

*Canadian Flag*

have separate flags chose them without reference to the federal government or federal parliament, and they were, of course, right in doing so. The choice was within their own responsibility. Similarly, the choice of a national flag is the responsibility of the federal government and the federal parliament. Reference of the matter to a federal-provincial conference would not only in my view be the wrong procedure constitutionally, but it would postpone any decision for a long time. Every province presumably would have to agree on a design, which would presumably mean that every provincial legislature would have to agree on a national design. Any such agreement would certainly be a long and difficult process if indeed it were possible at all.

As for a referendum or a plebiscite, I have received a great many representations on this emphasizing the desirability of following this course in a matter of such deep and wide national importance. It is interesting, and it is therefore important to look into the precedents in regard to the use of the referendum in our parliamentary and constitutional systems.

There have been only two precedents for referenda or plebiscites in Canada. One was in 1898 when there was a plebiscite on prohibition. The prohibition plebiscite act of 1898 provided for a direct appeal to the people on this matter. The plebiscite at that time involved the substantial application of all the procedures required by the dominion elections act. The result was that there was a substantial majority in favour of prohibition in the over-all vote and a very large majority for prohibition in all the provinces except Quebec, which was strongly against prohibition. Perhaps because of this division no action of any kind was taken as a result of that plebiscite.

There is another instance, closer to our day, of the use of the plebiscite, and some hon. members in this house were in parliament at the time and recall this. It was in 1942 when the government of the day consulted the people about conscription, and the terms of the plebiscite read: "Are you in favour of releasing the government from any obligation arising out of any past commitments restricting the method of raising men for military service?" Before this plebiscite could be undertaken legislation had first to be passed to provide regulations to set out in detail the provisions for taking the vote. Those regulations comprised 78 sections, and 37 forms were necessary for all aspects of the vote. It required many months, from the introduction of

[Mr. Pearson.]

the legislation on February 13, 1942 to the announcement of the results on May 11, 1942. Those are the only two instances in our history, Mr. Speaker, when this constitutional device was adopted.

There are strong arguments, I submit, against a referendum or a plebiscite. In the first place, I believe it is essentially out of keeping with our system of parliamentary democracy and responsible government. The very fact that there have been only two plebiscites in the entire history of this country and, so far as I am aware, none at all in the entire history of the United Kingdom indicates that this is not a part of our parliamentary system of government. The essence of our parliamentary system is that the people elect members of parliament on the basis of broad positions of policy and programs and they expect the members of parliament to assume the responsibility of making decisions in the national interest based on those positions. That is the purpose for which members of parliament are elected. The government's responsibility is to decide on policy, to present that policy to parliament for consideration, and they hope support, and to stand and fall on the decisions parliament takes. If parliament decides that it cannot support a government on a matter of major policy, our system does then provide for a referendum, a referendum to the people in an election.

Votes in a special referendum on a special subject would be by constituencies, and any cleavage on racial or geographical lines would be highlighted over the six or seven months period of the referendum and subsequent action. That seems to me to be a great disadvantage in the adoption of this constitutional procedure.

This disadvantage was emphasized in the debate in 1942, when the government came to parliament with a proposal for a plebiscite in that year. I quote from *Hansard* of January 26, 1942, and the words of the acting leader of the Conservative opposition, Mr. Hanson, when he said, as reported at page 26:

Let this government—

—referring to Mr. Mackenzie King's government—

—rise to the level of its duty; let it not be afraid to lead. A plebiscite is not a policy; it is the negation, it is the avoidance of a policy... Its purpose is to avoid rather than to face responsibility; it is to avoid rather than to enforce the performance of a duty. It is not a declaration of faith; it is a declaration of impotence.