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THE PLACE OF QUEBEC IN NORTH AMERICA

J. Michael Robinson
Introduction

MR. ROBINSON: I'm Michael Robinson, and it's my privilege to preside over this session, which is, I told Pierre-Marc, nothing more than being a referee during the discussion period to make sure that there's not too much shouting back and forth, and that the questions come in some sort of order.

You have seen the topic for the luncheon address today or the luncheon seminar, which is "The Place of Quebec in North America." Thus, you are going to get the modern view of that from our speaker, who I will introduce in a minute. First, I would like to give you just a little bit of historical background. You might not be aware of an interesting fact, Cleveland used to be in Quebec.

In 1763, after the British so-called conquest of French North America, there was a proclamation of British Quebec that said that there shall be no settlement west of the Appalachians.¹ This proclamation applied also to the 13 colonies. What was the purpose of this? It was to try to induce settlers from the 13 colonies to move to Quebec; and, thereby, dilute the overwhelming French Canadian population, or at least make for more of an English-to-French mix. The 13 colonists said, "No way, it's much too cold up there. The Laurentians are rock farming. I'm not going." So that didn't work.

In 1774, the Quebec Act was passed, an Act of the Parliament of Westminster, of course, the British Parliament.² That is how Cleveland got in Quebec. The borders of Quebec were right down the Ohio River and in the Ohio and Upper Mississippi Basin.³ I don't know if anybody lived in Cleveland at that time,⁴ but Cleveland was certainly part of the colony of Quebec in British North America.

It is interesting that there was no elected assembly permitted, and people would think, "Well, that's typical, you know, they won't allow the French Canadian any power." As the governor said at the time, "It would be representative only of the 600 English settlers and an instrument in their hands for

¹ The Royal Proclamation of October 7, 1763, R.S.C., app. II, No. 1.

² The Quebec Act, 14 Geo. 3, ch. 83 (1774) (Eng.).

³ *Id.*

⁴ The first citizens of the United States to reach the area were a survey party lead by Moses Cleveland on July 22, 1796. The Encyclopedia of Cleveland History, available at: <http://ech.cwru.edu/timeline.html> (last visited Oct. 24, 2004).

dominating and persecuting the 90,000 French.” At least the English had enough sense to realize that you cannot impose an alien government on a different population.

Now, we had a little problem down here on this side of the border. I think you decided you did not want the monarchy anymore. At the end of that unpleasantness, there was a thing called the Treaty of Versailles, which settles British North America again.⁵

To the great dismay of those living in Quebec, both Anglophones and Francophones, Britain gave up all the land south of the Great Lakes. So suddenly Cleveland became part of the U.S., where it hadn’t been before that.

In 1791, Lower Canada was created as a separate province with its own parliament,⁶ secure, seigniorial tender,⁷ the old French style of land ownership,⁸ and state church (the Roman Catholic Church); French Civil Law was clearly established as the Law of Quebec.⁹

Then there was another unpleasantness, but this one was not just down here, it came up to Canada, too, and that was the War of 1812. Again, the French Canadian participation was extremely important. The leading general was de Salaberry, who was a French Canadian.¹⁰ He led a local militia of French Canadians, who beat up on these Americans coming up attacking Montreal,¹¹ Chateauguay¹² and Chrysler’s Farm,¹³ all famous battles where we whipped you Yanks, and sent you back home. Nevertheless, de Saleberry was a French Canadian leading a French Canadian militia, not a professional army.¹⁴

Therefore, there is the historical context until Confederation. Canada has ten provinces, but many people do not realize there were only four when we confederated, and two of them were the small Atlantic Provinces of New Brunswick and Nova Scotia.¹⁵ Our Confederation was truly then regarded, and should still be regarded, I think, and I am sure Pierre-Marc would agree, as a Confederation of two founding nations, the Anglophones and Francophones of Canada.

⁵ The Definitive Treaty of Peace Between His Britannic Majesty and the United States of America, art. 4 (Sept. 3, 1783), reprinted in HUNTER MILLER, TREATIES AND OTHER INTERNATIONAL ACTS OF THE UNITED STATES OF AMERICA, 1776-1818, at 151, 154 (1931).

⁶ *Constitutional Act*, 1791, 31 Geo. III, c. 31 (Imp.).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ The Canadian Press, *Today in History*, THE CANADIAN PRESS (Oct. 26, 2001).

¹¹ *Id.*

¹² J.L. Granatstein, *A Nation Born in Battle*, NAT’L POST (Nov. 13, 2000) at A14.

¹³ See <http://www.cryslersfarm.com/battle.htm> (last visited Sept. 25, 2004).

¹⁴ *Supra* at n10.

¹⁵ Desmond Morton, *Canada: A Pluralist History* (March 1, 2003), in *Canadian Speeches* at 54.

Well, we dogged along until 1982, when there was an effort made to repatriate our Constitution, which up to then had been a statute of Westminster, British Parliament.¹⁶ Unfortunately, Quebec certainly did not like the way that was done, or what it said, and Quebec has never signed it.¹⁷ A lot of people do not realize that our “Constitution”, which is a statute of the Canadian Parliament, agreed to by nine of the Provinces, has never been accepted by the Province of Quebec. You will hear a bit more about that. I am not going to say anything about referenda, either.

As a summary of what this topic should be called is, “The Place of These Nouveau Anglophones in French and Spanish North America,” because, of course, it was the French and the Spanish that were here first with the mostest. All of what is now Canada and all of what was the Mississippi, was French; and everything else was Spanish with a few Russians around, and we Anglophones are new boys.

I do not have much of a proper basis for being the introducer here. I am almost a unilingual Anglophone from the Province of Ontario. We should have had somebody like Simon Potter, who was unable to come, who is a truly bilingual Quebecer, but I have one claim to legitimacy. I still have, as I mentioned to Pierre-Marc at lunch, on the back bumper of my 1989 Saab, the bumper sticker that says “My Canada Includes Quebec.” There were a lot of those around at the time of one of the efforts to convince Quebec to sign this Constitution called the Meech Lake Accord.¹⁸ Typical of Canada, I put one bumper sticker on the left side, the English one, I tried to get the French one to go on the other side of the bumper, and they were not available in Ontario. By the time I tried to get one in Quebec, they had run out of the supply.

I am going to introduce the person who really knows about what’s going on in Quebec now, and probably knew all this history, as well, and that is Pierre-Marc Johnson, who was the Premier, Prime Minister of the Province from 1985 to 1987,¹⁹ was a former Professor of Law at McGill University in Montreal,²⁰ and is currently Senior Counsel at the interprovincial law firm of Heenan Blaikie.²¹ He has wide experience in negotiation of environmental and developmental issues at both the United Nations and with his NAFTA association. He is an advisor to, and currently Chair of, the ten-year Review

¹⁶ Jeffrey Wutzke, *Dependent Independence: Application of the Nunavut Model to Native Hawaiian Sovereignty and Self-Determination Claims*, 22 AM. INDIAN L. REV. 509, 526 (1998).

¹⁷ Gregory Marchildon & Edward Maxwell, *Quebec’s Right of Secession Under Canadian and International Law*, 32 VA. J. INT’L L. 583, 585 (1992).

¹⁸ PETER W. HOGG, MEECH LAKE CONSTITUTIONAL ACCORD ANNOTATED (1988).

¹⁹ Political Biography available at: <http://www.assnat.qc.ca/fra/membres/notices/j-johnpm.htm> (French only) (last visited Oct. 24, 2004).

²⁰ Available at: <http://www.irpp.org/about/johnson.htm> (last visited Oct. 24, 2004).

²¹ Firm website available at <http://www.heenanblaikie.com/> (last visited Oct 24, 2004).

Committee for the NAFTA Commission for Environmental Cooperation. He is the author of several books. I am not going to read them all off, except the title of the 2000 one, which intrigued me, *Beyond Trade: The Case for Broadened International Governance*.²²

Currently he is a little busy in a high profile thing called Soft Wood Lumber No. 4, because he is the Chief advisor and negotiator for the Government of the Province of Quebec on this soft wood lumber case.²³ As most of you know, Quebec and British Columbia are the two major soft wood lumber exporters to the U.S., so he has a very big job to do.²⁴

However, I want to ask him to tell me what this entitlement means, because I had never heard of this order. He is a Grand Officier de l'Ordre de la Pleiade.

MR. JOHNSON: Yeah.

MR. ROBINSON: You have to tell us what that is.

MR. JOHNSON: Well, that is a start, Michael, I guess.

MR. JOHNSON: It did not take very long for me to understand what is happening here.

Professor King, dear friends, first of all, la Pleiade is the order handed out by the Francophone countries. They get together, both as Parliamentarians and Heads of Governments on a regular basis, and they founded this order.²⁵

MR. ROBINSON: Wonderful.

²² PIERRE MARC JOHNSON (WITH KAREL MAYRAND), *BEYOND TRADE - THE CASE FOR A BROADENED INTERNATIONAL GOVERNANCE AGENDA: AN IRPP WORKING PAPER* (IRPP, June 2000) available at:

<http://www.irpp.org/pm/index.htm> (last visited Oct. 20, 2004).

²³ See: <http://www.heenanblaikie.com/en/ourTeam/bio?id=327> (last visited Oct. 24, 2004).

²⁴ Steve Mertl, *No Counter-offer Soon in Softwood Tiff With U.S., Says Federal Trade Minister*, THE CANADIAN PRESS, March 24, 2004.

²⁵ More information available at <http://www.apf.francophonie.org/> (last visited Oct. 24, 2004).