

Overview of the War Measures Act



Background Briefs

Historic injustices and redress in Canada

The *War Measures Act* was a federal law that gave the Canadian government extra powers during times of “war, invasion, and insurrection, real or apprehended [feared].” The bill passed into law on August 22, 1914 just after the outbreak of World War I. The *War Measures Act* gave the Cabinet power to pass laws and regulations without going through Parliament. This type of law is called an Order-in-Council.

The powers granted to Cabinet included the ability to pass laws and regulations “deemed necessary for security, defence, peace and welfare.” More specifically, it granted the government power over the following:

- a) censorship, control and forceful prevention of publications, writings, maps, plans, photographs, communications and means of communication;
- b) arrest, detention, exclusion and deportation;
- c) control of the harbours, ports and territorial waters of Canada and the movements of vessels;
- d) transportation by land, air or water and the control of the transport of persons and things;
- e) trading, exportation, importation, production and manufacture;
- f) taking over without permission and disposing of property.

The *War Measures Act* was invoked three times during the 20th century in Canada.

World War I, 1914–1920

- The *Act* was first used during World War I, until its official end in 1920 with the signing of the final treaty.
- It was used primarily to arrest and detain Canadians of Ukrainian, German, and Slavic descent who were considered “enemy aliens.”

- An “enemy alien” was defined as a person living within Canada who descended from a nation or empire that Canada was at war with. In the case of World War I, this included Germany and countries that were part the Austro-Hungarian Empire.

World War II, 1939–1945

- During World War II, Canada invoked the *Act* again due to perceived threats from various groups of “enemy aliens.”
- This included the arrest, internment, deportment and seizure of property of Canadians of Japanese, Italian and German descent.

The October Crisis, 1970

- The October Crisis was the only time the *War Measures Act* was invoked during peace time.
- The *Act* was invoked by the Liberal government of Pierre Trudeau in response to two kidnappings by the Front du Libération du Québec (FLQ).
- The *Act* was used to arrest and detain more than 450 people in Quebec who the government believed may have been part of an “armed insurrection.”

When the *Emergencies Act* of 1988 was passed by Parliament, the *War Measures Act* was repealed. This new *Act* introduced changes that would force Cabinet to seek Parliament’s approval, and for any laws passed to be subject to the *Charter of Rights and Freedoms*.