

*The Constitution*

I am proud of the work that the constitutional committee was able to do. I believe it is clear to everyone that the resolution before the House has been substantially improved, especially in the amended charter of rights, and that it is far superior to the bill presented some four months ago. The bill now before us was amended a total of 50 times at committee stage.

● (1640)

In saying this, I want to acknowledge the contribution made by the opposition, Conservative and the New Democratic parties who, in some instances, were the authors of a number of very important amendments or improvements. I speak in particular of the charter of rights and freedoms.

Because of the all-party work which went into the drafting of that charter, I believe it is fair to say that there is near unanimous support in this chamber for the Charter of Rights and Freedoms.

**Mr. Malone:** That is false.

**Mr. Tobin:** There must be very few people in this chamber who would deny Canadians the provisions of the charter. I speak now not of the process but of the content of the charter. I would find very little disagreement on that point.

**Mr. Malone:** You just got it.

**Mr. Tobin:** Nearly every Member of Parliament supports legal rights for the handicapped in this country, for example. Every member would support new legal rights for Canadians. Every Member of Parliament would support the equalization formula or many of the other provisions in the charter of rights.

There are those who would argue that the Charter of Rights and Freedoms, those privileges enjoyed by Canadians, are important, are paramount, but second only to the whim or the disposition of provincial governments and provincial politicians. That is the argument put forward by the Conservative Party. We in the Liberal Party, and I am pleased to say the vast majority of those members of the NDP, cannot accept the shallowness of that position. We believe that the rights, freedoms and privileges of individual Canadians are paramount, and superior to the disposition or the whim of any politician or any government in this country. That is a fundamental difference.

The shallowness of the kind of argument being put forth by the Conservative party about the process, while it claims to support the content, is so self-evident that there is no need for me to carry on about it any longer. Some members of the Conservative Party have been so uncomfortable, and I am desperately trying not to be partisan—

**Mr. Crosby:** Don't try.

**Mr. Tobin:** —that I applaud Mr. Yurko. I do not mean to embarrass him by doing so—

**Mr. Nielsen:** Order. His riding is Edmonton East.

**Mr. Deputy Speaker:** Order, please. The practice is to refer to hon. members by their constituency.

**Mr. Tobin:** I applaud the hon. member for Edmonton East (Mr. Yurko) and I do not mean to embarrass him or to be cute by doing so. As I say, some of his colleagues have been uncomfortable with the shallowness of the argument which says they believe the charter is good but the process is wrong, and they have gone on to say: "Look, besides that, we have had a long tradition of freedom in this country. This is tolerant land. Therefore, we do not need a charter of rights and freedoms. We can trust Parliament to look after the rights and interests of Canadians."

For the most part, I would agree with that. Our country's record, if we look back through our history, has been excellent, especially in comparison to many of the other so-called democratic countries in this world. While it has been excellent, it has not been perfect. It has not been unblemished. We need only to look at some of the activities which occurred during World War II. Neither Parliament nor the legislatures protected the rights of Japanese Canadians who found their rights arbitrarily taken away and in many cases never returned.

We are talking about the rights and freedoms of individual Canadians. Whatever the government, be it Liberal, Conservative, NDP or whatever, I say no government should have the power arbitrarily to remove people's rights.

Again, I say the argument which the Conservatives would make that somehow we can trust the Canadian Parliament to protect the people of Canada does not hold water if we look back through our history. To make such an argument is to suggest that the rights and freedoms of the individual Canadian, the single man, the single woman or child, is his or her right only as long as it is the will of the majority or the will of Parliament that he or she should have rights. That is not good enough. I say we hardly have our eyes open to what is happening in this world when we make that kind of a suggestion.

Just today we had the President of the United States here in our chamber. We were honoured by his presence. Hon. members do not have to look at the most extreme examples of the oppression of rights in this world; they need only cast their eyes south to the problem there with which President Reagan will be struggling soon. In the country to the south of us, in the last few years we have seen the rise of paramilitary units and groups. I watched a special program on the American network the other night which showed a group of 155 people who were armed. What do they stand for? They stand for the extreme right, neo-Nazi, Ku Klux Klan extremist groups. They say a war is coming. They say they are going to do battle with the blacks in the U.S. The only way that kind of extremism will be controlled in the United States, the only way that kind of thing will be challenged before it can mushroom, is through rights entrenched in the American constitution. The present rights in themselves are not enough.

I look at my own country. I am sad to say I look at my own province of Newfoundland and at what the Premier of New-