

Let me talk briefly about another aspect that is tied in. The framers of the flawed Constitution Act of 1982 inserted the notwithstanding clause which limits our most fundamental rights and freedoms. They did not do so in order to reconcile the Canadian family and build a solid and lasting constitutional edifice. Rather, they did so hurriedly in order to achieve their cherished agenda of repatriation with an entrenched Charter of Rights.

I always thought, Mr. Speaker, very fundamentally, that a Constitution ought to do two things: First, it ought to unite a nation and, secondly, it ought to protect the inalienable nature of individual rights. The Constitution of 1981-82 did neither. The Constitution, which is supposed to bring unity and protect individual rights, was (a) rejected by the National Assembly of the Province of Quebec, Liberals and PQ alike at that time. For the first time in history it diminished the rights of the National Assembly. So, the first test of the Constitution failed. It did not enhance national unity.

Mr. Speaker, perhaps no less importantly, if a Constitution does not have the reason of protecting your individual liberties, those of your family, to freedom of expression, freedom of association, freedom of the press, if all of these rights are not protected and rendered inalienable in the Constitution, what is the Constitution about? The Government of Canada surrendered a notwithstanding clause in 1981-82, which said, in effect, "we hereby guarantee Canadians their fundamental right to language, to religion and to association, but, by the way, we forgot to tell you, these fundamental rights can be overridden if the Premier of Prince Edward Island or Saskatchewan or Quebec decides that it is in his interest to take them away.

• (1210)

In 1982, that is the grave flaw that was embedded into the Constitution. I am not commenting now on the use of that clause. That clause was given to the Premiers. It was given to them. We will have to ask why it was given, and I want to tell you right now, Mr. Speaker, that I am told that the view was that we had to get a deal, time was running out. A constitution that does not bring Canadians together, that is not accepted by all Canadians, and a constitution that does not protect the inalienable and imprescriptible individual rights of individual Canadians is not worth the paper it is written on.

*The Address—Right. Hon. Brian Mulroney*

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

**Mr. Broadbent:** The Party voted for it.

**Mr. Mulroney:** This flawed constitution in 1981-82 contains—and I will talk to my hon. friend. There is a clause in there, and my hon. friend is as opposed to it as I am, that causes grave concern to all Canadians now that Canadians understand the significance of that clause.

I want to say about the notwithstanding clause that never before nor since in our history has a Prime Minister of Canada made a concession of such magnitude and importance. Never before has the surrender of rights been so total and abject. It is difficult to conceive of a negotiating blunder more damaging to the strength and the leadership of the Supreme Court of Canada and to Canada's federal institutions than that which took place in 1981 and 1982, and I know that all Members of the House will want to work together over the next years as best we can to make sure that this constitution is improved and that that major fatal flaw of 1981, which reduces your individual rights and mine, which holds them hostage, is dealt with collectively with the Premiers so that all Canadians have their fundamental rights and know they exist forever.

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

**Mr. Mulroney:** We have in particular, Mr. Speaker, a major gap to fill, the ratification of the Meech Lake Accord. I believe the words of Sir John A. Macdonald are as true today as the day he uttered them. "We are a great country", he said, "and shall become one of the greatest in the universe if we preserve it. We shall sink into insignificance and adversity if we suffer it to be broken."

With Quebec a willing participant in Confederation, with Canada enthusiastically made whole again, I believe there is little that we cannot achieve together. Without Quebec's adherence, our prospects darken. Never before have the prospects for constitutional reconciliation been so starkly simple or so close to our grasp. Never before has the risk of disappointment contained such consequences for our future.

I again salute and underline the contribution and the leadership of the Leader of the NDP, and in particular the Leader of Her Majesty's Loyal Opposition, on a very important national issue.