

Defence of Canada Regulations

he has proceeded with the administration of these difficult regulations. Those of us who have been connected for many years with the Canadian Bar Association knew, when he was appointed Minister of Justice, that he would carry on his high office in the best British and Canadian traditions. In the administration of the regulations he has removed one of the most serious objections thereto; in that, having set up an advisory committee to investigate whether a person should continue to be interned, he has accepted the recommendations of the committee and in every case has discharged those against whom the committee found no guilt.

The matter raised by the hon. member for Weyburn (Mr. Douglas) with regard to the banning of religious institutions, and in particular Jehovah's Witnesses, could very well be met if an amendment were made to the regulations providing the banned organizations with the right of appeal, giving them an opportunity of showing that they are in fact not illegal and that their activities are not nor have been subversive of the war effort. If that were done, I believe the only serious objection which remains against the administration of the defence of Canada regulations would be removed.

There is, however, another matter which is in fact the reason why I rose to make these few remarks. There is one man whose internment and release should, I believe, be explained by the minister. One thing we do not want any of the people to believe is that, in the administration of these regulations, wealth or position shall count for aught. I refer to the case of James Franceschini, the well-known contractor of the city of Toronto, who was interned shortly after the outbreak of war between Italy and the British empire. I believe the time has come when the minister should explain to the house and to the country the situation with respect to this man, about whom there has been so much speculation and concerning whose release there has been so much discussion. I think it is only fair to ask the minister to answer this question: was James Franceschini guiltless? Was a grave mistake made in his internment or in keeping him in internment for a period of almost one year? I would point out that no satisfactory explanation was given by the Department of Justice when he was released. It was stated that he was released on the ground of ill-health, and that therefore clemency was extended to him. All members and former members of the committee are agreed that it has been necessary in all parts of the empire

[Mr. Diefenbaker.]

to remove some of the ordinary rights of British citizenship—rights to which the hon. member for Parry Sound (Mr. Slaght) referred and for whose abrogation he advanced cogent arguments—and to disregard certain well-known principles of the criminal law. Since when did it become justifiable to release because of ill-health, if he was not guiltless, a man who was interned in order to prevent him from carrying on wrongful activities against the state? Ill health is not an explanation; it is an excuse. If Franceschini was innocent it is only fair to him that the government should publicly admit it, as the government of Great Britain has invariably done at Westminster when it has made a mistake. If he was guilty, where is the justification for releasing an interned man in time of war on the ground of ill health?

I might add in this connection that on April 20 a sessional paper, a return to an order made by this house in regard to Mr. Franceschini, was brought down. I had asked certain questions, including these:

2. During the period of his internment, who had control of his property and assets?

3. Was he at the time of his internment interested as shareholder, officer, or otherwise in any companies? If so, what companies?

4. During the period of his internment, (a) did any of the said companies . . . have contracts . . . ? . . . (c) if so, give particulars of the location and of the amounts of each of the said contracts. . . .

Finally:

6. Did the government purchase any of the said companies or other assets . . . ?

Here is a strange situation: a man interned who is a majority shareholder in certain companies and a minority shareholder in others, and yet during the period of his internment his companies were being operated by the directors under the control of the custodian of enemy property. Dufferin Construction Company Limited, Dufferin Sales Company Limited and subsidiary companies, a large number, some fifteen or eighteen, in which he was interested, were operating during the period of his incarceration. No doubt, when he was released, the profits earned during the time that he was in custody were returned to him, although as to this question the return says that the authorities are unable to say.

When he was finally discharged, after his companies had received from the government contracts running into the millions, the government purchased from him the shipbuilding company in which he was interested. During the period of his internment Dufferin Paving and Crushed Stone Company Limited, in which he was a shareholder, had a contract for the construction of ground services at