As a member of the committee which sat last year, I and some others tried to amend the regulations to safeguard our democratic rights of citizenship. Of the many changes we suggested then, I still regard those seeking to enlarge the number of an appeal committee to at least three persons, one of whom holds high judicial office, as the most important. At the present time one person, on evidence supplied by the accuser, alone makes a decision which may involve a long period of incarceration for the accused. Even then the decision of the appeal committee is not final; for the Department of Justice may or may not accept a recommendation and act upon it.

A week ago yesterday the Minister of Justice (Mr. Lapointe) tabled his report of the action taken under the regulations from November 1 to February 17. The report alarmed me, because it showed that the committee, a judge in this case, after reviewing the evidence contained in the police files, recommended the release of twenty-four persons and the Department of Justice refused to accept the recommendation in nine of these cases. The sweeping, undemocratic power vested in the minister under regulation 21 is clearly demonstrated in a judgment of Mr. Justice Hope of Ontario dated January 9 and reported on page 49 of the *Ontario Weekly Notes* of February 7, 1941. The learned judge had before him an application for a writ of habeas corpus from J. A. P. Sullivan, president of the Seamen's Union, who was interned on June 18, 1940. As we all know, the right of habeas corpus has been for many centuries a fundamental right of the entire British judicial system. It is the cornerstone of British democratic justice. On several occasions I have stated that regulation 21 abolishes this right of habeas corpus. The judgment of Mr. Justice Hope fully substantiates this view.

The first point which emerges from the report of the judgment as it appears in the *Weekly Notes* is that, when Sullivan asked for the reasons for his internment, he was merely told the following, and upon it he had to base his appeal. I quote from the *Ontario Weekly Notes* of February 7, page 50:

> Your detention has been deemed necessary in the interests of the state because representations have been made that you are a member of the communist party of Canada, a subversive organization which is opposed to the interests of Canada. In view of this, it would appear that you are disloyal to Canada.

Can anyone in this house suggest that this information constitutes sufficient particulars upon which an accused person may base an appeal? Suppose that Sullivan denies, as I believe he does, that he is a member of the communist party; how can he prove it if all he is told is that representations have been made that he is a member of the communist party? I admit quite readily that under present war conditions ordinary court procedure may have to be set aside on the ground that it may not be feasible to produce the plainclothes officers who are checking subversive activities. But surely the accused or his counsel should have access to the written accusations against the detained person. Such particulars as dates when the accused is alleged to have joined the subversive organization or was actually at its meetings or serving in some subsidiary organization ought to be furnished in order that a proper trial may be proceeded with. Unless some such information is accessible to the accused, provision for review under regulation 22 is largely a mockery. The important point in this connection is that the judge held that the matter of particulars is—

> . . . a discretionary matter for the committee. It is not subject to the review or direction of the court.

On the matter of writ of habeas corpus itself, the court held that internment under regulation 21 is—

> . . . a matter which is discretionary with the minister in his administrative capacity and is not subject to the review of the courts.

But the judge goes further than that. He decides that a Canadian citizen interned under regulation 21 becomes "a prisoner of war" and therefore concludes that all of this—

> . . . precludes the granting of a release under writ of habeas corpus herein, without the consent of the director or internment operations.

Thus, if the court should grant the writ, it could not order the release without the consent of an officer appointed by the Department of National Defence whose duties are not concerned with the reasons for internment but with the proper administration of the camps. Surely that procedure violates the principles of British justice. In my opinion it is fantastic.

Let me summarize the situation as I see it in the light of the judgment to which I have referred. First, the minister, on the advice of the police, orders an internment. Next, the right of writ of habeas corpus is abolished. Next, the courts cannot interfere. For, next, if they did, another administrative officer, the director of internment operations, has power to detain in spite of the courts. And lastly, the review committee, one man, functions under regulations which make it impossible for the accused to put up an adequate defence and have a proper hearing; and even if the committee decides that an internee should be released, the minister can still refuse to follow its advice. In short, all power from start to finish is vested in the minister, his police department and his legal advisers.