

*→ E. Goldenberg*

SECRET

April 7, 1981

NOTE TO THE HONOURABLE JEAN CHRETIEN

Attached is a copy of a very short term communications action plan which we are proposing to help regain momentum in the media for the federal position and place in perspective the important events of the next week. Because it is essentially a political communications plan, it is being submitted to Mr. Coutts by Michael Kirby for his comments and action as appropriate. Beyond the identification of effective national and regional media platforms and possible themes, the Canadian Unity Information Office (CUIO) can help to arrange interview opportunities in concert with PMO as well as provide background information to Ministers and the media.

The plan is premised on not being directed at the province of Quebec until after the election, nor is any comment proposed which would reflect unfavourably on the Supreme Court's role.

Following on-going discussions with Eddie Goldenberg, we are proposing, given your visibility in the debate, that you would be a principal spokesman to undercut the credibility of the provinces' proposed meeting.

I am also attaching a copy of an earlier communications paper I did after the Newfoundland decision, which Eddie has also seen.

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**HERSHELL E. EZRIN**

Hershell E. Ezrin

Encls.

c.c.: Ms. C. Pressault

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SECRET

P/A 200-7  
ce 200-2

MEMORANDUM TO: James Coutts  
FROM: Michael J. Kirby  
RE: Communications Initiatives in Support of Constitutional Strategy

April 7, 1981

(cc. sent to  
J. Chretien  
E. Baldeberg  
C. Pressault  
-14/81)  
J.B.

1. We are currently reviewing the implications of the developments of last week for the communications program CUIO had prepared. Our tentative conclusion is that those plans are on hold at least until Parliament has adopted the resolution and possibly until the Supreme Court has ruled on the Manitoba Appeal.
2. In the meantime, we will try and get new statements of support for the content of the resolution out of those individuals and groups favourable to our initiative. This can make a helpful, if modest, contribution to keeping our story before the public. We also intend expanding our activities in London by organizing a regular information flow to British Parliamentarians and a series of meetings for Canadian Parliamentarians with British counterparts. Our objective here is to counter the intense provincial lobby we anticipate will begin in May.
3. In the short term, there is an urgent need to recapture the political initiative on constitutional change here in Canada. Four events over the next 10 days appear to each require a response. They are:
  - Further Parliamentary consideration of the resolution
  - the Quebec election
  - the April 16th meeting of the eight premiers
  - the Quebec Court of Appeal decision

Enclosed herewith is a suggested short term action plan for review and implementation by the PMO as appropriate. FPRO/CUIO can provide background information and support as required.

Communications Activity

Please note that the focus is on English Canadian audiences in order to minimize overlap with the Quebec election. Also, we have not addressed what comment if any should be made on the Quebec election results once they are known.

<u>Issue/Message</u>	<u>Spokesperson</u>	<u>Forum</u>
1. <u>Viability of Parliamentary Consideration of the resolution.</u>		
- The constitutional resolution must be debated to a conclusion to allow the courts to pronounce on something concrete (cite Manitoba decision and other court precedents - Appendix)	P.M. Chrétien	H. of C. Telex to type (April 21) Press Conf. (Friday afternoon) H. of C. News
- Parliament represents all Canadians and each have decisions on their behalf. The 3 day action is profoundly anti-democratic because it allows the rules of the House to prevent Parliament from debating and deciding on the content of the constitutional resolution.	P.M. Pinard	H. of C. (points of order on successive days) Press. Conf. (Friday) H. of C. Screens Wire service interviews

Communications Activity

April 7 - April 10

<u>Issue/Message</u>	<u>Spokesman</u>	<u>Forum</u>
I. Urgency of Parliamentary Consideration of the resolution.		
- the constitutional Resolution must be debated to a conclusion to allow the courts to pronounce on something concrete (cite Manitoba decision and other court precedents - Appendix)	P.M. Chrétien	H. of C. Telex to Lyon (April 8) Press Conf. (Friday afternoon) H. of C. Scrums
- Parliament represents all Canadians and must make decisions on their behalf. The Tory action is profoundly anti-democratic because it abuses the rules of the House to prevent Parliament from debating and deciding on the content of the constitutional resolution.	P.M. Pinard	H. of C. (points of order on successive days) Press. Conf. (Friday) H. of C. Scrums Wire service interviews

II. Futility of April 16th meeting of 8 Premiers

- a cynical manoeuvre. Totally ignores Ontario and N.B. Completely eliminates Charter of Rights
  - if the "eight" come up with a common position on an amending Formula and if it doesn't lead to the "checkerboard Canada" of their earlier Formulas, then they should bring it to the First Ministers Conference to be held after Patriation.
  - a delaying tactic. To go back to the endless cycle of useless talks would betray the hopes and aspirations of everyone who came before the Special Joint Committee to argue for a truly Canadian Constitution and a Strong Charter of Rights.
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| P.M.     | H. of C.<br>Telex to Lyon (April 8)<br>Response to Davis Statement (April 9)<br>Press Conf. (April 10) |
| Davis    | Press Statement (April 8)<br>CTV's "Question Period" (April 11-12)<br>Toronto Star feature (April 11)  |
| Chrétien | H. of C.<br>Scrums   |
| Roberts  | Cross Canada Check Up  |
| Hatfield | "As it Happens" (April 8)<br>(to coincide with federal telex to Lyon)                                  |
| Fleming  | Jack Webster-Vancouver<br>Ron Collister (Edmonton)<br>April 13/14<br>(Multiculturalism stories also)   |

II. Context for Supreme Court Role

- six provinces challenged the authority of Parliament to change and bring home the constitution. The provinces lost their case in Manitoba and won in Nfld. A very important judgement is still to come from the Quebec Court of Appeal. In the end the Supreme Court will decide. If the Manitoba decision is upheld, then the matter is settled and the constitution will be brought home with a Charter of Rights in it.

P.M.	H. of C. Press Conf.
Chrétien	H. of C. Scrums
Davis	Press Statement "Question Period" Toronto Star Feature
Hatfield	"As it Happens"
Roberts	"Cross Canada check up"
Fleming	Jack Webster (April 13-14) Ron Collister (April 13-14)

On the basis of admittedly incomplete information about the Government's strategy, and several assumptions about how the action will now be executed, I would offer the following comments about possible communications strategies.

In the face of concerted opposition efforts to gain the Newfoundland decision as a national defeat, the Government should utilize its public relations resources to emphasize that the decision was not hostile to the law. A political public relations strategy designed to limit any erosion in public sentiment in support of the opposition's position is required. The Quebec judgment will be important not only politically as, I suspect, to the public, but also because it may be viewed not only the date of the release (April 13-14) but also by the fact that the date coincides with a court referral for the case.

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P/A 200-9

SECRET

cc 200-2

April 1, 1981

(cc. sent to  
J. Christian  
C. Pressant  
E. Goldenberg  
7/4/81  
JB

NOTE TO MR. MICHAEL KIRBY

Taking Stock: The Constitutional  
Communications Package.

The purpose of this note is to review briefly the constitutional communications situation, and offer some suggestions for the communications discussion at our meeting on Thursday, April 2, subject to further clarification and modification of the Government's evolving constitutional strategy.

The appendix attached outlines the range and status of the projects we had proposed to undertake. While we have been prepared to implement our communications initiatives at very short notice, no irrevocable production decisions or financial commitments (other than routine pre-production costs) have been incurred which could serve to embarrass the Government. Even in a worst case scenario, our recent large paper stock purchases intended for the Question and Answer brochure or the Charters could be used for other publications or resold to DSS - at a profit!

On the basis of admittedly incomplete information about the Government's strategy, and several assumptions about how the motion will now be treated, I would offer the following comments about possible communications strategies.

- a) In the face of concerted Opposition efforts to paint the Newfoundland decision as a wholesale defeat, the Government should utilize its public relations resources to emphasize that the decision was one battle but not the war. A political public relations strategy designed to limit any growth in public momentum in support of the Opposition's position is required. The Quebec judgment will be important but not critically so, I suspect, to the public; its impact may be tempered not only the date of its release (around Easter) but also by the fact that the major compromise of a court referral has been taken.

- b) In the very short term, the Government's communications strategy should focus on explaining why there is a need for Parliament to pass the motion before it is referred to the Supreme Court and the need for closure if used. The implications of the Conservatives' decisions not to end their filibuster as a reflection of their unwillingness to accept any constitutional package might be addressed through partisan political argument.
- c) Referral of an approved constitutional package to the Supreme Court removes one of the fundamental planks of our initial strategy - Parliament's approval is no longer the final step in Canada. Nevertheless, a positive clear-cut finding from the court would aid immensely in strengthening public acceptance in Canada and speeding the motion's passage in Westminster.
- d) One of the prime rationales for a public ceremony at Government House - pressuring the British MP's - is no longer directly relevant. If we still intend to send the resolution to Britain immediately after passage and before referral to the Supreme Court, the ceremony concept should be reconsidered. I would nevertheless suggest that given its historical importance, and journalists' undoubted interest in what happens to the Motion after passage, some special briefings for journalists should be planned. One might expect press queries about photo opportunities of the Governor-General signing a letter of transmittal (if required) and the dispatch to London.
- e) The same widespread public ignorance or misinformation in Canada about the provisions of the constitutional package which led to the initial strategy's development still pertain. There is also a continuing requirement for defusing the political acrimony surrounding the constitutional package and gaining its widespread public acceptance.
- f) The potential risks arising from use of public funds to sponsor advertisements, direct mail to inform Canadians about an issue being put before the courts are high. We run the danger of offending both the public's and the Court's sensibilities by expenditures on a mass communications campaign. Even partisan public relations initiatives will have to be controlled carefully.

- g) Despite the issue's referral to the Canadian courts, we should not halt our public information efforts in Britain to counter existing misinformation. As in the Canadian case, we should not permit our provincial opponents to continue to dominate the information scene and use the Newfoundland decision to undermine the federal position. Likewise, our British supporters need the encouragement offered by a continuing albeit, low-profile, federal government effort. Such efforts could also lay the groundwork for speedy passage of the motion at Westminster.

CONCLUSION

I would see a concentrated and mainly political public relations campaign in Canada before the Supreme Court decision but would wish to weigh the potential negative consequences of any mass communications initiatives most carefully before implementing any such strategies before the decision. The public relations campaign might include themes laid out in the Prime Minister's address (the value to Canadians of the Charter, historical significance of Patriation and the consequences of the failure to act - the latter holds some risk in appearing to lobby the court) and be directed through media outlets at both the general public and specific audiences e.g. special interest groups who testified, editorialists, ethnic and native peoples' communities. Such a public relations campaign would not be at the same mercy of the court's schedule as a mass communications one.

There remains an enormous need for informing Canadians about the provisions of the Constitution and gaining acceptance and legitimacy for the package. That task will still require the techniques and tools we have been developing over the last six weeks; but the timing will have to be readjusted.

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## Media Communication

Informational print advertising (non-advocacy) would begin within a few days after the motion passes and would explain what the Canadian Parliament has achieved. Advertisements would encourage readers to write in for information. Ads would be monitored for general public awareness level, and would be repeated, as necessary after passage by Parliament. Anticipating at a minimum 3-4 one-page insertion in dailies, 2 in weeklies, weekend and ethnics.

### 2. Household Mailers

Copies of a brochure addressing public concerns by using the question-and-answer technique will be mailed to all Canadian households, as a means of addressing issues that cannot be covered adequately in advertising.

### 3. Canadian Charter of Rights and Freedom

High-quality copies of the Charter will be made available to all Canadians (through advertising coupons and regular distribution outlets). Institutional size of the Charter will also be prepared and distributed.

### 4. Canadians' Guide to the Charter of Rights

CUIO will produce a high-quality annotated Guide to the Charter drawing upon both historical quotations and examples. It will also contain useful information, names and addresses, etc... to help Canadians find out more about their rights and how to exercise them.

## Status

ready and tested

ready and tested  
next stage: galley proofs

ready and tested  
next stage: galley proofs

redraft

Constitution and You; Facts  
about the Constitution

Materials prepared and pre-tested brochures, leaflets and kits will be distributed to interested groups and individuals, including special interest groups who testified to the Special Joint Committee. Special publication being prepared for Britain.

6. Commemorative Coins

Patriation of the Constitution will be an event of great historic significance. Commemorative medallions will be produced and available for school children. Special collectors' coins will also be produced in addition to commemorative coins or stamps.

7. Youth Programs

It will be extremely important to reach young people. Therefore, on-going educational elements should include school essay contests, university and high school debates, classroom posters, information kits for teachers and school civic groups.

8. Constitutional Celebration Ceremonies

Ceremonies tied to patriation day involving special interest, community and youth groups, for possible transmission to cable television outlets.

9. Constitution T.V. Specials

To support preparation of special features, newsclips for cable stations on historical significance and process of patriation. This material would be designed for subsequent use in schools.

Status

texts completed and about to be tested

preliminary discussions held

short-term projects being developed  
bulk initiatives starting September

project in discussion stage

pre-production discussions

Public Relations Initiatives

including radio spots, interviews following Parliamentary passage, etc. General media background material.

11. Government House Ceremonies

Ceremonies tied to Parliamentary passage involving the two Speakers, the Governor-General and parliamentarians.

Status

PMO and CUIO have consulted and developed plans

- media material is in production

initial consultations held with Speakers  
program has been developed  
subject to final approval