

cretion of determining whether or not one British subject shall remain incarcerated and another shall be discharged.

I realize, too, a court could not be set up within the ordinarily accepted meaning of the term, and that the ordinary processes of litigation would have to be done away with, in so far as this committee is concerned. It could hear the evidence of not only the accused man but also of those who would support him in his defence; and it could have access to the confidential records of the Department of Justice. To those who say that we should set up in Canada an appeal court similar to the other courts in our land, I reply that such a procedure would be impossible to-day. Such a procedure would endanger the activities of the secret service men who make the investigations, and would destroy the efficacy of the operations of the Royal Canadian Mounted Police. In a very few months the secret agents would be known to all those who would destroy this nation from within.

That argument would not apply, however, to a judicial committee. Such a committee could listen to the evidence and would review the secret documents which are to-day reviewed by the Minister of Justice. The committee would make a decision. If the decision were not unanimous, then the discretion of determining release or continuation of incarceration for the appellant would remain in the Minister of Justice. If the three judges are unanimous in their findings, then in the interest of the safety of the subject such person, if found innocent of any offence by such a judicial tribunal, should be discharged. That would be a proper procedure in the interests of justice to the person concerned, and would be consonant with the freedom for which we are fighting.

I am not going to discuss the matter at greater length, but I would point out that in my opinion the setting up of such a judicial committee would go far toward removing the objections heard to-day against the regulations as now constituted, and would restore confidence. What is more important, it would act as an effective answer to those who suggest that to-day there are British subjects in labour unions and other organizations who are being held in custody unjustly and without trial.

I realize that many of the regulations are not more acceptable to the Minister of Justice than they are to other lawyers. But they are necessary. Someone has said that they are not definite enough and that they are not sufficiently direct. In my opinion, all the regulations are clear, direct and definite, and are not capable of being misunderstood. They

[Mr. Diefenbaker.]

are necessary in the interests of the safety of the state, because unless such regulations are in effect, all that we have and all that we are may very well be destroyed from within.

I cannot believe that the Minister of Justice would be averse to the setting up of such a tribunal of judges. In his speech delivered last Thursday, he made no suggestions as to the changes which ought to take place, but he did point out the difficult duties and responsibilities imposed upon him in carrying out the regulations. He used these pertinent words:

I shall accept the new regulations if changes are made, and apply them with the same force and vigour and circumspection as I do to-day, using my best discretion in their application.

If such a change is made by the setting up of judicial tribunals with the powers I have suggested, I believe that the major cause of complaint to the present regulations will disappear.

Mr. BROOKS: Mr. Speaker—

Mr. CRUICKSHANK (Fraser Valley): Pardon me, I think I have the floor. My hon. friend the member for Cariboo (Mr. Turgeon) and I got mixed. We wanted somebody from British Columbia to contribute some intelligence to the house to-night, but we did not know we were both going to speak.

It is rather embarrassing to follow that excellent orator friend of mine from "Chipso", or some such place, in Manitoba. I agree with most of what he said, and I certainly agree with most of what the hon. member for Cariboo has said. But I sincerely disagree with what the hon. member for Weyburn (Mr. Douglas) has said.

I was not fortunate enough to get one of those pamphlets. I hope the hon. member for Weyburn will see that that is looked after in my mail to-morrow morning. I can readily understand the arrangements made in some of those places. I believe I am in order in quoting, if I state what I am quoting from. I hold in my hand the *Evening Journal* of Ottawa for Monday, March 3, 1941. Of course I could not quote that pamphlet to which reference has been made, and I could only see it from a distance, when the hon. member for Weyburn held it up.

On the front page of the *Journal* is a beautiful picture of Jimmy Stewart and Ginger Rogers. Possibly my hon. friend cannot see it, and I could not see the picture on the pamphlet he held up. I do not know what was in it. I am sorry the hon. member for Weyburn has apparently never been in British Columbia.