

S E C R E T

Mr. Carter
Mr. Gravel
Mrs. Reed
Mr. Hurley

May 29th, 1975.

MEMORANDUM FOR THE PRIME MINISTER:

Meeting with Mr. Bourassa on "patriation"
of the constitution

I had dinner in Quebec last night with Mr. Bourassa and Julien Chouinard to discuss your proposals about "patriation" of the constitution. Mr. Bourassa arranged the meeting in this way and with only the three of us present since he wants to keep the fact of discussions very private at this stage. Attached is a copy of a note I have made about the meeting. It is rather full because I thought it desirable to record a number of points of importance that came up. In case you do not have time to read it, the substance of Mr. Bourassa's position is as follows:

(a) He would like to see "patriation" accomplished at as early a point as is feasible. As he put it, "if we cannot do it when Pierre is in Ottawa and I am here, we never can".

(b) He thinks it will be imperative for him to have some form of presentation of the proposals for "ratification" by the Quebec people. He thinks a referendum would be extremely dangerous and would play into the hands of the Parti Québécois. He thinks he could contemplate having the plan as a part of his program for an election conceivably in the autumn of 1976 - along, of course, with other things.

(c) He thinks "patriation" plus the amending formula will not be enough to make the whole thing "saleable" in Quebec. He repeated strongly the view he expressed to you on April 9th that there will have to be some kind of "constitutional guarantees" that the Quebec

people will regard as adequate protections for their culture and way of life in a situation where there may not be a strong French Canadian force on the government side in Ottawa and in which the proportion of the Quebec population in the total population of Canada is diminishing.

(d) He sees elements of "guarantee" in the Quebec veto in the amending formula and in the Victoria proposals on the Supreme Court. He does not think that the "language rights" proposals of Victoria would be helpful or that they can be modified in a way that would make them helpful. He is interested in some kind of preambular paragraph for the Governor General's proclamation. He wants, however, to see if there could not be something more that would be more substantive without getting into the distribution of powers. (He realizes and accepts that a ground rule of your proposal is that we do not get into the distribution of powers.)

Before going to Quebec, we had done some work here on "constitutional guarantees" and on the "effect of preambular statements". As you will see from my note, I left a copy of each with Mr. Chouinard in the hope that they might influence the Quebec thinking. (A copy of each memorandum is attached to my notes.)

The position is left that we will try to do some further work here on a preambular paragraph and Chouinard will try his hand at some sort of a "substantive paragraph".

Information to the other provinces

Messrs. Schreyer, Lougheed and Davis all asked me to let them know what Mr. Bourassa's position is. I will certainly be asked the same thing by the other English-speaking Premiers when I

see them. I accordingly asked Mr. Bourassa what I could say. He said that I could say something to the effect that he is interested in trying to see whether we cannot accomplish "patriation" on the basis of the Victoria amending formula (he did not suggest any need for any change whatever in it) but that he is completely certain that the situation in Quebec is such that the "package" will have to include some kinds of "constitutional guarantees" that would be regarded as effective to protect the Quebec cultural situation in the future. Mr. Bourassa added that if something could be worked out of this kind, that you and he consider to be acceptable, he is confident that he can sell it to the other Premiers without it giving rise to any serious objections or demands on their part. He feels that most of them understand and are sympathetic to the minority position of French Canada that Quebec reflects.

If you agree, I will write to Messrs. Schreyer, Lougheed and Davis to say something along the above lines* in response to their request to me. I will also use a formula of this kind in talking to the other Premiers.

Mr. Bourassa is in complete agreement that I should now go ahead to see the other Premiers as you had proposed.

* if - the part
of the sentence as
marked.

R.G.F.
