

Weekend Box

Prime Minister



Ref. A03197

MR. ALEXANDER

2. None the less you may wish to have a small meeting along the lines proposed in para 5 below. After?

Patriation of Canadian Constitution

1. I am not quite sure what Sir R. Armstrong means when he says "the need for decision is not on us yet". It seems to me that the decision to go along with the wishes of the Federal Govt has already been taken & that you had no choice whatsoever. Of course there will be difficulties, particularly perhaps in the House of Lords, but the effort will have to be made.

The most dangerous proposal would be to substitute our judgment for that of the elected Govt of Canada. The Queen is the Queen of Canada too. We can't put her in the position of presiding over conflicting policies for Trudeau & not.

It was not clear to me from the record of the Prime Minister's meeting with Canadian Ministers whether they had given her a copy of the Resolution and draft Bill presented to the Canadian Parliament. I have acquired a copy of it, and am sending you a copy herewith. The draft Bill has nearly 60 clauses, and (as indeed became clear) goes a great deal further than simply patriating the Canadian Constitution.

2. Many of the provincial governments will object strenuously to what they will see as this attempt to deprive them of their entrenched rights. The argument about this will not be confined to Canada: it will be carried on in this country as well. The Quebecois are already beginning to lobby British Members of Parliament.

3. If this Bill passes the Canadian Parliament and the British Government introduces it at Westminster, it will certainly not be non-controversial; and presumably, as a Constitutional Bill, all its stages would have to be taken on the Floor of the House. The implications for the Government's legislative programme are considerable.

4. But there are other risks more serious than that. Mr. Trudeau really is putting the British Government and the British Parliament into a spot. If the Canadian Parliament passes the Resolution and draft Bill, it would be very difficult for the British Government to do other than introduce it at Westminster: not to introduce it would attract the criticism of the Federal Government that we were intervening unwarrantedly in the internal affairs of Canada. If on the other hand the Bill is introduced, and if the Government sought to use its majority to push the Bill through the House of Commons, provincial governments would accuse the British Government and the British Parliament of a breach of trust. They would say that the decision to leave the Constitution at Westminster was in effect an act of trust by both the Federal Government and the provincial

1 agree



governments of the day, and that what we were doing was a breach of the provincial governments' trust at the behest of the Federal Government without agreement. Moreover, even if the Bill passed the House of Commons, there is no guarantee that it would pass the House of Lords, where the Government cannot be sure of a majority.

5. In short, I think that we face a very uncomfortable and perhaps dangerous prospect. The need for decision is not on us yet, and will not be until the Resolution and draft Bill have passed through the Canadian Parliament. But I wonder whether it would be a good idea for the Prime Minister to have a small meeting with the Home Secretary, the Foreign and Commonwealth Secretary, the Lord Chancellor and the Chancellor of the Duchy of Lancaster to discuss the prospect and to consider what the British Government's decisions and posture should be.

Handwritten initials 'RA' in black ink, written in a stylized, cursive font.

ROBERT ARMSTRONG

9th October, 1980