

Minister Thatcher, learned of the Canadian charter of rights, that it was only on October 6 that she had learned of the possibility of legal action in Canada, and that therefore, according to the British Prime Minister, it might become extraordinarily difficult for Prime Minister Thatcher's government to deal with the Canadian constitutional resolution because these complications had arisen so late. Does the Prime Minister remember that?

**Right Hon. P. E. Trudeau (Prime Minister):** Madam Speaker, since the hon. member spoke in his question about lack of candour—

**An hon. Member:** He was quoting you.

**Mr. Trudeau:**—I would point out to him that he lacked considerable candour the other day in the House when he said he had some evidence about the War Measures Act which would tend to prove that the government had bungled it. He has been challenged by the Solicitor General to submit that evidence, either privately or publicly, and, of course, he backed down, as is his wont.

**Some hon. Members:** Hear, hear!

**Mr. Trudeau:** Madam Speaker, once again I must preface my answer by saying that I would prefer not to divulge the nature of the private conversation, but since the hon. member has obviously been informed of its nature—by whom, I do not know—and is asking us to table documents, and since the hon. member for Provencher said he had written proof of some evidence that the Canadian government had not asked what they said they had asked, I would ask him to table it, if he is so certain of his point.

To get back to the question, Madam Speaker, I am not surprised if the British Prime Minister told Mr. Pym, who would have told me, that she only knew the extent of the package on October 6, as, I believe, the hon. member said, because the package was only made public at that time. Until it was made public in final form, nobody knew, not even myself, exactly what would be in it. We knew what we wanted to be in it. We had been saying for years that it should contain a charter of rights and a patriation formula. We knew what we had asked the provinces in June to be in it, but we did not know all of that summer until the September meeting what in fact would be the final resolution, whether it would include family law, a charter, some provisions on fish or something else. We did not know that until the negotiations were finished.

In that sense, I cannot fault the British if they say they did not know for certain what was in the package when I spoke to the British Prime Minister in June; I did not know myself. What the whole country knew is what we hoped to see in it, and what the whole country knew is that we had told the provinces that we needed action, at least on the people's package, which included the charter, by September. That was clear, but it was not clear until we had tabled the motion. It was not clear to members of my own party what would be in

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that motion until the days before when we had discussed it in caucus and in cabinet.

**Some hon. Members:** Hear, hear!

**Mr. Lawrence:** Getting back to the question whether there was an undertaking to present the resolution to the British Parliament at Westminster or to have the resolution passed by the British Parliament at Westminster, would the Prime Minister clear up, as I am sure he is quite willing to do now, whether or not the British minister, the Right Hon. Francis Pym, said to any Canadian minister at the meeting of December 19 that the government of Westminster does not dispose but rather proposes, leaving the British parliament itself to dispose, particularly with regard to constitutional matters?

**Mr. Trudeau:** Madam Speaker, I certainly would not give my seal of approval to that exact quotation, but anyone who is acquainted with the free parliamentary system knows that to be the case. The Prime Minister of Great Britain and the ministers who spoke to our ministers may well have taken that view. When I said the message from them, since October, has been that they would never look at the substance but that they knew that if the substance was more complicated it would take longer to get through, that is not a threat of any kind. It flows from the knowledge of how parliaments work—that it takes longer to get things through when the government does not have the unanimous approval of the House.

● (1440)

### INQUIRY WHETHER CHARTER OF RIGHTS DISCUSSED

**Hon. Flora MacDonald (Kingston and the Islands):** Madam Speaker, I would like to ask further questions of the Prime Minister about that meeting of December 19. We seem to find that material is running counter to what the Prime Minister has said heretofore. I would like to ask him if the Mr. Pym on that occasion advised the Prime Minister that members of both Houses at Westminster would be reluctant to do something which they felt was up to Canadians to take care of, notably, the charter of rights?

**Right Hon. P. E. Trudeau (Prime Minister):** Madam Speaker, I fail to understand what the hon. lady means when she says that what I am saying now runs counter to what happened at the December meeting. Would she please elaborate?

**Madam Speaker:** A supplementary question for the hon. member for Kingston and the Islands.

**Miss MacDonald:** Madam Speaker, this is not a supplementary question; I am simply putting my question again.

I would like to ask the Prime Minister—if members on his side would like to listen—whether the Right Hon. Francis Pym advised the Prime Minister that members of both Houses in Westminster would be reluctant to do something which they feel is up to Canadians to take care of, notably, the charter of rights?