

Mr. Ivan Sabourin, the chief organizer in our Province of the Progressive-Conservative party has several times said almost the same thing. Now, all that was prepared during the debate in the House of Commons on our draft amendment. Mr. Arthur Smith, Progressive-Conservative Member for Calgary West, had defied me, as Minister of Justice, to answer the following objection: if Parliament can, without the consent of provincial governments, secure an amendment of the Constitution to change the proportion of the members for each province, would it not have the same right to secure an amendment to section 133, concerning the use of the French language?

One of those experts in political strategy might have avoided giving a clear answer to such a question. He might have been content with saying that what we were doing was to remove an injustice and that the right to remove an injustice did not imply the right to commit another one. But we were discussing the true effect of the Constitution from a strictly legal angle and I answered him that from this strictly legal angle that provincial governments had nothing to do with the use of the French language in the Federal Parliament.

I was able to add in all confidence that we, Canadians of my race and my religion, have a much more effective guarantee than anything to be found in section 133 of the Constitution to protect our essential rights: it is the fact that it is not the custom of those who had been nurtured in the traditional principles of liberty and British fair-play to do things which the conscience of mankind would brand as dishonourable.

I am not responsible for the drafting of the Constitution of 1867 and when I am called upon to construe it as a lawyer I have to construe it as it is and not as some might wish it to be. As a matter of fact, until we shall have adopted a system to amend it at home, it can be amended only by statutes enacted by the Parliament of the United Kingdom. Now since the Statute of Westminster, the Parliament of the United Kingdom legislates for us only when we ask that it be done and in the manner in which we ask that it be done and provided that the request be made by those who, under the Constitution have jurisdiction in the matter to which the amendment is to apply.

Certain matters are under the exclusive jurisdiction of the Provincial Legislatures. With respect to them, no request for an amendment coming from the Federal Parliament could be entertained. As to the other matters, those which are not expressly allotted to the Provincial Legislatures by the terms of the Constitution, requests for amendments must come from the Federal Parliament and it is that Parliament alone which is responsible to the citizens of Canada for the content of such requests. Now it must not be forgotten that the Federal Parliament is our Parliament just as much as it is that of Canadians of other provinces. The jurisdiction exercised by it is exercised by you through the representatives you send there and those representatives are responsible to you for the integrity of your rights in federal matters, just as your representatives in the Legislature are responsible to you for their integrity in the provincial field. Our rights to the use of the French language in the Federal field are in no greater danger because of the fact that the Provincial Legislatures have no competence in that respect than are your bank accounts, your rights to vote in Federal elections and your rights to enjoy the protection of the criminal code against assassins and thieves. Mr. Duplessis was all the less entitled to make about me an assertion like that which I cited to you a few moments ago, because I had written to him five or six weeks before—to be exact on the 9th July, 1946—a letter from which I will cite a few extracts. They are these:

"Article 133 of the Constitution deals with the use of the two languages, English and French, in the Federal Parliament and in the Legislature of Quebec, as well as before certain courts.

"It is clear that the Federal Parliament would be impinging on the rights of the Quebec Legislature if it attempted to decide anything with respect to the use of these languages in the proceedings of the Houses of the Quebec Legislature or of the courts of our province. But as to the use of these languages in the Federal Parliament, or before the Federal courts, that is a matter which concerns the Canadian population represented, otherwise, in my view, than by the members elected to the Quebec Legislature. When a mandator has two mandatories to whom he has delegated powers for specific purposes as to each, the fact that one of them fails to discharge the responsibilities of his mandate, does not transfer his powers to the other mandatory. Moreover in this case the Federal mandatory of the Canadian population has not failed to discharge his mandate, shows no intention of doing so and personally I am convinced that he will never do so".

I would have liked to say something about Dominion-Provincial relations, but I have already spoken too long. And, in fact, you are not the ones who have to be warned against the speeches made by Mr. Duplessis or by those who are seeking with him to create the impression that the Ottawa Government is seeking to encroach upon Provincial autonomy.

The Ottawa Government made to the provinces certain financial proposals which it felt would be apt to facilitate the fulfilling as well by the Provincial Governments as by the Federal Government of their respective responsibilities under the Constitution and it did so to the end that the Constitution might be fully respected.

The Quebec Government has not seen fit to accept those proposals, but in spite of all the wordy declarations of its present leader as to his desire to collaborate with the Federal authorities, it has never been possible to obtain from him the slightest precise indication as to what conditions he might find acceptable. I will mention only one item of his objections as an example of his method of expounding the controversy.

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