

Senator Austin: The minister misunderstood my question.

Senator Murray: No, I did not.

Senator Austin: I am not asking for a legal opinion; I am asking whether, as a matter of fact, he knew what the position of the Province of Quebec would be with respect to the submission to the Supreme Court. Would the Province of Quebec have said that it, indeed, supported the reference by the Government of Canada?

Would the Attorney General for the province of Quebec have supported the legal opinion on which the minister and his government would have been acting? Would the Province of Quebec have undertaken politically to re-introduce the resolution in the national assembly?

Senator Murray: Honourable senators, I do not know the answers to those questions, but, in terms of the politics of the matter being broadly understood, I would not have put that question to the Government of Quebec absent a positive vote in Newfoundland.

Senator Austin: What the minister is saying is that he was absent two provinces in his application to the Supreme Court of Canada. Even if he had succeeded with respect to Newfoundland, and had obtained an affirmative vote there, he was absent Manitoba and the Province of Quebec because they were beyond the three-year timeframe.

Senator Murray: I suspect that by the time Their Lordships had been seized of the matter it would have been voted on on Friday afternoon by Newfoundland and that it might well have been voted on by Manitoba, but that really depends on how long afterwards Manitoba had voted.

Senator Austin: I am sure the minister was aware that Gordon Robertson had been offering this opinion for some time.

Senator Murray: No, he was offering quite a different opinion. Mr Robertson argued that there was no time limit at all.

Senator Austin: This is a variation on his argument, but the question is germane, and again it is a question of fact as to when this legal theory was brought to the minister.

The subsidiary question is whether this legal theory was discussed at any time during the seven days the first ministers debated the various questions of the Meech Lake Accord.

Senator Murray: The answer to the latter part of the question is no.

My friend has referred to this as a legal theory. It was an opinion given by the legal advisers to the government who believed a very strong case could have been made in support of it by the Attorney General of Canada.

It came to me after the declaration of the three Manitoba leaders that it was their intention to vote in favour of the Meech Lake Accord.

Senator Austin: Was that mentioned at the time the first ministers were meeting?

Senator Murray: My honourable friend heard the statement made by Premier Filmon last Saturday evening and what the other two Manitoba leaders had to say. My reference is to the speeches actually made in the debate when it finally began on Wednesday in Manitoba. At that point I had every reason to believe, as I indicated earlier, that Newfoundland would hold its vote on Thursday evening or Friday morning.

Senator Austin: I used the phrase "legal theory" not in a pejorative way; it is not a matter of law, because no court has pronounced on it.

In any event, did the minister or anyone on behalf of the Government of Canada convey the possibility of that legal opinion to Premier Wells or to the Attorney General for Newfoundland at that time?

Senator Murray: Speaking of the Attorney General for Newfoundland, I believe it was he who described the Prime Minister as Neville Chamberlain, Meech Lake as Munich, and, one must infer, Premier Bourassa as Hitler, and Quebec as the Nazis. But that is another subject.

Senator Olson: That was because of the tactics that were used.

Senator LeBlanc: What you have added is a distortion!

Senator Murray: That was the statement. What other inference is one to draw?

Senator LeBlanc: Those are your words.

Senator Murray: What other inference is one to draw? He talked of Neville Chamberlain and Munich.

Senator Austin: Perhaps you did not feel like communicating with the Attorney General for Newfoundland.

Senator Murray: Senator Austin is correct when he says that I did not feel like communicating with the Attorney General for Newfoundland.

On Friday morning, when Premier Wells called me to tell me he was thinking of not having a vote because he was under the impression the Manitoba legislature would rise Friday afternoon without having a vote on the Meech Lake Accord, he asked me whether we had various legal opinions on the situation. I told him there were various scenarios before us, as there were, and that all of them were posited upon a yes vote by Newfoundland and a reference to the Supreme Court of Canada. I did not go into the details of the opinion with him, but I do not think he needed that.

Senator Austin: He was not, in fact, given the opinion that the leaders in Manitoba now had, and so did not have the opportunity of discussing that legal opinion with you or anyone else.

Senator Murray: The honourable senator would be incorrect to say that the leaders of Manitoba had the opinion. At the time I spoke to Premier Wells—which was before I came into the office on Friday morning—I was aware that there were various legal options that had been presented to the government by its legal advisers. All I could tell him was that those scenarios were designed to solve the time problem in Manito-