

The Constitution

you are bound to feel great concern. What of the future of land claims under sections 24, 15 and 6? Are there any rights left for non-status Indians and Métis? How does the mobility clause apply if you move off the reservation?

Before the United Nations today there is a case charging Canada with a human rights violation arising from the Indian Act. If one reads it, one can argue that the Indian Act is not amendable in relation to those sections. Therefore, Indian women in this country will be condemned forever to be second-class citizens. That is why native people are opposed to it. It is no secret.

New Canadians are supposedly a concern for the Minister of State for Multiculturalism. We are now going to have two classes of immigrants. That's for sure. Nobody denies this, not even the government. By the way, new Canadians, ethnic and cultural groups in this country, are not fooled. Maybe they were for a little while. However, they came from countries where talk about rights is high and delivery of rights is low. They do not need to be told it is good for them. They know better.

The third and final principle which this resolution offends is perhaps the most serious of all, the principle of consent and consensus. This country works, not because of its constitution or its laws, but because it is stable. There is a stability about this country which we have enjoyed for years. Each generation has enjoyed that old-fashioned concept of stability. Maybe it is not too sexy and does not fit into the advertising very well, but stability is what most people are looking for so that they can get on with their own lives. We jeopardize that stability at our own risk.

When a resolution comes before the House which offends the ancient principle of the protection of provincial powers, the protection of rights and the principle of consent and consensus, there is no course open to Her Majesty's loyal opposition but to oppose it.

Some hon. Members: Hear, hear!

Mr. Crombie: Patriate the constitution. We hope the government will patriate the constitution according to the Vancouver formula. Everyone agrees with that. Bring it home, we will pass it in one day. When it comes to rights and how we are ultimately going to amend the formula, that is for Canadians to decide. Canadians decided on the last constitution. I do not know why the government wants to let the Brits do it 100 years later.

I will read one last citation. In 1964, a recognized expert of the time wrote this. I will read it fairly slowly because it is important.

Federalism is by its very essence a compromise and a pact. It is a compromise in the sense that when national consensus on all things is not desirable or cannot readily obtain, the area of consensus is reduced in order that consensus on some things be reached. It is a pact or quasi-treaty, in the sense that the terms of that compromise cannot be changed unilaterally. This is not to say that the terms are fixed forever; but only that in changing them, every effort must be made not to destroy the consensus on which the federated nation rests.

The author was then a professor in Montreal, Pierre Elliott Trudeau. I prefer the Pierre Elliott Trudeau of 1964 because between the Pierre Elliott Trudeau of 1964 who could write and understand those words and the Pierre Elliott Trudeau of 1980 lies a long journey of the corruption of power. That is why we oppose.

Some hon. Members: Hear, hear!

Mr. Stollery: Mr. Speaker, the hon. member who just spoke said that he would accept a question from me. It refers to the point he was making about racial problems in Buffalo. Does the hon. member agree that it was in fact the United States supreme court's interpretation of the United States constitution which allowed black school children, backed by the United States attorney general and the national guard, to desegregate schools in Arkansas and Alabama in spite of opposition by elected state politicians?

Mr. Crombie: Quite so, Mr. Speaker, I am not quite sure what the hon. member would like to prove by the point. It is historically correct. I might add that those schools were constructed during the time the bill of rights was still in force.

● (1700)

[*Translation*]

Hon. Yvon Pinard (President of the Privy Council): Mr. Speaker, I am pleased to take part this evening in the debate on the motion to defer that very important resolution to a joint committee of the House of Commons and the Senate. I am all the more at ease to support the constitutional endeavour of the government since on July 5, 1977, as recorded in *Hansard* on page 7350, I delivered a speech in the House during a debate on national unity well before the referendum and I clearly suggested then that we should act unilaterally to patriate the constitution and I quote:

We will have to accompany the unilateral patriation with a temporary amending formula providing for unanimous consent to change sections of the constitution which cannot be changed now in Canada without the unanimous consent of the provinces, while waiting to find more flexible and comprehensive means to amend our constitution;

And further on, I added:

This federal declaration of principles—

—which I thought should be attached to our unilateral procedure of patriation—

—accompanying the unilateral patriation of our constitution, would thus clarify the intention of Parliament and the Canadian Senate concerning the rights of French-speaking people, minorities, individual freedom and regional disparities in Canada.

This clear and official declaration, accompanying the great symbolic affirmation of our constitution patriation, would influence and induce those attitude changes I have already mentioned and which are so desirable, even necessary for Canada's survival.

Mr. Speaker, in light of the fact that we have been through two federal elections and one referendum in the province of Quebec and that more than two and a half years have passed