

## TRUDEAU'S CONSTITUTIONAL DRAMA: THE FIRST FOUR ACTS

*The British High Commissioner at Ottawa to the  
Secretary of State for Foreign and Commonwealth Affairs*

## SUMMARY

Mr. Trudeau rebounded from his surprising re-election last year with new zest to achieve his constitutional aims (paragraph 1).

2. The subsequent drama has been his (paragraph 2).

3. He seized the initiative after the Quebec referendum and set the stage for unilateral action in Act 1 (paragraph 3).

4. In Act 2 he produced his constitutional package and the programme for forcing it through. He managed to get NDP support, but Mr. Clark led the PCP into firm opposition (paragraphs 5-7).

5. With the Trudeau package still under discussion in the Joint House/Senate Committee the noises off in the UK temporarily became dominant on the scene in Ottawa during the third Act (paragraph 8).

6. The fourth Act's final debate of the Joint Committee's report was dominated by a PCP filibuster. A unanimous Newfoundland Court decision against the legality of the Federal Government's proposed action caused Mr. Trudeau to agree to refer his package to the Supreme Court before the final Parliamentary decision is taken. Meanwhile, the Provincial Premiers ineffectively sought to derail Mr. Trudeau's constitutional express (paragraphs 9-11).

7. The fifth Act now depends on the Supreme Court. No one knows what it will decide. If, as the Government expects, it sides with Mr. Trudeau the ball will then be in Her Majesty's Government's court and the Government will look to the UK Parliament to rubber-stamp its proposals. If the decision goes against him, Mr. Trudeau will be back to square one (paragraphs 11 and 12).

(Confidential)  
My Lord,

Ottawa,  
30 April, 1981.

Born of a Quebec father and a Scottish mother, Pierre Trudeau was brought up bilingual and bicultural in Montreal at a time when anglophones still ruled the citadels of economic and commercial power. His dream has been of a Canada bicultural and bilingual from shore to shore, ruled through a strong Centralist and Leftist government, controlled by an élite of people like himself. The fulfilment

of this he has seen as the way of securing both Quebec's position as a founder member of the Canadian Federation and a rightful leading rôle for her people in Canada's future; and a new Constitution laying down the mandatory rights in his view necessary to achieve this has been his underlying aim. His announced resignation from politics in November 1979 was evidence of his despair at that time of achieving it. His astonishing re-election in February 1980 gave him another chance. He sensed the hand of destiny at work, and with all the arrogance of his old fire and energy determined to seize the fleeting opportunity. The subsequent drama is not yet over; but the Federal Parliament's completion on 24 April of its debate on his proposals and their reference to the Supreme Court provide a suitable moment to consider the drama's first four Acts, the main happenings of which are set out in the enclosed diary of events.<sup>(1)</sup>

2. Mr. Trudeau has bestridden the stage like a colossus. He not only conceived the plot, wrote the script, set the scenario, produced and directed the play and himself performed the leading rôle, but also, through his Government's manipulation of the media, to some extent determined the reaction of the public. His was a *tour de force* in, as Mr. Lévesque described it, a veritable attempt at a *coup d'état* to change the balance of power in the Federation. It was no part of his calculation that the final Act should be determined by the Federal Supreme Court, a body of nine judges (six of whom have been appointed by himself) who had decided against the legalities of his last constitutional proposals of 1978 (Bill C61).

3. In their electoral campaign the Liberals had carefully played down the constitutional issue, knowing that it was no winner of votes and that the public as a whole was bored with the issue. In his acceptance speech (my letter of 19 February, 1980 to you), however, Mr. Trudeau indicated that it was still uppermost in his mind, and the next four months showed how skilfully in his first Act he set the stage for his plot. The decision of the separatist Parti Québécois (PQ) Government of Quebec to hold a referendum on the issue of Sovereignty-Association (Mr. Davies's despatch of 26 May, 1980)<sup>(2)</sup> presented an obvious threat to the Federation and all the Federal political parties and their leaders exerted themselves to combat it. Eleven days before the referendum, acting on the initiative of a Progressive Conservative (PC) backbencher, Mr. Yurko, Parliament unanimously adopted a resolution calling for patriation of the Constitution (whether this convenient initiative was deliberately inspired by the Liberals is not known, though the fact that Mr. Yurko subsequently broke with his party and voted for the Trudeau proposals may be significant). Mr. Trudeau warned clearly that a vote for Sovereignty-Association was a vote for deadlock, while a vote against was a vote for constitutional progress. The other political leaders indicated that they, too, would not allow a "No" vote to cause a relapse into constitutional stagnation.

4. When therefore the "No" vote decisively won, Mr. Trudeau seized the euphoria of the moment to convene a Premiers' conference to start the process of constitutional change. At the end of June he visited London and confirmed with Mrs. Thatcher that Her Majesty's Government stood by its previous declarations and would try to ensure that any Joint Constitutional Resolution of the Canadian Parliament was acted upon by the British Parliament. He did not, however, unveil to Mrs. Thatcher the full extent of his constitutional plans or his determination to flout the Provinces. In spite of the efforts of Mr. Chrétien, though he achieved a large measure of agreement, the negotiations with the Provinces failed to reach

(1) Not printed.

(2) D.R. 145/80.