

indication of your response to the detailed proposals contained in my letter.

Yours sincerely,

Original signed

by

L. B. Pearson

The Honourable L.-J. Robichaud,
Premier of the Province of New
Brunswick,
Parliament Buildings,
Fredericton, New Brunswick.

Similar letter sent to all Provincial Premiers in English and to the Premiers of Quebec and New Brunswick in French.

Confidential

August 15th, 1967.

My dear Premier:

You will recall that, in the course of the discussion I had with you and the Premiers of the other provinces following our lunch together at my house on July 5th, I said I would be writing to each of you about my proposal to hold a special Federal-Provincial Conference to consider the possibility of establishing a constitutional Bill of Rights for Canada. I had referred earlier to this possibility in the House of Commons on May 10th. I have now discussed the matter further with my Colleagues. We believe that a conference on a Bill of Rights could be a most constructive step in working toward the kind of modification in the constitution of Canada in the field of fundamental rights for all Canadians that seems clearly to be necessary as we move into the second century of our federal existence.

At the present time, the traditional rights and liberties of citizens are maintained at as high a level in Canada, I am sure, as in any country of the world. One cannot, however, but be aware of the fact that the formal guarantees of these rights and liberties are not endowed with the full constitutional sanction that seems to be desirable. The Canadian Bill of Rights passed in 1960 emphasizes the legal rights of citizens in respect of life, liberty, security of the person and so forth and also states a number of the basic political rights, including freedom of speech and the press, freedom of assembly and freedom of religion. It constituted as much protection in the matters it dealt with as could be given at the federal level without

constitutional amendment. However it is, of course, statutory and has therefore no force against the possibility of future action by Parliament. Obviously, as a federal statute it is not binding in any way on Provincial Legislatures.

The federal Bill of Rights of 1960 provides for equality of all citizens before the law and has other guarantees against discrimination. Most provinces also have anti-discrimination laws covering employment and other matters. These egalitarian rights are, as in the case of political and legal rights, not protected in any formal constitutional manner. So far as economic rights are concerned, few have been enunciated in any legislation in Canada and in the society of today it is worth considering whether they require some form of definition and guarantee.

Beyond the rights to which I have referred, which could, perhaps, be regarded as basic for any society of free people, we have to consider rights that are special to a country like Canada, which was founded on two distinct linguistic and cultural groups. To refer only to one matter, I think we have in the last few years become aware, in all parts of Canada, that language has a special importance as the instrument through which the cultural identity of a people is preserved and developed. We have not, I think, adequately considered whether, and, if so, what, constitutional consequences should flow from this fact. At the present time, the provisions in the British North America Act on language are extremely limited. I think we should consider whether we need to provide a broader definition and more extensive guarantees in respect of the official languages.

This brief outline of some of the matters that have to be considered will indicate how important and basic a discussion of a Bill of Rights could be for any future examination or our constitutional framework in a more general way. If we can achieve agreement on essential rights and on the way to define and protect them in all parts of Canada, I think we shall have made the most important single step that is required for the achievement of a satisfactory constitutional framework.

When we spoke on July 5th, I said I would suggest that the conference be either late in 1967 or early in 1968. On a matter as fundamental as this, it may be difficult to have adequate preparation in a matter of weeks. I am wondering, therefore, whether a meeting quite early in 1968 would meet with general convenience. It would be most helpful if you