

essential, though ultimately unsuccessful, part of that founding argument. Today American constitutional scholars take the Anti-Federalists far more seriously than they did just two decades ago, crediting them with initiating the movement for the Bill of Rights and for pointing out serious flaws in the constitution that are still with us today. Contemporary Americans familiar with the Anti-Federalist literature bring a much richer understanding to their country's constitutional problems than those unfamiliar with it.

I am not prepared to repeat Ross's advice today; but, in the spirit of his comments, I shall take the liberty of urging contemporary Canadians to familiarize themselves not with the Virginia statesmen of 1788, but with their own Canadian statesmen of 1865, including those who opposed confederation--the Canadian version of the American Anti-Federalists. Etienne Taché urged those "honorable members" of the Legislative Council "who objected to any particular measure" to make their objections part of the record "and so secure the advantage of placing their views before the country."¹²⁸ The "honorable members" were not bashful about airing their dissenting views nor were the members of the Legislative Assembly. Perceptive contemporary statesmen may find in these anti-confederationist arguments considerable insight into the flaws of Canadian federalism. The same holds for the arguments of many of those Quebecers who supported confederation but did so with a far more guarded interpretation of the extent of federal power over the provinces than a literal reading of the confederation text would suggest. Here they will find Canadian public argument at its best¹²⁹.

Robert Vipond surely had it right when he said that the Confederation Debates of 1865 lack the depth of the American debates of 1787-88. Events did not force the Canadians of 1865 to examine "first political principles" as they did for the Americans who had recently emerged from a revolution that had made a definitive "self-conscious break with the past."¹³⁰ Consequently, when compared with their American counterparts, the Canadian debates may seem forbidding, burdened as they are with admittedly tedious discussions on how to finance railroads, canals, and other public works. But in this very