

CONFIDENTIEL

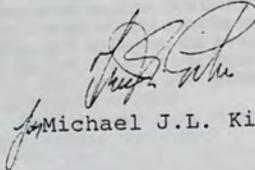
le 24 octobre 1981

NOTE POUR LE PREMIER MINISTRE

Référendum sur la Constitution:  
réaction de M. Lévesque

A la suite d'un éditorial du Toronto Star préconisant un référendum sur la Constitution, M. Lévesque a réservé son jugement sur la question tout en soutenant qu'il s'agirait d'un geste décent de la part du fédéral avant de passer aux actes. Il n'exclut pas un référendum québécois sur la question. (Journal de Montréal, le 5 octobre 1981).

Le ministre de la Justice du Québec, M. Marc-André Bédard a dit que le fédéral devrait tenir un référendum national sur la Constitution "if it still has some feelings for democracy and some respect for the provinces". (Toronto Sunday Star, le 4 octobre 1981).

  
Michael J.L. Kirby

J.R. Hurley/jl

Bedard indicated he would be prepared to see such a referendum take place in Quebec without the strict controls on spending and the source of campaign funds enforced by law on Quebec referendums.

"I am convinced that no matter what attempts the federal government made to organize a referendum to its own advantage, it would not win either in Quebec or elsewhere in Canada."

He added it would be essential —

dum idea.

Premier Bill Bennett of B.C. should continue his meetings with the other premiers to sound out their views in the aftermath of the court decision, he added.

However, "who said what" can get confused in such a string of individual talks, the minister said, emphasizing the need for another joint session among the premiers.

It has been tentatively arranged for Bennett to see Davis on Wednesday.

# Quebec supports referendum

*Constitution*  
*Quebec*  
*Saskatchewan*  
*Ontario*

The federal government should hold a national referendum on the constitution "if it still has some feeling for democracy and some respect for the provinces," says Quebec Justice Minister Marc-Andre Bedard.

He was commenting on an editorial in yesterday's Star calling for a federally organized, Canada-wide referendum posing a question such as:

"Do you support patriation of the Canadian constitution at this time, with a charter of rights and an amending formula, as detailed in the resolution passed by Parliament?"

Politicians across the country were divided in their reaction to The Star's proposal. Federal Justice Minister Jean Chretien was non-committal, while Saskatchewan Premier Allan Blakeney opposed the idea.

Ontario Intergovernmental Affairs Minister Tom Wells said the concept is "an interesting one" and should at least be discussed by the premiers before Parliament reconvenes.

Canadians in general are receptive to the notion of putting the thorny constitutional issue to a national vote, according to a Quebec poll released yesterday.

Almost 60 per cent of those queried — evenly divided between anglophones and francophones — agreed that Ottawa should "hold a referendum in order to obtain a mandate from the Canadian people to patriate the constitution."

In backing such a solution, the Quebec justice minister told The Star's Robert McKenzie that the question should reflect "the essence of the Supreme Court judgment" that Prime Minister Pierre Trudeau's package, although legal, is unconstitutional.

Bedard, who was attending the Parti Quebecois national council meeting in Jonquiere, Que., said the fairest way to proceed would be to ask a question on which Ottawa and the 10 provinces had reached a prior consensus.

Bedard indicated he would be prepared to see such a referendum take place in Quebec without the strict controls on spending and the source of campaign funds enforced by law on Quebec referendums.

"I am convinced that no matter what attempts the federal government made to organize a referendum to its own advantage, it would not win either in Quebec or elsewhere in Canada."

He added it would be essential —

as The Star suggested — that the referendum, to be considered valid, would have to come up with majorities favoring the federal initiative in "Quebec, Ontario, the Maritimes and the West" as well as across Canada.

In Melbourne, where he is attending a Commonwealth conference, Trudeau told Canadian Press yesterday he is "absolutely convinced" that he could win a national referendum on his constitutional package although he is not contemplating such a move at present.

Officials say a referendum would require enabling legislation that would have to make its way through Parliament.

Justice Minister Chretien told The Star a national referendum "hasn't been discussed — we're not thinking in those terms."

## No comment

He refused to "speculate" in any way about a referendum or to comment on Bedard's stand. "The court decided in our favor and now we're waiting for the provinces to react."

Saskatchewan's Blakeney rejected a referendum as the solution to the 54-year-old constitutional battle, saying it would alienate a particular region, such as Quebec, and would fly in the face of the Supreme Court ruling that federal and provincial agreement is required.

What do people mean when they say a national referendum?

"Do they mean a particular proposal should be put to the Canadian people, and the majority rules? Or two proposals, and again the majority rules?"

"It is not possible to change a constitution by a simple national majority. I know of no federal state in the world which doesn't require a double majority — majority support from the federal government and majority support from the provincial government."

Ontario's Wells said Premier William Davis, who returns to Toronto later today from Hawaii, "would certainly want to consider" the referendum idea.

Premier Bill Bennett of B.C. should continue his meetings with the other premiers to sound out their views in the aftermath of the court decision, he added.

However, "who said what" can get confused in such a string of individual talks, the minister said, emphasizing the need for another joint session among the premiers.

It has been tentatively arranged for Bennett to see Davis on Wednesday.

Québec  
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JOURNAL DE MONTREAL

DATE: 5-10-81

PAGE: A-8

# Constitution: Lévesque ne sait plus quoi attendre de Trudeau

□ JONQUIERE — Le premier ministre Lévesque, qui participait en fin de semaine à la réunion du Conseil national de son parti à Jonquière, a déclaré aux journalistes qu'il ne savait pas à quoi s'attendre de la rencontre projetée entre M. Trudeau et le président du front commun des provinces opposées au rapatriement unilatéral de la constitution, M. Bill Bennett.

**CLAUDE V. MARSOLAIS**  
(envoyé spécial de LA PRESSE)

« Avec les attitudes de Trudeau de « j'avance, je recule », je ne sais vraiment pas à quoi m'attendre », a-t-il dit en faisant référence au fait que la balle était maintenant dans le camp fédéral à la suite du jugement de la Cour suprême et de l'adoption d'une motion de défense à l'Assemblée nationale. M. Lévesque verrait d'un bon oeil la tenue d'élections fédérales, surtout que le Parti québécois songe à y participer en fondant une aile fédérale. Toutefois, il estime que M. Trudeau va y songer deux fois avant de se lancer dans cette aventure, surtout après les défaites des élections partielles de Spadina et de Joliette.

Quant à savoir s'il est favorable à un référendum pancana-

dien sur la constitution, comme l'a indiqué le ministre de la Justice M. Marc-André Bédard, il réserve son jugement sur la question mais soutient qu'il s'agirait d'un geste décent de la part du fédéral avant de passer aux actes. Par ailleurs, il n'exclut pas que le Québec organise son propre référendum sur la question, moyen privilégié par une majorité de Québécois (52 p. cent) selon un sondage de Sorecom publié samedi dans les quotidiens The Gazette et Le Soleil.

D'autre part, M. Lévesque a été plus ou moins favorable à l'idée de faire adopter par l'Assemblée nationale, comme le propose une résolution du Conseil national, une loi proclamant le droit inaliénable du peuple québécois à l'autodétermination et estime même que seul le peuple québécois a le droit de choisir pour lui-même ou de modifier le cadre constitutionnel dans lequel il entend se développer.

Selon lui, il s'agit d'un droit inaliénable du peuple et ne voit pas le besoin de le réaffirmer dans un texte législatif.

## Promotion de la souveraineté

Au cours de la fin de semaine, le Conseil exécutif a fait adopter par les membres du Conseil na-

tional une résolution visant à promouvoir le concept de la souveraineté-association. A cet effet, le parti a été mandaté pour entreprendre dans les journaux régionaux et nationaux une campagne de sensibilisation de la population, de profiter de toutes les tribunes à cette fin, et de produire le matériel nécessaire (macarons, journal, etc.) pour véhiculer l'idée.

Cette proposition se veut une réponse au coup de force fédéral dont le projet, s'il était réalisé, aurait pour effet de réduire les pouvoirs du gouvernement québécois.

Devant ses militants, le premier ministre du Québec a décrit la présente crise constitutionnelle de « gaspillage d'énergie et de ressources » alors que les problèmes économiques exigent des solutions immédiates.

M. Lévesque a cependant fait un constat d'impuissance de son gouvernement qui est pris dans une tenaille infernale entre la constitution et l'économie. Il en impute la faute au gouvernement fédéral et « au prince Trudeau qui veut s'ériger un monument avant de céder la place à un autre », mais il exhorte entre-temps les militants et les Québécois à ne pas entreprendre de gestes d'impatience, d'indignation ou de révolte. Il préfère la

victoire honorable et légitime. C'est pourquoi il a demandé aux militants de travailler à faire en sorte qu'une majorité de Québécois en viennent à partager les espoirs et les convictions du Parti québécois.

## Fêtes nationales

En ce qui concerne l'affaire du déficit de la dernière Fête nationale, les militants ont accepté l'initiative prise par le gouvernement récemment de nommer deux firmes de vérificateurs pour examiner les livres du comité national et de deux comités régionaux, Montréal et le Lac-Saint-Jean. La région Montréal-Centre a présenté une résolution demandant de mettre immédiatement sous tutelle le comité organisateur ainsi que tout comité régional impliqué directement ou indirectement dans les allégations de LA PRESSE, de mandater les instances appropriées du ministère de la Justice afin qu'elles fassent enquête sur le sujet et qu'elles procèdent le cas échéant, et demandant au Conseil exécutif du parti de vérifier si le code d'éthique du parti a été respecté sur ce sujet. Cette résolution a été mise de côté pour l'instant jusqu'aux conclusions de l'étude des livres des comités déficitaires.

AN EDITORIAL

# Let's have a referendum on the constitution

The Supreme Court's legal ruling has removed the last legitimate obstacle in the Trudeau government's path toward patriating our constitution with a charter of rights and an amending formula. It is becoming increasingly clear, however, that the court's additional comments about a "constitutional convention" requiring provincial consent have caused a major deterioration in the political atmosphere.

Quebec Premier Rene Levesque has taken the judgment as his cue to start a new round of separatist games, and Quebec Liberal Leader Claude Ryan has let himself be lured into becoming a partner to the mischief. The federal New Democratic Party has reneged, at least temporarily, on its commitment to support the constitutional initiative. And British politicians have started making noises about using the convention argument as an excuse to block or delay Westminster's part of the patriation process.

None of this detracts in any way from the Trudeau government's basic right to proceed. Faced with any choice between waiting indefinitely for an elusive federal-provincial consensus, buying provincial support at the excessive cost of watering down or abandoning the charter of rights, or going ahead, the federal government's duty is clear: It is to bring home our constitution, with a charter that fully and effectively protects the fundamental rights of all Canadians from coast to coast.

But there is an intermediate step that can be taken to dispel the political confusion and to spare us from having the homecoming of our constitution marred by controversy over its legitimacy:

The federal government should hold a national referendum. Let the people of Canada clearly declare, once and for all, whether they accept this historic project of constitutional renewal as their own.

The question then would no longer be, obviously, whether people want the federal government to proceed despite provincial objections. If a majority of the people in any given province democratically endorse the federal course, there can be no provincial objection. The people are sovereign. Provincial governments can only speak on behalf of their provincial public; if that public clearly expresses a

contrary preference in a referendum, continued objections by the politicians would have no legitimacy.

The referendum campaign need not be long. The issues have already been exhaustively debated for nearly a year. Three or four weeks would suffice.

The question can be entirely straightforward. For instance: "Do you support patriation of the Canadian constitution at this time with a charter or rights and an amending formula, as detailed in the resolution passed by Parliament?"

The criteria for judging the outcome could be those already proposed in the referendum provisions of the amending formula that is part of the Trudeau constitutional package. To be approved in the referendum, the federal initiative would have to win the support of a majority of all the people who voted. And it would have to win the support of a majority in Quebec, in Ontario, in two of the four Maritime provinces and in two of the four Western provinces.

To pursue the referendum option, the federal government should first go ahead with final passage of the constitutional resolution after the two-day debate to which the opposition parties have agreed. Then it should seek all-party agreement for the speedy passage of the legislation needed to hold a referendum before the resolution is sent to London. There is a danger, of course, that Joe Clark and his Tories, who have declared their intention to block the Trudeau initiative by all available means, might try to use this as an occasion to stall; but that would be self-defeating, because Trudeau would then have no alternative but to proceed without a referendum.

If Canadians clearly express their support, as we believe they would, in a referendum, there will be no more excuse for critics — here or abroad — to question the legitimacy of our constitutional renewal. And if the referendum were to be defeated, that is a choice and a risk that would have been knowingly undertaken by the electorate that is the final authority in a democracy.

Prime Minister Trudeau has the right to proceed without a referendum. But we hope he will also have the sense and the courage to submit his course, and that of his critics, to the collective wisdom of the Canadian people.

## Liberals defy Ryan as Quebec opposes PM

QUEBEC CITY — The Quebec National Assembly has given Premier Rene Levesque a resounding 111-to-9 mandate to demand new constitutional negotiations with Ottawa and resist application of the sections of the proposed new Canadian constitution which could "impair its rights and affect its powers without its consent."

Liberal Leader Claude Ryan led 33 of the 42 members of the official opposition in supporting a motion which calls on the federal government to "renounce its unilateral course of action" and return to the negotiating table on terms that re-



ROBERT MCKENZIE  
In Quebec

inconceivable of undemocratic manoeuvres, with its array of lies, autocracy and arbitrariness, that has been witnessed in 114 years of federal government."

The first indications of the Parti Quebecois government's next moves

## East Germany trades 30 spies for 1

By Bradley Graham  
The Washington Post

BONN, West Germany — When the knock came at the door of his apartment in a Bonn residential area at 6.32 on the morning of April 24, 1974, and he was told that a group of nine West German security officers had arrived to arrest him, Guenter Guillaume finally dropped the cover that had made him East Germany's master spy.

"I am an officer of the National People's Army of (East) Germany and an employee of the Ministry for State Security," he stated. "I ask you

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# Big Order

By Lee Lescaze and  
George C. Wilson  
Washington Post

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