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April 25th, 1975.

c.c.: Mr. Gravelle

MEMORANDUM FOR MR. CARTER

"Patriation" of the Constitution:
discussions with Quebec

After getting Pierre Gravelle's memorandum dated April 22nd with its attachments about the various statements Mr. Bourassa has made concerning "patriation" of the Constitution, I called Julien Chouinard yesterday. We had quite a good talk about the situation; he is going to speak to Mr. Bourassa about the whole matter and he will call me back thereafter. He thinks that it is not likely to be before Wednesday because apparently Mr. Bourassa has commitments that will make it impossible for Julien to see him before then.

As indicated in Pierre's memorandum, Julien said that they were not really ready to discuss the question of "patriation". It turned out that this is because they have underway some work which pretty clearly runs at cross purposes to the Prime Minister's proposal. As I understand it, there are four "studies" being undertaken - one on the Victoria Charter and of the parts of it they would like to see retained and of the parts dropped; one on communications, one on immigration and finally one on financial relations. The last is apparently being done by Arthur Tremblay and the first three in Chouinard's office. I told Julien that the Prime Minister's proposal to the Premiers at the dinner on April 9th was for action which would be on "patriation" plus the amending procedure only and would not get into any of the things that are covered by their four areas of study. I said that, as I understood it, the Prime Minister had made this quite clear to the Premiers and Mr. Bourassa appeared to be receptive to the approach although he had said something about "guarantees" in relation to culture. I asked Julien if he had any idea what this meant.

I think it is fairly clear that neither Bourassa nor Chouinard at this stage know what they have in mind by constitutional guarantees in relation to culture. Julien said he thought that Mr. Bourassa might in this way be meaning some provisions that would relate to communications and immigration since it is through policies and actions in those areas that there can be the main threat to the French cultural identity of Quebec. It is quite clear, however, that nothing has been thought out and they really do not know what kind of "guarantee" could be effective that does not get into the area of distribution of powers.

After exploring the above points, I raised the question about our going to Quebec. Julien said that he was quite sure Mr. Bourassa would be glad to see us but a trip might be unproductive if it took place too soon. We then discussed whether it might be better for us to go to some but not all of the other provinces first. Julien rather thought that it might be useful for Mr. Bourassa to know, when we come to see him, what the Ontario position is. I suggested that we might perhaps visit Ontario and two or three of the Maritime provinces in order to get that much of a sounding and then come to Quebec. We both agreed that it would be unwise to see all the English-speaking provinces and thus to appear to be coming to Quebec with a "ganging up" against it. Julien is going to discuss the desirability of a sequence along these lines when he sees Mr. Bourassa.

It looks as though there is not much we can do about arranging visits before the middle of next week. I suspect that Quebec is going to suggest that we go to Ontario plus some of the Maritimes first and then come there two or three weeks from now. Perhaps a bit of preparatory work for our discussions in Ontario and the Maritime provinces should be done in this expectation.

I have been trying, so far without success, to think of some way in which some sort of "constitutional guarantee" could be offered which would be interesting to Mr. Bourassa without getting into the distribution

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of powers. Perhaps you, Pierre and I could all give this some thought and try to get together next week to see if we can come up with anything at all that would be useful.

W.G.R.