

*E. Goldenberg*

CONFIDENTIAL

October 16, 1981

MEMORANDUM TO M. KIRBY  
c.c. P.M. Pitfield

Attached is a briefing update on the  
Constitution.

*Darwin Kealey*  
Darwin Kealey

BRIEFING UPDATE  
To 1445 hours, October 16

Québec

Claude Morin a consacré une partie de la journée d'hier à rencontrer des journalistes en tête-à-tête: dans la liturgie péquiste, c'est le signe du branle-bas de combat.

Son message est que M. Trudeau n'a offert aucun compromis et qu'il ne renonce surtout pas à son geste unilatéral. Par contre, il présente M. Lévesque comme un homme de compromis puisqu'il ira à la conférence même si M. Trudeau ne s'est pas rendu à toutes les conditions évoquées dans la motion adoptée par l'Assemblée nationale.

Il faut prévoir que cette motion demeurera la clé de toute l'action du Québec, tant lundi que dans le cours d'une rencontre fédérale-provinciale: toute proposition qui affecterait un tant soit peu les pouvoirs du Québec y subit une fin de non recevoir.

M. Morin a aussi dit que les premiers ministres provinciaux allaient exiger que la conférence constitutionnelle se déroule devant les caméras de télévision. (Mais lundi, les provinces se réuniront à huis clos.)

Manitoba

Three days into his electoral campaign, Premier Lyon has mentioned the constitution only when asked about it. Yesterday, in response to the question whether he was seeking a mandate for his position on the constitution he said he had "no such intention...It's not the provinces who are making it an issue. It is the Prime Minister".

Premier Lyon has spoken to Premier Lougheed "several times" on the constitution: at least twice before his announcement of the election and again on the campaign trail. It appears Lougheed may "stand in" for Lyon on the Charter, while the Manitoba Premier is muzzled by his own party on the issue for the duration of the electoral campaign. Lyon might be expected to keep a lower-than-usual profile at and after the Premiers meeting. However, he is expected to push strongly and in public for "dealing with the economy first," a tactic he proposed to Bennett more than a week ago.

### Prince Edward Island

The information we have on Charlottetown does not lead us to believe there is much hope for compromise on the part of P.E.I. government, especially if the give and take is expected to take place around the Charter of Rights. Our sources remind us that P.E.I.'s opposition to the entrenchment of a Charter of Rights is a matter of principle.

Their belief that an entrenched Charter is incompatible with the practice of Parliamentary government has been reinforced by the recent controversy over legislation passed by the provincial government. The Prince Edward Island human rights commission appealed to the government two weeks ago to withhold proclamation of legislation which in its view, would be a threat to fundamental freedoms. The legislation, which deals with amendments to the Addiction Services Act and the Mental Health Act, was passed unopposed and given royal assent last spring.

An entrenched Charter of Rights would probably have prevented the provincial government from even contemplating the introduction of this type of legislation. That is precisely the restriction to legislative power that Premier MacLean opposes.

### Nova Scotia

Buchanan was quoted today as saying he will attend a First Ministers Conference, but such talks should not be "rushed into" without sufficient thought and planning. He will attend the Montreal meeting.

### Newfoundland

Smallwood has rejected Peckford's "invitation" to oppose the Constitution package, saying he "thoroughly and wholeheartedly" favours the federal proposal. He added: "I see no danger whatsoever that our terms of union will ever in practice be changed in the slightest degree without our willing consent." Peckford replied: "I sincerely believe that you are letting your province and your country down."

Peckford has continued to focus all of his comments on the amending formula and the "threat" it poses for Newfoundland's rights. He has made no mention of the Charter, but it is safe to assume that he still supports a limited Charter, as he did in September 1980. No matter what the content of any package, though, unilateral action is unacceptable.

### Saskatchewan

Saskatchewan continues its position of being willing to negotiate on a limited package (patriation, an amendment formula and, possibly a limited Charter). Nonetheless, Blakeney referred, at his press conference of October 15, to his government's submission to the Parliamentary Committee to underscore his point that there are some fundamental requirements for Saskatchewan despite his preference for compromise. This was interpreted by his officials today to mean that he will not abandon the hard-liners unless there is some purposeful bargaining among all governments. The amendment formula is considered crucial.

The meeting of officials of B.C. and Saskatchewan was apparently intended, first, to give some assistance to Bennett in preparation for Monday's meeting and for any further developments among First Ministers. Second, the two provinces are developing a compromise proposal for the Monday meeting.

Finally, the Saskatchewan delegation has been counting on a Premiers' meeting of two days duration. They were, therefore, surprised to learn that Quebec has reserved accommodation for one night only.

### Others

There is nothing new on Alberta or British Columbia. We are awaiting word from Ontario.

### La rencontre de lundi

Les premiers ministres se réuniront lundi au Ritz-Carleton Hotel. Certaines délégations ont retenu leurs chambres comme si la réunion allait se prolonger mardi. Le Québec ne l'a pas fait. La réunion se tiendra à huis clos.