

F3-11(1)

S E C R E T

February 11, 1981

MEMORANDUM FOR THE PRIME MINISTER

cc: The Honourable Jean Chrétien

Issues relating to the
Constitutional Resolution

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Attached, for your information and for consideration at our meeting with you this afternoon, are two memoranda. The first is addressed to you by Fred Gibson and reports on his visit to London last week. It deals essentially with two issues: his meetings with officials of the Foreign and Commonwealth Office to discuss a response to the Kershaw Report and the impressions gained from discussions with British M.P.s and one member of the House of Lords. The second is a memo prepared for me by George Anderson of External Affairs. That memo ~~reports~~ briefly on the current situation in our relations with the British Government and comments on some issues that will be developed more fully in a paper updating our London strategy that is referred to below.

There are two other issues that we would like to touch on briefly with you at our meeting this afternoon. These are as follows:

- (1) Strategy in Relation to Third Stage Debate
in the Senate and House of Commons

It has already been agreed that the Resolution will stand in the name of the Minister of Justice. This leaves open the issue of when you will participate in the debate. We will wish to report to you on discussions that have taken place with Mr. Chrétien, with the Government House Leader and with Senators Frith and Austin.

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(2) Communications Strategy


There is significant evidence that the Government's story in relation to the constitutional issue is not being effectively communicated to the public. We are now developing a full scale information campaign aimed at explaining the content and importance of the resolution for the people of Canada. As part of this work, we are in the course of developing a political and legal analysis of the minority judgement of Mr. Justice O'Sullivan of the Manitoba Court of Appeal in terms that will make it effective for use in communications with the public at large. Our current plans call for this information campaign to start after the resolution clears Parliament.

We are in the process of preparing two strategy papers which we will give to you on Monday so that we can get your comments on them before you leave for British Columbia next Wednesday. The two papers will deal with:

- a legal strategy
- a London strategy.

There may be other issues that you will want to raise with us during the course of the discussions this afternoon.

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Michael J.L. Kirby

C. Sinclair

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February 9, 1981

NOTE FOR FILE

Record of Visit to London
From Monday, Feb. 2 to Saturday, Feb. 7, 1981
and Conclusions

- Arrived Heathrow - 10:00 a.m. - met by Haggan
- 11:15 checked into Britannia Hotel
 - 3:30 Haggan's office - briefing with Haggan & Gagnier to 6:30 - Telephone call to Strayer's office to report (from Haggan's office)
 - 10:30 Telephone call to Kirby

Tuesday, February 3

- a.m. - Drafted notes for outline of Ministerial statement on Kershaw report
- 11:30 - Haggan's office - review of notes on Kershaw
 - review of Draft of Axworthy speech
- 12:45 - Lunch at Wiltons with Reeves,
Sir Ian Sinclair, Legal Advisor, FCO and John Freeland, 2nd Legal Advisor, FCO
- Discussion of response to Kershaw. If commentary or response is to be filed, must be within two months from tabling of report (Jan. 30/81).

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Their advice is that response must be filed, but preferably as close to the time of arrival of measure as possible - say mid-March - definitive statement of government's position - last document on the table before debate - to preempt Kershaw. They would advocate publication of Canadian government's position in advance of theirs - for use in 3rd stage debate and as a foundation document for U.K. document - emphasize Canadian interpretation of events surrounding Statement of Westminster and impact of events since that time in Canada which are ignored by Kershaw - minimize importance of 4th principle in 1965 White Paper in light of subsequent events in Canada. FCO people would welcome consultation in development of Canadian Paper and their own.

- 3:00 - Telephone call to Barry Strayer to report on above. He and Dale Gibson to collaborate on Canadian response with a view to review here in London by them with FCO in 3rd week of Feb. Barry to take part in seminar at Edinburgh University - March 14 and to spend 3-4 days in London at that time re: FCO paper.
- 6:00 - Debriefing on events of the day with Haggen and Gagnier.
- 7:30 - Dinner at Haggen's - Reeves, Hillary, Mr. & Mrs. Harry Hoff and High Commissioner - 2 telephone conversations with Strayer's assistant re: Manitoba judgement.
- 11:30 p.m. Walked to High Commissioner's residence with her following dinner. Long briefing and political discussion at her residence - [REDACTED]
- 3:00 a.m. Telephone call to Kirby:
discussed - meeting with Sinclair and Freeland
- discussions with High Commissioner

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- Natives amendment
- Court decision
- Edmonton panel with Kershaw -
MacGuigan substituted for
Axworthy
- Barry Toole to be in London next
Wednesday followed again by
Hatfield
- Wolf Lentkins interview with
Mike
- Reeves on "As it Happens"

Wednesday, February 4

- a.m. - Preliminary discussion of results of Manitoba judgement at High Commission with Reeves, Dan and Wayne on basis of Extott FLE 0183 telex dated Feb. 3 reporting Barbara Reed's summary and preparation for p.m. meeting at FCO.
- 2:30 - Attended with Reeves at FCO for meeting with Freeland, Parry and Berthou to discuss response to Kershaw. FCO advised preliminary response in form of Ministerial statement not required at this time - Agreed timetable - drafting of Canadian response to proceed on basis of availability for review in Ottawa late in week of Feb. 9 or early in week of Feb. 16 - transmittal of draft to London by morning of Feb. 19 for consideration at meetings of Strayer and Dale Gibson with FCO on Friday, Feb. 20 and possibly on 21st. Objective - publication in Canada by end of February so that it will be available as background to FCO response to be published in March as close as possible to date of transmission of measure to the Queen.

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Main lines of Canadian response to surround points of particular interest in Canada such as Canadian interpretation of events surrounding request for 7(2) of Statement of Westminster; events in Canada since 1931 that reflect on practicality of high level of provincial consent and the impact of those events on any existing or perceived conventions; special circumstances to which 1965 White Paper 4th principle directed that do not prevail in this case; impact of Manitoba judgement.

6:30 p.m. - Dinner at Connaught Hotel

Angus MacKenzie - Chairman, Sceptre Resources (Host) - (speak to Frank (Porky) Dubrule).

Tony Abbott (organizer and counsel to host)
Jonathan Aitken, M.P., Chairman, ad hoc Ctee
George Foulkes, M.P., Secretary, ad hoc Ctee
Michael English, M.P. (see biography attached)
A. Roy Megarry - Publisher, Globe & Mail (see text of Speech attached)
Richard J. Doyle - Editor in Chief, Globe & Mail
Norman Webster - London Correspondent, Globe & Mail

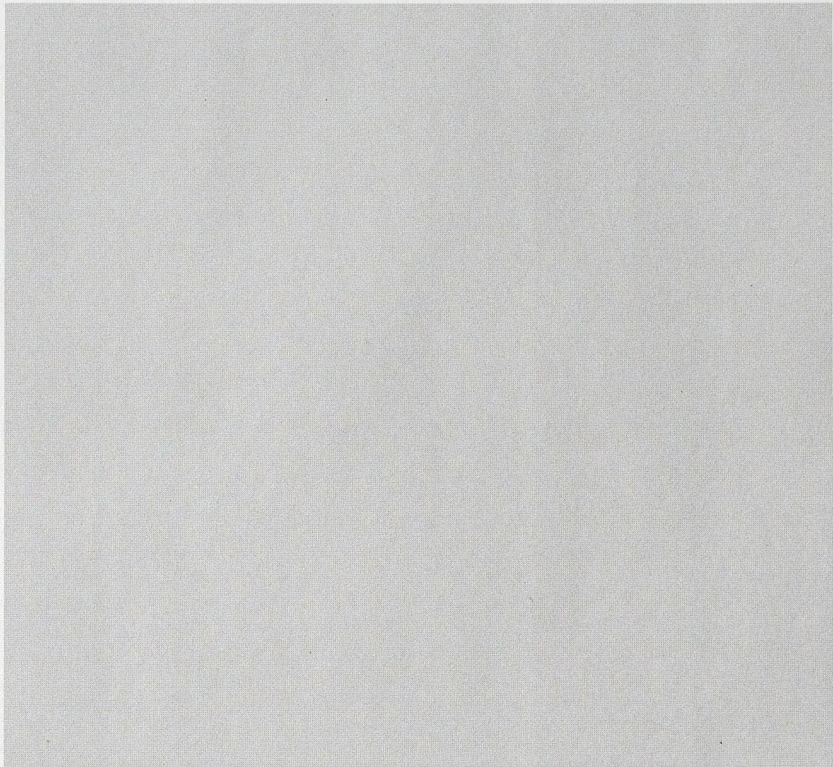
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As the dinner broke up, Megarry privately expressed what appeared to be sincere interest in my meeting the Globe & Mail editorial board in Toronto on the issue. I met Doyle again on the flight back to Canada. He warmly reiterated the invitation, but without specific detail. It was rather on the basis that I should let him know the next time I would be in Toronto.

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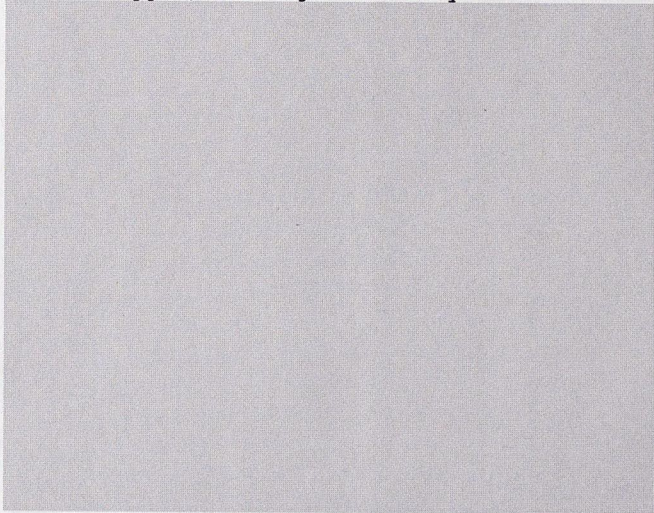
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Thursday, February 5

- 11:30 a.m. - Meeting of Patriation Committee at
MacDonald House - High Commissioner -
Deputy High Commissioner - Reeves Haggen
and 2 others with him - Pat Reid and
1 other with him and myself.
Much talk on the high profile that
intergovernmental issues were assuming
in Canada and the impact thereof on the
situation in London; discussion of
Manitoba Court decision and the
preparation of a press release on the
decision that afternoon. Agreement to
meet again Friday at 9:15.
- 12:30 - Lunch - Simpsons on the Strand - Michael
English, M.P. (see above), Rt. Hon. Roland
Moyle, M.P. (see biography attached) and
Kevin McNamara, M.P. (see biography
attached) - member of The Kershaw Committee -
Reeves Haggen, Dan Gagnier and myself.



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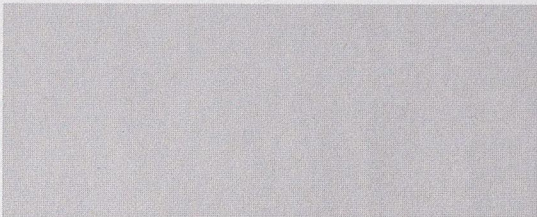
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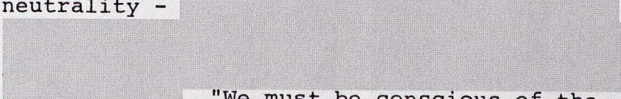
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- 3:00 p.m. - Canada House - review and approval of draft press release and telephone conversation with Kirby in which he advised of leaks regarding Wadds-Pym meeting.
- 4:30 - Meeting at Westminster with Rt. Hon. Peter Archer, M.P. (see biography attached). Archer expressed keen interest on the issue and was well informed. He took a relatively moderate position and was highly receptive to the information Reeves and I provided without committing himself. He indicated he would not be a major player on behalf of the Labour party on this issue though he was deeply interested.
- 5:30 - Chance meeting with Pierre Pettigrew in Members lobby in Westminster and shared taxi with he, Reeves, Dan - one other on return to Grosvenor Square. Also chance meeting with public relations consultant in Lobby.
- 7:00 - Cocktails - Deputy High Commissioner's residence. Discussion with Bryant Goodman Irvine, Deputy Speaker of House of Commons, (biography attached). Emphasized connection with Canada and extensive interest in Commonwealth, but most of all his political neutrality -



"We must be conscious of the reputation and pride of members of the British House". Also with Michael Hamilton, M.P. (biography attached) who emphasized his

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historical connection with Alberta.
This discussion was mainly informational
with no commitment on his part. Short
discussion with Lord Besborough who is
clearly on side.

- 9:00 p.m. - Dinner with Reeves and Hillary Haggen.
Long discussion of week's impressions
and conclusions.

Friday, February 6

- 9:15 - Patriation Committee meeting. Discussion
of leaks and their impact; of upcoming
Kershaw-Macguigan debate; of NDP disclosures
in House of Commons regarding activities of
Sir John Ford; of activities of non-government
and High Commission Canadians at Westminster.
- 11:00 - Meeting with High Commissioner later joined
by Deputy High Commissioner at which her
concerns regarding confrontational attitude
were discussed, particularly in light of
leaks of exchanges between High Commission
and Ottawa - Agreed that she should telephone
Pitfield to report in view of cancellation
of his visit.
- 3:00 p.m. - Meeting with Reeves and Dan Gagnier to
wrap up. Received report from Gagnier on
security and update of list of M.P.'s and
Lords for, against and undecided (attached).

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est retenue en vertu de l'article**

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**of the Access to Information Act
de la Accès à l'information**

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Summary

M.P.'s seen - Rt. Hon. Peter Archer
Rt. Hon. Roland Moyle
Michael English
Kevin McNamara
Bryant Irvine
Michael Hamilton
Jonathan Aitken
George Foulkes

Lords - Lord Besborough

Fred E. Gibson