

If this provision is to achieve any useful purpose it is imperative that it should be fully carried out, and that the committee should afford the interned person sufficiently definite particulars to enable him to bring rebuttal evidence if able to do so. Mr. J. L. Cohen, K.C., in a recent report presented to the Canadian Seamen's Union and by them submitted to the Trades and Labor Congress, stated that in a case in which he appeared he made frequent formal requests for particulars and was unable to obtain anything further than that "Representations had been made that-----was a member of the Communist Party". We submit that this does not constitute particulars sufficient to enable the interned person to present his case. No overt act is alleged about which evidence could be taken; no document is cited, about whose authenticity and significance evidence could be taken; there is nothing available to the accused or detained person but a general allegation, against which he can offer nothing but an equally general denial.

Further, we are informed that it is the practice to submit to the Committee the departmental file bearing on the case under review, the contents of which are necessarily of a most confidential nature, and cannot be divulged to the accused or his representative. We submit that this in itself must render it extremely difficult for the Committee to maintain an impartial attitude, and must tend to convert the "review" into little more than a continuance of the police investigation. The Committee has no power to release the interned person; it can only recommend to the Minister, who is not compelled to act upon the recommendation; and we suggest that these confidential files should not be communicated to the Committee, but should merely be placed before the Minister when the police are convinced that a recommendation for release should not, in the public interest, be acted upon.

We therefore recommend that the Regulations be amended to provide (1) that there shall be a sufficient number of advisory committees to ensure prompt disposal of the applications for review; (2) that the committees consist of not less than three persons and shall be so constituted as to call forth the confidence of all sections of the community; (3) that the hearing before the committee be as nearly as possible the same as a trial of the detained persons on the grounds alleged in the order but free from the rigid rules of evidence where sources of information must be kept secret in the interests of the state; (4) that the appointment of such committees shall be mandatory and not permissive, as now appears to be the case because of the substitution in the Consolidation of September 12, 1940, of the word "may" for the word "shall" in Regulation 22, Section 1; (5) that in place of Section 22 (3A) (d), which provides for the giving of such particulars of the charge as the committee sees fit, should be inserted a clause requiring the Minister of Justice to send to the objecting person a statement on the grounds for making the order, setting out the material facts upon which he relies to justify such order; (6) that all information supplied to the committee should be made available to the applicant for review.

Such amendments, we feel, will bring reassurance and confidence to the people of Canada, and in particularly to Labor. It will enable them to devote themselves to the main task of the hour, namely the prosecution of the war, with no fear that there may be developing in Canada a dangerous tendency to abandon those fundamental principles of British justice and liberty which are essential to the preservation of the democratic way of life.