

*The Constitution*

As we debate the resolution on the Constitution, a true perspective would show that we are participating in one of the greatest events in Canadian history.

[*Translation*]

First, by patriating our Constitution with an amending formula and provisions for eventually holding a referendum, we will enhance our sense of identity as Canadians. Second, by including a charter of rights and freedoms, we will check whatever appears to our minds to be acts of injustice and inequity. Third, proclaiming our values is ideal in a document which will serve as an example for future generations and would constantly remind other nations of the kind of people that we are and of what we believe in.

[*English*]

First, I said that by patriating the Constitution we will deepen our sense of identity as Canadians. At a superficial glance, patriation may seem to be only symbolic, ceremonial, or psychological. It is all of these at least. But throughout this debate and the events which will follow, Canadians are becoming far more aware of their history and their identity than they have ever been, at least for a very long time. Some are surprised, if not amazed, at how recent has been our emergence into nationhood and how precariously our human rights have been protected in the past.

Second, I said that by the entrenchment of the charter of rights and freedoms we are moving to eliminate what are recognized by most Canadians as injustices and inequalities, old and new. As parliamentary governments throughout the world have become more and more habituated to operate by government regulations, rules, orders in council and similar instruments, it becomes increasingly urgent and important to protect the individual through an entrenched charter with the fundamental right to appeal to the courts for redress against arbitrary government violations of personal rights and freedoms. Further, the charter will protect every Canadian individual and minority from the tyranny of the majority, a fact which is of vital importance in a nation so constituted as ours. One wonders what there is about the orientation of the official opposition in this House that makes its members so strongly resistant to granting such a charter now. Some say they are for a charter, that it is a great idea, but that we cannot have it now; perhaps two years from now, perhaps some time later, but not now. Others say they are opposed outright to the charter. Some of their arguments against it are most imaginative, if not downright ingenious.

One such argument we have heard quite often from the opposition is that our Canadian charter will not protect anyone anyway. If there is a will to circumvent the charter, they argue, it will be circumvented. Some of these opposition members illustrate this idea by pointing to the Soviet bill of rights which, they state, is a marvellous document on paper but is continuously and flagrantly violated in practice. They are correct when they say that human rights in the Soviet Union are flagrantly violated over and over again. However, in the heat of their opposition against the Canadian charter, they

do not tell us the whole story. They fail to explain that the Soviet bill of rights is a "marvellous document" only if one totally ignores the fact that it provides the Soviet authorities with huge loopholes. They are so big they can talk about human rights with tongue in cheek and crossed fingers.

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For example, in the Soviet document there is written in our purpose a basic and fundamental escape hatch; it is the provision that these rights are given in accordance with the interests of the people and "in order to strengthen and develop the socialist system". In other words, one has no freedom unless one supports the Soviet government. The Soviet bill of rights is not a marvellous document because it is not a sound document; nor does the Soviet Union support a just interpretation of it. We should dismiss such opposition arguments against a Canadian charter as baseless.

A second alleged reason given by some of the members of the opposition for their resistance to the charter of rights is even less convincing. This was alluded to recently by the Minister of Finance (Mr. MacEachen). The opposition maintain that they cannot support it because it is the current, singular and peculiar obsession of our Prime Minister (Mr. Trudeau). Now that is an amazing, prejudiced reaction by which to decide the affairs of state, even if the observation were true, which it is not. First of all, the charter is no current whim of the Prime Minister. In 1967 when he was minister of justice he published a book entitled "A Canadian Charter of Human Rights". I need hardly remind members that that was some 14 years ago, hardly a recent whim.

Second, the charter is not an original idea or unique to him. The entrenchment of a charter has been advocated by Liberal, New Democratic and Tory leaders well before our present Prime Minister. The assurance of basic human rights and freedoms for all Canadians was of paramount importance to the late Right Hon. John G. Diefenbaker, and to that fine parliamentarian, Tommy Douglas. If we must talk of obsession, then let us say that it has been the obsession of Canadians since 1927, following the Imperial Conference when the matter was first raised. It was the obsession of the Right Hon. Louis St. Laurent. It was the obsession of the late Prime Minister Lester B. Pearson when he wrote in January 1968 these words:

As Canada enters into its second century of confederation, Canadians could take no more meaningful step than to entrench firmly in our constitution those fundamental rights and liberties which we possess and cherish. A Canadian charter of human rights would reflect and protect the high degree of freedom enjoyed by Canadians and the unique bilingual character of the country. I recommend to all Canadians the acceptance of a Canadian charter of human rights.

So it is not merely an obsession of our present Prime Minister. The charter has been a torch for the Liberal party and for many New Democratic and Tory leaders over the decades. Now it is borne proudly by the Liberal caucus, for with this torch of freedom, we hope to kindle the fires of justice and equality everywhere.