

### *The Constitution*

Canada is the only one of the dominions in which a party majority can amend the Constitution. They cannot amend it directly, but they do it indirectly, because we have agreed that we will consent to pass any legislation that they may petition to have passed by this Parliament.

He is speaking there about the British parliament. Let us not have continued the repetition that we are creating a new principle by doing what we are doing. It is they who ask us to do otherwise who fly in the face of law and precedent, as the Parliamentary Secretary to the President of the Treasury Board said. But we will know more about that later on.

I have only a minute or two left, Mr. Speaker. I must say that I was somewhat taken, impressed, disappointed, whatever word you might wish to use, when I observed what happened at the meeting of the eight Premiers in Ottawa last week. I have respect for the Premiers; I know most of them. But I must say that my respect does not carry to the point of agreement with their points of view, and the Premiers in their conclusions of last Thursday revealed how deep the chasm is. They revealed how deep the division of opinion is between them and the majority of members of Parliament as to what the future of this country ought to be. If one wanted a clear signal that they have a somewhat different view of the future of the country and the society which ought to be built in our view, then just contemplate their conclusions of last Thursday.

The process that we have been going through has been not only contentious but enriching in many ways, certainly to me, as I have observed views being expressed on both sides of the House. I recall one particular incident when the Minister of Justice reported on the results of the joint committee of which the hon. member for Provencher (Mr. Epp) was a distinguished member. He told us about the results of the hearings of the committee, when representatives of Canadian women came forward and said that they wanted better protection in the Constitution. He told us about the aboriginal people, the Indian, the Inuit and the Metis who came forward. He told us about the handicapped and other ethnic groups who, as he said, are not part of the two main streams of our country. They all came forward and said that they wanted special recognition. They said "We want our rights and our place to be protected in the future". They were making their claim on their inheritance as Canadians. That was rather important.

Then the Minister of Justice in his report—and members opposite must remember what he said—stated that the charter makes specific reference to the multicultural nature of our society. Well, he was taking in all the groups and the committee took in all the groups, giving recognition to even poor Scots like myself; we were also included in that multicultural heritage. It seemed to me to be a rather magnificent demonstration of what was at work in the committee and what the House was doing.

● (1600)

I cannot forget reading the testimony given before the committee by the representatives of the National Association of Japanese Canadians. It was pretty touching and moving when they told us about their experiences for 70 years in

Canada about when they had to pay taxes without even the right to vote. They went on to say:

Surely some guarantee of human and civil rights is mandatory in the light of the experience of Japanese Canadians.

Members of the committee must have heard their voice when they said:

A charter of rights entrenched in the Constitution to prevent what we have gone through is the least that Canada can do to make amends for what has happened to us and to ensure that such injustices will never be repeated again.

Why do I use such references to illustrate the difference in the concept of what Canada ought to be between the Premiers and those of us on this side of the House? Why do I mention what the Minister of Justice said? I mention it because Premier Lyon and Premier Bennett told us that at their meeting, when they were trying to reach an accommodation, they did not even discuss the charter of human rights.

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

**Right Hon. Joe Clark (Leader of the Opposition):** Mr. Speaker, it is interesting to find the Deputy Prime Minister and Minister of Finance (Mr. MacEachen) involved in debate. He usually comes in when the government is in trouble. I have heard the Deputy Prime Minister speak very aggressively, very much on the offensive and very much on the defensive. I find it hard to recall a time when his speech was more lined with defensive comments than was the case in the remarks he made in the House today.

They have a great deal to be defensive about. We are meeting now at the end of one phase of this debate. I must say for my party that we enter this phase of the debate with some pride, because we have waged a fight which has kept this question Canadian. The plan of the Prime Minister (Mr. Trudeau) was to have this measure out of Canada by Christmas, to have it decided in Britain before Canadian courts could consider its legality and before Canadian opinion could consider its propriety.

As we all know, this Parliament or this institution exists to enact and improve good measures and to stop or delay bad measures. My party and I are proud of the work we have done in having Parliament delay and improve this resolution.

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

**Mr. Clark:** It is very clear that this most basic Canadian question about our own Constitution remains in Canadian control today only because the Progressive Conservative party stood and fought in the House of Commons and in the country. We have not yet won the war to protect Canada's federal institutions, although we have made it possible for that war to be won, but we have demonstrated the strength of Canada's parliamentary institutions. The government used every available instrument, from media manipulation to dishonesty about our diplomatic exchanges, to bulldoze this measure through. This party, with no help at all from the New Democratic Party, proved that Parliament is strong enough to stop bad measures being forced down the throats of the people of Canada.