

Bill of Rights. Anything done under the War Measures Act is not an abrogation of the rights under the Bill of Rights. You can do anything you want to—stretch the phraseology as far as you like—and it will never be subject to review afterwards as to whether it infringes the spirit of the act or its phraseology.

Mr. ROBERGE: I quite appreciate the difficulties expressed by the deputy minister, but this is the point: the Bill of Rights speaks of “a hearing”, and here we speak of “review”. That is the major difference. If we are here to try to reconcile the two, I think that the word “hearing” has a much wider meaning than the word “review”. Was there any thought given to the use of the word “hearing” in the draft bill, instead of “review”?

Mr. DRIEDGER: It is difficult to try to anticipate the kind of review. It seems to me that it is more or less a matter of words. You can call it a review or a hearing.

Mr. ROBERGE: During the war, Mr. Chairman, I was stationed here at the courts martial section of J.A.G. We were reviewing courts martial, but we were not hearing the defendants. I think there is a major difference there.

Mr. DRIEDGER: The defence of Canada regulations did provide that a person on objecting to his detention might be represented by counsel, solicitor or agent. There was an actual hearing. An advisory committee was established where objections were made and a person's case was heard by that committee.

Miss LAMARSH: What we are trying to get at are things such as the Japanese case, which should never occur again. Are we going to ignore that these things may occur again?

Mr. DRIEDGER: Under this amendment they could not happen.

Miss LAMARSH: You could not take away their citizenship but you could dislocate them from their homes, grab their property and stick them out in Aklavik or some place even if this amendment were passed. It is a matter of degree, whether you send them out of the country or what you do with them.

Mr. FULTON: It is hardly a matter of degree whether you deprive them of citizenship. Those are not matters of degree, they are matters of principle. The Japanese case was an order providing for deportation—I am not clear whether it provided specifically for loss of citizenship.

Miss LAMARSH: With those two limitations, can you do anything other than was done during the war, even though this amendment came into effect?

Mr. DRIEDGER: Perhaps I can answer you this way. During the last war—I am sure you are too young to remember, Miss LaMarsh—we had many regulations that interfered with personal liberty and movement—we had selective service regulations, manpower regulations and many other regulations that affected the rights of individuals. The only way to ensure that none of those things could be done again would be to repeal the War Measures Act in its entirety and substitute nothing for it. You mentioned the Japanese. Under this proposed amendment they could not be deprived of their Canadian citizenship, they could not be deported or sent out of Canada. That does not mean, however, that they could not be affected in the same way as any person in Canada or any Canadian citizen could be affected by regulations which might be made under the War Measures Act. The only way to avoid that would be to repeal the War Measures Act.

Miss LAMARSH: We are still in the position that the government, having made a declaration of national emergency, could take the residents of every city and throw them into jail without hearings or anything else, and leave them there until such time as the proclamation was revoked. You are still going to retain all the arbitrary powers of the state except deportation and loss of citizenship.