

# Defense Regulation 21 Attacked by Carriere

**Montreal, Nov. 26 (CP).—**Verbal notice was given today by defense counsel for Marc Carriere of their intention of questioning the constitutionality of Article 21 of the Defense of Canada Regulations, under which the 22-year-old political organizer was detained.

The notice climaxed the first day of argument in Superior Court on the legal maintenance of a writ of habeas corpus granted Carriere yesterday. He was arrested last Friday for utterances made two days before at a campaign rally for Jean Drapeau, "candidate of the draftees" in the Nov. 30 Federal by-election in Outremont riding. Carriere was Mr. Drapeau's chief organizer at the time.

Mr. Justice E. F. Surveyer adjourned court until tomorrow, taking under advisement a second motion for bail on behalf of Carriere and certain objections made by Aime Geoffrion, assisting Crown Prosecutor Gerald Fauteux, to questions put to Carriere when he was placed on the witness stand by Defense Counsel Philippe Monette. A first motion for bail was refused at the morning session.

Mr. Geoffrion said that the Attorney-General "will waive the legal seven-day notice which must be given by any one wishing to question in court the constitutionality of a law." He spoke after Defense Counsel F. Chasse had asked for an adjournment to Monday, "since we have to place other persons on the stand . . . and we want to question legally the constitutionality of Defense of Canada Regulations, Article 21."

Mr. Justice Surveyer had granted the adjournment when Defense Counsel Philippe Monette put Carriere on the stand to ask that bail be granted. It was changed to an adjournment until tomorrow, when Mr. Geoffrion objected to a question asked Carriere asking him to state whether he had "any intention of acting against the security of the State or of the public."

## **Le Jour Is Critical.**

Part of an article in the Montreal weekly newspaper Le Jour was read in court by Defense Counsel Philippe Monette after argument concerning the legality of the detention of Marc Carriere under the War Measures Act. Mr. Monette said the article was in contempt of court.

The section read before Mr. Justice E. F. Surveyer, who granted a writ of habeas corpus to Carriere yesterday, said in part:

"We do not wish to attack judgments, particularly when they are not final at the time this is being written. However, we may say that those who, even before the war, did not hide their friendship for fascism and Nazism were little qualified, in such a serious case, to render,

with a free and independent mind, a judgment inspired only by obedience to law, respect to fairness and love for the mother country.

"We may add that in the present instance we might have used the singular instead of the plural."

The section was read just as court was adjourning. Mr. Justice Surveyer glanced over the article and commented: "If anybody wants to prosecute let him do so, but I will not."

055-032-054

149  
11A  
RECORDED  
1949  
CANADA  
CONSCRIPTION  
LAW  
DRAFT

*eviction*