

May 16/73 - Edmonton -

Meeting 3:30 - 4:30 in Premier's office attended by:
Premier Lougheed; A.G. Lougheedman;
Peter Mackison; Carter + self.

Presentation - Reviewed discussion at dinner on April 9; reactions by Premier; initial contact (by telephone) had been with Ken Bourassa (as the Premier most concerned). B. had asked me to contact a few Eng. speaking Premiers (not all) first and had specifically asked me to see Mr. L. Had seen Schreyer en route; would see deves on Tues; then Mr. B. Said I thought Mr. B. wanted a bit more time re "const. guarantees".
- then gave presentation of proposal

Points raised by Mr. Lougheed et al -

① The Supreme Court: Raised question whether it would not be possible, in the "protection" operation, to include the Victoria formula in the Supreme Court. (Part IV)
- I said would not involve getting into substance of BNA Act since Supreme Court is not est'd. by it. Thought could be added if was general wish.
- Lougheed: (A) Referred to disc. at Premier's conf. in autumn 1974. All but Hatfield had favoured formula (Part IV) Hatfield had said only ~~agreed~~ at Victoria to get other parts of Charter. Was basically opposed to what might agree to get amending formula.
(B) Said Part IV would be a definite addition for Alberta: would give some substance & attraction to exercise.

② The "possible B.C. refs"

L.H. referred to "majority of prov" prev

for Western provs. - not for Atlantic. Why in?
Why not as for Atlantic? Explained Bennett's insistence
in 1971. Mulroney added that at one point in 1971
Bennett had pressed for 5 regions - B.C. to be a region
& - a vote without either 25% of total pop or a
majority of Western pop.

- Louphard stressed that present letter. govt. had
no commitment re Victoria. They thought Alta. div.
would keep B.C. from ever having a majority of western
pop. but, now so, was opposed to that provision in
Part IX. Wanted me to talk to Mr. Bennett re.

③ Additional provinces

Hypden asked what intention if 1 or 2
added. I said would not necessarily have to
change formula. Under Art 49 "majority" of provs.
required: 6 of 10; 6 of 11; 7 of 12. A new prov. of
"Yukon" or "N.W.T." could be part of an effort "majority",
but would not come under s.s. (1), (2) & (3)

Hypden said would not want a
new province to "dilute" the requirement re the West (i.e.
be one of "two of the Western Provs." (I should also
have pointed out Art 57 which names the 4 "Western
Provinces".)

Final position -

- Hypden will refer matter to Alberta
Cabinet and will recommend that Alta. be prepared
to go along with "protection" exercise provided:
 - (A) drop "at least 50% of the population
of all the Western provinces".
 - (B) include Supreme Court (Part IV)

2. Mr H. or someone for him will phone me re Alta position after #1.

3. A. Boyhead asked me to advise Mr. Bonasa of the Alta position, especially re the Supreme Court. (I can advise him re the S.C. — and Mr L. wants me to — even if Alta Cabinet has not decided re #1.)

4. I undertook —

(a) to make agreement to Mr. Barrett re "50% of pop" requirement

(b) to advise P.M. of imp. of Part IV of Alta

(c) to advise Alta of portions of Dist. & Que. (I told Mr L. of portion taken by Schreyer.)

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Reflections -

① If B.C. will not agree on "50%", could put out "Fall Back position" the Victoria formula modified to omit "50%". - B.C. might be angry, but would be difficult to argue for their position (in effect, for a vote if do not get 25% of pop.) - if both B.C. & Que were angry, might be better than Que only.

② Alternative, might be to go ahead on "protection" if could get support of all provinces but B.C.

③ Might even consider going ahead with all but B.C. & Que ??