

CONFIDENTIAL



10 DOWNING STREET

From the Principal Private Secretary

28 November 1980

PATRIATION OF THE CANADIAN CONSTITUTION

The Prime Minister and the Foreign and Commonwealth Secretary had a brief word this evening about the decision reached by Cabinet yesterday that a personal message should be conveyed to Mr. Trudeau which would make it clear to him that while the Government was committed in principle to introducing in the Westminster Parliament whatever measure was requested by the Canadian Government and Parliament, the passage of the Bill at Westminster would be considerably eased if the request could be delayed until the Supreme Court of Canada had advised that it was *intra vires* in Canadian law. Sir Robert Armstrong was also present.

Lord Carrington said that he had not yet made up his mind who the most appropriate emissary would be. If we sent a Cabinet Minister, the Canadians might interpret this as meaning that we were trying to back out of the undertakings we had already given to them. On the other hand, if we sent a lesser figure, Mr. Trudeau might decline to see him.

After a short discussion, it was agreed that the Foreign and Commonwealth Secretary would consider further the suggestion that Mr. Pym might be asked to go to see Mr. Trudeau. If he concluded that it was appropriate for the Defence Secretary to undertake this mission, he would have a word with him. One advantage of sending Mr. Pym was that his visit could be given a defence flavour. If, for whatever reason, Mr. Pym did not act as the emissary, one possible alternative was Sir John Johnston, our former High Commissioner in Ottawa.

I am sending a copy of this letter to David Wright (Cabinet Office).

C. A. WHITMORE

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Foreign and Commonwealth Office.