

*The Address—Mr. A. Stewart*

but that was the end of it. The report of the investigator has been filed away. The Canadian Pacific Railway apparently is quite prepared to carry on without paying these men what is their moral right, and the government is doing nothing about it. The Minister of Labour is not in his place today. Therefore I shall not give certain opinions which I possess, but I think there is a moral responsibility on the part of the company to pay these men that which is their due and legitimate right.

There is one other matter which interests me, and which has been mentioned already by the hon. member for Lake Centre (Mr. Diefenbaker). A year or two ago the houses of parliament appointed a special joint committee on human rights and fundamental freedoms. I was a member of that committee, and I formed the opinion that it had been conceived in confusion, born in doubt, and unquestionably died of paralysis. Many of us had hoped that out of it there would come some lead towards giving the Canadian people a bill of rights, but we were wrong. I am only going to deal with one rather narrow aspect of the rights of the citizens of Canada at this time, but I should like to remind the house that under our constitution as it stands the government has the right to deport a Canadian citizen who was born in this country. Under the constitution as it stands there is the right to deny the vote to citizens of Canada because of race or colour. Under the constitution as it stands trade unions can be forbidden to affiliate with other bodies outside the province in which the unions are situated. Under the constitution as it stands individual Canadian citizens can be denied the right to work because of their ethnic origin, religious beliefs or colour. Under the constitution as it stands Canadian citizens can be denied the right to enter restaurants or resorts, again because of their creed or their colour.

That is a lamentable situation in a country such as ours, a country which is a nation of minorities. There is no one majority in Canada. We are all minorities, and where one minority is hurt obviously the rights of all are in danger. The rights of minorities have been gravely endangered in the past. Therefore to protect them it is essential that we have a bill of rights in Canada. On the committee on which I sat there was a very obvious conflict of opinion. There were those who argued that human rights came under the property and civil rights sections of the British North America Act. There were others like myself who argued that the human rights of the nation were the responsibility of the nation to safeguard, and the only way they

could be adequately safeguarded was by the parliament of Canada.

I am indebted to Professor Frank Scott of McGill university, an expert on constitutional law, for much of what follows.

The house will remember that there was a universal declaration of human rights proclaimed by the general assembly of the United Nations on December 10, 1948. I am informed there is not much in this universal declaration upon which this parliament cannot take a stand.

Some have argued, so far as a bill of rights is concerned, that an amendment to the constitution is necessary. I was one of those who wanted an amendment to the constitution. Now I am willing to compromise on legislation because I think legislation would be better than nothing. It may be argued, "Well, legislation can be revoked by another parliament or by the same parliament". That is true. I think we ought to remember, however, that in the British House of Commons Magna Carta, habeas corpus and the bill of rights can be repealed by a single majority of the British house. That legislation has never been repealed. Indeed, it has proven to be of enduring value. Perhaps we may follow that example.

The aspect of human rights with which I wish to deal now deals with discrimination against minorities because of their race, creed or colour. I think there is one simple and quite elementary way of partially solving that problem. It is to make it a criminal offence to discriminate against Canadian citizens because of race, creed or colour. This would bring the whole question within the purview of parliament.

I should like to quote a page from an article by Professor Scott which is published in the "Canadian Bar Review" for May, 1949. He said:

Where the criminal law power is but little used today, and where it might be better used for the protection of freedoms, is in regard to the creation of new crimes against freedom itself. It is a crime to disturb a religious ceremony, but it is not a crime, or at least as precisely defined a crime, to disturb a public meeting or to prevent the distribution of literature. It is a crime for employers to discharge an employee for trade union activities, but it is not a crime for them to use labour spies. It is a crime to libel an individual but not a crime to libel a group or race. It is a crime to hit any man over the head with a stick but it is not a crime to refuse to serve him a meal in a public restaurant or to refuse him a room in a hotel because of his race or religion. It is a crime for any public official, whether federal or provincial, to take a bribe, but not a crime for him to discriminate against races or creeds in granting licences or franchises. It would be wrong to imagine that freedom can be created merely by adding new crimes to the criminal code, but this is not to say that certain practices which violate human rights ought not to be made criminal where now they give rise only to