

Mr. BENTLEY: I do not follow the reasoning of the hon. member for Vancouver South. He says that a person whose citizenship was under attack would have every opportunity, by appearing before a competent commission, to prove his innocence. By what line of reasoning would he not agree that it would be better to have the person formally charged and enabled to prove his innocence before a competent court of law?

Mr. MARTIN: The hon. member has put his finger on the reason why I think the subsection should stay as it is. Most of the revocations have to do with people who have left the country. I would say that 90 per cent—my deputy puts it at more than—are cases of people who have left Canada. Obviously we cannot deal with them in our courts. As the hon. member for Vancouver South has mentioned, I was not content merely to be able to revoke it on the declaration and the pen of the minister. No revocation will take place unless a commission which has been appointed—it is a continuing commission headed by a judge—has an opportunity of going into all the facts alleged by the department, and due notice has been given to the party concerned. For instance, my officials are now in the process of dealing with many hundreds of cases of people—the kind of group I mentioned last night—who have left Canada. In many cases we do not know where they are, so that obviously the amendment which the hon. gentleman has in mind would not meet the objective about which we are really concerned. We deal largely with people outside Canada, and the words used are classic words; they are used throughout the Naturalization Act; they will be found in naturalization acts throughout the commonwealth, and, except for the reference to His Majesty, the language is substantially the same as will be found in the United States act. But the point I wish to make is, first of all, that if we accepted the amendment we could not deal with the cases we have to deal with, and, second, such case is not being dealt with through any bureaucratic method, but is dealt with following proper notice to the party concerned, who is given a full chance, through representation by counsel and the like, to show whether or not the revocation should take place.

Mr. BENTLEY: The explanation is reasonable and clear. I am not going to argue about it, because I can quite see that you cannot bring an absentee before a court of law. The minister, however, just stated that this condition applies to the large majority of cases, 90 or 95 per cent, but there might

be a small percentage which would be left here, and I do not see why this amendment could not be accepted and applied to the case of those who may not be absent. Is there not some way that the minister could give an assurance that those who are in the country and can be formally brought and charged before a court will be dealt with in that way?

Mr. MARTIN: The cases are so infinitesimally insignificant in number that there is not much point to be concerned about. If a man is in the country he has his rights in the courts. Nobody can deprive him of them.

Mr. DIFENBAKER: I am very much interested in the last few words of the Secretary of State. This is the first time I have ever heard it enunciated that a person had any rights in the courts under a section such as this, once a decision has been made on the part of this commission or committee. I should be interested to hear of one case where a decision made by a bureaucratic body—or an administrative body, if you would sooner have it in that way—could, under a section such as this—

Mr. MARTIN: Do not misunderstand me. What I mean is that this commission we have is headed by a judge, and one holding a high judicial office, usually in the supreme court. The last judge who headed the commission was the chief justice of Manitoba; and he has two people associated with him. I did not mean "the courts" in the sense of police courts or anything of that sort.

Mr. COLDWELL: I believe the suggestion made by the hon. member for Swift Current is a good one. It may be that the number of cases wherein it is proposed to revoke the citizenship of someone living in this country is very small; but, however small, the persons concerned have the right to be protected under our law, and I am hesitating very much indeed to allow in our acts of parliament the setting up of commissions, even when headed by a judge, who can assume powers which ought to be exercised only by the courts.

I am not going to discuss that further this afternoon, but on another occasion I intend to have something to say about the manner in which our judicial processes have been set aside and commissions—composed of very worthy and reliable judges—have been set up to act in a manner contrary to every fundamental of British and Canadian justice. I am not disposed to support in any bill the setting up of commissions of this description which have to decide anything as important