

**REFUSAL TO RECOGNIZE
SUPREMACY OF PARLIAMENT.**

Acts of Parliament are sometimes fearfully and wonderfully made. The War Measures Act of 1914, which is in force today, is an example in point. Realizing the necessity for quick executive action in time of war, Parliament, by this measure, surrendered much of its jurisdiction to the cabinet. Having surrendered its supremacy, Parliament made no provision whereby it could recover it.

All that is necessary at any time to bring the Act into force is a proclamation issued by the government through the Governor-General stating that a state of war, invasion or insurrection, real or apprehended, exists. Having thus provided for a dictatorship over a considerable section of the country's life, Parliament saw that it might be necessary to place some safeguard in the enactment to prevent a cabinet, which had enjoyed these extraordinary powers, hanging on to them indefinitely after the war had come to an end. It therefore solemnly declared that these powers should be exercised only "during war, invasion or insurrection, real or apprehended." With that provision snugly included in the bill, Parliament felt that democratic rights had been fully protected. Events show that confidence to have been misplaced.

The War Measures Act was brought into force at the beginning of the recent war. But though there is no longer any "war, invasion or insurrection, real or apprehended," the close of the war brought no automatic release from the controls imposed under the War Measures Act, and the cabinet still operates under this measure independent of parliamentary action, the solemn declaration of Parliament to the contrary notwithstanding that the Act should be in force only during a state of war. Parliament's obvious intention has been frustrated by its own carelessness in providing elsewhere in the Act that a cabinet order, issued through the Governor-General, is all that is necessary to establish that a state of war exists, and that a state of war continues "until by the issue of a further proclamation it is declared that the war, invasion or insurrection no longer exists."

The defense of the King government of the retention of powers under the War Measures Act is that the law expressly provides that the government's failure to issue a further proclamation declaring the war to be at an end is conclusive evidence that the war still continues. This it tries to excuse by the evasive suggestion that though the conflict has ceased, the effects of the war are not yet over. Since the effects of the war may continue indefinitely, this excuse would seem to include the possibility of the War Measures Act being retained in force in perpetuity.

If any meaning is to be given to Parliament's direction that the powers granted to the cabinet by the Act shall be exercised only during war, invasion or insurrection, real or apprehended, it is that the Act should have become inoperative when Japan submitted. That direction can be interpreted only as an order to the cabinet of the day to issue the necessary proclamation when the conflict ends. That order from Parliament the cabinet is apparently not prepared to obey. Full democracy is to be restored as, when and if the cabinet is ready to do so

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