

● (3:30 p.m.)

At this point I want to refer to what to me appears to be a major division in the cabinet opposite—just one of them. The Minister of Justice is sincerely desirous of preserving the freedom of Canadians, and I have no hesitation in saying that. I have never got around to handing out compliments where they are not deserved. It is not flattery to say that. I think of Sir John when he was interrupted once in the House: he had said something favourable about a minister in the Mackenzie government, and the minister said, "That is flattery." Sir John said, "No, it is a compliment". The minister said, "What is the difference?" Sir John replied, "Flattery is an agreeable untruth".

The minister has a feeling for the Bill of Rights, but what of the others in the cabinet? The Bill of Rights came before the Supreme Court of Canada and the government of Canada stood against the Bill of Rights all the way along. It had its counsel argue that the Bill of Rights was an ineffective and pious declaration of human rights but did not mean anything to the individual.

It was not the present minister who made the appointments, but in the Supreme Court of Canada, counsel for the government of Canada, while embracing the principle of freedom in their arguments did everything they could to induce the Supreme Court of Canada to say that the Bill of Rights did not mean anything.

Mr. Turner (Ottawa-Carleton): That is not quite right.

Mr. Diefenbaker: Has the minister not read their factum? It is apparent that in the arguments they advanced they were not representative of the present Minister of Justice but of another group within the cabinet which does not believe in human rights.

This is a worth-while bill. It does not cover the entire situation. I presume one is permitted to quote a Chinese proverb, now that the Communists have their representatives in Ottawa: a journey of a thousand miles begins with one step. This is an important step and I congratulate the minister.

Some hon. Members: Hear, hear!

Mr. Jack Cullen (Sarnia-Lambton): Mr. Speaker, it is always a privilege to participate in a debate in this House, particularly when one follows the right hon. member for Prince Albert (Mr. Diefenbaker). I was a little suspicious when he indicated that he was not prepared for this debate and I saw the papers he had on his desk and the material he drew upon. I think that was an agreeable untruth. In fact, he may not have been prepared for the debate on this bill but he was certainly prepared for a debate on all the things he had to say.

The right hon. member for Prince Albert attacks the Minister of Justice (Mr. Turner) and says there is a paradox between the position he took on the War Measures Act and the position he is taking on this legislation. I do not see a paradox. Instead, I see the Minister of Justice doing what he was called upon to do at that time: he was called upon to do his duty, and he did it. If I may be permitted to say this, I think the Minister of Justice

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did his duty well. I do not think there is any question in the mind of any member of this House, particularly those who know the Minister of Justice, that the kind of decisions he was called upon to make at that particular time were necessary. As the right hon. member for Prince Albert has said, in his position as a law officer the minister was faced with making these decisions and he made them.

I welcome the opportunity to participate in this debate on Bill C-218 which relates to the release from custody of accused persons before trial or pending appeal. One of the charges levelled by many citizens—and I am embarrassed to say I have often heard this charge made in the House—is that there is a law for the rich and a law for the poor. It is the kind of statement that makes a conscientious member of the Bar wince. I see in this legislation a narrowing of the gap in the treatment that will be afforded to the rich and to the poor. This type of legislation and the philosophy behind it augurs well for increased respect for the law.

I think that in order to understand this particular piece of legislation, we have to look at the present situation. I read very carefully a series of articles by two practising lawyers from Toronto, Mr. Sydney B. Lindon and Mr. Joel Goldenberg. They made some interesting and, I think revealing comments about the present situation. These two gentlemen conducted a Toronto bail research project. This study was conducted over a two-year period from 1966 to 1968. They concluded that the system of bail as we know it today does not work, because it keeps people in custody who should not be there and it allows people out of custody who should perhaps not be free pending trial.

It does not appear to have any greater reliability than release on recognizance without bail, and unhappily it punishes before trial. In effect, it seems to make a mockery of the statement that a man is innocent until proven guilty. Mr. Linden and Mr. Goldenberg stated—I am paraphrasing their series of articles—that the Parliament of Canada must take the lead and provide a legislative and philosophical framework within which reforms may take place.

Knowing the situation and knowing the demands that will now be placed upon policemen in the country, it is my feeling that this legislation pays a great compliment to our police forces. This Parliament has an obligation to pass good laws or what the minister called in one of his speeches credible laws. He said this in an address to the association of police chiefs. As good as the laws that we make here may be, I suggest that we will have worked in vain unless the practical problems of administrative reform and enforcement are solved. The minister in his address to the association of police chiefs said as follows:

It is unfair to expect the police to enforce laws that have lost the respect of the public for in doing so the police become the butt of public criticism, criticism that should be more correctly directed at the legislator.

In fact, it is criticism directed toward hon. members of this chamber. I stated earlier that this legislation pays a compliment to the police forces in Canada, and I submit that we owe it to the policemen to state here publicly