

the right but the responsibility to work for the acceptance of the constitutional package before us, even though our "14-points-behind" Premier of B.C. opposes the move.

Similarly, the hon. member for Winnipeg North Centre (Mr. Knowles), who intends to vote in favour of the joint resolution, speaks as surely for Manitobans as does the erstwhile Premier Lyon who is fighting patriation. Or let us take the case of the hon. member for Nepean-Carleton, who fights this resolution with every means known to rules experts, despite the fact that his fellow Conservative, Ontario Premier Bill Davis, supports the constitutional package enthusiastically.

Essentially, what I am saying is that as an MP I welcome the opportunity to make a contribution to constitution building. For too long I think the House of Commons has been ignored, while year after year the premiers have fiddled and failed. Of course a provincial consensus of a positive kind from a great number of premiers would have been preferable to what has been described as unilateral patriation. Does anyone listening actually believe that an agreement among ten premiers and the Prime Minister is possible on this question or on many others? I do not.

● (1600)

If we want our Constitution brought home, I believe we in the federal Parliament are taking the only course left open under current conditions. Some people disagree and say that what we are doing is not only immoral but illegal. Some provinces will go, and have gone, to court in order to prove it. Before the Quebec Court of Appeal at this very moment is an action to prevent patriation of the Constitution on the ground that the charter of rights "interferes with provincial powers." Naturally I have no idea how the case will turn out, but it seems to me that it is the duty of a federal state to protect the rights of its citizens with a Charter of Rights and Freedoms, rights and freedoms which do not vary from province to province but apply equally in all parts of our federation.

I agree with the Minister of Justice (Mr. Chrétien) that is both inconceivable and unacceptable for native people, women or the handicapped to enjoy certain rights in one jurisdiction of our federation and be denied them in another. The charter must apply to all provinces and territories; it must protect all citizens in Canada. If the charter of rights is deemed an interference, then I think it is about time we interfered.

If we must wait for the provinces to bring in tough civil rights legislation, we will never get a charter because most provincial governments are so right-wing they spend most of their time talking about individual freedoms and have no time left to consider individual protections and rights. Most provincial rights codes are weak-kneed and toothless.

**Mr. Friesen:** Will the hon. member entertain a question? Is the British Columbia civil rights code toothless?

**Mr. Rose:** Mr. Speaker, I will entertain a question at the end of my speech.

### *The Constitution*

I should like to refer again to the belief of the late Mr. John Diefenbaker in a charter of rights. Mr. Diefenbaker said:

A bill of rights for Canada is the only way in which to stop the march on the part of the government toward arbitrary power, and to curb the arrogance of men "clad in a little brief authority"—

He continued:

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. There are others who claim that the Parliament of Canada cannot pass laws to preserve the constitutional freedom of Canadians. If that be true, then Canadian citizenship is a provincial variable. There will be nine kinds of Canadians in Canada whose freedoms will be based on the home address of each of us. If that contention be true, Canadian unity is a meaningless term.

We Canadians have much to be proud of. We suffer from serious shortcomings when it comes to respecting individual rights, and we have done in the past. Of course we are far superior to the repressive regimes in many parts of the world, including South America, Eastern Europe and the Far East. We must remember that most Canadians applauded the deportation of the Japanese in 1941, even though at that time we were dispersing Canadian-born citizens who were charged with no crime. Most of us stayed silent while Jehovah's Witnesses were being hassled throughout Quebec under the Duplessis regime. As one of the 16 who voted against approval of the government's invocation of the War Measures Act in 1970, I received hundreds of letters following that vote condemning me for opposing a measure which, with the stroke of a pen, removed all civil rights not just of Montrealers but of Canadians right across the country.

Again some argue that when a crisis inflames passions no charter of rights, no matter how perfect, would have protected, for example, the west coast Japanese or prevented invocation of the War Measures Act of 1970. They would say that the panicky state of public opinion at the time would have overridden any written entrenchment of rights and freedoms. Perhaps this was so. However, along with the present entrenched rights comes an avenue of appeal and remedies available to those abused, if only after the fact.

Section 24(1) guarantees against infringement of individual rights and freedoms and offers the protection of the courts if such infringement occurs. This recourse to the courts is new and an important forward step.

Unfortunately, when the Japanese dispersal occurred in World War II, 20,000 of these people were stripped of their land and property. There existed no section 24 which would have guaranteed these Canadians of Japanese ancestry access to the courts to recover their stolen wealth and property. Back then, they had no recourse but to accept the thefts and try to forget them.

Similarly, the 500 or so Quebecers incarcerated in the October, 1970, round-up and who were never charged or convicted had no legal remedy against arbitrary arrest and imprisonment. We have it now in this charter.

When a long-time author and vice-president of the Canadian Civil Liberties Association, June Callwood, recently was