

*The Constitution*

● (2100)

I want to say immediately to members from that province, most of whom are opposite, that I have been an advocate of constitutional recognition of language rights since entering this House. I am on record more than once to that effect. The Prime Minister bit off half the apple in the Official Languages Act, which was, as you will recall, sir, the constitutional amendment slipped in under the table but which did not give constitutional authority to the sweeping recognition of languages which he was seeking.

So now he is back with the declaration of rights, through which he seeks to smuggle into the constitution language recognition which he could not achieve in any other way because at this stage it is unacceptable to quite a number of the provinces, including the province of Quebec.

Again I would emphasize that in my own personal view the question of educational and language rights is fundamental. It relates directly to the freedom of the individual and should be recognized in any constitution of this country. At the same time, it cannot be forced down the throats of the provinces without grave danger to national unity. We are discovering it in this debate, we are discovering it in the editorials of the leading newspapers throughout the country, including all of them in the province of Quebec.

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

**Mr. Nielsen:** If the hon. lady wishes to ask a question, I would be very happy to respond. No? I would point out, sir, that the constitution of 1867 provided certain recognition by the Fathers of Confederation, who were signatories of that document as well as of those thereafter, of language and educational rights in the provinces.

As pointed out recently by Premier Buchanan, the Prime Minister and his government have no mandate to make changes in the constitution over the objections of the provinces.

To make changes, as Mr. St. Laurent did in 1949, following consultation and consensus is one thing. To attempt to do so over the objections of the majority of provincial premiers, nullifies, of course, the Prime Minister's own amending formula and, in effect, strikes at the fabric of Canada.

If the Prime Minister has abrogated his sense of responsibility in an unreasoning insistence on creating a place in history for himself regardless of the consequences to Canada, surely there must be some people on the government side who recognize and realize what Canada is all about.

This nation was built on compromise, not revolution; on mutual agreement, not constitutional activism; on consensus, not the arbitrary imposition of one person's ideas. It is time for the Prime Minister and the government to stop treating the constitution as a scrap of paper. Over and over we have heard it referred to as a British document. In fact it is a Canadian document, created by Canadians and drafted by Canadians long before it went to London.

We have all agreed that there must be change. As far as the Prime Minister is concerned, the necessity to consult and the

need for unanimity or near unanimity simply represents what he calls a strait-jacket. It is understandable that he would feel that way, but this is the kind of federal-provincial balance the Canadian people want. At one time or another, the rule of consultation and consensus, which has never insisted on unanimity, has been called forth by every premier, of Quebec as well as of the other provinces. In fact, no province today is complaining more loudly than Quebec, from all political quarters in that province.

**An hon. Member:** Do you want Lévesque?

**Mr. Nielsen:** I do not know the hon. member's riding but he asks whether I want Lévesque. I will not join issue with him.

Even the material made available by the Prime Minister's office to Liberal party members—and I have it all—outlining and commenting on the highlights of the proposed resolution makes it clear that what we are talking about is more than simple patriation. What we are talking about, in effect, deals with far-reaching and major constitutional amendments smuggled in under the guise of patriation. That material says in part:

In addition to patriation, the resolution contains several important constitutional provisions:

Then it goes on to list them. We have already heard from members on this side with respect to our objections to section 42, one of the most invidious sections in the whole of the constitutional proposal.

I repeat, sir, that there is no quarrel whatever with simple patriation. There is no quarrel, so far as I and members on this side are concerned, with recognizing equal language rights from coast to coast. But what we have before us is infinitely more than that. This is a hastily thrown together attempt to produce what is now in effect a new and revised constitution, using the device of patriation. It is an unprincipled attempt, I suggest, to use the British Parliament to bring about amendments which the government does not have the constitutional authority or the moral fortitude to bring about by itself. Furthermore, it has all been brought about in the context of an almost unanimous rejection by the premiers of the provinces of the pretension of this government to go it alone in major and substantial constitutional changes.

We have the right to ask whether the government's emissaries, those extraordinary envoys who have apprised the British parliament of these facts, the Secretary of State for External Affairs (Mr. MacGuigan) and the minister for government propaganda—I cannot remember the proper name of his portfolio—

**An hon. Member:** The Minister of Communications.

**Mr. Nielsen:** That is it, that is the nice term. They went over there to see the Queen. One is irresistibly reminded of the nursery rhyme:

Pussy cat, pussy cat, where have you been?  
I have been to London to see the Queen.

Pussy cat, pussy cat, what did you do there?  
I caught a little mouse under the chair.