advance copy to M. Kirby.

ZXGONTO ONTARIO
OCTOBER 1 1980

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THE RIGHT HONOURABLE PIERRE ELLIOTT TRUDEAU
PRIME MINISTER OF CANADA

E.P.R.O. D.E.E.P.
Michael Kirby
OCT 2 1980

MY DEAR PRIME MINISTER

IN VIEW OF THE DECISION OF THE GOVERNMENT OF CANADA TO PUT FORWARD ITS PROPOSALS FOR CONSTITUTIONAL PATRIATION AND REFORM FOR DEBATE IN THE PARLIAMENT OF CANADA NEXT WEEK, THE ONTARIO CABINET TODAY REVIEWED AND CONFIRMED ONTARIO'S POSITION WITH RESPECT TO PATRIATION AND CONSTITUTIONAL REFORM.

FOLLOWING CABINET, PREMIER WILLIAM G DAVIS ISSUED THE FOLLOWING STATEMENT:

SOME TWO YEARS AGO ON BEHALF OF THIS PROVINCE I CALLED FOR THE PATRIATION OF OUR CONSTITUTION. AFTER ONE HUNDRED AND THIRTEEN YEARS IT IS TIME FOR CANADIANS TO POSSESS THE CAPACITY TO CHANGE THEIR OWN CONSTITUTION IF THEY SO DESIRE AND IT IS HIGH TIME THAT THAT CONSTITUTION REST IN THE HAND OF THE PEOPLE OF CANADA

IT HAS ALWAYS BEEN MY VIEW THAT BRINGING THE CONSTITUTION HOME SHOULD BE DONE ON THE BASIS OF A CONSENSUS WITH RESPECT TO AN AMENDING FORMULA. IF NO CONSENSUS CAN BE REACHED, HOWEVER, WE HAVE SAID TIME AND TIME AGAIN THAT PATRIATION SHOULD TAKE PLACE IN ANY EVENT.

WE CONTINUE TO BELIEVE THAT PATRIATION SHOULD TAKE PLACE AS SOON AS POSSIBLE BUT HOPE THAT THE FEDERAL GOVERNMENT CONTINUES TO INVOLVE THE PROVINCES IN NEGOTIATIONS TOWARDS ACHIEVING AN AMENDING FORMULA EVEN AFTER PATRIATION HAS BEEN DECIDED UPON. AS A RESULT, WE HAVE SUGGESTED THAT WE PATRIATE THE CONSTITUTION ON THE PREMISE OF A UNANIMOUS AMENDING FORMULA FOR A PERIOD OF TIME DURING WHICH THE PROVINCES WILL ENDEAVOUR TO WORK WITH OTTAWA TOWARDS AN ACCEPTABLE CONSENSUS RELATIVE TO AN AMENDING PROCEDURE. I WOULD POINT OUT THAT SOME TEN YEARS AGO ALL PROVINCES BUT ONE DID AGREE TO THE VICTORIA CHARTER AS AN APPROPRIATE AMENDING FORMULA AND I BELIEVE THAT THAT AMENDING FORMULA, OR A VARIATION OF IT, IS STILL OF VALUE TODAY.

ONTARIO BELIEVES THAT CONSTITUTIONAL REFORM, WITHIN THE CONTEXT OF ENTRENCHING THE MONARCHY AS OUR HEAD OF STATE, SHOULD SERVE TO PRESERVE AND ENHANCE HUMAN RIGHTS. ONTARIO SOUGHT TO ENSURE THAT BASIC DEMOCRATIC RIGHTS WERE PRESERVED AND ENHANCED AT THE FIRST MINISTERS' CONFERENCE AND WE BELIEVE THAT THEY SHOULD BE PLACED IN A NEW CONSTITUTION, AND THAT CERTAIN LEGAL RIGHTS, ARE AN IMPORTANT PART OF THE RULES BY WHICH CANADIANS LIVE TOGETHER.

IN THE AREA OF MINORITY LANGUAGE EDUCATION RIGHTS, WE BELIEVE THE RIGHTS OF ENGLISH AND FRENCH SPEAKING CANADIANS TO EDUCATE THEIR CHILDREN IN THEIR MOTHER TONGUE, WHERE NUMBERS WARRANT, IS AN IMPORTANT PRINCIPLE WHICH SHOULD BE PART OF ANY NEW CONSTITUTION.

ONTARIO ALSO BELIEVES THAT A NEW CONSTITUTION MUST SEEK TO PRESERVE FOR ALL CANADIANS A STRONG AND EFFECTIVE ECONOMIC UNION. ONTARIO TAKES THE VIEW THAT THE RIGHT OF ALL CANADIANS TO MOVE FREELY FROM PROVINCE TO PROVINCE, TO SEEK JOBS IN ANY PART OF THIS COUNTRY, AND TO BUILD THEIR FUTURE IN THE WAY THEY DEEM MOST FIT IS A CRITICAL PART OF BEING A CANADIAN AND MUST NOT BE DIMINISHED BY ANY PROVINCIAL REGULATIONS OR ACTIVITIES.

ONTARIO HAS ALWAYS BELIEVED THAT THIS MOBILITY RIGHT CAN BE PROTECTED WHILE RESPECTING THE RIGHTS OF PROVINCES TO HAVE SPECIFIC AFFIRMATIVE ACTION PROGRAMS FOR GROUPS WITHIN THEIR OWN JURISDICTION WHO NEED SPECIAL SUPPORT, ATTENTION AND CARE. BUT MOBILITY RIGHTS ARE CRITICAL AND IMPORTANT IF THE CAPACITY OF EVERY CANADIAN TO CHOOSE HIS OR HER PLACE OF DOMICILE AND EMPLOYMENT IS TO BE PROTECTED FOR FUTURE GENERATIONS.

ONTARIO BELIEVES THAT THE PRINCIPLE OF EQUALIZATION SHOULD BE ENSHRINED IN ANY NEW CONSTITUTIONAL PACKAGE PUT BEFORE THE HOUSE OF COMMONS OF CANADA.

ONTARIO BELIEVES THAT BASIC AND FUNDAMENTAL POLITICAL AND DEMOCRATIC RIGHTS SHOULD ALSO BE PROTECTED IN ANY CONSTITUTION PUT FORWARD BY THE GOVERNMENT OF CANADA

EVEN THOUGH ONTARIO HAS ADOPTED THIS POSITIVE POSITION IN RESPECT OF THESE IMPORTANT PROPOSALS, THERE IS ONE POINT WHICH I WISH TO MAKE ABSOLUTELY CLEAR TO THE GOVERNMENT OF CANADA AND TO THE PEOPLE OF OUR PROVINCE. ONTARIO DOES NOT AGREE WITH THE GOVERNMENT OF CANADA'S PREVIOUS PROPOSAL TO REVISE SECTION 133 OF THE EXISTING CONSTITUTION IN A FASHION THAT WILL FORCE BILINGUALISM ON THE LEGISLATURE, COURTS, AND OTHER INSTITUTIONS OF OUR PROVINCE.

ONTARIO HAS ALWAYS TAKEN THE VIEW THAT THE FUTURE OF FRENCH-ENGLISH UNDERSTANDING IN THIS COUNTRY LIES IN THE SCHOOLS, LIES IN EDUCATING A GENERATION OF CANADIANS WHO ARE ABLE TO UNDERSTAND EACH OTHER AND COMMUNICATE EFFECTIVELY IN EITHER ONE OF THE TWO MAJOR LANGUAGES. FORCING BILINGUALISM ON ANY PROVINCIAL GOVERNMENT BY CONSTITUTIONAL MEANS WOULD EVOKE THE KIND OF BAD FEELING AND RESENTMENT WHICH WILL SET THE CAUSE OF FRENCH-ENGLISH RELATIONS BACK MANY DECADES. I WOULD NOT BE PART OF THAT, NOR WOULD THE GOVERNMENT I LEAD.

THE FEDERAL GOVERNMENT HAS RECEIVED SIGNIFICANT SUPPORT FROM THE GOVERNMENT OF ONTARIO ON CRITICAL ISSUES OF VALUE TO THE COUNTRY AS A WHOLE AND OF IMPORTANCE TO THE PEOPLE OF ONTARIO IN THE CONTEXT OF THEIR OWN NATIONAL OPPORTUNITIES.

WE HAVE SOUGHT REPEATEDLY TO ADVANCE THE VIEW THAT THE NATION IS GREATER THAN ANY OF ITS PARTS AND THAT CANADA AS A WHOLE IS GREATER THAN THE SUM OF ITS PARTS. THAT BELIEF IS HELD STRONGLY BY THE PEOPLE OF ONTARIO AND EQUALLY STRONGLY BY ONTARIO'S GOVERNMENT.

THE EFFORT TO FIND CONSENSUS MUST CONTINUE WHATEVER THE DECISION OF THE PARLIAMENT OF CANADA NEXT WEEK WE URGED THE PRIME MINISTER AT THE END OF THE CONFERENCE TO MOVE AHEAD WITH PATRIATION. WE URGED THE PRIME MINISTER AS WELL TO ENSURE THAT DISCUSSIONS CONTINUE AND THAT DIFFICULT AREAS BETWEEN THE FEDERAL AND PROVINCIAL GOVERNMENT BE PURSUED AND THAT NEGOTIATIONS NOT END NOW OR EVER.

ONTARIO IS PREPARED TO CONTINUE ITS EFFORTS AND TO SUSTAIN ITS OVERALL COMMITMENT TO A STRONG NATIONAL GOVERNMENT. WE BELIEVE IN A FEDERAL SYSTEM WITHIN WHICH THE NATION AS A WHOLE CAN ADVANCE WITHOUT IN ANY WAY DIMINISHING THE OPPORTUNITIES AND SCOPE OF THE PROVINCES.

WE ARE HOPEFUL THAT NEXT WEEK, IN THE PARLIAMENT OF CANADA, WE WILL SEE LEGITIMATE PROGRESS TOWARDS CONSTITUTIONAL SOVEREIGNTY FOR ALL CANADIANS AND A TRUE AND EFFECTIVE STEP AHEAD IN THE CONTINUING TASK OF BUILDING CANADA.

SINCERELY