



Debates of the Senate

Bill S-219 Third Reading

OFFICIAL REPORT
(HANSARD)

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Tuesday, December 2, 2014

Speaker: The Honourable Pierre Claude Nolin

Part 2: VOLUME 149 • NUMBER 103 • 2nd SESSION • 41st PARLIMENT

Thursday, December 4, 2014

Speaker: The Honourable Pierre Claude Nolin

Part 3: VOLUME 149 • NUMBER 104 • 2nd SESSION • 41st PARLIMENT

Monday, December 8, 2014

Speaker: The Honourable Pierre Claude Nolin

THE SENATE

Tuesday, December 2, 2014

BLACK APRIL DAY BILL

THIRD READING—DEBATE ADJOURNED

Hon. Thanh Hai Ngo moved third reading of Bill S-219, An Act respecting a national day of commemoration of the exodus of Vietnamese refugees and their acceptance in Canada after the fall of Saigon and the end of the Vietnam War, as amended.

He said: Honourable senators, I rise today to speak to third reading of Bill S-219, An Act respecting a national day of commemoration of the exodus of Vietnamese refugees and their acceptance in Canada after the fall of Saigon and the end of the Vietnam War, as amended.

I envision journey to freedom day as a day of remembrance of suffering that followed the fall of Saigon, as a day to pay tribute to Canada's humanitarian role in welcoming refugees during and after the Vietnam War, and as a commemoration of the achievements of the Vietnamese Canadians concurrently to highlight a new chapter in Canada.

I am thankful for and touched by the level of support that will ensure that journey to freedom day reflects Canada's humanitarian role in welcoming thousands of Vietnamese refugees as part of the boat people exodus following the fall of Saigon. What took place in the years after the fall of Saigon from 1975 to 1996 was the largest known mass migration in modern history, with more than 1.5 million people leaving their war-torn country in search of freedom. As honourable senators know, many Vietnamese people had to set sail in rickety, broken boats for the South China Sea, where they faced constant unimaginable peril. Not only did they have to navigate through deadly storms, but also they had to face disease, starvation and even pirate threats.

[Translation]

It became very clear to the world and to Canada that the Vietnamese refugee problem had become an international humanitarian crisis, and that the only compassionate way to fix it was to take decisive and immediate action.

[English]

The Honourable Ron Atkey, Immigration Minister at the time, approached former Prime Minister Joe Clark's cabinet to raise this mass migration issue and ask his fellow colleagues: How do we want to be remembered? Then, the citizens of Canada did something that was truly amazing. In July 1979, the Canadian government made its historic announcement that a target of 50,000 Vietnamese refugees would be admitted to Canada by the end of 1980. In February 1980, the government announced that the number of refugees admitted would be increased from 50,000 to 60,000.

[Translation]

Out of the 60,000 Vietnamese refugees that were admitted to Canada between 1979 and 1980, nearly 26,000 were sponsored by the government, while 34,000 others were sponsored by private citizens and by members of their families. In the decade that

followed, from 1982 to 1991, roughly 80,000 more Vietnamese were admitted to Canada.

[English]

Canada became known for its private sponsorship program, whereby it sought the assistance of voluntary organizations, churches and groups of at least five adult citizens who could sponsor and provide for a refugee family for a year. For each person thus sponsored, the government accepted another refugee under its own care. Individuals, families, volunteer agencies, communities, religious organizations and Canadians from all walks of life came forward to sponsor thousands of refugees, helping close to 120,000 to resettle in Canada.

[Translation]

This extraordinary feat was accomplished thanks to the exceptional leadership shown at every level of government, from mayors and municipal councillors to federal and provincial cabinet ministers, not to mention extraordinary officials. Welcoming that many refugees in such a short time is not easy. Canadians accomplished something quite unique.

[English]

Mike Molloy, President of the Canadian Immigration Historical Society, who was on site as an immigration agent for Canada, testified at the Senate Human Rights Committee last week that the sponsorship of so many boat people was something amazing, an unusual moment in our history and that it remains by far the largest resettlement operation Canada has ever undertaken.

The success of the boat people resettlement to Canada rested on the acclaimed private refugee sponsorship program. However, the real heroes of the Vietnamese resettlement and integration into the Canadian fabric were literally the hundreds of thousands of Canadians who sponsored refugees through their churches, synagogues, service clubs, unions and the ad hoc groups of friends and neighbours who got together to sponsor families privately and even to provide them with housing.

In 1986, the Right Honourable Jeanne Sauvé, then Governor General, accepted on behalf of the people of Canada the Nansen Medal, the refugee equivalent to the Nobel prize and a prestigious international humanitarian award given in recognition of major and sustained efforts made on behalf of refugees. This was the first time since the medal's inception in 1954 that the United Nations High Commissioner for Refugees presented it to an entire population.

Since coming to Canada, members of the Vietnamese community have consistently shown that they are hardworking Canadians capable of becoming an integral part of Canadian society. There was not a village in this country that didn't hear about or take in refugees from the boat people exodus. Some Vietnamese refugees even landed all the way up in Tuktoyaktuk, Northwest Territories. Now mind you, we don't know how long they stayed there after winter surprised them, but we know for

sure that there are Vietnamese Canadians running successful businesses in Yellowknife today.

. (1500)

The boat people establishment was, for so many Canadians, the first time they were ever in a position to bring people from other parts of the world other than Europe into their churches and homes.

Last week in committee, Mr. Molloy said it best. Canadians regard the settlement of Vietnamese refugees, "... as a positive experience because it opened their eyes to a common humanity."

Canada is now home to more than 300,000 Vietnamese Canadians, with three proud generations who celebrate an important heritage in a great nation.

Were it not for Canada's generosity and humanity, neither I nor thousands of Vietnamese refugees could ever have achieved what we have today. We are now allowed to live in a beautiful country where we enjoy freedom and democracy as proud Canadians.

Honourable senators, this was a humanizing event, and Canada did something spectacular. We must ensure that this truly remarkable period in Canadian history is recorded, preserved and remembered.

April 30 is a day to commemorate those Canadians from all walks of life who, with open arms, welcomed 120,000 Vietnamese refugees who lived through a devastating war, suffered in refugee camps and endured long boat trips to escape a place they could no longer call home.

Every year on April 30, for the past 39 years, Vietnamese Canadians have gathered to remember a new beginning and to thank Canada. In 2015, the Vietnamese-Canadian community will celebrate the fortieth anniversary of the boat people resettlement to Canada.

I envision Bill S-219 as establishing a day to honour Canada's humanitarian tradition of accepting refugees during and after the Vietnam War as a way to mark this milestone.

I also envision April 30 as "Journey to Freedom Day" to thank Canada for saving our lives and to commemorate the Vietnamese refugees' new-found freedom because freedom isn't free, and the boat people paid for their freedom with their perilous journey.

(On motion of Senator Fraser, for Senator Jaffer, debate adjourned.)

JOURNEY TO FREEDOM DAY BILL

THIRD READING—VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Ngo, seconded by the Honourable Senator Enverga, for the third reading of Bill S-219, An Act respecting a national day of commemoration of the exodus of Vietnamese refugees and their acceptance in Canada after the fall of Saigon and the end of the Vietnam War, as amended.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise to speak on Bill S-219, which is An Act respecting a national day of the exodus of Vietnamese refugees and to declare a Black April Day, which has now been amended in committee to "Journey to Freedom Day."

Honourable senators, today I rise to speak about Bill S-219, and I would like to thank Senator Ngo for raising the issue.

• (1530)

Honourable senators, for Vietnamese communities around the world, April 30 is one of the most significant days of their collective history. It recognizes the fall of Saigon on April 30, 1975, the takeover of South Vietnam by the North and the beginning of the mass exodus of millions of Vietnamese people from their homeland.

As you are aware, honourable senators, at committee stage, we had a number of witnesses, and there was one witness who wanted to appear in front of our committee whom we were not able to accommodate. I did promise him that I would read his letter to all of you, honourable senators. He is the Ambassador of Vietnam to Canada. His letter reads as follows:

Dear Senators of the Committee,

Thank you for this opportunity to share with you the present state of Vietnam-Canada relations and a different view on S-219.

Last year, Canada and Vietnam celebrated 40 years of diplomatic relations. Canada recognized the then Democratic Republic of Vietnam in 1973 (before the end of the war in 1975) and has continually recognized and supported Vietnam since reunification of our country. Vietnam is grateful to Canada for its kind understanding and support over the past 40 years now.

The ambassador goes on at length to describe all the bilateral relationships that Canada and Vietnam have had and, because of time limits, I will not read those.

The ambassador then continues:

Meanwhile, Bill S-219 introduced by Senator Ngo reaches back into the past and paints a dark and narrow view of Vietnam, its international relations and history. Moreover, this Bill proposes to enshrine this view with the recognition of the thirtieth day of April as "Black April Day".

The Government of Vietnam disagrees with this negative and selective portrayal and has expressed its concerns privately and publicly.

I submit that, if this Bill receives parliamentary approval, it will send the wrong message to the public of Vietnam and the international community about Canada's goodwill towards our country.

Senator Ngo, in his presentation to the Committee stated that this Bill is not political and would not have any impact on bilateral relations between Canada and Vietnam. This is incorrect.

In fact, the Government of Vietnam has made many representations to the most senior levels of the Government of Canada and leaders of Parliament expressing our serious concerns about the language and intent of this Bill.

If passed, this Bill will have an adverse impact on the growing bilateral relations between our two countries. Despite claims of being non-political, this Bill clearly incites national hatred and division, not unity.

As Ambassador, I have travelled across Canada and I believe strongly that this Bill does not represent the views of the majority of Vietnamese-Canadians. It is regrettable that there has been no opportunity for the Committee to hear other witnesses from different parts of Canada.

Honourable senators, on the issue of refugees, one that is being highlighted in S-219, the Government of Vietnam is grateful for the role Canada played in welcoming the thousands of Vietnamese refugees to its shores at a very difficult time in our country's history many years ago.

This was a time of war, poverty, disunity and suffering of all involved. Millions of innocent Vietnamese were victims.

The black days of war and suffering are the enemies of humanity, development and hope.

Vietnam and its people all over the world are focused on the future and the bright days of a better future with the help and friendship of countries like Canada.

Since that difficult time, the relations of friendship and cooperation between our two countries have increasingly grown on all fields.

As previously mentioned, our two countries have just celebrated 40 years of diplomatic relations. We should build on this milestone by highlighting the positive, the present and the future — not the negative of the past.

Honourable senators, Vietnamese Canadians living all over in British Columbia, the Prairies, Ontario or Quebec, the Atlantic provinces, Newfoundland and Labrador, even Canada's North, are hard-working people and important part of the Canadian cultural mosaic. These citizens also represent the bridge between our countries. This is what we should celebrate together.

In conclusion, let us leave the black days of war, suffering and disunity in the past. Vietnam and the Vietnamese people around the world have come a long way in 40 years. Let us focus on building the future as mapped out by Ministers Baird and Pham Binh Minh in September 2014. Let us focus on those things that bring us together, not tear us apart.

Once again, I thank you for your time and consideration.

Honourable senators, as I said earlier, this bill has now been amended at committee stage and the name of the day has changed to "Journey to Freedom."

The United Nations High Commissioner for Refugees has reported that at least 250,000 Vietnamese people lost their lives at sea in their desperate attempt to flee.

As I stated at second reading, honourable senators, to be a refugee is one of the most difficult trials a person can face. There is an overwhelming helplessness that you feel when you are in the hands of the goodwill of the international community.

I, again, want to take the opportunity to thank Canada and the policies of Prime Minister Trudeau, which allowed the Vietnamese to come to Canada and also allowed my family to come to Canada in 1975.

Those of us who have been refugees share an unspoken bond. We are acutely aware of the varying levels of suffering that each refugee undergoes. Some of us, through sheer chance, were put in a position where a country welcomed us with open arms. In particular, it is a recognition of the Canadian families, religious groups, charities and non-governmental organizations that sponsored an estimated 34,000 Vietnamese refugees to Canada. It is also an acknowledgment of the suffering of the many Vietnamese refugees.

Honourable senators, at this point, I would like to recognize the former mayor of Ottawa, who did a yeoman's job in welcoming Vietnamese people to Ottawa. Marion Dewar, Mayor of Ottawa in 1975, saw that there were many refugees suffering and, as we remember, they were called the "boat people." She went to her community and asked for support for the Vietnamese refugees, and then she contacted the federal government and challenged the government, which had set a quota of 8,000 people, to say that Ottawa would accept 4,000 of those refugees. The project was known as "Project 4000," in which 4,000 refugees were going to be accepted by Ottawa.

As a result of her challenge, Ottawa increased the number it would accept to 60,000. Marion Dewar led this initiative, and she encouraged many mayors across the country to also be part of this initiative. As a result, many communities came together and supported Marion Dewar's work and recognized that what she was doing was very important.

[Senator Jaffer]

Today, I spoke to Marion Dewar's son, Paul Dewar, who is the MP for Ottawa Centre. He said: "If you praise my mother for the work she did, if she were here, she would say: It was not me. It was Canadians. It was my community."

Honourable senators, as a refugee myself, I would be very remiss if I didn't thank Marion Dewar and all the Canadians who helped refugees to make Canada our home.

Some Hon. Senators: Hear, hear.

Senator Jaffer: I know most of you have heard my story of being a refugee from Uganda ad nauseam, but I can never speak enough about it. As you know, I am an Indian and, as a result of being an Indian, I was thrown out of Uganda. We all proudly call Canada our home. Let me share with you what my home looks like.

My grandchildren speak Gujarati, an Indian language with some of us at home. My grandson is in French immersion and is starting to play the bagpipes. My son is a professional bagpiper with the Irish Regiment, which Senator Campbell knows very well. My daughter is an expert Indian Bharatnatyam dancer and reached a very high standard in dancing. She reached this standard because of her Quebecois teacher, Benoît Villeneuve, a renowned Indian dancer. He is such a renowned Indian dancer that when Mr. Chrétien, as Prime Minister, went to India, the Indian Government invited Mr. Villeneuve to dance with the other professional Indian dancers.

That is why we love Canada. We love and cherish Canada because we can strengthen our Indian culture and become part of other cultures.

• (1540)

Sadly, some things in my household never change. Honourable senators, my two children are continuously trying to correct my English and the words I use. When they sometimes hear the debates they say to me, "Mom, you butchered the words. Why don't you learn the words properly?" Now it continues.

My grandson shudders when I speak French with him. He is forever correcting my pronunciation.

[Translation]

My grandson often says to me, "Grand-maman!" He tells me that I should improve my French. Easy for him to say. Not for me.

[English]

My grandson speaks French as if he were from Quebec. My children speak English because they are from British Columbia. Both of those languages are often a challenge for me.

But, honourable senators, I share my family's story because what we love is that we can love who we are: our Indian origin; we love to be Canadians with pride; and we love that we are Muslims and can pray with pride. My grandson has been the youngest person to say the prayers in the mosque recently. We are proud to be Canadians, because in Canada we are part of the community. That's what it means to be a refugee here.

When you arrive in a country and when you are included in the community, when you are not excluded because of your faith, your colour, your skin, and you become part of building that community, then you have the same dreams and aspirations as all Canadians. That is why I am a proud Canadian.

Hon. Grant Mitchell: Honourable senators, I would like to say a few words about this because Vietnam has a particular place in my heart and in my life.

I want to begin by congratulating Senator Ngo on his efforts to recognize this era in Vietnamese and Canadian history. I was very aware of that time, the time of the boat people. In fact, my wife and I were part of a group that sponsored several Vietnamese refugees, but unfortunately over the years we've lost touch with them. They were a pair of brothers, 16 and 17 years old, so now they must be 55. I've tried to track them down but, despite my efforts on the Internet, I haven't been able to.

In any event, it was a wonderful period of time in Canada. There was a great sense of purpose amongst so many Canadians and, for whatever reason, a real affinity for the plight of the Vietnamese people. I guess you can imagine, with the history of the Vietnamese War so clear in our minds, as close as we were to the U.S., that that might have heightened our awareness, empathy and our sense of the Vietnamese people and our desire to help. It was a wonderful time.

I also would like to mention something that's probably not known to many Canadians, and perhaps not to very many people, very many senators, but Canada played a peacekeeping role in Vietnam. When Vietnam was divided into North and South in 1956 after the French were driven out, for whatever reason the international community — not the United Nations, and I don't know why that was — put together an observatory force. The force was contributed to by three nations: India, which was seen to be neutral; Canada, which represented the then Cold War West; and Poland, which represented the then Cold War East.

This was called the International Control Commission. It set up outposts all over Vietnam, North and South, where one representative of each of those three countries would be stationed for a month at a time on a rotational basis and then moved along. There were always three, one from each country, in each of these outposts, and they were there to observe and report on any arms buildup by what became the Viet Kong and the North and South Vietnamese armies.

Clearly, it didn't work as well as it might have, unfortunately, but I just wanted to acknowledge the fact that Canadians did contribute in that way. These were Canadian soldiers. They weren't combatants, but they were often at great personal risk. Canadians participated in that International Control Commission from 1956 right up until about 1972.

The reason I know about this is because my father was there for a year, between 1963 and 1964. As a young boy of 12 years, that left a vivid impression in my mind, my father leaving for a year. In those days, there were no holidays where you met halfway and there were no long-distance calls. A year was a year. That was a long time for me, my sister, my brother and undoubtedly, as you

can imagine, my mother as well. That experience has never left me, and his respect and admiration for the Vietnamese people has never left me either.

It was a very formative time in my life, and it has made me — although everybody would in any event — highly respectful of the Vietnamese people: their resilience, courage, strength, and of course their tremendous contribution to Canada's development over the many years that they have been immigrants and now fully-fledged citizens of this country.

Hon. Joan Fraser (Deputy Leader of the Opposition): Just a couple of words, colleagues. I hadn't planned to speak at all, but listening to the remarks today there was something I thought I would add.

I have only been to Vietnam once in my life, and that was maybe eight or nine years ago. I went to Hanoi, representing the Inter-Parliamentary Union. There are several things I remember. One is being advised, almost before I left the airport, by a Vietnamese that if I was walking around, I should not look at drivers approaching me at red lights, because if they made eye contact with me they wouldn't stop. I followed that advice and I survived, although I did learn that at that time red lights were considered more in the way of advisory signals than compulsory rules.

Senator Munson: Just like Quebec; it's just a suggestion.

Senator Fraser: At that time, already there was a growing amount of Western investment in Hanoi which is, by the way, a beautiful city. Old Hanoi is really beautiful. I spent more than a day just walking around, and it was very impressive. One of the things you see is a 1,000-year-old university, predating Oxford, Cambridge and the Sorbonne, and even the Italian universities by two or three centuries.

What I remember most is a Vietnamese parliamentarian saying to me, his face shining, "Did you see the banner in the airport?" It had been a very long flight from Montreal and I had not noticed the banner in the airport. He gave me the precise wording, which I don't remember, but it was something like, "Welcome home Vietnamese from overseas." I said, "That's very nice." He said, "No, no, you don't understand. This was a big deal for us. For years and years the people who left —" like Senator Ngo and thousands of others, so many of whom came here — "we didn't want to know about them. We thought they were illegitimate. We thought they were enemies. Suddenly it dawned on us that they're not enemies; they're our brothers. For years we would refuse when they would try to send money home to their families. We would say it's illegal to accept that money," he said.

• (1550)

"Suddenly it dawned on us," he said, and his face just shone, "that they are sending that money out of love, and we should not reject gifts that are based on love." And I thought: Something is happening here. That poor country had such a terrible, terrible time. After the end of the war, I think that terrible exodus of refugees is more proof than there could otherwise be of how bad it got under the new regime. But what I saw was an indication that

things can change, that time can heal, can bring at least some measure of wisdom, and I would hope that our country would be intent on building on that.

I cannot tell you, Senator Ngo, how much I respect your experience and the experience of all of those thousands, but that is although an important part, just one part of the long, long history of what was then your country.

Hon. James S. Cowan (Leader of the Opposition): I move the adjournment of the debate.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Acting Speaker: All those in favour please say "yea."

Some Hon. Senators: Yea.

The Hon. the Acting Speaker: All those opposed please say "nay."

Some Hon. Senators: Nay.

The Hon. the Acting Speaker: Clearly the "nays" have it.

I see one senator rising.

Senator Cowan: Honourable senators, I assume debate is going to continue.

Mr. Speaker, colleagues, I was surprised and I was disappointed when I learned this morning that the government would deny what is a normal courtesy, and that is my request for adjournment so that I could speak following the speech by Senator Jaffer. No reason was offered by the government other than the government wanted the bill today.

Colleagues, this is a private member's bill. It was introduced by Senator Ngo on April 10, 2014. Senator Ngo spoke to it on April 30, and our colleague Senator Jaffer, as critic, spoke three sitting days later, on May 7. Senator Martin took the adjournment, and there the bill sat. The Deputy Leader of the Government, Senator Martin, reset the clock on June 19 and again there was no further activity until suddenly, on October 29, the leadership on the other side called the question. No further speeches, just the question, and the bill was referred to our Human Rights Committee.

Then, after the bill had been left to languish in the chamber for months, suddenly everything had to move fast. A mere 18 hours passed between the bill receiving second reading and the first hearing taking place before the Human Rights Committee. At that time, Senator Ngo appeared as the sponsor of the bill. A second hearing was held three weeks later, when two witnesses were heard, and then the committee moved immediately to clause-by-clause consideration.

Colleagues, only witnesses supportive of the bill were permitted to testify. As we've heard from Senator Jaffer, the committee received an unusual letter from the Vietnamese ambassador, dated October 30, portions of which she has read into the record this afternoon, in which he requested an opportunity to appear before the committee. He disagreed with Senator Ngo's characterization of the bill as not having any negative effect on bilateral relations between Canada and Vietnam. He wrote, and this was quoted by Senator Jaffer a few moments ago:

If passed, this bill will have an adverse impact on the growing bilateral relations between our two countries.

The ambassador's request to appear was denied by the government. The committee chose instead to ask the ambassador to provide a written submission.

Colleagues, I don't know who is correct, Senator Ngo or the Vietnamese ambassador, but I am troubled that we're being asked to pronounce on this bill today without our committee having had the opportunity to hear all sides of the issue.

The Vietnamese ambassador was not alone in opposing this bill. We now know that there were others. There were letters which were referred to in the chamber last week by Senator Munson that had been sent to the committee by individuals and organizations wishing to express their opposition to the bill. None of these Canadians were given an opportunity to be heard by our committee.

The primary role of the Senate and senators, as we heard from the Supreme Court of Canada and as was spoken to this morning by our Speaker in an address to the media, is to review legislation. This was not done in a balanced and fulsome way by our committee on Bill S-219.

We were allowed to hear only one side of the story. The committee only heard from people who supported the bill. They may well be right, but there is another side to this story: that of the committee members and, since the committee reports to us, we don't have the benefit of the other side of the story so that we can weigh the alternatives.

The Vietnamese ambassador's unusual request to appear before our committee was denied. Vietnamese Canadians, as I've said and as Senator Munson pointed out last week, wrote letters opposing the bill. Those views were never presented to the committee.

Colleagues, our job as senators has at times been compared to that of a judge. What judge would ever pass judgment on a case without providing an opportunity for both sides to be heard? Would anyone in this chamber support that kind of justice system? Why then would we accept it for our legislative process?

I'm not saying that Bill S-219 does not deserve our support — perhaps it does. Our colleague Senator Ngo and the other witnesses who appeared before the committee did an admirable job in making their case in support of the bill. The problem is that his was the only side of the story we were allowed to hear. We simply do not know if the bill deserves our support because our

committee was not permitted to do a serious and balanced study of its provisions and impact. We were not permitted to do the kind of study that Canadians expect from us.

I wanted to take the adjournment today so that I would have an opportunity — denied by the government to the committee — to discuss the bill with the Vietnamese ambassador. That is something I've arranged to do next Tuesday morning, which was the first occasion when he was available to meet with me, and he's also meeting with Senator Jaffer and Senator Munson. That was the first opportunity that he was available to meet with me and I asked for what I thought was a reasonable thing to do, which was to ask for the adjournment so that I could listen to him and then I could form an informed opinion on this bill.

And let's be clear about one other thing: There is no apparent urgency to this bill. No reason has been put forward by the other side as to why this bill must be passed today. Colleagues, the bill would declare April 30 to be "Journey to Freedom Day." We're now at December 4 — more than four months before April 30. Why couldn't we delay our vote for a few days, until we have an opportunity to benefit from the views of the other side?

In these circumstances — and I'm speaking simply for myself here — I will be left with no choice. I will abstain from voting on the bill at third reading. I simply do not consider that I have enough information to form a position to vote "yea" or "nay."

I'm afraid that our only hope now is that the other house takes upon itself the responsibility to do the work that we were not permitted to do here. I will urge my colleagues in the other place from all parties to hear those witnesses with different perspectives, to allow the ambassador to appear and present the views of his government and to hear from others as to why they oppose the bill. Honourable senators, it will fall upon the other place to become the chamber of sober second thought. We have not done our job on this bill. This is not how legislation should be passed in our country. This is not the right path for any "journey to freedom." People have the right to be heard before this Senate and before its committees.

• (1600)

MOTION IN AMENDMENT NEGATIVED

Hon. James S. Cowan (Leader of the Opposition): Therefore, colleagues, for these reasons, I move:

That Bill S-219, An Act respecting a national day of commemoration of the exodus of Vietnamese refugees and their acceptance in Canada after the fall of Saigon and the end of the Vietnam War, as amended, be not now read a third time but that it be referred back to the Standing Senate Committee on Human Rights for further study and report.

Some Hon. Senators: Hear, hear!

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Acting Speaker: Those in favour of the motion please say "yea."

Some Hon. Senators: Yea.

The Hon. the Acting Speaker: Those opposed to the motion please say "nay."

Some Hon. Senators: Nay.

The Hon. the Acting Speaker: I think the "nays" have it.

Senator Fraser: On division.

An Hon. Senator: Question!

The Hon. the Acting Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Acting Speaker: It was moved by the Honourable Senator Ngo, seconded by the Honourable Senator Enverga, that this bill be read a third time. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Acting Speaker: All those in favour of the motion please say "yea."

Some Hon. Senators: Yea.

The Hon. the Acting Speaker: Those opposed to the motion please say "nay."

Some Hon. Senators: Nay.

The Hon. the Acting Speaker: I think the yeas have it.

And two honourable senators having risen:

The Hon. the Acting Speaker: I see two senators rising. Is there agreement by the whips on the time?

Senator Munson: Your Honour, I wish to defer the vote to the next sitting of the Senate.

[English]

Housakos
Johnson
Lang
LeBreton
MacDonald
Maltais

Tannas
Unger
Verner
Wallace
White — 45

NAYS
THE HONOURABLE SENATORS

ORDERS OF THE DAY

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, we are now at the start of the Orders of the Day. Pursuant to the order of Thursday, December 4, the bells will ring for 15 minutes to call in the senators for the taking of a deferred vote on third reading of Bill S-219, as amended.

Call in the senators.

(1830)

JOURNEY TO FREEDOM DAY BILL

THIRD READING

The Hon. the Speaker: Honourable senators, it was moved by the Honourable Senator Ngo, seconded by the Honourable Senator Enverga:

That Bill S-219, An Act respecting a national day of commemoration of the exodus of Vietnamese refugees and their acceptance in Canada after the fall of Saigon and the end of the Vietnam War, as amended, be read the third time.

Motion agreed to and bill, as amended, read third time and passed, on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk
Ataullahjan
Batters
Bellemare
Beyak
Black
Boisvenu
Carignan
Dagenais
Day
Demers
Doyle
Eaton
Enverga
Fortin-Duplessis
Frum
Greene

Manning
Marshall
Martin
McInnis
McIntyre
Meredith
Mockler
Nancy Ruth
Ngo
Patterson
Plett
Raine
Rivard
Runciman
Seidman
Seth
Stewart Olsen

Eggleton
Furey

Hervieux-Payette
Joyal — 4

ABSTENTIONS
THE HONOURABLE SENATORS

Cools
Cordy
Cowan
Downe
Fraser
Hubley
Jaffer

Lovelace Nicholas
Massicotte
Mitchell
Moore
Munson
Ringuette
Tardif — 14

(1840)

The Hon. the Speaker: I understand, Senator Cowan, you want to address the house.

Hon. James S. Cowan (Leader of the Opposition): I wanted to take a moment, colleagues, to explain my abstention. I did speak at third reading on the bill last week. I expressed no opinion on the bill, either in favour or against it, but I indicated at that time that I would abstain as a protest against the way in which this bill has been handled. I want to take a moment this evening just to remind colleagues of that.

Colleagues, this is a private member's bill. It is not a government bill. It was introduced by our colleague Senator Ngo in April, and then it sat on our Order Paper for months. Suddenly, at the end of October, the government decided that it had to move immediately on the bill. They called a vote. It was sent to committee.

The government permitted only witnesses who spoke in favour of the bill to testify before the committee. Individuals, including the Ambassador of the Socialist Republic of Vietnam, requested the opportunity to appear, and the government denied them that opportunity.

The government has provided no explanation, no justification for what I consider to be an extraordinary course of events. As a result, our committee was unable to do the job that they are here

[Senator Carignan]

to do, that is, to consider the evidence, consider the bill, consider all aspects of the legislation, and then to provide advice to us, as senators.

They were not able to do that and, therefore, colleagues, I would suggest that we were not able to form a balanced judgment on the merits of this bill.

So, the end result is the bill has passed, and we leave it to our colleagues in the House of Commons to act as the house of sober second thought. I hope we will reflect on that. This is not the way we should do business in this country. Our job is to carefully consider legislation and to hear those who wish to express opinions, whether they are in favour or against or simply asking questions about legislation.

The government refused to allow us and our committee the opportunity to do the job, and that's the reason why I abstained from the vote.

Hon. Jim Munson: Just a few words on the same subject and echoing the statement given by my leader on why I abstained. Why I abstained is because this bill is about the "road to democracy." There should be the road to free speech. What the 300,000 Vietnamese refugees came to this country for was free speech, and free speech was denied in the Human Rights Committee. It seems to me that when we debate issues, particularly here in the House of Commons and the Senate, Parliament Hill, we must have an opportunity in which every voice should be heard on each issue. I have a soft spot and a great deal of empathy for the Vietnamese people. As a young reporter, I covered refugees who languished in camps in Hong Kong for years, and I did news stories on them and listened to them and understood them. Of course, we all understand why this country opened its arms to the Vietnamese boat people, and they have become part of Canada's mosaic. But, on this particular occasion, this is the first time since I was appointed to the Senate 11 years ago December 10 that I have ever abstained. I did not abstain because of the intent of what the good senator was trying to put on the paper. My concern was simply this: Let this be a lesson that every time we have a conversation in a free, democratic country like Canada, both sides of the issue should be heard, at least, and then we can vote the way we want to vote. Part of the road to democracy is the road to free speech.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a delegation, led by Mr. Phat Nguyen, of leaders from various Canadian-Vietnamese communities across Ontario. They are guests of the Honourable Senator Ngo.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!