

CONFIDENTIAL

October 27, 1975

MEMORANDUM FOR R.G. ROBERTSON

From: Mary Macdonald
Re: Your memorandum to the Prime Minister,
October 23, 1975:
"Next steps on the 'patriation' of the
constitution"

The Prime Minister has made the following comments:

Page 1

"Art. 5: Is it necessary to extend as I indicate in margin?
(including preamble? Proclamation?)."

Art. 16 (2): Why did we make it so long?"

Page 2, paragraph 2

"O.K. providing this is clear."

Page 3, The question of a reference to the Courts.

Paragraph 1 - "I agree"

Paragraph 2 - "I would have thought that the last three
lines of Art. 37 constitute an enjoinder
as binding as, say, Art. 30 is binding."

Page 4, Next steps toward "patriation".

Paragraphs 2 and 3 (1) - "Yes"

"Please remind me when it is time to talk to Bourassa"

.../2

Page 5

"Yes, but if you run into difficulties, we could consider Bourassa explaining to some Premiers why French is given special treatment. He constantly repeats to me that the other Premiers have indicated to him their willingness to support Quebec's particular point of view. We must of course avoid a situation where Quebec would agree to the Proclamation, but not some other Province!

The most important point of course remains getting Quebec firmly committed (the Premier and his Cabinet) before going or writing to the other Provinces. Quebec agreement (as to substance and timing) is essential as a precondition, otherwise we are likely to re-live Victoria, with last minute further concessions engineered by the Quebec media; and eventual failure.

If Quebec cannot give that agreement fairly soon, we should consider unilateral actions."

M.E.M.