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10 DOWNING STREET

*From the Private Secretary*

SIR ROBERT ARMSTRONG

CANADA CONSTITUTION BILL

Thank you for your minute of 4 February reporting your conversation with Mr. Pitfield on 3 February. The Prime Minister has taken note of its contents.

I am copying this minute to David Heyhoe (Lord President's Office), Michael Arthur (Lord Privy Seal's Office), Murdo Maclean (Chief Whip's Office) and Jim Nursaw (Law Officers' Department).

7.5.82

5 February 1982

Ref. A07322

MR COLES

MS

The F./C.O. and others are giving thought to X below, in the light of your earlier correspondence with Mr. Trudeau. I will let you know their conclusions before the weekend. A.J.C. 4/2

Canada Constitution Bill

As agreed at the Prime Minister's meetings yesterday afternoon, I spoke to Mr Pitfield, the Secretary of the Canadian Cabinet, on the telephone at 11.00 pm yesterday evening.

2. I said that it had not proved possible to give the Canada Bill its Second Reading this week, and in the Lord President's business statement the following day there would be no date for Second Reading in the week beginning 8 February either. Ministers were keen to make progress with the Bill, but we had run into unforeseen procedural snags as a result of the unprecedented nature of the Bill. I did not feel able to go into more details about these snags on the telephone. We hoped that the Lord President might be in a position to say something next week about progress on the Bill.

3. Mr Pitfield said that he would try to find a moment when his Prime Minister was in a relatively peaceable mood, and would then convey this news to him. He looked forward to hearing further about the snags that had been encountered.

4. As we had learned that Lord Moran was due to see Monsieur Chretien that evening I also spoke to Lord Moran, and told him what I had said to Mr Pitfield.

5. I understand that later in the night the Canadian High Commission were roused by Ottawa and asked whether they could find out any more about these matters. No doubt these inquiries will be pursued during the day.

X 5. No doubt thought is being given to what the Canadian Government can be told, in confidence, about the reasons for the delay in making progress.

6. I am sending copies of this minute to the Private Secretaries to the Lord President, the Lord Privy Seal and the Chief Whip and to the Legal Secretary to the Law Officers.

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ROBERT ARMSTRONG

4 February 1982

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FM OTTAWA 041845Z FEB 1982.  
TELEGRAM NUMBER 65 OF 4 FEBRUARY.CANADA BILL: DELAY OF SECOND READING

1. I WAS MOST GRATEFUL FOR THE INFORMATION GIVEN ME ON THE TELEPHONE YESTERDAY BY DAY AND SIR ROBERT ARMSTRONG BEFORE MY DINNER FOR THE MINISTER OF JUSTICE.
2. M. CHRETIEN ARRIVED IN EBULLIENT MOOD SAYING THAT HE WAS LOOKING FORWARD TO GOING TO LONDON NEXT WEEK, AS SUGGESTED BY MR PYM, TO JOIN IN CELEBRATING THE PASSING OF THE SECOND READING. HE DID NOT NOW PROPOSE TO TAKE PROVINCIAL REPRESENTATIVES WITH HIM.
3. AFTER DINNER I BROKE THE NEWS TO HIM THAT THERE WOULD BE NO SECOND READING NEXT WEEK BECAUSE OF UNEXPECTED PROCEDURAL DIFFICULTIES. HE EXPRESSED GREAT DISAPPOINTMENT AND SAID THAT MR TRUDEAU WOULD BE UPSET, AND HE REVERTED TO THE PROBLEM OF THE QUEBEC COURT CASE. HE WONDERED WHETHER IT HAD BEEN RIGHT TO LEAVE THE PRESENTATION OF THE CANADIAN CASE TO BUREAUCRATS AND WHETHER IT OUGHT NOT TO HAVE BEEN HANDLED AT THE POLITICAL LEVEL (I SUSPECT THAT HE DOES NOT LOVE MR PITFIELD). I SAID THAT THE DIFFICULTY WAS, I UNDERSTOOD, AN INTERNAL TECHNICAL PARLIAMENTARY ONE ON WHICH NO CANADIAN COULD HELP, BUT I STRESSED THAT BRITISH MINISTERS WERE DOING THEIR UTMOST TO SECURE EARLY PASSAGE OF THE BILL, WISHED TO SEE IT COMPLETED AS SOON AS POSSIBLE, AND WERE WELL AWARE OF THE CANADIAN GOVERNMENT'S POLITICAL PROBLEMS, WHICH I HAVE REPORTED FULLY, AND OF THEIR ANXIETY FOR SPEED.
4. M. CHRETIEN TOOK ALL THIS SURPRISINGLY WELL AND SHOWED UNDERSTANDING OF OUR PROBLEMS. I PROMISED TO KEEP HIM INFORMED OF DEVELOPMENTS.
5. I SAID THAT THOUGH I HAD AS YET NO DETAILS I IMAGINED THAT THE PROCEDURAL PROBLEMS MIGHT HAVE BEEN BROUGHT UP BY THE OPPOSITION. HE SAID THAT HE MIGHT CONSIDER HAVING A WORD WITH MR HEALEY WHOM HE LOOKS ON AS AN OLD FRIEND.
6. TODAY'S TELEVISION AND RADIO REPORT THAT AN ANNOUNCEMENT SHOULD BE MADE IN LONDON TODAY AND THAT THE SECOND READING WILL BE NEXT WEEK. WHEN IT BECOMES CLEAR THAT THIS IS NOT SO, YOU AND WE MAY RECEIVE A FLOOD OF CANADIAN PRESS ENQUIRIES. AS I TOLD DAY THIS MORNING WE SHOULD LIKE EARLY GUIDANCE ON HOW TO DEAL WITH THESE. YOU WILL REALISE THAT ANYTHING SAID TO THE CANADIAN GOVERNMENT MAY BE LEAKED HERE. TODAY'S

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PRESS CLAIMS (PRESUMABLY ON THE BASIS OF FEDERAL GOVERNMENT BRIEFING) THAT THE QUEEN AND PRINCE PHILIP WILL NOW ARRIVE HERE ON 27 FEBRUARY AND THAT THE QUEEN WILL PROCLAIM THE CONSTITUTION ON 1 MARCH. THIS DOES NOT ACCORD WITH THE INFORMATION GIVEN TO ME BY DU BOULAY IN HIS LETTER OF 19 JANUARY AND MORE RECENTLY ON THE TELEPHONE. I ASSUME THAT THE LIKELY DATES FOR HER MAJESTY'S VISIT ARE STILL 20-23 MARCH, BUT SHOULD BE GRATEFUL FOR EARLIEST INFORMATION IF IN FACT EARLIER DATES ARE CONTEMPLATED.

7 I SHOULD ALSO BE GRATEFUL FOR DETAILS OF WHAT IS PLANNED FOR M. CHRETIEN'S VISIT WHEN THE DATE FOR THE SECOND READING IS SETTLED. THE CONSUL IN HALIFAX SAYS THAT THE PREMIER OF NEWFOUNDLAND, MR PECKFORD, HOPES TO WATCH THE DEBATE. SOME OTHER PREMIERS MAY ALSO CONCEIVABLY WANT TO GO.

8 I CANNOT RULE OUT THE POSSIBILITY THAT MR TRUDEAU MAY ORDER M. CHRETIEN TO GO TO LONDON IMMEDIATELY TO INVESTIGATE AND SORT OUT THE NEW DELAY (CF. PARA 4 OF YOUR TEL. NO. 19). BUT M. CHRETIEN AT LEAST KNOWS THAT THIS IS NOT LIKELY TO SERVE ANY USEFUL PURPOSE.

9 SINCE CANADA IS AN OFFICIALLY BILINGUAL COUNTRY AND THE LANGUAGE ISSUE IS A POLITICALLY SENSITIVE ONE, ESPECIALLY IN QUEBEC, ANY DISCLOSURE OR LEAK IN LONDON OF THE NATURE OF THE PROCEDURAL DIFFICULTIES IS LIKELY TO CAUSE INTENSE INTEREST HERE. IT WOULD BE HELPFUL IF WE COULD BE WARNED IF THIS LOOKS LIKE COMING OUT INTO THE OPEN.

MORAN

## CANADIAN CONSTITUTION LIMITED

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MR DAY  
MR URE  
LORD N G LENNOX  
CABINET OFFICE

## COPIES TO:

SIR I SINCLAIR }  
MR FREELAND } LEGAL ADVS.  
DR PARRY }

PS/CHANCELLOR OF THE DUCHY OF  
LANCASTER

PS/LORD CHANCELLOR HOUSE OF LORDS

PS/LORD PRESIDENT  
MR BATLEY, TREASURY SOLICITORS  
MR H STEEL, LAW OFFICERS' DEPT

PS/HOME SECRETARY

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