

currently in connection with pensions. We are reassured, proud and pleased that he will be representing us and the people of Canada at future conferences dealing with these matters.

**Hon. Senators:** Hear, hear.

**Senator Frith:** Honourable senators, I move that the Senate do now adjourn during pleasure, to reassemble at the call of the bell at approximately 8 o'clock this evening; and that at that time Order No. 6, standing in the name of Senator Guay, be called.

Motion agreed to.

The Senate adjourned during pleasure.

At 8.10 p.m. the sitting was resumed.

### OFFICIAL LANGUAGES

#### SPECIAL JOINT COMMITTEE—CHANGE IN COMMONS MEMBERSHIP

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons to acquaint the Senate with a change in the list of members appointed to serve on the Special Joint Committee on Official Languages.

(For text of message, see today's Minutes of the Proceedings of the Senate.)

### THE CONSTITUTION

#### MOTION FOR AN ADDRESS TO HER MAJESTY THE QUEEN— DEBATE CONTINUED

The Senate resumed from earlier this day the debate on the motion of Senator Perrault that an address be presented to her Majesty the Queen respecting the Constitution of Canada.

**Hon. Joseph-Philippe Guay:** Honourable senators, our debate on the Constitution Act, 1981 has been extensive and thorough. All have been given the opportunity to speak on the matter, and because of this we can say that this Constitution is being prepared quite differently from the way in which the B.N.A. Act was prepared, or, for that matter, the Manitoba Act. It has been shown by one historian that those documents were prepared by a small number of CPR lawyers for the benefit of a select few. That is one interpretation of those happenings long ago. We know, however, that the same could not be said of this Constitution Act, since many Canadians have participated in its conception and preparation.

I have noted with pleasure and satisfaction, as many other senators have, the variety of groups, briefs and representations that we have received and which have been so useful to us. Indeed, so many valuable contributions have been made that I hesitate to add to the length of this debate. However, I think it is necessary and that it is my duty to mention a few important points.

[Senator Frith.]

Before doing this, I would like to thank the Right Honourable Pierre Elliott Trudeau for his dedication and effort with regard to the Constitution. I would also like to thank the joint chairmen of the Special Joint Committee on the Constitution, Senator Hays and Mr. Serge Joyal, for having done such a good job as representatives of the Senate and the House of Commons, respectively.

I have listened with interest and appreciation to the contributions of other honourable senators, and have particularly noted the remarks made by Senator Olson, Senator Hays and Senator Steuart. They have expressed the true feelings of Canadians on the Constitution, and I wholeheartedly approve of their remarks.

The Honourable Senator Flynn thought that Senator Olson's speech was the most despicable he had ever heard in this place, and that it was absolutely shameful. I was here when that was said. I was hoping that Senator Flynn would be here this evening, since I have a remark to make in this regard; but after he reads my speech in *Hansard* he may wish to confer upon my speech a judgment similar to the one that he made at that time. Nothing would please me more than to be ranked with Senator Olson as a master of Canadian history. That would really be something.

[Translation]

As senators, we represent more than a community, a province or a region, namely Canada. But I am a Franco-Manitoban, and as representative of that proud community I can bring to this debate a different perspective.

When Manitoba became a province of Canada in 1870, the two great language groups were equal in number, and the Manitoba Act recognized that duality by enshrining language and education rights. This earned us the name of "Little Quebec", because in Manitoba there was a duality based on goodwill and harmony. It is sometimes tedious to recall the historical errors, missed opportunities and bitter deceptions we went through after so promising a start. But it is sometimes necessary and useful to remember one's history. Be that as it may, until very recently we have experienced oppressive language legislation, private schools without funding, a political and cultural climate that was hostile not only to the French language but anything that wanted to be or was different. The administration of justice wished to serve everyone, provided everything went on in English. There were principles of equality, opportunity and free education in the school system, but francophones had to put up with cardboard schools, a lack of teaching materials and the sad picture that went on for years, and I said years, of having to hide their French books when the inspector went through the schools.

Our parents, our generation and our children put up with all this to ensure the survival of their culture and their language in Western Canada. How did we do it? Through tremendous sacrifices, self-denial and patience, with the assistance of our enlightened friends who were willing to help us. Among them, there was Quebec and I would like to take this opportunity to thank on behalf of my fellow-citizens in the west "la belle

province" for everything they did for us. Most Quebecers, it is true, are aware of the dramatic achievements of French Canadians in the west, but most westerners are unaware of it. The people of Quebec came to our help during those trying times and made common cause with us. From Quebec came members of religious orders and lay teachers who served for many years and were paid ridiculously low salaries. From Quebec also came funds collected by "Survivance dans l'Ouest" well known to all Quebecers. Thanks to those nickels and dimes collected in Quebec schools and parishes and to financial aid provided by the Knights of Columbus, especially, in setting up the first French radio station in western Canada, CKSB in St. Boniface, we managed to survive. Finally, our culture and our language survived hoping that one day, our rights would be acknowledged.

With the recent judgment rendered by the Supreme Court of Canada, with the amendments to the educational legislation and, finally, with this constitutional resolution which we are debating today, the French-speaking residents of Manitoba have at long last achieved equality.

In a speech delivered recently in Brandon, Manitoba, our Prime Minister, the Right Honourable Pierre Elliott Trudeau, was expressing the hope that we would be given an opportunity to devote to our cultural growth most of the energy we have expended thus far to obtain justice, and yet, even under such difficult conditions, French Manitoba has already contributed a lot. A stranger visiting us cannot expect to find the 44,000 French-speaking Manitobans gathered in a community such as, for instance, Quebec City, Grandy or Saint-Hyacinthe. Our francophones set up camp out west with the first arrival of settlers and today we can find them in small communities scattered throughout the prairies. Our community, small in number and growing in adversity, has made a generous cultural contribution to the efforts of French Canada. Our writers and our artists are known all across Canada. Our young graduates hold key positions in the Canadian metropolis and in our capital city. Our farmers have done Canada proud. In all endeavours this small community successfully manages to give much though it has received little.

● (2010)

[English]

Having known firsthand the difficult times unilingualism has had in Manitoba, and having contributed throughout my political career to the great efforts for bilingualism in this country and to the recognition of educational and linguistic rights for all Canadians, it is with enthusiasm that I support this resolution, which will bring us one step closer to full partnership. I am concerned, however, that this resolution perhaps does not go far enough, since it does not guarantee to the French speaking people of Ontario the same basic rights as have been recently recognized in Manitoba and as are to be found in clauses 16 to 20 of the resolution.

**Some Hon. Senators:** Hear, hear.

**Senator Guay:** Some may even wonder that many amongst us who have fought for bilingualism and for the recognition of

basic and elementary rights for French Canadians could support a resolution today which does not extend those same rights to all Canadians at every level of government.

One thing about my party is that we can speak quite freely without being told what to say, and I am taking this opportunity to do that.

**Senator Perrault:** Hear, hear.

**Senator Doody:** It's a wonder the light fixtures didn't crack.

**Senator Guay:** I would like to hear you all; I am listening very carefully.

Should we not take this opportunity and settle, once and for all, the historic grievances of the Franco-Ontarians? The answer to that question is not legal but political, and in politics in Canada provincial premiers have their say.

**Senator Flynn:** Oh, yes?

**Senator Guay:** And I am disappointed in Premier Davis of Ontario. I thought that we had achieved greater progress, greater understanding and a greater willingness for change in Canada, but Mr. Davis has refused this unique opportunity to provide services in the French language to his French-speaking community. Why don't you people over there talk to him, then?

**Senator Flynn:** Why don't you put clause 133 to him?

**Senator Guay:** Mr. Davis justifies—

You know, I have been sitting here, honourable senators, for a long time, and I have noticed during my time here that the Honourable Leader of the Opposition seems to enjoy interrupting whoever is speaking, notwithstanding who it may be. He will make a certain comment and start to laugh, and in fact he is laughing at his own jokes! He does not want to listen; therefore, he is continually interrupting people because he does not want to learn anything.

**Senator Flynn:** From you, it's impossible!

**Senator Guay:** I believe that, as Leader of the Opposition, he should set an example to his backbenchers and at least keep quiet when someone is making a speech in this chamber.

**Senator Perrault:** Hear, hear.

**Senator Guay:** Mr. Davis justifies his inaction by saying that bilingualism cannot be imposed. It has never been imposed. A proper study of our history reveals, rather, that in the area of language legislation, if anything was imposed at any time it was English unilingualism.

In the final analysis, though, I agree with Mr. Davis that bilingualism cannot be imposed, but I would like to add that, at the same time, it cannot be repressed. We have embarked in Canada upon a process of which this constitutional resolution is but a step on the path that will eventually lead to the recognition of bilingualism throughout Canada. It will happen without being imposed. It will happen through popular will, as those candidates who oppose it will discover at the polls. It will happen because there exists in Canada a growing number of citizens, especially amongst the young and educated, who are

not only dedicated to eradicating historical grievances and injustices, but who perceive a tremendous opportunity for achieving a truly bilingual country at every level of government, in our work places and in our leisure activities. Many of you present today will see this happen and will bear witness to the foresight of our Prime Minister in these developments.

This constitutional resolution will play a role in educating those who fear bilingualism in this country, when they see the results of our deliberations consecrated in the Constitution and when they see its principles applied. I know that they, like others before them, will come to espouse those ideals. Certainly, a new climate will come about in Canada in which our citizens will no longer be subject to that demagoguery emanating from certain circles.

I would like to refer now to Jim Richardson's latest blunder, the advertisement that he placed in all the newspapers across Canada—a full-page advertisement containing nonsense. If nothing else, this advertisement proves to all that in our society one only needs to be rich in order to have the news widely circulated. Substance is of no importance to Mr. Richardson; nor is truth, it would appear. In this advertisement he asks the question: "Can a bilingual Canada ever be united?" I am sure that all of us here will agree that the answer to that question is, yes, a bilingual Canada can be and is a united Canada.

**Senator Perrault:** Hear, hear.

**Senator Guay:** If Mr. Richardson truly believes that bilingualism is a dividing factor, I wonder why he did vote for the Official Languages Act himself, particularly when he was in cabinet. If bilingualism is a dividing factor, how then could the honourable gentleman publicly support official bilingualism over a number of years? How could he remain a member of the cabinet supporting bilingualism while believing that it was dividing this country? Honourable senators, he must have been suffering terribly and with profound anguish, having to hide his true beliefs in such a manner and for so many years.

● (2020)

I have here another example. It takes the form of an article by Professor Lowell Clark, of the University of Manitoba, which appeared in the *Winnipeg Free Press* on Wednesday, November 26, 1980. I compliment the *Free Press* for printing such an article because it does not happen too often. Although I do not believe that I can, I would like to have this article appended to my speech tonight. However, I suggest that all honourable senators read the article which outlines some of the history of the year 1887. The only difference is that federally the Conservatives were in power, and provincially most of the provinces were represented by the Liberal Party. The same problem existed at that time. I quote from the article by Professor Clark:

Along with these developments there was a series of racial and religious feuds between the French-speaking and English-speaking Canadians stemming from the Riel affair. One result was the emergence into prominence of D'Alton McCarthy, a renegade Conservative, who commenced a crusade against the official status of the French

[Senator Guay.]

language throughout Canada. He may be regarded as the James Richardson of that day.

Who reveres D'Alton McCarthy today?

On the subject of federal-provincial relations, Professor Lowell Clark's article may be of some assistance to this chamber. We have heard many comments of late by the opposition with regard to the state of federal-provincial relations. Professor Clark wrote a most interesting comment. He said:

In the television debate which he held with Prime Minister Trudeau and Mr. Broadbent during the 1979 election campaign, Mr. Joe Clark made a comment which seems to have escaped all and sundry. He said that all successful Prime Ministers had had harmonious relations with the provincial premiers, and in this connection he twice mentioned Sir John A. Macdonald, our first Prime Minister. Nothing could be further from the truth.

This article was written by a professor of the University of Manitoba who had done some substantial research. The author goes on to relate how Sir John A. Macdonald set the pace for federal-provincial relations, how his time in office was marked by continuous rumblings and confrontations with the provinces—provincial bills were disallowed; there were the 1886 Nova Scotia secession election, annexation and the first inter-provincial conference convened by Quebec's Premier Mercier. Such were the "harmonious relations" to which the Honourable Leader of the Opposition refers. Professor Clark wrote further on in the same article:

To him the meeting (at Quebec) was nothing more than a league of malcontent provinces in organized opposition to the national policies and national leadership of the Dominion.

The "him" refers to Mr. Macdonald. I suggest that honourable senators read this article.

**Senator Flynn:** What are you trying to prove?

**Senator Guay:** I agree that Sir John A. Macdonald was a successful Prime Minister, and I am sure that comment will please Senator Flynn. However, none, except perhaps the Right Honourable Leader of the Opposition, Joe Clark, would qualify Sir John A. Macdonald's relationship with the provincial premiers as "harmonious". Mr. Clark would have the history of this country conform to his wishful notion. Federal-provincial squabbles are as old as this country, and to blame our Prime Minister for this state of affairs is tantamount to intellectual dishonesty.

**Senator Perrault:** Shame!

**Senator Guay:** The Right Honourable Joe Clark's position on federal-provincial relations is another example of where the real problems lie within this country. I could also mention Manitoba Premier Sterling Lyon and some of his recent statements, but may I say, instead, to all honourable senators that it is not worth the effort to mention what he has said or done? If these gentlemen chose to work for unity rather than for disunity—consciously or unconsciously; if these gentlemen sought true harmony rather than petty political advantage; if

these gentlemen sought common and reasonable grounds for understanding and comprehension amongst all Canadians, then we could make further progress in many areas.

Luckily for Canada, our destiny does not depend on these gentlemen. Luckily for Canada, Liberal policies on bilingualism, biculturalism and multiculturalism have produced results.

**Senator Perrault:** That is a good, objective comment.

**Senator Guay:** As an example, I cite the gala held last Tuesday at the National Arts Centre in celebration of President Reagan's historic visit. We saw in that cultural event the elements which truly represent the makeup of Canada. I am convinced that this Constitution Act, as proposed for our consideration, provides a basis for the solution of problems and challenges facing this great nation.

**Senator Perrault:** Hear, hear!

**Senator Flynn:** Bravo!

**Senator Guay:** Finally, honourable senators, there is no better way of ending my comments than by quoting a fellow senator.

**Senator Asselin:** Senator McIlraith?

**Senator Guay:** I feel that Senator Rousseau's ending to her speech of March 3, 1981 would be an appropriate ending to the remarks of any one of us here today. I would like to quote that ending in its entirety.

**Senator Flynn:** Why don't you quote the whole speech?

**Senator Guay:** Senator Flynn, I wonder if you talk in your sleep. I also wonder if you laugh in your sleep.

**Senator Flynn:** Certainly, when I dream of you.

**Senator Guay:** Senator Rousseau's ending was one of the best I have heard. It is as follows:

I have no doubt that following this debate we will have given the future generations a permanent solution to our constitutional problem, and to the Canadians of today, the pride to say "Long live Canada" on the 1st of July, 1981, for they will then be in possession of the missing element that will give the word Canada the meaning of country.

That is the meaning it actually deserves.

[Translation]

**Senator Tremblay:** Would Senator Guay allow me to ask him a question to clarify a point which his remarks have raised in my mind—

● (2030)

[English]

I am not sure whether I should ask my question in French or English. With your permission, Senator Guay, I shall ask it in French.

[Translation]

**Senator Guay:** Why not? I am bilingual, I speak French, and I made part of my remarks in French.

**Senator Flynn:** We were deeply moved by your conclusion.

**Senator Tremblay:** As Senator Flynn has just indicated, I was deeply moved by Senator Guay's argument. My question is this: would Senator Guay's argument in favour of the bill under review mean that we should add Manitoba to the province or provinces already referred to in this bill, namely, New Brunswick, a province represented here in a certain way by his neighbour to the right, to those which must apply for more . . .

**Senator Guay:** Do you have a question?

**Senator Tremblay:** . . . than that which is provided under Section 133, for Clauses 16 to 20 of this bill—

**Senator Guay:** Do you have a question?

**Senator Tremblay:**—cover a lot of ground—

**Senator Frith:** It is a "bootlegged" speech.

**Senator Tremblay:** This is not a speech, and I realize, Senator Frith, that you cannot feel the punctuation, although there is some punctuation in my question. In view of the fact that Clauses 16 to 20 provide for a lot more than what is provided for under Section 133, does Senator Guay's intervention mean that we should include much more than what is covered under Section 133 which applies now to Manitoba—comma, as requested by Senator Frith—namely, Manitoba?

**Senator Langlois:** Why not include the province of Quebec?

**Senator Tremblay:** The honourable senator has caught on to the meaning of my commas pretty well!

**Senator Guay:** Honourable senators, I thought Senator Tremblay would never get to his question. I should like to point out, honourable senators, that frankly you are asking me to make another speech in this chamber. Because, to answer your question, I would need not five minutes but half an hour; I am quite willing to do it though, mind you!

The fact is that I am surprised that you are comparing, in a way that seems different to me, the assets or the rights of Manitoba with those of New Brunswick, because our rights have just been recognized, as I said in my speech a few minutes ago—

**Senator Flynn:** You already have—

**Senator Guay:** Please let me speak, Senator Flynn. You will get your chance too, if you so wish, later on. With regard to the specific question, in order to give an adequate answer I would have to speak for a good long while and I feel that I have said enough for tonight.

**Senator Tremblay:** You will allow me to understand, comma, that in the light of what you have just said, comma, you are not willing to make a specific proposal, this evening, in the Senate, that would place Manitoba—

**Senator Langlois:** And Quebec.

**Senator Tremblay:**—on an equal footing—bracket, since we are talking about punctuation, Senator Frith, bracket—and Quebec? Question mark. Why not? Question mark.

**Senator Flynn:** Why not?

**Senator Tremblay:** Why not? Question mark. Once again, close the bracket. Let us now come back to the main topic: I understand, Senator Guay, that you are not ready to recommend to this house that Manitoba be placed on an equal footing with New Brunswick.

**Senator Frith:** Exclamation mark!

**Senator Tremblay:** No, period and paragraph!

**Senator Guay:** I should like to tell the honourable senators, and especially Senator Tremblay, that I only wish he could be even 75 per cent as pleased as I am this evening with the Constitution as it stands. It seems to me that Manitoba has already made a giant's stride. Which does not mean that we will sit on our laurels and say "Good enough!". Quite the contrary. But I do appreciate very much what has been accomplished to this date—

**Senator Flynn:** By whom?

**Senator Guay:**—and I would point out that, had you been listening carefully, you would have understood that I am sincerely happy even with what has been accomplished until now. I am proud of our Constitution, as it stands, which will give equal status with regard to the official languages of Canada.

**Senator Asselin:** You already have them!

**Senator Guay:** Well, I am talking for my province. I would simply say to you, members of the opposition, that if we at least appreciate the crumbs that are thrown to us, why are you not supporting them, please, you who are supposed to be knowledgeable in this field?

**Senator Flynn:** We are not taking anything away from you.

**Senator Asselin:** That does not give you anything.

**Senator Guay:** You should be helping us instead of thwarting us.

**Senator Tremblay:** Could I suggest to Senator Guay that he consult with Mr. Justice Monin, who was, at the time we had the Bloc universitaire, in 1941, among the fighters in Manitoba, coming from St. Boniface. He would confirm what Senator Guay has just said, that what was done during those years was in accordance with what has been said in 1979 or 1980—

**Senator Flynn:** In December 1979.

**Senator Tremblay:** In 1979. At that time, if I recall well, it was not done. Quite the contrary.

**Senator Guay:** That is what you say.

**Senator Tremblay:** I suggest that you consult with your fellow Manitoban, Mr. Justice Monin.

**Senator Guay:** There you are, quoting bits of sayings. I am not the one who said these things. You are quoting from what Mr. Justice Monin has said. I am not in a position, honourable senators, to know what Mr. Justice Monin said in Manitoba or maybe what he told Senator Tremblay.

**Senator Asselin:** You said he was a great man.

**Senator Guay:** I am not in a position to know what Mr. Justice Monin has said. I know him quite well, but I am not  
[Senator Tremblay.]

aware of his conversations with Senator Tremblay. I once again ask Senator Tremblay to support us, to help us gain benefits for French-speaking Manitobans, and even to offer suggestions, if he thinks I am not doing things the right way.

**Senator Tremblay:** I am offering you . . .

**Some Hon. Senators:** Order.

**The Hon. the Speaker:** Order.

**Senator Tremblay:** I am prepared to support you, if you propose that Manitoba be entrenched along with New Brunswick.

**Hon. Fernand E. Leblanc:** Honourable senators, I hope that Senator Tremblay will not take me to task as Senator Guay did but, on the other hand, we shall see at the end of my speech, if he so wishes. I find it impossible, honourable senators, to stay out of such a historic debate and I cannot help but try to make a contribution, however modest, on such a controversial issue, as we just saw, the outcome of which will change completely the political situation in Canada. In a debate of such significance, in such an emotional legal dispute, it is indeed not very easy to avoid repetition.

Even though we will often hear the same arguments sometimes in different form, I think it is an exercise of the utmost importance and of unquestionable value.

When I was first elected to the Government of Canada in 1964, I entered immediately another historic debate, the debate on the Canadian flag. I see that some of the emotional arguments used at that time are repeated occasionally by the opposition, especially in the other place, in the present debate.

The debate is apparently becoming as heated and as extravagant as in 1964, when the Right Honourable John Diefenbaker said of Prime Minister Pearson, and I quote:

"He has created splits in the nation which will remain vivid in the memory of Canadians for more than one generation.

This is what the same gentleman said about the flag:

This proposal is going to divide Canada as never before—

You will agree with me, honourable senators, that these arguments are still being made today, as well as many others that have been put forth in 1964 and, of course, it would take too long to restate them now.

**Senator Flynn:** So get on with it!

**Senator Leblanc:** But since I had the honour and the privilege to participate in the flag debate in 1964 as a member of the House of Commons, I could not but draw a parallel as I now participate in the debate on the Constitution, in 1981.

**Senator Flynn:** Obviously!

**Senator Leblanc:** Not being a lawyer, I will not try to express legal opinions, and I will leave it to the distinguished lawyers who sit in this House.

I would be remiss, however, at this point in my speech, in failing to extend my most sincere congratulations to the joint

chairman of the joint committee representing the Senate, the Honourable Harry Hays, as well as to all those senators who have actively participated and who have therefore sacrificed their precious time and who have expressed their views clearly and precisely. I think the value of their contributions cannot be assessed in monetary terms.

I also wish to extend my congratulations to those members who had to neglect their other duties for some time, especially the joint chairman representing the House of Commons, Mr. Serge Joyal, whose work, patience and general attitude have been praised by people from all parts of Canada and by all the political parties.

We all agree, judging by the speeches heard in the Senate up to now, that the committee has definitely improved the original proposal of the government. We are now in a position to debate this new text submitted by the committee to the Canadian Parliament.

In my intervention before the Senate on Wednesday, October 29, 1980 on this very subject, I dealt briefly with the issue of the unilateral aspect of this proposed resolution. This action is not, I think, as unilateral as many people claim it is. All Canadians agree on the principle of patriating our Constitution, like the Right Honourable Leader of the Opposition, the leader of the NDP, most honourable senators and members of the other place. Mr. Yurko, a Conservative member of Parliament, has even obtained unanimous consent in the House of Commons already for a motion requiring the government to patriate the Constitution. In addition, on January 20, 1981, the Honourable Jake Epp, official spokesman of the Progressive Conservative Party, stated the following before the joint Committee on the Constitution at the outset of this presentation, and I quote:

● (2040)

[*English*]

In presenting our proposed amendments to the government's resolution we do so in the knowledge that it is the popular will of Canadians that our Constitution rest in this country. It is also the popular will that we have a Charter of Rights and Freedoms for the Canadian people embedded in the Constitution. The Progressive Conservative Party's position in these matters reflects the popular will.

[*Translation*]

As the Honourable Mr. Epp says so well, the Progressive Conservative party agrees, and so does the population, as he states that his party is reflecting the will of the public. The provinces in general agree, but what Canadians are mostly beginning to disagree about is the amending formula, the referendum and the wording of the Charter of Rights and Freedoms. In fact, no one disagrees about the principle but rather about the form of the resolution. The proposal also has the support of most NDP members, most of whom are from western Canada. It has the support of the Conservative Premier of New Brunswick, the support of the Ontario premier, another Conservative, and the support of two of the

three major political parties in Canada, which represent nearly two thirds of the members of Parliament.

How then can we talk about unilateral patriation with an amending formula when the Right Honourable Leader of the Opposition himself has proposed patriation with an amending formula? Moreover, Mr. Broadbent, the leader of the NDP, proclaims that he is not only in agreement, but also enthusiastic, and all the parties represented in Parliament want patriation with an amending formula.

We should insist instead of the high degree of consensus which exists and which certainly indicates that this is not unilateral patriation since the word "unilateral" is defined in the dictionary as:

Affecting one side only—involving only one of several persons or parties.

With your permission, honourable senators, I would like to look at the famous unanimity rule which now prevails. To this date, no prime minister has been able to reach unanimity, even though the political adversaries of the Right Honourable Pierre Elliott Trudeau are trying to make him seem solely responsible for the failure to reach unanimity. In spite of all their efforts, the following prime ministers never obtained a consensus: King, Bennett, St. Laurent and Diefenbaker. There was always at least one province that did not agree, and since 1927, the principle of unanimity has failed. As a matter of fact, if we apply this principle to our public or private lives, we can see that it is impossible to reach unanimity, whether in Parliament, in municipal councils, in school boards, in co-operatives, in associations of young people, not so young people or senior citizens, in religious orders, and so on. In view of the impossibility of reaching unanimity, we must find another way to break a perpetual deadlock.

The role of heads of governments is to try to give appropriate direction to the people. It is not necessary to have unanimity since this concept has caused the failure of all patriation attempts in the last 54 years. We have no choice: We shall have to patriate without unanimity. We only need a high level of consensus as I said earlier, and I believe that we now have it.

We are now taking a first step, that of patriating the Constitution. A second step will be to grant another period of two years to the provinces to attempt to reach the miracle of unanimity that everyone wants. Indeed, sections 36 to 44 in Part V of the proposed resolution provides for a constitutional amendment procedure which could be used in the two years following the implementation of the permanent amendment procedure described in Part VI and the proclamation of the rest of the act.

● (2050)

During that two-year period, it will be possible to amend the Constitution with the unanimous consent of the eleven governments. This "interim" agreement will renew the principle of unanimity. If during that time the provinces do not forsake the tradition and cannot reach agreement, an alternative solution will become mandatory and the formula prescribed in Part VI

will automatically come into force. Being naturally an optimist, I am convinced that the provinces will make every effort to achieve the unanimity which has eluded them so far. Unlike the Honourable George Hees, I have not yet lost hope, once the Constitution has been patriated, to see the provincial premiers reach agreement with the central government on the constitutional issue.

That two-year period offers the provinces a last chance to amend the Constitution with unanimous agreement. We will see if in fact the provinces will take this extra time at their disposal to reach unanimous agreement when negotiations resume. We will see if they will take into consideration the fact that Canada is the only sovereign country in the world that must still ask the Parliament of another country for permission to amend its own Constitution. However it seems that right now the provinces cannot agree among themselves and achieve that unanimity.

In that respect, I would like to quote an article published in the newspaper *La Presse* of Saturday, February 28, 1981, written by Marcel Adam and entitled "Can the provinces only agree to disagree?"

It is not enough to alert public opinion and to try to have it endorse one's cause. Such constructive initiatives must also be taken as are likely to end the crisis. Otherwise the provinces will be saying that Mr. Trudeau is right, he who points out that the provinces are still unable to reach a consensus every time the premiers or their intergovernmental ministers hold a meeting to define their strategy.

From that standpoint, it is difficult to say that Mr. Trudeau is wrong. The only time the provinces managed to show a common front was at the very end of the September conference when they isolated Mr. Trudeau and made him look like a bad partner. This obvious consensus did not amount to anything, it was nothing more than the result of ad hoc underhanded dealings achieved in a catastrophe. On that occasion they delivered a monster: the so-called Vancouver amending formula which the provinces themselves find rather shaky today. So they are trying to draft a new one but the operation appears laborious. How can they ask for a new constitutional conference and maintain, as Mr. Blakeney did recently, that a consensus might be reached? The best trick Mr. Trudeau could pull on them would be to call them together to show Canadians once again that there is no relying on them to break out of the constitutional impasse.

In a press conference, Mr. Trudeau admitted that if early in the month, in Montreal, the provincial premiers had reached an agreement on these counter-proposals, they would have put the federal government in a bad position.

The Quebec government launched a shameless advertising campaign, at taxpayers' expense, feeding the people all kinds

[Senator Leblanc.]

of slogans instead of appearing before the joint committee to argue its points as other provincial governments have done.

**Senator Flynn:** Mr. Ryan did not come.

**Senator Leblanc:** He is not the premier either, he will come after April 13. We will certainly be glad to have a new premier in Quebec. So he will come after April 13. The Quebec government uses slogans that say: "We must not be had", "Ottawa wants to take away Quebec's right of veto", and many others. That is completely untrue since the opposition and several provinces are complaining precisely on the fact that Quebec will have the right of veto.

That is very distasteful propaganda, in my opinion, by a government which wants to separate its province from the rest of Canada and which would have its people believe that their elected representatives in Ottawa are about to betray and deceive them. This is the same government which claims that the Trudeaus, the Ouellets, the Lalondes, the Chrétien, the De Banés, the Joyals and others, who have repeatedly and openly fought to have the rights of French-speaking Canadians respected throughout Canada and especially in Quebec, have overnight become the enemy of the province they represent. That is pure fantasy, nonsense and hypocrisy, I would even go so far as to say that it is treachery. Quite the contrary, federal representatives want now more than ever to ensure the survival of the French language by enshrining it in gold letters in our new Canadian Constitution.

This proposal is but the embryo, although still imperfect, of our future Constitution, of which all Canadians, I repeat, all Canadians will be proud in the years to come. This is but the beginning of a process which will take many years to reach its peak. Although imperfect the document now before us deserves our support, because it is not the end of a constitutional debate but rather a promising start. If unfortunately, and I am convinced to the contrary, the proposal was sent back with a negative vote, all of us parliamentarians would jeopardize for I do not know how long the considerable time and effort, the more than 300 hours of hard work by the joint committee, and all the other efforts that have gone in that project before and after the committee was established.

There will remain in a subsequent stage to be negotiated the sharing of the tax basis between the two levels of government. The confrontation should start early in 1983, because the five-year tax agreement will terminate in 1982.

We at the federal level must keep in mind, honourable senators, that Canada is one of the most decentralized federations in the world, because the total provincial spending is now double that of the national government. This is a disquieting situation that we should seriously ponder. How can the national government exert its influence on the national economy if it does not have the tools needed?

In fact, a number of questions arise. What do the people want? A weak federal government with strong provinces? Or a strong federal government with weak provinces? Or something in between?

It must also be remembered that spendthrift federal governments were largely responsible for financially and politically launching provinces that have now unlimited ambitions, some of them especially. As it grew poorer and went seriously into debt—almost out of all proportion—Ottawa divested itself from the means to effectively intervene in an economy plagued with inflation and unemployment. How do we reverse the process? How can we reverse the trend that endangers our federation? How do we get out of the deadlock?

process? How can we reverse the trend that endangers our federation? How do we get out of the deadlock?

Let us start by accepting the proposal. This will further the issue, and let us trust our government in this first stage to a renewed and modernized Canada.

● (2100)

[*English*]

On motion of Senator Manning, debate adjourned.

The Senate adjourned until tomorrow at 2 p.m.

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