

Emergency Powers Act

that the powers of arbitrary arrest, arbitrary detention, arbitrary exclusion and arbitrary deportation are a denial of those provisions of Magna Carta which say that no free man shall be taken or imprisoned or be outlawed or exiled or otherwise destroyed nor will we pass upon him nor condemn him but by the lawful judgment of his peers or by the law of the land. It might then make a greater impression upon hon. members.

Do they not attach some importance to that kind of freedom? My hon. friend the Leader of the Opposition, when he is displeased with the utterances of some gentleman—Mr. Barkway, for instance, over the radio—could if his party were in power and by order in council under the War Measures Act have Mr. Barkway thrown into prison and left there, regardless of habeas corpus or remedies.

Mr. Fleming: Or your comments with respect to the editor of *Saturday Night*.

Mr. Garson: Yes, I would be glad to make reference to the editor of *Saturday Night*. By virtue of the provisions of the Emergency Powers Act Mr. Barkway, Mr. Woodsworth and the editor of Toronto *Saturday Night* can make all the speeches they like, and can write all the editorials they like, however false or offensive they may be, and there is not a thing that the Leader of the Opposition or I can do about it—and I am very glad that that is so. And I hope it always will be so.

Because surely, Mr. Speaker, if political liberty, if freedom from arbitrary arrest, freedom from arbitrary detention, freedom of speech and freedom of the press is relatively insignificant, then what is significant in a free country?

Mr. Fleming: May I ask a question?

Mr. Garson: No, not until I have finished with this paragraph. If that is not important, then what is important? The fact of the matter is that by virtue of the Emergency Powers Act we have forgone and we have deprived ourselves of the power to interfere with freedom of the press and freedom of speech by the provisions of this act. And so far as the editor of Toronto *Saturday Night* is concerned, he is in the position of an editor in every free country. It is up to him as a patriotic and responsible citizen to supply the discipline from his own integrity that is not imposed by the state. But if he wishes to misrepresent the laws of his country in writing an editorial, although I may disapprove of it, there is not a thing I can do about it. That is the way we want to keep our freedom of the press.

[Mr. Garson.]

During the course of the debate upon this subject the Leader of the Opposition brought in a reference to Charles I and his difficulties with parliament. I think that allusion to Charles I was particularly unhappy because the very thing which this Emergency Powers Act, to which he is objecting, provides and assures is that parliament shall continue to have control over the expenditure of public moneys. If I remember rightly, the main problem of Charles I arose from the fact that he was always trying to get money that parliament would not vote him, and when he made promises to parliament in order to get a vote from them and broke his promises, when there was a long continued course of breaking such promises, that was one of the main causes which led up to his being dethroned.

My hon. friend had the whole course of English history to which to refer in order to get an example and yet with his usual sense of fitness he picked upon Charles I as his reference in support of his argument in this particular matter, when in point of fact one of the main causes of the difficulties of Charles I was the expenditure of public moneys in accordance with an appropriation by parliament, which is guaranteed and protected by the Emergency Powers Act.

I should have thought that a measure of this sort would in the third year of its existence continue to receive the same measure of support which it received from the opposition parties during the first two years of its existence, because they all supported it then and, if I may express the view with deference, I think they should continue to support it.

Mr. Fleming: They did not support it.

Mr. Garson: Is my hon. friend still saying that they did not support it?

Mr. Fleming: I still recall to the minister what he apparently continually forgets, that two years ago this measure was passed on division on third reading and again last year it was opposed.

Mr. Garson: Mr. Speaker, I did not intend to deal with this aspect of the matter but since my hon. friend has interrupted me I think perhaps I should. A couple of days ago we heard my hon. friend speak in this chamber. I have heard him make some excellent speeches here from time to time, but I thought that he was far from being at his best two days ago.

Mr. Fleming: That is not what you told me afterwards.

Mr. Garson: No; what I told my hon. friend afterwards in a private conversation was that I could not object to his main legal points,