

individual to appeal to the courts because discretion has been exercised by that official? Does that not deny those principles of Magna Carta quoted by my right hon. friend:

To no man will we deny, to no man will we delay, to no man will we sell justice or right.

If we are to maintain freedom on the part of the individual I submit that we must grant to the individual in this country the right to appeal against the jeopardy of his rights which follows closed hearings by boards and officials. British constitutional safeguards were designed to limit the absolute power of the monarch, but they do not protect the personal liberties of the individual when challenged by the state.

A bill of rights today would be a declaration delineating the field of liberty that must be reserved to the individual against continuing invasion on the part of the state. One of the first principles of freedom is that a man shall not be a judge in his own case. How many times has that been departed from within recent years when under order in council, yes, under statute as well, recourse to the courts is denied against the caprice of an order of an administrative official? We have to bring our freedoms up to date when we live in a period where the government is going into business on an ever-increasing scale, and yet the archaic proposition remains that the individual shall have no right to proceed against the state except with the consent of the state, thereby denying the principle stated by Sir Frederick Pollock that Magna Carta established that "the king is and shall be below the law".

One of my hon. friends to my right has mentioned that there is a bill of rights in Saskatchewan. Yes, but the state bill remains supreme and is above the law courts of the country under that bill of rights in so far as the right of the individual is concerned to proceed for the invasion and infringement of his rights by the state. During the war and since, parliament went on a legislative vacation, and executive order in council is taking the place of what my right hon. friend described as a free and unfettered parliament, to such an extent that only the day before yesterday the Minister of Finance (Mr. Abbott) quite frankly admitted that he was unaware of an order in council which determines the rights of Canadians to the extent of millions of dollars, although it had been passed on the 17th of April last. Many orders in council still deny to the individual the right of recourse to the courts. Power in a state or in a state official without accountability to the courts permits of unequal laws being applied, and consequent injustice. Parliament has placed the power in the hands of the Minister

of National Revenue (Mr. McCann) to determine as between individuals who shall be subject to the law and who shall not. In some statutes we have denied the principle that the rule of law must apply equally to all in our country.

You might ask, is freedom of speech interfered with or freedom of the radio? I am not going to deal with that matter this afternoon except to say this, that those freedoms are in danger when you have a public radio system and private radio stations, often operating in competition with one another, and when the right to determine disputes between them rests with the Canadian Broadcasting Corporation, which is both judge and litigant. It judges its own case. That is an example of the denial of private rights and a danger potentially to freedom of speech in our country.

Mr. JACKMAN: It can make its own laws.

Mr. DIEFENBAKER: And what about freedom of the press? I realize the circumstances under which the section went into the broadcasting act giving the Canadian Broadcasting Corporation the right to publish newspapers or periodicals. The statute was passed before we entered a period in our history when we were about to have a facsimile newspaper issued as a result of a broadcast over a frequency modulation network many hundreds of miles away.

Mr. HACKETT: The weeklies were suppressed for a whole fortnight in England a short time ago.

Mr. DIEFENBAKER: Yes. We have established in this country an ever-widening system of government information agencies, ever expanding in their output rather than receding, and however unintentionally those in authority would have it, the power rests there of controlling or moulding, by government propaganda, the thought and the thinking of individuals in our country. What about freedom of speech? A case where freedom of speech was interfered with during the war comes to mind, and the government had to recede from the position it took. That was in the prosecution of George Drew when he spoke, and spoke truly, in regard to Hong Kong. I remember, too, on June 22, 1943, after Miss Agnes MacPhail, a former member of this house, had spoken against the judiciary, the present Secretary of State for External Affairs made this statement in the house:

I shall direct the attention of the censors to this dispatch, and see if arrangements cannot be made that publicity will not in future be available for matters of this kind.