

S E C R E T

April 1, 1981

MEMORANDUM FOR THE PRIME MINISTER

Negotiations with Mr. Broadbent
on the Constitution

In late January, Mr. Broadbent approached Mr. Chrétien to indicate that unless the Joint Committee on the Constitution adopted a native rights amendment, most members of the NDP caucus would not support the resolution. Consequently, we negotiated the native rights amendment which was agreed to in your office late on a Friday afternoon and immediately introduced and passed by the Joint Committee.

Because of the speed with which that amendment was adopted, confusion existed with regard to what had been agreed upon as the method by which native rights could be amended. Some members of the NDP caucus had argued for a new amending procedure which would involve seeking the consent of the native people before an amendment could be made. Others, including Mr. Broadbent and myself, were under the impression that the native rights amendment would be part of the Charter. Still others, including Mr. Tassé who was present at the Committee when the amendment was introduced and who was involved in the final discussions with the NDP members of the Committee (which did not include Mr. Broadbent who by this time was on his way to Winnipeg), thought that the amending procedure was not specifically dealt with by the amendment and that a decision had been made to deliberately leave the amending procedure unclear.

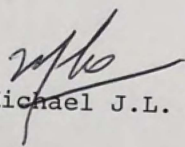
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When Mr. Broadbent, on his return to Ottawa, was faced with opposition from native groups and some members of his caucus on the basis of the fact that native rights were not in the Charter, he asked Mr. Tassé, Mr. Chrétien and me to amend the resolution so that native rights would become part of the Charter. This is the section 54 amendment that the NDP are now seeking.

At no time during these discussions did Mr. Broadbent say explicitly that the support of the NDP Party was conditional on the passage of this amendment. In fact, one of my memos to you during the period of our negotiations with Mr. Broadbent states explicitly that I felt that we had now saved Mr. Broadbent's caucus for him, indicating my view that both he personally and the NDP Party were committed to the resolution by virtue of the exchange of letters with him, but that the value of the native rights amendment was that it would get most NDP members to support the resolution, rather than only a few if the amendment was not included.

I am surprised if Mr. Broadbent believes that our agreement to implement a native rights amendment, and Mr. Tassé's subsequent agreement to the proposed section 54 amendment, means that without the section 54 amendment none of the NDP caucus would feel bound to honour the agreement he made with you in November. Mr. Broadbent never stated this, nor was it ever my impression that this was the case. I thought that he personally was completely hooked and that what we were really bargaining for was the support of western NDP members in constituencies with sizeable native populations who would not follow their Leader unless the native rights amendment, and the section 54 amendment, was adopted.

At no time have I discussed the proposed women's rights amendment with Mr. Broadbent, neither has Roger Tassé nor Fred Gibson.


Michael J.L. Kirby