

PM won't open pact to reinstate rights

By ROBERT SHEPPARD

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OTTAWA — If there was any doubt, Prime Minister Pierre Trudeau made it absolutely clear yesterday that he does not intend to jeopardize his constitutional accord with the nine provinces by reinstating guarantees for native and women's rights.

In a testy exchange with New Democratic Party Leader Edward Broadbent in the Commons, Mr. Trudeau said it "should be the task of the House to act on that accord and not try to renegotiate it after the fact. It is not that I am unsympathetic . . . but I find it perilous indeed to reopen the accord of last week piecemeal . . ."

For the second day in a row, opposition MPs challenged the Prime Minister on the highly promoted essential rights that were left on the bargaining table after last week's constitutional compromise with the premiers from English Canada.

Mr. Broadbent urged the Prime Minister to get in touch with each premier, reminding them of the unanimous agreement of Parliament for the entrenchment of native rights and urging them to reconsider any opposition to this provision:

On Monday, Conservative Leader Joe Clark argued that the various governments were going beyond the express language in the accord by subjecting a specific clause guaranteeing the equality of men and women

to a new provision that allows a legislative override.

In both cases, Mr. Trudeau lashed out, challenging what he sees as the opposition's lack of total commitment to entrenched rights.

A compromise is a compromise, he told Mr. Broadbent at one point. "If he (Mr. Broadbent) didn't want some changes (to the charter) he shouldn't have urged us to seek a compromise with the provinces."

Mr. Trudeau's attempt to castigate others for the changes in the rights bill appears to reflect the feedback he has been receiving in recent days from his caucus, who are reporting the public perception that the Liberals caved in and gutted their much-promoted charter of rights.

Behind the scenes, federal officials have been sounding out their provincial counterparts to effect some wording changes to the proposed new resolution that might reflect some of these concerns without changing the intent of the accord.

The changes are expected to go before tomorrow's Cabinet meeting for approval but are not expected to go as far as reinstating the guarantees for women and natives that were reduced a week ago, and would proba-

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bly only be "signpost" clauses stating good intentions.

On the women's issue, the opposition has argued that Ottawa is going beyond the precise terms of the accord by subjecting a specific guarantee of equality between the sexes to the new override provision.

The signed accord says that only legal, fundamental and equality rights would be subject to the new override provision, allowing a legislature to pass an act "notwithstanding" the provisions of the charter of rights. There is also a separate and distinct equality clause in another section, added by opposition party amendments in April after pressure from women's groups concerned that sexual guarantees should be paramount to other provisions.

However, while the accord does not mention this particular section, it has

also been made subject to the override provision. Federal and provincial officials drafting the new resolution say it was done without objection by either side because it was felt to be an implicit part of the constitutional accord and to let it stand would have created a "legal absurdity."

To allow legislatures to pass discriminatory legislation in exceptional circumstances in one section of the charter, and then to remove this power as it applies to men and women in another, would make it impossible for the courts to decide the paramountcy because the two clauses are in competition, one official explained.

In the Commons yesterday, Mr. Broadbent argued for the reinstatement of native rights ahead of others at this point because "there is a profound distinction between women's and other rights, which are still in there in some form, and aboriginal rights which are lost completely."