

whose reputation is inviolate. We ask the government to spare the Canadian judiciary so that its great tradition for impartiality may persist and its record continue.

Mr. STANLEY KNOWLES (Winnipeg North Centre): I believe that the crux of the resolution before us is contained in the instruction that is given to the committee to consider:

... what steps, if any, it would be advisable to take or to recommend for the purpose of preserving in Canada respect for and observance of human rights and fundamental freedoms.

Our horizon has indeed been broadened by the terms of this resolution to the question of an international bill of rights. But I want to congratulate the framer of this resolution on the recognition that it gives to the fact that as a country we can best play our part in seeking to establish freedom around the world by making sure that it burns brightly within our own boundaries.

We have, to begin with, in this country a great heritage. Let there be no doubt about that. But some of us feel that that heritage is in danger. Perhaps one of the reasons why it is in danger is that it is precisely what the word implies, a heritage, not something that we won or fought for ourselves, but something that was handed down to us by people across the seas.

I dare to hope that, as the years go on, we shall transform that heritage into something really native, really part of the life of this country. In the meantime, we must face the fact that if we are to maintain and enlarge upon that heritage eternal vigilance is the price we must pay.

I should like to quote a paragraph from the writings of a distinguished gentleman in this country to whom reference has been made several times already today. I refer to Mr. B. K. Sandwell, who says this:

Canadians have never had to achieve their own rights as against their own governments. They had to achieve the rights of their own government as against the government of the mother country, but the rights which they as individuals have against their own governments they inherited from that mother country. For that reason they may not appreciate them as highly as the British, who achieved them over many generations, or as the Americans, who devised a set of their own when they devised their own constitution. For that reason also they may not realize how very easily they can be lost nor, once lost, how desperately difficult they are to recover.

I was interested this afternoon in the argument put forth by the Minister of Veterans Affairs (Mr. Mackenzie) for getting along if we can without a written bill of rights. He

sang the praises of unwritten rights, of an unwritten constitution; and I am sure that there is something in all of us that responds to the idea of our rights and our freedoms being so clearly understood, so indelibly written into the hearts of our people that they do not need to be written in law and statute.

Unfortunately, however, we do not start from scratch. We are not in the situation where freedom and liberty are ours without question. We have had certain precedents. Reference has already been made to them today, to laws and orders in council that have been passed, which, in the view of some of us, have constituted a denial of human rights and fundamental freedoms. It is because we have had these denials that it has become necessary to make impossible their recurrence by getting down in writing the rights and freedoms that are ours.

In any society which has only an unwritten constitution, precedent plays a big part. I believe it is fair to say that that is the case in the United Kingdom. There is not a written constitution there, but there is a body of law and statute that has grown up through the years, and wrapped up in it is the story of one precedent after another. In that case, the precedents are overwhelmingly on the side of freedom and liberty.

We have many such precedents here. We also have in recent years precedents that are on the other side, and it is because we have these negative precedents that it is no longer possible for us to depend on an unwritten statement of our freedoms. We must get it down in black and white. I agree with those who have said, on both sides of the house, that this is not a matter to rush into merely by the presentation of a resolution or a bill to the house and by the passage of it by a majority vote. Not only is it a matter that should be referred to and discussed by a committee of the house as suggested in the resolution before us, but I support the proposal that representatives from the provinces might also be consulted before we achieve a final statement.

I accept the suggestion that a declaration of rights might be even more desirable than a bill of rights, but I press the point that the time has come in our Canadian history to get in writing the freedoms and liberties that we are seeking to establish, seeking to make not just a heritage we have received from the past but very much our own.

The result of the experiences we have had in recent years with the denial of certain rights and freedoms that we believed to be fundamental is that there has been a spontaneous growth of associations across the