

Emergency Powers Act

There is one other thing the minister said to which I take great exception. At page 2093 of *Hansard* for February 19, 1953, he says:

They are powers which are taken in an emergency to deal with matters which must be dealt with more rapidly than parliament can deal with them whether it is in session or prorogued.

Now, Mr. Speaker, I seriously question those words. The suggestion there is that parliament is not competent to act promptly in an emergency; that it would not recognize an emergency when it saw one. My recollection is that in 1940 when real war descended upon Britain, in a matter of hours they passed unprecedented legislation giving the government full power over the economic life of the country. That is my recollection. If I were better informed about the proceedings in this house I am sure I could adduce instances just as striking. I do not know whether the minister quite intended to say that, but to me it is a rather shocking suggestion that the government must have powers independent of this parliament, even if this parliament is sitting, because this parliament cannot be trusted to have enough sense to exercise its powers. Therefore they have to give them up to people who are competent to exercise them. I resent that suggestion very much.

It seems to me the suggestion makes parliament a laughing-stock. We do not stand too high in public esteem now, and I am sometimes humiliated to think that our position is not what it should be. I think our position would be degraded still further if the people believed we had accepted that view. They would say "you accepted that; you voted for that, did you, after the minister had said that even when you were in session you were not competent to act promptly?"

The other argument the minister made—I am sure he made it with great sincerity—was when he said, "well, just look at us; do you think we could ever do anything wrong?" I would say, Mr. Speaker, that if this government could be sold at its own valuation of itself I think all the members of it would emerge rich men. I do not know that the rest of us are obliged to take that view. One of the worries is that there are people who say, "well, these are men you like; you know they are men of standing; you know they will never do anything wrong." I think it is in circumstances of that kind that the most foolish sort of legislation can be passed.

I am going to go back six or seven years and remind hon. members of something which was done by a government—some of the same members are in this government now—most of the members of which we knew and liked and

in our private life respected. They did, however, take high-handed action of the kind which I think, in retrospect, they must question themselves. Actually they did a gross injustice to innocent men. I am going to read a paragraph or two from a speech made in this house on the spy trials by a former deskmate of mine, whose death we all regret, the late A. L. Smith. I do feel that when we are asked to pass legislation on the grounds of, "Oh well, you know to whom you are giving the power; they will never misuse it", the matter should be investigated. The minister gave two reasons for passing this measure. He said that the government will scarcely ever use it and, second, if they do use it they will always use it right, if that is good grammar.

I want to read briefly from a speech delivered by Mr. A. L. Smith. I read, first of all, from *Hansard* of March 19, 1946, page 83. I should like to remind those who did not have the privilege of knowing Mr. Smith that he was a man of great experience in legal matters, and he spoke with weight in this house. He said:

What has happened historically is this. On September 5 last, or early in September some time, the Prime Minister became apprised of some information in the hands of a man who was an employee of some sort in the Russian embassy here. The only point I make about that is this: That information has been in the hands of the Royal Canadian Mounted Police for a period of over five months.

Then I read from page 85 of *Hansard* for the same date:

Prior to February 15 certain people were detained. In short, they were arrested. They were arrested without warrant, and they were arrested not because, as in a case under the Criminal Code, as the Postmaster General (Mr. Bertrand) well knows, they were actively caught committing a crime. They were arrested under the special provisions, if I may say so, contained in the order in council which I have just read.

I wish to remind the house now, in case I forget, that my recollection is that of the eighteen who were charged and who were treated in the way I propose to set out, seven were acquitted. I think the figures are eighteen and eleven. To continue reading from Mr. Smith:

The fact that people are arrested does not normally mean very much. People are arrested every day. I have been arrested myself. As a matter of fact, it was not a very serious charge and I got out of it without any difficulty. But I really know what the thing means. When you are arrested you cannot do what you want to do. You do what the policeman tells you, or else. That is the position of a man when he is arrested. But here is where we really start to differ with the normal procedure. These people were held incommunicado. What does this mean? We all know it means that they were not allowed to communicate with anyone, and I am quite sure their movements, their letter-writing and all that sort of thing, would receive excellent supervision, not to use a stronger word.