

allowed to derogate from those freedoms which are the inherent right and heritage of every Canadian and British subject.

As far as the resolution is concerned, I support it. It holds forth the hope that we shall be able to mobilize opinion, to educate ourselves in the preservation of freedom, and to assure that posterity shall have handed down to it the rights that are ours. Some may say, "What interest have I in this matter?" Well, sir, apathy and complacency menace human liberty no less than the positive actions of those who would destroy it. Free men can destroy their rights by indifference; they can forge their own chains by apathy.

Five hundred years before Christ, Heraclitus of Ephesus set forth a principle which is as old as antiquity and as new as modernity. These are his words:

The major problem of human society is to combine that degree of liberty without which law is tyranny with that degree of law without which liberty becomes licence.

Freedom is not destroyed intentionally in many cases. It dies from misuse; its sphere is extended by proper use. It cannot be static. It is not the same today and tomorrow in a changing world, with the state ever advancing upon the rights of individuals. The principles of law that were applicable in justice fifty years ago are interpreted differently today. But the great abiding principles must be preserved. The right of the individual in his search of civil liberties is imperative.

What are civil liberties? The most sacred things of the human personality. They epitomize our belief in the dignity of the human being; they translate that dignity into rights which the individual can enjoy against the state or against other all-powerful individuals within the state. Civil liberties constitute the individual a sacred being. Civil liberties make him a sovereign in his dealings with the state, provided that he remains within the law.

There can be no civil liberties under laws that permit discrimination; there can be civil liberty only when there is, to use the words of Mr. Justice Oliver Wendell Holmes, "free trade in ideas," the right of the individual to hold the view that I disagree with, so long as that individual keeps within the law and does not wish to undermine my beliefs by force.

Individual civil liberties, those that we have inherited today, guard the weak against the strong. What is needed are civil liberties by declaration of parliament which will guard the individual against the state. It might be argued that another government, another parliament, can revoke a bill of rights passed by parliament. True; but has not history shown

[Mr. Diefenbaker.]

that when laws are put upon the statute books, having the support of a vast majority of the people, they stay there?

A declaration of a bill of rights in this country would be a positive declaration on the part of men and women of all political faiths in their belief in civil liberties. Whether the federal authority has the power or not to pass legislation respecting civil liberties, its passage would strengthen the hand of the Minister of Justice in the matter of the disallowance of any statute which would deny freedom anywhere in our country.

To be effective, a bill of rights must represent, as my right hon. friend said today, the philosophy of the human being, and of a free people. It must deny the right of any government to interfere with my right to speak within the law; my right to serve my Maker as my conscience demands; my right to be free from the threats of a police state, whether consciously or unconsciously administered; my right to live my own life within the limits of the law, without regard to race or colour or creed; my right to belong to an unpopular minority anywhere in this country; my right to have recourse to the courts to guard me against the intrusions or the invasions of the state.

These are the rights, sir, which I hope—and I speak with feeling on the subject—this parliament and this committee will see its way clear to enunciate, to assure that every person, wherever he lives in this dominion, shall be allowed, if his rights are interfered with, to appeal to that supreme body, the Supreme Court of Canada, in order that equality of rights shall be attainable everywhere in this dominion.

I want to see a bill of rights declare the principles of liberty for all racial origins who come here and have come here because of their passion for liberty and their belief in tolerance. My right hon. friend mentioned that my mother's grandparents came to Red river with the Selkirk settlers. They came for the same reason that those who came later did so, because of intolerance and the denial of the right of the individual to have recourse to the courts of Scotland. They came to this country, as thousands since have come, because they believed that here they would find justice, righteousness and tolerance without regard to race and creed. Tolerance does not mean that I look across at my hon. friends on the other side and permit them to live and to have their view. It means that I welcome their viewpoint, even though that viewpoint is different from my own. Though we may speak different languages, all of us have the same heartfelt concept of