

### *The Constitution*

—can be defined in terms of objectives. A major objective is the protection of the economic weak within the framework of a private property economy. The Liberal . . . emphasizing the civil and property rights of the individual, insists that the individual must remain so supreme as to make the state his servant.

Indeed, just as the hon. member for Provencher (Mr. Epp) reminded the House last week, governments cannot be supreme. It is the people in a democracy who must be supreme. This is a principle which I and my colleagues on this side of the House, at least, heartily endorse.

Would any socialist Liberal opposite care to subscribe at this moment to that classic definition of Liberalism? Would the Prime Minister? At least the hon. member for York Centre (Mr. Kaplan), through a momentary aberration or "fit", no doubt, subscribed for a short time to the right to own property before being brought to heel by his master's voice and reversed his previous decision and voted against the right to own property.

Next to freedom from religious persecution, I doubt that any right has more respect in Canada than the right of the individual to own property. Many Canadians can say that is why they came to Canada. These Liberals, however—and I use the term loosely—did not allow the right to own property in their charter. Are they who control the state truly servants of the people, as their particular philosophy maintains, or at least should maintain? The three principles of federalism are: diversity, rights and consensus. What did the Prime Minister and his partisans make of these three principles? For diversity they substitute sameness; for rights they substitute prejudice and discrimination by omission, and for consensus they substitute confrontation and unilateral action.

● (2100)

I remind hon. members opposite of what the hon. member for Provencher so rightly stated, and I quote his words: "Governments cannot be supreme; it is the people in a democracy who must be supreme."

Professor Peter Russell of the University of Toronto said, and said very plainly, "I believe that this country is built on an understanding that the fundamental terms of our federation, particularly the powers of the respected levels of government, will not be altered by unilateral action—"

He added that "—there is a very strong, arguable case that, unless the statute of Westminster is amended there is a legal bar on the British parliament to go ahead without provincial consent for a resolution of this kind."

Professor Russell also pointed to the use of the word "dominion" in the constitutional arrangements between our two countries and noted, "Dominion might mean more than the dominion parliament."

This brings to mind the timely reminder to the House made by the hon. member for Provencher that the Fathers of Confederation themselves preferred, as a guiding passage, the spirit of divine majesty paramount in this country. "He shall have dominion also from sea to sea."

In his futile attempt to justify the government's attempt to change the nature of confederation according to its own

wishes, the hon. member for Hochelega-Maisonneuve (Mr. Joyal) stated in his speech: "The level of government that is actually losing the most power in this process is the federal Parliament."

On the contrary, as Professor Russell pointed out, if this proposal should go through, "—it would seem . . . to . . . put the provincial legislators in a subordinate position in the Canadian constitutional structure." He also pointed out to the Canadian people as the co-chairman of the committee hoped he would, that if that proposal went through, "—it would mean that the British Parliament can reduce the powers of the provinces without their consent, which is not happening to the federal Parliament." Professor Russell concluded that this course of action will "—rearrange our federal system into a system of a hierarchy of power rather than a division of powers between sovereign legislative bodies."

I hope that I have impressed upon the House the clear fact that, try as the government might, to legitimize its proposed resolution by selective quotations from the past, in fact it is a bogus process and one that will simply reorganize the division of powers between the bilateral levels of government in this country without the consent of one side of that division.

Patriation, an amending formula and a charter of rights: these are the three elements in the resolution. The government wanders through a hall of mirrors in its priorities as it favours a charter of rights above the other two elements in the package that express contradiction to the polled will of the people whose primary concern is to patriate their Constitution. Let us discuss this step by step.

As we have repeated endlessly, Her Majesty's loyal opposition, as the Leader of the Opposition (Mr. Clark) stated on October 2, is entirely in favour of the principle that "the Constitution should be brought home to Canada without delay." We in the opposition and the people of Canada have absolutely no difficulty with this admirable aim, and the Prime Minister should be gracious enough to stop trying to suggest that somehow we are against this, because we are not.

Resistance to the government's proposal began to build when we encountered the amending formula which it has attached to patriation.

First and foremost, if the entire package came to the country under the very formula being proposed, the Victoria formula, it certainly would not pass. What is more, it would not pass at either stage—the consent of the provinces stage where Ontario, Quebec, two Atlantic provinces and two western provinces have to approve, or the referendum stage where it is put to the people.

This fact, above all, must condemn the resolution as it stands before this House; that under its own terms it would never be approved by the Canadian people. Resistance reaches a crescendo, however, when we come to the third element of the package, the charter of rights.

As the joint committee heard, and as the people of Canada should hear, for it bears any amount of repeating: