

*The Constitution*

now matched by equally efficient people at the provincial level, fighting to preserve what they have got.

Guess who is caught in the middle? It is the fellow who is fighting to develop the resources. Certainly the politicians are not in the fight, they surrendered long ago. So here we have our masters, the mandarins who have taken a war lord attitude. And the battle between these war lords pops up in various forms.

Look at the budget of 1974—we had two of them that year. Because the provincial governments in five western provinces had doubled, tripled and quadrupled their taxes in the mining industry as well as the oil and gas industry, the federal civil servants said they would not let them get ahead. In 1974, out of their tariff budgets we got a principle that disallowed all provincial royalties and taxes. So we find two governments double-taxing the resource industries. They were so bad that the well drillers moved out of the west, and B.C. and Alberta had to back off a little.

All of this has been admitted in the House, Mr. Speaker. Two finance ministers said we should resolve this problem, but those budgets in 1974 were the opening round of a battle that we are still carrying on and calling a constitutional debate. In 1979, it was still there. Now, as this battle goes on with the roaring of the big guns, the threats go out. These include a natural gas export tax, an electricity export tax, an energy export tax and refining taxes. All these are part of the artillery drum fire of the civil service at Ottawa which is trying to terrify its opponents by threats of what they have to face, and this is one of the reasons why the provincial governments are watching this debate with great care. They suspect that trying seriously to look at what changes we can make in the constitution, and how we bring it to Canada for the first time, a Canadian law is only a guise. The provinces look at it and they are frightened. When people are frightened you get odd actions from them. The conclusion I reach is that this whole matter of the scam we have been using to push through this unilateral approach has already done great harm. But to solidify it in any form of a constitution means, as the Right Hon. Leader of the Opposition said the other night, the beginning of the end of the federal state. When I heard the Leader of the New Democratic Party (Mr. Broadbent) come out for rapid action on the constitution, I thought how little he has learned of Canadian history. The only way you should deal with the constitution is to surround yourself with people who are not fighting to preserve their little empires, as has to be the case when you deal with heads of governments. Deal with people from all parties who are honestly trying to come up with some sort of way that can meet what we need to change the constitution to make a good constitution even better.

The fight will come down on this question of the charter of rights. There is no argument on patriation. Every party believes in it. We want the constitution back. We want that Canadian constitution to be continued as a Canadian constitution by this Parliament and the other legislatures so we can get

at the serious questions knowing full well we have not had to ask somebody else to do it for us.

Let me speak for a moment on this charter of rights. I was pleased and shocked when the Minister of Justice (Mr. Chrétien) in his speech praised John Diefenbaker's bill of rights. I was one of the chaps who was there. My mind is very clear about the opposition we had to face to bring that into the House. For two and a half years I had to listen to about 18 lawyers in that cabinet, all brilliant, sincere and dedicated people who were trying to find some way to write it in the right way, to do what they wanted to do. In no way could they ever come quickly to the right way of saying it. As everyone knows, we discussed the merits of putting the bill of rights into the statutes affecting only matters under federal jurisdiction. Obviously we discussed the value of entrenchment, American style. At that time there were some 60-odd bills of rights around the world. These men were good men. They were sincere men. But how do you define in any language the rights of the people? It is absolutely impossible. Rights keep changing. Sometimes they pull back and sometimes they move forward in freedom. No matter how honest or how sincere a person is, it is very difficult to describe rights. I doubt if there are any more than one or two people in this House who do not want rights.

In our day, the argument was that common law under the British system, gave you the rights with these other bills of rights, and the Magna Carta all added in. And that was the constitution. It worked through most of their history fairly well, improving and evolving all the time, but it was not working in our day 25 years ago. The Scots were very unhappy, the Irish have been unhappy for one hundred years and now even the Welsh are unhappy. I am simply saying that even in a small little country like Great Britain, using the evolutionary approach, which the United Kingdom has used, it is still difficult. It is equally obvious why the Americans and Canadians went the way we did instead of trying to go back to the unitary approach—I think we would be very unwise to try and do that in our country with the difficulties we have today, even though they are not as great as they were one hundred years ago.

Our difficulties are clearly economic. Who is going to break up a country for a few bucks? We get dragged into these discussions about language rights, desperately sincere men fight to the death on language rights. Three or four hundred years ago they used to fight desperately about religious rights. God, we do mature as time goes on. As long as boys are boys and girls are girls, there is going to be an end to that problem. Don't expect it to happen overnight. I am simply saying that the only issue that we are fighting over, if you look at it with honesty is not all these side issues. Whether the guys in Calgary wear high boots once a year is not the issue. But this scam, saying that we must have a devil so that people can be fearful. Poor Peter Lougheed. He is not the right type of person to make into a devil. Out in his province he catches "Hail Columbia", because he is too easy. He offered the people's oil at 85 per cent of the world price and then brought