

Defence Production Act

but the connection is never constant and cannot be readily defined by any clear principles. Certainly the cabinet does not produce a succession of new ideas which it then tries to persuade the nation to accept; nor, on the other hand, does the cabinet wait until popular clamour is unmistakable before advocating a particular measure. The process tends to be something between the two, an interplay of forces among many pressure groups and interests throughout the country with political parties and their leaders and the representatives in parliament playing the most important parts.

Then there is this significant statement:

"A government," says Professor Jennings, "must perpetually look over its shoulder to see whether it is being followed. If it is not, it may alter direction." . . . A cabinet will inevitably be forced to compromise on many issues; but its position is usually so strong and dominant in both party and parliament that it will be able to secure the adoption of the measures on which it has finally secured agreement.

There have been many suggestions advanced from this side of the house which, if adopted by the government, would be acceptable to the official opposition. That is not a new thing, Mr. Speaker. It has happened before, and Professor Dawson refers to two or three occasions:

But occasions will arise when the cabinet may outstrip public opinion to its own grave danger, and it may be compelled to make substantial concessions or even withdraw proposals entirely in order to save its face. Thus in 1945, the King government dropped certain projected changes in the tariff because they had been proved to be exceptionally unpopular. A most unusual case occurred in 1906 when the pressure of public opinion induced the Laurier government to introduce a bill to repeal an act which granted pensions to cabinet ministers, . . .

I cannot help but look once again to the cabinet ranks. I referred to some speeches the Prime Minister had made previously in his capacity as president of the Canadian Bar Association. I could not have agreed more wholeheartedly with the contents of those speeches. They expressed, much more adequately than I could, my feeling about the rule of law and the supremacy of parliament. I have heard speeches by other distinguished lawyers in the cabinet ranks. I look at the Minister of National Health and Welfare (Mr. Martin), who is a distinguished lawyer and an outstanding student of international law. Yet I have not heard one word from this student of the law and of the supremacy of parliament in defence of this indefensible act.

Mr. Knowles: He is waiting to make a speech on health insurance.

Mr. Mitchell (London): I wish he would get up and make a speech on this bill. I would be delighted to hear him.

Some hon. Members: Hear, hear.

Mr. Mitchell (London): Perhaps he is played out. I can see other distinguished members of the learned profession sitting opposite, among whom is the Minister of Finance (Mr. Harris). Yet not one word comes from these men, who on public platforms on other occasions have extolled the supremacy of the law and the supremacy of this house. I come with some regret to the feeling that there must be a number of Doctor Jekylls and Mr. Hydes on the government benches.

I have no intention of imputing any false motives, Mr. Speaker, nor shall I; but I cannot help feeling that some of the speeches which have been delivered in various forums by distinguished members of the legal profession who sit opposite have been delivered with their tongues in their cheeks, and suited only to the particular occasion on which they spoke. They are now completely silent.

I turn now to a problem which has crept into this debate, and which has beclouded the issue. I refer to statements we have heard that this is or is not emergency legislation. Let us forget the word "emergency". This is not and cannot be emergency legislation. There is no preamble to this act reciting any state of emergency; and I know that members of the government opposite will agree with me that in most cases—not in every case, but in most cases—where emergency legislation is brought before the house there is a preamble reciting the fact of such emergency. But there is no preamble here. Let us then wipe that clear of our minds and accept the fact that this is not emergency legislation. This is permanent, ordinary, everyday legislation which the government desires to place on the statute books for all time to come.

I would ask who is next? Where do we go from the Department of Defence Production? What about the Minister of Finance? Does he want additional and extraordinary powers? Perhaps he has enough now. But what about the other members of the government? What about the Minister of Public Works (Mr. Winters)? I cannot think of any department that might be able to use more effectively such powers as are now being given to the Minister of Defence Production.

I referred previously to the unemployment and farm relief act of 1931, and at that time the minister interjected in his usual fashion, with perhaps one of his brighter statements, at page 5028:

Mr. Speaker, I am sure my hon. friend would like to amplify a little. I do not recognize the legislation. Was that the blank cheque legislation?