

*The Constitution*

Having witnessed last week's events, what Prime Minister Diefenbaker said was a prophecy of what was to come. He was right.

Some members of the opposition say there is no need for a charter of rights, that we are protected by the common law. This is what Prime Minister Diefenbaker said in this regard:

Some say that it is unnecessary and our unwritten constitutional rights protect us. They have not in the past. They cannot unless you and I have a right to the protection of law in the courts of the land.

In this debate the hon. member for Edmonton West (Mr. Lambert) said that Parliament is a trustee of the provinces' rights. He is probably right, but I find it ironical that he would use the word "trustee" in that way. Prime Minister Diefenbaker used it in a different way. He said:

Without a bill of rights, having regard to the experience of recent history, that heritage of which we are trustees will not be passed along to those who come after us.

In the final analysis, his Bill of Rights did not stand up as he would have wanted it to. Only on rare occasions did it bind any government. But in his quest to protect the rights of individuals Prime Minister Diefenbaker was right. We, as parliamentarians, must protect the citizenry from discrimination. There must be certain freedoms that are common to all Canadians. As Prime Minister Diefenbaker said in 1948, there cannot be nine kinds of citizenship in this country. He said that the introduction of a Canadian bill of rights was just one step in a long journey, but that it was a major step forward. I say to this House, let us continue that journey. Let us freely admit that without men like Prime Minister Diefenbaker, and without the men who came before him—the idea did not originate with that prime minister—we would not be taking this step today.

I do not think we should tarry any longer. It has taken us seven months to get this far. Let us enshrine in the Constitution those rights, those ideas, those common decencies which Prime Minister Mackenzie King once said "free men have cherished." Let us say no more that there is a provincial freedom of speech and a federal freedom of speech. There is only one freedom of speech—a Canadian freedom of speech. Let us say no more that there is a provincial mobility right or a federal one; let us say only that there is a Canadian mobility right. Let us take all the rights contained in the Constitution and not separate them by provincial boundaries. Then and only then can we say that we acted in the interests of Canada and of Canadians as a whole.

The official opposition, and now the Premiers, studiously stay away from the charter of rights. Spokesman after spokesman from the Conservative Party has talked about process—substance is avoided. The Right Hon. Leader of the Opposition (Mr. Clark) said:

The aftermath of the adoption of this resolution will have us looking around at the breaking of our federation and, perhaps, at the breaking of our nation itself.

He went on to say:

Our Constitution has been made a source of Canadian shame and division.

Finally, he said:

If public opinion wanted a charter of rights as strongly as this government says it does, then public opinion would make itself felt.

As a member of the joint committee I listened to public opinion for almost three months as witness after witness came before it. I would like to quote a few of those witnesses. Mr. Gordon Fairweather, the chief commissioner of the Canadian Human Rights Commission, said this:

Our thesis is that the charter of rights and freedoms are there to protect the weak against the strong, to protect those who have no power from those who have...

Will protecting the weak from the strong be a source of Canadian shame? I say, "Hardly!" Doctor Carole Christinson of the Afro-Asian Foundation of Canada asked that a charter of human rights be entrenched in a patriated Constitution. The Canadian Bar Association presented a brief stating that they wanted an enshrined charter of rights and that they had been asking for it for many years. We have listened to the public and we intend to entrench a charter of rights. I suggest that this charter of rights will not be a source of Canadian shame but rather a shield to protect the ordinary man on the street from legislative oppression and discrimination. It will not be a source of shame, it will be a source of Canadian pride.

I would like to talk about specific rights. Firstly, equalization, which is the concept of sharing between provinces. Mr. Graeme Haig of the Canadian Chamber of Commerce came before the committee. This is what he said about equalization:

The chamber's view is that the system of transfer payments must be maintained...

This is what Mr. Haig said about mobility on behalf of the Canadian Chamber of Commerce:

The business of hiring preference from one province within a province to the exclusion of residents of other provinces is to us abhorrent.

This government agrees with Mr. Haig's statement. The support of the Chamber of Commerce on these two items conforms to our concept of Canada. It affirms that one cannot be a Canadian without sharing. It confirms that the individuals under a constitution should be able to work anywhere in Canada notwithstanding residence. This government intends to vote for these rights in this charter. If there is shame, I say shame on the opposition for not voting with us.

Then there was the matter of non-discrimination because of race. Mr. Art Shimizu of the National Association of Japanese Canadians came before the committee. Some members of the committee tried to show that even though there was a bill of rights in the United States it did not help the Japanese Americans during and after the war. Mr. Shimizu said that because of an enshrined bill of rights—

—the Japanese Americans were able to return to their homes a full nine months prior to the termination of the Pacific war, while the Canadian Japanese languished in the internment camps and were being deported, sent back to Japan most likely and dispersed, for almost four full years after the unconditional surrender of Japan when the presumed reasons for their confinement had vanished.

We have included that protection in Section 15 and we intend to vote for it. We have included many basic rights in