public platform,—free expression to our thoughts upon and criticism of public men and affairs, is so well recognized, a written or printed publication, a public speech, or an assembly, meeting, convention or combination would have to be of an extremely vicious, inflammatory and dangerous character to form the basis of a successful prosecution for a seditious libel, a seditious speech, or a seditious conspiracy.

Mark the language of this acknowledged authority, that there would have to be something "of an extremely vicious, inflammatory and dangerous character" in order to form the basis of a successful prosecution.

Section 98 of the Code prohibits the use of force in doing what may perhaps be done lawfully by other means. Subsection 1 says:

Any association, organization, society or corporation, whose professed purpose or one of whose purposes is to bring about any governmental, industrial or economical change within Canada, by use of force, violence or physical injury to person or property, or by threats of such injury, or which teaches, advocates, advises or defends the use of force, violence, terrorism, or physical injury to person or property, or threats of such injury, in order to accomplish such change, or for any other purpose, or which shall by any means prosecute or pursue such purpose or professed purpose, or shall so teach, advocate, advise or defend, shall be an unlawful association.

I say that the application of that section in any charge is based upon the use of force.

Subsection 2 reads:

Any property, real or personal, belonging or suspected to belong to an unlawful association, or held or suspected to be held by any person for or on behalf thereof may, without warrant, be seized or taken possession of by any person thereunto authorized by the Commissioner of the Royal Canadian Mounted Police, and may thereupon be forfeited to His Majesty.

Honourable gentlemen will notice that the authorization to act without warrant cannot be given by any subordinate official, but is exclusively within the power of the Commissioner of the Royal Canadian Mounted Police. Every lawyer, at least, knows that there are many cases where a search may be made without a warrant.

Hon. Mr. WILLOUGHBY.

Subsection 3 reads:

Any person who acts or professes to act as an officer of any such unlawful association and who shall sell, speak, write or publish anything as the representative or professed representative of any such unlawful association, or become and continue to be a member thereof, or wear, carry or cause to be displayed upon or about his person or elsewhere, any badge, insignia, emblem, banner, motto, pennant, card, button or other device, whatsoever, indicating or intended to show or suggest that he is a member of or in any wise associated with any such unlawful association, or who shall contribute anything as dues or otherwise, to it or to any one for it, or who shall solicit subscriptions or contributions for it, shall be guilty of an offence and liable to imprisonment for not more than twenty years.

Before this subsection can be applied there must be an unlawful association such as is dealt with in the first paragraph. It is designed to cover cases where force is used or advocated.

Section 3 of the Bill amends section 134 of the Criminal Code by providing maximum imprisonment of two years instead of twenty years as at present. I submit, honourable gentlemen, that although section 98 of the Code has been in force since 1919, it has resulted in no abuse. Under it no subject of His Majesty has been deprived of his liberty; in fact, as I have already pointed out, no prosecution has been brought. It may be asked why the section should be retained. My submission is that its very presence in our Statutes is a warning to the people who might be tempted to use force in the way that the section prohibits, and that it operates as a restraining influence upon them. If this law were exercised oppressively against freedom of intercourse, or if free assembly for lawful purposes were prevented by arbitrary power in any part of Canada, then, I submit, it would be time for this Parliament to intervene. I appeal not only to my friends behind me, but to all who believe in the maintenance of safe, sane, established government. Even more than to any others, perhaps, do I appeal to our friends from Quebec, who stand pre-eminently for stabilized, moderate and strong government, and if I may say so—I say it without being offensive—who stand for ordered liberty.

I see no reason why this Bill should now, in these dying hours of the Session, be brought again before this House, which on three other occasions did not see fit to adopt it. Apparently nobody is now complaining particularly about the law. If any complaints at all are coming, they are from that section of the community of whose views I do not approve. Those who are designated as Reds have something to fear from the present law,