

and implementation had been achieved, any constitutional changes that might be needed, and which did not come under Section 91(1) or Section 92(1) or which could not otherwise be effected in Canada could be made subject to unanimous consent. This would impose an interim rigidity for such very rare requirements for amendment, but, as I have said, the practice has, in any event, been to secure unanimous consent before making amendments that have affected the distribution of powers.

A third and more extensive possibility still, would be to include, in the "patriation" action, the entirety of the "Draft Proclamation" I am enclosing. In other words the British Parliament, in terminating its capacity to legislate for Canada, could provide that all of the substance of Parts I to VI would come into effect in Canada and would have full legal force when, and only when, the entirety of those Parts had been approved by the legislatures of all the provinces. At that point, we would have, not only "patriation" and the amending procedure, but also the other provisions that have developed out of the discussions thus far. Here again, of course, until all the Provinces had approved the entire Draft Proclamation, any constitutional change which did not come under Section 91(1) or Section 92(1) would be subject to unanimous consent.

As you can see, there are several possibilities as to the course of action now to take. So far as the federal government is concerned, our much preferred course would be to act in unison with all the provinces. "Patriation" is such a historic milestone that it would be ideal if all Premiers would associate themselves with it.

But if unanimity does not appear possible, the federal government will have to decide whether it will recommend to Parliament that a Joint Address be passed seeking "patriation" of the B.N.A. Act. A question for decision then will be what to add to that action. We are inclined to think that it should, at the minimum, be the amending procedure agreed to at Victoria by all the provinces, with or without modification respecting the western provinces, and subject to the condition about coming into force only when approved by the legislatures of all the provinces as explained above.

The implications of the different possibilities are complex and you will undoubtedly want to consider them with care. I understand that Mr. Robertson has made arrangements to go to see you on April 13th to discuss these matters. When opportunity offers, you and I might also discuss the matter together. I would welcome your comments.

Prior to my meeting with Mr. Bourassa, I did not feel that I was in a position to place any documents before Parliament, but I now feel it proper to do so. I would like to table copies of this letter as well as of the "Draft Proclamation" that is enclosed. If you have any objection, could you please advise me forthwith. If I do not hear to the contrary, I shall plan to table on April 9th. Should you wish to do the same in your legislature, I would of course, have no objection.

Sincerely,

P. E. Trudeau

[Translation]

Ottawa, K1A 0A6
March 31, 1976

The Honourable Robert Bourassa
Premier of Quebec
Parliament Buildings
Quebec City, Quebec

My dear Premier,

As I told you on March 5th, I did not want to speak to the other Premiers about our discussions on the subject of "patriation" of the British North America Act before getting a clearer idea of your feelings. I have sent them a letter today of which you will find attached a copy in English and French.

All of the letters are identical, except for the one I sent to Mr. Bennett in which I took account of the fact that he had not attended our meeting in April 1975 and that Mr. Robertson has not yet had the opportunity of meeting with him. I trust you will find that the letters represent the facts accurately. Please let me know if you have any objection to my placing the attached letter to the Premiers and the draft proclamation before Parliament on April 9th. It is understood that I would have no objection to you doing the same thing in Quebec.

Sincerely,

(signed) P. E. Trudeau

DRAFT

CONFIDENTIAL

November 10th, 1975.

Form for a Proclamation of the Governor General

WHEREAS it is fitting that it should be possible to amend the Constitution of Canada in all respects by action of the appropriate instrumentalities of government in Canada acting separately or in concert as may best suit the matter in question;

AND WHEREAS it is desirable to make more specific provision respecting the constitutional status of the English and French languages in Canada and to ensure that changes in the Constitution, interpretation of its provisions or action by the Parliament or Government of Canada should not endanger the continuation and full development of the French language and the culture based thereon;

AND WHEREAS it is desirable that the Parliament and Government of Canada and the Legislatures and Governments of the Provinces act effectively to promote equality of opportunity and an acceptable level of public services among the different regions of Canada;

THEREFORE it is desirable to establish among other things:

- (a) A method for the amendment in Canada of those parts of the Constitution of general interest and concern that cannot now be amended in Canada in which the consent will be required of the Legislatures of Provinces representative of both the official language groups of Canada as well as of the Legislatures of Provinces in all of the geographical regions of Canada;