

Opening statement by Jean-Jacques Bertrand, Prime Minister of Québec, given at the second meeting of the Constitutional Conference, Ottawa, February 10, 1969 (extract).

[Translation]

[...]

I would like [...] to pay a brief tribute to the man who headed Québec's delegation when this conference began its work in February 1968. You all know without my telling you what vital importance my predecessor and good friend, the late Daniel Johnson, attached to constitutional problems.

His most cherished ambition was always to see our country adopt its own entirely new, all-Canadian constitution, one capable of ending the misunderstandings which divide us and of putting the harmony between our two cultural communities on solid foundations.

There were those who wondered how the sudden disappearance of Mr Johnson might affect Québec's constitutional policy. While the style may change, it should be obvious that the substance of that policy cannot vary that much. Men may come and go, but the reality of Québec endures.

Thus I have not come to water down, much less to contradict, the many statements, briefs and other official documents which expressed Québec's attitude to this vital problem before or after the June 1966 general elections. I have come to support and throw more light on the proposals we have already made and also to show how urgently these solutions are needed.

In May 1963, when I introduced a motion in the Québec Parliament to institute a Parliamentary Committee on the Constitution, I did so out of a sense of

urgency, a feeling obviously shared by my colleagues on both sides of the House, since the motion was adopted without a dissenting voice. We were all alive to the seriousness of the crisis which, in its Preliminary Report published two years later—in February 1965—the Commission on Bilingualism and Biculturalism—Dunton-Laurendeau Commission—was to describe as “the greatest crisis in our history” one “which threatens the very fact of Canada.”

Much more is involved in this crisis than human rights or the linguistic rights of minorities. The trouble lies far deeper and is more fundamental. To quote the Commissioners, “the vital centre is in danger: we mean the will to live together”. And in the same serious vein, they added that “Canada has come to a time when decisions must be taken and developments must occur leading either to its break-up, or to a new set of conditions for its future existence.”

I know that these comments made by the Dunton-Laurendeau Commission, at the time they were made public, were the subject of spirited discussions on the Canadian scene, and that politicians did not take them seriously. But we in Québec, and Mr. Laurendeau in particular, who was one of the Dunton-Laurendeau report's draftspersons, who was well versed in the problems of Québec, believed in them without a doubt since he signed the report.

Fortunately, the Confederation of Tomorrow Conference which Ontario convened in November 1967, by the Premier, Mr. Robarts, afforded us our first opportunity to embark on a thorough study of the question. Then, meeting here in February 1968, we agreed on the need to review together the various aspects of the constitutional problem, including the one Québec delegates consider most basic, that of the division of powers.

[...]

Ours is not the only province which would like to see the Constitution amended and I think that I am not far from the truth when I say that all provinces unanimously agree on the following objectives:

- a) repatriating the Constitution;
- b) establishing amendment procedures;
- c) revising the distribution of tax fields and tax revenues;
- d) reducing regional economic disparities;
- e) setting up the machinery for co-operation and adjustment through delegation of powers or otherwise.

Nor is Québec the only province suffering from flagrant disproportion between her responsibilities and her sources of revenue. And I believe that this last sentence I just pronounced is just another expression, Mr. Speaker, of what you have just heard from the Premier of Ontario, and that you will hear from all the premiers of the Canadian provinces. In a nutshell, Québec is not alone in insisting on provincial autonomy.

However, I might add that, besides the reasons common to all provinces, Québec has special grounds for valuing her autonomy. And these go far beyond the development of a linguistic heritage. Indeed, language is not only a mode of expression: first and foremost, it is a way of thinking or—better still—a way of life. The Canadian duality therefore does not come merely from a difference in language; above all, it is due to different ways of approaching, feeling and reacting when confronted by events. A French Canadian, is not the same as an English Canadian differing only as to the tongue he speaks. And, if I recall Murray Ballantyne's words at a conference on Canadian affairs held at Laval University in Québec City in 1961 when he—who is

perfectly bilingual—said that “if I speak French, I feel as though I am another person.” A French Canadian speaks differently because he is different.

Now, whenever an important issue is discussed between two groups that feel and react in such different ways, we witness the Québec Government instinctively identifying itself with the French-speaking majority in Québec, and the government in Ottawa instinctively identifying itself with the English-speaking majority in Canada, whatever the language or the cultural background of those who, in a given circumstance, constitute authority. Such is the iron rule of democracy which we cannot escape.

We would therefore, Mr. Speaker, be merely scratching the surface if we were to equate Canada's constitutional problem with a question of personal or linguistic rights. I am not saying that these rights are unimportant; what I am saying is that they do not reach the root of the problem which brings us here today.

If there is a crisis in Canada, it is not because our country is made up of individuals who speak different languages; it is because Canada is the home of two communities, two peoples, two nations between which relations need to be harmonized.

The important thing for French Canadians from Québec is not to be allowed, as individuals, to speak their mother tongue even in regions of the country where it has little chance of being understood; what they want is the opportunity to live together in French, to work in French, to build a society in their image and to be able to organize their community life so that it will reflect their culture. And this cannot be achieved unless the Government of Québec has powers proportionate to the responsibilities it is expected

by its population to shoulder. Without Québec, there might still be French minorities, but French Canada would not longer exist.

What we are seeking together, therefore, is the constitutional system most likely to reconcile the free growth of Canada's two cultural communities with the requirements of economic solidarity. And since it is mostly in Québec that one of these two communities can ensure control over its destiny, the problem may be summed up by asking: what must be done to have a strong Québec within Canada?

I believe that the best answer to this question still lies in a federal system of government, provided however it is an authentic federal system, not a deceptive front.

In order to achieve this authentic federalism, we must see to it that the distribution of powers between the two orders of government is not left to the goodwill of a central authority, but is based on a written constitution, recognized and respected by all as the country's fundamental law. In other words, there has to be priority of the Constitution over the two orders of government, not priority of the central power over the federated states. Otherwise, even if we were to decentralize at the administrative level, we would still live within a unitary state, not a federal system.

At the present time, as a result of the evolution of society and the major part played by governments in activities which would have defied imagination one hundred years ago, it is absolutely essential and it is becoming increasingly urgent to re-examine the entire question as to how powers should be distributed between the central and the provincial governments.

Our present Constitution—I almost said our old Constitution—is silent on so

many matters that it often gives us no inkling as to which sector of government is responsible for which field of endeavour. Moreover, as the Premier of Ontario observed a while ago, this is normal: the Founding Fathers of Confederation had no way of imagining what the course of evolution would be in the one hundred years from 1867 to 1967. And above that, it is not always abided by. Thus in the long run, thanks to its financial resources, the federal government ends up with actual jurisdiction over matters where Québec's interest is vitally important.

This question is equally pressing for the other provinces. We all bear witness that our present Constitution has not stood in the way of systematic and authoritarian federal encroachment upon provincial jurisdiction, encroachment which, during the last few months, has assumed unprecedented proportions, abetted as it is by federal pre-emption of revenue sources at a moment when all the governments closer to the people suffer an increasingly paralysing want of financial means.

The present federal government, strengthened by its lion's share of tax funds—a situation against which we can never protest too strongly as being unjust and contrary to the legitimate aims of the provinces, thinks it can meddle everywhere: in educational radio and television, in cultural matters, in urban affairs, in off-shore mineral rights, in securities, in higher education, in university research, in water, air and soil pollution, in highway transportation, in foreign affairs even when they relate to education and other matters under provincial jurisdiction, in community development and even in civil law through succession duties. In its eyes, one would imagine that provincial governments are, at best, administrative units expected always to play second fiddle to a rich, all-powerful and overbearing federal power.

Nothing proves this better than what seems about to take place in the field of health, and it has been our opportunity to discuss the matter in two federal-provincial conferences of Finance Ministers, the one held in November and its follow-up last December—which is clearly a provincial matter, and for which the federal government would extract money from tax-payers in all provinces so as to set up a system of which the vast majority are now in no position to take advantage. Contrary to the spirit and the letter of the Constitution, direct taxes are levied for provincial purposes. Provincial government priorities are thwarted. And again as always, the tax-payer is the victim of this taxation chaos. I believe that I come back to the ideas that were mentioned earlier regarding the immediate problems that the provincial governments—and especially the Québec government—must cope with when drafting their budgets; and the Minister of Finance, who is seated at my left, had the opportunity to say as much to his federal counterpart during the December conference, as I myself so said last November. A taxation chaos is being created—and this I repeat—while taxpayers are as always in the end the main victims.

What is more, this taxation chaos has both economic and constitutional repercussions which we cannot overlook. The Québec Government is acutely aware that it must help give its people the economic tools they still lack, just as it is painfully aware of the wide disparities to be found between its different regions. And it knows it must make sustained efforts to spur development in more than one field.

But how can it possibly do this when the present division of tax revenue in Canada prevents it not only from taking sorely needed economic actions but frequently from discharging as fully as it would like all its constitutional obligations? The

taxation problem is therefore inextricably bound up with constitutional review, since availability or lack of adequate financial resources is the one factor which determines whether each sphere of government can carry out its constitutional responsibilities in the manner expected of it. It is vitally important that the federal government understand what is at stake here—the country's very ability to function properly.

For all these reasons, Mr. Speaker, Fellow Colleagues, we need a completely new constitution, tailored to the ideas and needs of today. This is certainly the most important task we have ever decided to undertake together, because on it, the very future of our country and the welfare of all our citizens directly depend. We may need a bill of human rights, but I say that we need also a bill of provincial rights.

Indeed, constitutional reform offers the only permanent solution for the deep crisis afflicting Canada. We need fresh agreement on basic issues; we must state very clearly the ground rules for relations between governments; we must reconsider the constitutional structure of our country, the form it is to take, the ends it is to pursue, so that our political institutions may not only meet the needs of the hour but those that will arise in days to come. Above all, it has become essential to give French Canada—of which Québec is the mainstay—a deep conviction that it can find in the Canadian federation all the elements requisite for its own development. Because we must recognize that for some time this feeling of confidence has been more and more subject to question and that doubts have crept into the minds of many Quebecers.

This questioning and uncertainty cannot last forever. Choices are inevitable. Movements have already come into being whose avowed purpose is to end the federal experiment. Hence it is more and more

pressing to submit for our people's consent a new instrument of liberty and solidarity.

Obviously, Québec has very definite ideas about the main lines that must govern our new constitution. They will be found stated in the various briefs we have presented to past conferences and in the working document prepared by our officials.

We believe that in a country as ours, it would be neither wise, nor human, nor even efficient to wish every thing uniform. We think that, in certain fields, a right of option will always be necessary, not only to give Québec the degree of autonomy it needs but also to allow the other provinces

to delegate to, or use jointly with, the central government those functions which they do not care to use alone. It would be, in our opinion, an unfortunate mistake, of which we would all suffer, to insist that in all spheres the same measures apply in the same manner to all the provinces.

To those frightened by the drafting of a new constitution, I merely recall that on it depends the very future of Canada. I myself am convinced that the task is not beyond the intellectual scope, the inventive ability, the strength of friendship inherent in Canadians or either culture.

Source: Text of the opening statement.