

### *The Constitution*

this constitution, because I expect no better, and because I am not sure that it is not the best. The opinions I have had of its errors I sacrifice to the public good.

This quote is from a man who was an entrepreneur, a philosopher, an inventor and a world renowned statesman. The speaker was Benjamin Franklin, the place was the constitutional convention in Philadelphia in 1787, almost 200 years ago.

The situation Franklin described is remarkably similar to the one we as members of Parliament are confronted with in considering this constitutional resolution. Like those who framed the American constitution, we have inherited a legacy of failure upon failure in our attempts over the past 53 years to achieve a national consensus on the constitution. We must not let the quest for some elusive constitutional perfection paralyse the need and responsibility we have to govern Canada effectively.

If we are to learn the lessons of history, it is clear we have to push forward for constitutional renewal despite the cries of those who would consider this resolution for a little bit longer in this House of Commons or a little bit longer in committee or a little bit longer with the provinces.

What may seem like an arbitrary timetable for the constitutional resolution is actually the only realistic course of action for our government to take in the wake of the Quebec referendum. If the government chose to delay the process any longer we would clearly be abdicating our national responsibility. A promise was made to the people of Quebec and the people of Canada on the question of constitutional renewal and that promise must be kept. Indeed, the wishes of The Canadian people themselves are the paramount consideration in the government's policy of constitutional renewal.

A Gallup poll conducted outside Quebec before the referendum indicated that a full 68 per cent of those surveyed preferred a renewed federalism, while only 32 per cent opted for our present constitutional arrangements.

As the motion put forward by the hon. member for Edmonton East (Mr. Yurko) demonstrated when it received the unanimous support of this House, there is unanimous consent to the principle of patriation with an amending formula within this Canadian Parliament. Virtually all Canadians agree that we as an independent and sovereign nation should not have to turn to the Parliament of another independent and sovereign nation to change our constitution. Many premiers, and this was underlined by the statement made over the weekend by the premier of New Brunswick, also endorse in principle the concept of patriation.

The second parallel which I would like to draw between confederation and the establishment of the BNA Act is that the situation in preconfederation days compares to that of the present time. We had the Atlantic region, Canada east or Quebec or lower Canada, and Canada west which was Ontario. The leaders of these regions could not agree on an agreement to form one single federal government, and it was through the perseverance and persistence of George Brown that an all-party committee was formed in 1864. He, as the chairman of that committee, played a leading role in drafting

the document which later became the British North America Act. This is not the first time a committee has been asked to discuss and make amendments and consider drafts for the constitution. This is how the original BNA Act was drafted. So I do not understand all the consternation and temper tantrums of the Tory party over sending this resolution to committee.

Mr. Speaker, I see that it is drawing near to one o'clock, but some of my colleagues have asked me to continue and I will.

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

**Mr. Lang:** Ensuring that the national interest is safeguarded is the core of our responsibility to the people of Canada. It is clear that patriation is in the national interest. To make patriation more than a symbolic gesture, the inclusion of an amending formula is imperative. For almost a month we have heard some of the premiers and some of the members of this House condemn the government's initiatives on the constitution as dictatorial, unCanadian. The Leader of the Opposition (Mr. Clark) told us it threatens to "break the fundamental balance which has been at the heart of our federal system ever since the Canadian nation was created."

Let us consider this statement for a moment and examine it carefully, particularly the words "ever since the Canadian nation was created". The Right Hon. Leader of the Opposition seems to forget that when the Fathers of Confederation were in the process of founding this nation a civil war was raging in the United States. As the hon. member for Sault Ste. Marie (Mr. Irwin) pointed out in his speech, Sir John A. Macdonald was very clear about the need for a strong central government in order to overcome the fatal flaw in the American system which was only resolved after millions of lives had been lost.

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It should be evident, despite the attempt of the Leader of the Opposition to rewrite history, that the fundamental balance he speaks of is not so much a balance as a distribution of powers between two levels of government with the central government predominant. At least that is the way the Fathers of Confederation saw it. The evolution of Canadian federalism has been a slightly different story, though. Over the years, the provinces have acquired more power as the federal government has attempted to take into account their needs and concerns. And it has been nearly 53 years since the federal government tried to reach agreement with the provinces on an amending formula. Meanwhile, our independent status was confirmed by the statute of Westminster in 1931. In the Second World War, Canadian forces fought for the first time under Canadian generals. In 1949, the Supreme Court became the final court of appeal in Canada, instead of the British court, and in the same year Parliament acquired the power to amend certain areas of our constitution. In 1952, for the first time, a Canadian was appointed Governor General. In 1965, we adopted our national flag and earlier this year, we formally adopted a national anthem. It is a combination of patriation and an amending formula that is now the key to full independence—freeing ourselves from the last vestiges of colonial status.