

*Defence Production Act*

Surely there is no reason whatever, with danger facing the country today,—and this is the year in which we are reducing defence expenditures—to deny to the individual the right to be represented by counsel.

I just cannot understand section 19. Imagine taking away the rights of the individual, despoiling him of his rights, and then denying him a right of action. Let me read section 19. I am sure the Prime Minister did not draft this, or even give an assist to the drafting:

No person is entitled to damages, compensation or other allowance for loss of profit, direct or indirect, arising out of the rescission or termination of a defence contract at any time before it is fully performed . . .

You have the right to say to the individual, you shall perform this contract. He gets ready to perform it. Suppose it is building work on the D.E.W. line. He has to buy the necessary supplies and then the government comes along and says: well, the contract is rescinded. You have incurred a great deal of expense, but you shall have no right of action whatsoever. There was no need for that type of tyrannical inclusion in a statute in order to assure the preservation of our security.

These are some of the sections of the statute to which I am asking the Prime Minister to give consideration, to ameliorate them. You will have all the powers you need but you will not have absolute power if you ameliorate those sections that deny the individual the rights to which he is entitled, or to invade the constitution by a subterranean method such as this.

I have referred to section 28 and section 31. These are the major sections to which I take objection. I ask the Prime Minister why the inclusion of arbitrary powers such as these? The answer given is: we do not use them. What have you them for—a club, a threat, intimidation? Do you want the sword of Damocles to hang over everybody? Oh, we do not use these powers! Why have these inexcusable powers? In two particulars they are beyond anything that was used in time of war. Why do we need them today?

Then there is the other question, and I am not covering any of the ground that my hon. friends who preceded me have covered. The hon. member for Eglinton (Mr. Fleming) outlined the general picture in an outstanding address. All I am doing is pinpointing two or three sections. I am asking the Prime Minister why? What has changed since 1945? I say to the Prime Minister, through you, sir, that in 1941 he made a statement to the effect that these great powers should not be exercised for any great length of time. He said there should be periods, not exceeding

[Mr. Diefenbaker.]

one year, when parliament should review the situation. That is what they did in Britain. In 1951 my hon. friends agreed to a period of three years.

**Mr. St. Laurent:** Five years.

**Mr. Diefenbaker:** Five years; the correction is proper. Why the unlimited power today? What is the reason? Certainly we should not be overborne by the desires of potential bureaucrats who are fearful that at the end of five years the department is going to end. Make the department permanent, but make provision for the grant of extraordinary powers contingent on early review by parliament, and give consideration to the removal of these items to which I have made reference that I am sure the Prime Minister in his heart of hearts cannot justify.

Where is the rule of law? Have we placed the rule of law in the refrigerator of security? Is it put away? There is no need for that. Individuals have rights. Parliament has rights: the provinces have rights. I say to the Prime Minister. Do not answer me in the way I have heard the answer given in the last two days. We won in 1949 and we won in 1953; look at our majority. That is no answer to the interference with the rights of the individual with contractual obligations. With respect to constitutional power, read Burke. What did he say? What were his words? The tyranny of the majority is a multiple tyranny. No better answer can be given today than that. It is no excuse that you have a big majority. You need powers. We shall give those powers to the minister. Set up his department as a permanent one; but for the life of me I can see no justification to strangle the rights of the individual, to deny him counsel, to deny him the right of appeal to the courts, to place the governor in council in certain particulars above the law of the land.

I say no more, sir, but I do ask the Prime Minister to give consideration to this matter. As far as the Minister of Defence Production is concerned, he wants power. As far as the Prime Minister is concerned, in the grant of that power I suggest to the leader of this government that he see to it that provincial jurisdiction is not interfered with, that contractual obligations are not destroyed at the whim of the government, or of somebody to whom the minister sublets the power. And the power to fix prices as between A and B dealing with these commodities is something that should not be interfered with during days of peace.

**Mr. Elmore Philpott (Vancouver South):** Mr. Speaker, I have listened with growing bewilderment and some concern to the