

The Constitution

Reformation have gone if Martin Luther had taken a poll? It isn't polls or public opinion of the moment that counts. It is right and wrong and leadership—men with fortitude, honesty and a belief in the right that makes epochs in the history of the world.

Some hon. Members: Hear, hear!

Mr. Rose: I think Mr. Truman was right and I conclude by saying that I believe the Prime Minister and the leader of my party are right about this matter. The constitutional question comes down to leadership. My leader and members of my party on the committee and members of the official opposition worked hard. They did a great job. I feel that I, my colleagues and my party have done a great many things for Canadians in the past. This time we are going to help win a new Constitution for them.

The Acting Speaker (Mr. Corbin): The hon. member for Surrey-White Rock-North Delta (Mr. Friesen) on a point of order.

Mr. Friesen: Mr. Speaker, since the hon. member for Mission-Port Moody (Mr. Rose) was generous enough to allow a minute or two at the end of his speech for a question, I wonder if he would entertain it now?

Mr. Rose: Yes.

Mr. Friesen: In his speech he said that most provincial governments are so right-wing that they do not have time for bills of rights in their legislatures and that those bills are usually toothless. I wonder if he would give that description to the one in British Columbia.

Mr. Rose: Mr. Speaker, I do not think that is precisely what I said. I did not say they did not have bills of rights but I said that some of them are weak-kneed and toothless. I also said that most provincial governments are right-wing. If the codes are not toothless, surely the enforcement is toothless.

While I am on my feet, I wonder if I could ask a question since my time has not run out. It is very important that we finish debate on the amendment before us. There are other amendments to be dealt with dealing with native and civil rights, amending formulas and a number of other things.

I wonder where the hon. member for Provencher (Mr. Epp) is? When is he going to come back from his holiday in South Africa, where he is probably studying native rights? He should get back here and let us put an end to this part of the debate.

[*Translation*]

Mr. Louis Duclos (Parliamentary Secretary to Secretary of State for External Affairs): Mr. Speaker, I wanted to take part in this debate because I share the general feeling of the members of this House concerning the undeniable importance this proposed resolution holds for the future of Canada. Mr. Speaker, this constitutionally significant action of patriating our Constitution should not be taken in isolation, but be part of the constitutional reform that a great many Canadians so dearly wish and to which the supporters of a renewed federal-

ism, including the Prime Minister of Canada (Mr. Trudeau), committed themselves in the referendum debate last spring in Quebec.

Having said this I must add, I am extremely disappointed that the constitutional changes which a No at the referendum was supposed to bring about have been reduced to the bare minimum; all we are left with is a resolution proposal which further restricts the legislative powers of the Quebec's National Assembly. I wonder what would have been Quebec's answer last May 20 if it had been known renewed federalism would result in essentially two reforms: First, unilateral patriation, which is unacceptable to a majority of the provinces and to all political parties in Quebec; second, a charter of rights which, in its linguistic provisions, would significantly reduce Quebec jurisdiction over the language of instruction and compel the Quebec government to amend Bill 101, and this in exchange for the right entrenched in the Constitution for francophones outside Quebec to be educated in French within school systems that they will not control, and only where numbers justify it.

We would be justified in believing, Mr. Speaker, that under these conditions, many of us who, on May 20, trusted the federal authorities to renew Canadian federalism would rather have given the Quebec government a mandate to negotiate sovereignty-association, or at least would not have fought so vigorously for the No. If I may, I would like to recall what the chairman of the No committee in the county of Charlevoix, notary Paul-Émile Tremblay, wrote in this regard in the newspaper *Le Devoir* on March 2, and I quote:

If I had known what was to follow, I would never have accepted the presidency of the "No" committee in Charlevoix.

To this, some will probably reply that once the Constitution has been patriated, constitutional reform can be undertaken immediately and that agreement will be much easier to achieve as neither unanimity nor the agreement of the British parliament will be required to amend our Constitution. In fact, Mr. Speaker, this is an oversimplification because the procedure proposed in the resolution may make a permanent amending formula impossible until 1986. If this resolution is enacted on July 1, 1981, there would first of all be a period of two years during which the rule of unanimity would continue to apply.

On the other hand, if seven provinces representing 80 per cent of the population could agree on an amending formula after these two years, the federal government would have to hold a referendum within the next two years asking the people to choose between the provinces and the federal government's proposals. Finally, under Section 43 of the resolution, six additional months might elapse before the amending formula approved by a majority of voters is put into effect. We would be deluding ourselves, Mr. Speaker, if we expect to be in a position to address the constitutional reform before 1984,