

NDP Negotiations on Patriation: Calgary, February 1981

In January 1981 the Trudeau government and the government of Saskatchewan made one last attempt to find a compromise which would allow the government of Saskatchewan to support the federal patriation initiative. The failure of these negotiations exacerbated the already existing stresses and strains within the New Democratic Party (NDP) of Canada. For his part, Ed Broadbent had desperately wanted these negotiations to succeed. He was kept informed by both Allan Blakeney and Roy Romanow, and he was also in contact with the Prime Minister. When the meetings in Hawaii* failed to secure an agreement he was bitterly disappointed.

For its part the federal government portrayed the failed negotiations as a double cross by Saskatchewan. It put out the story that Blakeney had actually agreed to support Trudeau but then had got cold feet. Romanow was dispatched to Ottawa to explain to the federal NDP leader what had happened.

It was not an easy pair of meetings Romanow attended on February 2 — first with Broadbent and his senior staff, and second with the federal caucus. The meetings were rather more of an inquisition than an affable gathering of socialists to discuss perfidious Grits. The meeting with Broadbent and his advisers was especially touchy on the subject of the Senate. There were suggestions (most directly from Mark Eliesen) that the Senate was a manufactured issue — that the provinces had agreed two years before that there would be no change to the Senate, and that the federal amendment was essentially maintaining the status quo. Romanow replied that it was not the Senate issue specifically that had scuttled the deal but rather the tone of the negotiations and the untrustworthiness of the federal side.¹

The failure of the negotiations in Hawaii, and the perception by Ed Broadbent that Saskatchewan had been offered a reasonable compromise and refused it, only served to create a greater distance between the government of Saskatchewan and the federal caucus. On February 5, 1981, Premier Allan Blakeney and Ed Broadbent spoke on the phone. The Premier tried to explain to Broadbent how and why the negotiations in Hawaii had been unsuccessful. The two also attempted to assess the political damage for each side and how other provincial sections might be affected.

Blakeney began the conversation by indicating that the failure of the Hawaii talks had gone relatively unnoticed in Regina. Broadbent wanted to know how Saskatchewan would characterize its opposition to the federal government's initiative. Blakeney replied:

I think that we will anchor it — at least in part — on our unhappiness with the Senate provisions. To be very frank, the changes in (section) 44 rocked me. I will not here outline all our objections, except to say that for two and a half years we have been going on the assumption that there would be major reforms in the Senate. Bill C-60 had one, the House of the Federation had one, the BC case had been built on it. If it is all to be subject to a veto by the Senate, then I think it is effectively out, that I think it is a highly retrogressive step in terms of getting any meaningful constitution in Canada.²

Broadbent then asked how this would affect David Barrett in British Columbia since he was opposing Premier Bill Bennett's emphasis on the Senate. Broadbent obviously thought that the

emphasis on the Senate by Saskatchewan would cause Barrett some problems. Blakeney replied:

That is not the reading I am getting on the David Barrett one. I did not speak with Dave, but Roy did. Our impression was that the choice of [*sic*] Senate was a happy one as far as Dave was concerned. At least we can try to pursue that, and give Dave a hand, or whatever, because he is obviously in a row there. He does not want me to come down on the side of Bill Bennett, and I think I can manage to do that alright. He obviously has to have some piece of ground to stand on, whatever he is going to do. As far as I am concerned, yes, we will be in touch with Dave Barrett, and we will accommodate his wishes. With respect to our own objection, obviously I am going to have to mention the Senate.³

Blakeney then went on to a detailed explanation of the reason for the breakdown of negotiations in Hawaii:

We were making pretty good time with the feds, until the Senate matter arose. It arose in the course of the discussions in the strangest way, really. We did not see a draft of what they intended for the Senate — none of us — until Tuesday morning. The discussions had been going on Thursday, Friday, and some on Saturday. Roy came over Monday and they [the federal government] had a person there. It was not until Tuesday morning that they could deliver us the draft. It was just a good deal different.

I do not know who had misled whom. I do not think there was any conscious misleading around there. We started out intending to be precise, and then began to leave some things “to be drafted.” On Monday I could begin to see all manner [of] problems beginning to develop, and I said let us call a little halt here until we could put all that we were talking about down on paper.

We made a little list of the 10 items to be dealt with such as changes in the rights of the handicapped. At the same time we were exchanging letters on what the *quid pro quo* would be. There were really [only] five or six matters for debate. Under discussion were international, referendum, how further changes would be handled, and property rights,

and also what other changes were implicit in all this — what we were agreeing to and what we were not agreeing to. Also, what was expected from us in the way of support, in the event of a row in the House of Commons or around Westminster given certain court decisions and all the rest of it.

We were all busy exchanging paper, and I finally got around to the subsidiary ones. They had simply put nothing on paper for the Senate or for Natives. Eventually we got those the next morning and the Senate one was a real startler.⁴

Blakeney concluded that he was surprised to think that Trudeau could not control his own Senate. Broadbent tried to convince Blakeney that the federal government was doing its best on Senate reform and that they were trying to ensure provincial rights were protected. Broadbent then went on to indicate that he felt that his caucus was still behind him on support for the resolution. This led to a rather sharp exchange between the two. Blakeney said:

Let me add one other thing. You indicate there is no bad feeling in the caucus. I report that there is a bit of bad feeling around here, because of the feeling — rightly or wrongly — by some of our people that some of your people are leaking things to the press which are designed to embarrass the government of Saskatchewan.⁵

Broadbent rejected this allegation. Blakeney responded:

I am not alleging that to be a fact, I am just letting you know that around here they have “picked their man” as to who it is that is doing a number on us.⁶

Again Broadbent questioned Blakeney as to who this was and rejected the allegation that anyone in his office was leaking material to the federal government. Blakeney backed down just a bit:

Well, perhaps I should not say that. They mentioned it to me, but I am not going to pass it along. I will leave that, I just report that feeling.⁷

The rest of the discussion centered around the impact of Saskatchewan's rejection of the Trudeau resolution on other provincial sections. In particular the two came back to the impact on Dave Barrett in BC. The political assessment was that Bennett might attempt to run on this matter in an election. Once again Broadbent expressed his concern about the impact of Dave Barrett being on or off side with the federal caucus. Blakeney was blunt:

No, first, I do not see it as a primary concern of mine that Dave Barrett gets off side. Second, I do see it as a primary concern of mine that I do anything that will assist Dave Barrett. Third we will be in touch with him to see how he wants to play that.⁸

The conversation concluded with a discussion of when Blakeney would announce his opposition to the resolution; he agreed to alert Broadbent both as to the timing and substance of his announcement.

It was evident to Blakeney that relationships with the other provincial NDP leaders were going to be crucial. It was decided that he should meet with Grant Notley, leader of the Alberta NDP, as quickly as possible. Notley was most predisposed toward the Saskatchewan position for a couple of reasons. First, Notley and Blakeney had consulted closely on energy matters since the 1970s, generally worked well together, and had common goals. This was particularly true with regard to the federal party and constitutional matters surrounding energy. Second, I was Blakeney's chief advisor on the Constitution and an old friend of Notley's, having worked with him during the first session in the legislature, and having held senior positions within the Alberta NDP.

On February 6, 1981, Blakeney and Notley met in Regina to discuss provincial responses to the Trudeau constitutional resolution. They generally agreed that the four provincial NDP leaders in Western Canada should try and find some middle ground that would "allow them to find a constructive position between the outright acceptance of the Trudeau resolution by Ed Broadbent and the complete rejection the government of Saskatchewan was contemplating."⁹

At the end of the meeting the leaders agreed to seven things:

1. That the Alberta NDP would for the present neither accept nor reject the constitutional resolution. They would await the final report of the committee.
2. That Premier Allan Blakeney would call both Dave Barrett and Howard Pawley and ask them to delay their response to the Trudeau resolution, and to the Broadbent acceptance.
3. On Monday or Tuesday, the government of Saskatchewan would come out in opposition to the Trudeau proposal.
4. That relevant officials in Saskatchewan would attempt to put together a "positive option" early next week for presentation to the four Western NDP leaders during the following week.
5. That a meeting of the four Western NDP leaders would be arranged for early in the week of February 16, with Calgary as the preferred location. The meeting would be non-publicized. Ed Broadbent's office should be notified just prior to the meeting with emphasis on the secrecy of the meeting. As well he should be informed that the four Western leaders would like to meet with him very quickly after their meeting in Calgary.
6. If the "positive option" is found to be acceptable to the four Western leaders, a meeting with Ed Broadbent should be arranged for later in the same week. No location was decided upon.
7. If the "positive option" was found to be acceptable to all five leaders, it would be agreed that such option would be proposed in the House of Commons by Ed Broadbent, and accepted by the other four leaders.¹⁰

A positive option was outlined in the memo as well. It also had seven parts:

1. The western New Democratic Party should note that although there are strong parts to the substance of the proposed constitutional resolution, in particular

equalization, specific parts of the Bill of Rights, and the limited resources section, nevertheless there are substantial weak points as well, particularly the amending formula, entrenchment of Senate power, and the lack of an international test with regard to resources. Thus, the substance of the resolution is still divisive in nature.

2. The process involved, that is unilateral action, is still unacceptable and divisive for the country.
3. The Manitoba Court of Appeal decision and the Kershaw report in Great Britain now clearly indicate that the positions of Trudeau and the gang of six respectively are not acceptable. That is, although unanimity is no longer a prerequisite for amending the British North America Act, neither is unilateral action by the federal government without a majority of the provinces in support acceptable either.
4. Since both the substance and the process of the resolution are divisive for the country, there should be some attempt to heal the division before a resolution is transmitted to Great Britain.
5. It would therefore be appropriate for the Prime Minister to call the First Ministers back together in order to determine if a majority of provinces could be brought to support a resolution to Great Britain. The contents of that resolution could be, and probably would be, different from the resolution passed by Parliament.
6. Given the new dynamics of the conference, that is, the absence of the need for unanimity, there would be a good deal more chance of success than in the past.
7. In order to aid in securing such a First Ministers conference, the federal New Democratic Party should be urged to ask that the resolution before Parliament be amended to include the call for a First Ministers Conference immediately following the passage of the resolution by Parliament.¹¹

The memo ends by saying, “the above is in skeleton form only and is to be fleshed out by Saskatchewan officials.”¹²

These points, which were present in part in previous Saskatchewan public and private documents, became the focal point for moving ahead with a “Made in Canada” approach to constitutional change. In particular, the call for another first ministers’ conference was embedded in all future attempts at finding a compromise in drafting a constitutional proposal.

Discussion about the two proposed meetings took place over the next week. It was finally decided that they should occur on the same day in Calgary. The Western NDP leaders would first meet together, before then meeting with Ed Broadbent. However, in the meantime Dave Barrett decided not to attend the meeting.

On February 18, 1981, I forwarded a further strategy memo to Blakeney for a meeting with Ed Broadbent in Calgary. The memo fleshed out a discussion that the Premier and I had the day before.

By this time it was clear that the meeting would be a difficult one. Nevertheless, Premier Blakeney was still adamant that some compromise be found between the federal and provincial wings of the NDP. Speaking about the compromise package the memo stated:

As per our discussion of yesterday I outline the following with regards your meeting with Ed Broadbent.

Grant Notley will be proposing a “compromise” package as some middle ground that all participants would adhere to. It should have two parts:

1. That Ed negotiate with the Prime Minister for a return to the bargaining table and First Ministers’ Conference prior to the passage of the resolution through Parliament. This would entail withdrawal of NDP support if the Prime Minister does not agree.
2. That, should the above conference fail, the resolution would not be transmitted from

Canada to Westminster until such time as the Supreme Court had an opportunity to rule on the legality of the procedure involved.¹³

The memo continued:

You also mention three other items that could be discussed. I would recommend that they not be discussed until such time as Ed has agreed to the essential elements of the package. The other items are:

1. No agreement on closure in Parliament.
2. No further "Brit-bashing."
3. No reinstatement of the amendment on property rights.

As well, you wish to discuss the "ground rules" for debate within the party and within Canada, should there be no agreement at the meeting today. Elements of the ground rules could include:

1. A recognition that both views of the situation are legitimate and therefore free expression on the subject should be allowed.
2. There should be as little reference to the "split" itself as possible, concentrating on the issues instead.
3. There should be no wholesale war of words or pamphlets within the party.
4. The position on this whole issue should be discussed at the Federal Council.
5. There should be a stop to "hatchet jobs" in the press.
6. Federal MPs from the various provinces should be free to vote their conscience (i.e. a free vote in Parliament).

In return we could pledge to attempt to minimize the damage to Ed's leadership by working out common postures in other areas.¹⁴

The latter part of the memo clearly indicates how deep the split between the federal and Saskatchewan wings of the NDP had become.

On February 18, 1981, Howard Pawley, leader of the NDP in Manitoba; Willy Parasiuk, Manitoba NDP MLA and former cabinet minister; Grant Notley, leader of the NDP in Alberta; Ray Martin, a senior party official and later an MLA and leader of the NDP in Alberta; and Allan Blakeney, Roy Romanow, and me from Saskatchewan, met early in the Calgary airport hotel to discuss the impending meeting with Ed Broadbent.

They agreed to review five things: the Saskatchewan statement, slated for release the next day, the Manitoba position on the matter, the Alberta position, the relationship with the federal caucus, and finally, whatever flowed out of those reviews.¹⁵

Premier Allan Blakeney outlined the Saskatchewan position first. He reviewed the September conference, and Saskatchewan's participation. He also emphasized the importance of the failure of that conference. As well, he reviewed the need for a double majority for any constitutional change in Canada. This led into Saskatchewan's view on the importance of unilateral action, and why it should be resisted. Finally, he indicated that Saskatchewan would not simply be opposed to the federal initiative, but would be "bargaining for change" in the coming months.¹⁶

Blakeney was followed by Howard Pawley, leader of the Manitoba NDP. He indicated that the political temperature was different in Manitoba and Premier Lyon had been downplaying the anti-Trudeau approach. This was because Manitobans tended to be more in favour of the initiative. He also indicated that the Manitoba caucus had less difference with the approach of the federal initiative than with the substance. In particular he criticized the court process for trying to enforce unanimity. He also rejected the Alberta government's approach on natural resources.¹⁷

Pawley went on to say that he was bothered by the lack of commitment of the Manitoba provincial government to equalization and regional imbalance. He felt that they were too negative overall. He also indicated that he disagreed with Trudeau's unilateral action. He went

on to say: “though we reject the court approach we feel the Prime Minister should call another round of discussions after the resolution is passed.”¹⁸ He again objected to unilateral action.

Pawley emphasized that the charter was popular in Manitoba and it caused some division in his own caucus. He stated that he had no problem with the Saskatchewan position on resources and that his main disagreement with Ed Broadbent was on his approach. He asked Blakeney what he hoped to accomplish with the gang of six.¹⁹

Willy Parasiuk followed Pawley by explaining that the Manitoba NDP caucus also had problems with the Senate proposals and with the referendum provisions for amendments.²⁰

In response, Premier Blakeney explained in some detail the resources position of Saskatchewan. He also asked how the Manitoba NDP caucus would deal with the resolution that was before the Manitoba house.²¹ Pawley indicated that they would allow a free vote in his caucus. Some general discussion on this matter ensued.

Howard Pawley: He [Sterling Lyon] knows he needs an issue outside of the economy — but is not sure about this issue. We might be forced into supporting a resolution if it is short and sharp and to the point.

Willy Parasiuk: We will wait to see what happens. We can lay in the weeds.

Grant Notley: But won't you face a crunch at some point?

Willy Parasiuk: Formally and independently Saskatchewan and the federal government have negotiated. But we have not. How will you vote on a short resolution?

Grant Notley: I would vote yes I guess.

Willy Parasiuk: Federal-provincial relations [are] the key. Federal politicians [MPs] do not count.

Howard Pawley: What about the federal-provincial conference? What are the chances?

Allan Blakeney: I would say they are pretty good.

Howard Pawley: What about discussing changes to the court?

Grant Notley: Can we make our recommendations to Ed [Broadbent] that there be a further federal-provincial conference?²²

At this point they turned to a discussion of the key points that should be raised with Broadbent. They agreed that there should be a further federal provincial conference on the Constitution before patriation. They also agreed that closure should not be invoked in the House of Commons on the matter. In discussing changes to the Supreme Court, Howard Pawley indicated that he could not support the proposed changes. They also agreed that they should refrain from “Brit-bashing.” There was considerable discussion on the Senate, and they agreed to emphasize the importance of constitutionalizing the Senate and therefore the need to get it right. On the matter of property rights there was general agreement that they should resist the inclusion of property rights and urge the federal government to prevent its return.

There was considerable debate about the amending formula. All agreed that a referendum was a bad idea, and should only be allowed if the provinces were somehow able to trigger it as well. Howard Pawley emphasized that a referendum should not be a precondition for amendment, however. Finally, they also agreed to urge Ed Broadbent to allow a free vote in the caucus on the constitutional resolution.²³

At 10:00 a.m. Ed Broadbent and his assistant Norm Simon arrived at the hotel meeting room to join the other participants. In their book, Sheppard and Volpy indicate that Broadbent was late and this led to a row between his assistant and Blakeney's people.²⁴ I do not remember this and think that the bad feeling they describe has been exaggerated. However, I do recall that the atmosphere in the room was tense.

After greeting each other the leaders agreed on an agenda.

The meeting opened shortly after 10:00 a.m. It is fair to say that most of the participants were not looking forward to the meeting. The

atmosphere was tense, and most of the participants were less than optimistic. Allan Blakeney had scheduled a news conference for the following day and although he had not publicly or privately disclosed the contents of that conference, it was obvious to most people that he was going to announce his opposition to the constitutional resolution being debated in the House of Commons. It looked as if he would be joined by a number of NDP members of Parliament from Saskatchewan. This was deeply troubling to Ed Broadbent, who had worked hard to try and prevent a split in his federal caucus. On the other side, Blakeney was perplexed by the seeming intransigence of the federal leader. He had expected that Broadbent would play a much larger role in mediation.

The participants agreed that Grant Notley would present the views of the provincial participants at the meeting.²⁵ Notley then opened the meeting by outlining the items that the provincial leaders had discussed at their earlier meeting.

Ed Broadbent said that he wanted to discuss a statement on the matter of constitutional change which Blakeney was to make the next day in Regina. The provincial representatives indicated that they would be willing to discuss this later in the meeting, but wanted to discuss an actual compromise first. This, they said, could influence what Blakeney would say the next day.

Notley then proceeded to outline the various items. Primary among them was the need to seek approval for another first ministers' conference to try to find common ground among the provinces, most particularly with Saskatchewan, British Columbia and Nova Scotia.

Howard Pawley then elaborated on matters, and indicated that he was worried about a resolution on constitutional change that would be forthcoming in the Manitoba house. In particular, he and his party might be forced into a choice between supporting the provincial Conservative government, and the federal NDP. He indicated that a brisk, short resolution would cause difficulty:

Pawley: At this point, before the resolution [in the federal House of Commons] is passed the approach should include some further input from the provinces. [I] do not agree with court action, or lobbying in London but a federal-provincial conference is an item of concern. Negotiation versus [confrontation].

Broadbent: What are you asking me? Would it be useful?

Notley: Yes, would it be useful?

Broadbent: No. And there is not a hope in the world of getting one.²⁶

Broadbent's categorical refusal was quite brusque. He clearly felt that the meeting was less about finding solutions or compromises and more about trying to get him to change his mind about support for the federal resolution. Blakeney tried a softer tone:

Blakeney: There are lots of problems with process both for the party and the country. Some may disagree. We in the NDP are in a unique position in the middle, in a situation in the middle. There is confusion in the country.

Pressures are building on all sides — there is no presumption of success in the minds of the four Premiers, Lougheed, Bennett, Peckford, and Lyon."

Our thoughts, my thought, is that if we could get a broad base of support in the provinces it would be good for the country as well as good for the party [NDP].²⁷

Broadbent responded in a more conciliatory tone:

Broadbent: Do you think that Trudeau would call a meeting?

Blakeney: Yes, he could get Bennett, Buchanan, and myself. The present process will leave a lot of scars, for every political party and nationally. We ought to attempt to get a middle road if possible. While a good number of people are attracted to the contents, not many are attracted to the process. When we turn our minds to how we might get a larger number on board it is well worth it.

Simon: At what time do you see this meeting being held?

Blakeney: Sometime before now and the end of the debate in Parliament. I do not know if the parliamentary debate will have a pause. I think that there would have to be a conference if Bennett or Buchanan could be brought onside.

Simon: What do you see being on the agenda?

Blakeney: Well, it would be essentially the resolution before the House. Any additions or subtractions would have to be agreed and there would have to be an agreement that there would be no new subjects that weren't raised by the resolution.

Simon: Wouldn't pressure caused by [an] honest broker be as good?

Blakeney: Maybe. But who is the honest broker? But a lot of groundwork will need to be done in advance. I believe that there should be a consensus of provinces in support of the resolution before it goes forward.²⁸

Broadbent returned to a harder tone:

Broadbent: It would be total lack of credibility for us to propose. It would be considered laughable by Liberals, the media, and the country. Only a handful of premiers at best would support it. Trudeau would dismiss it out of hand.

Blakeney: What would Trudeau say about why he would oppose it?

Broadbent: He would say we have a number of provinces supporting the resolution. He would also say that if provincial parties want a meeting they could propose it.²⁹

Blakeney became irritated and responded in a confrontational manner:

Blakeney: If the position of the federal NDP is that the constitution should be amended with the objection of eight provinces there will not be any cooperative federalism.³⁰

Broadbent tried to smooth things over a bit. He pointed out that on the matter of the entry of Newfoundland into Confederation there had

also been less than unanimous support among the provinces.

Broadbent: I agree in principle but I think action is needed now. On the matter of the entry of Newfoundland into Confederation there was a split.

Blakeney: But there was a majority.

Broadbent: Well, I personally would like to take it to a national vote. Trudeau would also. He would sweep the country if he did.

Blakeney: Do you really think that he would sweep the country?

Broadbent: If Trudeau went to the country I would not want to oppose him. Anyway, it would be laughable for me to propose a first ministers' conference. It might be taken seriously if somebody else proposed it.

Blakeney: But [why] would you not take it seriously?

Broadbent: We would be laughed at.

Simon: What is the advantage to the federal leader doing it?

Blakeney: Frankly, the federal NDP has the clout to do it now.

Broadbent: But we have already approved it [the resolution].

Ray Martin: But it could be changed.

Broadbent: [Indicated that it would be inappropriate for the federal NDP to propose changes now.]

Blakeney: But there have been many changes since October.

Broadbent: Trudeau showed me all of the changes. I went through the list — he said if you push for them you get them — it is part of our private deal.

Blakeney: And it had nothing to do with the public credibility of proposed changes?

Broadbent: Right — but it was accepted. Our position is now public. Maybe some low-key thing, but even that would be seen as an

attempt to back out — Trudeau might even like that. He may have an election.

Notley: But there is more pressure on from the Premiers now.

Broadbent: Yes, but Trudeau has the most credibility.³¹

At this point it became evident that Broadbent was not going to change his mind on the matter of asking the Prime Minister to call a first ministers' meeting. He really believed that the resolution would proceed and that Trudeau would take the country with him. He went on to dismiss other potential roadblocks to the initiative. Interestingly, he indicated that he would be in support of referring the matter to the Supreme Court of Canada.

Broadbent: And there are really no British problems.

Leeson: Do you think he would go before the Supreme Court also?

Broadbent: Yes.

Blakeney: Would you support that?

Broadbent: Yes.

Blakeney: You would support that.

Broadbent: Would if I had my druthers.

Notley: Has caucus decided on that?

Broadbent: No.

Leeson: Ed [returning to the question of the first ministers' conference], you do not think Trudeau would support this? There is more [of a] problem with approach than substance. What is the hurry? Why not sit down one more [time]? Surely with all that has passed — a lot of hostility — surely the Prime Minister would look taller if he said we do not want to have another round. Why would he look foolish?

Broadbent: I will tell you why. Because you already say they [the opposing provinces] are looking for deletions from the resolution.

Notley: Except to get consensus with it — with the Premiers — would give it support.

Simon: It is unnecessary. It has lots of support. We stand to lose also if it is changed or defeated.

Notley: But the process is dividing the country.

Martin: The process will be divisive for a long time.

Broadbent: How long?

Martin: There are more and more separatists [he referred to the Western separatist parties]. There is some feeling in Saskatchewan also.

Notley: What if there was some possibility to get others on board?

[Broadbent did not seem to take this seriously.]

Romanow: The purpose of this meeting is to heal [the] NDP. To hell with Trudeau and Clark. Is it credible for us? I think Trudeau's resolve is winding down. Our own internal policy might be blessed. In the absence of that, it is going to degenerate into a donnybrook. What other common ground is there?³²

This response seemed to provoke Broadbent. He believed that he had the support of the provincial sections, but that now they were backing out.

Broadbent: But I had the commitment of all provincial leaders [of the NDP]. We will fight for it, you said. In that context [we had] a united front in the party. If the task is to forget Trudeau and heal the party, all it takes is to have Al say "You negotiated in good faith but can't support it." The rest of us support it as we said. In the next four weeks — Tories may be smart — then it will go to Westminster and pass. It is a good package, good for Canada. There are no problems in the long run. One year from now changes will be posted around etc. I am talking about the political difficulties in the short run.

Martin: We have some real difficulties.

Notley: [This is a] problem for the country. No government in Western Canada [can support it]. [It is] very divisive. If there was another conference to split that up [it would help].

Broadbent: If there was credible evidence that there would be agreement then it might make some sense.

Notley: [If you got] five or six out of 10 you could cast aside unanimity.³³

Broadbent then shifted the argument to the assumption that there were no other provinces willing to agree to a package.

Broadbent: Well, if someone said here come provinces X, Y and Z that would agree on P, Q and R in private conversations, you might have something. But I do not see it.

Notley: If you ... [Here, Norm Simon interjected.]

Simon: What is the negotiation on?

Blakeney: Yes, around formula and Senate.

Notley: What about that — amending formula and Senate?

Broadbent: Another formula?

Simon: But if it fails?³⁴

At this point, Broadbent made his feelings very clear. He believed that the Prime Minister had made every reasonable effort to accommodate the government of Saskatchewan during the negotiations in January:

Broadbent: [Directed to Allan Blakeney.] But surely he [Trudeau] has gone the extra mile with you.³⁵

This was an especially telling comment. Over the period of several months Trudeau had convinced Broadbent that Blakeney was not negotiating in good faith.

There was then a general discussion on the Senate and options in which Allan Blakeney again made his point that Senate reform was important.

Broadbent: I do not take the Senate argument seriously [this was spoken in a slightly derisory fashion].³⁶

There was a further general discussion on the legal and constitutional position of the Senate.

Broadbent: But [the] Liberals and Tories [have] marked it out. But no one really cares.³⁷

Although the exact quote is unclear, Broadbent was making the point that only the Liberals and Tories really cared about this.

Blakeney: But [the] Senate said no. [Blakeney was making the point about the formal powers of the Senate.]

Broadbent: Who would fight against the Senate? Provinces? [Broadbent attempted to point out that some of the provinces were not fighting against the Senate, but rather for its legitimization.]

Romanow: There are two ways to reform the Federation. They are through the division of powers and through institutions.

[Broadbent's exact reply not recorded. However, the discussion became much more general.]³⁸

At this point Grant Notley attempted to get the conversation back to a manageable agenda:

Notley: Suppose we come back to a more narrow focus — amending and Senate. Any opening?

Broadbent: I would turn it around again. First ministers' conference raises P, Q and R and who will support it.

Simon: [To Allan Blakeney.] Will not a failed conference hurt you?

Blakeney: Yes.

Broadbent: Will they come [referring to the other provinces]?

Blakeney: Yes

Broadbent: You give me the evidence that Premiers will do something and I will do it.

Romanow: Look, our best position is to go against the resolution. It is the easy way for politics and substance. I grant that we could suffer a loss of face, and it would be tough for everybody.

Parasiuk: A point I would like to raise.

Broadbent: You should have raised it earlier.

Parasiuk: I was not there. Parliament is responding to interest groups not provinces.

Broadbent: What about resources?

Parasiuk: We are being finessed. I want to have a balanced federation. They should have gathered more support from the provinces. There seems to be lots of leeway to interest groups but not [for the] provinces. If we're going to have a Bill of Rights, we said it should be limited. I appreciate your position on Bill of Rights, but there seems to be no response to provincial concerns.³⁹

At this point Ed Broadbent interpreted his comment to mean that provincial concerns had not been addressed because the federal resolution did not significantly alter the division of powers, except in so far as it strengthened provincial control over natural resources.

Broadbent: You're right, there has not been a redistribution of power.

Parasiuk: Why not scrap the referendum or why not have one now?⁴⁰

Again, there was some general discussion. Broadbent tried to bring them back to focus on whether or not a first ministers' conference would meet with provincial approval.

Broadbent: The only way we can do this is if you can come up with a list of provinces prepared to meet.

Notley: But would you meet?⁴¹

Here, Broadbent again turned to the argument that the package was politically popular:

Broadbent: where are we losing? Where are we down? We are up.

Martin: We're not arguing the charter. I argue the case against the process.

At this point Broadbent became quite agitated:

Broadbent: You are dreaming in Technicolor. You are painting it in the worst light.

The discussion became quite argumentative, especially between Martin and Broadbent. How-

ard Pawley tried to bring the discussion back to some order.

Pawley: We have little disagreement with the substance. We disagree sharply on process. I thought the gang of six would call for a federal-provincial conference.

[The] process is tainting the outcome. We should not let this pull the party apart. Surely the course to follow is for you to reaffirm your support for the substance. Could we not come out ahead of the game to come up with a constructive middle of the road approach?

[Broadbent's reply here was not recorded, but it was not positive.]

Notley: I gather that you will consider it [another first ministers' conference] on a narrowly defined basis.

Romanow: We do not want a limited agenda.

Broadbent: It is not credible then.

Notley here tried to find some agreement. He returned to his plea for a conference on the narrowly defined basis.

Broadbent: Well, okay.

Notley: I will leave it with you. What about the matter of closure being invoked on the debate?

Blakeney: We need distance between us and Trudeau on process.

Broadbent: But we will oppose closure.⁴²

This sparked a further debate on the whole issue:

Romanow: I say again that we need some distance between us and Trudeau.

Broadbent: We will vote against closure. But if Tories filibuster, then I will vote for closure.

Notley: We are collectively worried about closure.⁴³

Broadbent then responded to the question about the inclusion of property rights in the Constitution.

Broadbent: Property rights? It will not come back. We have a veto.

Notley: What about a court decision? We're nervous. You disagree?⁴⁴

Broadbent returned to what would be contained in Allan Blakeney's statement the next day:

Broadbent: Allan's statement is a real concern for me. I want to minimize the differences between us and for the other provincial sections. My concern overall is still what is the real purpose of the first ministers' conference. Is it to stop the process? To mobilize everyone might have that effect. But then what happens to the resolution and what is in it? What will you say in your legislature?

Blakeney: At this point our resolution will be short and sweet. We oppose process and substance.

Broadbent: What about the Alberta and Manitoba parties?

Notley: The other resolution was easy. I think he [Lougheed] will try to get a hard-line resolution. We might have to support it.

Simon: [Do] you want the resolution to fail? Do you want to have Westminster kill it?

Blakeney: I think that we would want the resolution not to go. I think that I want them to work this out in Canada.⁴⁵

Broadbent tried to point out that Saskatchewan would have come on board had the negotiations with the federal government succeeded in January:

Broadbent: But you would have said okay if your negotiations had succeeded in January.

Blakeney: Either you believe that Parliament can change it or Westminster has some discretion.

Broadbent: But you would have supported it if you had agreed.

Blakeney: But they did not succeed and now everyone is off on their own.

Broadbent: But I thought that we were trying to get a deal? Why can't you just say you are opposed?⁴⁶

Here, Romanow tried to divert the discussion back to what would happen in Parliament:

Romanow: How do we deal with the Tory motion?

Broadbent: My concern is with the necessity of the first three points. Britain?

Blakeney: Why would we not oppose it in Britain?

Notley: Let's conclude our discussion on a conference if possible.

Romanow: I think that we should not try to go around and drum it up. If it is not a real conference we should not have a staged one.

Parasiuk: Why do you have to put in the British connection?

Broadbent: I say again why don't you call for a conference?

Romanow: Because you have the clout.

Notley: I think it offers us a way to come together.

Romanow: Shouldn't we try?

Blakeney: I agree

Broadbent: I cannot say that we will call for it.⁴⁷

The minutes end at this point. As we know, however, the discussion came to no fruitful resolution. Broadbent remained adamant in his position that he would not promote a first ministers' conference which would have as its goal an attempt to water down the constitutional resolution, especially as regarded the Charter of Rights and Freedoms.

This marked the last real attempt at reconciling the views of the various sections of the NDP until November of 1981, when nine provinces and the three parties in Parliament agreed on the compromise resolution. Indeed, after this meeting tensions within the party grew as the gulf between the two main participants — the federal party and the Saskatchewan party — widened. The acrimony reached its height at the federal convention in July of 1981. When a subsequent convention was held in Regina in the summer

of 1983, the split once again became evident. At that convention Western delegates were critical of Ed Broadbent in his direction of the federal party. Despite a wonderful farewell speech from Tommy Douglas, members of the convention went home with a feeling of bitterness on both sides. The division continued to reverberate throughout the next several years and really only subsided once Broadbent left the federal leadership.

Conclusion

This article sought to lay out the details of the division and the reason for the positions taken by the various participants within the New Democratic Party of Canada on the attempt by the Trudeau government to unilaterally patriate the Constitution in 1980/81. It allows the drawing of several conclusions.

First, that political parties are not immune to regional division, even those that are united on overarching ideological positions and principles. This lends credence to arguments that region can be a decisive variable, even in left-wing parties which are united on social and economic goals. Such divisions are of course exacerbated by divisions of constitutional responsibility and revenues flowing from such divisions. Nevertheless, while this was important in the internal dispute for the NDP, it was not by itself decisive.

Second, flowing from the first conclusion, it is important to understand that differences over fundamental questions of constitutional principle played an important role in the split among the NDP participants. In particular constitutional questions about the role of institutions like the Senate of Canada, the involvement of provinces in the process of constitutional amendment, and the ultimate role of the national government in effecting decisive constitutional change were also vital to these internal discussions. In particular, the role of a Charter of Rights and Freedoms, and the differences between the various sections of the NDP on this question, were extremely important.

Third, it is important to note that the Liberal Party of Canada managed to successfully exploit, and contribute to, differences between the federal New Democratic Party and its provincial sections. In other words, short-term political considerations were critical at important junctures. There is little doubt that Prime Minister Trudeau was aware of the seeming differences between the federal and provincial sections of the NDP, and believed that they were attempting to use these divisions to extract further concessions from them on critical matters in the resolution. He was particularly successful in painting Allan Blakeney as being less than honest about various discussions that were not fruitful.

Fourth, it is apparent that the personalities of some individuals, in particular Ed Broadbent and Allan Blakeney, played a role in what proved to be a decisive split. Blakeney was a cautious, thoughtful, and engaged premier. He was reluctant to give up control of the process and its outcome to another leader. He honestly believed that Broadbent was not by inclination a detail person and therefore could be led "astray" by Prime Minister Trudeau. For his part, Broadbent felt that Blakeney was being overly cautious, too regionally inclined, and wanted too much control over the outcome. While he does not say it explicitly, it is clear that he believed that Blakeney was being too parochial when it came to important matters of principle like the adoption of a Charter of Rights and Freedoms.

Finally, as can be seen from recent discussions within the NDP about the role of fossil fuels and pipelines in Canada, these regional divisions can and will reappear when important matters of regional and ideological difference surface. The current split within the New Democratic Party of Canada is an echo of previous disputes like the one outlined in this article. It is not an accident that such divisions keep reoccurring within the body politic.

Endnotes

- * In early January the federal cabinet concluded that their constitutional proposals were losing momentum, both in Canada and in Britain. On January 19 they decided that they needed

to secure more support from the provinces. Saskatchewan seemed most likely to be amenable to providing that support, if the federal government was prepared to make some changes, primarily in the amending formula proposals, and on energy issues. A series of meetings between Roy Romanow and Marc Lalonde took place in Toronto in the following days. Enough progress was made on most issues that Romanow decided that these new proposal should be presented to Premier Allan Blakeney, who was vacationing in Hawaii. Romanow and Howard Leeson, Deputy Minister for Intergovernmental Affairs, flew to Honolulu and met with the Premier. A federal official, Fred Gibson, later the first head of CSIS, also flew to Honolulu. A series of handwritten proposals were exchanged and it was decided that Blakeney and Prime Minister Pierre Trudeau should speak on the telephone to try and conclude an agreement. Unfortunately, at the time when they were to make the call the Prime Minister's car broke down between Montréal and Ottawa, necessitating a change in the time. During the interim it became clear to Blakeney that removal of the Senate veto over constitutional amendments was not part of the agreement. As well, he became nervous about future amendments over which he would have no control. As a result, when the two men spoke later in the day no agreement was concluded. During the negotiation process both Trudeau and Blakeney were in touch with Ed Broadbent, giving differing views of how the negotiations had proceeded and why they had failed. This proved to be a major stumbling block between Broadbent and Blakeney in the future.

- 1 Robert Sheppard & Michael Valpy, *The National Deal: The Fight for a Canadian Constitution* (Toronto: Macmillan Canada, 1984) at 131. [Sheppard & Valpy]
- 2 These quotes are from verbatim transcripts of the conversation between Premier Allan Blakeney and Ed Broadbent, then Leader of the New Democratic Party, on February 5, 1981. Some of these notes I took were on a word for word basis and in other places they are a summary of what was said in the room. Hence the use of the term, 'verbatim'.
- 3 *Ibid.*
- 4 *Ibid.*
- 5 *Ibid.*
- 6 *Ibid.*
- 7 *Ibid.*
- 8 *Ibid.*

- 9 Confidential Memorandum from Howard Leeson, then Deputy Minister of Intergovernmental Affairs for Saskatchewan, to Premier Allan Blakeney and Grant Notley (6 February 1981) entitled "Re — Minutes of Meeting Held Today, Premier Blakeney and Grant Notley, Leader of the Alberta NDP".
- 10 *Ibid.*
- 11 *Ibid.*
- 12 *Ibid.*
- 13 Memorandum from Howard Leeson to Premier Allan Blakeney, (18 February 1981) entitled "Re — Strategy — Meeting with Ed Broadbent Calgary, February 18, 1981".
- 14 *Ibid.*
- 15 Notes of Howard Leeson (18 February 1981) detailing discussions and verbatim transcripts of the meeting.
- 16 *Ibid.*
- 17 *Ibid.*
- 18 *Ibid.*
- 19 *Ibid.*
- 20 *Ibid.*
- 21 *Ibid.*
- 22 *Ibid.*
- 23 *Ibid.*
- 24 Sheppard & Valpy, *supra* note 1 at 126.
- 25 Edited Notes of Howard Leeson (18 February 1981) detailing discussions and verbatim transcripts of the second meeting.
- 26 *Ibid.*
- 27 *Ibid.*
- 28 *Ibid.*
- 29 *Ibid.*
- 30 *Ibid.*
- 31 *Ibid.*
- 32 *Ibid.*
- 33 *Ibid.*
- 34 *Ibid.*
- 35 *Ibid.*
- 36 *Ibid.*
- 37 *Ibid.*
- 38 *Ibid.*
- 39 *Ibid.*
- 40 *Ibid.*
- 41 *Ibid.*
- 42 *Ibid.*
- 43 *Ibid.*
- 44 *Ibid.*
- 45 *Ibid.*
- 46 *Ibid.*
- 47 *Ibid.*