

CONFIDENTIAL

October 27th, 1975.

c.c.: Mr. Pitfield  
Mr. Carter  
Mr. Jodouin  
Mrs. Reed

MEMORANDUM FOR MR. HURLEY

Further action on "patriation"  
of the constitution

Attached is the original of my memorandum of October 23rd to the Prime Minister about "next steps on the "patriation" of the constitution" as well as the original of a memorandum of October 27th from Mary Macdonald with the Prime Minister's comments. There are several things now necessary:

- A. A memorandum to the Prime Minister dealing with the various questions that he has raised. With regard to them:

Article 5 - Possibly you and Mrs. Reed could consider whether this should be extended to include mention of the preamble and proclamation as the Prime Minister as suggested.

Article 16(2) - I am dubious whether the records will disclose why a period of six months was set. It is possible that Barry Strayer was present at the meeting in Victoria where this was worked out and may have the answer.

Article 37 - Perhaps you and Mrs. Reed could take a look at this in the light of the Prime Minister's comment on page 3 of my memorandum. The matter does not, of course, have to be settled at this time but

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it would be useful to know what we can say in whatever we send to the Prime Minister.

- B. A new typing of the proclamation with a new enumeration pursuant to the inclusion of Article 28A plus the addition to Article 39 of the reference to "social policy". Conceivably there may also have to be a change in Article 5 depending on the result of the assessment of the Prime Minister's comment. So far as I know, there are no other changes involved in the proclamation at this stage.
- C. A letter from me to Chouinard sending to him the copies of the proclamation and covering the points that have to be made with him. I think the best plan might be for me to arrange for you to go to Quebec with the letter and the copies of the proclamation in order to get them into Chouinard's hands. I would telephone him in advance to make that arrangement and I would also use that occasion to convey more than I would want to put in a letter about the fact that this is as far as the Prime Minister is prepared to go and also about the points that the Prime Minister makes on page 5 of my memorandum.

Could you please take the above things in hand just as soon as possible. I would like to get the memorandum back to the Prime Minister tomorrow if possible or Wednesday at the latest. I would like to be able to talk to Chouinard on Wednesday or Thursday and conceivably you could go to Quebec on Friday if a convenient time could be found.

I shall be speaking to Arthur Tremblay tomorrow on another matter and I shall try to find out then when Mr. Bourassa is returning to Quebec in order to know when the Prime Minister can speak to him.

The other thing that is now necessary is the preparation of a memorandum for the Cabinet. I do not think it has to be very full or detailed although it clearly has to give the essentials of the discussion process we have gone through and the

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result at which we have arrived. I think it should end up by asking for approval of the draft proclamation as the basis for discussion with the other provinces if agreement on it is reached with Quebec. Would you please take a draft of such a memorandum in hand as soon as the items referred to above are completed.

*R.G.R.*