

*Emergency Powers Act*

Last October a similar order in council was passed, again behind closed doors, to enable the Minister of Transport, presumably co-operating with the police, to take away the licences of pilots and the licences of what are commonly known as radio "hams". This is getting pretty close to thought police in Canada.

If provisions of that type are to be passed, then they should be put on the statute books. They should be brought into the house where they can be properly debated and where the press of the country can hear the arguments pro and con and can report them to the Canadian people. Then the Canadian people will be able to tell in due course whether such legislation is proper or improper. Instead we are asked to retain on the statute books of Canada the Emergency Powers Act, the only effect of which at the moment will be to provide a foundation for these measures dealing with communists. It is a pretty serious thing in a democratic country when parliament is asked to swallow a pill of that kind.

Yesterday the minister enunciated a strange doctrine. He said: We have available in case of war or apprehended war the War Measures Act which enables us to deal with any emergency that may arise. Then he said in effect, we are now also to have in Canada a three-quarters War Measures Act, which will enable us to deal with three-quarters of the things we can deal with under the War Measures Act itself. My fraction may be wrong, perhaps nine-tenths would be a good deal closer to the mark than three-quarters, but apparently we are now to have in Canada for an indefinite period this new method of government.

We have the War Measures Act which is to lie dormant until we get into a war, and, of course, then will apply at once. In the case the minister has just mentioned, that of troops having to be brought across Canada, if we ever got to that position, we would be right in war or very close to it, and the War Measures Act would be brought into effect. Then we are to have this three-quarters power, and for a time at least the supremacy of parliament goes out of existence in Canada.

On Wednesday the minister explained just what he meant by the emergency that exists today. He described very accurately the emergency about which the government is thinking. The description is found at page 2087 of *Hansard*, where he said:

But I still say that, whether we look at Iran or at the Balkan states, or Malaya, or Indo-China, or Korea,—

[Mr. Green.]

It is significant that Korea was the fifth in the list. I continue:

—or Tunisia or Morocco or South Africa,—

Why on earth he dragged in South Africa no one will know, but apparently because they are having a little difficulty in South Africa that is one reason why this government thinks we should have this nine-tenths War Measures Act in effect in Canada. He goes on:

—or many other places in the world today—or, indeed, regarding the continuation of the war in Korea—there is no less of an emergency today than there was in 1951 or 1952.

Mr. Diefenbaker: What has South Africa to do with it?

Mr. Garson: Unrest, wherever it may be, does not add to the feeling of security, so far as an emergency is concerned.

Apparently whenever there is unrest in other parts of the world then in Canada we must have this three-quarters or nine-tenths War Measures Act and parliament is to see its powers cut down accordingly. I continue:

Mr. Green: May I ask the minister a question? Is it his belief that, so long as there are situations such as those in Iran and the other places he mentioned, the government should have emergency powers?

Mr. Garson: I suggest, Mr. Speaker, that where an emergency of an apprehended war faces a democratic parliament, that has on its statute books an act like the War Measures Act, that the proper course for that democratic government is to come to parliament and ask it to give certain specified emergency powers, under proper precautions as to the tabling of the orders in council and proper precautions as to the control that parliament will have over all the acts done under those emergency powers. And I say that it is quite reasonable that that special act should remain upon the statute books during the continuation of such emergency, rather than that the government and parliament should have to fall back upon the much wider powers of the War Measures Act.

Mr. Green: Even though that condition continues over a period of years?

Mr. Garson: Yes, surely.

Mr. Chairman, that statement of policy has very wide implications, and I think it is a tragic day for parliament in Canada when the government will take a stand of that kind. Surely there will never be a time in the world when there will not be tension. The present tension in the world situation may continue for the lifetime of every one in this chamber today. Are we to take the position that a free parliament, a parliament without these restrictions, without these infringements on its rights, is to disappear in Canada for the time that the present tension remains? Surely the cabinet does not believe in a policy of that kind.

We cannot expect to have much change in the present state of the world for many, many years; and yet, if the statement of the Minister of Justice is to stand, this policy