

Opening statement by Maurice Duplessis, Prime Minister of Québec, before the Federal-Provincial Conference on the Constitution, Ottawa, January 10 to 12, 1950 (extract).

[Translation]

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It is fitting, as we see things, now at the very outset of this vitally important conference, that the attitude of Quebec be clearly defined and not leave any room for serious or frank doubt.

In principle, the Province of Quebec is absolutely in favour of a Canadian court, made up of Canadians, sitting in Canada and judging as the last appeal, in conformity with the spirit of the federative pact, for all Canadian issues that may be submitted to it. Moreover, the Province of Quebec is absolutely in favour of an essentially Canadian constitution, conceived and drafted in Canada by Canadians and for Canadians, based on the federative spirit and very soul of the British North America Act of 1867.

I say these things at the very beginning so that there may be no reasonably possible misunderstanding or disagreement on this subject. We are firmly convinced that during this conference, more than ever if possible, straightforwardness and frankness are vital, because we consider that straightforwardness and frankness are essential for national unity, well understood by all, and that they constitute an indispensable basis for the enduring prosperity of the country and the provinces.

I am not participating in this conference as the head of a party, and I do not consider the Prime Minister of Canada at this conference to be the head of a party.

I am participating in the deliberations of this conference as the Premier of the

Province of Quebec, and I consider that the Right Honourable Louis St-Laurent is here as the Prime Minister of Canada.

We wish that all issues be studied and decided in light of these principles and that partisan politics of whatever kind not be welcome here, for this must be a privileged place for sound and fertile patriotism.

It seems to us that at this time, various amendments to the Canadian constitution are welcome, but it is our staunch conviction that the spirit of the Canadian constitution must be integrally respected. From our standpoint, all constitutional issues should be analyzed at this conference, and not just the part of the constitution that federal authorities have initially submitted to the delegates' consideration. The very important part of the constitution that was recently decided unilaterally by the federal Parliament should also be among the number of subjects submitted to the delegates' analysis and decision. In our opinion, the Canadian constitution forms an organic whole and the only way to respect it resides in its unity, which means respecting the foundations of its unity.

In all frankness and without any ulterior motives, it is our opinion that it is not reasonable and it is not in conformity with a true comprehension of national unity, which is what we all desire, that the federal authority appropriate for itself the right to unilaterally choose the arbitrators called upon to decide on the respective rights of each party. We believe this to be absolutely contrary to British "fair play" and to the very basis of the federative regime. We want to cooperate with all of Canada for its success as well as for the progress and prosperity of the provinces, but not without respecting the rights of each one. We understand that in the constitution there are among its clauses less

important ones, we remain nonetheless aware that there are fundamental clauses such as, to mention but a few of them, those concerning language, religion, education, civil law and property rights. It is our firm belief that in the area of fundamental clauses, no honest compromise is possible and Quebec cannot and must not either directly or indirectly participate in compromises of this kind.

We from Quebec have come here hands wide open, not to give up or abandon our rights, but to engage with each and every delegate a warm handshake and to work together for the betterment and prosperity of the country and the provinces, while integrally respecting each and every one of them.

[Text]

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We fully realize the vital importance of this conference. At the very outset, I think that some brief statement of facts should be made so as to do away with any reasonable doubts or suspicions concerning the attitude of the Province of Quebec. The Province of Quebec is heartily in favour of a Canadian constitution decided upon in Canada by Canadians and for Canadians, and amendable through appropriate constitutional and fair methods. We are most anxious to co-operate in finding and applying such methods of amending the Canadian constitution for the real and lasting benefit of the central and provincial authorities. We are heartily in favour of a Canadian tribunal, composed of Canadians, sitting in Canada and having the power to decide in last resort, but according to the very spirit of the constitution, the claims which could be submitted to it. These fundamental principles having been clearly stated, it is appropriate for us to express to the other delegates the views of the Province of Quebec. It is also important that there should be a frank statement of policy.

In the Province of Quebec we consider that the British North America Act does not create our rights, but only confirms and reasserts the rights of our province. Confederation was not born spontaneously; it is the result of years and years of study and deliberation and the very essence of Confederation is made of sovereign provincial authorities, within the scope of their jurisdiction, and of a sovereign central authority, within the scope of its jurisdiction. When Confederation was discussed and decided upon, it was based on the principle of complete provincial autonomy. And this for excellent reasons, the most important of which is that Confederation is not only from its very beginning, an agreement between four pioneer provinces but it is a sacred covenant between two great races whose friendly co-operation is essential to the weal and prosperity of all concerned. This fundamental principle cannot and should not be tampered with. To our mind there cannot be any compromise whatever when it comes to decide the kind of administration suitable to Canada. I firmly and definitely believe that Canada is and should always be a federation of autonomous provinces. Apparently there seems to be agreement on all sides on this point—but in fact this is not so. Some people declare themselves in favour of provincial autonomy but do not seem to agree when we contend that provincial autonomy cannot exist without definite and indispensable fiscal powers and that it is useless to have a declaration of rights if, at the same time, there is no financial and fiscal power to exercise those rights. I believe that Confederation should be what the Fathers of Confederation intended it to be, in good faith, that is, sovereign provinces within the limits of their jurisdiction and a sovereign central government within the limits of its jurisdiction. There are some who, for what seems to us to be excellent reasons,

think that the British North America Act is a treaty of union between two great races; others are of the opinion that it is only a law. I firmly believe that Confederation is a treaty of union between two great races. Irrespective of these differences, the fact remains and cannot be reasonably denied that Confederation is the result of an agreement between four provinces which was ratified by Westminster. Without agreement on the Resolutions there would never have been the Act of Westminster, there would never have been Confederation. The fact is undeniable that the Canadian constitution is founded essentially and fundamentally upon the agreement of the four provinces pioneer provinces. Lord Carnavon, in the House of Lords, and Mr. Adderley, in the House of Commons, when introducing the Act at Westminster, declared it to be a treaty of union. The Province of Quebec would never have agreed to enter into Confederation had it not been made abundantly clear, at that time, that the guarantees upon which Confederation is based were to remain and last. This opinion is not a personal one, it is not only the opinion of the Province of Quebec; it is the considered opinion of very many Canadian and English statesmen and jurists.

The problem we are called upon to study and discuss is not a particular one, it is not a political problem. It is a national problem and we wish to consider it as such. In my humble opinion, the federal authority should submit to the conference not only part but the whole of the constitutional problem. This would be conducive to more friendly relations and more friendly co-operation. There can be no denying the fact that Canada cannot prosper and will not prosper and Canadian unity, well understood, will not be realized if there are still doubts and suspicions on fundamental questions. Let us all be friends, let

us all be good Canadians. This country of ours is much bigger than any one of us. No man in this world is brilliant enough to have a monopoly of science and knowledge. Let us, in a friendly way, exchange our views; co-operation is not a one way street. Let us all work together, study our problems and find the best possible methods of settling them on a sound, friendly and constitutional basis.

In Quebec, as elsewhere, we have a real desire for a great and prosperous Canada and for great and prosperous provinces. We ardently wish every province to be happy, and we consider that the best way to achieve the desirable and desired end is by fully respecting the soul and spirit of our constitution, that is to say by having a real federal system based on a federal authority and provincial authorities having, not only the power to legislate and administer but having also the clear and essential financial powers sufficient not only to deal with the present, but to cope with the future, because to govern is to foresee.

Quebec believes in responsible government and we contend that there cannot be responsible government without indispensable financial powers. Bearing in mind these fundamental principles I am convinced that we can arrive at a fair and appropriate solution of our problems.

I congratulate the Prime Minister of Canada for having decided to hold the present conference, and I can assure all the Prime Ministers and all the delegates here that every one can rely on the wholehearted and loyal co-operation of the Province of Quebec in seeking, finding and applying the best possible methods that will insure completely and definitely the rights, prerogatives and liberties of the central authority and the provincial authorities.

Source: Proceedings, Federal-Provincial Conference on the Constitution, held in Ottawa, January 10 to 12, 1950, p. 14-17.