

*Human Rights*

2. No one shall be subjected to arbitrary arrest, detention or exile.

3. No one shall impose or authorize the imposition of or be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

And so it goes. Then it says this:

7. Everyone charged with a criminal offence has the following minimum rights:

(a) to be informed promptly, in a language he understands, of the nature and cause of the charge against him;

(b) to defend himself in person or to retain and instruct counsel of his own choosing without delay . . .

(c) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(d) to have the free assistance of an interpreter—

Then there is this provision:

9 (a) No person shall be compelled to give evidence before a court, tribunal, commission or other authority if he is denied the right to counsel or other constitutional safeguards;

(b) No person shall be compelled in any criminal case to be a witness against himself.

These are the very things we have included in the bill of rights now before us. I come now to the next argument, and I want to deal with these arguments in the order in which they were presented. It was said that this bill of rights is inconsequential and of no importance because it fails to enumerate economic rights. That argument was advanced by several hon. members. Mr. Speaker, many of the economic rights are under provincial jurisdiction, but the reasons why economic rights were not included were set forth in the submission of the committee for a bill of rights. That is the committee to which I referred the other day. Two hon. members of the C.C.F. party, the hon. member for Assiniboia and the hon. member for Kootenay West (Mr. Herridge) in a most reasoned speech, referred to the necessity of economic rights being included. What did this committee recommend?

I am going to give you some of the names of those who joined in that submission. They were, Hon. T. C. Douglas; Hon. J. W. Corman, K.C. who was the attorney general at that time; George Burt of Windsor; Andrew Brewin of Toronto; Murray Cotterill, and so on. Do you know what they said about economic rights?

We have excluded from our proposed bill of rights references to "economic" rights and freedoms which are frequently discussed in this connection. Our reason for doing so is not any belief that these economic rights and opportunities are unimportant or irrelevant to the consideration of creating genuine "freedom" in modern society. We do not at all underestimate them. We exclude them because the establishment of such rights is the function of detailed legislation and economic policy within the scope of parliament and the provincial legislatures and indeed of international action. It

[Mr. Diefenbaker.]

is an illusion to suppose that the "right of employment" or "freedom from want" can be secured by the type of constitutional declaration which is envisaged in a bill of rights.

In other words, these outstanding members of the C.C.F. party joined with all others who made representations in that regard, and clearly pointed out that economic rights are not to be included.

The argument also advanced is that we really do not need these powers; we need no such declaration; freedom is safe. Well, Mr. Speaker, I am not here for the purpose of bringing up the past.

Some hon. Members: Oh, oh.

Mr. Diefenbaker: However, I would point out the fact that after the war was over a bill was brought before parliament on October 5, 1945, by the minister of justice the Right Hon. Mr. St. Laurent, being an act to confer certain powers upon the governor in council during the national emergency following the war. Then it sets out the kind of powers that were requested. The governor in council may do and authorize such acts and things and may make, from time to time, such orders and regulations as, for instance, production, manufacture, trade, exportation and importation; all matters coming within these classes of subjects, transportation by air, road or water; employment; appropriation, control, forfeiture and dispossession of property; entry into Canada; exclusion; deportation and revocation of nationality; and so on it went.

We took the strongest objection to that. The matter came up on a Friday and I had the honour of speaking on that at length. On the Monday there was a dominion-provincial meeting. Following that, the bill was withdrawn and another substituted in its place. This was enacted as chapter 25 of the statutes of 1945, and again it provides for conferring certain transitional powers on the governor in council during the national emergency arising out of the war. He had the power, under order in council, to do these things, besides providing for demobilization; facilitating the readjustment of industry and commerce to the requirements of the community in time of peace; maintaining, controlling and regulating supplies and services, prices, transportation, use and occupation of property, rentals, employment, salaries and wages to ensure economic stability and an orderly transition to conditions of peace; and so on it goes. Tremendous powers were given under order in council in time of peace, using as an argument for the invasion of provincial rights the doctrine of emergency.

Then they went on in 1952 and another act was passed conferring emergency powers upon