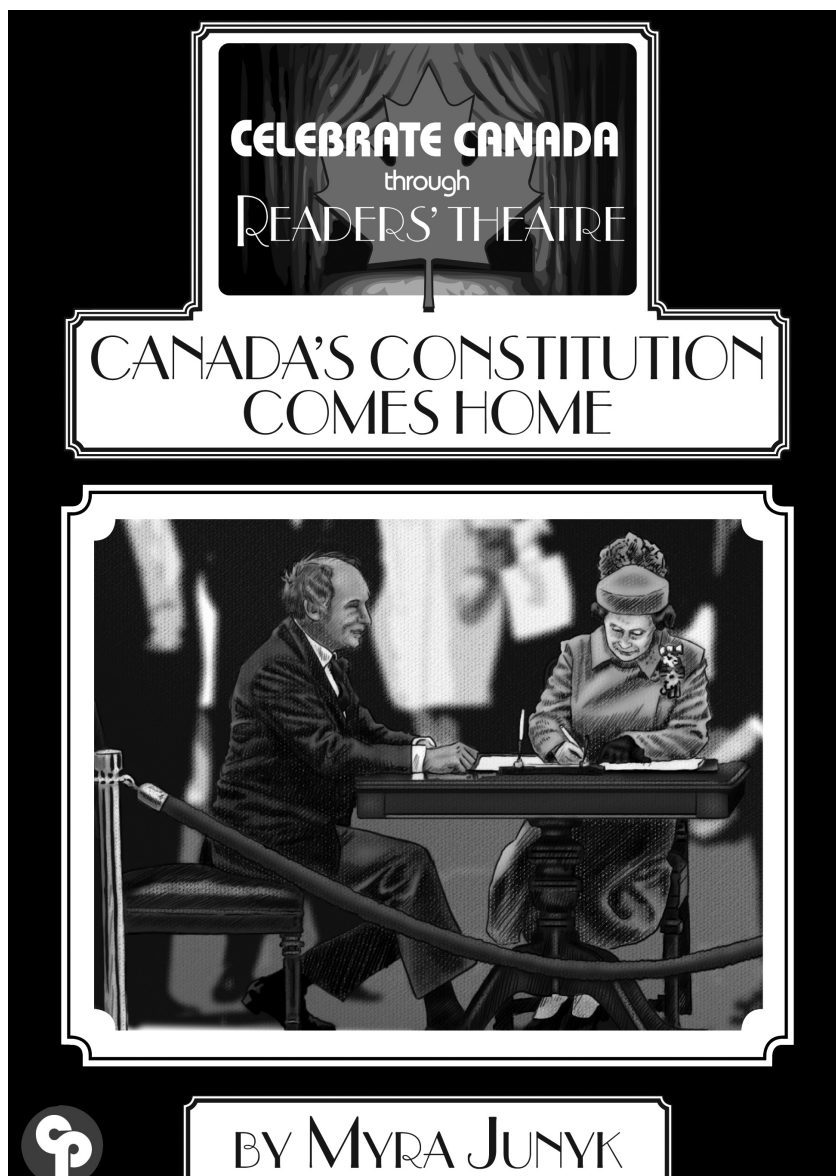


CANADA'S CONSTITUTION COMES HOME

Online Resource



BY MYRA JUNYK

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A Summary of the Script

Canada's very first constitution was the British North America Act of 1867 which created our country. But the elected members of Canada's Parliament were not able to make changes in this constitution without the permission of the British government. Prime Minister Pierre Trudeau wanted Canada to be able to change its own constitution. Despite many political problems, he worked hard to make this happen. On April 17, 1982, Canada became a fully sovereign nation when Prime Minister Trudeau and Queen Elizabeth II signed the Constitution Act which contained the new Charter of Rights and Freedoms. Canada's constitution had come home to stay!

History of Canada's Constitution

What is a constitution? By defining the system of law and government in a country, the constitution in a democracy limits the powers of government to ensure that the law rules and not the individuals who hold political power. Constitutions protect the individual by defining their rights. In Canada, the 1867 British North America (BNA) Act which was passed by the British Parliament created a country made up of the provinces of Ontario, Quebec, New Brunswick and Nova Scotia. There was a federal government for national interests while the provincial governments took care of local interests. However, since the British House of Commons had passed the BNA Act, Canada still needed to obtain Britain's approval to amend or change its own constitution.

Many Canadian leaders had tried and failed to create an "amending formula" in order to change Canada's constitution in Canada. The major issue of contention was the number of provinces that would have to agree in order to change the constitution. Then, in 1980, the Quebec government led by Premier René Lévesque called a referendum to determine if the people of Quebec wanted to be independent yet still associate with Canada. The majority of the people in Quebec did not want their province to be independent. That result gave Prime Minister Pierre Trudeau the determination to find a way for Canada to control its own constitution.

Trudeau's negotiations with the provincial governments were long and complicated. During the first week of November 1981, all ten provincial premiers came to Ottawa to discuss the complex issues of Canadian constitutional change. At first, compromise seemed impossible. However, Minister of Justice and Attorney General Jean Chrétien, Attorney-General of Saskatchewan Roy Romanow, and Attorney-General of Ontario Roy McMurtry met in the kitchen of the

conference centre early one morning. They hammered out a deal which would allow a so-called notwithstanding clause. This would allow provinces to exempt themselves from the Charter of Rights and Freedoms in instances where local rights were judged to be more important than the actual rights in the Charter. Although Trudeau had his doubts, he finally agreed to the compromise which led to the agreement of all provinces – except for Quebec.

The Charter of Rights and Freedoms became part of Canada's new constitution. It replaced the Canadian Bill of Rights which was passed in 1960. Since the Bill of Rights was not officially part of the Canadian constitution, provincial courts did not have to follow it. As a result, it was not an effective guarantee of Canadian rights and freedoms. Trudeau's Charter of Rights and Freedoms became part of the constitution. It guaranteed all Canadians fundamental freedoms, democratic rights, mobility rights, legal rights, equality rights, official language rights and minority education rights.

This Charter along with the Constitution Act was signed into law on April 17, 1982. The document was signed by Prime Minister Pierre Trudeau and Queen Elizabeth II. No longer did Britain have any power to make laws for Canada. No longer did Canada have to ask Britain to change her own laws. As a gentle rain fell on the spectators on Parliament Hill, Trudeau and the Queen signed the document on an outdoor stage. It was then witnessed by Minister of Justice and Attorney General Jean Chrétien and Registrar General of Canada André Ouellet. Finally Canada became a legally independent nation state!

Activities Before Reading

- Have students define the term “constitution.” After you have agreed on a common definition, have students work in groups to write a constitution for your classroom. The constitution will need to define student rights and freedoms, as well as the rights and freedoms of the teacher. What will the amending formula look like for the constitution?
- Read through the list of characters with your students. What do students know about Pierre Elliott Trudeau, Jean Chrétien and Queen Elizabeth II? Why would the teacher bring his class to see this event? What might they learn? What do reporters do? Why would a reporter find this event particularly interesting? Have students discuss what these people might be like.
- Constitutions guarantee the rights of individuals. When people have rights, they also have responsibilities. Draw up a list of responsibilities that the students in your school have in their classrooms.

Draw up a list of responsibilities that citizens have in Canada (see: <http://www.rsscscanadaimmigration.com/en/citizenship/rights.php>) Create a Venn diagram to compare the responsibilities of these two groups.

4. In his speech on April 17, 1982, Prime Minister Trudeau told Canadians “What we are celebrating today is not so much the completion of our task, but the renewal of our hope – not so much an ending, but a fresh beginning.” Which task was completed? What still needed to be done? Have students write a paragraph answering this question: What does the constitution mean to you as a citizen of Canada?

5. Provide students with a copy of the Charter of Rights and Freedoms. Have students work in pairs or in groups to create a visual representation of one of the rights and freedoms. Display the Charter of Rights and Freedoms and the visual representations on a classroom bulletin board.

Extending the Experience

1. Have students write a letter to the editor on the topic of “Why Canadians Need to Understand Their Government.” Discuss the characteristics of effective letters to the editor. After editing, have students submit their letters to the school newspaper or to a local newspaper.
2. Create a photo essay on one of the historical characters or events in this script. Make sure that each illustration has a caption. The illustrations can be drawn, or students could use actual photographs of the events.
3. Have students watch the video of the signing of the Constitution Act on April 17, 1982.
(<http://archives.cbc.ca/politics/constitution/topics/1092-6046/>)
In a small group or with your class, discuss or debate the following statement about this readers’ theatre script, “*Canada’s Constitution Comes Home* provides an accurate picture of the historic event.”

4. Create a personal word list of “Canadian Constitutional Terms.”
5. The Canadian Charter of Rights and Freedoms provides a basis for individual rights and freedoms in Canada. Have students contribute objects for a time capsule which represents the rights and freedoms that Canadians share today. Before placing these objects in the time capsule, have students explain why they chose the object and how it represents the rights and freedoms we share. Plan where the time capsule will be kept in your school, and how and when it will be opened in the future.

Tips for Voice and Expression

Character	Reading Level	Description
Narrator	moderate	The narrator provides background information about the history surrounding the events in the script.
Pierre Trudeau	challenging	As Prime Minister of Canada, Trudeau was determined to bring Canada's constitution home. He wanted to make Canada a truly independent country.
Jean Chrétien	moderate	Minister of Justice and Attorney General Jean Chrétien played a major role in creating the Constitution Act of 1982. He was determined to keep Quebec as part of Canada during the referendum of 1980.
Mr. Martin	moderate	In this script, Mr. Martin was a Grade 5 teacher who brought his class to see the Constitution Act signed into law by Prime Minister Trudeau and Queen Elizabeth II on April 17, 1982. He was very enthusiastic about his students being there to see history happen.
Cassandra	easy	As a student in Mr. Martin's Grade 5 class, she has learned a great deal about the constitution and is enthusiastic about seeing the Constitution Act signed by the Queen and the Prime Minister.
Emma	easy	As a student in Mr. Martin's Grade 5 class, she has learned a great deal about the constitution and is enthusiastic about seeing the Constitution Act signed by the Queen and the Prime Minister.
Mark	easy	As a student in Mr. Martin's Grade 5 class, he has learned a great deal about the constitution and is enthusiastic about seeing the Constitution Act signed by the Queen and the Prime Minister.
Reporter	moderate	This reporter was preparing a report for the CBC Evening News telling Canadians about the signing of the Constitution Act of 1982. He was determined to get the facts and perspectives about the event.
Queen Elizabeth II	challenging	As queen of Britain and Canada, Queen Elizabeth II came to Ottawa on April 17, 1982 to sign the Constitution Act. She was very happy that Canada could now finally change its own constitution.

Books of Interest

Citizens and government in Canada

by Heather Hudak (Weigl 2009)

Jean Chrétien – The scrapper who climbed his way to the top

by Nate Hendley (JackFruit Press 2005)

Pierre Elliott Trudeau

by Richard Gwyn (Fitzhenry & Whiteside 2006)

Pierre Elliott Trudeau – The prankster who never flinched

by Sandra Phinney (JackFruit Press 2006)

Pierre Elliott Trudeau – The Prime Minister Canadians Either Loved or Hated

by Stan Sauerwein (Altitude Publishing Company 2006)

Websites of Interest

CBC Digital Archives – Bringing home the Constitution

<http://archives.cbc.ca/politics/constitution/clips/13264/>

Government of Canada – Canadian Heritage – The Canadian Charter of Rights and Freedoms

<http://www.pch.gc.ca/pgm/pdp-hrp/canada/frdm-eng.cfm>

Historica – The Patriation of the Constitution

<http://www.histori.ca/peace/page.do?pageID=258>

John Humphrey Centre for Peace and Human Rights – Youth Guide to the Canadian Charter of Rights and Freedoms

<http://www.jhcentre.org/dnn/EducationalResources/tabid/56/Default.aspx>

Library and Archives Canada – Pierre Elliott Trudeau

<http://www.collectionscanada.gc.ca/2/4/h4-3375-e.html>