

*The Constitution*

since then, you will understand why I claim today that it is even more urgent and more necessary that we proceed the way we do. I have not changed my mind. On the contrary, I believe it is urgent, very urgent for the protection of our national unity that we proceed as soon as possible, and that we take our responsibilities as the Government of Canada and I hope that following this debate in Parliament, that is in the House of Commons and in the Senate, Canadians can at last take their constitution home and put in it what they want and need.

Mr. Speaker, I wish to make my remarks today in as simple a tone as possible. I am aware of the fact that our institution has evolved as far as procedure is concerned and I hope it will keep doing so; its most recent leap forward was the recognition of the right to broadcast our debates.

And I am aware that when we rise in this place it is sometimes difficult to convince some of our friends on the other side and it is indeed very difficult and very impersonal to try and rally people who have already made up their minds and do not want to change. However, we must also be aware, indeed it is our role and duty that when we speak in this House we address all Canadians. Since the live broadcasting of debates, Parliament is now closer to Canadians and I want to take this opportunity to try to answer once again as simply as I can two questions that people ask themselves, at least those people I have met here in Ottawa since the beginning of this debate, in my riding of Drummondville, in Montreal and elsewhere where I had the opportunity to go recently.

Mr. Speaker, there is no doubt that the average Canadian who goes about his daily chores, who goes to work, who watches the world series on his TV and is concerned by economic rather than constitutional matters, it is understandable indeed that the large majority of Canadians are not experts in constitutional matters; even, as a lawyer, as a member of this House, as a minister, I do not claim to be an expert on constitutional law. However, there are facts which are ever so present to us, facts we know so intimately as parliamentarians and which it is our duty to recall and explain to the whole population. It has happened and it still happens too often, unfortunately, that in major debates a short part, a section or a chapter is taken out of a whole and interpreted subjectively, even though in good faith, and often misinterpreted. There is the danger in taking out a part from a whole context. Often the debate dwells only on some parts of a legislation of a project or a whole measure put before Parliament. It is at that point that it gets boring for the public and that it gets incomprehensible for the average citizen because all too often we are inclined to take for granted that people know all about what is untold and that we can go and deal directly with a given point and comment on it. So here is what I am going to do. I will simply answer the two following questions. The first I was asked was what exactly is the Canadian government trying to do? And, second, why are we trying to do it now? Those are two very straightforward and

very simple questions which the immense majority of Canadians is wondering about.

To respond to the first question dealing essentially with the very nature of our constitutional process, both in substance and form, what does the federal government mean to do? My reply is this: It means essentially to do four things. First, patriate the constitution. Canada is the only independent country in the world which must seek permission from the parliament of another country, namely, the British Parliament in London, England, to amend its own constitution, which is an aberration, an anomaly, which has already lasted too long, and it is time to take the necessary steps, out of sheer pride and dignity, to bring home the constitution, which must lead all of us is long overdue.

The purpose of patriation is therefore to bring home our constitution, so that we may discuss and amend it in Canada without having to deal with the government of a foreign country. That is the first thing to do. So, everyone here agrees. Everyone says it is great, it is perfect—one cannot be against good, or God—patriation is an excellent thing, everyone is in favour of it. Yet, how strange, when everyone agrees with it, that everyone should find all sorts of excuses often procedural rather than fundamental, to obstruct that most important initiative.

The second of the four points is that of enshrining the charter of rights, but I shall come back to that later. The third point is that of including in the constitution a clause enshrining the principle of equalization and the fight against regional disparities. Finally, the fourth point is that of finding, sometime in the future, a mechanism to enable us to amend the constitution without, in every case and to the end of time, having to obtain that infamous unanimity which, as we have seen, is impossible to achieve in as diversified a country as ours.

So, patriation, I have already said so, is an act of dignity. It takes self-respect to say, Listen, after 113 years and especially after 53 years of sterile attempts, which have led to nothing but dead ends and confrontations which often do more damage than good to the unity of the country and our mutual respect, it is high time we acted and got our constitution. This is a great North American country, in 1980, and we are quite capable of amending our constitution on our own, without requiring another country's permission to do so.

The second point is that of enshrining a charter of rights. Mr. Speaker, seven categories of rights and freedoms are to be included in our constitution. And I dare any constitutional expert, any lawyer who specializes in common law. Nuances were being made a while ago to justify the obstruction to our constitutional initiative; it was said that distinctions must be made; that Canada has lawyers who deal only in common laws; that there are lawyers in Canada who deal only in civil law and that, contrary to civil law, common law does not necessarily have its code with articles. Those legalistic