

National Defence Act Amendment

throats to which they object. Give the men an option. Give them a few months to make up their minds. If the men who joined the navy feel in their own minds there is a substantial loss of the marine and naval traditions of Canada, then give them the option of retiring voluntarily without any pension penalty. Give these men the full benefits to which they are entitled. Certainly the ones with whom I have spoken and corresponded seem to be sincere, loyal and dedicated. If the minister were to do this, he might find that his plans for the future of the Canadian forces would be implemented much more harmoniously.

Mr. Nugent: Mr. Chairman, I think the members of this committee should realize that unless the amendment moved by the hon. member for Winnipeg South Centre carries we will be asked to pass a law which brings in for the first time peacetime conscription in Canada. We are discussing a peacetime voluntary force in a democratic country and the government is now proposing conscription. There have been a couple of occasions in this nation's history when a major upheaval occurred over the conscription issue. Yet on both occasions conscription was justified because this country's very life was at stake and we were then involved in a very serious conflict. However, there is no war in sight today and no reason has been advanced on the part of the government for resorting to conscription.

What makes it even more reprehensible is that this conscription does not apply to a particular class of people who might be suitable for the armed services or whose presence in the services might be necessary for the preservation of this country. We are going to limit this conscription to those who are now serving in our armed forces simply because these people agreed with the government of Canada to serve in one or other of our forces as they exist today. Certainly anybody who looks at the situation in this light, which I think is the only fair light in which to look at it, must demand compelling reasons from the government for resorting to peacetime conscription of the members of our armed forces.

• (3:50 p.m.)

How can the minister in all fairness conscript these men? Our men in the past have enlisted in the service of their choice as volunteers. If we take the navy as an example, they enlisted in the navy because they like naval traditions, naval life, the brotherhood of seafaring fighting men, and the kinds

of trades they could learn in the naval environment. Reasons of this sort induced people to enlist voluntarily.

I say there can be no mistaking what the minister is doing. He—when I refer to the minister I refer to the government—is changing the agreement that was made with these volunteers. The government in effect is saying: You have no choice. Is that fair? Should that sort of thing be necessary if the men, as the minister alleges, are enthusiastic about serving in his new armed force? The minister and General Allard say that the men will be proud and anxious to serve in this force. If that is so, why is there this discrimination? What is the minister afraid of? If the men are so enthusiastic, why is he afraid of giving them a choice?

When men have served 15 or 20 years of a 20 or 25-year career it is difficult for them to give up their pension rights and to find a suitable job in civy street. Why does the minister need clause 7 to reassure the men that in the new force they will perform duties similar to those they performed in the old force? The answer seems obvious. The minister seeks to conscript in peacetime a small number of men. The government is changing the terms of the employment contract unilaterally. I can only conclude that the minister has less confidence in this measure than have the members of this house or of the armed forces.

Furthermore, I am not satisfied that parliament has the legal right to do what it seeks to do. In my view this clause deals with civil rights. It has nothing to do with matters pertaining to the armed forces. Brigadier Lawson says that the men who enlist in our armed forces have no contract. That argument has little weight because in my view this clause deals essentially with a matter of civil rights. I know that military affairs come within the ambit of the federal government, but I also know that civil rights do not. They come within the ambit of the provincial governments. By passing this clause parliament may be infringing on the exclusive right of the provinces to deal with civil matters, civil rights legislation being an exclusive prerogative of the provincial governments. Dominion-provincial relations are important matters. Do we, therefore, wish to go ahead blithely and pass this clause if there is any question about provincial rights being involved?

The government is seeking to change a contract that the men entered into voluntarily and it is seeking to do so in peacetime when