

is a good deal for British Columbia, even though we will have to wait 200 years. My friend, the hon. member for Kootenay East (Mr. Parker), laughs but I wonder if his constituents who are waiting for full partnership are laughing. British Columbia wants to be a full member of confederation.

The proportions I have given tonight rest on the assumption that population growth remains stable in the rest of Canada. British Columbia does not want full partnership at the expense of the other three western provinces. Under this amending formula British Columbia can form 50 per cent of the western population with one other province but no other western province can do that.

Under this amending formula Prince Edward Island, with a population of 120,000—which is less than in my own constituency where there are about 175,000 people—is now an equal with all the other maritime provinces. I am happy about that, but in the process Prince Edward Island with 120,000 people has gained more power than the 900,000 people in Saskatchewan and more power than the 900,000 people in Manitoba.

**An hon. Member:** One million.

**Mr. Friesen:** One million. Is this fairness? Alberta has over two million people and Prince Edward Island with 120,000 people has a power equal to or greater than the province of Alberta. Members opposite say this is a fair Constitution? My friends in the New Democratic Party say this is a good Constitution.

● (2150)

**An hon. Member:** Not all of them.

**Mr. Friesen:** That is the New Democratic Party.

**An hon. Member:** Minus four.

**An hon. Member:** That is socialist justice.

**Mr. Friesen:** I took both a sense of pleasure and pain when I watched the news conference on television last night conducted by four members of the New Democratic Party. I applauded and I felt the anguish they felt. It was not an easy thing for them to do, to maintain party loyalty and to stand for principle. I do not belittle that at all. I admire the stamina and the integrity of these four people. In the news release one of them said this:

I want to turn for a moment to the amending formula. It is a particular denial of co-operative federalism when the amending formula now before Parliament includes two key features that have never been discussed at federal-provincial constitution conferences within the past decade.

I admire that kind of integrity and that kind of honesty. I wish to God we had 12 members of the New Democratic Party from British Columbia who had that kind of integrity. What about the hon. member for Vancouver-Kingsway (Mr. Waddell), the hon. member for New Westminster-Coquitlam (Miss Jewett), the hon. member for Mission-Port Moody (Mr. Rose), and the hon. member for Comox-Powell River (Mr. Skelly) and the hon. member for Burnaby (Mr. Robinson)? Where are these British Columbians who are supposed to be

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looking after the interests of British Columbia? They have been voted for and called to this House to look after the interests of the people of British Columbia.

**Mr. Blackburn:** No, the people of Canada.

**An hon. Member:** They are in bed with the Liberals.

**Mr. Kempling:** Make a speech, Blackburn.

**Mr. Friesen:** I said at the outset that the ingredients in the foundation have to be consistent and they have to be clean.

**Mr. Andre:** Western Canadians don't count.

**Mr. Friesen:** The amending formula is bad because we are entrenching unfairness into it. It is wrong.

Second, the unwelcome ingredient we do not need, the ingredient which will destroy the foundation, is such that we are entrenching an illusion. I recall that the representative from the Canadian Civil Liberties Association who came before the constitutional committee said the charter of rights in that form, admittedly somewhat amended and improved now, was a verbal illusion. That was what he called it, and that is what it is. When I first read the Constitution and looked at the charter, I looked at the provision. Seemingly it had all of the ingredients of a charter of rights as we usually think of them, and as we read them the French or the American charter, for example, but something was bothering me about it. I could not understand what it was, but I had a gnawing feeling that something was wrong. Then I began to look at the language of the charter, in other words, the grammar of it. Whether or not there is a direct speaker, every writer has a speaker. Every writer, whether the speaker is identified, puts a speaker into that piece of writing. If the speaker is not identified, you find the speaker in the style of the writing. As an example, let us take the American bill of rights, the first amendment passed ten years after the original constitution was written. We find in Amendment I:

Congress shall make no law respecting an establishment of religion,—

Let me repeat that: "Congress shall make no law." Who is being addressed? Who is being spoken to in that amendment? It is the Congress, it is the government who is being spoken to. Who is speaking to the government? The people are speaking to the government.

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

**Mr. Friesen:** The language of the American bill of rights indicates clearly that the people are the ones who have all the rights, all the privileges and all the power except those that they assign to the Congress. They have the residual powers.

I might add there is another aspect of this style in the American bill of rights. In Amendment VI we find the following:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial,—

Notice the emphatic form of the words "shall enjoy."