

Annotated Notes – Gang of Eight Ministers of Intergovernmental Affairs Meeting June 4, 1981 — Winnipeg

On June 4, 1981, a meeting was held in Winnipeg by the ministers of intergovernmental affairs for the eight provinces that were opposing the federal government's plan on patriation. Their intentions were to review the various elements of the plan to stop patriation from taking place.

This was the first major meeting of the eight governments after their agreement in April on an alternate patriation plan (Accord). That meeting had not gone as well as anticipated. The government of Québec, headed by Premier René Lévesque, had insisted on major changes to the Accord at the last minute: in particular, the removal of the requirement for a two-thirds vote of the legislature for opting out of constitutional amendments that infringed on provincial jurisdiction. While the change in itself was important, the fact that the Premier of Québec had insisted on the change after his election win, and after having given his agreement in late March, made the other provincial governments uneasy about whether or not he and his government were a reliable ally.

These fears were further compounded by the attitude of the provincial ministers from Québec who attended this meeting. This uneasy dynamic ultimately led to what I have described as the slow-motion disintegration of the “Gang of Eight.”

Below are my notes of that meeting. They have been altered somewhat in order to make them more understandable. The original notes as I recorded them, are in italics. Explanatory notes follow in standard type within brackets to provide background and/or to clarify the comments by the

Ministers. In addition, I have provided comments written into the notes at the time. These are called, ‘Leeson Observation 1981’. Lastly, in some places, my current thoughts have been added as I have reviewed these minutes and recalled the dynamics of the time. These are called, ‘Leeson Observation 2017’.

Unless otherwise indicated, the provincial ministers of intergovernmental affairs are as follows:

- Québec — Claude Morin
- Alberta — Dick Johnson
- Saskatchewan — Roy Romanow
- Prince Edward Island — Horace Carver
- Manitoba — Gerry Mercier
- British Columbia — Garde Gardom
- Newfoundland — Gerry Ottenheimer
- Nova Scotia — Edmund Morris

June 4, 1981

Agenda Agreed

Supreme Court Decision

Québec

Pessimistic before — now cautiously optimistic.

(Leeson explanation: We were pessimistic about the outcome of the Supreme Court

decision before, but now we are cautiously optimistic)

Alberta

“There were more provincial oriented judges during the hearings. Will continue to oppose regardless of decision.

(Leeson explanation: There were more provincial oriented judges during the hearings. We will continue to oppose the federal government’s patriation plan regardless of decision of the court.)

Québec

Will keep on opposing — stress it strongly.

[Leeson Observation 1981]

(Re-elected because of this...as strongly. PQ propaganda?)

Québec

1st field of battle will be in London.

2nd — we will fight in Canada and Québec.

Do not know where that will lead. This is the PQ plan for the next run. Do people agree?)

[Leeson Observation 2017] It was obvious to the other participants that Claude Morin, the minister for Québec, was eager to continue the fight. As noted in the comment above, at least some of the other participants in the meeting believed that the hard-line approach of Québec was derived from their belief that resistance to the federal patriation plan could lead to another referendum on independence or sovereignty association which might be successful.]

Québec

Special committee of minister’s setup and Québec on this. Meet twice a week!

[Leeson Observation 1981]

(Remind RJR re-our input surveys. Should be sought? by Knight.)

(Leeson explanation: This refers to Mr. Bill Knight who was principal secretary to Premier Allan Blakeney in Saskatchewan)

Prince Edward Island (PEI)

We are not wedded to any Ottawa line . Difficult for Islanders to understand — but we are making progress.

But we cannot be too preoccupied with it.

[Leeson Observation 1981]

(But heat is on. No energy agreement — no DREE agreement).

(Leeson explanation: DREE refers to the federal Department of Regional Economic Expansion)

Prince Edward Island (PEI)

Must play our cards correctly. Cannot fight them on the beaches. People believe Supreme Court will decide.

[Leeson Observation 1981]

(Obviously they are under pressure and will not stand up.)

PEI

Would go to London — but would shift gears.

5/4 — we could fight

6/3 — we could go to London

[Leeson Observation 2017 : The government of PEI was never as eager to oppose the federal government as some of the other provincial administrations. They were largely willing to follow the lead of other Conservative provincial premiers, notably Peter Lougheed.]

Newfoundland

Will keep on fighting.

British Columbia (BC)

We must prepare for a loss. A win for the feds they will consider a mandate.

Pessimistic — split decision against provinces.

What will Clark do if there is a split decision and a strong obiter, what will he do.

We will go to London.

[Leeson Observation 1981]

(If we are going to London on a split decision we must have public opinion behind us.)

British Columbia

Try to command the national stage.

[Leeson Observation 1981]

(Fairly tough on this question).

[Leeson Observation 2017: Joe Clark was Leader of the Official Opposition in the House of Commons]

British Columbia

December 11, 1981 — 50 year date for the Statute of Westminster.

Want to see what is in the judgment.

Need a single statement.

Before August it will be Mr. Lyon who responds.

[Leeson Observation 1981]

(Officials go to Ottawa for decision and draft statement.)

[Leeson Observation 2017: Referring to Premier Lyon of Manitoba who remained chair of the provincial premiers until August when British Columbia's Premier Bill Bennett would take over]

Québec

- 1. Lyon could go to Ottawa.*
- 2. Conference call that day.*
- 3. Draft a statement for each scenario.*

[Leeson Observation 1981]

(Manitoba to arrange a four-day notice on judgment. (Kerr — Twaddle))

(Leeson explanation: Kerr-Twaddle – a Manitoba lawyer)

[Leeson Observation 1981]

(If judgment comes during the session we will adjourn and then reassemble and have a (spectacular?) — and another resolution.)

(All evidence indicates hard-line.)

[Leeson Observation 2017: British Columbia was considered by some to be one of the “soft centre” provinces. That is, those that were more willing to negotiate an agreement with the federal government, to seek some kind of compromise. However, in the meantime, they were eager to ensure that every available avenue of resistance was mobilized properly.

At this point in the meeting Québec once again revealed its ultimate strategy. First, they wanted to ensure that resistance to Ottawa would continue. Second, they wanted to indicate that if necessary they would undertake this fight alone.]

Saskatchewan

Are they not tired of the constitution?

(Leeson explanation: Are they (Quebecers) not tired of the Constitution?)

Québec

We will fight matters here — will try to change opinion

Guy Charron (Québec Minister)

If charter is accepted the Government of Québec's powers will be diminished — less than 1867. Do you accept that Québec should be less than in 1867?

[Leeson Observation 1981]

(This is their line on this.)

Québec

We are going to London, even if a loss.

Will not go to a federal-provincial conference if called.

We Will Never Accept It!

[**Leeson Observation 2017:** At the end of this intervention by the Québec ministers, there was a stunned silence in the room. No one had expected such a hard line from Québec. The fact that they were prepared to go to London regardless of the decision by the Supreme Court and that they would never accept an outcome which favored the federal government was expected but the vehemence with which it was stated was new. More importantly, their declaration that they would not attend a federal-provincial conference was dramatic. It meant that those provinces hoping to negotiate some kind of agreement with the federal government were left with nothing.]

BC

Will you return to sovereignty association?

Québec

Not right away — later. Suppose no other province supports us. We will go it alone. Spend money etc. We knew we would win the election — but now we know for sure that it was the PET name that changed it.

(**Leeson explanation:** PET= Pierre Elliott Trudeau)

[**Leeson Observation 1981**]

(For Québec they are either in with the eight or they are not — they must sign with us.)

(**Leeson explanation:** In this personal comment, I indicate my belief that Québec must be forced to choose. That is, they must be an active member of the Gang of Eight, searching for a constitutional deal. If they are not, they must be “cut loose” at some point.)

[**Leeson Observation 2017:** In response to the question by British Columbia about sovereignty association, the Québec Minister made clear the ultimate intentions of their government. That is, they intended to go back to a referendum on sovereignty association whenever there was an opportunity for the effort to be successful. This declaration also added to the uneasiness of the other members at the meeting.]

Decision of the group

- 1. *Try to get four days notice.*
- 2. *Advance notice on conference call.*
- 3. *Committee of officials in Ottawa on the day.*
- 4. *Suggest that Lyon go to Ottawa.*

Saskatchewan

The statement is important. We may have to have a serious discussion.

Québec

I agree. — There can (be) two reactions to a provincial win.

1. *Discussions?*
2. *Conference with Trudeau?*

We (the federal government) say get rid of Québec.

Best opportunity to get rid of Québec — do not be so kind or naïve to give him [Trudeau] a platform.

[**Leeson Observation 2017:** Once again, the Québec Minister was attempting to ensure that their provincial allies would continue to back the government of Québec. They were warning against going to a conference with the federal government who could be expected to try and divide the Gang of Eight and, in particular, isolate Québec.]

Saskatchewan

Why do not we just put forward the accord?

Québec

He will use it to discussion etc.

Two years later another coup de force.

Should not provide him with the platform.

Saskatchewan

But how do we talk to a 5-4 decision.

BC

What about Ontario? They may not support.

Québec

We still go to London.

BC

I want to know if we are going to London regardless of the decision.

Manitoba

We need to see the judgment.

Decision of the group

- 1. Ask for notice.
- 2. Set up committee of officials.
- 3. Provincial response. (Lyon to Ottawa)

Political action person to court.

Québec

Morin our London Minister will be meeting the media people and members and “animating” them.

(Leeson explanation: Morin referred to is Jacques Yvonne)

Québec

Not a good idea to challenge in London.

[Leeson Observation 2017: This comment seems not to make sense. Obviously some context is lost here.]

Newfoundland

If Trudeau calls a conference after a 5-4 it will be difficult for us to say no!

Alberta

Timetable in London is very tight.

BC

Wouldn't it be good for Kershaw to review this again — timetable.

Statements — various statements under various scenarios need to be considered.

1. Will the statement contain a call for a conference.
2. What if the charter is not allowed.

Québec

Another conference is a trap! He will make us look bad.

Saskatchewan

Use the accord.

Québec

(He) has no intention of honouring the accord. They will get out of it somehow.

[Leeson Observation 1981]

(They (Québec) will never agree.

We need to maneuver Québec to a point where they must reject the accord. Get the feds to agree to it. Then set the stage for isolation of Québec?)

[Leeson Observation 1981]

(Québec wants to get Trudeau)

[Leeson Observation 2017: This is a critical exchange. Roy Romanow, the Saskatchewan minister, was attempting to determine whether or not Québec would actually accept patriation with the eight province Accord. Québec was trying to ensure that the Gang of Eight did not attend another federal provincial conference. As indicated, it became clear to the Saskatchewan delegation that Québec had no intention of agreeing to patriation under any circumstances. Hence the comment, “they will never agree.” At this point, I began to formulate a strategy that would involve getting the federal government to agree to the provincial patriation plan, which would then force Québec to reject the Accord. Québec would be isolated because their true intentions would become clear. This exchange is outlined below with a rather candid admission by the Québec minister that whatever Trudeau does they, the PQ, will win.]

Québec

1. Trudeau wins — sovereignty association wins.

2. a) *he has a conference and it fails — he has election — sovereignty association wins.*

b) *he does not have a conference — we get rid of him — sovereignty association wins.*

[Leeson Observation 1981]

(Very candid about Trudeau and their position — they have conformed exactly to our assessment — even worse.

**Québec will not agree just to the accord — the accord is now gone. We must now go on.)*

[Leeson Observation 2017: Not included in these minutes is an exchange between Roy Romanow and Claude Morin, prompted by me. As indicated above, Claude Morin had waxed eloquent on how they were going to win no matter what Trudeau did. I asked Mister Romanow to pose the following question to Morin: “Claude, I understand how *you* win, but how do *we* win?” Mr. Morin did not understand the question. In his mind, the other provincial governments were simply bystanders in the “great game” between Québec and the federal government. The possibility that the other provinces could have interests of their own which might be different and/or transcend the interests of Québec

and the federal government was simply not part of his worldview.]

Adjourn

[Leeson Observation 1981]

(Afternoon)

[Leeson Observation 2017: After the dramatic developments of the morning the afternoon discussions were fairly mundane.]

Joint statement — to be determined

Premier’s visit — Alta to prepare a plan.

Ministers get to London the week after the decision.

a) Identify MPs, etc.

Peter Meekison to put together a plan. (General plan)

Meekison to get info on the “procedures.”

Petition

1. *Elements of substance.*

PEI tab — does not support advertising.

BC — will take the lead on advertising and report to us! — On hold

Polls

1. *Wait until after the decision*

2. *Armit (a Manitoba official) — circulate the questions*