

APPENDIX 14

LETTER FROM PRIME MINISTER TRUDEAU
TO PREMIER LÉVESQUE

December 4, 1981

My dear Premier:

In reply to your telex of December 2, 1981, let me remind you that it was you who signed the Premiers' Accord of April 16, 1981, and, in so doing, *you* abandoned a veto for Quebec in the constitutional amending formula.

In the news release last April 16 which described the meaning and the importance of the agreement, you and your colleagues stated: "This establishes legal equality amongst all provinces," and, further, "This amending formula is demonstrably preferable for all Canadians to that proposed by the federal government because it recognizes the equality of provinces within Canada."

That a premier of Quebec subscribed to such an affirmation will seem aberrant and, indeed, irresponsible, especially when one remembers that the federal formula I proposed to you contained a right of veto for Quebec.

Let us be clear, then. On April 16, your government subscribed to the notion of the equality of the provinces and there was no question then of Canadian duality or even of a special status for Quebec! If Quebec, then, were to have a veto, one would also have to say that each of the other provinces had a veto too, and the amending formula would have to be unanimity to respect the equality of the provinces. But the Supreme Court in its decision on the *Patriation Reference* stated that unanimity is *not* required for constitutional amendments. Therefore, if the provinces are equal and unanimity is not required, there is no veto either for Quebec or for any other province. This is precisely the position you agreed to on April 16.

In your telex you assert that the Supreme Court of Canada expressly reserved its opinion on the degree of provincial consent required by the convention. It seems to me that this is not so. The Court indicated precisely that it was *not* its role to determine what constituted this measure of consent. The Court stated: "Conventions by their nature develop in the political field and it will be for the political actors, *not this Court*, to determine the degree of provincial consent required."

In light of the foregoing, I see no justification for your request that the process of adopting the constitutional resolution should be suspended pending the outcome of the court proceedings. These same courts have already told us that we should settle the matter among the political actors and that is precisely what we did at the federal-provincial conference and during the parliamentary debate, among other things.

Finally, I note that you declined in your telex of December 2, 1981, to respond to the numerous points set forth in my letter of December 1, while alleging that my letter contains numerous "inexactitudes." You must admit that's a rather hasty judgment! Until you have explained what you mean by "inexactitudes," I will continue to believe my letter to be an accurate reflection of the historical, political and legal developments during the past thirteen years.

Yours sincerely,

[Signed P. E. Trudeau]