

ten men—nine premiers and the Prime Minister—imposed on him a constitution which he did not want. That is a reflection on this issue.

However, I would like to come back to what I think is a more serious point. I think at some stage—and I do not know where it will be—we will have to decide whether or not we have the best method of amending our Constitution as now provided. We are following now the course provided in the Constitution. We are not varying from it. We think we are following it as it is laid down and as it was intended to work. You can then raise the question as to whether matters of a constitutional character should be ventilated in a wider constituency than that laid down in our present Constitution. That is a debatable point, and I think there are arguments on both sides. All I am trying to say is that I am taking my honourable friend's point. We are following what we think is the correct constitutional propriety of the moment, but I want to assure him that, before anything happens, there will be a great deal of public input in the sense that the public will have an opportunity to make their views heard on these matters, in the way in which they usually do.

● (1520)

Senator McElman: Honourable senators, I would ask the Leader of the Government in the Senate if he does not see a danger in the manner in which these negotiations are being conducted, namely behind the scenes? It is so important that the Canadian people be involved, and that they understand and accept what has happened. The Canadian people may feel that when the resolution hits the table in Parliament and in the respective legislatures, what they are dealing with is a fait accompli because the decision has already been taken by people who have the political strength and power to press that fait accompli into legislation, no matter what the debate and discussion may be.

I am asking the Leader of the Government in the Senate to consider the perception of the Canadian people in the circumstances, and to communicate it to his colleagues in the cabinet.

Senator Roblin: I will certainly express my honourable friend's concern, because I think he is entitled to that. However, what he has described is really the process by which the parliamentary system works. That is, that cabinets have their policies; they present them to the legislature and if the legislature does not accept them, then the cabinet goes down. That is the way the system works.

I have something for my honourable friend to consider, and perhaps he could answer at some future time. I would like him to tell me what he considers is the better method. For example, should there be a plebiscite put to the people of Canada, asking them what they think about the Senate? If we are looking for a complete democratic expression of opinion, a populist way of sampling public opinion, a plebiscite is the way to go. I myself have some trouble with that concept, but it is an alternative method.

Senator McElman: As honourable senators well know, my views on plebiscites are quite clear and have been for a number

[Senator Roblin.]

of years. I recall again the comment of a great, old West German parliamentarian, a politician statesman, right here in our Conference Centre a few years ago, speaking from his many years of experience with plebiscites. He referred to them as "carnivals for demagogues" and I think he was absolutely right. However, I will leave this item since I have pressed it as far as I should.

I would like to raise another question with the Leader of the Government in the Senate, and I would hope that Senator Flynn would listen very carefully, because it is an area in which he—

Senator Flynn: The honourable senator is making one long speech, instead of asking questions.

Senator McElman: I was asking for Senator Flynn's attention out of my respect for him and certain views that he and I have held in common in the past, across partisan lines.

Senator Flynn: Very well, I will.

Senator McElman: I would ask the Leader of the Government in the Senate to draw the attention of his cabinet colleagues to this question. First of all, in one of his comments today, I noted that he said the government did not wish to act precipitately and make mistakes. With respect to abolition, he said that the constitutional requirement would be not just for the agreement of the Parliament of Canada and seven provinces, but the agreement of both houses of the Parliament of Canada and all provinces.

My question relates to section 47 of the Constitution Act, 1982, with which Senator Flynn and I have had grave concerns and which I still do not accept. In all of the constitutional conferences down through the years, it has been stated as fact that amendments of great moment, amendments that would materially change the character of our Parliament, amendments that would affect the basic powers of Parliament would require the agreement of all ten provinces before such amendments could come into effect. I can quote from the Molgat-MacGuigan report of a number of years ago on the Constitution. They, in their studies, found that to be the case and restated it. During the consideration of the Fulton-Favreau formula, that principle was also stated very carefully in the discussions.

I suggest to you that what we have now is political limbo with respect to that one aspect of the Constitution involving the Senate. I suggest to you that the Constitution that was assumedly approved in 1982 was badly flawed, in the sense that one of the four founding provinces, namely Quebec, which, together with New Brunswick and Nova Scotia, had demanded the establishment of a Senate, with specific powers and criteria for membership, as part of the contract of Confederation; that that important province, Quebec, did not sign that agreement and, therefore, section 47 of that Act, by constitutional practice in Canada, is invalid. Therefore the Senate of Canada today still holds its absolute veto with respect to constitutional matters. I am therefore suggesting to the Leader of the Government in the Senate that this question