

*Navigable Waters Protection Act*

which definition would not have the approval of parliament, because parliament would know nothing about it, and to impose penalties on Canadian citizens for the commission of those crimes which in themselves were not known as such to the Canadian citizens as crimes. In addition, sir, the Leader of the Opposition has said that in our view it is time, if Canadian seamen or any other group of Canadian citizens are to be proceeded against because they are considered to be undesirable security risks, that what we mean by an offence against security in that general sense should be defined in the general law, and that no one group of citizens should be singled out for treatment different from any other.

In answering that proposition the Minister of Labour (Mr. Gregg) stated that these regulations which it is desired to continue now under the authority of this bill, if it becomes law, have no reference to communist activities. Well, sir, that of course is a statement which I respectfully suggest—

**Mr. Gregg:** I said no relation to communism as such.

**Mr. Fulton:** Very well. I respectfully suggest that on reflection the minister will realize that is not an accurate summary of the situation. The inaccuracy of that position can be gathered by a reference to the words which the Minister of Labour himself used. He referred to the necessity of those regulations because of the protection which they give against sabotage. He also referred to the application of the regulations whereby seamen's cards had been withheld—and I am quoting his words here as I took them down—because the applicants' loyalty had been in such serious doubt that it was considered necessary to withhold them. He said that certain of the applications had been sent to the Royal Canadian Mounted Police for checking and screening. Well, there can be no question in the mind of any reasonable man that what was suspected in this case was that the applicant had communist sympathies. That is what this business of screening means.

**Mr. Garson:** Are communists the only traitors? Is every traitor a communist?

**Mr. Fulton:** By no means; but the Minister of Labour has said, and the Minister of Justice himself knows of course, that these regulations were brought in at the time of communist aggression against Korea. It was suspected that those who might commit acts of sabotage, following that outbreak of hostilities in Korea, would do so because of their sympathy with what was going on in Korea, and that they would be communists or communist sympathizers. I do not think the point really merits further discussion because it is

[Mr. Fulton.]

the merest verbiage to try to suggest to us that those regulations do not have as their object the refusal of cards to seamen on the ground that they are suspected of communist sympathies.

Since it is one o'clock, I might continue the debate after luncheon.

At one o'clock the house took recess.

The house resumed at 2.30 p.m.

**Mr. Fulton:** Mr. Speaker, when the house rose for lunch at one o'clock I was just detailing some of the objections we felt to the method being followed of providing for the security of Canada, and for security screening authority which is to be given under this bill to the governor in council to make regulations providing for the screening of seamen, and providing penalties which in effect give them power to try a crime and impose a penalty for that crime.

We take the position in connection with this matter of security that the offence envisaged in what constitutes a breach of security or loyalty to Canada should be defined under statute, and that all persons should then be in the same position so that a man cannot be proceeded against except for a breach of a provision to which parliament has agreed, and not of one laid down by governor in council.

As the result of departure from the principle embodied in that type of legislation, and as a result of the action which the government has taken here, you can see, Mr. Speaker, that we are getting ourselves into an absurd situation.

Not only is it undesirable from the point of view of the principle involved; it is absurd in its application in this instance. What has happened here is that we have brought in an amendment to the Navigable Waters Protection Act and that act, up to the present time and by its very nature, is concerned with the matter of the provision of aids to navigation, and the physical surroundings of our waterways. Then suddenly, as an addition and as a sort of bunion on the body of the act, we have something which deals with an entirely different subject, the matter of the security of Canada from the point of view of whether or not a person is loyal, and whether his security qualifications are acceptable to the government. That has nothing to do with the protection of navigable waters.

The place in which to lay down your security provisions is in the Criminal Code,