

Emergency Powers Act

Is it not a fact that under the powers now asked for under the Emergency Powers Act the government or the executive would, under orders in council, be empowered to direct all Canadian imports and exports—to reduce them; to deny them admission; to determine what products should be manufactured and what products should not be manufactured—that under the authority of this act the government could, with or without compensation, take over any or every business in Canada; that under this legislation it could take over the Canadian Pacific Railway, Canadian Pacific Air Lines, or any ships owned by that or any other company; that it could take over every radio station in Canada or direct their operations; that the only restrictions on newspapers that it could not exercise would be that of censorship or the suppression of publications or writings? In fact, under this legislation I suggest—and I am asking the minister for confirmation—the government asks power to take over every telegraph and telephone company in Canada, provided it desires to do so; that indeed there is no field of human endeavour in Canada that the government could not invade or that it could not appropriate.

I ask that question because, as I read the generality of the section in question, it provides that the government may do anything it deems necessary or advisable for the security, defence, peace, order and welfare of Canada. Its decision would be final in that regard, under the Nolan case. The only omnipotent power it cannot exercise is that it cannot arrest, except in respect of penalties imposed, in which case the ordinary law would apply. It cannot exclude people from Canada; it cannot deport them. It would have the power to cancel Canadian citizenship, if it chose to do so, whether by birth or by naturalization. It would have the power to do all these things, with the exception of arrest, exclusion or deportation of any person, or the censorship and control and suppression of publications and writings.

Do I overstate the case when I say that those are the powers this government asks for?

Mr. Garson: Mr. Chairman, my hon. friend has practised law for many years. I think if a client came to him and asked him the question he has just asked me he would want two weeks to give an opinion upon it, and he would not give that opinion until he had given the question the most mature consideration. He has taken about three minutes, by the clock, to list a long series of powers, and he wants me to assure him, yes or no, as to whether all the powers on his list could be exercised under this act. Anxious as I am

[Mr. Diefenbaker.]

to oblige him, I do not think I can commit myself so instantaneously to so all-inclusive a list.

Mr. Diefenbaker: I shall break it up, then.

Mr. Garson: If it is his contention that the act has that effect, then I would suggest that he make his own speech to that effect, and I shall be glad to reply in due course.

Mr. Diefenbaker: Mr. Chairman, that is the answer I expected. The minister dare not say that those suggestions are not correct. But in order to give him an opportunity, and because of the immaturity of his consideration of this subject, I am going to give him the opportunity to answer them one by one.

Mr. St. Laurent: Mr. Chairman, perhaps I may be more venturesome than the minister. I would venture to say that if those things are things that could be done by parliament, they would be transferred by this act, as regards power, to the government. But they would not be any more apt to be exercised by the government than they would be apt to be exercised by parliament.

Mr. Diefenbaker: Well, Mr. Chairman, the Prime Minister in effect has given the answer that over and over has ended parliamentary government, because the Prime Minister does not deny that once an emergency is declared, property and civil rights go out the window. The Nolan case decided that finally.

Then, sir, with the Minister of Justice advancing this bill before the House of Commons, and required to give reasons, I know of no answer given that equals the one now articulated by the Prime Minister—"These powers no doubt can be exercised; these are the things we ask for." Mr. Chairman, does that not give some indication of the comprehensive completeness this government has set for the powers it desires; and yet says, "Well, we ask for them, but they will not be exercised."

Sir, when the Prime Minister gave that answer just now he in fact emphasized the necessity on the part of the Minister of Justice to give us more reasons than have been produced as yet as to why parliament should turn over to the executive powers to do everything in this dominion—yes, everything, except for a few limitations as to censorship, arrest, exclusion and deportation.

Surely no one has given a more complete answer in the negative to the contention of the government that it requires these powers. If those tremendous powers are required, we are beyond apprehended war; we are in a position where parliament no longer can constitute itself as the protector of democracy. It would be too slow; a symbolism of democ-