

However, I want to emphasize it is not fair to lay all the blame for our constitutional impasse on the federal government. As partners in the existing arrangements, the provinces have not been able to formulate or agree upon a plan which has consistency of purpose and generosity of approach.

Our most populous province, Ontario, seems willing to support the federal position for reasons related in part to language, while Quebec, our largest province, is opposed to the position of the federal government for the same reason. If I am right, it is a very shabby approach for both to take, based on political and cynical, short-term self-interest to win elections rather than stemming from any patriotic or idealistic motives. Premier Davis, in return for a less zealous approach by the federal government toward bilingualism, although perhaps he has other reasons as well, supports the Prime Minister. I suspect Premier Lévesque is opposed because he does not want any constitutional initiatives to interfere with his own language policy in Quebec. As well, it suits his nationalistic purposes to point to the constitutional issue, if it is not resolved, as a symbol of colonial status.

In the meantime, 800,000 francophones in Ontario see that their access to French language facilities is a privilege and not a right. Twice that many people, at least 1,800,000 non-French-speaking citizens in the province of Quebec, are similarly partly denied access to their language because of Premier Lévesque's deliberate actions in this respect. I must say that non-English speaking Quebecers may have more rights than Franco-Ontarians. As we all know, this is a very, very bad situation.

What this really means is that probably as many as 2.5 million people in Ontario and Quebec are placed in a very aggravating position. This is happening because their rights are being sacrificed on the altar of short-term political expediency. This is not very heady stuff from which to build a constitution, and it is a poor reflection of any definition of the just society about which we used to hear so much.

I see Mr. Speaker is signalling that my time is just about up, but may I say in conclusion that the provinces have been less than generous in matters of language in the past. They have become increasingly protective and chauvinistic about other matters as well. A good example is the restricting of employment or of mobility rights, which is spreading like a disease across the country.

I do not understand why we have to involve the United Kingdom, to the extent we are, in our constitutional problems. I do not understand why we have dissipated so much of our badly needed energy focusing on a difficult and complex package when we could have merely brought the Constitution home and dealt with it in a mature manner in our own country. It is obvious to the world that we Canadians lack something when we are not mature enough to fight our own battles and make constitutional amendments in our own country.

The Premier of our smallest province, where our nation-building first began, Angus MacLean, summed up the matter very well when he appeared before the Special Joint Commit-

tee on the Constitution on November 27, 1980. At that time he said:

We are incapable of understanding, Mr. Chairman, the logic of an argument that purports to remove the last vestiges of 55 years of colonialism by returning us to a status we have not known for 113 years.

We are not impressed by the logic of a federal government that purports to be terribly embarrassed about going to London for constitutional amendments, and yet deliberately seeks from London the most fundamental changes ever to be made to our Constitution—

I have not seen any analysis better than that.

**Mr. Ron Irwin (Parliamentary Secretary to Minister of Justice and Minister of State for Social Development):** Mr. Speaker, it is indeed a privilege to enter into the constitutional debate at this time. The hon. member for Central Nova (Mr. MacKay) referred to former Prime Minister John Diefenbaker. It is at the point where he ended that I would like to begin.

As one follows John Diefenbaker's quest for a bill of rights, it is surprising how often he spoke about the need for a bill of rights before it was actually implemented. On May 16, 1947, he said in the House:

—it would assert the right of a minority to be protected, in the exercise of its rights, against the majority.

On March 24, 1952 he spoke about the protection Canadians needed because of race, religion and colour discrimination. On May 2, 1946 he moved an amendment to the Canadian Citizenship Act to have a bill of rights included in its provisions. He wanted freedom of religion and speech, peaceful assembly and habeas corpus. On April 12, 1948, he spoke again. On June 10, 1948, two months later, he spoke once more at Winnipeg. He pleaded for protection against discrimination because of colour or race. On October 29, 1949, he placed a private member's resolution on the order paper which asked for a declaration of human rights with fundamental freedoms of religion, of speech and of the press. Every year in opposition he put a private member's resolution on the order paper calling for a Canadian bill of rights.

● (1620)

When the Bill of Rights was finally passed, he was quite proud, as he had every right to be. But with it came major disappointments. He knew that it did not bind the provinces; he soon found out that it hardly bound the federal government. He suffered through years of judicial interpretations while his bill was held to be not relevant by the courts, with rare exceptions, such as the Drybones case. He said:

The courts, while never denying the constitutional significance of the Bill of Rights, had shied away from it in their judgments, sometimes indulging in juridical acrobatics to avoid having to deal with it.

He knew that to give a bill of rights full force and effect would mean a constitutional amendment. The opposition say we should go back to the provinces. What did Prime Minister Diefenbaker say? He said:

My experience with the provincial governments indicated that they were too jealous of their jurisdiction over property and civil rights to support any amendment applicable to themselves. I have little hope that their attitude will be altered in years ahead.