asked in *Maclean's* "How do you feel our rights have been abused?", she replied:

In its whole history, the Canadian Civil Liberties Association has only won one case—and it's being appealed. I maintain that the attitude of our Supreme Court puts us slightly to the right of Vlad the Impaler. Just in the past few years, they've eroded our right to be silent when arrested, upheld a municipality's right to forbid demonstrations that might lead to "tumult" and allowed illegally obtained evidence to be used against people. Their attitude generates a nourishing environment for the intimidation of writers, broadcasters, all kinds of journalism. It's very reactionary and it's nourished by acceptance at the bottom. We always talk about our traditional freedom of speech. But actually, through our history, anybody who demonstrates convictions about freedom of speech that are contrary to the established views is usually put in prison. So our tradition is really repression of speech.

It is clear, then, that many people who are concerned about civil liberties desperately want an entrenched charter of rights and freedoms, as it is equally clear that many of the provinces see such a federal charter as an infringement on provincial powers.

There may be a strong parallel between the drive for greater provincial rights here in Canada and the historical states' rights movement in the United States. United States author and historian Henry Steele Commager had this to say in a recent Los Angeles *Times* article:

"States' Rights" is both an anachronism and a conceptual illusion. States do not have rights; people have rights. In the United States people have all rights. In the exercise of those rights they have allocated to the national government whatever powers are essential to the conduct of the great affairs of the union, and to the general welfare and happiness of the people—

It was the states that repudiated and nullified the requirements of the 14th and 15th amendments and of many civil rights acts, and the national government that—eventually—enforced those. In the realm of civil liberties, it is the states, not the nation, that have been the most consistent offenders; it is the national government, chiefly through the federal courts, but substantially through a series of civil rights acts, that has expanded them. It would be asking a great deal to ask blacks to accept the argument that the states have been the guardians of their freedom and the national government the enemy.

Henry Commager went on to argue that it was the U.S. national government and not the states that proclaimed and protected women on matters ranging from universal suffrage to equal rights. Incidentally, that amendment, known as the ERA, has not gone through yet because of the opposition of many of the states. Commager went on to say:

So too with labour legislation from the Clayton Anti-trust Act to the Wagner Labour Act. It was the Congress which banned child labour and instituted medicare for the poor. Congress too established conservation and environmental ground rules. Through President Teddy Roosevelt to Franklin Delano it was the federal government which established national parks, limited strip mining and the reckless exploitation of fossil fuels—not the states.

● (1610)

While I know there is not complete congruity between the experiences of Canada and the U.S. in this issue of civil rights and protection of those rights, the parallel is certainly not a weak one. Ask an oriental citizen in Canada or the native peoples if a statement in the BNA Act would have been helpful in their achieving the right to vote much sooner than when it was finally accorded to these minorities as recently as the fifties and sixties. Ask Franco-Manitobans if a statement of linguistic rights would not have made some difference to their culture's survival in the long years between Laurier and Trudeau. We know the charter is far from perfect, but due to the diligence of committee members on all sides of the House it is a vast improvement from the first time we saw this charter.

Of course, some one of my political persuasion regrets the silence of the charter on certain matters. We would like to have seen statements about economic rights, such as the right to a job, a decent house, health, clean air or a clean environment. These rights are not included.

Having said that, I for one am not prepared to deny native Canadians of aboriginal background their rights as described in this charter, women their equal legal rights or the average citizen protection against arbitrary search and seizure, simply because my own personal pet interest is not part of this charter of rights. Without the inclusion of the charter of rights, it makes little difference to me whether we bring the BNA Act home this year or a hundred years from now. Maybe equalization or some such matter is important, but I think the charter of rights is vital.

I would like to deal with the amending formula for a moment. As we know, within the resolution the principle of unanimity applies for two years, within which time the first ministers will have the opportunity to find another formula. I wish them luck! Failing that, and after the prescribed time, the Victoria amending formula will come into force. In effect, this amending formula would require a resolution of support at the federal level and of the legislature of any province which, at the time of enactment of this formula, has 25 per cent of the nation's population within its borders. Further, the formula requires support for the resolution from two of the four Atlantic provinces and two western provinces whose populations total 50 per cent or more.

I would like this provision changed so that the 50 per cent of the population required by the western provinces is dropped. Does that surprise hon. members? This change would permit any two of the four western provinces to have veto power.

I am aware—and I am sure the hon. member for Crowfoot (Mr. Malone) will be pleased to hear this—that the present formula protects my province of British Columbia. But I think it is blatantly unfair to the three prairie provinces that a two-province, 50 per cent rule should apply in western Canada, while a simpler and easier two-province veto provision applies in Atlantic Canada without reference to population.

The Victoria formula is important because it will give Canada a reasonable amending mechanism and the freedom to abandon the hobbling unanimity rule which has so frustrated Canadians for years and prevented them from having their own Constitution. I believe a formula requiring a simple two-western province veto is fair to all regions of the country, particularly in light of the formula's flexibility, which provides veto power in future to any province which attains 25 per cent of the nation's population.

The so-called Vancouver consensus supported by the official opposition is unacceptable to me because it permits a province to opt out if it does not agree with some constitutional