

The Constitution

Mr. Fraser: Mr. Ryan did not appear before the constitutional committee. He did speak to the press gallery, pointing out how dissatisfied he was with the process and how wrong it was. He said something else that was interesting, and which cuts through to the problem in this debate. He said that western separatism is more dangerous than Quebec separatism.

When I returned to the constitutional committee a few hours later, I was asked to comment on Mr. Ryan's statement. I said I would. I said we had been here for a half a dozen years telling everyone that, but nobody would listen. The difficulty in terms of understanding between the centre of this country and the west is that until Mr. Ryan said there is a danger with regard to western separatism, nobody asked a western member of Parliament about it. That is the problem.

Some say that other problems in the country should not arise in this constitutional debate. However, when I hear people on a phone-in program in Ottawa advocating that we send troops to Alberta to take the oil, then I say there is trouble in this country.

Mr. Justice O'Sullivan went on to say:

What is proposed by the resolution which is the subject of this reference is that the majority of both houses of Parliament should invoke this legally unlimited power of the United Kingdom Parliament not only to "patriate" our Constitution but also first to change the Constitution in fundamental respects before patriating it.

● (1740)

Was that ever said to the people of Quebec during the referendum? Of course not, because one could not have held an audience if it had been said and certainly hon. members opposite could not have won the referendum, although I am glad they did. The government did not do it by publishing these things. It talked about change and addressing the needs of the French-speaking people of Canada and the province of Quebec. That was legitimate. But these kinds of statements were never put because any Quebecer worth his or her salt knows that is the very thing which has always concerned the people in the province of Quebec; that a federal government can move unilaterally to change the rules, because that puts Quebec, which is a minority and which has special things to be protected, in a position of very grave difficulty.

Mr. Justice O'Sullivan went on to say:

—but I find it difficult to understand how the Attorney General of Canada can assert that the Imperial Parliament remains supreme and sovereign over Canada, bound only by a "convention" which has no force of law and which it can legally disregard as it pleases.

Did anybody during the Quebec referendum tell Quebecers that the general principle, enunciated by Prime Minister St. Laurent, that right hon. gentleman, also contained in the government white paper of 1965, that no major amendment which affected the powers and the distribution of powers in this country ought to be made unilaterally by a federal government, was going to be changed? That was never put to anyone in Quebec. If anyone can find a speech where any leading member of any party, and certainly in the government party, went to Quebecers and said that was what they intended doing, then I will apologize publicly. But that was not the thesis upon which Quebec was told to vote "no."

Mr. Justice O'Sullivan continued by saying this:

To hold that the United Kingdom Parliament has still the legal power to alter the fundamental structure of our confederation without the consent of its constituents would be to decline to give effect to constitutional principles and practices that are by now well settled.

I could go on.

That is what the issue was all about. I happen to believe that Mr. Diefenbaker's Bill of Rights should have been entrenched. I happen to believe that some rights should be entrenched. I also happen to believe that if changes are to be made in the fundamental laws of Canada, we must respect our partners. Respecting our partners is not to ignore them or for the federal government to decide it is right and they are wrong. I ask hon. members to give me an explanation of why the government is in trouble in the west.

Here is an article by Mr. Gordon Gibson. Mr. Gordon Gibson, just so hon. members on the government side will remember, worked in the Prime Minister's office for some years. Three times since then he has run as a Liberal candidate in British Columbia and has been defeated. I have the highest regard for Mr. Gibson. I was one of those who had to run against him. Then he was elected to the British Columbia legislature and became the leader of the B.C. Liberal party. He is also the person who made promises in writing that if the Liberal government was successful in the 1980 campaign there would be no export tax on B.C. gas.

Mr. Baker (Nepean-Carleton): Remember that promise.

Mr. Fraser: He is the one who was betrayed by the minister of energy—

Mr. Baker (Nepean-Carleton): And the whole government.

Mr. Fraser: —only a few weeks later when I raised the matter in the House. This is what Mr. Gibson said only a few weeks ago:

What sort of mentality could plan to impose a new constitutional system—the very basis of our rules for living together—impose it through a procedure rejected not only by most provincial governments, but by an overwhelming majority of the people as well?

My goodness, why is it that the Liberal government wrings its hands and wonders why it cannot elect anyone in the west? That article is by the former leader of the Liberal party in British Columbia.

Mr. Baker (Nepean-Carleton): The betrayed leader.

Mr. Fraser: There has been a lot of talk about a checkerboard. My party has been accused of offering a process different from that proposed by the government respecting a charter of rights because that process would create a checkerboard. I do not have to tell hon. members why there is a checkerboard. I am not talking about different places where stop signs or speed limit signs are put, I am talking about much of what goes on in this country. I am reminding hon. members that the British North America Act was a checkerboard. Whenever we put up a proposal to get people to agree to the charter of rights which has come from the committee,