

Take No Action Against Arcand, St. Laurent Says

Ottawa, Oct. 1 (CP).—Justice Minister St. Laurent said today in the Commons that the Crown does not intend to proceed further with charges against Adrian Arcand, Montreal Fascist leader, recently released from a period of wartime internment.

Tabling the opinions of F. P. Varcoe, Deputy Minister, and Gerald Fauteux, special prosecutor, of Montreal, Mr. St. Laurent said they showed "it is not advisable that Federal authorities proceed further with charges against Adrien Arcand based on his activities prior to his internment."

The memorandum to the Minister said the prompt action of the Government in interning Arcand "effectively quelled the movement and the purpose of Arcand and the misguided people whom he sought to influence wholly failed."

It added:

"There is no evidence that his activities or those of the party, in fact, did any injury or in the slightest degree prejudiced the successful prosecution of the war."

Not Active Now

The information of the two investigators was that since Arcand's release from internment he has not been engaged in any political activity and no complaints have been received on his conduct.

The two investigators offered these five legal observations:

1. Responsibility for the prosecution of indictable offenses rests

with the Provincial Attorney-General, and, while it would be open to Federal authorities to proceed with the charges under the Defense of Canada Regulations with the object of having Arcand committed for trial, I would not advise this course without first consulting the Attorney-General of the Province, since he must assume responsibility for the trial if the accused is committed.

2. Defense of Canada Regulations 39 and 39A have been revoked, and, while such revocation does not relieve from liability a person who committed an offense prior to revocation, nevertheless in the case of such a stale offence as this the fact of revocation might be expected to affect the course of the trial.

Five-Year Maximum

3. The maximum sentence which could be imposed for the offences charged is five years' imprisonment. Arcand has already been subjected to confinement for a period in excess of five years.

4. A proposal to prosecute for a seditious offence under the Criminal Code would be subject to the considerations as apply in the case of the charges under the Defense of Canada Regulations, namely, that the Provincial Attorney General would be responsible since the proceedings would be by way of indictment, and that the offence is stale, and that the accused has already suffered a lengthy period of confinement.

5. Arcand could not be tried for treason for the reason that any such offense has long since been prescribed by statute. In this connection it should be remarked that the Treachery Act of Canada was only assented to on the 7th of August, 1940, after Arcand was interned, and so would not apply to Arcand's activities prior to internment.

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