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Bourassa on road to constitutional confrontation

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BT

PREMIER Robert Bourassa has been quietly altering his political aims in a way that could challenge existing concepts of Canadian federalism and even existing constitutional structures.

There has been a steady and almost imperceptible escalation in the slogans and statements which have come from the premier. And they point to new arrangements which would be half way between outright separation and the present political system. However, the Quebec government is still some way off from a direct confrontation with Ottawa and the rest of the country on the issue.

The premier began to change some time after the 1970 provincial elections. On several occasions he pointed out that it would be unacceptable "for an English-speaking majority in Ottawa to decide on matters affecting French cultural interests." As it turned out, this covered a wide range of topics, from social affairs to communications and immigration.

However, Bourassa has always refrained from pressing his claims too vigorously, an attitude which caused many people to doubt either his seriousness or his sincerity. In some cases, such as the question of family allowances and social aid, he was content to enter into administrative arrangements with Ottawa without the underlying constitutional problems being resolved. In the field of communications, he allowed matters to drift for a while until a provincial decision precipitated a court test on jurisdiction over cable

television. But strictly political confrontations were avoided at all costs, thus masking the changes in outlook which were taking place.

During the provincial election a year and a half ago, the premier campaigned on the theme of "cultural sovereignty." The idea was never clearly defined, and it seemed to be merely another Liberal example of political opportunism designed to preempt an important aspect of the Parti Québécois' own program.

A few months ago, on the occasion of a visit to Paris, Bourassa began talking in terms of "a French state within a Canadian Common Market." Again there is no clear definition of what the terms imply, even if they come quite close to René Lévesque's own views about the future of Quebec.

The temptation to dismiss these ideas as mere political talk is a very strong one. But the road travelled during five years of Liberal rule in Quebec suggests that they be taken seriously. The contrast with what the premier was saying and thinking at the time of the 1970 provincial elections is too great to be ignored.

Rivalry

When he first came to power, Bourassa believed that the most destructive aspect of politics was the chronic rivalry between the provincial and federal governments. It was clear to him that the rigid compartmentalization of government jurisdictions was a source of inefficiency in the sense that it encouraged buck passing among various levels of public administration. People whose problems did not fit the jurisdictions of one government or the other found it impossible to get help. Conflicting policies initiated by various levels of government only served to undermine public confidence and encourage dissatisfaction with the existing political

system.

The answer was close administrative co-operation between Ottawa and Quebec, with constitutional issues being kept beyond the realm of politics. This was a time when Quebec was coming out of an economic recession and when it needed money rather than clear definitions of its constitutional powers. The money was relatively easy to come by thanks to the Trudeau government and the growth of French Power in Ottawa.

Quebec had acquired a very satisfactory pipeline into Ottawa. It was possible to exert a very real influence on the formulation of federal

spending programs. Informal contacts between cabinet ministers and top civil servants in Quebec and Ottawa helped to resolve many problems which had endlessly plagued formal meetings and conferences.

In other words, Bourassa's initial drive was to minimize policy differences and to put the accent on co-operation. But little by little, the original determination was eroded. In his speeches and statements, the premier gradually laid the groundwork for a return to an era of confrontation.

The crucial turning point may well have been the decision to go ahead with a language policy, which seems to have been made some time in 1973. The government's intentions to act in relation to the language of education and business had been stated many times previously, and there was little doubt as to what would be done in these respects.

The key decision on Bill 22 did not concern its contents as much as its presentation. The government had to decide whether it should proceed in a piecemeal fashion or whether it should resort to a general and symbolic statement of its aims. Many re-



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forms had already been accomplished in the field of language without drawing too much attention, such as for example the requirement to know French before being able to practise a recognized profession. But Bourassa opted in favor of a symbolic legislative statement of language policy, a move which would in fact favor linguistic confrontations and trigger widespread criticism.

On the constitution, the premier seems to be moving in a parallel direction, towards a resolution of existing ambiguities and tensions. This, in effect, means a hardening of political attitudes.

There are several reasons behind the gradual change in Bourassa's political aims. Some are rather frivolous, such as an obsessive desire to be always one up on the Parti Québécois. Another is the desire to recover part of the nationalist support which has been deserting the Liberal Party and thereby threatening its political hold on the province. But these are peripheral problems that have little to do with the central issue.

The falling birth rate among the French population is at the root of Bourassa's gradual return to the traditional polarization between Quebec and Ottawa. Population trends over the past 10 years have had a dramatic impact on education,

employment and on the economic basis of many cultural activities. As a result, Quebec voters have tended to adopt a very anxious and defensive attitude on any question which might have a bearing on the survival of French culture.

The premier may not be prone to this type of cultural anxiety. But in his own field of activity, which is politics and public administration, he can clearly perceive the impact of current trends.

Within a decade, Quebec representation in the House of Commons in Ottawa could easily decline from 25 to 20 per cent, with a corresponding loss of influence in the federal cabinet. Because of the very nature of Canadian federalism, where the fiscal preponderance of the federal government means the subordination of provincial aims, population trends could seriously affect Quebec's ability to have adequate control over its cultural destinies.

The advent of French Power in Ottawa as well as the political pre-eminence of Prime Minister Pierre Trudeau have temporarily halted the decline of Quebec's influence in the Canadian context. While Quebec representation in the House of Commons has been going down steadily, its representation in the federal cabinet has tended to remain steady.

Informal contacts at the cabinet and the civil service levels have been extremely helpful in resolving many of Bourassa's financial and administrative problems. For example, under any other prime minister than the present one, it would have been extremely difficult to resolve the crisis triggered by the Olympic deficit. But now with a favorable climate in Ottawa, it is quite likely that federal assistance in this respect can be sufficiently disguised so as not to arouse criticism and antagonism in the other provinces.

But this kind of string-pulling is a phenomenon which is not likely to survive the Trudeau government. Bourassa is therefore asking himself what will happen when Quebec's influence in Ottawa becomes proportional to its percentage of the Canadian population. At that point federal decisions are more likely than ever to clash with the cultural anxieties of Quebec's French voters. And at the same time Bourassa may well be overwhelmed by the contingencies that always seem to be arising in Quebec politics.

Despite the ease with which he talks about cultural sovereignty or of a French state in a Canadian Common Market, the premier still has to work out the constitutional implications of his slogans. Very little formal work has yet been done in this direction, except for some election planning for 1977. The premier is not even

sure of the results he wants to achieve, whether he would like a disguised form of separatism or a modified federalism that would not involve any profound constitutional changes.

The least disruptive approach would be a reallocation of Canadian tax resources among the various levels of government. This is the traditional approach of Quebec, one that has not been particularly successful in the past. What it would mean in effect is that Ottawa would transfer to the provinces complete responsibility for such federal pro-

grams as Medicare along with the taxation resources that go with them. In addition, Quebec would also like to set its own immigration policies, determine its own interest in the very wide field of communications and subsidies to cultural activities.

Changes of this nature would certainly place enormous strains on the constitutional interrelationships of governments across Canada. And the way these strains are tackled would depend to a very large extent on the political mood of the country. In the past such demands have been said to be unacceptable by prime ministers John Diefenbaker and Pierre Trudeau.

Test

In any event, a real test of Bourassa's ideas may be coming up fairly soon. Last fall Trudeau indicated that one of his priorities was to bring the British North America Act under Canadian control and to develop a constitutional amendment formula that would be acceptable to all governments in Canada. In June, 1970, at Victoria, Bourassa vetoed a similar attempt on the grounds that the new constitution should define wider powers for the Quebec government.

A new conference may be taking place in a year or two which might



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signal a constitutional crisis in the country. It will be the last such attempt while Quebec enjoys a relatively powerful position in Canadian politics. Afterwards, as Bourassa realizes, the province will not have the political leverage necessary to force accommodation to its views.

The premier is under considerable pressure to succeed in obtaining a change in Canadian federalism. If he does not manage to obtain at least a more favorable distribution of tax resources, then the political situation reverts back to what it was before 1970, that is, a choice between the status quo and outright separation.

The ambiguity with which Bourassa has been stating his case in recent years has at least the merit of not prejudging the outcome of a renewed confrontation with Ottawa. But it has the marked disadvantage of inducing skepticism about his ultimate intentions and his political beliefs.