

light. After the *Financial Post* brought it forth, a few days later it was brought down, and tabled by the minister in the house.

There is another order in council passed since May, which denies a person brought before an investigating body the opportunity and privilege of being represented by council. The other was under the seamen's act, and the order in council was passed in May of 1945.

Mr. POULIOT: Harry Borden was the nigger in the woodpile.

Mr. HOMUTH: There are a lot of Ethiopians over there too.

Mr. DIEFENBAKER: Henry Borden has been out for a year and a half, so that he cannot be held responsible for this order in council. There never was one passed like it while he was in a position of control in the government of this country.

Why was recourse to the courts denied? Why was it necessary to deny any individual brought before the commission, set up under the order in council the privilege of being represented by counsel? Why was it deemed necessary to deny any person aggrieved the right of appeal to the courts? Why was it deemed necessary to deny the principle that was enunciated here this afternoon by the Right Hon. Clement Atlee, namely the rule of law, the great principle of this country and of the empire? I protest against this order in council that denies equality under the law, the right of recourse to law, the right to be represented by counsel and, finally, the right in 1945 not to be haled by subpoena before a star chamber set up by the government for investigation purposes wherein the individual enters and has no opportunity to defend himself against an investigator who has been invested with powers far and beyond those ever granted to any judge.

Why the necessity for denying any individual rights which have been the rights of freemen since the days of magna charta? I think of one paragraph in the magna charta which reads as follows:

To no one will we sell, to no one will we refuse or delay right or justice.

This order in council flouts the highest principles of responsible government; it denies the right to equal jurisprudence under the law. However justifiable the investigation may have been, I ask the minister this: Did he give instructions for the passing of this order in council? Did he make the recommendation

[Mr. Diefenbaker.]

denying the rights to which I have already referred? The war was over when this order in council was passed. The other day the Minister of Finance said that the government had produced orders in council ever since 1941. The order in council under the seamen's act and the order in council respecting Eldorado were not produced until the government was forced to produce them.

The war was over when this order in council was passed. In all the march along the road from 1939 to 1945 of 90,000 orders in council that were passed, did any others excepting the one under the seamen's act purport to go as far? After the last war, according to the debates of parliament—they were referred to the other day by my leader—the Prime Minister condemned the government of Sir Robert Borden, and its successor the Meighen government, for order in council government. Look at the record. Between 1914 and 1919, 730 orders in council were passed under the War Measures Act. During the period of this war and since the end of the war, because there have been a number of orders in council passed since the end of the war, there have been some 90,000, including treasury orders. In 1918, 1919 and 1920 the then opposition condemned that trend as being unrepresentative, but what of to-day? The tree of 1914-18 has become the forest of 1939-45.

In May last the Minister of Munitions and Supply said that we were going to get rid of undemocratic trends in government as soon as possible, necessary though they had been on account of the war. He said that we were going to demobilize unnecessary controls. When I look at the amount of divestiture that has taken place since the end of the war, all I can say is that it certainly has been of the strip-tease variety; the Canadian people have expected a lot more than it has secured to date in this regard.

I am suggesting that the minister frankly place before the committee the situation in this matter. I expect him not only to explain the situation but to give this committee and the country the assurance that from this date on interferences such as these with private rights will not be tolerated by this government, and furthermore that the opposition will not have to pry loose the orders in council that have been passed as secret during the period of the war and since, and assuring their production to parliament. If there was nothing wrong with the order in council, why hide it from parliament from September 5 until almost November 1? The question regarding this order in council was on the order paper from October 3 until November 3. If there