

—Parliament responds to social and political realities. Parliament responds to human needs in a way that a court can never do, because a court is not being directed by human needs but by the dead hand of a written constitution.

As more senior members of the House will realize, it was not often that I agreed with the Hon. James Richardson during his tour here, but I do agree with that quotation.

The Ontario royal commission's inquiry into civil rights—the McRuer Report of 1969—supports this view. The report said:

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We do not think it is consistent with a true concept of democracy for a court of appointed judges to be able to make a law with far-reaching effects touching the lives of everyone in the country with no power in Parliament to alter it. In the last analysis, in such cases the power of final decision may rest on one man casting the deciding vote in the court of last resort.

Canada already has an Official Languages Act passed in 1969 with support from all parties. As Gordon Leckie has stated:

Which will seem more legitimate—a 'constitutional right' foisted on us reluctantly by the United Kingdom, or an act passed by our own Parliament? Obviously, Canadians will not feel bound by a rule, technically 'entrenched' or not, which has never been approved in a mandate from the whole people.

I agree with Mr. Leckie. Entrenchment will not achieve the protection of human rights. One has only to look at the Soviet Union's entrenched bill of rights to understand this fact.

**An hon. Member:** We are tired of the Soviet Union.

**Mr. McKinnon:** Do you know it off by heart, gentlemen? Just think what wonderful rights they must have because they are entrenched in a bill of rights which says:

Citizens enjoy in full social, economic, political and personal rights and freedoms proclaimed and guaranteed by the Constitution... citizens are guaranteed inviolability of the person—

**An hon. Member:** You are the fifteenth person to say that.

**Mr. McKinnon:** Human rights flow from the fact that we are human. The government does not confer them upon us. And when we take it upon ourselves to write down what rights we have, we must remember that by any omission, we are also establishing what rights we do not have. For example, property rights. They have been omitted from this resolution and thus from the rights of Canadians. The legitimacy of even those rights that have been included is in doubt because they impose obligations on the provinces in fields within their jurisdiction—for example, minority language rights.

There is no doubt that the Constitution could be patriated or brought home, and quite easily. It would, however, require the Prime Minister to exhibit a little flexibility and a modicum of trust in the intelligence of his fellow Canadians. The Prime Minister wants his way; he wants his charter and his amending formula to be applicable to Canadians forever. Tempting as it is, I am afraid it would not be productive to attempt to question the Prime Minister concerning his yearnings for

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immortality, his wish to have only his own ideas in the charter and the Constitution, and then to leave them almost impossible to amend. It reminds me of a discussion I had very early in my public life when I had supported some good measure on a school board and mentioned to a colleague that the measure had gone through fairly easily. He replied, "You will be surprised at how much good you can accomplish in public life if you don't care who gets the credit." What a pity the Prime Minister has never been able to share the credit for initiatives.

Until now, every worth-while initiative taken by the Prime Minister has come to naught. Despite his not inconsiderable talents, his record is one of failure after failure. When he first ran as a prime minister in 1968, it was under the slogan "A Just Society" but that dream ended in 1970 when he imposed the War Measures Act. Then came his "third option" phase, and it too has disappeared with little trace. Next came his Holy Grail, the contractual link with Europe. Again, failure. Next came his initiative for francophonie or a French-speaking Commonwealth which is at present deadlocked by differences among France, Quebec and Canada. Recently he has tried to make some progress as a self-appointed leader of the North-South concept. We saw him go to Austria. He got lost in Austria, then he lost Algeria.

**An hon. Member:** He is still lost.

**Mr. McKinnon:** This was despite the considerable help of a rather large group of people who were trying to get him to the right place at the right time. Considering the Prime Minister's and Canada's track record in this area, which is one of diminishing contributions, it should not have surprised the Prime Minister that his sudden conversion has been looked upon somewhat skeptically.

These are the great initiatives of the Prime Minister during his long term of office; each of them was well-intentioned but each has failed. Recently a biography on the Prime Minister was entitled "The Northern Magus". I regard him more as a Canadian Hamlet, the melancholy prince who meant so well but hurt so many, the contrast between thinking and acting being a primary conflict in both their characters. I believe it is the reputation that he has built as an underachiever that drives him to this desperate attempt to leave a monument in the form of a patriated Constitution and entrenched charter of rights. I say desperate, because he seems not to care if he breaks every tradition, if he divides the country, if he deceives the head of the government of a friendly country. Nothing seems to matter; he must have his monument.

The fact is that at this stage of his political life he has little to leave behind. Other than a great reputation for slick campaigning and his recognized ability to use the leverage of his tribal vote in one area into winning enough seats to maintain power despite his sorry record, this is not really much to leave behind.

**Mr. Peterson:** What a crybaby!