

*The Address—Mr. Pearson*

deals with that particular question. Canada has accomplished great things under its present constitution. In the last 100 years that constitution has shown itself adaptable to change in days when change, I admit, was much slower than it is now. We have had our constitutional difficulties ever since the very beginning of confederation, federal-provincial constitutional difficulties almost from the first year of confederation, but those we have had have not prevented the great achievements of our first 100 years.

This is especially creditable when one considers that we in Canada are trying to do something that no other country in the world is trying to do in the same circumstances—to develop and administer with relatively few people a confederation that is continent-wide, a confederation in a country of vast distances, east and west, north and south, which at its founding included two basic languages and cultures, and in its development many others, to the great advantage of the country. We are doing this, moreover, under a federal structure of government which is far more difficult to operate than the unitary centralized government which Sir John A. Macdonald and many others wished for in 1867. Canada has shown by its own record of achievement that a federal system does not mean weakness at any level and that a country can develop under a federal system of government.

● (5:10 p.m.)

The accommodations and compromises we have had to make did not mean weakness or we could not have done what we did and would not be here today. This, however, has not been easy. Our size alone creates problems of government, not only physical ones. It produces differences of interest, of points of view. It often makes for regional emphasis, politically and economically, especially when things are going well. Moreover, language and cultural differences introduce politically complicating as well as nationally enriching elements in our society. They bring about differences in value, attitude and viewpoint. But we have always reconciled these differences under our present constitution. We have made federal democracy work even though democracy requires a maturity, restraint and discipline which is far more difficult to maintain in the jet age than in the horse and buggy days of 75 years ago.

Today the constitution remains the most important single element in our government.

In some ways, perhaps, it is the most important single element in our achievements. It is the source of the rights and jurisdiction of the provincial as well as the federal governments. It is a protection for all the people, especially minorities. So an obvious and vital factor in our national growth is our constitution. An obvious and vital factor in any constitution is a method for changing it. In 100 years we have not yet found a way to do that, although we came very close to it a few years ago.

Changes can alter and upset the balance of rights and powers. Indeed, they are bound to do so if they are of any substance. There are two possible ways to bring about changes in our constitution. The first is by the process of gradual revision of what we have. In this process we start out with the British North America Act. The first stage in that process is to agree on how to change it. If we cannot agree on that, we are not likely to agree on any substantial changes.

If we can agree on that, the second stage is to use the amending formula in order to make the required changes. We have done this three or four times in the last four or five years through the amendments concerning the retirement of judges in 1960, the retirement of senators in 1965 and the old age pensions and supplementary benefits in 1964. Changes of this kind can be relatively minor—two of the three I have just mentioned are relatively minor—or very far reaching as one of them was. Indeed, change of this kind could end with a total revision if all governments concerned so agreed.

The essence of this approach is not that it results in a limited change, a whittling away, or imposes restraint on what can or should be done. The essence is that it starts with what we have. It never incurs the risk of total breakdown by total agreement at a total formal conference. It permits of orderly change without limitation. It adapts to change and adapts the constitution to change by modernizing and strengthening an existing structure. In addition, constant and progressive adaptation of our constitution to new needs has been made outside formal amendment to the British North America Act through federal-provincial agreements and conferences.

This, of course, is the way the present constitution was developed over the century. It was done not by formal action but by consultation. So those who think that Canada is frozen in an ironclad constitutional document do not, in my opinion, show much knowledge of what our constitution is or how it works.