

then put before the federal Parliament and before each of the provincial legislatures. I do not think that is a derogation of constitutional duty. I think that is living up to the responsibility of elected leaders.

Mr. Wells was saying that there should be a constitutional conference. He did a superb job of quoting from a book written by Prime Minister Mulroney in 1982, giving a devastating argument as to why the 1982 amendments should be dealt with by a constitutional conference. But the fact of the matter is that we have an agreement with Quebec. We have an agreement that, I believe, will work, and all a constitutional conference will do is frustrate it at this stage. It will not advance the situation; it will just frustrate matters as much as will the suggestion that we reject the accord and go back to a renegotiation of it, based on Quebec's five proposals.

Honourable senators, there are those who say that the matter can be resolved by a reference to the Supreme Court of Canada. They would like the court to deal with the effect of the "distinct society" clause, the meaning of "compatible with national objectives" in respect of the spending power, and whether there should be a doctrine of necessity in respect of Supreme Court appointments. At one time I thought that was the answer, but I have come to the conclusion that a constitution has to be a flexible document and one that is capable of adaptation to circumstances over time. It is true that the Supreme Court of Canada could give us a snapshot at this particular moment of what those clauses mean, but it would do little good in the future. If we want proof of that, all we have to do is look at the U.S. Supreme Court and how their Bill of Rights has stayed the same while the interpretation of it has changed over and over again through the course of many years.

Honourable senators, it seems to me that a constitution has to be based to a large extent on general principles and that it has to be interpreted by the courts in the light of circumstances at the time. Therefore, I do not think that a reference to the Supreme Court of Canada would provide us with the answer we want.

What is the feeling in Quebec as this time? This is just a guess on my part, but, first, I do not think Quebec was rejected in 1982. At that time there was a separatist government in power and it was unlikely to have agreed to anything that was put forward. In addition to that, there is no question that Quebec is bound by the 1982 Constitution. It is. I realize that that is not the issue but it is the legal fact. Through the acceptance of the five demands from Quebec, through the process of the Meech Lake negotiations, it seems to me that the expectations in Quebec for the resolution of this issue have been raised considerably. It would be difficult now to go backwards without very serious consequences.

Honourable senators, I do not know if that defines the feelings in Quebec at this point. I see that my friend, Senator Asselin, is nodding, and I am pleased that perhaps it comes close. But I do know something more about the feeling in western Canada. I think there has been, contrary to superficial indications, a growing acceptance of bilingualism in Canada.

French immersion grew by 9 per cent last year. I think there is a feeling of some sort of acceptance deep down in the hearts of western Canadians that there is something worthwhile about bilingualism. There is something in it that makes us different from Americans and it is something worth embracing. On the surface there is a rejection of it. However, I think deep down there is an acceptance, and a long-lasting acceptance.

● (1500)

In my judgment, if Mr. Bourassa wanted to get Meech Lake passed he made a dreadful mistake with Bill 178, because it provided a beacon for those who have said, "If bilingualism is worthwhile, then why is Quebec taking an action that is essentially unilingual?" This has created a feeling in western Canada that Quebec is not playing fair, despite the fact that there is some understanding—although not as much as one would hope—that Quebec has a responsibility for the preservation and promotion of its linguistic identity. It was unfortunate that this was done. The reaction to Bill 178 created the tragic fallout from the Ontario French Language Services Act.

There was a further reaction to the statements by Mr. Remillard and Mr. Bourassa about what Meech Lake would do for Quebec and what the "distinct society" clause would give them. So it is a dichotomy. Basically, I think there is good will, but there is concern that we might be had and that concern must be met if Meech Lake is to pass.

I have heard it said that if we really mean business we should get rid of the "notwithstanding" clause. As I have stated before in this chamber and I will state it again, I am very much in favour of the "notwithstanding" clause. It is there and should be there in a mature political society. In the end, in a democracy it is the will of the people who will decide what their Constitution is. It is not something that can be put in a written document, no matter how well it is written and how long a time is taken to write it.

What has just occurred in eastern Europe did not occur because of written constitutions. To my knowledge, some of those countries have superb constitutions, guaranteeing all sorts of freedoms. However, it was not the constitutions that changed; it was the people saying, "What you are doing is wrong and we want to change it."

If we think our Charter of Rights and Freedoms is perfect, then why does it not have a property clause—the right to own private property. It is essential to most democracies that people have that right; yet that is excluded from our Charter.

I personally hope that there is always a "notwithstanding" clause in our Constitution, that at some point the people can say, "This should change" and they can do it and make it effective. I am not against making it difficult. The five-year sunset rule makes a lot of sense, and the "notwithstanding" clause should not be used and, in my judgment, normally would not be used for minor matters. In any event, I am quite happy with the five-year time limit and I am strong on the idea that there has to be a "notwithstanding" clause.

I would like to deal briefly with Mr. Vander Zalm's proposal. He has announced today that there is a renewed interest