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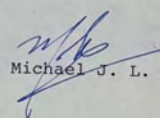
October 7th, 1981.

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October 13th, 1981.

NOTE FOR MR. CHRETIEN

Attached are survey results which the Prime Minister received on Friday. They should have been given to you at the same time but I was away in Halifax as Friday was the day my wife was operated on and in the confusion you did not receive them. I hope this has not caused you too much inconvenience.


Michael J. L. Kirby.

attach.

DÉBATS CONSTITUTIONNELS (2/2)

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October 7th, 1981.

MEMORANDUM TO THE PRIME MINISTER

Survey Results Taken After a Decision was made to have an FMC.

Last night we did telephone interviews nationally regarding Canadians views and preferences with respect to next steps in the constitutional issue. People were asked with respect to the proposed First Ministers Meeting next Tuesday how likely they thought it would be that a solution would be reached. 31% overall and 30% in Quebec felt that a solution was very likely or somewhat likely to transpire. 43% overall and 30% in Quebec held out no hope at all of a solution. Therefore people are slightly more pessimistic than hopeful that something fruitful is likely to result from Tuesday's meeting.

People were then asked the question: if the Prime Minister and a substantial number of provincial Premiers could not agree at the end of that meeting on what to do, what did they think the next step should be. They were not given any suggested answers.

23% felt the federal government should enter into more negotiations with the provinces. Another 15% suggested a national referendum (without any prompting from the interviewer). 13% felt the federal government should push on unilaterally. Another 13% suggested the federal government should drop the whole project of constitutional reform. A further 8% suggested patriating the constitution with no changes in it and 6% called for a national election.

People were then posed six alternatives and asked how strongly they would support each. They were not told that there was a list from which they were going to choose. Each was simply posed independently. The results in rank order are as follows:

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- 46% overall 65% in Quebec strongly support the federal government agreeing to meet with the provincial Premiers over a prolonged period of time and as many times as necessary to reach an agreement. Quebecers are clearly worried about unilateral action.
- 44% overall and 38% in Quebec felt that the federal government should proceed to patriate the constitution with an amending formula but not the Charter of Rights, and put the Charter of Rights issue to a vote by means of a referendum within the next year or two.
- 37% overall and 47% in Quebec strongly supported the federal government abandoning its quest for constitutional reform at this time.
- 37% overall and 46% in Quebec strongly supported patriation with an amending formula with opting-in with respect to the Charter of Rights.
- 24% overall and 41% in Quebec strongly supported patriation with an amending formula and an opting-out option with respect to the Charter of Rights.
- 20% overall and 25% in Quebec strongly supported pushing ahead unilaterally with the current package. In that regard 48% overall and 44% in Quebec would not support such a move at all.

Respondants were then asked which of the six alternatives they liked least and liked most. See attached tables.

As the tables show Canadians do not want us to proceed unilaterally, but neither do they want us to abandon the project entirely. They want a negotiated solution and if that is not possible they prefer a referendum to opting-in or opting-out.

DEBATS CONSTITUTIONNELS (2/3)

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WHICH THEY LIKED LEAST

ELEMENTS	TOTAL	QUEBEC	BALANCE
1. That the federal govt abandon its quest for constitutional reform at this time	21	23	19
2. That the federal govt agree to meet the prov. Premiers over a prolonged period of time and as many times as necessary in order to reach agreement.	9	5	11
3. That the federal govt. proceed to patriate the constitution with an amending formula but not impose the Charter of Rights on any province unless that province asked for it voluntarily.	7	8	6
4. That the federal govt. proceed to patriate the constitution with an amending formula and the Charter of Rights with the provision that any province could pass legislation to not have the Charter binding on the people of that province.	9	9	9
5. That the federal govt. proceed to patriate the constitution with an amending formula but not the Charter of Rights and put the Charter of Rights issue to a vote by means of a referendum within the next year or two.	7	17	4
6. That the federal govt. proceed with its original plan to patriate the constitution with an amending formula and the Charter of Rights.	42	37	44
No Opinion	5	1	7

DÉBATS CONSTITUTIONNELS (2/3)

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October 8, 1981

MEMORANDUM FOR THE PRIME MINISTER

Summary of the Post Supreme Court Decision
Survey Results

On October 2 and 3, a telephone study was conducted with 1,000 Canadians across the country to obtain a feeling of their reactions and responses to the Supreme Court decision in specific and more generally to the various components of the constitutional issue and the various reactions emanating from it. This memorandum represents a summary of the findings and a complete documented analysis by region is available as support of it.

AWARENESS OF THE SUPREME COURT DECISION

Across the country, four in five Canadians or more are aware of the Supreme Court decision on the constitutional resolution for patriation of the Constitution.

WHAT SHOULD THE FEDERAL GOVERNMENT DO? - UNPROMPTED RESPONSE

Without being given any possible alternatives, four in ten Canadians and almost half in Quebec openly responded by saying that the federal government should enter into further negotiations with the provinces. No other response was near that level in terms of frequency of mention.

Three other proposed alternatives at levels mentioned by about one in ten Canadians were:

- to hold a national referendum;
- to proceed unilaterally
- to patriate the Constitution without the Charter of Rights.

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IMPORTANCE OF THE ISSUE

Canadians continue to judge the constitu-
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SUPPORT FOR POSSIBLE ALTERNATIVES

Several alternatives were posed to
respondents to determine their degree of support for
each.

In rank order, the support for the various
alternatives is as follows:

- That the federal government engage in one
last effort with the provincial premiers on
the issue before taking its request to the
British Parliament.
- That the federal government engage in more
prolonged negotiations with the provincial
premiers on the issue before taking its
request to the British Parliament.
- That the federal government proceed to patriate
the Constitution with an amending formula and
the Charter of Rights, but that the Charter
of Rights be binding only on the federal
government and not on the provinces.
- That the federal government proceed on its
present course, taking its request to the
British Parliament, with no further negotiation
in Canada.
- That the federal government proceed to patriate the
Constitution with an amending formula, but no
Charter of Rights.

It is clear, then, that Canadians at large
are desirous of the federal government sitting down in
further negotiation with the provincial premiers. Better
than half the population does not support at all any move
on the part of the federal government to act unilaterally.

MOST POPULAR OPTION

Respondents were asked which of the five
options detailed to them they liked most and liked least
and the data clearly shows Canadian support for further
negotiation and their adamance in suggesting that the
federal government not proceed unilaterally.

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IMPORTANCE OF THE ISSUE

Canadians continue to judge the constitu-
tional issue as an important one, with better than seven
in ten saying that it is a very or somewhat important
issue for Canada's future. This level is consistent
with previous readings taken in July and September of 1980.

PERCEPTIONS OF THE ATTENTION BEING PAID THE ISSUE

In general, about half of Canadians feel
the issue of constitutional reform is being played to too
attentively at this time, and more so by the federal
government than by their individual provincial governments.

Today's data is similar in tone to that
collected in February of 1981.

SUPPORT FOR PRIME MINISTER TRUDEAU'S POSITION ON
CONSTITUTIONAL REFORM

In total, about four in ten support the
Prime Minister's position nationally, and that varies from
a low of 26% in the West to a high of 50% in Ontario.

Conversely, 70% oppose the position in
the West compared with 58% in Quebec and 48% in the Maritimes.

Relative to the last measure taken in
September of 1980, the overall support level of 41% has
slipped significantly from 58%, and those strongly
opposed have grown in proportion from 17% to 39%.

SUPPORT FOR PROVINCIAL STANDS

The data clearly shows that in areas
opposed to the federal position the constituents of
those areas back the provincial stand.

This data also remains largely unchanged
from the September 1980 level.

PERCEPTIONS OF THE PROVINCIAL STAND

The data collected reveals that people
are generally aware of whether or not their province is
with or opposed to the federal stand.

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SHOULD THE LEVEL OF PROVINCIAL OPPOSITION BE STRONGER?

Those people who felt that their province was opposed were asked if their provinces opposition should be stepped up or not, since the Supreme Court ruling.

There is considerable support among those opposed to the provinces pushing even harder now away from the federal position.

SUPPORT FOR VARIOUS METHODS OF OPPOSITION

Respondents were asked whether they would support or not their province doing any or all of the following: placing a resolution in opposition to the federal government's plans; holding a referendum on the issue; mounting a campaign in England to voice its opposition, or ignoring the constitution if the federal government acts on its own.

Clearly, the most popular alternative would be a provincial referendum, this being supported by better than half in every province.

The second most popular alternative is the provincial legislature passing a resolution in opposition to the federal government's plans.

The third most popular, but this achieving "would not support" levels of half or more, would be a provincial effort mounted in England to voice its opposition.

The least acceptable with three in five Canadians not supporting it would be a province ignoring the new Constitution if the federal government acts unilaterally. What this suggests is that despite all else, Canadians still want to live within the law.

SUPPORT FOR THE COMPONENTS OF THE CONSTITUTIONAL PROPOSALS

Individually, patriation, Charter of Rights, language rights, equalization and job mobility have been tested for support.

Today's data shows that the overall levels have remained basically unchanged since 1980, and that there is support of at least three-quarters of Canadians for each of these component issues.

What that suggests is that the opposition is not to the substance of the issue, but to the method by which the federal stand is dealing with the issue.

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SHOULD MORE PROVINCES BE ON SIDE?

Across the country, the majority of Canadians agree that more than two provinces should be on side before the federal government moves ahead with its constitutional plans.

Most people want the majority of provinces and three in ten want all provinces in agreement before acting.

Seven in ten overall and eight in ten in Quebec believe that their province should be in agreement before the federal government proceeds with the package.

Outside of Quebec, people were asked if the support of Quebec should be necessary before proceeding with the constitutional package, and opinion tended to be split. But it is significant that 44% of non-Quebeckers felt that Quebec should be in agreement before the federal government proceeds with its constitutional plans.

OPINION ABOUT PARTIAL APPLICATION OF THE CHARTER OF RIGHTS

Canadians were asked whether they would support or not application of the Charter of Rights to only some provinces, but only those which agree with its principles.

Support for such an alternative is low. In total, 76% of Canadians feel that, if the Charter of Rights is to exist as part of the constitutional package, it should apply to all Canadians.

AGREEMENT WITH SPECIFIC STATEMENTS

A number of statement stimuli were presented for people to respond to.

Those to which there was strong agreement were as follows:

- The constitutional issue is an important one and has to be settled no matter how long it takes.
- I think that the federal government is acting legally but not fairly in its approach to this issue, and that concerns me.

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- I wish this issue would go away. There are more important things for the government to get on with.
- I am confused about what the Supreme Court decision means and would like to have it better explained.

On this statement, there was neither strong agreement nor strong disagreement:

- This issue is one which the federal government should just resolve. They will never get all the provinces to agree on the solution.

On these two statements Canadians expressed strong disagreement:

- I am confused about what the Supreme Court decision means and I don't really care.
- I think that with respect to our rights, convention and tradition are enough to protect us as they have for years. We don't need laws to protect our rights.

Clearly then, Canadians are desirous of at least one more meeting of the minds at this point in their understanding of the direction given the country by the Supreme Court and the communication noise which has resulted since that time.

[Handwritten Signature]
Michael J.L. Kirby

DEBATS CONSTITUTIONNELS (2/2)