

The CHAIRMAN: He wants to press his bill on, but if he is going to get into a situation where it cannot be dealt with this session, which will certainly be the case if argument is started on it, I think possibly he would prefer not to begin the matter at all.

Mr. HERRIDGE: Mr. Chairman, I agree wholeheartedly with the remarks made by Mr. Croll. In writing the letter to Mr. LaCroix, could that aspect of the situation be presented in the letter?

The CHAIRMAN: Will the committee leave it to me to reply to Mr. LaCroix in the light of this discussion?

Agreed.

There are two documents to be filed, one headed "The Preservation of the Rights of the Subject", a bill which was introduced by the Marquis of Reading in the House of Lords. The second one is the declaration of the rights of man adopted in 1789 by the French Assembly. Those two documents are to be filed.

It was agreed the other day that we would proceed with the examination of Mr. Varcoe. I think Mr. Varcoe wishes to make a short statement.

Mr. CROLL: Mr. Chairman, I did not pay much attention, but this declaration seems to be dated August 27, 1789. My recollection is that France has one which is a little later than that. There is a constitution of most recent date and a full constitution, which was passed about a year ago. I am afraid this one is a bit outmoded.

The CHAIRMAN: It is not particularly recent, I admit that. The clerk will look into the matter and if there is a recent document, it will be filed.

Now, shall we let Mr. Varcoe proceed with his evidence?

#### **F. P. Varcoe, Deputy Minister of Justice, recalled:**

The WITNESS: I prepared a very short summary of what I said the other day. What I said the other day was rather scrambled I thought afterwards when I came to read it. Therefore, I prepared this short statement and if it is the desire of the committee I will read this statement.

I. Implementing the U.N. Charter and providing a Canadian Bill of Rights are two separate and distinct legal or constitutional projects. The terms of reference relate primarily to the first.

II. I distinguish rights from freedoms as follows:

A right connotes a corresponding duty in some other person or the state toward the person holding the right; for example, if a person has a right to education, there is a corresponding duty on the state to provide it.

A freedom, on the other hand, is a benefit or advantage which a person derives from the absence of legal duties imposed upon him.

The distinction between rights and freedoms here made is of real significance in connection with the constitutional problem in Canada, as I will endeavour to show.

III. Examples of rights, so-called, are the right to own property, the right to education, the right to reasonable conditions of work, the right to social security, and so forth. Concerning these rights so-called, two things may be said. First, each of them is created by positive action by parliament or a legislature depending on the subject matter. There is no constitutional question involved since legislation in relation to each of these rights is at once recognizable as falling in the federal or provincial field. Second, the Charter calls merely for the promotion of observance of human rights, no list of these so far being included. One may safely say that at present Canada has implemented this obligation to the full and is in good standing.