

Invoking of War Measures Act

last analysis, that there can be no lasting authority without force.

The purpose of any civilization is to delay the outbreak and the use of force; to replace force by words, that is to say by the law and negotiation within the law. But when words have become meaningless, through too much lies; or when they have been replaced by machine-gun and dynamite, force must be used. A disciplined and visible force is better than an invisible and lawless force.

Is authority necessary or not in a society? The answer is simple: It is necessary.

[English]

Mr. Andrew Brewin (Greenwood): Mr. Speaker, when a democratic country faces a threat, a crisis, from any external or internal enemy it has to balance two things, the safety of the state on the one side and the rights and liberties of the individual on the other. Even in time of full scale war, worldwide war, it has been found necessary, if not popular, in countries that cherish freedom, to ensure in the process of seeking to safeguard freedom that freedom is not undermined. The real question that faces this House is, where does the balance lie?

I am convinced, Mr. Speaker, that the government in proceeding to proclaim the War Measures Act has gone far beyond any reasonable balance and unwittingly has endangered the rights and the liberties of Canadians in a manner and in a degree far beyond that required to meet the present crisis. What, I ask the House, has the government in fact done? It has invoked the application of the War Measures Act. The Minister of Justice (Mr. Turner) in his speech this afternoon sought to play down—

An hon. Member: What did Ed Schreyer say?

Mr. Brewin: I am not interested in what Ed Schreyer said. I am speaking in this House on my own responsibility. I do not know what he said. I would request members of the House during this debate, which is an important one, to listen rather than inject senseless questions.

The Acting Speaker (Mr. Laniel): Order. I wish to bring to the attention of hon. members that the hon. member for Greenwood (Mr. Brewin) has the floor.

Mr. Brewin: Thank you, Mr. Speaker. I think I can claim also to have had enough experience that I might be able to say something that is new, and impart some knowledge to some of the members of the House who have not had the same experience. I suggest that for a change they listen. I was saying that in his speech the Minister of Justice sought to play down the importance of the proclamation of the War Measures Act. What he, in fact, suggested was that all we were faced with were the regulations that were passed under the authority of the War Measures Act. I suggest that that is not the case, and that the proclamation of the Act by itself has tremendous consequences.

It confers vast, almost unlimited powers on the executive or the government of the country. It has never before been invoked except in the midst of worldwide war in which civilization as a whole was threatened. Let us consider what the proclamation of the War Measures Act enables the government to do. First of all, that

[Mr. Guilbeault.]

proclamation suspends the constitution of the country. We are at this moment without any fundamental law. The constitution which governs the affairs of this Parliament and country is temporarily suspended because of the proclamation of the emergency. Secondly, the proclamation enables the federal government to override provincial legislatures and provincial legislation. I am rather surprised that so many who in this House proclaim themselves to be the champions of provincial rights, and who are loud in their defence of provincial rights, should remain silent at the wholesale invasion of provincial rights which is involved in the proclamation of the War Measures Act in peacetime.

• (8:40 p.m.)

Mr. Turner (Ottawa-Carleton): Mr. Speaker, I wonder if the hon. member would be kind enough to permit a question.

Mr. Brewin: Certainly.

The Acting Speaker (Mr. Laniel): Is the minister seeking the floor for the purpose of asking the hon. member for Greenwood (Mr. Brewin) a question?

Mr. Turner (Ottawa-Carleton): Yes, Mr. Speaker. I understand the hon. member had yielded the floor.

Mr. Lewis: He has courteously agreed to answer.

Mr. Turner (Ottawa-Carleton): Does the hon. member not agree that although the War Measures Act potentially confers a great deal of power upon the government, this power is only exercised by regulation? Should one not turn to the regulation to see what power is being exercised?

Mr. Brewin: Mr. Speaker, I do not accept that argument. I have a copy of the War Measures Act in front of me and it says that the Governor General in Council—I suppose the Governor General in Council usually acts by regulation—may authorize such acts and things and make from time to time such orders and regulations, and so on.

Mr. Turner (Ottawa-Carleton): "May."

Mr. Brewin: Of course, it is only permissive. But I point out to the Minister of Justice (Mr. Turner) that the government does not have to operate by regulation. Let me repeat what I have said. The Governor in Council, which means the cabinet or the executive, has authority under the War Measures Act to do almost anything it likes, including the setting aside of provincial legislation and invading the fields of the provincial legislatures. I am pointing out that is rather a drastic power. I am rather surprised we have not heard anything about it—

An hon. Member: What imagination!

Mr. Douglas (Nanaimo-Cowichan-The Islands): When did the hon. member wake up?

Mr. Brewin: I will deal with the question of imagination later. I intend to show that these powers have actu-