

Emergency Powers Act

invoking the War Measures Act, or in asking parliament to extend the Emergency Powers Act.

Mr. Garson: I was quite clear upon that point, and I think that I frankly admitted in the remarks that I made just a moment ago that that is my hon. friend's opinion, and I thought that in this he was in pretty solitary splendour, that there is no emergency which would justify the extension of this act at the present time.

Mr. Drew: Mr. Speaker, may I make it clear that he is not in solitary splendour in that view. We have been supporting it right along.

Mr. Garson: I suppose my hon. friend the Leader of the Opposition would probably contend that that was his attitude when he made the remark in this house that I quoted to him a moment ago. I will deal with that in a minute. The hon. member says he denies there was such an emergency.

Mr. Drew: I did not.

Mr. Garson: The hon. member cannot rise unless it is a point of order.

Mr. Drew: On a point of privilege, Mr. Speaker.

Mr. Speaker: The Leader of the Opposition is rising on a point of privilege.

Mr. Drew: On a point of privilege, I wish to make it clear that the minister has misrepresented what I said. I did not say there was no emergency.

Mr. Garson: I will quote to my hon. friend what he said, himself. And then will he get up in indignation and say that he is misrepresented?

Mr. Drew: I will be up, don't worry about that.

Mr. Garson: This is what my hon. friend said, and I will repeat it:

He has indicated that the emergency is the increased menace in the Far East, which demonstrates the full extent of the threat of communist imperialism. He has quoted from some words I used in the debate on the speech from the throne. I agree that those words were intended to convey my own belief that there is an emergency of the nature which he described.

And this emergency which the Prime Minister (Mr. St. Laurent) described was an emergency which he was invoking then under the Emergency Powers Act, and which he said at that time that he could have used to invoke the War Measures Act. And it was discussed by my hon. friend in these terms, because he went on to say this:

I would point out, however,—

The Prime Minister did not go far enough to suit him.

I would point out, however, that this emergency is not new. I would point out that when another bill was introduced in this house last September we sought to emphasize that there was an emergency of this very nature. True, the seriousness of the emergency is being recognized more generally, but the emergency that exists today was the emergency which existed in just as definite reality last September.

Now will my hon. friend get up and explain away that language? As I was saying the government in 1951 was faced with the alternative of remaining in a position where it could at a moment's notice, if an emergency arose which required the exercise of extraordinary powers, invoke the very wide powers of the War Measures Act. At that time the Prime Minister made it perfectly clear that we were seeking to have much more limited powers under the Emergency Powers Act than were then available to us under the War Measures Act, and that we were seeking to surround those powers with much greater control by parliament than parliament might exercise under the War Measures Act.

The powers that are given to the governor in council under the War Measures Act are so extensive as to enable him to exercise almost any of the wide powers which are ordinarily exercised by parliament, and he could do so secretly and in derogation of civil liberties, freedom of speech and so on.

When therefore the hon. member for Eglinton, with a lack of grasp of legal principles which is not characteristic of him as a rule, gets up and says in this House of Commons that the essential differences as between this measure, the Emergency Powers Act, and the War Measures Act—and I would ask hon. members to listen to this—are relatively insignificant, and that virtually, to all intents and purposes, this Emergency Powers Act is the War Measures Act—now, if that is the view held by a competent legal member of the Conservative opposition, you can imagine what sort of views are held by some of his colleagues. And that very view is a totally erroneous one.

For what are the powers which are withheld by the terms of the Emergency Powers Act? They are the powers, first of all, of arbitrary arrest, detention, exclusion and deportation; second, the powers of censorship or the control and suppression of publications and writings and, third, the powers of spending money without the authority of parliament.

Perhaps the language of the Emergency Powers Act is so plain and clear that my hon. friends are not too much impressed by it. But perhaps if we put that same language in the terms of Magna Carta, and say