CHAPTER 11: The Constitution and Constitutional Change

**MULTIPLE CHOICE**

1. What feature of the Meech Lake Accord was Elijah Harper objecting to when he delayed debate on it in the Manitoba legislature in 1990?
2. The absence of any Aboriginal concerns
3. The Charter of Rights and Freedoms
4. Changes to the amending formula
5. The lack of provincial government input

*Answer:* a *Difficulty:* easy *Page:* 311

1. According to the text, Canada’s constitution consists of four basic elements, including, for example, formal constitutional documents and \_\_\_\_\_\_\_\_\_.
2. Senate decisions
3. constitutional conventions
4. statements by the prime minister
5. public opinion polls

*Answer:* b *Difficulty:* easy *Page:* 312

1. A constitution is defined in the text as the \_\_\_\_\_\_\_\_\_.
2. standard operating procedures for Parliament
3. fundamental rules by which a country is governed
4. relationship between the executive and judicial branches
5. expectations of all of the citizens of a country

*Answer:* b *Difficulty:* easy *Page:* 312

1. Which phrase, included in the Constitution Act, 1867, is often identified as a statement of Canadian values?
2. “We the People of Canada”
3. “The Pursuit of Happiness”
4. “Peace, Order and Good Government”
5. “Life, Liberty and Freedom”

*Answer:* c *Difficulty:* moderate *Page:* 313

1. What is one feature of the Constitution Act, 1867, that made the Canadian constitution different from the British parliamentary system?
2. The Crown
3. Parliament
4. The Charter of Rights
5. Federalism

*Answer:* d *Difficulty:* challenging *Page:* 313

1. The Constitution Act, 1867, is \_\_\_\_\_\_\_\_\_.
2. an act of Lower and Upper Canada
3. an act of the Dominion of Canada
4. an act of the United Provinces of Canada
5. an act of the Parliament of the United Kingdom

*Answer:* d *Difficulty:* moderate *Page:* 312

1. What act formalized the independence of Canada from the United Kingdom?
2. The Statute of Westminster
3. The British North America Act
4. The Meech Lake Accord
5. The Charlottetown Accord

*Answer:* a *Difficulty:* easy *Pages:* 314-315

1. A constitutional law is different from other forms of law because it has \_\_\_\_\_\_\_\_\_.
2. priority over other laws
3. written legal definitions
4. statements of value
5. Royal Assent

*Answer:* a *Difficulty:* moderate *Page:* 315

1. Which among the following is an example of a constitutional convention?
2. The rule that the government must maintain the confidence of the House
3. The establishment of the legislatures for Ontario and Quebec
4. The Trade and Commerce clause
5. A judicial decision made by the Supreme Court of Canada

*Answer:* a *Difficulty:* challenging *Page:* 315

1. Judicial review is defined as the \_\_\_\_\_\_\_\_\_.
2. formation of new provinces
3. process for appointing judges
4. authority to invalidate laws
5. writing of verdicts in trial cases

*Answer:* c *Difficulty:* easy *Page:* 316

1. The \_\_\_\_\_\_\_\_\_, a panel of judges primarily from the British House of Lords, acted as the highest court of appeal for Canada in constitutional and civil matters until 1949.
2. Supreme Court of the United Kingdom
3. Equality and Human Rights Commission
4. British Human Rights Tribunal
5. Judicial Committee of the Privy Council

*Answer:* d *Difficulty:* easy *Page:* 316

1. Although this had been lacking in the constitution prior to this time, the Constitution Act of 1982 included a \_\_\_\_\_\_\_\_\_.
2. division of powers between the provincial and federal levels
3. method for determining the composition of the Senate
4. provision for minority language rights
5. formal procedure for amendment

*Answer:* d *Difficulty:* moderate *Page:* 314; 317

1. The Constitution Act, 1982, does not require the use of a \_\_\_\_\_\_\_\_\_ to gain the approval of Canadian citizens for a constitutional amendment.
2. referendum
3. election
4. plebiscite
5. parliamentary debate

*Answer:* b *Difficulty:* easy *Page:* 318

1. Which among the following have been considered key issues in conflicts over Constitutional change?
2. The signing of international treaties
3. Protection of rights and freedoms
4. Quebec’s civil code
5. Fishing rights

*Answer:* b *Difficulty:* moderate *Page:* 319

1. A “Triple-E Senate” is a proposal that the Senate be reformed to be elected, effective, and \_\_\_\_\_\_\_\_\_.
2. elevated
3. equal
4. elemental
5. emergent

*Answer:* b *Difficulty:* easy *Page:* 319

1. What event do Quebecers sometimes refer to as the “Night of Long Knives”?
2. Late-night negotiations over the Meech Lake Accord
3. The 1980 referendum campaign speech by Trudeau
4. The night when the Constitution Act, 1982, was drafted
5. The Supreme Court’s decision in the *Patriation Reference* case

*Answer:* c *Difficulty:* moderate *Page:* 323

1. Which of the following is *not* among the provisions included in the Meech Lake Accord?
2. Agreement to change the role of the Governor General
3. Changes to the constitutional amendment formula
4. Recognition of Quebec as a “distinct society”
5. Entrenchment of a provincial right to “opt out” of federal programs

*Answer:* a *Difficulty:* moderate *Pages:* 325-326

1. One reason why women’s groups in particular opposed the Meech Lake Accord was because it would have\_\_\_\_\_\_\_\_\_.
2. affected the appointment of judges to the Supreme Court
3. changed the electoral system
4. increased immigration to Quebec
5. undermined the Charter’s equality protections

*Answer:* d *Difficulty:* moderate *Pages:* 326-327

1. The provincial government of Newfoundland in particular opposed the Meech Lake Accord because it \_\_\_\_\_\_\_\_\_.
2. violated equality of the provinces
3. weakened control over fishing rights
4. excluded landed immigrants
5. did not represent the territories

*Answer:* a *Difficulty:* moderate *Page:* 327

1. Which constitutional agreement featured a “Canada clause”?
2. The Constitution Act, 1982
3. The Meech Lake Accord
4. The Charlottetown Accord
5. The Victoria Charter

*Answer:* c *Difficulty:* moderate *Page:* 328

1. Which of the following is a constitutional law that is presently in legal force in Canada?
2. The Constitution Act, 1867
3. The “Distinct Society” Clause
4. The Charlottetown Accord
5. The Meech Lake Accord

*Answer:* a *Difficulty:* easy *Page:* 312

1. The result of the referendum on the Charlottetown Accord was that a majority of \_\_\_\_\_\_\_\_\_.
2. Aboriginals living on reserves voted yes
3. Quebecers voted no
4. Canadians voted yes
5. men voted no

*Answer:* b *Difficulty:* challenging *Pages:* 329-330

1. On the eve of the referendum vote in 1995, Prime Minister Jean Chrétien promised Quebecers that \_\_\_\_\_\_\_\_\_.
2. future constitutional negotiations would include Quebec
3. the referendum would have a clear question
4. Quebec would be recognized as a distinct society
5. all provinces would be treated equally

*Answer:* c *Difficulty:* moderate *Page:* 330

1. What is one of the constitutional issues that will not likely “fade away,” according to the text?
2. A social and economic union
3. Demand for “opting-out” provisions
4. Aboriginal demands for self-government
5. The need for a “Canada clause”

*Answer:* c *Difficulty:* moderate *Page:* 333

1. The defeat of the Meech Lake and Charlottetown accords indicates that seeking major changes to the formal Constitution is \_\_\_\_\_\_\_\_\_.
2. desirable and easy to achieve
3. undesirable and nearly impossible to achieve
4. desirable but impossible to achieve
5. undesirable and possible to achieve

*Answer:* b *Difficulty:* moderate *Page:* 332

**TRUE/FALSE**

1. The formation of Canada in 1867 created an independent country rather than a British colony.

*Answer:* False *Difficulty:* moderate *Page:* 314

1. Canada’s Constitution was not a fully Canadian document until 1982.

*Answer:* True *Difficulty:* challenging *Page:* 314

1. The Constitution Act, 1867, was a British law, and so prior to 1982 any request to change it had to be made to London.

*Answer:* True *Difficulty:* moderate *Page:* 314

1. Because of their importance, constitutional conventions are legally enforceable by the courts.

*Answer:* False *Difficulty:* challenging *Page:* 315

1. A majority in Parliament can change fundamental laws that are not in the Constitution.

*Answer:* True *Difficulty:* challenging *Page:* 316

1. The Constitution Act, 1867, brings together the principles of British parliamentary government with federalism.

*Answer:* True *Difficulty:* moderate *Page:* 311

1. The Constitution Act, 1982, does not require the use of a referendum to gain the approval of Canadian citizens for a constitutional amendment.

*Answer:* True *Difficulty:* moderate *Page:* 318

1. The House of Commons can override objections by the Senate for most provisions of the Constitution Act by passing a constitutional resolution a second time after a delay of 180 days.

*Answer:* True *Difficulty:* moderate *Page:* 318

1. Western Canadian governments, particularly the Government of Alberta, began lobbying for major constitutional changes in the 1970s based on Western Canadian resentment of the domination of Canadian politics by Ontario and Quebec.

*Answer:* True *Difficulty:* easy *Page:* 319

1. The quest for Constitutional change in the 1970s and 1980s was fuelled, in part, by Prime Minister Pierre Trudeau’s desire to support the forces of Quebec nationalism and provincialism.

*Answer:* False *Difficulty:* moderate *Page:* 320

**SHORT ANSWER**

1. Canada’s Constitution is not written in a single formal legal document that establishes all the rules for governing the country, although formal documents are among its basic elements. Aside from formal documents, what are the other three elements that make up Canada’s constitution?

*Answer:* The three other elements that make up Canada’s constitution are (1) ordinary acts of the Canadian Parliament and provincial legislatures that are of a constitutional (“quasi-constitutional”) nature; (2) constitutional conventions; and (3) judicial decisions that interpret the constitution.

*Difficulty:* moderate Page: 312

1. What did Pierre Trudeau and other political leaders promise Quebecers if they voted no in the referendum of 1980?

*Answer:* Pierre Trudeau and other leaders promised Quebecers that a no vote would lead to a “renewed federalism” and proposed changes that would give the Quebec government substantially greater powers.

*Difficulty:* moderate *Page:* 321-322

1. What is meant by the “distinct society” clause, as it was included in the Meech Lake Accord?

*Answer:* The distinct society clause would have meant that the Constitution should be interpreted in a manner consistent with the recognition of Quebec as a distinct society. Quebec’s role in preserving and promoting its distinct identity would be affirmed, but no specific new powers were attached to this role.

*Difficulty:* easy *Page:* 326

1. What is one key difference between the processes of negotiation for the Charlottetown Accord from the earlier Meech Lake Accord?

*Answer:* The main difference is that the Meech Lake Accord was the result of a closed process of negotiation among the provincial leaders and the prime minister, while the Charlottetown Accord was put to the vote in a national referendum. As well, Aboriginal organizations and the territorial governments were involved in the negotiations for the Charlottetown Accord.

*Difficulty:* challenging *Pages:* 325-330