

*Emergency Powers Act*

Emergency Powers Act was first passed, and whether that emergency still continues today.

We of the government took the position in 1951, and were supported on that occasion by every opposition party, by I think every member of the house who took part in the debates, with the single honourable exception, I must confess, of the hon. member for Eglinton (Mr. Fleming), who throughout this matter has been in disagreement not only with the government and with the C.C.F. and the Social Credit parties, but with all the other members of his own party as well.

**Mr. Fleming:** Why spoil a perfectly good statement by an addition at the end that is not right?

**Mr. Garson:** Well, I will quote in a few minutes to show that it is quite right, but I want to make it clear that he has preserved a consistent position from beginning to end in this matter, and his main embarrassment has arisen from the fact that he is a member of the Conservative party, and the position which he has taken consistently for the most part has been diametrically opposite to that taken by his party.

Was there an emergency in 1951? The Prime Minister, in seeking the passage of the Emergency Powers Act at that time, clearly indicated that there was, and the Leader of the Opposition agreed with him at that time. He said, quoting the Prime Minister, as recorded at page 500 of *Hansard* of February 20, 1951:

He—

That is the Prime Minister.

—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 indeed, sir, the support which was accorded the Emergency Powers Act in 1951 by every opposition party would make no sense, unless it was based upon a recognition by them of the existence of an emergency which alone would make an Emergency Powers Act justifiable.

Does that emergency still continue? That is again a straight question of fact. We say that it continues. We say that at a time when thousands of our citizens are fighting in Korea and many of them losing their lives, at a time when we have a brigade group on the Elbe, and six squadrons of the R.C.A.F. in Europe, and six more shortly to follow, and at a time when many countries throughout almost every part of the world

[Mr. Garson.]

give fresh evidences every day of a continuance of violence and actual or potential war, we continue in a position of emergency which justifies the continuance of this act.

That is not only our opinion. Just the other day the Leader of the Opposition expressed these views, as reported at page 2952 of *Hansard* of March 13, 1953:

These are grave and serious hours. The news that comes to us from Europe today removes any suggestion that we are in a comfortable period where there are no great dangers in front of us. The events of yesterday and today, the cold-blooded murder of British airmen and the interference with the flight of a civilian aircraft going into Berlin, indicate the extent of the danger which is there all the time.

Again, the hon. member for Nanaimo (Mr. Pearkes), the military critic of the official opposition, has expressed the present position in even more forceful terms when he says that there was real war in Korea and apprehended war in Europe. I do not think that it is necessary, before a group of intelligent people, to harp upon such a notorious fact. I would not do so but for the circumstance that perhaps the strongest argument which has been made in opposition to the extension of this bill has been that by the hon. member for Eglinton (Mr. Fleming), and made with his usual eloquence and cogency. But it was weak only in one important respect, and that is that it was based upon the single premise that there was now no emergency, that there never had been an emergency. My hon. friend's premise does not exist in fact. Now, faced with this emergency, what was the position of the—

**Mr. Fleming:** I think the minister has agreed that his question to me and my answer related to whether there is such an emergency as justifies the government in invoking the War Measures Act. I said very clearly that there is in my submission no such emergency.

**Mr. Garson:** Well, is my hon. friend's present interjection to be taken as an admission upon his part that he thinks that there is some emergency of a lesser character?

**Mr. Fleming:** There is certainly none that justifies the introduction of this measure.

**Mr. Garson:** But my hon. friend will not deny that there is an emergency.

**Mr. Fleming:** Well, again the minister has asked me a question that is rather hypothetical. I am prepared to make my answer perfectly definite, that with respect to these two measures that have been referred to, namely, the War Measures Act and this Emergency Powers Act, I say most categorically that in my view there is no such emergency as justifies the government in