

### *The Constitution*

go on without making all-important decisions. I think this is impossible. The power of decision there must be, and it must lie at the centre.

What we have proposed is that that centre of authority ultimately should lie with the people of Canada, by being able to appeal to them to resolve disputes about the constitutional order and amendments to it.

To revert to Professor Lower, he goes on in his letter to say:

The plain fact is that if a so-called country does not have the power of decision in one set of hands, that is, one government, it is not a country at all but merely a league of states. Remember the fate of the League of Nations. No member would abandon its sovereignty and the league went to pieces.

The moral it seems to me, is plain; we must somehow or another put a stop to the present tendency, a very strong one, to convert ourselves into a league and head back to a federal union. The second moral follows at once; we must have within our borders the right to amend our constitution.

That, Mr. Speaker, is what we have suggested should be done.

My remarks therefore echo I believe those of the Leader of the New Democratic Party on the first question he posed. Is it appropriate for us to act this way at this time? I say the study of history and the sense of the present crisis of the country give us no choice but to proceed as we cannot receive we will never receive, the strong support of all the provinces. We must now proceed on the basis of the resolution which the House of Commons and the Senate will, I hope, pass to the British parliament to ask it to resolve once and for all that question.

The second question which the Leader of the New Democratic Party raised was the question of whether this particular package that we have, the one which entrenches a charter of rights, is one which we should support in its own terms, whether it was submitted as a resolution by the Parliament of Canada or whether it came after unanimous agreement between the government of the day and the provincial governments. I would say there again the climate of urgency in the country requires us to proceed in this way.

If we are to respond to those interests of French-speaking Canadians, who, I believe, are anxious to see control of the constitution in this country and who are anxious to see minority language rights entrenched across Canada, it is important that we do so urgently. I think we also must respond to the concerns of other Canadians, not simply Quebecers, who are concerned about the protection of civil liberties in this country, who are concerned about establishing the principle of equalization within the constitution, and who are concerned about rights of mobility across the country. It is urgent for us to respond to those concerns.

It may be tempting to say, "Let us simply accept an amending procedure now and then go through what this rather rigid amending procedure describes as a possible course of action." But given, as I believe we have, the very strong general support of the people across the country; given, as I hope we will have, the support of members from all sides of the House, it seems to me that we cannot afford to go through a lengthy process of the implementation of what those, I think, generally accepted rights would require, because the formula is rigid. And rightly so.

What should be, and what I think most Canadians believe to be, and want to have, is the common heritage of Canadian citizenship. Therefore, it is important to act now. It is important to act before the people of Quebec are led to believe that their hopes and their ambitions will be frustrated by the lengthy process of delay. We believe that given the sense of impatience of the provinces; and given, I think, the very evident general support that the inclusion of this charter of liberties within the constitution which is patriated to Canada would provide, this is something which the people of Canada very much wish to see happen.

I recommend this resolution to the House. I urge members to send it to committee so that it can be discussed in detail as quickly as possible. I look forward confidently to their support for what is, I think, a proposal which has the support of the people of Canada.

**Some hon. Members:** Hear, hear!

**Mr. Knowles:** Mr. Speaker, in the midst of the minister's speech he indicated that he would accept a question at the end. May I now put it to him?

**Some hon. Members:** Oh, oh!

**An hon. Member:** Please do.

**Mr. Knowles:** Mr. Speaker, may I now put a question to him?

My question relates to section 42 of the proposed resolution. I ask my question as one who believes that we would be insane if we did not have in a Canadian constitution some provision for breaking a deadlock. I think if we had a constitution which we could not amend for 50 years, we would ask: why did we ever bring it here from Britain? As I say, I ask it as one who favours something like section 42.

I have now heard four ministers, the Prime Minister (Mr. Trudeau), the Minister of Justice (Mr. Chrétien), the Minister of Finance (Mr. MacEachen), and the Minister of State for Science and Technology (Mr. Roberts), all say clearly and categorically that section 42 is simply for the purpose of breaking a deadlock.

**Mr. Dick:** It is not true.

**Mr. Knowles:** If you look at the resolution, sections 41 and 42 seem to be equal choices. There is no if, and, but, comma or anything else between them. I ask the minister whether the government would be willing, when the resolution is in committee, to make a slight amendment—it takes only a slight one—to put into the resolution the words which these ministers have been giving us, namely, that section 42—that is the holding of a referendum by the federal authority—would come into play only if a deadlock has developed under section 41; only if section 41 has been tried?

**Mr. Roberts:** Mr. Speaker, I welcome the sanity of the hon. member. I am reassured to know that three of my colleagues have expressed the same view that I have expressed. The point