

The Constitution

could be provided, if the matter cannot be worked out with individual Japanese Canadians, for those, as the minister quite properly described them, unjust acts that took place during wartime on behalf of the Canadian government in depriving them of their property.

Mr. Fleming: Mr. Speaker, when I rise in the House I rise as a member of the government and I must express myself as a member of the government. As I understand it, there is no policy at this time to do what the hon. member suggests. I have often expressed my personal view, as I did in this speech as the minister, of the terrible events that took place at that time. When I look back at history, at a time when I was not here, at this act which I believe was wrong, I agree with the hon. member. I am not the Minister of Justice and neither am I, as minister or as a member of cabinet, in a position to give any kind of assurance, but I think I have expressed clearly my view of what took place after the war and during the war regarding Japanese Canadians.

Mr. Waddell: Mr. Speaker, I appreciate the minister's answer and I hope he will take up the matter of compensation for Japanese Canadians with the government.

The minister cited a number of examples of provincial violations of civil liberties such as the padlock law, the press laws in Alberta and others. When one studies civics, history or politics in Canadian schools, examples of provincial violations are given. In light of the recent evidence regarding the War Measures Act to which the minister made reference, is he prepared to say or was he saying that it was wrongfully applied ten years ago? Was that his position?

Mr. Fleming: No, I have not said that, Mr. Speaker. I think we all look back on any event in history that led to the incarceration of people, or the limiting of rights, with some concern. We heard some excellent comments on that from the hon. member for St. John's East (Mr. McGrath). I recall, as a journalist at that time, that with the exception of two members of the NDP, all members of this House voted for the imposition of that act.

An hon. Member: No, they did not.

An hon. Member: No.

Mr. Fleming: I thought that overwhelmingly members on all sides of the House did, but I stand corrected. Overwhelmingly, but not all, an hon. member says.

If the hon. member who asked the question listened to my speech, he will know that I do not think that the position on an entrenched charter of rights or the current situation is absolutely cut and dried. It is still the public will and mood that affects judges as well as it affects legislators. I believe entrenchment of the boundaries within the constitution is a much better protection than simply the will of Parliament at any time.

During the course of my speech I tried to give a number of examples of that and to argue against some of the points made by Premier Lyon. We are human in what we do in this

Parliament. We hope that the constitution protects, sometimes, against our weaknesses, with all the good will and good intentions that we have.

Mr. Taylor: Mr. Speaker, I am sure the hon. member does not want to mislead—

The Acting Speaker (Mr. Ethier): Order, please. Is the hon. member rising on a question of privilege?

Mr. Taylor: I have a point of order, Mr. Speaker. I am sure the minister does not want to mislead the House. He expressed the opinion that Hutterian brethren were suppressed in Alberta. Mr. Speaker, since the election of Premier Lougheed in 1971, Hutterian brethren may buy land like anybody else in the province of Alberta.

Mr. Fleming: Mr. Speaker, the hon. member suggests that I misled the House. My information is that the current statutes provide that no Hutterite colony may acquire land within 40 miles of any other colony and that the land they bought must be less than 6,400 acres and must have been on sale for 90 days. It seems to me that that is discriminatory.

Mr. Taylor: That was thrown out in 1972—per usual the Liberals are ten years behind the times.

The Acting Speaker (Mr. Ethier): Order, please. Perhaps the hon. member and the minister can get together behind the curtain and settle this. The hon. member for Cambridge (Mr. Speyer).

Mr. Chris Speyer (Cambridge): Mr. Speaker, in rising this afternoon to take part in the debate which concerns the fundamental re-examination of our democratic institutions, which concerns the nature of the relationship between the federal government and the provinces, which concerns the rights of individuals, it is difficult for me to find words to convey adequately my sense of apprehension about the changes being proposed by the government.

The resolutions being proposed are pregnant with implications which go to the very root of the social contract which underpins the desire of Canadians to live together.

Today in this country, in the west, there is a legitimate sense of apprehension. There is a sense of resentment, and there is a sense of alienation from central Canada. This is caused, in many ways, by the legitimate perception that central Canada is trying to exclude the influence of the west in terms of our national body, Parliament, and certainly in terms of our federation.

In the last year we had an illustration of this within the province of Quebec which was debated and where there was a decision by way of a referendum, the subject matter of which was the very status of a province within confederation.

Regarding Atlantic Canada today, posited upon foundations of equity, we have heard the demand for offshore resources so eloquently put by my friend from St. John's East.