

*The Constitution*

by the same Prime Minister who now beseeches us about freedoms and rights. Talk about bargaining freedom against fish, Mr. Speaker—in 1970, freedom was sold down the river for nothing but sheer political opportunism.

Freedom of information is consistently violated by this government for no other reason than its own self-interest. Freedom from lawlessness, on the part of the police is still being sold out, through the refusal of this government to respond appropriately to the information revealed by the McDonald commission.

We in the New Democratic Party know what it is like—and many of the older members of the party know better than I do—to have ourselves and our views regarded as subversive just because we dare to take a different view of society than that held by the powers that be, although how the non-violent pursuit of justice and equality can be viewed as subversive in a democracy has always been a mystery to me.

And so we support the charter of rights and freedoms, Mr. Speaker, but not naively and not innocently. It is a starting point. But let us not kid ourselves that a charter of rights will safeguard freedom in the absence of a freedom-loving and freedom vigilant political consciousness on the part of the Canadian people.

This charter does not rule out the War Measures Act. Indeed, it may be the case that no democracy can rule out some kind of emergency powers, however inappropriate the present act may be. More important, the charter of rights does not of itself rule out the tyranny of the majority in any form.

Even the courts are expressions of the political consensus of their day. This is the insight, which ought to be respected, of those who criticize the charter of rights and freedoms by noting that freedoms are ultimately protected by political and not legal realities. Nevertheless, Mr. Speaker, attached as I am personally to the truth of this insight, it is precisely because they will continue to be true anyway that I can support a charter of rights. Common law and parliamentary supremacy may have been sufficient for a time when there was much uniformity of values and homogeneity of peoples, but there may indeed be wisdom in a charter of rights for a country characterized by a pluralism of peoples and values. In the end, however, there will be no substitute for keeping the love of freedom so alive that the powerful dare not move against bothersome minorities or individuals.

This is not to say, upon reflection, that at the very least we should not also be aware, if only for the sake of knowing what we are doing, that perhaps entrenchment of human rights as such may not be the best way to establish a charter of rights. I have read some persuasive arguments distributed by a professor at Carleton University about a preference for a bill of rights with "priority status" as opposed to "entrenchment", etc., so that elected representatives would still have the final say.

Entrenchment without fundamental changes in our judiciary, in its self-understanding and in its accountability, could be a serious mistake but only time will tell, because it appears

that the government is committed with a certain amount of passion to this concept. Let us hope that in the future we will have the freedom to adjust accordingly, if we need to, the Supreme Court and other affected areas.

Our party has long been in favour of language rights for French-speaking Canadians, so we support the entrenchment of minority language education rights. French-speaking Canadians outside Quebec must be able to educate their children in French, even as English-speaking people in Quebec must have the right to educate their children in English in Quebec. It seems to me this is only fair. When it is put this way, many of the objections to French language guarantees disappear.

But we must remember also, the Canada of which I spoke earlier, the communities of Ukrainian, Polish, German, Italian, Dutch and British descent. Perhaps it is because history is not taught well in our schools that the status of French Canada and the historical status of the French language in Canada is so misunderstood, for instance, in western Canada. But surely it is also because the so-called duality of Canada is not part of the lived Canadian experience of so many western Canadians. They sometimes feel that French is being entrenched in such a way as to make their mother tongue second class. The difference between the historical status of French Canada and of the French language, and these people's own linguistic and cultural instincts is often obscured because they have not "lived" the Canada of two founding peoples, or however we may choose to describe it. These people are not anti-French, although their legitimate anxiety is sometimes co-opted by those who are. Indeed, in my riding French immersion education is popular. There is a French immersion school just a block and a half from where I live.

Yet there is still much to be done by way of communication and explanation of this proposal, not just to gain acceptance of the proposal itself but in order that a real fact of Canadian life be recognized, and recognized in order that Canada can be strengthened and not just preserved. People must be encouraged to appreciate the needs and values of those whose reality they cannot immediately share. In this sense, the failure of this in Canada would be a bad sign for the future of the world. If we cannot live together here under relatively favourable conditions then there is little hope that the empathic imagination needed for international justice and development will ever materialize.

Our party has always been in favour of equalization. Greater equality of the human condition is a socialist principle and equalization between richer and poorer provinces is absolutely necessary if Canada is to be able to maintain such things as universality and portability in health care. Just a month ago, the health services review conducted by former Justice Emmett Hall recommended cost-sharing with poorer provinces to fulfil what remains of the original vision of a comprehensive health care system in Canada in order that there be equality of health care and that meaningful national standards be maintained.