

Human Rights

Mr. Diefenbaker: I am sure the minister would want to be amused. That is why I asked someone to invite him to be present.

Mr. Pickersgill: I quite agree. I would rather have the Minister of Justice present to hear what I have to say, because what I am going to say—

An hon. Member: You have not said anything yet.

Mr. Pickersgill: —is that the Minister of Justice completely and utterly repudiated the attitude taken on this subject by the Prime Minister in 1948.

Mr. Tassé: Another twisted mind.

Mr. Pickersgill: In 1948 the present Prime Minister made a speech, which began on April 9 and was concluded on April 12, with regard to a motion respecting the United Nations declaration of human rights. In that speech the hon. gentleman said some remarkable things, some of which I think should be put on the record because the Prime Minister ought to tell us why he has so profoundly changed his mind about these things.

The Prime Minister said, for example, as reported at page 2846 of *Hansard*:

Here we are a sovereign nation among the nations of the world and promising as a signatory of the United Nations to uphold fundamental freedoms as one of the principal prerequisites for the success of the United Nations; yet the minister's attitude—

That was the then minister of justice, Mr. Ilesley. I continue:

—tonight raises a doubt whether Canada even internationally can do that which all the nations of the United Nations undertook to do when the charter was accepted.

The Prime Minister went on to say:

We were circumvented last year in the committee by the constitutional issue being raised on every possible occasion—

Incidentally, I thought it might be of interest to see how much circumvention was done in that committee. I had the record looked up, and I find that the present Prime Minister, who was a member of the committee in 1947, was present twice and absent six times. I thought in view of the Prime Minister's own researches in this field he might like to have that information. I continue:

—and the minister tonight reiterated the summation of the answers given by the attorneys general of the provinces and by the deans of the law schools, apparently believing that those answers, coupled with the evidence given before the committee, would once and for all end in this country the crusade for a national bill of rights and would determine as well Canada's position as being unable to discharge her international responsibilities.

The committee, if it is to meet as it did last year—

[Mr. Pickersgill.]

I may say it did meet on a number of occasions; on April 23, May 4, May 13, May 14, May 19, May 21, June 2, June 10, June 15, June 17, June 21 and June 23, and the Prime Minister was present on only three occasions.

Mr. Parizeau: Oh, we have heard you before.

Mr. Pickersgill: I continue.

The committee, if it is to meet as it did last year, will merely be shadow-boxing—

Perhaps that is why the hon. gentleman did not attend. I continue:

—going through motions, postponing and procrastinating, with the government forever hiding behind the constitutional position.

The constitutional position that was taken at that time, that parliament did not have jurisdiction over those matters that, under the constitution were assigned to the provinces, is precisely the position that is being taken today by the present government.

Mr. Diefenbaker: Not at all.

Mr. Pickersgill: This is the position that the Prime Minister denounced so wholeheartedly such a short time ago as 1948. Then when the hon. gentleman resumed his speech on April 12 he went on to indicate what he thought ought to be done about this problem by the parliament of Canada. It is not quite along the same line that the hon. member for Maisonneuve-Rosemont (Mr. Deschatelets) reported was taken in 1947, but here it is at page 2856 of *Hansard* of April 12, 1948. The Prime Minister said:

In the event that one's fundamental freedoms have been interfered with, he should have the right of recourse. That is why I ask that there be an amendment to the Supreme Court of Canada act to the end that anyone in any province in Canada whose fundamental freedoms are interfered with shall have the right of determination of his rights before the Supreme Court of Canada.

There is nothing there about federal jurisdiction, not a word.

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Then he went on to refer to Mr. Ilesley, as follows:

My right hon. friend referred to the constitutional division between the provinces and the dominion. I should like to refer to one case which is the only one which has been before the Supreme Court of Canada in reference to the question of fundamental freedoms. There are two points of view. Some say that the right of the provinces to abrogate and interfere with the fundamental freedoms is inherent in the British North America Act, although the preamble to that act states that our constitution shall be similar to that of the United Kingdom. Those who contend that these rights rest in the provinces aver that we in this country must be a balkanized Canada—