

war, exclusive of aid to Britain, 10 billion, 743 million dollars.

When I read that tribute to our people and their war-time government, when I think of the vigorous leadership which has been given to Canada in fiscal policy, price control and other fields for the better prosecution of our effort, I have grave difficulty in accepting the proposition that Mr. King's war policy has been evasive or cowardly. On the contrary, I only wonder if we have not attempted too much.

Now let me turn to the charges which have been made that Mr. King and his government have turned "a double somersault" on this issue, that the Order in Council is only a partial measure and an evasion of our full responsibility. To meet these allegations, it is necessary for me to go back to the passing of the National Resources Mobilization Act, which is chapter 13 of the Statutes of 1940. By that measure the Government was given power to mobilize all the effective resources of the nation, both human and material, for the defence and security of Canada. This power was made subject to the express restriction that persons could not be required to serve outside of Canada and the territorial waters thereof. However, as honourable senators know better than I, in 1942 by an amendment to the Act that restriction was removed.

I was not in Parliament when the National Resources Mobilization Act was passed, but I understand that it passed through both Houses almost unanimously. In the light of present criticism it perhaps is important to remember that the powers contained in this legislation were designed and approved by Parliament. Without them, the Governor in Council could not act; nor, having been granted them, could he thereafter act except in compliance with the provisions of the legislation, which must be strictly construed.

There seems to be some opinion abroad that the Government has a free hand to call up for service and send out of this country any number of persons at any time, regardless of the need. I contend that such a view is not correct. The National Resources Mobilization Act gives to the Governor in Council the power "from time to time"—these are the words of the Act—to require persons "to place themselves, their services and their property at the disposal of the His Majesty in the right of Canada, as may be deemed necessary or expedient for securing the public safety, the defence of Canada, the maintenance of public order, or the efficient prosecution of the war," and so on. I submit

to honourable senators that the language I have just quoted does not grant an unlimited discretion to the Government. There must be shown a necessity, or at least a measure of expediency for requiring persons to place their services at the disposal of His Majesty. Then, a necessity having been demonstrated for a particular purpose—such as, for example, the immediate defence of Canada itself—I do not think anyone will contend that personnel requisitioned for such purpose could, under the Act, be used by the Governor in Council for some other end, regardless of whether need was shown or not. In effect, what Parliament said in the National Resources Mobilization Act was this: "We give you the power to require persons to serve in our armed forces if, as and when, and only to the extent which from time to time is shown to be necessary or expedient for the efficient prosecution of the war."

Having regard to that, the first point that I want to make is that there was no need shown for the employment of N.R.M.A. recruits in any European theatre until there arose the situation which brought us here. Up until then the voluntary system of enlistment had proved adequate to meet our needs. When it was shown that reinforcements were required in connection with our present operations, and that these reinforcements could not be obtained in any other way, the Government took advantage of the power which had been vested in it by Parliament. The current need, projected some three or four months ahead, is for 16,000 men for the Mediterranean and Northwestern-European operations. The Order in Council meets this demand. No necessity has been shown, and I submit none could be shown, for the present employment of troops in the Far East. We are not fighting in the war against Japan as yet. When our commitments in the Pacific are announced, that will be the time to make an appraisal of the need there.

What I am saying is that under the restricted authority granted to the Government by this Parliament in the National Resources Mobilization Act, the Government has exercised its powers to the limit, and at the earliest possible time, to send N.R.M.A. troops to European fighting fronts. Other and later necessities as to time and place may arise. If they do, the Government will be free to resort again to the N.R.M.A. personnel; but, in the view which I take of the legislation, cannot do so until that time comes and the extent and nature of the needs of that time are determined.