

International Declaration of December 17, 1947. We simply recommended "that the government, in presenting its views to the United Nations, have in mind the views of members of the committee as reported in the record of proceedings and evidence". This attitude was adopted because we had no assurance that any specific draft prepared by the committee would be accepted by the United Nations.

The next point I wish to mention is that our committee, in accordance with the terms of reference, studied "what steps, if any, it would be advisable to take or to recommend for the purpose of preserving in Canada respect for the observance of human rights and fundamental freedoms." We examined written submissions received from various organizations and we gave consideration to the question of the enactment of a bill of rights for Canada. Let me remark here that the briefs which recommended a bill of rights favoured its enactment by constitutional amendment rather than by federal statute. On these two points we had the privilege of hearing the very illuminating evidence given by the Deputy Minister of Justice. Owing to pressure of time, as we were very close to the end of the session, it was impossible for us to hear any witnesses in support of the various briefs to which I have referred.

We finally came to the conclusion that any attempt to enact a bill of rights for Canada as a federal statute would be unwise, for various reasons which I shall try to summarize. First of all, the power of the Parliament of Canada to enact a comprehensive bill of rights is disputed. Letters received in answer to an invitation addressed to the provincial Attorneys-General and also to the deans of certain law schools, clearly indicated that the validity of a federal bill of rights would be contested. Then we examined the possibility of clarifying this issue by means of a judicial reference to the Supreme Court of Canada. However, it seemed to us that the answers to the, so to speak, theoretical questions that might be submitted to the court, would not settle the law and would not be binding. We were also of opinion that "a federal statute enacted on the basis of answers to such questions would not effect any constitutional guarantee of rights, as it could be amended or repealed at any time by parliament." Therefore we were "unable to recommend that the government give favourable consideration to the enactment of a bill of rights in the form of a federal statute."

On this matter of civil rights, representations were made to the effect that, in order to

deal with specific grievances arising out of alleged breaches of such rights, it would be advisable to enlarge the jurisdiction of the Supreme Court of Canada, so that, by leave of that court, appeals would lie on questions of law in some instances in which there is now no appeal. In our report, at page 514, we say: "Your committee is of opinion that the government should give consideration to such an enlargement, and so recommends." This is our only positive and definite recommendation.

But we came to the general conclusion "that Canadians enjoy a large measure of civil rights and liberties" and that it is "beyond question" that these must be maintained. In spite of all the difficulties surrounding a specific definition of human rights and fundamental freedoms, we believe that the terms are in general well understood. As our report put it, "They exist, are enjoyed and must be preserved."

We insist that it is desirable to examine critically and earnestly any alleged curtailment of fundamental rights. We are convinced that respect and observance of our rights and freedoms depend in the last analysis upon a firm and well-informed public opinion. The ultimate and effective safeguard of such rights and freedoms lies in the people themselves. In other words, to quote an old saying, the price of liberty is eternal vigilance.

In accordance with our democratic principles, we require more public discussion before any further attempt is made to define in statutory form human rights and fundamental freedoms. In order to comply with the will of the Canadian people we must first make everyone more conscious of the privileges and responsibilities of citizenship. We must ascertain by what precise steps and constructive measures our Canadian ideal of freedom, equality and brotherhood can best be preserved and developed. The voice of the majority of the Canadian people must be clearly heard before we can proceed further with the question of human rights and fundamental freedoms.

Hon. ARTHUR W. ROEBUCK: Honourable senators, this is a subject in which I am interested, and upon which I would have spoken yesterday had not the lack of courtesy of the leader opposite denied me that opportunity. However, I have remained here until today, at considerable inconvenience, because I feel that there is something in connection with this report which should be said. I consider it an honour to be appointed to a joint committee of both houses of parliament charged with consideration of the question of human rights and fundamental freedoms, but—and I say in sorrow—I am keenly disappointed in