

CHAPTER 4

THATCHER'S GREEN LIGHT

Quebec, Tuesday, May 21, 1980. In the aftermath of the referendum, Minister Claude Morin decided to stay home to absorb the shock of a defeat whose breadth was even clearer than the previous evening. Around noon, the phone rang. It was undersecretary Robert Normand, who told him that Jean Chrétien was in Quebec City and wanted to meet Morin with all due haste. The federal minister of justice would be available early in the evening.¹ He was beginning a tour of the country to prepare provincial premiers for the topic of the constitution.

Surprised, Morin claimed that it was too early for such a meeting. The Cabinet was to meet on Thursday to decide what the next steps were to be. The following Friday or Monday would be a better time to meet. Morin even mentioned that he'd be ready to travel to Ottawa, if need be. Five minutes after hanging up, Normand called again: Chrétien was about to leave on vacation and said he couldn't wait.² In the end, the two men would not meet.

Claude Morin didn't know at the time that Chrétien was touring under the express orders of Trudeau. Despite the fact that his lieutenant was exhausted following the referendum campaign (during which he'd lost fifteen pounds!), the prime minister demanded that he immediately visit every province to speak about the constitution. Chrétien, who was supposed

to leave with his wife for Florida, was forced to postpone his trip a few days, to Aline's great displeasure. She herself was threatening to demand sovereignty-association.³

After having met with Bill Davis in Ontario, Chrétien travelled to Manitoba on May 22. There he met Sterling Lyon over breakfast, before flying to Saskatoon, where he lunched with Premier Allan Blakeney, leaving immediately for Edmonton to have tea with Peter Lougheed. He then ended his day over supper with Bill Bennett — British Columbia's premier — in Victoria. After a quick stop to spend a few hours with his wife, he left once again, this time for Halifax, where he spent the night. Awake at five in the morning, he had breakfast with Premier John Buchanan, before visiting Angus MacLean on Prince Edward Island, then Brian Peckford in Newfoundland.⁴ He finally returned to Ottawa, where he packed his bags and took another plane, this time for Florida with his wife. Arriving in Boca Raton late in the night, Chrétien and Aline finally made their way to the house they'd rented for a week. But as misfortune would have it, their car broke down, and they were forced to hitchhike in the middle of the night on some Floridian road. As the protagonist himself would say of those eventful days, it was a "long, long, trip."⁵

Following his minister's groundwork, Trudeau summoned the premiers for a meeting on June 9. Back in Quebec City, the Cabinet met to decide whether the provincial government should participate in the constitutional negotiations. Lévesque explained that "the government needs to accept the [referendum's] verdict without hostility, all the while defending the traditional interests of Quebecers and ensuring negotiations for political equality." With this in mind, the PQ leader indicated that he would publicly announce that "the government [would] participate in the negotiations in good faith, despite the fact that it considered renewed federalism to not be the true solution to Quebecers' problems."⁶

A resigned Lévesque arrived to negotiate in good faith at the prime minister's summer residence on Harrington Lake on June 9. Defeated, he walked absent-mindedly past Trudeau:

You're not shaking my hand, René?

Ah! You're here. You'll end up holding it against me;
it's the second time I've done that.⁷

If the exchanges between the premiers and prime minister were polite at the formality stage, as soon as the constitution was discussed, voices were raised. Generally speaking, a number of provinces wished to resume discussions on the basis of Trudeau's 1979 proposal, which got them a firm refusal from the latter. More precisely, Lévesque raised the point of a new sharing of powers, recognition of Quebec's unique status, and a right to self-determination. Alberta and Saskatchewan revived the issue of natural resources, Newfoundland followed with the subject of its coastal resources, issues that set these three provinces against Ontario's Bill Davis, who urged the federal government not to make any concessions to the provinces on these topics.⁸ On their end, Nova Scotia, New Brunswick, and Prince Edward Island insisted on obtaining guarantees for transfer payments. As for the Charter of Rights, it still irked a number of participants.

THE PEOPLE'S PACKAGE

Despite it all, the provinces agreed on one point: they had to be united on these issues before asking the British to vote on patriation. Only Ontario, once again, backed Ottawa's position.

It should be said that the process surrounding the constitutional talks had become a source of tension perhaps as important as the substance of the negotiations themselves. For Trudeau, the path was clear. There were themes like the charter, the preamble, the amendment formula, and regional disparities that transcended politics and truly raised passions among Canadians. All these subjects had been brought together with care under the heading of "the people's package" and, for the federal government, they had to be treated as a priority. If there was time left, once all had agreed on these primordial points, the participants would move on to the next step, that is, the "government's package," meaning sharing of powers, an essential issue for the provinces. On this topic, the federal government hoped to obtain greater economic powers to, so it said, increase commercial exchange and promote the circulation of workers within the country. However, none of the participants was blind to the fact that the proposed hierarchy of the talks prioritized all the matters the federal government held dear, while the question of power-sharing, if the provinces truly wanted to discuss it, was framed in a way that could lead to greater centralization.

These considerations aside, Trudeau maintained he was resolute in his desire to fight to ensure that Canadians finally obtained their rights — rights they'd never, it followed, truly benefited from. This constitutional populism raised the ire of the premiers. They raised a common front, demanding he give up this approach, which he eventually consented to, although certainly against his will.⁹

It would be his only concession, however. Coming into the talks in a position of strength, he wasted no time with his counterparts' lamentations. He said he wouldn't accept their demands for decentralization, since he claimed it would lead to the end of Canada as a country. Then, mirroring Theodore Roosevelt's motto of "speak softly and carry a big stick,"¹⁰ he stated that "if you aren't happy, I'll go to England alone." Around the table, all knew that the prime minister was serious. Under this threat, the parties agreed to set up a new federal-provincial ministerial committee, which was to hand in a report at the end of the summer.

Each premier considered his options, counted up his supporters, and prepared his game plan. All knew that the situation in Great Britain was one of the more important variables. Since the month of May, Saskatchewan's agent general in London, Merv Johnson, had been reporting to Premier Allan Blakeney. The former believed that it would be possible to convince some MPs and Lords to oppose unilateral patriation.¹¹ However, one thing was certain: the British government "would deal with this as if it were a matter of international relations, not imperial matters, so it is going to deal with it by talking only to Ottawa."¹²

The same interpretation held sway in Ottawa as in Regina. Trudeau had every reason to believe that Her Majesty's government would get behind him. As his former adviser Michael Kirby explains, "If you did not make that assumption, then you would have been conceding that the provinces had an absolute veto on any type of constitutional reform. Given the situation with Quebec, that would have guaranteed that no constitutional reform would have been possible. And we were not prepared to concede that. That was the case because otherwise you would have been conceding that the British had authority over the Constitution."¹³

Trudeau's view of patriation was revealed here. In private and in public, the federal government's message was the same: Westminster had an obligation to approve any constitutional request sent by Ottawa. This is the position that was explained by the assistant deputy minister with external affairs,

De Montigny Marchand, in a note sent to Trudeau. It was all about ensuring that “the U.K. Government’s compliance with the position that the Federal Government, with the Canadian Parliament, is solely responsible for the substance of the resolution and bill (except on purely technical matters).”¹⁴

In short, the role of the British was honorary and automatic. Trudeau himself, like a hypnotist with his pendulum, repeated this formula ad nauseam. However, not everyone agreed, and the prime minister knew this better than anyone. Barry Strayer, one of the most important constitutionalists in the country, then working at the Department of Justice, had prepared a confidential legal opinion on the matter. He explained that the role of the British Parliament was simply primordial, both in judicial terms as well as political ones. Why? First, because “the body generally recognized by our courts as having the legal authority to amend areas of our constitution is the U.K. parliament.” If Ottawa decided to bypass Westminster, “this discontinuity in the constitution-making process amounts to a revolution in law ... this could contribute seriously to undermining the political legitimacy of the revised constitution, particularly in those areas of the country where the political legitimacy of the federal system is already seriously questioned.”¹⁵ London thus remained essential. But no matter, Trudeau was convinced that the British would support him without reservations.

On June 17, 1980, Nicholas Ridley, the British minister delegated to the Foreign Office, was in the country for a few days. The subject of his visit was obvious. As he noted with amusement, “Everybody I meet is interested in the constitution.”¹⁶ Obviously, Jean Chrétien was among these people, since Trudeau asked him to lead the talks with the visiting official. The federal justice minister began by explaining that, even if it wouldn’t be possible for federal and provincial governments to agree on everything, the pressure was strong on the latter, and he would likely be able to rally up to eight of them.¹⁷ This demonstrated the federal government’s openness, since “the provinces accuse the federal government of being unreasonable yet it is they who demand everything while we make all the concessions.” In fact, the federal government “is not asking the provinces to give up any power, except with regard to personal liberties, e.g. language rights, where the issue was the protection of linguistic minorities.”¹⁸ On the subject of the PQ in particular, Chrétien, despite everything, believed that it was “not inconceivable that they would compromise on the constitutional question in order to cut the

ground from under Mr. Ryan's feet and win the election."¹⁹ Whatever the case may be, he concluded that if by September an agreement hadn't been reached, Ottawa would proceed without the provinces.

Ridley answered that it was important to keep the British government informed on the situation. "The parliamentary timetable is a choc-a-bloc and unless we have adequate notice the U.K. parliament might be unable to deliver the goods at the right time."²⁰ He also threw out a warning: "We do not wish to become embroiled in Canadian domestic affairs," citing as evidence the visit of the three hundred aboriginal chiefs the previous year, an event that he hadn't appreciated at all. "Our position is that if the Canadians ask us to patriate the constitution we will do so but we hope to avoid becoming middle-man in a row between the provinces and the federal government."²¹

The situation might become "very messy," Chrétien admitted. But the best way for the British to avoid this problem was to do what the Canadian Parliament asked of them, and get rid of this "thorn in the side."²²

PIERRE AND MARGARET

The two men left each other on that note. Ridley had just enough time to get back to Great Britain and report to Margaret Thatcher; Pierre Trudeau landed in London on June 25 to meet with her. It was their first official meeting. From the outset, they got along quite well. Trudeau was a brilliant man, a smooth talker, and the British prime minister appreciated his easygoing attitude. When they spoke in private, they called each other by their first names. Between them, there was what de Gaulle called the muted respect of the strong for the strong. In other words, they both appreciated the political stature of the other.²³

As for their respective conceptions of the world, it was an entirely different story. Margaret Thatcher was the daughter of a Methodist grocer from Grantham; married to a Second World War veteran, and deeply patriotic, she reached the summit of power through her strong hand. Faced with the Outremont millionaire, a socialist and a pacifist, it was a head-on collision. Their rows during the G7 summits became proverbial. In 1981, for example, in Montebello, the British prime minister began an interminable

lesson aimed at denouncing Trudeau for his perceived indulgence toward the Soviets. Her matronly style was such that Reagan would later say that he thought she'd send Trudeau to stand in a corner.²⁴ Contrary to others, Trudeau wasn't at all impressed by the fact that she was a woman, and defended himself firmly, going a bit too far sometimes and bogging down the proceedings. In her memoirs, the Iron Lady characterized the Canadian as a "liberal leftist" incapable of understanding the brutality of Communism.²⁵

In any case, June 25, 1980, marked the beginning of a relationship that would often be marked by ideological antagonism, though it didn't prevent Thatcher from supporting Trudeau from beginning to end on the constitutional issue. Simply put, the Conservative politician was following her instinct, which persuaded her to keep good relations with Canada ... despite Pierre Trudeau. After all, this woman, who'd cut her political teeth at the time of the rise of European totalitarianism in the 1930s, always placed the defence of her country and the Atlantic Alliance at the centre of her preoccupations.²⁶

If this perspective included the Americans first and foremost, it did not exclude Canada. Thatcher hadn't forgotten the sacrifices at Vimy, Passchendaele, Hong Kong, Dieppe, and Normandy, battles in which thousands of Canadians gave their lives for King, Empire, and British freedoms. She also didn't overlook Canada's role in NATO. These were things that mattered to her, and they came under federal jurisdiction. No matter the legitimacy of arguments presented by the provinces, Thatcher wanted to dance with Trudeau, and not Lougheed, Lévesque, or Peckford, who were of no use to her.

Well-informed about the problem, Thatcher had chosen sides before her first meeting with her Canadian counterpart. A woman of convictions to some, obstinate and stubborn to others, her opinions changed only under great duress, and the constitutional affair would be no exception.

The first Trudeau-Thatcher summit occurred in this context. It would last two hours, with a number of advisers on both sides of the table. Thatcher quickly went to the heart of the matter: "Are we going to be asked to pass any legislation?"²⁷

The question was direct; but curiously, the answer wasn't as direct, as if Trudeau wasn't sure of the path to follow. "I cannot predict, at this moment, any course of action, but it is not inconceivable that Canadians will be taking steps towards patriation," he said, reiterating the promise he'd made to Quebeckers during the referendum. "I am determined on movement and

sooner or later the British North America Act will have to be amended. I cannot give a time as this would depend on work throughout the summer and the results of the conference scheduled for September.”

The Canadian prime minister stated that unanimous consent of the provinces was unlikely. This might lead to further delays, especially due to René Lévesque, whose interest lay in slowing down the process. Trudeau was hoping to move quickly enough to avoid giving Lévesque another opportunity to submit his option to the people. “I mean to unite Canadians if possible. But I recognize that I might in fact make things worse. In the best case I would not have to approach the U.K. parliament until spring 1981. However, in the worst case, we might want to move quickly to take a step towards patriation even if we have the support of only some provinces.” In any case, “there would never be unanimity and the dissenting provinces would expect to be heard and one or more of them would say they were not getting what they wanted.”

“I really do not think I should see provincial representatives,” Thatcher replied. “If, for example, queues of Indians knock on the door of no. 10, the answer will be that it is for Canada to decide her future and not Her Majesty’s Government, but we do not want to be accused of interfering in any way and I hope that I will not have masses of people lobbying in front of no. 10.”

Trudeau agreed that it wasn’t a good idea to speak with the provinces; their jurisdictions did not include addressing themselves directly to the British government. He then warned his counterpart: “You will be accused of interfering whichever way things go: as for unanimity, it can be forgotten but I will choose a course of action that will cause both governments the least trouble.” London should also avoid all speculation. “If there are any questions,” Thatcher claimed, “the answer will be that HMG had not been approached and it is a matter for the elected Government of Canada.”

Then Nicholas Ridley intervened:

Ridley: “If asked, we would have no choice but to enact the required legislation.”

Trudeau: “Are you hinting that this is what you would like to do?”

Thatcher: “It will be a government measure and the whips will be on. We will be as helpful as possible and will try to do anything we can without renegeing on any pledges or obligations.”

Trudeau: “The U.K. government does not really have a choice.”

Thatcher: “If you ask us to act we will have to do so.”

The meeting ended in agreement. With a few qualifiers, Trudeau had received the green light he was hoping for. The provinces could rebel however much they wanted, the constitutional train was on the rails.

It was a happy man who took the time to speak to the numerous journalists wanting to question him as he left 10 Downing Street. “We spoke of the G7 summit in Venice,” he began, first putting the emphasis on the part of the discussion that wasn’t linked to the constitution. But the journalists insisted. One of them asked him whether Thatcher had promised unconditional support. “I did not ask for it. I told her I was a Liberal and therefore an optimist and felt everything would come up roses in September.”²⁸

“But did you discuss the possibility of provincial opposition?” asked another. “I didn’t bring up that hypothesis and I do not believe Mrs. Thatcher brought it up either.”²⁹ The prime minister jaunted off just before his nose grew a few sizes bigger. He caught up with his son Justin, and together they made their way to Buckingham Palace. The Queen was expecting them.

This impromptu press conference had the desired effect. The *Globe and Mail* wrote the next day that “the two leaders ... avoided the thorny issue of how the British Government would react to any move by the federal Government that did not have the unanimous support of the provinces.”³⁰ By maintaining that he and Thatcher hadn’t spoken of the provinces, Trudeau was sending a message: the provinces could expect no help from the British government. Ottawa was in a position of strength, and the provinces best co-operate. The prime minister might have been lying, but he knew full well that Thatcher wouldn’t publicly contradict him. On the British side, however, a number of commentators weren’t too pleased by this little number. High Commissioner John Ford, notably, wanted to retaliate, but in the end the slight was simply ignored.

It is legitimate to wonder why Trudeau felt the need to push the envelope with his comments. Thatcher's support was sufficiently clear and strong for there to be no need to tell an untruth, with the risks associated with such an act. By simply recounting his counterpart's words, he could have confirmed to the provinces what they already suspected, which is that the resident of 10 Downing Street intended to ignore them.

TRUDEAU: NEUROTIC AND PARANOID

Trudeau's attitude might seem irrational, and this indeed was Thatcher's impression. If she kept these thoughts to herself during their meeting, her instincts told her that the whole affair might become a lot more complicated before it got simpler — for example, if there was a revolt of the more Conservative provinces.

After the meeting with Trudeau, Thatcher met with Jean Wadds, Canada's High Commissioner in London. A dyed-in-the-wool Conservative whom Trudeau had decided to keep, Wadds was the perfect person to carry a very precise message back across the Atlantic. Using her status as an international star of the Conservative movement, Thatcher delivered simple instructions to Jean Wadds: the Conservative provinces were to remain calm. These words were immediately reported back to Herb Pickering, the agent general from Alberta, who sent a message to Edmonton without delay:

Mrs. Wadds has asked that Dr. Meekison (i.e., deputy-minister of intergovernmental affairs) and Premier Lougheed to be informed of the issues raised during Mr. Trudeau's working luncheon with Mrs. Thatcher. Mrs. Wadds indicated that Mrs. Thatcher found Mr. Trudeau to be neurotic and paranoid regarding patriation. Mrs. Thatcher thought that Mr. Trudeau's paranoia was based on his fear that the provinces, especially those with Conservative governments, were opposed to the patriation of the constitution....

Mrs. Thatcher perceives the provinces, especially those with Tory administrations, as the big bad ogre; Mr. Trudeau would likely have been influential in shaping this perception.

It was perceived that other provinces and not Quebec were now the problem. Mrs. Thatcher was concerned about possible public embarrassment for her government should a federal-provincial dispute in this matter be carried into London.³¹

In other words, Thatcher believed that between Ottawa and the provinces, the latter were likelier to give way. She also imagined that the Canadian Tories, in particular Peter Lougheed, would be more inclined to back off following the admonitions of their British big brother, a party led by a Conservative superstar. However, this entire episode demonstrated one thing more than any other: the British prime minister hadn't properly measured, at this stage, the state of mind of the Western provinces' populations.

Two weeks after Trudeau's visit, the attitude of provinces was once again the subject of discussions between the British Foreign Secretary, Lord Carrington, and the Canadian minister of external affairs, Mark MacGuigan. They met at the United Nations in New York, and immediately seemed to get along. The Brit was an intelligent, devoted man, and one of only two ministers, with parliamentary leader Norman St. John-Stevás, able to make his boss laugh. Carrington even allowed himself a few not unkind jabs at his boss, often telling his interlocutors that he'd report their words to "My Mistress." The meeting confirmed Thatcher's fear: according to MacGuigan, Alberta's opposition was now a certainty, thanks to disagreements on energy policy. This opposition didn't change anything for the British government, Carrington replied, adding, "once the request is made there is bound to be a good deal of Canadian lobbying which could lead to a debate in the U.K. which you might find unseemly."³²

This type of commentary wasn't the sort of thing that might change Pierre Trudeau's mind, especially after his meeting with Thatcher. For Emery Davies, an Elgin Street diplomat, "there seems little doubt that Mr. Trudeau was encouraged by this encounter. Certainly since his return he has appeared to take an even more vigorous line on patriation."³³ The accuracy of this statement was soon confirmed by Trudeau himself, who, over the summer, wrote to his counterpart to express the extent to which he was "gratified to receive your assurances of support."³⁴

It should be said that among federalists, a sense of euphoria dominated. Many weeks after the referendum, the inebriating feeling of victory still hadn't

dissipated. By beating Lévesque's government, Ottawa had not only ensured its pre-eminence over the PQ, but also over every province. In the capital, the federal government was congratulating itself with pats on the back and some even predicted that patriation would be signed, sealed, and delivered before the first snow. As journalists Robert Sheppard and Michael Valpy observed at the time, "They were almost drunk with a new sense of power and accomplishment."³⁵

Within this context, negotiations began in the summer of 1980. On Elgin Street, there was both worry and skepticism: "It was clear that Trudeau was going to ignore the provinces," High Commissioner John Ford explained years later. "He was going to force the patriation bill through the Federal Parliament, including his contentious bill of rights. He would then send it to London to be rubberstamped by the British Parliament even if it was unconstitutional in spirit."³⁶

Ford was convinced that the provinces would call on British MPs' spirit of fair play and the clear path to patriation would turn into a minefield. He used his time off back in Britain to warn his colleagues, but, as he himself said, "My fears were brushed away by the Foreign Office."³⁷

While authorities in London were divesting themselves of the issue at hand, the summer of 1980 was a season of constitutional meetings in Canada. Led by Jean Chrétien, the exercise, which began in Montreal, brought together all the ministers responsible for the constitution for what was beginning to look more and more like an intense and interminable dentist's appointment. Besides the idea of bringing back the constitution to Canada, every other subject bred its own controversy, with every position unyielding. The margin of error was small.

This was the case for natural and coastal resources, over which many provinces demanded greater authority. Jean Chrétien immediately announced that this point should be discussed along with a renegotiation of the Canadian economic union. It was essential, he claimed, "to re-establish a proper balance of power between the two governments," adding, "We believe that Canadians would be better served if the federal government expanded some of its powers in the area of economic management."³⁸

Around the table, a number of provincial ministers couldn't believe their ears. They were dismayed by Trudeau's about-face; after all, this was the same man who'd claimed, a year earlier, that he was willing to decentralize some powers to the provinces' benefit. This now seemed eons ago and ages away.

Chrétien had a number of documents prepared that all came to the same conclusion: in each of the important economic and commercial questions, it was essential to centralize.³⁹ The friendly words from 1979 about shared responsibilities in fisheries, coastal resources, international trade, and telecommunications were nowhere to be heard.⁴⁰

After Montreal, the discussions moved to Toronto, where they took the shape of a boxing match. In the blue corner: Alberta, Newfoundland, British Columbia, Prince Edward Island, Quebec, and Manitoba. In the red: Ottawa and Ontario. And right in the middle: New Brunswick, Nova Scotia, and Saskatchewan — all at their wits' end.

The federal government proposed to take another look at the Victoria formula, which provided for a veto for any province constituting or having constituted 25 percent of the population, meaning Ontario and Quebec. This approach also required the support of two of the four Maritime provinces and two of the four Western provinces. In the latter case, the two provinces had to amount to 50 percent of the region's population.

All of this seemed engineered to displease Alberta, whose government saw in it a break with the traditional equality of provinces. Quebec was also opposed to the proposal. It saw no reason to adopt an amendment formula without first being heard on the sharing of powers. If the latter question remained unanswered and the constitution was repatriated nonetheless, there would be no more reason to listen to Quebec's demands. As for the amendment formula itself, the PQ preferred the Victoria formula (which would give it veto power), or, better yet, a right of withdrawal with financial compensation.⁴¹ This last option was particularly unacceptable to Trudeau, who declared it to be one step removed from separation.

THE BIRTH OF MULTICULTURALISM

Another bone of contention was the preamble that Trudeau hoped might crown the constitution, the goal being to underline common Canadian values. The document referred to the people of Canada and underlined, among other things, the cultural pluralism of Canadian society. This line was a clear attempt to eradicate any reference to Canadian dualism in the constitution, an attempt that Trudeau had always been forthright about. Back when his

government had voted in a law on multiculturalism in the early 1970s, the prime minister had declared to whomever might listen that “sometimes the word ‘biculturalism’ is used, but I don’t think that it accurately describes this country. I prefer ‘multiculturalism.’”⁴² This approach was denounced at the time by Claude Ryan, then director of *Le Devoir*, as well as by René Lévesque, leader of the PQ, and then-premier Robert Bourassa.⁴³

Ten years later, in 1980, the situation hadn’t changed. The preamble project created an immediate controversy in Quebec. Columnist Marcel Adam rebelled in the pages of *La Presse*, asking whether Quebecers had been hoodwinked when Trudeau claimed that a state could contain many nations. “On that topic, we perhaps should have voted Yes to show that Quebecers formed a distinct people that possessed all the attributes of a nation.”⁴⁴

Criticism was immediate and overwhelming. Intellectual Gérard Bergeron all but lit his hair on fire over what he considered to be a “fine mess.” Solange Chaput-Rolland, one of the Liberal Party of Quebec’s big names, vigorously protested Trudeau’s approach: “By voting for one country, Quebec didn’t choose the concept of a single people.”⁴⁵ As for Claude Ryan, he railed against the situation. Everything needed to be re-evaluated, according to him.⁴⁶

Faced with this hue and cry, Trudeau called on André Burelle. An urgent facelift was needed to avoid a nationalist alliance in Quebec between sovereignists and federalists. The solution took the shape of an open letter to the people of Quebec, published in the dailies on July 11.

To quiet the uproar, Trudeau raised the idea of the “two principal linguistic and cultural communities that were the foundational peoples of Canada,” along with aboriginal peoples. But he also spoke of the “will of Canadians to be the first to overcome the old concept of Nation-States.” He discussed his reference to the “Canadian people” in the preamble project:

The Swiss speak of the Swiss Nation, even if there exists among their Confederation four linguistic and cultural communities. Russians speak of the Soviet People, even if the 259 million citizens of the country are separated in 109 nationalities, including the Russians, Byelorussians, Ukrainians, Baltic people, Armenians, Georgians, Azerbaijani Turks, and many others.⁴⁷

For High Commissioner John Ford, this sort of clarification wasn't convincing at all. Trudeau seemed to him more determined than ever to go forward, no matter what might happen in Quebec, the West, or the other provinces. This disregard for the provinces' demands would inevitably have repercussions in England. He took advantage of a meeting with Michael Kirby over the summer to warn the federal government. In the hypothetical situation of strong opposition from the provinces, he told the Canadian prime minister's adviser, Thatcher would firmly support Trudeau. She wouldn't be influenced by a provincial lobbying campaign, but he asserted that the situation was entirely different for other MPs and Lords, who would ultimately be the ones voting in favour of patriation. It would be enough to attract attention to this subject, as the party of aboriginal chiefs had demonstrated the previous year.

I commented that the more contentious the governments' proposals, the greater perhaps the opportunity for Quebec to make trouble. Kirby said that he himself was insufficiently [*sic*] acquainted with Quebec thinking and that it was difficult to discuss that subject with Trudeau, who had his own circle of advisers. He left me with the impression that he thought that Mr. Trudeau was emotional beyond reason on the subject and that this was something which had to be taken into account. I was left with the impression that Kirby, while sympathising in many ways with those urging caution, felt that the hawks were in the ascendant and that it was exhilarating to be bold and decisive and take risks ... the chances of a relatively uncontentious proposal are slight and Kirby sees the hawks with the bit between the teeth...⁴⁸

Summer would decidedly not be a time for vacationing for the ministers responsible for the constitutional dossier. There was meeting after meeting, often starting over breakfast, as well as discussions with committees and sub-committees, most often under the artificial lights of windowless conference rooms. There were also the private conversations next to the water cooler. Sometimes, discussions kept going along a jogging path or on the racquet-ball court or even over a beer, at night, in jam-packed, smoky dance clubs

where Roy Romanow, Jean Chrétien, Richard Hatfield, Dick Johnston, Tom Wells, and others went for a bit of R and R with the most recent disco hits as soundtrack. The only consolation for this improbable learned assembly was that they weren't missing much in the weather department: it rained cats and dogs throughout the summer, the highest levels of precipitations since statistics began to be compiled.⁴⁹

Rain or shine, Chrétien always presented himself in the best light, as a reasonable interlocutor, disposed to confession — in stark opposition to Trudeau.⁵⁰ The two men formed a strange tandem in a well-synchronized good cop, bad cop routine. The minister of justice played the part of pacifier, with Trudeau sporadically appearing behind him, always ready to threaten the provinces with the greatest ills.

In order to reinforce this message, the Federal-Provincial Relations Office (FPRO) ordered three polls during the summer, disbursing \$300,000 in all.⁵¹ These tended to show — surprise, surprise — that the overwhelming majority of Canadians favoured Ottawa's proposals, particularly when it came to the Charter of Rights. Years later, Michael Kirby, who led the polling operation, proudly recalled the way the strategy was engineered. A smile playing on his lips, he told his story: "Were Canadians demanding a charter? No. But once the issue, as we painted it, was portrayed as a 'we the federal government' want to give you a certain set of rights that will prevent governments from taking those rights away from you, that was a very compelling political argument."⁵² And again: "We also wanted to be able to say to the people, the provinces will not give you your rights unless we give them more powers. From there it was very easy to break it into a people's package, which had the right ring, and a powers package, which was offensive in the communications lingo."⁵³

In other words, the question came down to: Do you want us to protect your rights? The answer was preordained; being for virtue is no sweat off a man's brow. Besides, another question in the poll asked whether respondents would like the federal government to keep them apprised of the situation. No surprise: an overwhelming majority answered in the affirmative. Ottawa decided to spend \$6 million for a series of advertisements in which one could see awe-inspiring scenery underscored by a powerful soundtrack, with the Maple Leaf well in evidence.⁵⁴ The provinces were outraged. Quebec, notably, answered with its own ad campaign, at the more modest cost of \$1 million.

The propaganda campaign was in full swing, and it certainly fed the discussions led by Chrétien and his provincial counterparts. Day after day, heady closed-door negotiations were taking place, with arguments hammered home by the weight of fists pounding on tables. At the end of the day, each minister repeated for the cameras what he had said earlier behind closed doors, polishing his message, burnishing his image, and moderating his words.⁵⁵ Wise, moderate, or abrupt, the ministers of the constitution had become in some way captives of their own exercise, “perhaps more than was good for us psychologically,” as one participant would later say, likening his experience to Stockholm Syndrome.⁵⁶ Despite it all, by the end of the summer they hadn’t been able to smooth out the differences. They would turn to their premiers and the prime minister to cut the Gordian Knot.

28. Sheppard and Valpy, *The National Deal*, 34.
29. Note by John Ford to Martin Berthoud, dated April 29, 1980. Document obtained from the Foreign Office following a freedom of information request.
30. Sheppard and Valpy, *The National Deal*, 33.
31. Notably during a debate in the House on May 9, 1980, and during a press conference on that same day.
32. Commentary by Brian Perry on a telegram sent by Alan Montgomery, diplomat at the British High Commission in Ottawa, dated May 13, 1980. Archives of the Foreign Office, FCO 82/819.
33. Taken from the documentary *Le Choix d'un peuple*, by Hugues Migneault, Les films de la rive, 1985.
34. Sheppard and Valpy, *The National Deal*, 14.
35. Pierre Elliott Trudeau, *Memoirs* (Toronto: McClelland & Stewart, 1993), 283.
36. Mark MacGuigan, *An Inside Look at External Affairs During the Trudeau Years* (Calgary: University of Calgary Press, 2002), 90.
37. I borrow this turn of phrase from Peter H. Russell, *Constitutional Odyssey*, 109.
38. English, *The Life of Pierre Elliott Trudeau*, Vol. 2, 446.
39. Burelle, *Pierre Elliott Trudeau*, 424.
40. "The Quebec Referendum," note by Alan Montgomery, diplomat at the British High Commission in Ottawa, to Martin Berthoud. Document obtained from the Foreign Office following a freedom of information request.
41. Godin, *René Lévesque: L'espoir et le chagrin*, 552.
42. *Ibid.*, 542.
43. Burelle, *Pierre Elliott Trudeau*, 209.
44. *Ibid.*, 206.
45. Note by Emery Davies to Lord Carrington, entitled "The Quebec Problem: The Penultimate Chapter?" dated May 26, 1980. Document obtained from the Foreign Office following a freedom of information request.

CHAPTER 4: THATCHER'S GREEN LIGHT

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2. *Ibid.*
3. Jean Chrétien, *Dans la fosse aux lions* (Montreal: Les Éditions de l'Homme, 1985), 166.
4. *Ibid.*, 167.

5. Ibid., 169.
6. Archives of the Executive Council, Quebec, E5 2005-10-003/289.
7. Godin, *René Lévesque: L'homme brisé*, 58.
8. Romanow, Whyte, and Leeson, *Canada ... Notwithstanding*, 64.
9. Ibid.
10. Theodore Roosevelt Association, "In His Own Words," www.theodore-roosevelt.org/life/quotes.htm. Accessed July 25, 2014.
11. Romanow, Whyte, and Leeson, *Canada ... Notwithstanding*, 139.
12. Ibid.
13. Interview with Michael Kirby, May 14, 2010.
14. Note by De Montigny Marchand to Pierre Trudeau, dated October 16, 1980. Archives of Foreign Affairs Canada, RG 25-A-3-C 25-6, 20-CDA-16-1-4, vol. 11478, part 3.
15. Archives of Foreign Affairs Canada, RG 25-A- 3-C, 20-CDA-16-1-4, vol. 8722, part 1.
16. Minutes of meeting between Nicholas Ridley and Allan Gotlieb in Ottawa, June 17, 1980. Archives of the Foreign Office, FCO 82/820.
17. Minutes of meeting between Nicholas Ridley and Jean Chrétien in Ottawa, June 18, 1980. Archives of the Foreign Office, FCO 82/820.
18. Ibid.
19. Ibid.
20. Ibid.
21. Ibid.
22. Ibid.
23. Interview with Michael Kirby, September 7, 2007.
24. Nicholas Wapshott, *Ronald Reagan and Margaret Thatcher: A Political Marriage* (London: Penguin, 2007), 148.
25. Margaret Thatcher, *The Downing Street Years* (New York: HarperCollins, 1993), 321.
26. Campbell, *Margaret Thatcher, Vol. 1*, 41.
27. The reconstruction of this meeting is based on the minutes of the archives of the Ministry of Foreign Affairs of Canada (RG 25-A-3-C, 20-CDA-16-1-4, vol. 8723, part 8), as well as the archives of the Cabinet Office. Document obtained from the Foreign Office following a freedom of information request.
28. *Globe and Mail*, June 26, 1980.

29. As cited in a note by John Ford sent to London, dated January 31, 1981. Document obtained from the Foreign Office following a freedom of information request.
30. *Globe and Mail*, June 26, 1980.
31. Note by Wayne Clifford to Oryssia J. Lennie, dated June 27, 1980. Document obtained from the Foreign Office following a freedom of information request.
32. Summary of discussion between Mark MacGuigan and Lord Carrington, dated July 8, 1980. Archives of the Foreign Office, FCO 82/820.
33. Note by Emery Davies to the Foreign Office, date July 15, 1980. Archives of the Foreign Office, FCO 82/820.
34. Cited in a preparatory document for a meeting between Margaret Thatcher, Mark MacGuigan, and John Roberts, dated October 3, 1980. Archives of the Foreign Office.
35. Sheppard and Valpy, *The National Deal*, 40.
36. Interview with John Ford, February 8, 2007.
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42. Cited by Varun Uberoi, “Multiculturalism and the Canadian Charter of Rights and Freedoms,” *Political Studies* 57 (2009), 808.
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51. *Ibid.*, 52.
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CHAPTER 5: JUSTICE VS. THE PROVINCES

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12. Quoted by Janet Ajzenstat, "Reconciling Parliament and Rights: A.V. Dicey Reads the Canadian Charter of Rights and Freedoms," *Revue canadienne de science politique* 30, no. 4 (December 1997), 651.
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