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DESKBY 051900Z
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TO IMMEDIATE OTTAWA
TELEGRAM NUMBER 405 OF 5 DECEMBER

h. Smith

PATRIATION : MESSAGE FOR MR TRUDEAU.

1. IN CONSIDERING THE CANADIAN CONSTITUTION RECENTLY, MINISTERS DECIDED THAT A PERSONAL MESSAGE SHOULD BE SENT TO MR TRUDEAU TO MAKE IT CLEAR THAT, WHILE THE UK WAS FIRMLY COMMITTED IN PRINCIPLE TO INTRODUCE IN THE WESTMINSTER PARLIAMENT WHATEVER MEASURE WAS REQUESTED BY THE CANADIAN GOVERNMENT AND PARLIAMENT, THE PASSAGE OF THE BILL AT WESTMINSTER WOULD BE VERY GREATLY EASED AND SPEEDED UP IF THE REQUEST COULD BE DELAYED UNTIL THE SUPREME COURT OF CANADA HAD ADVISED THAT IT WAS INTRA VIRES IN CANADIAN LAW.

2. THE NEWS THAT THE REPORTING DATE OF THE CANADIAN JOINT PARLIAMENTARY COMMITTEE STUDYING THE FEDERAL CONSTITUTIONAL PROPOSALS HAS BEEN DELAYED UNTIL 6 FEBRUARY ALSO MEANS THAT IT WILL PROBABLY BE DESIRABLE, IN THE MESSAGE TO MR TRUDEAU, TO MAKE IT CLEAR TO HIM THE DIFFICULTIES WHICH THIS WILL POSE IN TERMS OF THE PROGRAMME OF THIS SESSION OF PARLIAMENT.

3. THE PRIME MINISTER HAS THEREFORE DECIDED TO SEND MR TRUDEAU THE MESSAGE IN MIFT. YOU WILL SEE FROM THIS THAT IT IS THOUGHT THE MATTER IS OF SUFFICIENT IMPORTANCE TO JUSTIFY THE DESPATCH OF A SENIOR MEMBER OF THE CABINET (MR PYM) TO DELIVER A MESSAGE CONTAINING THE ELEMENTS WHICH I HAVE INDICATED ABOVE TO MR TRUDEAU.

4. THE PRECISE TERMS OF THE MESSAGE TO BE CARRIED BY MR PYM HAVE NOT YET BEEN WORKED OUT. IT WOULD ANYWAY DETRACT FROM ITS IMPACT IF YOU WERE TO ANTICIPATE ITS CONTENTS IN ANY DISCUSSION, FOR INSTANCE, WITH THE DEPARTMENT OF EXTERNAL AFFAIRS. I WOULD THEREFORE BE GRATEFUL IF YOU COULD SIMPLY CAUSE THE MESSAGE IN MIFT TO BE DELIVERED TO MR TRUDEAU AS SOON AS POSSIBLE, WITHOUT ADDING ANY GLOSS OF YOUR OWN.

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5. ON TIMING, MR PYM WOULD PLAN TO FLY TO CANADA ON 17 DECEMBER AND TO TALK TO MR TRUDEAU ON THE 18TH OR 19TH. YOU WILL DOUBTLESS BE ABLE TO ADVISE US IN DUE COURSE WHETHER A SINGLE DAY WOULD BE SUFFICIENT. AND WHETHER ADDITIONAL MEETINGS, BEYOND THOSE ENVISAGED IN THE MESSAGE, WOULD BE DESIRABLE. IF THESE DATES ARE NOT CONVENIENT TO MR TRUDEAU, PLEASE LET ME KNOW AND PROVIDE ALTERNATIVE DATES WHICH WOULD SUIT THE CANADIANS THEREAFTER.

6. MR PYM WOULD PROBABLY BE ACCOMPANIED BY AN UNDER SECRETARY AND ONE OF MY LEGAL ADVISERS.

7. THERE IS CLEARLY A RISK OF THE CANADIAN PUBLIC MISUNDERSTANDING THE PURPOSE OF MR PYM'S VISIT. THIS WILL BE MINIMISED IF THERE IS NO PREMATURE PUBLICITY AND IF, WHEN THE MOMENT COMES FOR AN ANNOUNCEMENT, ITS SUBSTANCE IS CAREFULLY CO-ORDINATED BETWEEN OURSELVES AND THE CANADIANS. FURTHER INSTRUCTIONS WILL FOLLOW ON THIS POINT: MEANWHILE, YOU SHOULD STRESS TO THE DEPARTMENT THE IMPORTANCE WE ATTACH TO THIS ASPECT.

8. MR PYM WILL BE MEETING HIS CANADIAN OPPOSITE NUMBER, MR LAMONTAGNE, AT THE NATO MINISTERIAL MEETING IN BRUSSELS ON 9 DECEMBER. HE WILL TAKE THE OPPORTUNITY OF MENTIONING THE POSSIBILITY OF HIS VISIT TO HIM, BUT IN THE STRICTEST CONFIDENCE. FOR THIS AND OTHER REASONS, IT IS IMPORTANT THAT I SHOULD KNOW AS SOON AS POSSIBLE OF MR TRUDEAU'S RESPONSE TO THE PRIME MINISTER'S MESSAGE.

CARRINGTON

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