

drafting a declaration containing the enunciation of the rights, liberties, fundamental freedoms and duties of all the nations which signed with us the San Francisco charter. Yet, we do not possess a bill of rights of our own. We are to suggest to other nations for their approval certain rules and regulations which it did not seem necessary that we should adopt ourselves.

Members of the opposition could at this point object that it was up to the government to enact a bill of rights for our own country. I would answer first, that such would have also been the duty of other governments in the past.

But, even then, some members of the opposition could again intervene and ask us why we refused to adopt the amendment they introduced in this house last year, when we were dealing with the Canadian citizenship bill; for, at that time, an amendment to section 10 of the bill was suggested which was intended to incorporate in the new legislation on Canadian citizenship a bill of rights for Canada.

Again I would answer that the amendment as introduced was incomplete, or that the incorporation of a bill of rights in our citizenship bill was not the proper thing to do. In fact, those were the reasons why the amendment could not rally the support of the members of this house.

There is, however, in my opinion, a reason of much greater importance why it is not as yet possible for this country to enact its own bill of rights without its appearing to be unsound. I do not wish to give the impression that I am against the adoption of such an important measure; on the contrary. But in such matters we have to follow the usual and normal course.

Not only has it been the constant practice, but it is only common sense to enact measures of that sort only when a country has secured the disappearance of certain ties or bonds which may paralyse its complete freedom of action or be an obstacle to the proclamation of its real independence. There are things that a country must first do if it wishes to define the inalienable and sacred rights of its citizens. Among these things, there is the inevitable obligation to adopt, before everything else, its own constitution.

If we examine the case of all the other nations which decided, at a given moment of their history, to enact a bill or declaration of rights, we shall see that such nations did not take such measures before having, first of all, enacted their own distinctive constitutions.

For instance, in the case of our neighbour the United States, that country, after proclaiming its independence by a formal declaration in 1776, adopted its constitution in 1788 by special act of government. And it was only two years later, by way of a certain number of amendments to the constitution itself, that the United States adopted what they call their bill of rights.

In fact, in many cases—and I think it is the most logical way to do it—the bill of rights is incorporated in the constitution itself. In any event, one thing appears to be undeniable. There cannot, or at least there should not, be a bill of rights or a declaration of that kind enacted by a nation unless there already exists a constitution adopted by that nation, or unless one is formed simultaneously with such declaration.

To come back to the point I raised, it is my opinion that Canada should as early as possible, in order to follow the logical course, adopt its own constitution and then discuss the enactment, if it becomes necessary, of a Canadian bill of rights.

Who will deny that the most important of our rights as free citizens is that of adopting our own constitution? I would fail to understand our attitude if we were to study a definition of our rights as Canadians, if we decided to define these rights in a special bill, while at the same time we failed to ensure for ourselves the most important of this, the right to our own constitution as a free nation.

Both actions are necessary if this country is to affirm once more its maturity; if Canada is to attain its real freedom of action; if the nation is to complete its march toward final independence. In the meantime, in so far as the rights of Canadians are concerned, I feel we cannot be better protected than by the British North America Act, by the Statute of Westminster and also by the British charters of freedom, the principles of which have been constantly applied in our own country.

I have just given the opinion that it does not appear possible to discuss the enactment of a bill of rights for Canada before this parliament has adopted its own constitution. I also said at the beginning of my remarks that, at first sight, it seemed strange to me that we should participate in the preparation of a bill of rights for other nations while we did not even possess our own. But I think our position can better be defended in that respect, and it is my belief that if Canada does not possess a codified bill of rights, it still can work with the other nations and