

*Defence of Canada Regulations*

A third suspicion abroad which this committee should remove is that the present administration is much too favourable to those of nazi and fascist tendencies or mentality. Two examples have been called to our attention this afternoon. There is a widespread feeling that a great many who are interested in the spread of nazism and fascism are being, if not aided and abetted, at least overlooked by the authorities, while those who are active in the spread of genuine democracy, which will establish the four freedoms that we hear so much about, are being picked up and interned. I do not think for a moment that we should be so desirous of being democratic as to permit the use of democratic principles for the destruction of democracy itself; but if the defence of Canada regulations are there to promote our war effort, they are defeating their purpose in these three respects at least.

Hon. L. S. ST. LAURENT (Minister of Justice): I shall not ask your permission, Mr. Speaker, to avail myself of the kind invitation of the leader of the opposition (Mr. Hanson) to make any formal address to the house at this time on this subject. I think it is one of the subjects connected with the fact that we are at war and that we should get on with the work we have to do with perhaps as little talking about it as is compatible with a proper performance of the undertaking itself. There are, however, a few things which I should like to touch upon with regard to remarks that have been offered by hon. members in the course of the debate this afternoon.

First of all I wish to thank all the hon. members who have participated in the debate for the very helpful suggestions that have been made, which I am sure will receive the careful consideration of this committee as soon as it gets down to the work it is appointed to perform. With respect to the three suspicions mentioned by the hon. member for York South (Mr. Noseworthy) as being in the mind of the public at large with regard to the manner in which the defence of Canada regulations are administered, I should like to say that almost at once a report was prepared on the representations of the Civil Liberties' Association of Toronto, and I have had it in my envelope here for several weeks to be brought before the house at any time an inquiry about it might be made. I may add that for several days, as soon as other perhaps more vital issues were disposed of, I have been considering asking for an opportunity to make a statement to the house, but have refrained from doing so because the representatives of that league have asked

[Mr. Noseworthy.]

for another conference with me about it and I am to meet them at ten o'clock to-morrow morning.

The question having been raised, I should like to say to the hon. member for York South that these representations were seven in number. The first was that a statement of policy be made to the effect that regulation 21 will not be applied in cases where there is merely trade union activity or participation in a strike, and that an amendment to that effect, such as is contained in paragraph 1 of regulation 7, be made to regulation 21. I proposed to answer, and I do now answer, that it has not been and is not now the policy to detain a person because of trade union activities or participation in a strike; and that an amendment to regulation 21 along the lines suggested has now been made and will, I hope, ensure that this policy will continue to be carried into effect.

The second representation was that regulation 21 should be revised as in the United Kingdom to point more precisely to the class of action intended to be dealt with by the regulation. This matter was fully discussed before the special committee of the house in 1940 and again in 1941, and the present wording of the regulation was maintained on the report of that committee. We have felt that it was desirable to have the investigation of this year's committee before venturing to make any change in the phraseology of the regulation.

The third representation was that consideration be given in each particular case as to whether procedure should be by way of action in the courts rather than by internment, and that a person who had been acquitted by the courts should not thereafter be interned. This procedure is already being followed wherever it is found that there is evidence which would justify us in believing that a conviction for the offence would be obtained under the regulation. Where a person has been acquitted by the courts on a charge laid, detention has not been and is not being effected unless there are other grounds than those connected with the charge investigated by the court. As has already been stated in the house, wherever detention or internment is contemplated a summary of the grounds is drawn up and submitted to a committee, and no internment has been ordered for several months unless there was a report from this committee, which is an interdepartmental committee on which the Department of Justice is not represented. That has been the practice for several months. The order provides that the internee, immediately upon arrest, shall be detained in