

Mr. FULTON: I do not know. I cannot answer categorically, but theirs is the outstanding case.

Mr. KUCHEREPA: My question would be a basic one. I presume the department has probably done this. They have studied comparable legislation which exists in the United Kingdom and the United States, which is likely similar to ours. They have a Bill of Rights both in the United Kingdom and in the United States. In the United Kingdom it is based on the premise of being a British subject, and in the United States on the premise of being an American citizen. Both are comparable to ours. They have in their statutes, also, something comparable to our act. Has the department made a study of the situations which may exist in these other areas and, if so, could we have the benefit of that information?

Mr. DRIEDGER: Not in connection with this, and perhaps not in the context you have in mind. In the United Kingdom the Bill of Rights is not quite the same as the one we have here. During the first and second wars they had what they called the Defence of the Realm Act, and regulations thereunder. I know that the defence of Canada regulations in the 1939-45 war were modelled after the regulations in the United Kingdom, either their regulations or their Defence of the Realm Act.

They have had many provisions like this during the last war and since then, and perhaps in many respects they have gone a good deal further than we have, because obviously they needed to during the last war when Britain was under direct attack. They carried their emergency powers into the postwar period much more completely and for a longer period than we have. I have not looked at that lately.

Miss LAMARSH: To complete this line of questioning, does the minister honestly feel now, as a legislator of some standing and a minister of the crown, and bearing in mind the outcry of the public both as to the American treatment and Canadian treatment of Japanese people during the last war, that such an action could be politically justifiable again? That has happened only once in the last 46 years.

Mr. FULTON: I would not want, especially in a discussion of this type, to point to one incident and assess its political turpitude or otherwise.

Miss LAMARSH: I do not mean party politics.

Mr. FULTON: At the time the Japanese order was made there were felt to be good and sufficient reasons for making it. As I recall it, that view was shared by a large number of people. On the other hand, there were many people who took the view that nothing would ever justify such a thing being done. The fact is that it is part of the record of our conduct in Canada, and when it seems desirable, as it seems now, no one would object to a provision being placed in the War Measures Act to make it impossible to do it again. Whether it were done once or a hundred times, or to one or a hundred persons, does not seem to me really to influence the discussion here. What we should look at, and fortunately we have the time to look at it now, is the question of whether such a thing would ever be possible again, or should we make it impossible?

Again, when we speak of the rights of individuals as against the rights of the state, I think it is important to bear in mind that even what is done against one or a few individuals must have justification because it is done for the protection of the lives and safety of all the people in Canada or the Canadian nation as a whole. That is my view at the present time, that in times of true emergency it is the protection of the great majority of individuals which must become the paramount consideration, and in times of emergency and times of war it can only be done under the aegis of emergency or wartime