

I would like to ask whether or not he received from either Mr. Getty or Mr. Horsman, or both, a response to those letters of August 23. Indeed, throughout the chronology, I would ask whether either of those gentlemen responded with comments back to the Leader of the Government in the Senate.

**Senator Murray:** No, they did not, honourable senators. I should explain that at one point—and perhaps it was in my letter of May 19 to Mr. Horsman or perhaps in a conversation I had had in February with him—I had suggested that our legal advisers might meet to discuss the matter so that Alberta's legal officials could have the benefit of the thinking of our advisers on the matter.

Honourable senators, that was agreed to, and on June 6 there was a meeting of federal and Alberta officials, in the course of which our officials reviewed in detail the reasons they considered Bill 1 to have been unconstitutional. As I say, it was expected that that bill would be reintroduced in the new legislature.

However, the officials did have a meeting on the matter, and I take it that they agreed to disagree.

● (1450)

**Senator Fairbairn:** Honourable senators, as I understood the earlier response of the Leader of the Government, he has undertaken to see whether or not he can table that correspondence, perhaps with the agreement of Mr. Horsman and Mr. Getty.

**Senator Murray:** Honourable senators, I will take the matter under advisement. I simply have not had an opportunity to do anything since yesterday.

#### REOPENING OF NEGOTIATIONS ON MEECH LAKE ACCORD— GOVERNMENT POSITION

**Hon. Dan Hays:** Honourable senators, I have a supplementary question to those asked by Senator Fairbairn today and those asked by Senator Olson yesterday. It is clear now that we have a situation where the Government of Alberta and the Government of Canada disagree on a provision of the Meech Lake Accord. It strikes me that one could be led to conclude that there is some kind of error, perhaps, in the wording of that portion of the accord dealing with Senate appointments. I remember well the government's position that only in the case of an egregious error would consideration be given to reopening the negotiations on the Meech Lake Accord. Has any thought been given to re-opening those negotiations, at least with Alberta, on the provision with respect to Senate appointments? Perhaps a few words could resolve the difference between the two governments. If a few words could not resolve the issue, then perhaps this profound disagreement between the two levels of government is cause to think twice about entrenching these measures in the Constitution.

**Hon. Lowell Murray (Leader of the Government and Minister of State for Federal-Provincial Relations):** Honourable senators, my honourable friend misunderstands the situation. The disagreement is not about the Meech Lake Accord or any provisions in it; it is a matter of our legal opinion being that

the Alberta Senatorial Selection Act is ultra vires their legislature. It does not touch upon any provision of the Meech Lake Accord.

**Senator Hays:** Honourable senators, I should ask the minister to clarify: Is the opinion that is under discussion here not based on the assumption that the Meech Lake Accord is part of the Constitution?

**Senator Murray:** Honourable senators, it is not.

**Senator Hays:** Honourable senators, to doubly clarify, then, does the opinion given by the law officers of the Crown take into consideration the understanding between the Prime Minister and the premiers that the Meech Lake Accord will be observed during the period when ratification is being considered by the legislatures?

**Senator Murray:** No, honourable senators.

#### PANAMA

##### UNITED STATES INTERVENTION—STATEMENT BY PRIME MINISTER

**Hon. Peter A. Stollery:** Honourable senators, I would like to refer to yesterday's statement by the Prime Minister, when he referred to mainstream fundamental values of Canadians in his comments outlining his support for the U.S. intervention in Panama. The United States appointed President Guillermo Endara of the Partido Panamenista Autentico, whose famous philosopher leader was the late Arnulfo Arias, who died last year and who was elected three times as President of Panama. This is the party that has been put into power by the Americans. Arias was a friend of Hitler; he was unseated in 1941 by the Americans, and he was ousted again in 1951 and 1968. Not only did Arnulfo Arias and his party hate Jews, they removed the citizenship of 30,000 black descendants of West Indian workers who helped build the Panama Canal. Does the Leader of the Government believe that the Prime Minister was aware of those facts when he supported the U.S. intervention and suggested that it would have something to do with mainstream Canadian thinking?

**Hon. Lowell Murray (Leader of the Government and Minister of State for Federal-Provincial Relations):** Honourable senators, I invite my honourable friend to put a Notice of Inquiry on the order paper and debate the matter at the appropriate time.

#### THE SENATE

##### CONSTITUTIONALITY OF ELECTION IN ALBERTA TO FILL VACANCY—REFERENCE TO SUPREME COURT

**Hon. Joyce Fairbairn:** Honourable senators, I have one other question on the Alberta-Senate issue. According to my notes, it was on August 23 that the Leader of the Government wrote to the Premier of Alberta and to Mr. Horsman, pursuing the idea that Alberta itself might wish to initiate a reference to the Alberta Court of Appeal to test the constitutionality of their actions or that a joint reference might be made to the