

*The Constitution*

approve any change that might affect their power. Far from taking anything from the provinces our action will confirm the partnership status of the provincial governments. The level of government that is actually losing the most power in this process is the federal Parliament.

The resolution under consideration also contains a provision that is quite fair and reasonable. In the present circumstances, as we have seen, when the federal government and the provinces disagree, the federal government alone may decide to act. From now on it will no longer have that power; it will have to come before the Canadian people which will settle the question following a national referendum.

Many people have raved about the newness and originality of that proposal. Here again, our history shows that this idea was put forward, at least since 1864, by none other than one of my predecessors in Hochelaga, the Member of Parliament, Antoine Aimé Dorion. He wrote the following in 1864, and I quote:

When it is a matter of doing nothing less than rebuilding the Constitution, laying down a new foundation for the political structure, the people, whose interests and prosperity are affected by such changes, must be consulted.

Dorion was already calling for a referendum. Later, in 1927, the Canadian League suggested the same solution before the Special Committee on the Canadian Constitution, and I quote:

[English]

That no repeal or alteration of any of the provisions of Sections 91 and 92 or of the basis of representation in the House of Commons or of the Senate shall be valid unless approved by the legislatures of a majority of the provinces or by a referendum supported by a majority of the total vote and by a majority of the voters in a majority of the provinces.

[Translation]

Two years later, in 1929, Brooke Claxton, who was to become a minister in the cabinets of Mackenzie King and St. Laurent, took up the same idea anew, and I quote:

[English]

Keeping in mind these considerations, it is suggested that power be given to the federal government to amend the BNA Act by Federal Act with the consent of the legislatures of five provinces or alternatively at the option of the federal government, a favourable vote on a referendum of the majority of votes in the country and in at least five provinces.

[Translation]

That was in 1929, Mr. Speaker. That same year, the *Manitoba Free Press* took a stand and published the following:

[English]

The Dominion parliament, we suggest, should, subject to limitations covering the rights of minorities, have the power to pass legislation amending the BNA Act; and this should come into effect unless a certain number of provinces, by their governments, ask for a vote of the people. In that event a national referendum should be held, ratification being contingent upon a majority vote over the whole Dominion and in five of the nine provinces.

[Translation]

The suggestion that the Canadian people should be called upon to take decisions in difficult situations is not new. In 1916, the Manitoba legislature intended to enforce its legislations by way of referenda. Newfoundland joined confederation

in 1949 following a referendum. In May of last year, Quebec held a referendum when it tried to change the nature of its ties with the rest of Canada. Last fall, the Alberta government introduced a bill to authorize, if needed, the holding of a referendum. Whoever claims that the concept of a referendum is entirely foreign to the Canadian constitutional reality is ignorant of our tradition, both past and present. Who can object to the Canadian Parliament holding a referendum to decide upon a basic issue when the provinces intend to use such a mechanism either to join or leave the Canadian federation? Who can object to the Canadian people deciding, when the 11 first ministers fail to agree on the basic changes which our institutions and legislations require? Britain itself, when it considered joining the Common Market in 1971, held its own referendum.

The suggestion that such a mechanism is inconsistent with our tradition is absurd. In today's world, a referendum is the only way to associate the will of the people with changes which have become necessary. That is obvious. In holding a referendum, the Canadian Parliament is asking the Canadian people to exercise the power to decide upon whatever changes are wanted. Theirs will be the last word. Those changes, Mr. Speaker, have become imperative. As a matter of fact, Canadians have for a long time deplored the colonial status of their Constitution. In 1931, Henri Bourassa made the following statement in the House, and I quote:

It is not without a certain amount of shame that I realize that in this year 1931, Canada is still lagging behind all the other dominions in the exercise of unreserved autonomy.

In 1949, the then Prime Minister of Canada, the Right Hon. Louis St. Laurent, made the following statement at a dinner given in his honour at the Royal York Hotel by the mayor and council of the city of Toronto, and I quote:

We Liberals also feel that we should find a way to amend our Constitution right here in Canada. This will not be easy. We do not want a Constitution that is too rigid, however we want to be sure that our Constitution includes the most complete safeguards for provincial rights, the rights of both official languages, and all other historical rights that are the sacred heritage of our national union.

Such, Mr. Speaker, is the purpose of our efforts. We want to fulfil now the hope expressed for so long by ensuring that our Constitution protects the rights and freedoms of all Canadians. Canadians generally have a feeling that the basic rights and freedoms are very well protected in Canada. However, even though Canada maintains a good record as compared to other nations, our history is not beyond reproach. The period before confederation shows many instances of discrimination, often violent. Some of the more obvious cases were the genocide of Beothuk Indians in Newfoundland, riots between Orangemen and Roman Catholics in Bytown in 1848 and, in the Toronto of 1858, anti-French and anti-Catholic prejudice, the acceptance of slavery, as well as obvious prejudice against negroes later on.

In 1857, the attitude prevailing then was reflected in the Ontario legislature when Colonel J. Prince described the