

like to state again my own views on this matter which indeed amounts to Pascal's wager.

Third proposition. I do not agree with the argument to the effect that we forgo our responsibilities when we ask the parliament of Westminster to make a decision for us.

Once the concept of a federalism of seniority is accepted, if not in essence at least in its application here, it is actually the Canadian people who are dealing with this matter. Along with our colleagues opposite, we represent the Canadian people. And after we have discussed all those issues ad nauseam and made our decision, I feel it would be pointless to ask a foreign Parliament to pass judgment on our decision; it should accept it. This does not necessarily mean that this process is politically fair or not, but as far as its legitimacy is concerned, I think that there is no other alternative once our decision has been made, and the Parliament in Westminster has to agree. Fourth proposition. Some people have suggested that the resolution before us is a valid answer to the referendum commitments made to Quebec. On this assertion, I must say that I readily agree with my colleague the hon. member for Montmorency (Mr. Duclos) in answering no! This is not an answer to our referendum commitments, this is an instrument which the government is acquiring for its own use, for the use of all Canadians, rightly or wrongly, hoping that this new procedure will provide a way out of the deadlock and bring about the changes that Canadians and Quebecers want. However, when one contends that this is a final or even a partial response to our referendum commitments, personally, I do not agree.

Fifth proposition. It has been asserted that hon. members felt, or were actually pressed by considerations of a partisan nature. To be honest, Mr. Speaker, as far as I am concerned, this is not the case. I will do my utmost to explain the decision I will take when the time comes to vote. I resent somewhat the attitude taken by the Progressive Conservative Party when they decided not to vote on the first amendment they introduced. This would have given other members a chance to introduce other amendments which, in turn, could have been debated and voted on in this House.

To sit on this amendment for five weeks will result in just one thing: it will encourage the government into eventually limiting the debate. This is what I regret deeply. On the other hand, if the Conservative Party had agreed to give this House the opportunity to have a vote every three or four days, and decide on the many amendments that would have been introduced by members on both sides of the House, we would not find ourselves in this cornelian situation as we are now. Mr. Speaker, I for one would have liked to introduce amendments to this resolution, but I will not be able to do so, in the light of recent developments and considering the strategy followed by the Conservative Party.

Mr. Speaker, I would now like to come back—

An hon. Member: Question?

The Constitution

Mr. Lachance: Mr. Speaker, I believe I have had the courtesy, since the start of this debate, to listen to my Conservative and other colleagues without interrupting them, and I would ask the hon. member who just interrupted me to do the same with me.

And now, Mr. Speaker, I would like to analyse the resolution itself and its three main components. First, the charter of rights. We have heard a lot about the constitutional entrenchment of a charter of rights. The least that can be said is that the principle itself does not command unanimity. Some people, including a number of provincial premiers, spokesmen for academic circles and certain members of the House claim that our rights do exist and it is not necessary to entrench them in the Constitution, and there I agree with them. Those rights do exist in Canada and, despite certain unfortunate events in our history, there is no doubt that when it comes to protecting the rights of the citizens the society in which we live is the envy of many others. Other people, including other provincial premiers, this government, members of the House and representatives of the academic world claim on the contrary that the constitutional entrenchment of rights can only give them a certain solemnity which in future will enable Canadians to hail the Constitution in support of their rights.

Both arguments are valid. The fact is that we are studying a resolution which calls for entrenching our rights and, to the extent that it gives more to Canadians than it takes away from them, I endorse it. That being so, it must still be pointed out that Canadian courts have not been unduly favourable to the existing Canadian Bill of Rights. After the spectacular Drybones decision our highest court went through a legal desert.

This conservatism of our courts, particularly the Supreme Court of Canada, brings two things to my mind. On one hand, those who claim that Canadian courts will become overly active should rest easy, that is not in the traditions of our courts. On the other hand, those who claim that the courts should not be involved in politics can be reassured by the tradition of legal interpretation of those same courts. In this respect, the Pratte report in Quebec highlighted the difficulties in interpreting Clause 1 of the resolution, particularly its allegedly very vague terminology, more especially clause 1 of the charter which reads as follows, and I quote:

1. The Canadian charter of rights and freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Well, Mr. Speaker, this supposedly vague language can be found in a number of Canadian statutes, for instance in the Criminal Code as it relates to search and seizure. So our Canadian courts will not be breaking new grounds when they interpret such a provision. That same provision will undoubtedly enable the courts to carry out the full intent of the legislative will of Canadian legislators within provincial legislatures or within the federal legislature of the Canadian Parliament. But a number of objections have been raised about