

*Clippings of Levesque on monarchy, et*  
CONFIDENTIAL

August 11th, 1978.

MEMORANDUM FOR THE PRIME MINISTER

The communiqué of the Provincial Premiers  
with regard to the constitution

Attached you will find a copy of the communiqué that was issued by the Provincial Premiers at the end of their meeting in Regina yesterday. Also herewith is a "preliminary analysis" of the contents of the communiqué. There has not been time for a complete, in-depth study but it is quite clear that the document constitutes the most extreme statement of "provincial rights" and for diminution of federal powers that has been made in Canada. It is so extreme a statement, whether all the Premiers recognize it or not, that I think it is essential that its full implications should be made clear for public understanding. The lack of comprehension is apparent in the editorial of the Globe and Mail this morning which says that "by adopting a united approach on so many constitutional issues, the ten Premiers have done Canada a signal service".

When it is reduced to its real significance, the substance of the Regina consensus can be summed up in the following propositions:

1. While there is "need for constitutional reform" and the constitutional conference is welcomed, it is to be clear in advance that there can be "no significant constitutional reform" without "the concurrence of all governments".

2. The Parliament of Canada cannot act under section 91(1) on any constitutional change that is "significant" without that concurrence "of all governments".

*provinces are  
for  
status quo!*

3. Federal powers should be substantially diminished and provincial powers substantially increased.
4. There appears to be no need to enunciate any principle of "functionalism" or "effectiveness" nor any need to examine provincial powers that might more effectively be dealt with in the national interest at the federal level.
5. Notwithstanding the magnitude of the present crisis for the future of this country, neither the Government of Canada nor the Parliament of Canada can act, regardless of federal jurisdiction, without "the concurrence of all governments" - including that of a government that is dedicated to the dismemberment of the country.

One is led to wonder how it is possible for nine Premiers to concur in a statement that has the above implications and to see "eye-to-eye" on it with the Premier of Quebec. It is perfectly obvious why Premier Lévesque would subscribe to the statement. He would clearly see in the consensus the effective blockage of any action on constitutional change since Quebec, with the consent of the nine Premiers, is accorded a clear veto even on the exercise of federal jurisdiction. He knows that this will make it impossible for the federal government to do what is the prime object of federal policy: to make clear to the people of Quebec that a renewal of the Canadian Federation is a realistic possibility and that their choice in the referendum is not between "souveraineté-association" and the status quo. The other Premiers are proposing that he should be given a controlling position and he will obviously use it with maximum effectiveness to weaken the federalist forces and the federalist option in Quebec.

It seems to me that the only question is how best to bring home to the people of Canada the implications of the Regina consensus and how to use public understanding of those implications to free the federal government from the total paralysis that the consensus would impose on it and on the possibility of constitutional change. It would probably be a mistake to do this in the form of a direct attack on all the Provincial Premiers. Perhaps the matter has to be approached "more in

sorrow than in anger" while still making starkly clear what the Premiers have done. In effect, they have let themselves be made dupes by Premier Lévesque but it will not be profitable for the federal cause to make this clear in too brutal a way.

*under  
concerns*

A part of what is lacking for comprehension on the part of the English-speaking Premiers - and the English-speaking people of Canada generally - is a clear statement of the needs of the French-speaking federalists in Quebec in order to make federalism a realistic and attractive option there. Michael Pitfield made this point in talking to me yesterday and the consensus makes starkly clear how right he is. There is simply no understanding in most of English-speaking Canada that significant change in the constitution is not only necessary but must appear to be a realistic possibility in the near future if federalism is to be persuasively sold to the reasonable majority of the people of Quebec. While Claude Ryan might appear to be a voice who could provide such a statement, I am afraid he is too interested in positions he has taken in the past and in avoiding effective action before he comes to power and can have a role in it. I would be afraid that he is more likely to concur in extreme "provincial rights" positions about the need for provincial agreement than to help in the argument for early action where that action can be achieved. It would seem that what is wanted is some coordinated presentation of the position of the pro-federal French-speaking Canadians from the federal level.

I think one thing is amply clear from the Regina communiqué: that it would be folly for the federal government to go into the constitutional conference this autumn without some clear and decisive refutation of the Regina communiqué. The problem is how best to effect that and to carry public understanding and support in doing so.

R.G.R.  
*[Signature]*