

August 28th, 1975.

NOTE FOR FILE

"Patriation" of the Constitution -
The Position of Premier Bourassa

On August 12th, after speaking on the telephone to Julien Chouinard, I sent him two copies in English and in French of the drafts we had prepared of a "Form for a Proclamation of the Governor General" to bring into effect the "patriation" of the Constitution. During the week-end of August 23rd-24th Premier Bourassa made a statement at a conference at Mont Gabriel which included quite specific references to "patriation" of the Constitution and the fact that Quebec would require "constitutional guarantees". He referred specifically to communications and immigration and to the need for Quebec to have the power "to decide finally about major questions which concern the protection and the development of its language and its culture". As the statement appeared to involve requirements beyond what I had discussed with him in May, I 'phoned Julien Chouinard yesterday (August 27th) to find out what had developed since August 12th and where things stood.

Chouinard told me that he had discussed our drafts with Premier Bourassa after they had been received. Mr. Bourassa found them inadequate in several respects:

- (a) There was no clear or adequate reference to the "guarantee" for the French language in a way that was special and different from English and there was no reference whatever to "culture". Chouinard thought anything that did not meet these two points would be impossible for Mr. Bourassa to consider.

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- (b) Even if adjustments were made in the above respect, our formulation would not meet the need Mr. Bourassa sees in the kind of problem he reflected when he apparently said to Mr. Chouinard that our formulation would do nothing to prevent Radio Canada establishing three English language radio stations in Quebec without any reference to or consultation with Quebec and with no capacity for intervention or decision by it. Chouinard said this represented the kind of need that Mr. Bourassa envisaged and the kind of "guarantee" through the agency of the Quebec Government that he thought essential.
- (c) The formulation had nothing directly on communications and immigration.
- (d) The final part of Section 4 could give the impression that nothing in the whole document affected the distribution of powers which was a very bad note on which to end.

On Chouinard's first point I stressed the difficulty that there would be for New Brunswick and Saskatchewan if there was specific reference to the French language and culture. I also made the argument that "culture" did not need to be included if language was protected since language was the real basis for culture. Mr. Chouinard said that neither point would carry conviction with Mr. Bourassa and there was no way there could be agreement without these points covered.

On points (b) and (c) Chouinard stressed that Mr. Bourassa was really very serious - indeed he had discussed this whole problem during an hour and a half with Mr. Chouinard the previous day (August 26th). Chouinard said we should study Mr. Bourassa's text very carefully. What he said there was what he meant.

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Chouinard said that Mr. Bourassa had had dinner and a long talk with the Honourable Jean Marchand earlier in the week (on August 26th I think) and had outlined his position to him. According to Mr. Bourassa Mr. Marchand had expressed himself as in agreement with Mr. Bourassa's stand on "cultural sovereignty" and on the reasonableness of his position. He had apparently said that he would resign if something was pushed through that did not provide adequate protection in this regard.

Chouinard ended the conversation by saying that he would be continuing to work on the formulation of something with a view to discussion with Mr. Bourassa after September 8th. He hoped we would be doing the same and would see where there was room for adjustment on the federal side. He confessed to feeling very pessimistic as to whether it would be possible to bridge the gap there appeared to be between the two positions at this stage.

B. G. W.


I outlined the above - especially re the "3 radio stations" - A Pierre Juneau 2-day. I tried to bring the idea of a "negative power" for Quebec in specified areas relating to culture (eg - establishment of English language radio stations). He did not exclude the idea of a power "to prevent".

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28/11/75.