

Our Bill of Rights

Prime Minister Diefenbaker's promised Canadian "bill of rights" will at any rate produce an extremely interesting debate. It will also bring forth an important judicial opinion; for the Supreme Court is to be asked, in advance, to pass upon the government's proposals.

Canada, says the British North America Act, has a constitution "similar in principle" to that of the United Kingdom. This has long been taken to mean, by both the public and the courts, that Canadians enjoy the same ancient rights and liberties as do U. K. citizens.

These include freedom of speech, religion and assembly, the right to trial by jury, the right not to be held in custody without a charge (habeas corpus), the right not to be tried twice for the same offence, and so on.

Some of these rights are guaranteed by statutes. Others are embodied in common law and ancient documents like Magna Carta and Britain's "bill of rights," passed in 1689 and so ante-dating by a century the American charter of the same name.

If these rights already belong to Canadians, what is the need for a new enactment? This is perhaps one of the questions the Supreme Court will be asked to consider; but answers are readily supplied by enthusiasts.

They argue that in fact, if not in law, certain freedoms are not adequately protected in Canada. Some would perhaps wish to add new and controversial "rights" to the list, like the right to work or the right not to be discriminated against, in getting employment or receiving services, on grounds of race.

Only a constitutional amendment could establish Canadian civil rights, old or new, more firmly than they are established now; and it seems unlikely that this change could have the unanimous provincial support it would surely require. But the public will await Mr. Diefenbaker's proposals with keen curiosity.

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