

The Constitution

these entrenched rights mean when it was all over? I can tell you, sir, what it meant to me at the tender age of 12. It meant to me that I wanted to leave that country and start a new life some place else. Certainly when I came over here I had some real expectations about how this country should evolve.

From time to time there must be change. Indeed, one of our former prime ministers, the Right Hon. Lester B. Pearson, said this about the entrenchment of rights when he spoke at the constitutional conference in 1968:

If a mistake is made in an ordinary statute, it can be remedied at a subsequent session of Parliament or the legislature. But a constitutional error may be almost irremediable and the consequences serious in the extreme.

From time to time we must make changes to our constitution and from time to time we must expand it. Who knows, maybe we might even find it necessary to restrict certain rights and freedoms for a short period of time. The Prime Minister should know that. In 1970 he found it necessary to impose the War Measures Act. Will he now say that no such thing will ever happen again when our rights are entrenched? Can we all gain access to the Supreme Court tomorrow morning if anything should threaten us individually or as a society? I say that such thinking is naive in the extreme. Our constitution should be flexible enough to expand on occasion the rights, liberties and freedoms of individuals, and, if the need arises, to ask individuals in our society to join a collective cause to defend the greater goals of our country. Is it not one's basic right to bring up one's children in a safe, wholesome and congenial environment and to protect them from influences which would adversely affect them in their formative years? But as proposed in this formula, there is also the right, now to be entrenched in the constitution, to express oneself in any way one wishes. If we draw upon the experience of the United States where freedom of expression is entrenched as the cardinal principle of democracy, we must accept the fact that our newsstands will be cluttered with smut and pornography because there are people in our society who like to express themselves in that way.

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Is it not one's right to receive services which are essential to sustain oneself as a useful and full member of society, services that are provided by the government? The Post Office is an example. Does that right not conflict with the right to strike and withhold such services which is to be entrenched in the constitution? What about this most fundamental principle of democracy, the freedom of association, which is also to be entrenched? Freedom of association is really the very basis or foundation of our political system. One is free to associate with political parties and to express oneself publicly. How is the Supreme Court to interpret that after it becomes entrenched? The NDP, our friends to the left, might be wise, before they jump into that bath-tub, not only to check with the Saskatchewan premier who has some reservations with respect to resource questions, but also to check with "god" McDermott as to how he feels about it, because if freedom of association is interpreted in future in this country the way it is in other more advanced industrial nations, it means one can no longer be

compelled to belong to a union. Not only is one free to belong, one is free to withhold membership. I wonder whether the NDP has given any thought to that little goody before they run away with their enthusiasm in support of this resolution.

For a few minutes I should like to talk more specifically about the latest attempt of the Prime Minister at social engineering in terms of two separate and distinct groups of minorities which will undoubtedly suffer very serious adverse effects. The first of these groups is our native Indians. In this connection, a group of native Indians will be going before an international tribunal in Amsterdam in the next little while to charge the federal government with ethnocide, which is a form of cultural genocide. One wonders why people in a society as free and generous as ours would have cause to seek redress in an international tribunal against the obvious and blatant discrimination they are suffering.

In this resolution we are talking also about the entrenchment of certain cultural and linguistic rights. I happen to think that if there are any cultural and linguistic rights which should be entrenched in any constitution, it should be those of the original people of this land, the rights of people who have no other place to go to replenish their culture. The fountain of their culture is mother earth on this North American continent. It is not derived from French, English, Italian or German—languages and cultures in evidence throughout the world. Their culture is indigenous, it is right here and there is no place else to go.

The Minister of Finance (Mr. MacEachen) spoke in emotional terms about his experience when he visited with the Acadians in Nova Scotia who were celebrating 375 years of presence and culture in his native province. He said in glowing terms that this culture is still very vivid and alive. I wonder if the same thing can be said for Indian culture. If native Indians could look back 375 years, I wonder if they could make the same claim—that the culture which existed then is still vivid and alive in our country today. I say they could not, and I say we must do something to ensure that whatever change we make to the constitution and whatever we entrench in the constitution it must make provision for some of the legitimate aspirations and, indeed, the legitimate rights of native Indians of our country.

Some hon. Members: Hear, hear!

Mr. Oberle: In his early culture the native Indian always understood the important relationship between rights, freedoms, responsibilities and restraints. The native Indian in North America gathered material goods only to be given away as gifts and in so doing he ensured the protection of the society in which he lived. We could have drawn a lesson from that, but unfortunately we did not. Not only have we denied native Indians their traditional rights, but we have fractured and broken the treaties we made after we came. We promised native Indians that as long as the wind blows, the water flows and the sun shines, they would be able to hunt, fish and live in harmony with nature as they had before, even though we knew at the time we signed the treaties that there might be some day