



The Constitution

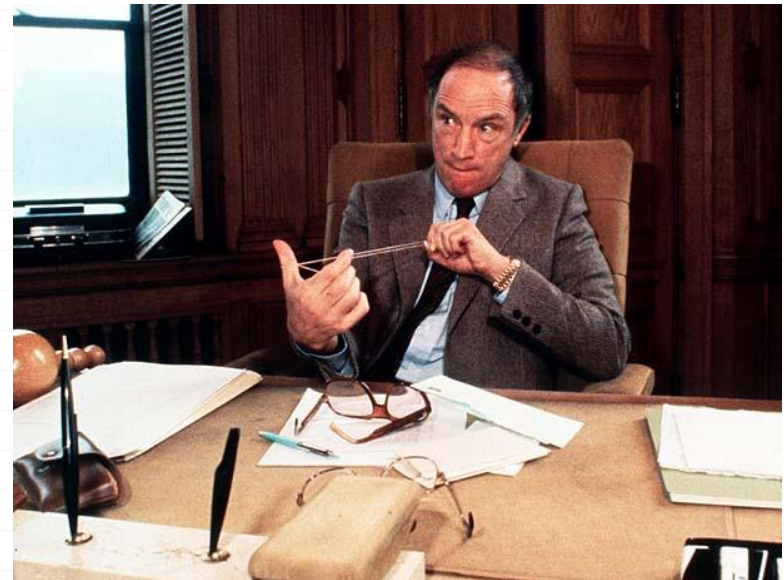
May 13th, 2014

A Referendum

- 1980: The Parti Quebecois gov't of Quebec called a referendum on whether Quebec sovereignty.
- He wanted to negotiate a new agreement with Canada based on sovereignty-association.
- Under S.A. Quebec would be politically independent but maintain close economic ties with Canada including: free trade btwn the two, common currency, common tariffs against imported goods.
- Referendum: 40% of Quebecois voted yes to sovereignty-association.

Before the Constitution

- o The British North America Act had been Canada's constitution since 1867.
- o It set out the powers of federal vs provincial gov'ts.
- o It guaranteed language and education rights for Quebec.
- o But it fell under British jurisdiction.



To Amend the Constitution

- o Trudeau wanted to patriate the Constitution so we would be the only ones who could make changes to it.
- o First he needed to come up with a formula for amending it. How provinces had to agree? Should Quebec have a veto?
- o Quebec wanted more power. Western provinces saw patriation as a way to have more say in affairs that concerned them.
- o There was a series of meetings to resolve the problems. On Nov 4th, 1981 Jean Chretien and the justice ministers from Saskatchewan and Ontario put together the “Kitchen Accord.”

Notwithstanding Clause

- o The premiers agreed to accept the Charter with an escape clause.
- o Called the Notwithstanding Clause which allowed the federal gov't and any provinces to opt out of some of the clauses in the Charter.
- o Changes to the Constitution could only be made with the agreement of 7 out of 10 of the provinces representing half of Canada's population.
- o Quebec refused to sign the proposed Constitution. But on April 17th, 1982 Trudeau and Queen Elizabeth II signed the new Constitution Act into law.

Bye Bye Trudeau

- Having achieved his dream of a Canadian Constitution, Trudeau felt he had played his part.
- On Feb 28th, 1984, after a walk, Trudeau decided to retire from politics.
- John Turner won the leadership of the Liberal party. He called an election.
- The Liberals lost handily. Brian Mulroney and the Progressive Conservatives took power.



Mulroney and the Constitution

- o 1984: Most Canadians (other than Quebec) felt the Constitution was settled but Brian Mulroney returned to it.
- o He had promised to obtain Quebec's consent on the constitution with honour and enthusiasm.
- o The time to fix it seemed right when Levesque retired and pro-federalist Liberal party led by Robert Bourassa took over.
- o He wanted to just make Quebec happy, but by that time other provinces had demands too.

Meech Lake Accord

- o 1987: Mulroney called the premiers together to discuss the Constitution at Meech Lake, Quebec.
- o Bourassa was for it. But it had many critics. Trudeau thought it would isolate francophones. Francophones thought it would protect their language and culture. Aboriginals argued they too had a distinct society in need of protection.
- o Manitoba and Newfoundland withheld support and it died in June 1990.

Proposed Amendments:

- an offer to recognize Quebec as a distinct society
- giving the other provinces more power.
- All provinces could now veto a constitutional change



Charlottetown Accord

- o Mulroney created 'Citizen's Forum' to travel country and hear people's thoughts on the Constitution.
- o He called the premiers together for the Charlottetown Accord.
- o It had similar amendments re: Quebec, but also advocated self-government for Aboriginals, and proposed reforming senate.
- o 1992: National Referendum on the Charlottetown Accord. 54.3% of Canadian voters rejected it.

1995 Referendum

- o 1994: Parti Quebecois was elected in Quebec.
- o 1995: Premier Jacques Parizeau called for a referendum on full sovereignty.
- o October 30, 1995: 49.4% of Quebecois voted yes to sovereignty.
- o PM Jean Chretien helped set up guidelines for any future vote. He stressed the cost of sovereignty and talked to the Supreme Court about it. He also created the Clarity Act: Which mandated that it must be a clear majority in order for a separatist referendum to pass.

Who Next?

- o 2002: Jean Chretien announced he wouldn't seek a fourth term as Prime Minister.
- o 2003: Paul Martin took over Liberal party leadership and called an election. They won but lost their majority.
- o 2005: A scandal from Chretien's time threatened the stability of Martin's gov't.
- o 2006: Conservatives won 36% of the vote and Stephen Harper became prime minister.