

*Human Rights*

literary experts who could have written us that kind of production. What we are trying to do is to enact a statute having legal effect, so we called in legal draftsmen. Even if my hon. friend thinks that statutes should be written by poets and poems by legal draftsmen, I do not accept that kind of ridiculous argument.

It is interesting to see how inconsistent my hon. friends are in their own criticism. On the one hand, both the Leader of the Opposition and the hon. member for Essex East claimed that the bill does nothing, contributes nothing and effects nothing by way of substantive law; yet on the other hand they ask us to do this with a greater quantity of high sounding words. What extraordinary criticism; that a bill that does nothing should nevertheless be required to do it in a graceful, poetic manner.

But here there is even greater inconsistency. It is the Leader of the Opposition himself who has reminded us, in his own words, as reported at page 5661 of *Hansard*, that:

Freedoms are not guaranteed by words, even words in a constitution, let alone by words in an ordinary, normal act of parliament. Earlier as well as contemporary history is littered with the wreckage of high-sounding declarations and bills of rights which were to guarantee so very much and last forever.

Well, this is a salutary reminder. We had that sort of thing in mind when we drafted the bill before the house, which in plain and simple language not only declares what our rights and freedoms are but ensures against its being a mere wreckage by providing an operative clause under which Canadians may seek and find the protection of the courts for the specific recognition of our rights.

But having reminded us of the dangers of leaving freedom to be protected by mere words alone, an error which we have guarded against in this bill, the Leader of the Opposition falls into the very error of which he has warned us. As found on page 5664 of *Hansard* he urges that we should have concentrated our attention upon producing a measure which would—

—not only be broad and deep in its meaning but should be inspiring in its language; something that will stir the pulse, stimulate our national patriotism, something that could be read and be remembered by school children on July 1.

Again, Mr. Speaker, as examples of what we should have done, we have been referred to the great constitutional documents of the past. We have been told that these documents are inspired examples of artistic oratory, with nowhere a trace of prosaic and legalistic

formula. We were told particularly by the hon. member for Essex East that a reading of these historic constitutional documents, the Magna Carta, the petition of right, the habeas corpus act and the bill of rights, to mention only a few that he named, would convince us that our bill is a poor and pedestrian exercise, couched as it is, and as a statute ought to be, in words that are intended to create a precise understanding and to be capable of a precise definition.

An analysis of these criticisms, Mr. Speaker, reveals how shallow are the comments of the opposition and upon what infinitesimal knowledge of the subject they are based. One wonders whether any of these hon. gentlemen have even read, let alone studied, the documents to which they refer. Magna Carta contains the most minute and legalistic provisions to outline the rights it was designed to declare and protect. It does contain, it is true, some shining examples of clear and lucid statement, but these are almost submerged in a welter of minute provisions to give effect in detail to the rights which are declared.

Again, to refer to the petition of right, the terms used by the hon. member for Essex East show that he can hardly have read it, let alone understood it. Both it and the habeas corpus act contain great particularities as to the complaints of the subjects which they are designed to cure and as to the methods and remedies by which the rights will be protected in the future.

Since the hon. member for Essex East has cited the bill of rights as an example of how such a provision ought to be drawn, may I refer him to some of its specific language:

...that the freedom of speech in debates or proceedings in parliament ought not to be impeached or questioned in any court or place out of parliament; that excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

May I ask hon. members to compare this language with the language of our statute in which we have recognized and declared the continued existence of human rights and fundamental freedoms in Canada, as set out in clause 2 in this way in part:

(a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law; ...

(c) freedom of religion;

(d) freedom of speech;

(e) freedom of assembly and association; and

(f) freedom of the press.

**Mr. Martin (Essex East):** All of which is part of our law now.