

Emergency Powers Act

another question. That point was dealt with specifically by the Leader of the Opposition (Mr. Drew) this afternoon. We all want steps taken to deal with the possibility of sabotage. We should not wait until sabotage has happened before we take measures to deal with it. Those measures must be taken in advance. But the point is that if legislation is required in that respect, let parliament be asked to make specific provision for it. Surely we are not to be told that we must turn the whole constitution upside down and put confederation in jeopardy just to clothe the appropriate authorities in this country with the power to anticipate and prevent sabotage. The hon. member for Nicolet-Yamaska (Mr. Boisvert) is not going to contend that that is necessary, that the whole constitution should be turned upside down in order to meet that situation.

Mr. Boisvert: Is the constitution turned upside down?

Mr. Fleming: I am saying to my friend that this measure puts it within the power of the government to subvert the whole constitution.

Some hon. Members: Oh, no.

Some hon. Members: Oh, yes.

Mr. Fleming: I say that is the effect of this measure. I am saying to my hon. friend that whatever steps are required to be taken to deal with or to anticipate the possibility of sabotage and to prevent it do not require a measure of this kind. A measure adequate to deal with that subject could be passed in the ordinary course, just as we are passing legislation all the time, without vesting these untrammelled powers in the government.

As the hon. member for Vancouver East (Mr. MacInnis) says, you cannot prevent sabotage simply by legislation. Surely what is required is action on the part of the authorities; and if there is any power required by the authorities to deal adequately with the possibility of sabotage and to prevent it, then certainly the government will have the utmost co-operation from every part of this house in passing the necessary legislation with that end in view. No one need have any doubt about that.

We will not be misled by pleas that measures of this kind are necessary. They are not necessary. If the supreme emergency arises we are equipped with the provisions of the War Measures Act to deal with it. As has been pointed out, there are ample powers vested in this government under other measures to meet everything that may arise in the period before this parliament may be called upon to meet again.

[Mr. Fleming.]

The Prime Minister (Mr. St. Laurent) talked about necessity, and in effect asked this parliament to assume that it is necessary that a measure of this kind be taken to safeguard the national safety. It will take a much stronger case than the Prime Minister put forward today to justify the plea that the safety of Canada is in such peril and jeopardy today that this parliament should be called upon virtually to abdicate in favour of the government, and to put it within the power of the government to subvert the constitution.

A great statesman, Pitt, recalling that necessity has been made the plea for every infringement of human liberty, said, "Necessity is the argument of tyrants, it is the creed of slaves". It is going to take more than the kind of speech we heard this afternoon, the soothing speech of the Prime Minister, to justify this parliament enacting a measure of this kind.

We are the custodians of the parliamentary processes, of the parliamentary institutions of Canada. What justifies this parliament in putting it within the power of a group of men in the cabinet to subvert, if they choose to do so, the whole parliamentary system and the constitution of this country? It may very well be that they are all prepared to stand up here and tell us they do not intend to do it, but that is not the basis upon which any parliament should proceed to enact far-reaching legislation of this kind. It is not what they are likely to do, it is a question of whether in principle we as a parliament can justify this abdication of power. I say we cannot.

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, when the debate on this measure commenced away back on February 6 the hon. member for Vancouver East (Mr. MacInnis), speaking for this group, made it clear that we were prepared to listen and give consideration to whatever case the government was able to make for the continuation of emergency powers. I think it is fair to say that during the weeks that have elapsed since February 6 we have given serious consideration to the attempts that have been put forth by the Minister of Justice (Mr. Garson), the Prime Minister (Mr. St. Laurent) and others to persuade parliament that this legislation should be enacted. But I must say that we in this group are not convinced.

I suggest that perhaps there is considerable significance in our opposition to this measure in view of what has been pointed out on a number of occasions, namely that we have