

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**  
**First Session – Fourteenth Legislature**  
**12th Day**

**Friday, February 24, 1961**

The House met at 2:30 o'clock p.m.

**QUESTION RE TURTLEFORD BY-ELECTION**

**Mr. Ross Thatcher** (Leader of the Opposition): — Mr. Speaker, I wonder if I might ask this question of the acting Government Leader. Would you tell us, sir, what progress you have made with the Bill which would permit the MLA from Turtleford to take his seat in the House?

**Hon. Mr. Brockelbank**: — The Bill may be printed on Monday or Tuesday, I'm not sure.

**Mr. Thatcher**: — For purposes of clarification, would that mean that if the Bill is printed Monday or Tuesday, it could be passed immediately, the Member would be able to take his seat the next day?

**Hon. Mr. Brockelbank**: — Mr. Speaker, we always have some problems with Members in this House, but if there should be unanimous consent, it can go through all the steps in one day.

**Mr. Thatcher**: — So we could likely assume that then, could we?

**SASKATCHEWAN GAZETTE RE SCHOOL BUSES**

**Hon. A.E. Blakeney** (Minister of Education): — Mr. Speaker, before the Orders of the Day are proceeded with, I would like to call the attention of the hon. Members to the "Saskatchewan Gazette" for today's date, at page 136, wherein are printed some notices under the Vehicles Act. They are a series of regulations under the Vehicles Act dealing with school buses. A number of question have been put both to the Highway Traffic Board and to the Department of Education respecting this matter, and I though hon. Members would be interested in the new regulations. I can arrange for copies of the Gazette to be distributed to hon. Members' desks today.

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**Hon. J.H. Brockelbank** (Minister of Mineral Resources): — Mr. Speaker, one more little matter. The other day, I think in the Public Accounts Committee, we were talking about the geological reports that were made, and I said I would bring just a few samples, so here are four copies of 2 different reports, which I will lay on the Table so that hon. Members may be able to have a look at them to see what they look like.

### **MOTION ON POWER TO AMEND THE CONSTITUTION OF CANADA**

**Hon. R.A. Walker** (Attorney-General): — Mr. Speaker, before I make this motion, I would like to read it to the House:

That this Assembly:

- (1) expresses the hope that agreement can be reached among the provinces of Canada and the Government of Canada whereby complete power to amend the Constitution of Canada may be transferred to this country;
- (2) believes that any amending procedure which is adopted must be as flexible as possible while protecting certain fundamental matters from ready change, and in particular
  - a. provisions in the Constitution relating to the use of the English and French language, education, and the new amending procedure should be subject to alteration only by the unanimous agreement of the provinces;
  - b. a bill of rights should be added to the Constitution and this should also be amendable only by unanimous provincial agreement;
  - c. all other provisions in the Constitution concerning all the provinces should be subject to amendment by a vote of the majority of the Parliament of Canada and the consent of at least two-thirds of the provinces representing at least fifty per cent of the population of Canada;
- (3) opposes the adoption of any new procedure for amending the Constitution unless the proposed amending procedure is approved by the Government of Canada and all the provinces.

Mr. Speaker, in rising in the Assembly today, to move this motion on behalf of the Government, I would like first of all to read it to the Assembly so that we may direct our minds to the

exact terms of the motion, before entering upon a discussion of it.

The motion consists of 3 parts. First of all, it expresses the hope that agreement can be reached among the provinces of Canada, whereby complete power to amend the Constitution of Canada may be transferred to this country – the so-called repatriation of the Constitution. The second part:

“that this Assembly believes that any amending procedure which is adopted must be as flexible as possible, while protecting certain fundamental matters from ready change, and in particular;

- (a) provisions in the Constitution relating to the English and French language, education, and the new amending procedure should be subject to alteration only by the unanimous agreement of the provinces;
- (b) that a bill of rights should be added to the Constitution and this should also be amendable only by unanimous provincial agreement;
- (c) all other provisions in the Constitution, concerning all the provinces should be subject to amendment by a vote of the majority of the Parliament of Canada and the consent of at least two-thirds of the provinces representing at least fifty per cent of the population of Canada.

Then the third branch of the resolution declares – asks this Assembly to declare – that we “oppose the adoption of any new procedure for amending the Constitution unless the proposed amending procedure is approved by the Government of Canada and all the provinces.”

Mr. Speaker, before directing my remarks specifically to the terms of the resolution, I would like to review briefly, the history leading up to the holding of the series of conferences which commenced in Ottawa in October of last year dealing with the Constitution. It has long been the ambition of many Canadians to achieve the power in Canada to amend our Canadian Constitution. As hon. Members know, our Constitution consists of the British North America Act of 1867, plus some 13 amendments of that Act passed by the Imperial Parliament in the last 94 years, plus the Dominion Statute creating the provinces of Saskatchewan and Alberta, plus the Imperial Statute setting out the terms of union between Canada and the province of Newfoundland, and a number of Orders –In-Council issued pursuant to these statutes. This body of law makes up the Constitution of Canada.

When Australia was given its constitution in 1899, with power to amend it within the Commonwealth of Australia, the question was inevitably asked in Canada, “When are we in this country going to achieve full self-governing status, and the ability to amend our own Constitution?”

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With Canada's participation in the First Great War, and our participation in the Peace discussions which followed, the question came to be more and more cogent. The Balfour Declaration of 1926 proclaimed the Dominions to be, and I quote,

“Autonomous communities within the British Empire, equal in status, in no way subordinate, one to another.”

At the Dominion-Provincial conference the following year, in 1927, the suggestion was put forward that effect should be given to this high-sounding Declaration, by adopting a procedure for the amendment of Canada's Constitution within this country. Nothing came of it, however, and when in 1931 the British Parliament was contemplating the passage of the Statute of Westminster, Canada agreed to that Statute only on condition that it would not vest in Canada the power to amend our own Constitution. Hon. Members will recall that the Statute of Westminster of 1931 was passed with the express consent of Canada and the other British dominions, and its principle purpose was to declare that no Act of the Parliament of the United Kingdom should extend to any of the Dominions except with the consent of the Dominions, and it gave to the Dominion Statutes power to override any British Statute, to over-rule any Imperial Statute, which was inconsistent with the Dominion Statute. By itself, this would have given to the Parliament of Canada, the power to amend the British North American Act, to amend the Constitution of Canada. However, as I've already said Canada consented to the passage of the Statute of Westminster, only on condition that a section be added declaring that nothing in the Statute of Westminster should be deemed to apply to the repeal, amendment or alteration of the British North American Acts – 1867 to 1930.

The question of amending the Canadian Constitution in Canada was next raised in 1935 in the Canadian Parliament. A committee was appointed of the House of Commons which gave some study to the problem. After holding a number of hearings, this committee decided that a Dominion-Provincial conference should be held. The conference was called later in 1935 to consider this matter and this conference turned the question over to a committee of experts. The committee of experts met in 1936, but was unable to reach any unanimous agreement. In the 1930's the question again came up for discussion when the Rowell-Sirois commission went from one coast of this country to another hearing briefs and submissions from those interested in fiscal and constitutional problems. The Saskatchewan brief to the Rowell-Sirois commission, prepared under the able direction of the Hon. T.C. Davis, K.C., gave a good deal of attention to the constitutional aspects of Dominion Provincial relations. The brief, admirably set out Saskatchewan's general approach to the constitutional question, on page 7, where it said, and I quote:

“The foregoing analysis characterizes the union of

1867 as a political event calculated to preserve the identity of the pre-existing provinces in some degree but there is a danger that the notion of provincial autonomy may be pushed too far. We must also keep in mind that the British North America Act established a Federal state, likewise with a claim to autonomy, and that the machinery of government established under our Constitution exists only as a means to the end of human advancement, as expressed by the present Prime-Minister of Canada,”

who was at that time the Right Honourable W.L. McKenzie King, and I quote –

“We should not lose sight of the fact that governments are only institutions created by men to serve human needs.”

The brief went on,

“Consequently, if human needs are not being served according to the spirit of the Federation, inquiry should be made, and if a reasonable guarantee of correction is promised, by new distribution of powers and duties, or by other constitutional alterations, there should be no hesitation. Local jealousies, and a worship of traditional forms ought not to obscure the true purpose of the Constitution.”

Again on page 330, Saskatchewan’s objectives were clearly enunciated, and I quote again from the brief of Saskatchewan to the Rowell-Sirois Commission in 1937.

“It is submitted, however, that Canada must be regarded as having emerged from colonial status. Consequently it should no longer be necessary to resort to the Imperial Parliament for amendments to the Constitution. This opinion already expressed, may be repeated here to the effect that uniformity of agreement among the provinces ought not to be required, as a condition precedent to amendment of the Constitution. To this, one exception should no doubt be made, namely, minority rights, presently guaranteed under the British North America Act, should not be interfered with, in the absence of complete agreement among the provinces.”

And so as far back as 1937, Saskatchewan came down on the side of flexibility.

“A Constitution flexible enough so that it could be adapted to the needs, to the problems of changing social and economic conditions.”

The present Government is indebted to the Hon. T.C. Davis and to the Provincial Government of that day for the enlightened, progressive leadership which it gave to this matter. Disappointingly

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though, the Royal Commission, the Rowell-Sirois Commission, confined its report to the fiscal problems, and it evidently felt that the constitutional question was beyond the terms of reference of the Commission.

It was not until 1949 that the question of amending the Constitution was again raised. That year the Parliament of Canada, passed a resolution which was acted upon by the Imperial Parliament giving the Canadian Parliament the power to amend the Constitution of Canada, and I quote, "except as regards matters coming within the classes of subjects assigned exclusively to the provinces." They also exempted the matters respecting schools, or matters regarding the use of the English and French languages. Thus, the Parliament of Canada was given, by that 1949 Imperial Statute, the power to amend its own Constitution in very much the same terms as the provinces have always enjoyed under the British North America Act. The provinces have always had the power to amend their own constitutions, except of course, with relation to the Office of the Lieutenant-Governor, and excepting matters which would encroach upon the Federal powers.

While this amendment was being sought in the Parliament of Canada, the Dominion Government called a new conference to consider some overall amending procedures. During 1950, the Prime-Minister, Mr. St. Laurent and the Provincial Premiers met twice on this subject, and the Attorneys-General met more often than that. The proceedings of those conferences have been published, and the position of the various provinces in the Dominion with respect to all questions is known and recorded. It is interesting to examine the positions which were taken at that time.

It is clear from reviewing that record that the obstacle to Constitutional reform at that time was a conflict between those provinces which insisted upon entrenchment of provincial powers on the one hand, and on the other hand, those provinces which insisted upon a flexible amending formula.

Certain provinces have, over the years, demanded that no amendment should be made to the Constitution which would extend the powers of the Canadian Parliament over matters which were originally assigned to the provinces without the consent of every single province. Quebec has, on each and every occasion, insisted upon the entrenchment of all provincial powers. At the 1950 conference, Quebec and Ontario were the chief advocates of entrenchment.

At this series of conferences, beginning last October, it was agreed that the proceedings should be confidential. Saskatchewan took the position at the beginning that the proceedings ought to be, at least in part, open to the public. We, however, compromised and abandoned our position in the interests of harmony, but we did reserve the right to release after each conference a

statement of Saskatchewan's position taken at the secret conference. Therefore, we did, at the end of each session, release a summary setting out Saskatchewan's position.

The Saskatchewan delegation at these three 1960-61 conferences followed the lead enunciated in 1937 with certain modifications. As in 1937 and 1950, Saskatchewan agreed that the right to use either the English or French language, guaranteed under Section 133, of the B.N.A. Act, should not be interfered with except with the consent of all of the provinces. In other words, the right to the use of the two official languages, Saskatchewan agreed, should be entrenched. As in 1937 and 1950, Saskatchewan agreed that the right to separate schools, provided for in Section 93 of the B.N.A. Act, should be entrenched – should not be amended or withdrawn without the unanimous consent of all of the provinces. As in 1950, Saskatchewan agreed that the right to representation in the House of Commons by provinces in proportion to population, as provided for in Section 51, should be entrenched. As in 1950, we urged that a Bill of Rights should be incorporated in the Constitution and we agreed that that should be entrenched, that it ought not to be infringed upon or amended without the unanimous consent of all the provinces. As in 1937 and in 1950, we took the position that the other provisions of the Constitution should be amendable by the Canadian Parliament concurred in by a majority of the provinces.

At the 1960-61 meetings we also advocated that the Constitution be thoroughly revised and consolidated. Many sections of the B.N.A. Act, such as section 42 which deals with the holding of the first elections after Confederation, are now spent, and should be removed from the document in the general interest of tidiness – or take a look for instance at the preamble in the 1867 Act. It starts out like this –

“Whereas the provinces of Canada, Nova Scotia, and New Brunswick, have expressed their desire, to be federally united into one Dominion (it is not a very apt term today) under the Crown of the United Kingdom, of Great Britain and Ireland with a Constitution similar in principle to that of the United Kingdom, and whereas such a union would conduce to the welfare of the provinces, and promote the interests of the British Empire,” – (and it goes on)

Surely, this preamble calls for some tidying up at least in the language, and perhaps even, for the expression of some more contemporary ideals. In the process of revising and consolidating the Constitution of Canada, we also took the position that, like the other Dominion Statutes, it ought to be published in both English and French.

In the spirit of compromise, we are prepared to concede entrenchment of virtually all of the heads of provincial jurisdiction. We've agreed that amendments effecting the remaining

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heads, might only be made with a two-thirds majority in the provinces instead of a simple majority. Thus, any four provinces, the four Maritime provinces, or the four western provinces would have the power to thwart any constitutional amendments even those desired by every single person in the other six provinces, and passed unanimously by the House of Commons and the Senate. That's how far we've been prepared to stray from our original insistence on flexibility in order to compromise, in order to meet the entrenched half way. We have been pushed this far in the interests of trying to reach agreement on a formula for amending the Constitution, but we will only go that far.

Section 93 – head 13, of the B.N.A. Act gives to the provincial legislature, the exclusive power to make laws in relation to property and civil rights in the province. We will not agree that this head should be entrenched, for this head has given such a wide interpretation by the Supreme Court and by the Privy Council that I am sure that the Fathers of Confederation would be astonished if they could see today what uses have been made of it. No one could have anticipated in 1867, a scheme of unemployment insurance, but it was thought about a great deal in the 1920's and 1930's, and when in 1935 the Parliament of Canada attempted to pass Unemployment Insurance Legislation. It was held to be ultra vires of the Parliament of Canada, because it was said that this matter infringed upon the powers of the provinces, under property and civil rights, head 13 of Section 92.

It was not until five years later that Canada was able to get its Constitution amended to take away from head 13 of Section 92, this power to pass unemployment insurance legislation, and to vest this power in the Parliament of Canada.

Today no one can anticipate what new matters of social legislation might arise within the next 100 years, but whatever they are, they're almost certain to run afoul of head 13 of Section 92, and thereby deprive the Parliament of Canada of the jurisdiction to deal with it. The chances are that any major item of social legislation will, therefore, require Constitutional amendment.

What would be the situation if head 13 is entrenched? If head 13 is entrenched, it would require the consent of every province in Canada before an amendment could be made, and an amendment would be required before any new social legislation could be enacted. This would mean that, while we might be able to keep the reactionaries out of power in Ottawa, the mere fact that they get power in one single province would enable them to thwart the reasonable demands of the Canadian people for social legislation. That's why we cannot agree that any amendment to head 13 can be entrenched under the new amending formula.

Those provinces which initially held out against the



blandishments of the entrenchers at the conference, one of which was Saskatchewan, asked for an amendment giving to the Legislatures and to Parliament the power to delegate certain powers from one to the other – from a province to the dominion, or from the dominion to a province. Power of delegation, we believe, would be a good thing. It was advocated by Saskatchewan as far back as 1950. Such powers would, where the Federal Parliament wishes to enact certain Legislation, but where the constitutional jurisdiction is vested in the provinces, enable one or two or three provinces to delegate that constitutional jurisdiction to the Federal Parliament so that it could enact the necessary legislation. This would be extremely valuable for those cases where only one or two or three provinces wish to see action taken by the Federal Parliament. Something similar is being done now in respect to the marketing of coarse grains. The province has, by virtue of head 13 Section 92, power over property and civil rights, exclusive jurisdiction over trade in coarse grain within the province. The provinces have delegated to the Canadian Wheat Board the power to handle the marketing of coarse grains, within those provinces, that is, some of the provinces have done so. It is argued that, with a full power of delegation contained in the Constitution, it would be more effective if we could delegate powers from our Legislature directly to the Parliament of Canada rather than to a mere administrative agency of the Parliament of Canada.

Certainly, however, this is no solution to the problem when Constitutional amendments are required, for suppose in 1939 the province of Alberta had continued its opposition to unemployment insurance, and if the other 8 provinces had delegated to Ottawa the power to pass unemployment insurance legislation, you would have had a hodgepodge. Alberta would enjoy the economic stability which comes about because of unemployment insurance legislation, but her people would be making no contribution to that system. Or what would happen to the migrant worker who spends part of his life working in Alberta and part in another province, and thereby fails to acquire sufficient length of service to qualify for unemployment insurance? What would happen to the workers in the other 8 provinces if a change of government occurred in one of those provinces, and rescinded the power which had been delegated to the Federal Parliament? For example: the Dominion can't implement international treaties if the implementation of those treaties would affect provincial rights. Suppose that every province delegated to the Dominion the authority to engage in a particular treaty. Imagine what would happen if one province rescinded this authority, revoked this delegation of power. It would make Canada a violator of international law. It's clear that the power to delegate has only very limited uses; it is no substitute for a flexible mode of amending our Constitution.

Well, Mr. Speaker, the entrenchers are in the ascendency

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today hoping to capitalize on the natural desire of Canadians to achieve control over the amendment of our own Constitution. They no doubt hope that we will accept this ultra-Tory formula for amending the Constitution. They no doubt hope that they can fasten upon us a rigid, reactionary framework. Because we in Saskatchewan dissent from this unwholesome scheme, our province is called a “hold-out” province by the central provinces. Well, Saskatchewan will hold-out against those who would hamstring and hog-tie our Constitution by every conventional means known to this province.

The Hon. Norman McLeod Rogers writing in 1931, about the hazards on entrenchment stated, and I quote:

“The purpose of unanimous consent in security through stability, but political societies are not static, but progressive. If their needs and aspirations grow with the times, stability of Constitutional arrangements will produce frictions instead of security.”

I would earnestly hope, Mr. Speaker, that this Legislature, quite unanimously will reject the proposal that Canada’s constitutional growth should be tied down by an inflexible amending formula. Before I sit down, Mr. Speaker, I would like to comment, particularly on head 3 of the Resolution.

I will read it again:

“That this assembly opposes the adoption of any new procedure of amending the Constitution, unless the proposed amending procedure is approved by the Government of Canada, and all the provinces.”

There is some reason to fear, Mr. Speaker, that there may be an attempt to induce the Imperial Parliament to pass an amending formula for Canada, in spite of the opposition of some of the Provincial Governments. This, I think, will be a breach of faith, a violation of those fundamental principles which ought to govern the relationship between provinces, and between provinces and the Dominion.

If it is done, then we will be adopting a new amending formula without the unanimous consent of all the provinces. This would be done on the urging of those provinces who believe, or who profess to believe, that there ought to be unanimity before any far reaching changes should be made in our Constitution. This, Mr. Speaker, in my opinion, is a very disquieting and fearsome possibility. Surely those who believe in entrenchment, and who believe in unanimous agreement, will not be moved to seek a rigid amending formula, at least without the consent of all the provinces.

What a stain it would be upon the high principles which

they espouse if in order to achieve the entrenchment of the amending formula, they have to violate the very principles which they urge – the principle of unanimity. Surely, when we in Saskatchewan hold out against this “boxing-in” of our Constitution, surely we are not being inconsistent. One Quebec newspaper, said that there was something inconsistent about Saskatchewan’s attitude - that Saskatchewan insisted upon the right to veto the proposed new amending formula, but that Saskatchewan at the same time espoused the principles of flexibility. There is nothing inconsistent about that at all, Mr. Speaker. All the provinces are agreed that any change in the amending formula should only be undertaken by unanimous consent, and for Ottawa now to go to the Imperial Parliament asking for a new amending formula, should, I submit, require unanimous consent. What is the consistency in saying that the amending formula should be entrenched, if we are not prepared to apply that principle to the very first change that is proposed to be made in the amending formula. The change of bringing the power of amendment of the Constitution to Canada should not be used as an excuse for “hamstringing” all future amendments.

Mr. Speaker, I hope that there will be a good deal more discussion about this matter. I hope that other Provincial Governments and the Federal Government can be urged and induced to disclose to the people of Canada their position on these questions. I feel that the Canadian people have a right to know what is being prepared for them behind closed doors, and I think that in fairness to their constituents, all Governments ought to be frank with the people, who in the final analysis are the sovereign means of amending our Constitution will be worked out. If it is not done, then I am afraid that some sinister influence at work trying to thwart the future progress of our country will succeed in tying down every possible avenue of progress for Canada. This can be done on an unsuspecting public by tying down the power of amendment of the Constitution, and I earnestly hope that the Members of this Legislature will see that this subject is thoroughly discussed, and that the Members of this Legislature keep our face in the direction of progress, and to keep our Constitution in a condition so that progress will be possible with the law.

So, Mr. Speaker, I therefore, humbly move, seconded by the hon. Mr. Blakeney, this Resolution, which I hope you will take as read.

**Hon. A.E. Blakeney** (Minister of Education): — Mr. Speaker, in rising to second this motion by the hon. Attorney-General, I want to say firstly that here in Saskatchewan I cannot think that the intent, set

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out in this motion is controversial in any fundamental respect.

I want to turn your attention to the motion and to observe that it falls, as the Attorney-General has said, into three parts.

The first part expresses the hope that we in Canada can evolve a way to amend our own Constitution and I think, in thinking along these lines, we are motivated by a spirit of tidiness. First of all it seems rather incongruous that we have to go off to Westminster when we want to amend our Constitution. I think it touches our pride almost to the quick to think that we, as a sovereign nation, still are unable to amend our own Constitution.

The third portion of the resolution sets out opposition to any new procedure of amendment that is not unanimously agreed to by the provinces. I think that this principle has been so well established that it would hardly need to be set out unless we had not heard some rumblings recently to the effect that notwithstanding the fact that it has been universally agreed since the amendment of our Canadian Constitution was first discussed; notwithstanding the fact that since that time it has always been agreed that any change in the amending formula as such, must be unanimous, there are suggestions that the Constitution, as it is now constituted, might be amended with the consent of some of the provinces.

The Attorney-General has dwelt upon this rather disturbing report on events that appear to be shaping up, and I will not take the time of the House to deal with them further, except to reiterate what he has said – that any suggestion that we are now going to about-face after 30 or 40 years of constitutional practice strikes me as most unusual and it would be most reprehensible, Mr. Speaker.

The body of the motion is set out in paragraph two, and it is essentially a plea for a flexible Canadian Constitution.

There are probably several schools of thought on what the Canadian Constitution should be; whether it should be flexible or whether it should be rigid. But I think there are two discernible schools. The one school says that the Canadian Constitution ought not to be amended unless all the provinces agree. The other school of thought says that we can divide our Constitution into two pieces, those parts which are really fundamental to different regions of this country of ours – that is those parts which cannot be amended without the unanimous consent of all the provinces. The second piece is those parts of the Constitution which deal not with regional differences, not with anything which is fundamental to a particular area of our Dominion, but which deal generally with matters pertaining to the general well-being of Canadians as Canadians – not as Saskatchewanians, not as Quebeckers, not as Maritimers, but as Canadians. The second school of thought holds

that these parts ought to be amended when there is evidence that the overwhelming body of Canadian want them to be amended.

Mr. Speaker, we line up with the second school of thought. We say that there are parts of the Constitution which are fundamental and must be rigid, or entrenched, as the lawyers say, but that there are parts which ought to be amended when the overwhelming body of Canadians express approval for amendment.

When we are talking about flexible Constitutions and rigid constitutions, it might be useful to hark back for a minute to the nature of a country like ours. We have what is called a “federal” constitution and it is the nature of federalism that it tries to do two things, it tries to ride two horses, and that is sometimes not too easy. It tries to recognize the need for nationhood, for the national cohesiveness, and for national policies and for a sense of national well-being. At the same time it tries to recognize regional differences, perhaps racial differences, and tries to isolate those differences which are fundamental in character and protect them.

It is perfectly clear that the framer of a federal constitution has a real task on his hands. He must attempt to frame a constitution which permits a national government to deal with the many and ever-changing national problems which present themselves to any nation in this world. And he must at the same time try to isolate those portions of the constitution which are fundamental to a particular region or a particular group, and accordingly ought to be unchangeable, or entrenched, as the lawyers say.

This resolution attempts to list those portions which ought to be unchangeable, and if you read paragraph 2(a) of the resolution, you will note that there is a reference to the English and French language. We believe, and I think the members opposite will believe, that here in Canada we must respect the fact – we must acknowledge, accept and welcome the fact – that this is a bilingual country and ought to continue to be bilingual.

We say also that education, because of the particular regard in which education is held in certain areas of this country, ought to be entrenched, so that regional groups represented by provincial governments may always be protected in their system of education.

We say that any new amending procedure must be entrenched – and this follows logically. It does not do you any good to build a structure, protecting minority rights, if at the same time you put in an amending procedure which permits you to wipe out those protections. So this has to be entrenched.

Then, Mr. Speaker, the province of Saskatchewan has

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always expressed some willingness to evolve some method whereby the people of Quebec could be protected in their special system of private law. As you know, Mr. Speaker, and as members will be aware, the sort of law, the civil law, which is in use in the common law provinces of Canada is not used in Quebec. They have a law which is based upon the law of old France before the French Revolution. We in the common law provinces have a law which is based upon the English common law. There are some very fundamental differences in our approach to law. The Government of Saskatchewan has, I believe, always been willing to examine some method whereby the special system of French Quebec private law could be protected.

Mr. Speaker, occasionally you hear ideas expressed that a country like ours is really a kind of a group of nations, which has come together and has made a treaty or a bargain – that they have made some kind of a deal, that as long as all are happy with it, they can stick with it, but that if one of them is not happy with it, they are not bound to stick with it. Mr. Speaker, I think that is the wrong analogy for a constitution such as ours. The analogy, I would suggest, is perhaps more like the analogy of marriage. You can say yes to get into it, but merely by saying “no”, you don’t get out of it. Once you say “yes”, well, you’ve changed your status . . .

**Govt. Member:** — You’re hooked!

**Hon. Mr. Blakeney:** — And it’s not good then to say “Oh, but I can just waltz out of this through the back door.” You must then be prepared to accept the rights and obligations of this status, and these cannot be changed without some very formal procedures being gone through, and most obviously they cannot be changed unilaterally.

I think we would all agree that marriage and family life would not be a secure basis for society if either partner could simply withdraw. And just so a nation cannot exist if the ten provinces which make it up can withdraw or be obstinate in the carrying on of the relationship. True, we must have safeguards, Mr. Speaker, to protect regional minorities and our task is to isolate the essentials which need protection. These must be changed only by unanimous action. Other aspects of the Constitution should be capable of being changed, Mr. Speaker, when the great majority of the Canadian people express a desire for change.

Mr. Speaker, as the hon. Attorney-General has so ably pointed out, the subject of constitutional amendment in Canada is certainly not a new one. We in Canada have talked this problem over in active debate for probably 40 years, and probably Canada is the one nation where Federal-Provincial relations are upper-most so often in the minds of the people. This was very clear in the remarks of the hon. Leader of the Opposition yesterday.

He expressed it very well when he said that we must acknowledge the fact that we are a nation of 18 million people – not a collection of people living in 10 separate provinces, but 18 million Canadians. Mr. Speaker, in no case that I am aware of is there a federal constitution which requires the unanimous consent of the states or provinces, as the case may be, to change it. I have taken the opportunity to refresh my memory on how the constitutions of the United States, Australia and Switzerland are amendable, and in each case it can be done without the unanimous consent of the states. In the United States it takes three-quarters of the states; in Australia they have a slightly different method, but it takes the approval of the majority of the electors in a majority of states; and in Switzerland, again, the majority of electors in a majority of cantons. In no case does the unanimity rule operate. Indeed, there is no historical justification for this in Canada at all. There have been a good number of changes in the Canadian Constitution which have been by no means unanimous, Mr. Speaker. The latest change which I can think of and which affected provincial rights in any substantial degree, is the change which had reference to unemployment insurance, the change which has been referred to by the hon. Attorney-General. I think it is quite inaccurate to say that all the provinces agreed to this change. There is good evidence to suggest that the province of Alberta merely acquiesced in a most informal manner. And Premier Maurice Duplessis of Quebec, as he then was, made perfectly clear in 1950 that, whatever else happened, the Quebec Legislature did not agree to this change.

Mr. Speaker, any suggestion that the unanimity rule ought to be adopted would have very serious consequences for Canada. It would permit the most backward province in Canada to hold up the progress of our nation. It also would present a first class opportunity for any province which, while it might agree to the change of the Constitution, might see that by failing to agree, it could extract some particular concession out of an unwilling federal government.

Mr. Speaker, I think the history of Canada will illustrate that in the past some provinces have displayed considerably dexterity in getting favours out of the federal government, and I do not think that it would be wise for us to give to the province the opportunity to use their consent as a hold-up weapon against all of the people of Canada.

Mr. Speaker, you may well have heard about Will Rogers. He used to say that all of us are ignorant, only on different subjects. Well, I think, Mr. Speaker, that all of us are pig-headed, only on different subjects.

And I think it would be most unwise to allow one province, which might be in a temporary state of pig-headedness, if I may put it that way, to withhold consent and hold up the progress of this nation.

Mr. Speaker, we all know the difficulties of unanimity.

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I don't need to refer to anything else except the events that have happened in our city in recent days to illustrate the problems which arise when a number of people or a number of groups have to agree unanimously on something. It is not always easy. The Attorney-General has illustrated one of the problems which would arise in the discharge of our international obligations, in our treaty obligations, if unanimity were insisted upon.

Now, Mr. Speaker, these arguments which I am raising before you are arguments which I have not evolved. They are arguments which have been put forward and supported by almost all our leading constitutional scholars in this country for upwards of 40 years. Because I am hoping that hon. Members opposite will be able to support this resolution, I would like to call to their minds some of the people who have supported the principle of flexibility. Because I hope that hon. Members on this side will support the resolution unanimously, I will call to your minds some scholars who have supported this idea. Now, addressing myself to my colleagues on this side of the House, I would point out to them that Professor Frank Scott has been an advocate of flexibility.

**Mr. Gardiner:** — Who is he?

**Hon. Mr. Blakeney:** — Addressing myself to the Members of the other side of the House, I would recall to their minds what the Attorney-General has said about the Hon. T.C. Davis; how he set out very cogently and very clearly the reasons why Saskatchewan, regardless of what government may be in power in Saskatchewan, had an interest in a flexible Canadian Constitution.

The hon. Attorney-General quoted Norman McLeod Rogers, who, as Members opposite will recall, was a Cabinet Minister in the MacKenzie King Government. I would like also to refer them to Hon. Brooke Claxton who was also a Cabinet Minister in the constitution. I would refer them to the Hon. Angus L. MacDonald, the Liberal Premier of Nova Scotia for many years and a Cabinet Minister in the MacKenzie King Administration. In 1950 he spoke out in favour of a desirable measure of flexibility in our Constitution. I think I can address myself to both sides of the House when I refer to Dr. O.D. Skelton, who was a well-known Canadian scholar in this field. He directed his attention to section 92(13) — that's the property and civil rights section which the Attorney-General referred to. He said, "We do not object to a manner of entrenchment which will protect the Quebec civil code, provided that the words are not construed so broadly as to prevent federal action, if desired, in the fields of general social and economic legislation — matters of public policy rather than private right."

Mr. Speaker, I could go on calling forth to my support,



constitutional scholars of our country. I think of Professor Kennedy and Dr. Olivier. Mr. Paul Gerin-Lajorie in his book on the Canadian Constitution, expressed a view in favour of flexibility. I think that the ideas have been well expressed by the Attorney-General, and I need not elaborate further.

Mr. Speaker, in summary I just want to reiterate the points I have tried to make with respect to flexibility. I believe – we believe – that the fundamental matters that are set out here with respect to the French language, education, amendment, bill of rights, these ought to be entrenched. But other than that we believe in a general theory of flexibility, in a constitution which will permit our county to change to meet the ever-growing, ever-varied problems which confront a national government in this fast-moving world, in a constitution which will permit us, Mr. Speaker, to grow and progress to nationhood, all as Canadians, with regional differences maintained and respected, but sharing a flowering and strengthening national heritage.

Mr. Speaker, there may be others who wish to take part in this debate, so, with the leave of the House I will move that the debate be adjourned.

Debate adjourned.

### **RESOLUTION ON NUCLEAR DISARMAMENT**

**Mrs. Gladys Strum** (Saskatoon City): — Mr. Speaker, I should like to read the resolution:

“That this Assembly views with alarm international tensions leading to nuclear warfare and the consequent threat to civilization and request the Government of Saskatchewan to urge the Government of Canada to reduce tensions by the following actions:

- (a) reduction of the defence budget by a substantial percentage, the savings to be used to increase economic and technical assistance to underdeveloped countries;
- (b) refusal of all nuclear weapons on Canadian soil and to Canadian Forces anywhere;
- (c) pressure through the United Nations for universal nuclear disarmament;
- (d) recognition of the Government of Communist China and its admission to the United Nations.”

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Mr. Speaker, I would hope, that we would get the unanimous consent of this House. Not only because this is Brotherhood Week, but in the interest of survival itself, in the threat of atomic war, I think there is nothing of greater importance in the world today than the contents of this resolution.

In rising to move this resolution, I am sure that I speak not only for the people of my constituency, Saskatoon, and the people of this province, but for the people of Canada and indeed the people everywhere in the world.

In my first speech in this House on February 9, I tried to prove that Government spending must be used to support the economy, and the Government's undertakings must be justifiable in their own rights, that they must be necessary and useful and add to our productive machinery and our social capital.

Mr. Speaker, I suggest that our present defence policy does none of these things. First let me clear up some antiquated thinking in regard to defence. I think we all agree that defence is necessary in a world held together by the balance of terror. We are continually being confronted with the news that another nation has just obtained, or is about to obtain atomic weapons. Their governors seem to think that national pride demands that they have threatening power. I say threatening advisedly, because it is agreed that to use the atomic weapons now stock-piled in so many places in the world, would make our planet uninhabitable.

Mr. Speaker, I submit that weapons that cannot be used are not weapons of defence. They are weapons of destruction. They merely provoke other nations and cause them to embark on a policy that will lead us to its logical end and would one be to annihilation, not only of our nation but of all nations, and not a victory of one force over another. Another common fallacy is that war leads to prosperity. This is easy to believe, because in the memory of all of us, we have only enjoyed full employment, full production, and expanding industrial plant, and an all-time record of profits, savings, nutrition and national health in a period of war.

In the war economy, twice in the memory of most of us in this House, we had planned production, incentive agriculture, incentives to reach industrial targets, unlimited markets for food, both for our allies and our workers. This has led us to believe in a double myth; first, that war is bound to bring prosperity and second, that we can have both war and prosperity at the same time or that only with preparation for war are we justified in planning production and supporting a government planning and controlling this.

Only in a war crisis, or a threat of war, is government planning necessary, or we might stretch the point and admit that having won a war, we might be justified in rehabilitating the

country that we have just destroyed.

We were saved from a post-war depression by the Marshall Plan, and I was in Europe all summer of 1951 and I saw it in operation. I saw West-Germany coming up and I was amazed at the industry and the thrift and the stage of rehabilitation; but even I did not anticipate that it could be done so soon, and that so soon West-Germany would be a competitor in the export market.

There is not any doubt that the Marshall Plan saved the United States from a post-war depression, and to a lesser degree saved our economy too, as we were given markets through the United States for the rehabilitation of Europe. Everyone expected a post-war depression such as we experienced after the First Great War with the shutting down of war plants. This leads us to the conclusion, that governments can and do bring about prosperity by planning for rehabilitation and help to other nations. We can achieve the same prosperity at the same time that we win friends, and reduce the international tension that must lead to greater risk and, if pursued, may, by accident, if not by intent, lead to war.

The newly appointed American Ambassador to the United Nations, Adlai Stevenson, had this to say on June 30th of this year, and this is on the accident-factor in atomic war, and he says this:

“The greatest danger of nuclear war is not that the Russians will attack. The greatest danger arises out of the likelihood of an accident. And, if measures are not taken soon to prevent nuclear weapons from coming into the possession of additional nations, the risks of accident will multiply in geometric proportion. Not only will it lie within the power of an unpredictable number of political and military leaders to trigger a holocaust, but a single rebellious military commander will be able to set the world in flames. There can be no deterrent to war by accident. Top priority in the formulation of new foreign policies must be a determined approach to prevent the further dissemination of nuclear weapons.”

So, Mr. Speaker, I submit, that unless we can reverse the trend, unless we can backtrack and replace threats of war with offers to help, and unless we can in some way atone for what we have done to the world by dropping the only bombs that were ever used on a helpless civilian population, unless we can do that, we are going to pay for introducing the atomic bomb.

I want to read something from a very respectable source, from the magazine published by the Rotary Club, that well-known International organization. This came to my attention just

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recently. This talks about how foolish it is to think that we can indulge in atomic armament and expect to escape the consequences of atomic war. This man, Mr. Philip Wylie has quite a lengthy argument, which I will only quote in part. He says:

“Factors which are certain to occur but for which nobody can imagine a solution were and still are being evaded by well-intentioned leaders who cannot grasp them and who seem to me blocked, mentally, on a special precondition where H-war is concerned. This is a belief, almost as absolute as a religious faith that they and the rest of the people of the land must have a chance to win any war, whatever the megatonnage of weapons is used against it, wherever their numbers, and however swiftly they are missile-delivered.”

And he goes on to say:

“First, all civil-defense programs are based on the assumption that there would be one H-bomb assault only. Thereafter, people who by luck or owing to prepared shelters (they are trying to sell us shelters now too, there is even a home on display with a built-in shelter, this man does not think they are too much good.) have survived the devastation, in about two weeks, to emerge from their shelters and begin the business of decontamination, of finding uncontaminated water and food, of human rescue and the like. But the fallacy is that, for even all the cities have for their citizens suitable and suitably stocked bomb shelters, what earthly reason is there to imagine that a determined enemy with a huge stockpile of nuclear weapons would limit his attacks to one attack. Indeed, as bases harden and increasing numbers of missiles with H-warheads are set underground in preaimed rock tubes, the certainty increases that any combatant nation in such a murderous war would be prepared to launch a series of attacks at intervals of days, weeks and months, so that a rational program, owing to that one datum, should require shelters equipped to feed, provide water for and pump filtered air into their inhabitants for months.”

And he goes on to say that of course, that is completely fantastic. And he says that:

“In World War II, with mere incendiary weapons the air forces of the allied nations caused such a phenomenon in Hamburg. So many small fires were set that soon they enucleated into on gigantic pillar of miles high flames. Everything combustible in a city (or cities wrecked by H-bombs exploding miles from

their centres) would feed the whole city firestorm. Winds of hurricane velocity would rush from all peripheral areas to feed the flame. Trucks, cars, fire apparatus, would be sucked into the vortex from its edges.”

And he goes on to develop this. But that is not the worst, and I had not thought of this, until I read it. He mentioned, that if we tried to evacuate these centres and people were in trucks and cars and buses, trying to get out of the city, that the great cone of flame would blind you, if you looked at it. And he says what would happen to the driver in vehicles, blinded by looking at the atomic explosion. You can imagine the loss of life and the madness, that would ensue from that sort of thing. Imagine New-York City. Those of us, who have been there and have seen the mighty sky-scrapers can only imagine what it would be like to be trapped in the sub-way with the sky-scrapers piling on top of you. You would just be in one giant crematorium, wouldn't you? Everything that we know of civilization would be gone.

So I submit, ladies and gentlemen, that this is not something that you can speculate upon. This is something that can happen by accident and this is something that is spreading, the threat of it hangs over every man, woman and child in the world today.

I repeat, that because we of the Western world have been the first and today the only power to use the atomic weapon, that we now have the responsibilities to take the lead to try and point the way to international sanity.

We can make our contribution to defence by contributing our quota of conventional arms to a United Nations international police force. I was pleased to see that in the report of the National Rally of the Liberal Party in Ottawa their stand is very little different from ours; that they say this:

“The Canadian role should be that of detection, identification and warning.”

They go on to say that we should start thinking about admitting China to the United Nations. So we ask you, this House, to support this resolution, to add our quota of conventional arms to a United Nations international police force.

We can use our signals and patrols and detection and communication installations, but we must refuse to embark on further madness by inviting accidents and provoking suspicions, which may turn any or all our cities into ovens of death.

Let us consider another item. We did not hesitate to manufacture, package, and deliver free of charge large doses of death in mass bombing over the cities of Germany. I saw those cities and I marvelled that anyone could go on living in

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them. We spent uncounted treasure developing the atomic know-how. The atomic bomb that was dropped on Nagasaki and Hiroshima marked our complete surrender to violence. Now we justified it at that time on the grounds that it would save lives, that it would save the lives of our own people by shortening the war. This example of our supreme contempt for human life and moral values could have only one effect. Whatsoever a man or a nation sows, that shall it also reap. A modern version might well be that they who unlock the secret of atomic fission only to destroy their fellow-men, shall themselves be threatened by it.

Mr. Speaker, I submit, that this is a world of danger and terror and we do have need of weapons. But I submit, Mr. Speaker, that we have a weapon, and I want you to get the latest issue of Life Magazine and take a look at these pictures of Africa. If you think there is no need for our weapons, just look at these pictures. I refer to the weapon of food.

Food today, Mr. Speaker, is the greatest weapon in the world. If you do not believe it, you ought to read these stories in connection with these pictures, stories of the dreadful loss of life in one of the emerging areas where people are trying to obtain some food. If you think that food is not the weapon in China, I refer to this book that someone gave me for Christmas. It is by the chief foreign correspondent of the Montreal Star (which is not a radical paper) Gerald Clark, who went to China. He wrote this book and he tells us that every year the birthrate of China delivers new lives to the extent of the population of Canada. Every year, the population of our country is added to the birth-figures of China. Not only that, he tells us that they have already adopted hygienic measure and medicines to the point where the death rate in the infant mortality figures is very little higher than that in Great Britain.

We used to console ourselves that natural causes would control world population, but as these nations emerge they are conquering disease, but they are not conquering supply, and that means that they have an ever greater need to produce food for the hungry of the world.

We can produce food. I have in hands here the report of the Food and Agricultural Organization of the United Nations. It tells us here that we need not to be worried for a while yet about feeding hungry people, because a study prepared for the Rome Conference on world population problems, concludes that the world production of cereals and many other crops can at least be doubled without assuming anything like the full application of technical knowledge. They say that we could increase our animal products, our beef and pork, butter, and cheese, and milk, not double, but five times what we are producing today, and that we could double the production of fish, Mr. Speaker.

I submit, we had better be thinking about that. If

every year the population of China is multiplied or added by about the same figures as our population in Canada, we had better worry about it. We had better worry about the population of India, as they embark on health measures. We had better worry about the people of Africa who no doubt will get assistance to combat disease from the United Nations, and then we will see a great upsurge of population as fewer people die in infancy.

Now, Mr. Speaker, I want, in closing, merely to say a word about admitting China to the United Nations. This does not mean that we approve of their form of government, nor does it mean that we approve of their means of obtaining power. It merely means that we think that it is necessary to bring the biggest country in the world under the rule of law, that we bring them in the circle of law and that we see that they will obey the law. How can we expect them to accept law, when we refuse to accept them as a partner in this court of law? It is only being realistic to bring them into the rule of law and seat them in the United Nations. Gerald Clark mentioned this, and I would just like to read to you this particular extract:

“Should Communist China be recognized diplomatically by Canada and the United States? I believe it should. The greatest social and industrial reformation of our time, including the Russian revolution, is now taking place inside China. A Goliath of a nation is emerging as a full-fledged member of the mechanical and nuclear age. This is not transitory. The West cannot afford to bypass in its calculations and deliberations the ambitions and potential strength of 650 million people. The arguments that non-recognition would hasten the regime’s overthrow by external forces or internal rebellion is fallacious. It is equally nonsensical to think that Communism in China is a passing phase and therefore unlikely to endure. No other nation today can boast more skilful leaders or better organizers. Eventually they will be succeeded by other men who have never been stimulated by a break from the older order. Possibly these future leaders will discover, as the Russians have learned, that you cannot expect people to give up personal ambition. Once you raised the standard of living or not, there is a normal tendency to demand continuing improvement which will convert heavier industry increasingly to the production of small items used for consumption.”

And he is saying, that they will fall into the pattern of the western world under the influence of technology, and that it is foolish of us to think that we can laugh them off. Because, while we had to develop our Industrial Revolution gradually, they are able to leap into the middle of an Industrial Revolution and take advantage of everything that we have learned and a faster pace will be accelerated by that fact.

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Before I close, I want to say a word about a couple of organizations that I think need recognition and deserve support. I refer to the Voice of Women and the Committee for Radiation Hazards. These organizations have done their best to try to stimulate interest in survival and try to alert us to the danger of our position and they are an answer, I think to the question of what one person can do.

If you think this is unimportant, this is a waste of time, I want to point out to you that we have a parallel in history for this kind of action. I refer you to the time when people began to think that the abolition of slavery was long overdue. At one time a great many nations had great fortunes bound up in the slave trade. They had ships and governments and industries producing a very lucrative kind of trade. If you follow this through, you will find that it was a great industrial web with many connections.

In the Lancashire cotton mills raw cotton was fed to the new, power-driven machines in the Industrial Revolution. Sugar, the new and fabulous commodity, was available by courtesy of the plantations of the West Indies, manned by the slave-traders who bribed the African tribes with the gaudy printed calico of the new-power driven looms. The wealth of Europe itself rose on the bodies of black men. To our shame it was not challenged by anyone in a position to challenge naked power. The Church, the State, the University, industry and aristocracy fed on it. Who was against it? A few Quakers, a few Evangelistic sects and a funny little man in parliament called Wilberforce. These people challenged industry, they challenged power, they ignored economics. They merely said, "This is wrong", and because it was wrong, they were able to enlist the sympathy of a great many thinking people. Not only did they abolish the slave-trade, but they set a pattern for English-speaking people everywhere in the world. It was the first time that public opinion had been marshalled in defence of a moral issue.

Committees were formed, meetings were held, pamphlets were written soap-boxes were manned and you know what the outcome was. Eventually, laws were passed and reparations were paid. Great sums of money were voted to pay the people out, who were going to sustain great losses, because their slaves, which, like their cattle, were going to be removed from their ownership.

I say to you, this not unlike that situation. We have sensible people, reasonable people, saying this must stop.

Mr. Speaker, I trust that we will support this in trying to bring some semblance of sanity in the world, bent on destruction.

I wish, Mr. Speaker, to move, seconded by Mrs. Cooper, that the resolution be adopted as read.



**Mr. A.H. McDonald** (Moosomin): — Mr. Speaker, I am always hesitant to take part in a debate on a resolution of this type. This afternoon I have been listening with a good deal of interest to the mover of the resolution, and I do not doubt her sincerity; I give her full marks for that, but I cannot agree with many of the statements that she made here this afternoon, and I am sure that some people who have had the opportunity of taking a first-hand view of world conflict in the past would agree with me that we can no longer let the type of speech be made that was made this afternoon be made in the future and not be answered.

Mr. Speaker, the address this afternoon, and I want to repeat, I give the speaker full marks for sincerity, but this reminds me of speeches that were made back in that period 1936 to 1940. With what results? With the result that many young men and women gave their lives needlessly, because the people of the western world were not prepared to defend themselves when called upon to do so. You can recall, Mr. Speaker, Canadians going to Hong Kong with wooden rifles to defend themselves against one of the greatest military machines that had been built in a decade. Surely, we are not going to be responsible for seeing that maybe our young people of the future, be called upon to do the same thing again. The same thing is true in Europe, where Canadians were placed into the front lines of battle without adequate training, and with practically no equipment. I know; I was one of them. I left this country with 51 young Canadians, and out of that group of 51, I am the only one alive today. I know what war means and no one is more opposed to world conflict than I am, and I don't think there is anyone inside or outside of this Chamber who knows more of what it means, not necessarily to the individual who takes part in it, but to the people he leaves behind.

I am not in favour of nuclear weapons, or any other kind of weapons, I am in favour of universal disarmament, not only of nuclear weapons, but of all weapons.

Mr. Speaker, we have had difficulty in convincing some other people in the world that this would be a good thing. We cannot disarm on this continent, or those people who believe in the same way of life that we believe in. We cannot disarm unless we are given the right to inspect the land the holdings of those people who do not believe in the same way of life in which we do. There is only one way in which we can have universal disarmament, and that is to have universal coverage of the world surface with eyes that will tell us what our friends and foes are doing.

Well, some statements were made this afternoon, that I do not think should go unanswered. Reference was made to the dropping of incendiary bombs in the last World War. I dropped some of them, and I had some of them dropped on me, and neither one is a very comfortable experience. When one is involved in war, in my humble opinion, it should be total war, and the end should be brought about just as quickly as possible in order to avoid unnecessary suffering. In my opinion, victory has not been brought

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about in the past, simple by killing people. What must be done in war in order to bring about victory is to destroy the ability of your opponent to make war, and sometimes in doing that it is impossible to prevent the destruction of certain property that otherwise need not be destroyed. I am referring to the bombing of cities, whether by high explosives or incendiaries. It is most difficult to wipe out the potential of a nation to make war without in many instances destroying whole areas, and I want to repeat, nobody likes doing that, and nobody likes it being done to them. I am only saying that this, to me at least, seems necessary.

Comment was made with regard to the dropping of the two bombs, one on Hiroshima and one on Nagasaki. I am sure that the people who dropped those bombs, didn't like their task. I am sure that the country that was responsible for giving the order for them to be dropped must have weighted the results a long time, but it seems to me that they arrived at a decision that they could bring about victory and stop this slaughter, and that the total immoral effects would be less by the dropping of the two bombs than to have carried on perhaps for another four or five years in war, not only in that area, but with a possibility of it spreading elsewhere. I don't know whether it was the right thing, or the wrong thing. The only thing I know, Mr. Speaker, is that the boys in uniform were damned glad to get home, no matter what they had to drop.

Reference has been made to being trapped in a New York subway. I've been trapped in the subways of London. It was not too bad for me; I was an able bodied young man, but when you see thousands of men and women in their latter years of life thousands of babies in arms, who lived in subways for years, not for hours, but for years, that was their domicile, then I believe that you will use any manner at your disposal to bring about an end to the conflict that creates those conditions. I have seen women 80 years of age and over who couldn't find a piece of flat cement to sleep on, and slept on the steps of subway stations, not for a night, not for a week, but for years, Mr. Speaker, because they had nowhere else to go, who cooked their meals in a subway station, down under the surface of the earth. I want to repeat that when you see people living in these conditions, you will do most anything to bring about an end. In addition to that, sometimes under war time conditions people lose a sense of responsibility, and then a sense of living. When you see innocent, helpless, unarmed people murdered and massacred, then your reaction, I suggest, Mr. Speaker, is liable to be a little out of the ordinary. That is why I say, I believe that if you are involved in world conflict, it must be total war.

The resolution refers to several matters; it refers to a reduction of the Defence Budget by a substantial percentage, the savings to be used to increase economical and technical assistance to under-developed countries. Well, again I want

to repeat that I would like to see, not only Canada, but all the countries of the world, able to discontinue spending money on armament, but until such time as we have created world conditions where it is possible to do it, then I, as a Member of this legislature and as a Canadian, demand of my government the expenditure of whatever money that is necessary to see that if the young men and women of this country are called upon to defend the way of life they believe in, they have the most modern weapons available at their disposal.

What I would like to see, Mr. Speaker, would be the United Nations with a police force strong enough to maintain law and order in the world; I would like to see all countries making contribution to a military force that could be used to maintain law and order. I do not believe that a United Nations that consists of speech making will ever bring this desired result. It has been proven to us time and time again that the United Nations have failed because they have not had the strength to move into troubled spots of the world to maintain law and order. It seems to me that we have a situation in the Congo at the moment where, if we had a force adequately equipped, we could maintain law and order. It seems to me that freedom was given to the Congolese people before they were ready to accept the responsibility, and it seems to me that if we had a force to move into that country to maintain law and order until such time as they were able to govern themselves, then it would be better for the Congolese people, and for all people of the free world.

Certainly we have a tremendous weapon in our hands in this country, and in the western world, with the great surplus of food that we have, and I agree with the lady Member from Saskatoon, that this weapon has not been used to the extent that it could have been used, and again, we seem to have difficulty moving the food from the countries in which it is a surplus, to the hands of the people who could consume it. There again, it seems to me that the United Nations should be given the backing, financially and otherwise, necessary to move this food, from the surplus areas to those areas where it could be consumed. We know from past experience that surplus food has been shipped into certain countries, and has rotted on the docks of those countries, because there was no organization to distribute the food after it arrived.

It seems to me if we are going to have peace in our time, we must be prepared, not to send delegates to the United Nations, but we must also be prepared to send troops, and to provide those troops with modern equipment, and to put up the money to pay the cost of maintaining this force. I think that we as Canadians would be far better off if our defence expenditure were spent in that manner rather than developing some weapons which I hope will never be used. I believe that the only weapons that are necessary in Canada are those weapons that could be used in the defence

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of this nation; I believe that we should have long-range reconnaissance aircraft; I believe that we should have long-range reconnaissance submarines; I believe that we should have an interceptor force; I believe that we should have a transport command in our Air Force that could move a strong striking force into any part of the world at the request of the United Nations. Those are the things that we should be spending our defence money on. We should be co-operating with our friends in the western world, and if we do that, I think, Mr. Speaker, we can maintain peace in our time. The theme of the resolution reads as follows:

“Refusal of all nuclear weapons on Canadian soil, and to Canadian forces anywhere.”

Mr. Speaker, if our potential enemy is going to be equipped with atomic weapons, then we want to be. I know firsthand, Mr. Speaker, what it means to be caught with no weapons and today if your opponent has atomic weapons and you haven't, then you haven't any weapons, and surely we are not going to ask our young men, to stand up against any army in the world who are equipped with nuclear weapons, if we haven't got them, surely we are not! Again, this is the last resort. I wish that we could arrive at the position where neither the enemy nor ourselves have nuclear weapons or any other kind of weapons, but that is not the case, and I think that until that situation is brought about we must be prepared to provide our forces with the best military equipment in the world. I have seen pressure through the United Nations for universal nuclear disarmament. I would like to go beyond nuclear disarmament; I would like to have total disarmament, and I am sure that the mover of the resolution would as well. Nuclear disarmament would be the first step, but let us go on from there, Mr. Speaker, as I indicated a moment ago, and have total disarmament with the exception of the united force probably handled through the United Nations.

Recognition of the Government of Communist China, and its admission to the United Nations: there are people, I think, in all political parties, who are advocating the admission of Red China. I think that I would be correct in saying there are people in all political parties who are opposed, I don't know, but I do know this, Mr. Speaker, the Government of China today, is a Communist government, and it is no use kidding ourselves that they are just there for a few hours, or a few weeks, or a few months; they are there, and it looks as though they are going to stay there for a while, and it seems to me that that being the case, it would perhaps be better if they were taken into the councils of the world. That's my own personal opinion. I do not believe that you can deal with one of the great countries of the world, which is excluded from certain council meetings.

The mover of the resolution said that they should be

admitted to the United Nations to see that China obeys the law. The United Nations cannot make China or any other country obey the law under its present setup, but if all the members of the United Nations were contributing men, material and money to a force that could not be threatened by any single nation in the world, then I think that we could see that China obeyed the law, and that is the condition that I would like to see. I would like to see that United Nation force strong enough to maintain law and order, not only in the small nations like Laos and the Congo, but be able to say to China, Russia, the United States, or anyone else, that this force will maintain law and order throughout the world. How long would we have law and order in our own community, in our own capital city without a police force? I don't think we would have law and order very long, and that is the main reason, in my humble opinion, that law and order is not prevailing the world today, because we have no police force.

I would like to support certain sections of this resolution, but on the other hand there are sections that I cannot support, but I want it understood why. Nobody wants to accuse me of being a war-monger, because nobody hates it more than I do. In the past, some people who have thought as I think today have been accused of being war-mongers. Mr. Speaker, I don't think that's the case; I will do anything that is humanly possible to prevent conflict of any kind between nations, but by the same token I will oppose those moves that I think, could be responsible for world conflict in the future. I cannot support the resolution.

**Hon. Mr. Williams:** — I would, with your permission, Mr. Speaker, like to ask the hon. Member for Moosomin if he would give us his definition of total war, and whether or not that includes the bombing of defenceless cities.

**Mr. McDonald:** — Total war, as I have used the word total war, is the destruction of the ability of nations to make war, and sometimes to do that, it becomes necessary to drop bombs, or shells, as you know as well as I do, in areas where innocent people are certainly going to be harmed. I want to make it abundantly clear that in order to bring about victory or the end of a conflict you must destroy the ability of the nation to make war. That is what I mean by total war.

**Mrs. J.E.Cooper** (Regina City): — I have listened this afternoon to two very fine and very sincere addresses and approaches to the resolution that is before us. I think there was a great deal of agreement in those two addresses, and certain points of difference, and that of course, makes for a more interesting debate, but I also would like to say

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what the Member from Moosomin said about the speaker on our side of the House: I do feel there is great sincerity in his approach just as there was in the approach of the lady Member from Saskatoon. I couldn't help thinking when the Member from Moosomin was describing the conditions that existed during the last war, and listening to the description of the balance of terror that in a possible future war, that in spite of our economic progress, how bereft we really are in matters of spiritual and moral value, and how thin, how frighteningly thin, the veneer of our civilization is.

There is a great deal more I wish to say on this subject, so I would ask leave to adjourn the debate.

Debate adjourned.

## **SECOND READINGS**

### **Adjourned debate on the proposed motion of the Hon. Mr. Kuziak for Second Reading on Bill No. 6 – An Act to amend the Provincial Parks and protected Areas Act.**

**Mr. Allan R. Guy** (Athabasca): — Mr. Speaker, in speaking on this Act, I am not in any way opposing the idea of increased park and recreational development. Coming from a great tourist and recreational area, no one realizes more than I do the need and the importance of these developments.

The section that I wish to refer to, however, is 6(c), where the principle of the Crown expropriating land is concerned. As the Minister for Natural Resources stated, this is the main principle of this bill. I think that we will recognize the rights of government to expropriate land for public use, such as highways, telephone lines, power lines, and other public utilities. The holding back of land by an individual or a company, in cases of this kind, would disrupt service and prevent progress which is essential to all. However, I do not believe that the expropriation of land, for recreation and park development can be viewed in the same light as expropriation for public utilities. For one thing, it opens up too wide an area, with no clear cut definition, or limits, as to what, where or when, this land can be expropriated.

Under this Act, land could be expropriated in towns, villages, cities or in the country. It could be land that is being used for farms; it could be land that is being made use of in residential areas; it could be land lying idle. Under this Act, this Government which is already well-known for its bureaucracy, is expropriations and compulsion, would have unlimited right to expropriate land with no control whatever as recreation and protected areas could cover a tremendous range.

I would like to see some restrictions placed in regard to the type of land and property which can be expropriated under this Act. However, as I stated at the beginning, I recognize that the principle of expropriation is needed in some cases, where government must obtain land, and therefore, I will not oppose the bill, but will hope that we can discuss the sections when we come into the committee as a whole.

The Assembly adjourned at 5:33 o'clock p.m.