

Miss LAMARSH: I do not think it does any good, if the power to seize is arbitrary. I do not think you can reconcile the Bill of Rights and the War Measures Act. I think we are wasting our time trying to do that. I think what we are engaged in is just a discussion of words.

Mr. FULTON: May I answer that? I referred this morning to the difficulty of reconciling the two positions. May I put it this way? We felt it could be provided that the powers contained in the War Measures Act might be limited with respect to our exercising them in a manner that would make the whole situation more in conformity with the Bill of Rights. It is not our position that this legislation will preserve in time of war all those rights and freedoms untrammelled, which are referred to in the Bill of Rights, but we are applying appreciable limitations upon the powers of the governor in council to take them away, even in time of war.

Miss LAMARSH: Yes, all the limitations, except to call for a review, which is not spelled out and which could mean a minister taking home all the files on a case, firing them at his wife, and saying: "what do you think about that"?

Mr. FULTON: With respect to the power to limit, I think the limitations are quite meaningful. You cannot deprive a person of his citizenship if the amendment is accepted, nor can you deport a Canadian citizen under order of the governor in council, which are both powers contained in the present War Measures Act.

Miss LAMARSH: Have you ever deported anyone, or deprived anyone of citizenship rights?

Mr. MCPHILLIPS: Yes.

Mr. FULTON: The Japanese.

Miss LAMARSH: We did not deport citizens of Canada?

Mr. FULTON: Yes.

Mr. DRIEDGER: The Japanese reference, which I mentioned, was a case of the judicial committee of the privy council upholding the validity of orders which provided for the deportation of Canadian citizens of Japanese origin.

Miss LAMARSH: Were they also deprived of Canadian citizenship?

Mr. DRIEDGER: I would have to check the orders to see.

Mr. ROBERGE: An enemy alien can still be deported under the proposed bill?

Mr. FULTON: Pardon?

Mr. ROBERGE: An enemy alien is still liable to be deported, if the proposed amendment is carried?

Mr. DRIEDGER: This deals only with Canadian citizens.

Mr. ROBERGE: Even a friendly alien could be deported?

Mr. DESCHATELETS: I should like Mr. Driedger to tell us if clause 1 (4) of the bill, providing for the review of cases—

The CHAIRMAN: Which act, Mr. Deschatelets?

Mr. KUCHEREPA: The proposed draft.

Mr. DESCHATELETS: Is this an improvement upon the provision contained in the War Measures Act as it exists at present? I am under the impression that there was provision for a review.

Mr. DRIEDGER: Under the present War Measures Act there is no obligation to provide review machinery, although that was done in the defence of Canada regulations, but there was no obligation on the governor in council to do so.

Mr. DESCHATELETS: I am just asking what is the improvement in fact over the existing law?