

is not the choice. What we must move on to is that kind of society in which we maintain the freedom of the individual, not just by pulling the state off, but by using the state as an instrument of the people as a whole to protect the people against the economic forces, not only in a negative manner, but in a positive way, in the sense that it is the job of the state to provide for the economic advancement and improvement of the life of our people.

This is a tremendous task that is on our hands. What we are taking part in just now is not merely a series of speeches concerned about the preservation of the freedoms which have come down to us from the past. Yes, we can wax eloquent about them. But we have got more than that. We are breaking new ground in our day and generation. Let us look to the future and realize the tremendous opportunity that is ours to move on to the achievement of freedom with security. Ours is the chance to achieve something much greater than was ever dreamed of in 1215, or 1689, or 1776, or 1789; or through the 19th century. I submit that freedom with security provides a goal worth the eternal vigilance which is its price, a goal toward which our destiny impels us. We should be content with nothing less.

Mr. W. A. TUCKER (Rosthern): Mr. Speaker, first of all I should like to express a word of appreciation to the Minister of Veterans Affairs (Mr. Mackenzie) who introduced this resolution. I felt that he spoke with a great deal of eloquence and feeling, and also gave a most inspiring and instructive speech.

The resolution is most comprehensive in its scope. It is to consider the question of human rights and fundamental freedoms, and the manner in which those obligations accepted by all members of the united nations may best be implemented. It is also to consider Canada's legal and constitutional situation with respect to such rights, and also what steps, if any, should be taken or recommended for the purpose of preserving in Canada respect for and observance of human rights and fundamental freedoms.

I should like to commend the government for the scope of the resolution. Under its terms the committee will be in a position to consider what in this day and age may be taken as human rights and fundamental freedoms, and what can be done to have them more strongly established in Canada. So far as I am concerned, if anything can be done to make them safer and more secure in this country, I would feel the committee would be well justified in taking the necessary action.

One of the significant statements made by the minister which, I believe, is not sufficiently realized in Canada, is that the various enactments and bills of right, including Magna Carta, had actually only the force of acts of parliament; no more. Any subsequent parliament could repeal any of the rights laid down in any of those historic documents. Parliament at any time could have repealed any of the rights laid down in Magna Carta. There seems to be a lack of appreciation of that fact, and it seems to many as if there are some fundamental freedoms guaranteed to the British people which cannot be taken away from them by their parliament.

As any student of constitutional history knows, parliament in the United Kingdom has power to take away any rights whatever from a citizen of the United Kingdom, including even the right of life itself. Bills of attainder have been passed which did that very thing, namely deprived men of their lives and property. And, so far as the constitution of Great Britain is concerned today, there is nothing to prevent the passage of an act of that kind. So that parliament today in Great Britain still remains all-powerful, with a power over life, liberty and property of the subject.

That principle has been more or less followed in Canada. Some people think that, because we have decisions based upon our constitution, and that because from time to time acts are declared ultra vires, we have a constitution like that of the United States. My understanding of our constitutional position is that, outside of the rights given in the British North America Act in regard to the use of two languages in parliament and otherwise, and in respect of the education of minorities, the whole effect of the British North America Act was to divide legislative jurisdiction between the provincial and federal governments. The idea was to be that in their respective spheres of influence the parliament of Canada or the legislatures of the provinces were to be as all-powerful in their control over the citizens as the parliament of England is over its citizens.

The only qualifications I would make of that, to conform with the position today, would be these: first, we have not taken the right to amend our own constitution. In fact, in our own constitution, as laid down in the British North America Act and amendments, and as completed by the Statute of Westminster, it has been laid down that we have no right in this parliament to amend it. The constitution also provides that, so far as the provinces are concerned in the exercise of their jurisdiction, they are liable to have their