

*Emergency Powers Act*

concentration of such power is needed today to meet the kind of emergency that has been described by the Minister of Justice. This legislation would, if used, constitute Canada a garrison state. It would place in the hands of the government power over the lives and the businesses of every Canadian. The minister of course says that they do not intend to use these powers. It is not use of the powers that is dangerous; it is the possibility of abuse. It is a danger inherent in our system that a government, now almost unanimous in its belief in its divine right to rule, continues to ask and demand of parliament extraordinary powers which are a negation of democratic government.

They have every hope these powers will be granted to them because we find ourselves in a position today where the government has behind it an overwhelming majority in the house, and that majority has at no time shown that vigilance for the preservation of democratic rights or parliamentary freedom that one might expect. But the minister says: After all, we are not going to use the powers. That is the most dangerous argument that can possibly be advanced.

Benevolent authority may have a temporarily alluring attraction to the people, but ultimately the granting of absolute power over the individual has its dangers, and there are frightening dangers. Governments have always professed benevolence in securing those powers, and by contending that their membership possess other than the attributes of mortal men. One of the best answers to this type of thing was given by Junius who by his letters did much to establish parliamentary government in Britain. His answer, and it is the answer I now give to the Minister of Justice, was in a letter dated May 25, 1771, when he said:

We betray ourselves, we contradict the spirit of our laws and we shake the whole system of jurisprudence whenever we entrust a discretionary power over the life, liberty or fortune of the subject, to any man or set of men whatsoever upon a presumption that it will not be abused.

Over and over again the argument advanced through the years, by those who have sought wide powers—and my hon. friend, with his usual urbanity, repeated them—is in effect: “You have nothing to fear; this is not the kind of government that would abuse power.”

**Mr. Garson:** Hear, hear.

**Mr. Diefenbaker:** I am glad to hear the minister say, “Hear, hear”, because that gives me an opportunity to cite some of the examples that are a contradiction of his affirmative attitude at the moment. Parlia-

[Mr. Diefenbaker.]

ment was a casualty of the war, but it had to be convened for the passing of supply. Laws were passed into the hundreds of thousands by order in council. When the war ended we believed that these things were going to end. The attitude of the government—and after all this is a lineal descendant and has members in it who were members of that government—was displayed by the then minister of justice who said, in effect, on November 12, 1945, when we were endeavouring to secure information from the government: The authority of the government is not given by the House of Commons; it is received from the crown. And through the years since, this government has by its attitude maintained that view. It has on many occasions refused information under the specious excuse that it was not in the public interest. I remember an outstanding example. When I asked a question as to the price of coal at the Dundurn military camp the answer was that it was not in the public interest to furnish that information. Again yesterday when I asked a question, to which Canadians surely have a right to receive an answer, as to what salaries are being paid in one of the emanations of the crown, namely the housing corporation, where one is led to believe that salaries have been fabulously increased in recent days, the reply of the government was to deny that information. It is strange that an emanation of the crown dare deny information to the representatives of the people as to how the people's money is being spent.

The minister says: “Trust us.” My mind goes back to 1949 when the minister on that occasion did something that he hears about frequently. He broke the law of this country by concealing a report under the Combines Investigation Act. The minister says, in effect, “Trust us; trust this benevolent government”. In 1947 this government imposed taxation by radio.

Between 1945 and 1949 the government abrogated or suspended by order in council statutes passed by parliament. I think of one example and I could give several. The one I think of relates to the matter of annuities. The rate of interest passed by parliament was altered by order in council. “Trust the government”, the minister says: “just give these powers”. What do they want them for? Do they want them for decoration? Trust the government—a government that brought in the foreign control regulations that allowed illegality to pass unchallenged in the courts and protected any official under that act against actions for wrongdoing. Finally, when the statute was brought before parliament in the form of the