of months is in response to the referendum in Quebec. I suggest that as the message slowly gets through to the people who speak either language in the province of Quebec, they will become more and more concerned about what is in the government's constitutional proposal. Indeed, I would direct all members and anyone who is really interested in rights as a question of rights, not as a question of politics, to pick up a copy of the October 14 *Le Devoir* and read an article written by Mr. Robert Decary. In this article he goes through all 59 sections of the proposal and takes the sections which are related to the question of the charter of rights and points out the difficulties. He concludes that if the proposal is adopted the province of Quebec will rue the day.

When it comes to the question of rights, we in this country will have to face the reality in the not-too-distant future, one which is avoided in the government's proposal, that the country must operate on the basis of equality, a principle which existed between the two founding groups. That principle is not in the proposal, and that is why the three political parties in the province of Quebec oppose it.

The fourth problem is that people are beginning to wonder why representatives of native groups appear at 6.30 and eleven o'clock in the news on their television sets, and are opposed to this proposal. How can it be when the Minister of State for Multiculturalism and the Minister of Justice are saying that it is a wonderful proposal? What are the Indians complaining about? It has to do with section 6 and section 15, their inability to determine what will happen to their land claims, whether or not there will continue to be any rights or even the possibility of any rights for Métis and non-status Indians, and the effect of that mobility clause in relation to the reservations.

● (1710)

I hear a faint voice from Indian women on this matter. Canada has been brought before the Human Rights Commission at the United Nations because the government will not act to give first-class status to native women. They have wanted to change the Indian Act for years. It is their view that the adoption of the government's charter of rights will forever place them in a second-class position. That is why native people in this country are opposed to the government's constitutional measures.

Fifth, Mr. Speaker, for the first time in the history of this country we have created two classes of immigrant. It is never much fun to be an immigrant, but there was always one saving factor—everyone was the same. When people arrived here without being able to speak the language and wanted to get ahead, they knew one thing for sure—that they were all in the same boat. That is not true any more. Section 23 creates two kinds of immigrant, and that is not acceptable. It is a mockery to suggest that somehow the same rights are guaranteed to all Canadians. It is just not true.

Sixth—and I raised this just the other day in a question, because it is a serious matter—if we adopt the charter of rights as it currently exists in the government proposal, we will run into the same problem that the United States have been coping with for the last 25 years; that is, they increasingly have to phrase their legislation to take into consideration problems that are raised by the courts.

Just the other day I mentioned the Bakke case. In June, 1978, the Supreme Court of the United States—and I think quite rightly—ruled that a black student should not have preference over a white student merely because there was an affirmative action program in the University of California. This has thrown into jeopardy and doubt many social programs, particularly affirmative action programs, in the United States. Anyone who does not believe that can call the Health Education and Welfare Department in Washington in the United States and ask what the effect of the Bakke case was on the development of policy in relation to social programs. By their very nature, Mr. Speaker, social programs are discriminatory.

We have had affirmative action programs for years north of 60, without calling them that, in relation to the hiring of native people. We do not know what is going to happen to those programs. I am not raising idle fears or threats, Mr. Speaker. The problem is real and it must be dealt with before we adopt the principle.

In that connection, Mr. Speaker, when it comes to social programs, when it comes to legal rights, non-discriminatory rights, democratic rights and human rights, there is going to be a massive shift of power to the courts, as the hon. member for Cambridge (Mr. Speyer) said the other day. In all sincerity, I say that may not be an unfair or bad thing, but it must be understood that it is change. It cannot be assumed that there is not going to be a change. We will not become more Canadian as a consequence; we will become more American.

An hon. Member: That is what he always wanted.

Mr. Crombie: It rankles me to hear the nonsense spoken on the other side when they claim that somehow they are being more Canadian. There is nothing more Canadian than the understanding that the common law protects our rights and that ultimately people operating on the principle of consensus will arrive at appropriate opinions.

Some hon. Members: Hear, hear!

Mr. Crombie: That is the Canadian system, but the charter of rights changes that. Some people may like the change, but it cannot be denied that it is just that—a change. That is why people are saying, "Ah, I see. We are now going to have to worry about what the Supreme Court says." That means we may have to find another way to get judges. In the United States, where judges make more law than ours do, they have made things more democratic by electing judges. We have not felt the necessity to do that. Indeed, we have always felt that our judicial system was superior because we do not elect our law. If we are going to hand judges the power to make law for people, then we will have to find a better way—as the United States had to—to obtain judges.