

All eyes on Peter White (191114)

By William Johnson

Peter White rides again. In an op-ed piece in the *Globe and Mail* on November 8, he issued a warning to all of Canada: "Leave Quebec and Bill 21 alone... Have a care. You are playing with fire, and your kneejerk reaction to legislation supported by a vast majority of Quebecers risks starting a major conflagration that might consume our country."

Peter White's past conforms with that prophesy of doom. He had been a special assistant in the 1960s to Union Nationale Premier Daniel Johnson Sr., who won a majority in the 1966 Quebec elections on a platform of *Égalité ou indépendance*. Canada must remake itself anew as a union of two equal linguistic societies, he demanded, or Quebec must declare its independence. Later, Peter White would act as chief of staff to Prime Minister Brian Mulroney, the federal leader who declared war on the Constitution Act of 1982 which patriated the constitution and established the protected right to French schooling across Canada. Mulroney declared that this act was a stab in the back which left Quebec isolated, humiliated and outside the constitution. He insisted that Canada must constitutionalize the Meech Lake Accord or Canada was done for.

In his current opinion piece, Peter White was referring to the bill, *An Act respecting the laicity of the State*, adopted in June by Quebec's National Assembly. It decrees at Article 6:

6. The persons listed in Schedule II are prohibited from wearing religious symbols in the exercise of their functions. A religious symbol, within the meaning of this section, is any object, including clothing, a symbol, jewellery, an adornment, an accessory or headwear, that (1) is worn in connection with a religious conviction or belief; or (2) is reasonably considered as referring to a religious affiliation.

Indeed, Schedule II offers a long and very detailed list of all the public servants who are prohibited from wearing religious symbols, including police officers, commissioners, lawyers acting as prosecutors and many others. But the category that attracted the most public attention was this:

(10) principals, vice principals and teachers of educational institutions under the jurisdiction of a school board established under the Education Act (chapter I-13.3).

The occupational category that would exclude the most people if they wore religious symbols was obviously that of teachers. And that evoked, in particular, those Muslim women who chose felt obligated by their religion to wear a veil covering face or head.

Peter White minimizes the significance of that prohibition:

First, you should actually read the bill. You should note its very narrow application, only to certain officials who must interact with the public, only while in the exercise of their official duties, and only to people newly hired in these positions.

This interpretation avoids recognizing the wider sociological impact of singling out in the public mind a whole category of people who are presumably considered as deviant or dangerous. The new law considers them as such a public threat that the power of the state must be enlisted to protect the public. And Peter White finds that just fine or at least necessary, because to condemn the law would be considered an insult by a majority in Quebec.

You should pay attention to the increasing expressions of incredulity, anger and outrage in Quebec's French-language media over your virtuous signalling and self-righteous condemnation of a legitimate act of Quebec's National Assembly, which is legislating well within its constitutional authority.

Here, Mr. White is begging the question. He ignores the fact that the government of François Legault invoked the *Notwithstanding* clause of the constitution to shield the law from court challenges. That was a tacit admission that the government knew that, otherwise, that law would likely be struck down by the court as unconstitutional, discriminatory and a violation of religious freedom. Moreover, that law is now already being challenged before Quebec's Superior Court and, even though the law invoked the *notwithstanding* clause, the court has accepted to hear the challenge. Mr. White has rashly rushed to judgement when he insists that it is "a legitimate act of Quebec's National Assembly."

But there is more. Peter White remains true to his past when he now lectures the country in this way. Once again, he rides out proudly before the country astride of a lamb, not a horse. He warns that the criticism of Bill 21 might bring on "a third referendum on Quebec independence."

Will Canada accept Quebec as it is, or persist in interfering in Quebec's internal affairs, of which it is largely ignorant? Or will Quebecers conclude, once and for all, that they are not welcome in this country and must reluctantly leave it?

So, Peter White, out of fear of Quebec's separatism, declares that any criticism of this law in the rest of Canada is out of bounds. One may not declare that the law violates the fundamental constitutional rights of a part of Quebec's population. He ignores the fact that the constitution of Canada is a shared legacy for all Canadians, wherever they live within Canada. All have a moral obligation to defend the constitution, and all have a right to ask the federal government to defend constitutional rights across the country, wherever they are violated.

But Peter White's current stance is nothing new. In 1996, in the shocked aftermath that followed the perilously close vote in Premier Jacques Parizeau's referendum of October 30, 1995, Peter White was notable for promoting a policy of wooing Quebec's continued adherence to the federation by making big concessions to Quebec governments' constantly escalating nationalistic demands for substantial more powers. Mr. White then held the position of president of the Canadian Unity Council (Conseil pour l'unité canadienne), a voluntary

organization that received lavish contributions from the federal government to defend the unity of Canada and the rights of minorities.

Parizeau had made it clear, in the aftermath of that referendum, that, had the slightest majority voted for the unilateral secession that his referendum proposed, he would have definitely led Quebec out of Canada. Mr. White's solution to this threat of unconstitutional secession was to rewrite the constitution of Canada to placate the nationalists. On January 22, 1996, Mr. White appeared as president of the Canadian Unity Council before the committee of the Senate studying Bill C-110, the act that would commit the federal government to lend its own veto against any constitutional change opposed by a region of the country, but particularly by Quebec. That was Prime Minister Jean Chrétien's last-minute promise in the dying days of the referendum in an attempt to counter the surging support for the OUI that seemed likely to attain a majority.

The senators sitting on the committee expected the president of the Canadian Unity Council to advise them on whether to adopt, amend or refuse to pass the bill that was part of the package promised by Prime Minister Jean Chrétien. Senator Sharon Carstairs pressed him to say what he would do with the bill if he were a senator. Instead, he simply dodged and weaved: "It's quite possible that this bill will do more harm than good. It's quite possible it would do more good than harm."

In other words, Mr. White saw the real solution, not in the proposed bill under discussion, but in acquiescing to the constantly escalating demands for more jurisdictional powers put forward by successive Quebec governments. He advised the senators to invite Quebec Liberal Leader Daniel Johnson Jr. to appear before them. They replied that they had already done so, but that Mr. Johnson had refused. Mr. White then suggested that they contact Mr. Johnson by phone or try to speak to some other Quebec Liberal for an opinion.

He then spoke out in favour of the well-known demands of several Quebec governments, whether Liberal or Union Nationale. He proposed a wide application of those demands:

If Canada breaks apart, it will be largely because of the refusal of non-francophones in Canada to recognize and respect the legitimate rights and needs of francophones in Quebec and throughout Canada. The key to avoiding the breakup of Canada is achieving the full recognition and respect within Confederation of the legitimate linguistic rights and self-government needs of members of Canada's francophone national minority everywhere in Canada, and particularly in Quebec.

He then proceeded to read more than two pages of text that enunciated proposals for amending the constitution of Canada. They included recognizing two "historic national minority communities of Canada," namely aboriginal peoples of Canada and "the francophone peoples of Canada."

Mr. White's proposals for a comprehensive revision of the constitution meant reviving the divisive debates that had begun with Jean Lesage, were continued by Daniel Johnson Sr., then by Robert Bourassa, followed by René Lévesque's 1980 referendum on sovereignty-association. The debates had been brought to a temporary conclusion in 1982 by Prime Minister Pierre Trudeau's Constitution Act, and his patriation of the constitution from Britain. But the debate was revived by Prime Minister Brian Mulroney, who now portrayed the patriation of the constitution (which he had supported against his Progressive Conservative leader Joe Clark) as a betrayal of Quebec.

Robert Bourassa returned to power in 1985 and, now with Mulroney's support, set five conditions for acknowledging that Quebec was bound by the Constitution Act. (The Supreme Court of Canada had already confirmed its unchallengeable validity in December 1982.) Mulroney brought out the Meech Lake Accord, which failed to obtain the support of all provinces in mid-1990. Premier Bourassa then demanded a new constitutional referendum in 1992 on the Charlottetown Accord. That was defeated in Quebec and in the rest of Canada as a whole.

But, in three decades of negotiations, no consensus in Quebec ever emerged on what Quebec really wanted. The rest of Canada, pressured by Prime Minister Pierre Trudeau, did achieve a consensus of nine provinces in 1981-82. But, after the subsequent deadlock over Meech Lake and the 1992 referendum on the Charlottetown Accord, the rest of Canada refused to be enticed into reopening Pandora's box once again. Peter White's proposal in 1996 for another round of negotiations on a new constitution was reckless and unrealistic. It could go nowhere.

Peter White again made the news on April 25, 1996. On that date, *La Presse* published under the signature of Mario Fontaine an interview which was headlined:

“Trois ans de sursis”

Chrétien ne réalise pas la gravité du problème, selon le président du Conseil pour l'unité canadienne.

The article brought out the great sense of alarm felt by Mr. White, who judged that the bill presented by the prime minister was not nearly enough to stave off a national crisis. Here is an excerpt from the interview (my translation from the French):

Canada has barely two or three years to settle the constitutional problem. After that, it runs the risk of being too late, fears the president of the Canadian Unity Council, Peter G. White.

Mr. White finds that Jean Chrétien does not realize the gravity of the situation. He deplores that the prime minister, his counselors and the cabinet limit themselves to technical solutions instead of bringing up new ideas. Mr. White characterizes the

leadership of the federal government as very disappointing on the subject of Canadian Unity.

“If this respite of two or three years is not put to use, we are finished,” Mr. White predicted yesterday in an interview with *La Presse*.

If nothing substantial is proposed during this period, then Lucien Bouchard will have the right to win” his next referendum, he said.

In the article, Peter White proposed that the federal government should listen to Opposition Leader Daniel Johnson Jr., who had been leader of the NON camp in the 1995 referendum. And Mr. White made some proposals of his own:

He himself travels across Canada promoting a five-point plan destined to settle the contentious issues. First, to recognize the existence of the French-speaking minority in Canada as a whole, then to leave that minority to define its own distinctiveness, then to grant to the provinces the powers that they are entitled to under the constitution, then the guaranteed representation of Quebec within the Canadian institutions, and the vesting of the entire package in the constitution.

Mr. White raised another contentious issue during that interview: he condemned the possibility that Quebec would be partitioned should it secede from Canada:

He is opposed to the partition of Quebec in the event that it became sovereign. “That is nonsense, a stupidity. It would settle no problem.”

Peter White is not surprised, however, that some Anglophones speak of partition. The “sovereignty-partnership proposal that the delegates to the convention of the Parti Québécois are due to include in their program this week-end could also turn out to be a good solution, he believes. But that is not his own preferred option and his choice is still to reform what needs to be reformed within the existing system.

But such political naivete was not the only Achilles’ heel to White’s constitutional undertaking. Far more serious was what the *Montreal Gazette* published on April 10, 1996: a dramatic manifesto signed by 15 prominent Quebecers, including Peter White, that declared Quebec’s secession to be a right and entirely as legitimate as was maintaining the federal state. The identical manifesto was published in French in *La Presse* the following day and in *Le Soleil* of Quebec City on April 13.

“Group wants healthier post-referendum climate,” was the headline over the manifesto in the *Gazette*. In *La Presse*, it was headlined: « Groupe de Québécois inquiets. » In *Le Soleil* : « Pour un dialogue démocratique entre tous les Québécois. » Here is the entire joint statement :

The following is a declaration of principles by an ad hoc group of prominent Quebecers who met in January to discuss the post-referendum political situation. The group plans to publish a book in English and French this fall.

We are Quebecers of all ethnic and cultural stripes. We are sovereignists, federalists and others who are troubled by the post-referendum political climate, which we find unwholesome, and are concerned both about the fate of the particular collectivities to which we belong and about the future of Quebec and Canada.

We represent no single person or body. Our group has been formed in the moment, brought together by the current situation and our good will. We wish to reflect on our shared problems and challenges with full openness and freedom of thought in the hope that, through frank dialogue and respect for democratic values, we might see more clearly and find the path of understanding.

If, at the end of this exercise, the behavior and reserve of all those involved remain unchanged and show no sign of concession, our failure will be only too eloquent. If, on the other hand, we can contribute to the beginnings of a new pact or social contract that will prove as beneficial for Quebec as for Canada and for the First Nations, our efforts will not have been in vain.

This is the challenge; these are the stakes. Let us all spread our cards on the table. As starting principles, we affirm and recognize the following:

The equality of all those who live in Quebec and who form the people of Quebec.

The freedom of the Quebec people to determine its constitutional status democratically, in other words, to choose full national sovereignty or to choose to continue to share this sovereignty with the other Canadian provinces, but this in a federal or confederal union – thus we recognize the legitimacy of the three principal options currently put forward.

The fraternity and solidarity that unites all individuals as well as the cultural or ethnic collectivities to which they belong, and which go to make up Quebec society.

The principally French character of Quebec society, whose common language is French.

The enriching vitality of Quebec's diverse cultures.

The necessity that Quebec's pluralism be reflected in all spheres of social, cultural and political activity.

The respect for fundamental rights and freedoms, for people and collectivities, and for democratic values and the rule of law.

The repudiation of all physical or verbal violence, of all form of intolerance, of racism, of francophobia, of anglophobia, or xenophobia.

The will to search together, through dialogue and democratic means, for peaceful solutions to our common concerns and with absolute respect for the convictions and legitimate options of each and everyone.

The signatories acknowledge these principles to be their own and to form the basis of their search, which they undertake with good will and as compatriots. They hope that the Quebec and Canadian authorities, as well as all those who participate in the public debate, will likewise make it their concern to respect these same values.

Among the 15 people who signed the manifesto, the following were the best known:

- **Charles Taylor**, professor of philosophy at McGill University. In 1995, he had been appointed to the highest honour bestowed by the federal government: Companion of the Order of Canada.
- **Gretta Chambers**, a journalist who was also chancellor of McGill University and a weekly columnist in the *Montreal Gazette*. She was made a member of the Order of Canada in 1994 and would later be elevated to the rank of Companion of the Order of Canada. She was the sister of Charles Taylor.
- **Guy Rocher**, sociologist, the most prominent of the 15 people who signed the document. He had been appointed as a Companion of the Order of Canada in 1971. He also garnered many other honours, including Knight of the National Order of Quebec (1991). With a doctorate from Harvard University and a professorship at the Université de Montréal, he was appointed in 1961 as one of the commissioners for the Royal Commission of Inquiry on Education (the Parent Commission) which would revolutionize the system of education in Quebec, including the creation of a ministry of education and a new junior college system known as CÉGEPs (*Collèges d'enseignement général et professionnel*). After the Parti Québécois came to power in 1976, Guy Rocher became deputy minister to Cultural Affairs Minister Camille Laurin and helped to develop 1977's White Paper on the French Language and the subsequent legislation, Bill 101, the Charter of the French Language, that declared French as Quebec's only official language and that restricted the public use of the English language.

This is a truly extraordinary statement by prominent individuals from Quebec. They asserted: "we recognize the legitimacy of the three principal options currently put forward." To give equal legitimacy to secession and to maintaining the territorial integrity of a state is a principle that no country on earth would ever accept. Moreover, it is contrary to "The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States,"

that was adopted by the General Assembly of the United Nations on October 24, 1970. That formal declaration puts forward these notable paragraphs that contradict the thesis of the 15:

The territory of a colony or other Non-Self-Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it; and such separate and distinct status under the Charter shall exist until the people of the colony or Non-Self-Governing Territory have exercised their right of self-determination in accordance with the Charter, and particularly its purposes and principles.

Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.

Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country.

The fundamental problem of the thesis of Peter White and the other 14 is that it ignored the rule of law. As our Supreme Court of Canada would declare two years after this statement was published, Quebec can only secede legally if it obtains an amendment to the constitution of Canada, in accordance with the terms spelled out in the Constitution Act of 1982. That means that every province must agree to the required amendment. Otherwise, the secession would be a revolution.

The people of Quebec would never agree to a secession by revolution. History has amply demonstrated how dangerous that can be. The American Civil War saw hundreds of thousands killed when the southern states tried to secede. The separation of Pakistan from India continues to cost both countries dearly to this day. Currently, Brexit and the disruptions in Catalonia are indications of the problems Canada might incur should Quebec try to secede unilaterally, without the required amendment.

Canada has been subjected to constant threats of Quebec's secession because people like Peter White, Brian Mulroney, Robert Bourassa, Jean Chrétien, Stéphane Dion, Lucien Bouchard and Jacques Parizeau, all failed to uphold the rule of law. Abiding by the rule of law must be the recognized pre-condition of any future negotiations to change the constitution that are realistic. The alternative is impasse, deadlock or even chaos.