

2:58 p.m.

Friday, May 24, 1991

[Chairman: Mr. Horsman]

MR. CHAIRMAN: Could I get the proceedings under way. It is now 3 o'clock, and I'd like to stick to our very ambitious schedule here. I'll quickly commence the proceedings by introducing myself: I'm Jim Horsman. I'm the member of the Legislature from Medicine Hat and chairman of this panel. We have a 16-member panel which is comprised of all parties in the Alberta Legislature, and we have divided the panel into two groups. Another group is beginning discussions in Calgary at the present time, and that's the way we're trying to double up on the number of opportunities that there are for Albertans to present their views to the select special committee of the Legislature.

I'd like to start, if I could, by going around the table. Starting on my left, I'll have the members introduce themselves as well.

MR. McINNIS: My name is John McInnis, MLA for Edmonton-Jasper Place.

MRS. GAGNON: I'm Yolande Gagnon, MLA for Calgary-McKnight.

MR. ADY: Jack Ady, MLA for Cardston.

MR. BRADLEY: Fred Bradley, MLA for Pincher Creek-Crowsnest.

MR. SEVERTSON: Gary Severtson, MLA for Innisfail.

MS BARRETT: Pam Barrett, MLA for the riding we're currently sitting in, Edmonton-Highlands.

MR. ROSTAD: Ken Rostad, MLA for Camrose.

MR. CHAIRMAN: On my left is Garry Pocock, who is the secretary to the committee, and we have a number of staff people around as well. If any of you have any questions that you need assistance from members of the staff, they are all appropriately labeled with staff badges. They will be pleased to assist you. Particularly if you have material that you would like to have photocopied, we will arrange that for you as well. That will give you the opportunity to make sure that everybody has a copy of your information that you'd like to share with us.

I'll be very brief in my opening remarks by saying that this is an opportunity for Albertans to tell the government of Alberta what you think Alberta should be in this country of ours, what future you think holds for Albertans. As we go through the next week or so, we'll be hearing from people in 10 different centres, and we will, I expect, be hearing a broad range of views. We will be approaching this in a nonpartisan way, because it's our intention to listen, not to tell you what's good for you. We want you to tell us what you think is good for Alberta and what you think is good for Canada.

We have a number of people who have requested time to make presentations. We've suggested 15 minutes for each of the presenters. We hope that a person who is making a presentation . . . If you've given us a written document, we will review those very carefully, and rather than just reading them to us, if you would just try and engage in a dialogue, that would permit some questions to come to you from the members of the panel, and we can engage in a dialogue. I want to be as informal as

possible, and I don't want anybody to feel in any way that they aren't going to be heard, because they certainly are.

At the end of the day we have reserved time for representations from the floor from people who have not put their name forward for a specific time slot, and we'll try and hear as many of those people as possible.

Okay. I'd like to start. The first person who's requested an opportunity is Mr. Nanno Nanning. I'd like him now, if he would, to come forward, and if you would bring your name tag with you and put it on the table perhaps, Mr. Nanning. I'd welcome you and will be interested in hearing from you as you give us your views.

MR. NANNING: Fifteen minutes for the brief when you're going to read this through fast . . .

MR. CHAIRMAN: Please just hold on. The microphones have to be put into place so that your voice will carry. I'm sorry. We'll just get you wired for sound, so to speak.

MR. NANNING: Please wire me up.

MS BARRETT: I guess that's better than getting beamed up.

MR. CHAIRMAN: I don't think the sound system seems to be . . . Bring the other microphone forward, too, perhaps, and put both of them there.

MS BARRETT: Well, I wonder if it's not the case that these are just for *Hansard*. Are these the *Hansard* ones?

MR. CHAIRMAN: No. When I speak, can you hear me? All right, now can you hear me? All right.

All right, Mr. Nanning, let's give it a shot.

MR. NANNING: Can you hear me?

MR. CHAIRMAN: There we go. Let's go.

MR. NANNING: The political mess we are in is self-inflicted with greed being the moving force. As a population we have no objections to having special privileges and benefits, and as politicians we have our eyes on possible perks and rewards outside these big wages and hope that the new Constitution will safeguard us more against these human weaknesses.

At this moment Alberta citizens are asked to participate in constitutional reform under the guidance of a federal and a provincial party. They don't trust either party at the moment or that would be in power tomorrow, if a vote were taken today. I'm not politically schooled and have grave doubts how Reform can better resolve these sources, and suggest that the federal and provincial governments resign and then form a reformed platform that starts after the election. As this will not happen, we will continue at this rate.

Long ago this country was devoid of human population. Then groups and groups of people poured in over the Bering Strait during the ice age. A second group dislocated the first settlers, and the third group dislocated the second group, and so on. After a while this replacement process repeated itself as different cultural groups came over the Atlantic Ocean. At some point a national unit was created named Canada, and the surviving culture group was granted special privileges. [Inaudible] tried to form a country probably advising our true democracy. The immigration and the settlements went on and on, and many

people flocked in from many cultures over many oceans. At this moment, less than 50 percent of the whole population has ancestral ties to our founding fathers and the original Constitution. In the whole of Canada there is not a single person that can claim to be genetically pure of aboriginal stock, but many people and groups of people claim privileges and territorial rights. This is not democratic and should be abandoned. It infers inferiority of the claims.

The intent of the Constitution. There should be a strong central government complete with triple E, as suggested elsewhere. Major changes should be made by referendum, but the decision to wage war, an aggressive war, should be voted on. Major tax changes should be voted on, changes of trading partners, changes influencing the national debt. A universal system of accounting should be adopted. All the inter-Canada trade barriers should be removed. Each individual should vote on separation. The separation of parts of Canada should not follow established borderlines. If parts of Montreal were to separate, it should not compel the rest of Montreal to follow. For practical reasons voting for separation should follow the borders represented by their MPs of nowadays.

3:08

Let this be clearly understood: the separated territory shall bring their own moneys, seek their own trade alliances, and set up their own school curriculums. Canada shall have a universal health system and an interchangeable school system, and where possible trades and professionals shall be able to work wherever in the country. Drivers' licences, travel licences should be universal.

The implementation. A task force of nonpoliticians shall propose the new Constitution. I personally suggest Frances Abele of Carleton University to participate. The questions asked shall be: do you want to remain in Canada? If so, what will be your main legal language? If you opt out of separation are you aware of the ensuing changes to your currency, your consular protection in other countries, the changing markets of your products, transportation to your separate enclave, possible extra duties to your territory, and your possible debt to the rest of Canada?

MR. CHAIRMAN: Thank you very much. There may be some questions arising from your broad-ranging position. Mr. McInnis wishes to ask you a question.

MR. McINNIS: Thanks, Mr. Chairman.

Mr. Nanning, thank you for your presentation. The committee appreciates your views. You suggested a task force of non-politicians to put forward a proposal which would go to a referendum on a new Constitution. How do you suggest that we choose the task force? I mean, if they're elected, don't they become politicians through the election process?

MR. NANNING: As politicians you have the most access to people. The name that I picked I just got from a newsletter, wherever. We have to still count on the existing politicians; they are there. There's nothing thing right now – there's a void if you step out – so we have to co-operate with you. But just the same, if other people who were legally schooled and schooled in political science set this up, more scholastic people, I think it would gain more confidence of the people.

MR. McINNIS: A quick supplementary?

MR. CHAIRMAN: Yes, a supplementary.

MR. McINNIS: Some people suggest the idea of a constitutional convention or a constituent assembly similar to what the Americans did when they set out their Constitution initially. Does that idea appeal to you?

MR. NANNING: Yeah. I agree with them, and whatever is good I will approve. I mean, they're just suggestions. Again I claim that it would be very difficult to deal with this topic.

MR. CHAIRMAN: Thank you.

Mr. Ady and then Mrs. Gagnon. Jack, I think you need to take the microphone.

MR. ADY: If I understood you correctly, you indicated that all Canadians should vote on any separation. I guess I'm not clear on the process that you would advocate there. Although all Canadians might vote and all vote for Quebec to stay, that would still have no influence on whether Quebec stayed or not. They would still have the power to leave. I can't see the use of all Canadians voting on that issue.

MR. NANNING: If all people in Quebec vote to stay in this Canada, then it will stay. If half of Montreal votes for opting out and the other half votes for staying in, the part that wants to stay in stays in. We have a country of people. Our ancestors here came to better themselves. Nobody came here with a special intention of swearing alliance to a territory, to a power. This is in principle a country of people, and it is the people who should govern.

MR. CHAIRMAN: Okay. Thank you.
Mrs. Gagnon.

MRS. GAGNON: Thank you, Mr. Nanning, for your presentation. I'm curious about your references to referenda. You indicated that referenda should be used in a number of instances. Could you expand on that a bit? Did you ever think of the cost of frequent referendums across the country, and what numbers would be necessary for something to pass?

MR. NANNING: I have given that thought and of course money is very important. On the other hand, it is my experience that you can pick up a phone and dial a 1-800 number and talk to any outfit in the east and you can talk as long . . . Some of these outfits are private enterprises. Certainly for my government the technology is there. It is not set up for this really. Canada is a progressive country; Canada compared with other countries is reasonably rich. I think it would be terrific if we make this forward step in democracy. I think it is possible technically and financially.

MRS. GAGNON: For one supplementary, please: what issues would you say warrant a referendum?

MR. NANNING: Now, there are millions, and of course we cannot all be there, but if some task force will be sent, at some point they will ask for public opinion. This is here only an initial step to get something going, I understand. Something more will happen. I, myself, find that it's absolutely our right that we can vote on an aggressive war. That is absolutely our business and not decided by anybody in the government or in parliament. I find that, for example, the free trade situation should have been

voted on by a plebiscite. So many people are hurt. Maybe it would have been different, and so on. I mean, I make a few suggestions, and some of them aren't possible. Many more are possible though.

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Well, thank you very much. I had just one question, and I think it relates to the issue of education. You did mention education relative to perhaps having a more diverse educational system, if I caught you quite right. Am I right about that?

MR. NANNING: I would like to see that anybody who studies law in Alberta and is in second year can transfer to McGill University, for example, and continue there. I think, particularly in the sciences, after the bachelor degrees, each university should be versatile and teach whatever they are strongest. At the moment bachelor degrees all over the country are more or less similar, and it doesn't matter too much from what university you come from, as in relationship to knowledge, but it does mean a relationship to possible discrimination and not to possible knowledge.

MR. CHAIRMAN: That's very good. Thank you very much. Are there any other questions? Well, if not, I want to thank you very much. You're the first person to make a presentation to the select committee here in Edmonton, and I want to thank you for coming forward and sharing your views with us.

MR. NANNING: Thank you, and I hope that this will find a use.

MR. McINNIS: Mr. Nanning, can you leave a copy with the secretary for . . .

MR. CHAIRMAN: The secretary will make a copy of this brief.

MR. POCOCK: Mr. Chairman, members of the committee, the next presenter this afternoon is Larry McLroy.

3:18

MR. McILROY: Thank you. Can I be heard?

Mr. Chairman, members of the committee, ladies, and gentlemen, my name is Larry McLroy. I submitted a written brief to you two weeks ago. May I, therefore, take that brief as heard?

MR. CHAIRMAN: Yes.

MR. McILROY: May I ask your indulgence to briefly summarize a few remarks regarding that brief before any questions?

MR. CHAIRMAN: Certainly, Mr. McLroy, and that's exactly what we hope people like yourself will do. That will really help us in terms of getting a dialogue going. Thank you very much.

MR. McILROY: Thank you. I'll try to keep the curse words out of it.

MR. CHAIRMAN: Well, I hope we all will.

MR. McILROY: I have worked in possibly five elections in this country: provincial, civil, and federal. I've spent a great deal

of time knocking on doors and canvassing. I expect always to find some dissatisfaction. I expect always to find some dissatisfaction, usually on a single issue. However, I've found now when you talk to people it's completely different. The level of dissatisfaction goes much deeper and much broader. It's very bitter. There's a feeling of being betrayed, a feeling of never being listened to, and most disappointing, a feeling of being helpless, unable to effect any change, unable to improve. In my opinion, taken for what it is, this probably started with Meech Lake when the elected representatives of this province and most others and federal decided for some reason to, in the voters' opinions, give a special status to Quebec. The people of this Canada of ours are not difficult to understand. They basically do understand what is fair, what is just, and what is equal. The people of Canada did not back the politicians' stance on Meech Lake, because they considered it was unequal treatment, one province being more equal than the rest. I believe that started it.

I believe a second part of the bitterness and hopeless feeling comes from the state of the economy, the fact that it could be predicted a long time ago, the fact that we have no resources left to fight the recession. If I may paraphrase William Jennings Bryan, in effect, you politicians have hung us on a cross of high interest, taxes, and government spending. Our response, quite frankly, from the people I've talked to, was that our only real response is to shop in the United States, because that is the only way that we can, in effect, obtain food and other necessities at a reasonable cost. We also have noticed no effort to make any changes in our economic position or our debt structure.

It also stems from the legal system. Perhaps one of you around here, who are much more learned than I, would like to explain to me or to other groups why Mr. Ng has more rights in this country than I do. Perhaps you would also like to explain why nothing has been done to change this situation which has been going on for five years. I really don't expect an answer.

A good deal of dissatisfaction is being expressed about immigration. We seem to have a habit of rewarding people who cheat the system. I guess the last example is the almost red-carpet treatment extended to the right-hand man of Saddam Hussein. What do we do next? Do we fight Qaddafi and Arafat? Out of this rather blatant pulling into our bases something that we do not want, no one has been fired, no one has been reprimanded for it. Your government is saying something.

The use of our money. Every time you send money to anybody, it isn't yours; it's ours. The latest example of that was the women's conference in Banff. One of the main items seemed to be someone citing a poem regarding clitoral colonialism, which results in a number of remarks of "racist." The speaker and members advocated murder. No action. No stopping any of these groups from receiving more money. I don't think very many voters are very happy with that.

Equality under law. Ladies and gentlemen, if I were to stand before you and make exactly the same comments that were made in that conference, there would be a lineup of solicitor generals, ministers of justice wishing to charge me with spreading hatred. Why is it that the law only applies one way?

There also were expressed considerable remarks on the attitudes of politicians and bureaucrats, and believe me, this applies to each and every party, provincial and federal. It seems that once one is elected to an office, provincially or federally, in this country, they seem to believe that they now rule by a form of divine guidance: "We know what's best for you. If you don't like it, we will pass a law." I believe that I now understand

why so many of our public buildings have reflecting pools in front of them: so that the people working there can practise walking on water.

I really don't want to beat on your heads, although I must admit it would be enjoyable. I really want to very seriously say that I think all of you underestimate very much the feeling of bitterness, betrayal, helplessness, and anger that exists out in the paying, voting public. As a matter of fact – maybe a little hint from an old man – with elections coming up, I would recommend to all of you: don't quit your day job.

Thank you.

MR. CHAIRMAN: Thank you, Mr. McIlroy. I appreciate your expressions of frustration, and believe me all of us as politicians have heard those. Could I just ask you, though, to tell us if you think Canada as a country is worth saving, and if so, how do we go about it?

MR. McILROY: There is no question whatever it's worth saving; that is a given. You're going to have to go about it by making some rather difficult changes for politicians. You're going to have to understand that divine guidance is not working. You will have to give up some of your power. I understand how difficult this is for politicians to do. The game of most politicians is to acquire and obtain power. It is going to have to be given up to the people, to the public, and probably through a form of referendum.

I do not believe and I don't think most people do that a referendum should be called on everything or called freely, only on items very major in importance. Referendums are not a way to run a country; they are a way for the Canadian people to at least believe that they have obtained some power.

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MR. McINNIS: The idea of taking power away from politicians it seems to me is what the Charter of Rights and Freedoms is about. It's a part of our Constitution that says no one in government can take away certain rights and freedoms and you have the protection of the courts to do that. What do you think of the idea of extending the Charter into other areas as a means of removing arbitrary authority from government? Let me just give you one example. Some people have suggested a clause that would protect some elements of our natural environment from being given away or sold or whatever by way of government permit.

MR. McILROY: With all due respect, sir, I don't think very much of it. Our Constitution and our Bill of Rights are already complex enough. We're already asking for every group possible to be mentioned. Women's groups want special mention, native people want special mention, multicultural groups want special mention: everybody wants a special mention. You cannot build a Constitution if you make everybody special, and if you mention one group, you have to mention another one. If you create one group more equal than the others, all you're doing is making everyone less equal. That is not the foundation to build a country.

MR. McINNIS: Well, it seems to me the Constitution gives and takes away powers. If you don't do the limitation through the Charter in the Constitution, what is the means for limiting the authority of politicians?

MR. McILROY: Well, you do it through certain parts of the Constitution, and I laid a few bits of it out in my submission. What I'm talking about in transfer of power is more that we say that the public wants control on spending; it's our money. If you don't spend it the way we want or if you decide that you are going to overspend what we think you should, then you're going to have to come and ask us for more. That is a main power for the public. It is a main power that I think that public could effectively use and utilize, not a minor one.

MR. CHAIRMAN: Thank you very much. I have Mr. Rostad and then Mr. Bradley.

Oh, I'm sorry. Ms Barrett.

MS BARRETT: My question is really straightforward. You talk about the need for referenda and understanding that you can't govern by a referenda either, you can't govern by proposition, as was attempted in California. What do you think about a method of suggesting that a certain percentage of the population, upon signing a petition calling for a referendum on a subject, would force that jurisdiction, whether it's municipal, provincial, or federal, to conduct it? Is that the sort of thing you're getting at?

MR. McILROY: No, it's not. I am familiar with what you're talking about: to write a referendum initiative and recall. It's been talked of for years. But there is one thing wrong with that. Any time you establish something new, such as a referendum, I would recommend that you do it cautiously and carefully at first. Do not spread it too far. Limit it at the first for simple things. The amendment of a Constitution: Canadians do understand that. Financial restraints: Canadians do understand those. Take a few simple items. Don't make it widespread to start. Every time we do something, we do it, and we kind of seem to pick the worst options.

MS BARRETT: So what you're really saying, though, then, is that it would be up to the politicians again to decide.

MR. McILROY: No; I'm saying that there would be a change in the Constitution requiring two types of referendum.

MS BARRETT: Oh, I see. Yeah, okay. I got it.

MR. McILROY: One on financing and one on the Constitution. There's an option for both Houses to bring in a referendum if you choose.

MR. CHAIRMAN: Ken Rostad, Fred Bradley.

MR. ROSTAD: Thank you, Mr. Chairman. Mr. McIlroy, could you perhaps expand on the submission you made on aboriginals? You want to give them provincial status. I'd like to know a little more about that as to what laws they would be subjected to, and then also in terms of your native justice, are you thinking there that they would be subjected to the Supreme Court or the Charter of Rights?

MR. McILROY: I understand your question, and I don't know. It's virtually impossible to put an answer on that. The best I can do here, and I think the best you can expect me to do, is to state what I think are some rather simple principles. If we get into

details or I try to explain details and you ask about it, it would then be somewhat similar to someone who watched the Wright Brothers make their first flight at Kitty Hawk, and when asked about it responded, "Well, it seems pretty good to me, but I'm going to want details on a frequent flyer plan." I don't think we should do that.

My statement I made was basically a simple one, or a simple one in principle. We have no idea, none of us here, what to do about the natives in this country. We have tried. We have negotiated; we've gone through legal bits; we've gone through I don't know how many commissions. We have never come up with an answer. The only one we've ever looked seriously at is to let the natives govern themselves. I've outlined what is probably a very flawed method of doing it, but it's at least a suggestion to look at.

When everything else fails, when we cannot think of anything, let's at least take somebody else's idea; it may work.

MR. CHAIRMAN: Thanks very much.
Fred Bradley.

MR. BRADLEY: Thank you, Mr. Chairman. I was going to ask about aboriginal rights, but I'll shift gears into the area of bilingualism, which you mentioned in your brief, that bilingualism should be discontinued. There are some in the country who are suggesting that language policy should be a responsibility of the provinces. What is your view on that?

MR. McILROY: My view is that it is a responsibility of the provinces.

MR. BRADLEY: Thank you.

MR. CHAIRMAN: Okay. Thank you very much. I just have a couple of quick questions. You mentioned the Charter of Rights in part of your discussion. Do you think, generally speaking, that the Charter of Rights has been beneficial for Canadians since it was instituted in 1982?

MR. McILROY: No, sir. I think it's been beneficial for the lawyers.

MR. CHAIRMAN: Well, there are a lot of lawyers like myself who'd agree with you, although I am not practising law anymore. That's a very interesting comment.

MR. McILROY: No, I don't know of any benefits that have been retained whether it's this Charter or indeed under the previous one.

MR. CHAIRMAN: Okay. Generally speaking, you're obviously very familiar with the Constitution. There is a division of responsibilities now. Are you satisfied with that division of responsibilities?

MR. McILROY: No. You're talking powers for the provinces?

MR. CHAIRMAN: Yes. Sections 91, 92, 93, and so on.

MR. McILROY: You sure are a lawyer. You succeeded in losing me very quickly.

MR. CHAIRMAN: Okay. I'm sorry. Section 91 lays out what the responsibilities are of the federal government, 92 lays out the

province's, 93 says that education is the responsibility of the provinces, and 95 says that immigration and agriculture are shared. So are you generally satisfied with that division?

MR. McILROY: No, I'm not. I have recommended that powers for health, language, and culture become the exclusive domain of the provinces, that the shared powers should be native affairs, immigration, fisheries, justice, and environment. Everything else remains the same.

MR. CHAIRMAN: Good. Well, thank you very much. That's helpful for us to know.

Thank you very much, Mr. McIlroy, for coming forward and giving us some provocative thoughts, and we are listening, believe me.

MR. McILROY: I think you are. Thank you.

MR. CHAIRMAN: Thank you very much.

MR. POCOCK: Members of the committee, the next presenter is Dr. Frederick Marshall.

MR. CHAIRMAN: Welcome, Dr. Marshall. Good to see you again.

DR. MARSHALL: Thank you. I'll just get into my mess of papers here.

First, Mr. Chairman and members of the special select committee, I'd like to thank you for giving me this opportunity to speak on my brief, and I hope you've had an opportunity to read it. I consider it an honour to be able to be here, and I hope you find the work of this committee educational, and the hearings that you're conducting, I hope you find them edifying and perhaps even exciting.

I'm a practising surgeon who about 10 or 12 years ago decided, as my country's government had gotten so badly out of tune with the people of Canada, that I should make a genuine effort to try and rectify that, not by myself but with the help of some of my friends. After about two years I realized that the only hope for really making significant changes, in my mind, was that western Canada should form a new country with a new Constitution. Here we are talking about the Constitution now.

3:38

I joined a western separatist party, and since then I've worked for that cause and for those reasons. I've run in two provincial elections. I've run in a federal by-election. I've run in a federal general election. Somehow I never won an election. Practical as my prescription was, I guess western Canadians were just not ready for my medicine. In the process, though, I learned a lot about Canada. I learned a lot about Canadians, and I learned a lot about myself. My brief is presented from that perspective. I certainly appreciated the comments of the previous two presenters, and I agree with many of the things they say. My brief is really of a more general nature, and I think it can be summarized with these statements.

The first thing I believe is that Quebec and Canada are fundamentally incompatible – that's at the bottom of many of our problems – and that the people of both Canada and Quebec are beginning to realize this. Second, proof of Canadians understanding this problem can be found in the way that people are leaving Quebec. Anglophone Canadians are leaving Quebec.

The type of government in Quebec, I found out, is causing other people to leave Quebec too.

This little article from a medical newspaper I get talks about the exodus of physicians from Quebec. So with my axe to grind, I read this quickly to see if they were talking about Anglo-phones. They weren't; they were talking about Quebecers who can't put up with the kind of government that they have in Quebec. Marc-Yvan Côté is the minister of health, and he has brought in a piece of legislation that is so odious and so compelling on the doctors there that many Quebecers, Francophones, are leaving Quebec. The polls that we read in the newspaper every day – particularly sequential polls where one poll is given this year and then it's given again next year and then given again so that we can get an idea of the evolution of opinion – are telling us that Canadians, for instance, are unwilling to make any further concessions to Quebec. They disagree that Quebec should be treated in any special way; it should just be another province. Also, the polls tell us that Quebecers want to leave. So I think they appreciate perhaps better than the rest of us that the two parts of this country are incompatible.

Third – and the previous two speakers I think bear this out, to me anyway – Canadians are dissatisfied with this Constitution that's been foisted on us. We had no say about that Constitution, and we realize it must be changed in major ways.

Fourth, we don't trust our politicians to guide us in this matter anymore, and the depth of this distrust has been expressed by Spicer's citizens' forum. He had a news conference a month or so ago. He made some preliminary statements about the information they were getting from their special lines, and to my amazement, one of the things that he said was: we don't like the way we're governed; we don't like our Constitution, and we don't trust our politicians to manage the change that's necessary.

So I think that's the reason there's so much interest in a constitutional convention at some time with people elected to that convention to do just that, nothing else. If a politician wants to run to be a member of that constitutional convention, fine, but that's sort of the Canadian way of solving this problem. Finally, I think we're moving to a position where the people are starting to demand to have control over the changes that occur and hence all of the discussion of referendum and hence, I believe, the interest in the Reform Party.

I believe the evidence in my brief – wherever it is here – supports these statements. I think we can go way back to Lord Durham who said that unless Quebec, Lower Canada, was dealt with as an English-speaking province with English institutions, there was going to continue to be trouble, and there has been.

The prevailing mood in Canada is one of . . . I've forgotten what Mr. McIlroy said; it wasn't disillusion, but I think that's the prevailing mood. Canadians are disillusioned about bilingualism; they're disillusioned about the political process, about the cost of government, about multiculturalism, disillusioned about politicians themselves, about the process, on and on. We're a disillusioned bunch, I guess.

The latest finding had to do with the GST. When the manufacturers' sales tax was abandoned in favour of the GST, we were told that we'd have big savings in manufactured items, that the tax would drop from 13 to 7 percent. We now find out that the big savings are on paper clips. That tends to confirm our cynicism.

My suggestions are two, and they mirror and repeat what was said earlier. At one time on the books in Alberta we had a referendum Act, and I mentioned that in my brief. It never got to third reading. I think Alberta should have a referendum Act.

The second thing is that we should have a constitutional convention. Now, Alberta has been the leader in doing something active about our Constitution, and Senator Stan Waters is the example. I mean, we're able to get in there and change things, and we really did it there. Then why not set up a constitutional convention and do it the way we think Canada should do it and have them write a Constitution that we think is a proper Constitution. What I consider a proper Constitution will be distributed later. Alberta could do that. I hope when you come to make your final recommendations to the Legislature that you consider putting those types of things into your report.

Thank you again.

MR. CHAIRMAN: Thank you, Dr. Marshall. Well, if it's any consolation to you, I lost a couple of elections before I won too, and there are a few other people around who have done that.

DR. MARSHALL: I guess I'm just a quitter.

MR. CHAIRMAN: In any event, we appreciate your, we know, strongly held views.

Fred Bradley, then Gary Severtson, John McInnis.

MR. BRADLEY: Dr. Marshall, thank you for your presentation. The tenet of it seems to be that Canada and Quebec should go their separate ways. Moving from that premise then – obviously Canada would not be the same – do you think that western Canadians would feel any more comfortable in a Canada that was dominated economically and politically in terms of strength by Ontario? What would you suggest in this new Canada the approach would be with regards to constitutional development and the division of powers and the institutions of the country?

DR. MARSHALL: I've spent the last 10 years thinking in terms of western independence, but suddenly if Quebec leaves, then our Constitution is up for renegotiation. Everybody here knows the things that Albertans resent in our present Constitution: a Supreme Court that is run by central Canada; we have no political power to speak up, because of the party system, because we have an ineffective Senate. Albertans have tried to do something about that, but I mean if we can rewrite the Constitution, then I don't think we need to fear the power that Ontario has had over us up till now. We also know that the drift of population is toward the west. It's certainly happening right now, because Ontario is in a recession, and that is probably going to continue, as it did in the United States to California. So I think if the Constitution is made politically just, then I think the rest will follow.

I think Canada is worth saving. In fact, I think one of the reasons Canada has been in such a mess is because we spent all of this time not looking outside the country and placing ourselves in the world as an important country; we spent it internally digesting all of these problems we have.

3:48

MR. BRADLEY: Well, you say Canada is worth saving. Does that include Quebec? Because when I look at Canada, I think of Canada as whole nation from sea to sea. Does your vision of saving Canada include Quebec?

DR. MARSHALL: It doesn't really include Quebec.

MR. BRADLEY: So then you're not saving Canada; you're saving something other than Canada.

DR. MARSHALL: That's right. I think that what we have is going to either split up into a whole bunch of pieces or it can be saved, and I'm not talking about Quebec. I think Quebec is gone. I mean, Lise Bissonnette has said that. They haven't really been interested in Canada for decades, and we must start to realize that. They've been interested in milking us for as much as they could, but they have not been interested in Canada as such.

MR. BRADLEY: Well, I guess my only premise would be that you can't talk about saving Canada; you're talking about creating something different.

DR. MARSHALL: Yes. I think this is a matter of terms. I mean, when I say Canada, I don't include Quebec.

MR. CHAIRMAN: Okay.
Gary Severtson, then John McInnis.

MR. SEVERTSON: Thank you, Mr. Chairman. Dr. Marshall, you mentioned that the Constitution you felt needed major changes and one way to do that would be through an elected constitutional convention. How do you perceive that would take place? Would it be strictly by population, or would every province have equal presentation? How would you envision that?

DR. MARSHALL: Well, we have many examples of this. We know how Australia did it. We know how the United States did it originally and produced a very durable Constitution. I, basically, would probably agree with what Mr. McLroy said. I think we would have to have equal numbers from each province, but if they have a new nation in mind, then they will be thinking in those terms: preserving the rights of the area they come from. But it would be much more like a Senate than it would be like a House of Representatives or a Parliament of sorts.

MR. SEVERTSON: Can you envision a province of Quebec or Ontario that have a vast, large number of population compared to the other provinces agreeing to an elected convention on the Constitution and each province having equal representation?

DR. MARSHALL: Well, then Ontario, don't come; don't come to this conference that's going to set up this new country, you know. Ontario will be there. I mean, the examples still exist: Rhode Island had a committee of six members in Philadelphia, and New York had six. I mean, that's the best way to make sure that the thing is just, because if the provinces with the large populations have power at that constitutional convention, you can bet yourself we're going to end up with another Senate like the one we have now. So it just won't work. I mean, the whole thing will fall part.

MR. SEVERTSON: Thank you.

MR. CHAIRMAN: Thank you very much.
John McInnis.

MR. McINNIS: Thanks, Mr. Chairman. Any citizen who gets beyond complaining about things is drawn into the political

system, political action, and if you win an election, I guess they call you a politician all of a sudden. Maybe if you run a few times, they call you that as well. But you mentioned the Reform Party in your opening remarks, a very successful group of politicians. I wonder: do you see the Reform Party as being a vehicle for delivering an independent western nation?

DR. MARSHALL: Certainly I know that many western nationalists are in the Reform Party. I know that many of them were quite disappointed that the Reform Party decided to run candidates in Ontario, because they've seen before what happens when Ontario, with its population, gets control of the party. Progressives became the Progressive Conservatives. Social Credit went to Quebec and the CCF. So we know what happens; it's happened before. If that happens, then I think the Reform Party might split and a western group might form. It's hard to predict. The danger is certainly there, and I know Preston Manning appreciates that danger.

MR. CHAIRMAN: Just a couple of quick questions; I think I'll ask these. In the current division of responsibilities between the federal order of government and the provinces, with which you're familiar, are you generally satisfied with that division of responsibilities?

DR. MARSHALL: Yes, I think I basically am. I don't believe that culture should be the federal government's area. I think that culture really basically should be the responsibility of the people, and it's better if government sort of stays out of that altogether. It's gotten us into some terrible problems, the problems of multiculturalism and it arose out of bilingualism. I think the people should decide those things themselves.

MR. CHAIRMAN: Do you regard the Charter as being a positive addition to the Constitution of 1982?

DR. MARSHALL: I can think of only one good thing about the Charter and that is that it got people talking about the matter, and it got people thinking about the matter. I think the marvelous thing about Trudeau in the last decade or so is that Canadians are tuned into things much, much better than they ever were before. That might be the one benefit of Meech Lake, too, but Meech Lake also showed how little power we actually had. I mean, the federal government damn near put this thing over on us, and we came just within a hair of having the Meech Lake accord law. I think that has really tuned people out. That's what I think about the Charter.

MR. CHAIRMAN: Okay. Well, thank you very much, Dr. Marshall. We'll be hearing lots of other people, and I'm looking forward to that. Thank you for your contribution today.

MR. POCOCK: Mr. Chairman, members of the committee, the next presenter this afternoon is Mr. Lew Andrew.

MR. CHAIRMAN: Welcome, Mr. Andrew.

MR. ANDREW: Mr. Chairman, ladies, and gentlemen, before I start, there's a couple of little things I'd like to say while they're in my mind because of things that the last speakers have stated.

MR. CHAIRMAN: Sure.

MR. ANDREW: One was that when I went to school, which wasn't very long, only about five years, the teacher told me that anyone that stood for election to a Legislature or for Member of Parliament stood to serve the people. I believe that as evolution has taken place since that time, that statement would no longer be true. It has come more to a case that the people have been looking for power. Once they get that power, they stand on those people who elected them and no longer listen to them. I just want to say that because of what . . .

Okay. Through the last few weeks I've talked to many people seeking answers to questions that I proposed to them. This is what I deem as what my acquaintances have said. Please allow me to present this picture, then I will qualify some of the statements rather than listen to boos when you feel a statement is one of racist nature. I have had long talks with about 17 people who came to this country in the past 45 years from all over the globe, including Quebec. We want our federal government to have certain powers in these areas: defence of all territory claimed by Canada; customs and tariffs; currency and common debt equalization; unemployment insurance programs; native affairs until they achieve self-government; foreign policy; fisheries – there are no fish quotas for foreign countries; Canada Post, not privatized; all forms of telecommunications and communications; final say in all environmental issues before start-up of projects; taxation and revenues; justice, which must be revamped; education must be standardized; transportation; language: English only.

3:58

Now, in the area where there must be some shared duties with federal and provincial governments, these would be: immigration and manpower, financial institutions, income security and public security, research and development, industry and commerce, environment, energy, regional development, agriculture, health care – for which Canada needs a master plan – shelter and housing, recreation and sports including amateur sports, family policy, and social affairs. Natural resources: stop giving away our birthright to foreign conglomerates. Tourism: there must be some way to co-ordinate better ideas with co-operation with other regions. Human rights: note that there are no longer any human rights for any Caucasians born in Canada. Municipal affairs. Impeachment clauses for all levels of government: municipal, provincial, and federal. We believe that if complete impeachment clauses are not implemented at all levels very soon, there will be only one alternative, and that is assassinations. This could result if the process was too unworkable to achieve.

The next topic is the Senate. I believe in the abolition of the Senate entirely because it serves no purpose. However, a so-called triple E Senate with no less than one nor more than two elected from each province and the two territories could be acceptable to most people.

Ontario has become too large and should be divided in two. The new province could be called whatever.

Freedom of information must be mandatory across Canada. No government should have numbered companies to hide the truth from the people.

Our justice system has to make changes so that we the public do not have to pay for court cases to protect aliens from being deported to any country which provides evidence that that person should stand trial in that country. If this is to be done, it must be from private donations or free time donated by lawyers and judges who listen to such arguments, retrials, and appeals. No public money should be used. Do we have the

right to say to other countries that they have an improper justice system? That's exactly what we're doing when we won't allow people like this Ng to go to the States. Deport all immigrants who are convicted of a major crime like murder, rape, manslaughter, fraud, embezzlement, robbery, trafficking in any form, and gang activities such as extortion, et cetera.

We're constantly told that this country is controlled by the marketplace. Business and government give this statement to answer every complaint. We accept this to be true and demand that laws be put in place to stop all subsidies and concessions at all levels of government, because this is interfering with that true marketplace. It seems that industry and the friends of government are blackmailing the taxpayers and demanding these payoffs. When they get the money, they continue with their preplanned bankruptcies and then skip out, and we pay for it.

We all want Canada as a whole country, not divided by the pullout of Quebec; however, if we are to bargain with these radicals, we must make our demands first and then see them ask to negotiate or be included as one province in this dominion. Whereas Quebec did not sign our Constitution, all Quebec members of Parliament and the Senate must be forced to stand down immediately. They do not legally have the right to take part in our Parliament. I also ask: how did Quebec get 75 seats when the BNA allowed them 65 seats for all time, and the rest of Canada would have to regulate parliamentary seats in accordance with population?

Quebec has shown no loyalty to Canada. In the wars of 1812, the Boer War, 1914, 1939, and 1952 Quebec refused to share responsibility, even when two of those wars were to liberate their homeland, France. I ask: should we have pampered them for 124 years when they keep up on the demands to us? Then when they were given control of the army last year, they used them against the people who fought for Canada and whose crime was to ask to be treated as equal in a country in which they were here first.

Quebec says they have 18 percent of the government resources, and so they would only be required to assume 18 percent of the national debt of some \$300 million to \$400 million. We say that each of the provinces and territories should have had 8.34 percent of the federal government resources, but with Quebec having 18 percent, that leaves 82 percent divided by the other 11 regions, giving an average of 7.4 percent per region. Quebec seems to have 9.6 percent more of federal government buildings and assets, which translates into their share of the debt really being 34.6 percent of the total national deficit when calculated with the population figures. If Quebec is to see reason, we must demand that they cannot use our monetary setup, with us printing money and coin and supplying it to them free of charge. A price must be set that would include a fair profit after cost.

We also question the portion of land that was added to Quebec in the early 1900s. Should that revert to Canada, maybe Newfoundland? If Quebec's power is responsible to the Newfoundland people and First Nations people who were resettled from flooding of the Churchill Falls development, could Canada because of the great environmental disruptions be able to stop the development of the now proposed Great Whale River development? That could cause a bigger disaster than the burning of the rain forests around the world. We think that there should be answers to this from scientists from other parts of the world who care about world environmental conditions, and they don't trust governments who publicly discredit scientists who have presented facts that are not consistent with what political people want them to say.

Laws would change so there can be no patronage appointments to any government, agency, or department of any kind. Such positions must be filled with people who can prove expertise in the particular endeavour and must be properly advertised and filled from those applicants who apply and are qualified. No portfolio, provincial, federal, or municipal, could be given unless elected representatives are qualified; i.e., diplomatic posts must have a university diploma in that field, and so on.

We feel that if the federal powers are eroded to appease Quebec and if she still leaves, then our federal government would become as redundant as this Senate is, just to command the military and the central Bank. It'd be ridiculous, I think. Just look back in your history of the great Ottoman Empire as it split up and how each and every region became countries who have been at war with one another many times since. Do we want our neighbouring provinces at war? I don't.

We also feel that no Canadian should qualify and become a police officer at any level unless they are Canadian born. Further, there must be strict rules for some ethnic people to be allowed into Canada and strict quotas. The reasons are obvious: the bombing of the Air-India plane, bombs on a plane to Japan, their disregard for life in India, and the constant killings.

4:08

Political scientist Leon Dion stated a few months back that English Canada will not give in to Quebec's demands unless there is a knife at its throat. Well, Lew Andrew says that we have a much larger knife and must let them know that we have it and will use it.

Canadians do not want Mulroney to act for them in constitutional negotiations with Quebec. Most people whom I have talked to feel that Clyde Wells, McKenna, and Filmon would be their first pick for a committee to deal with Quebec. The Premiers of New Brunswick, Manitoba, and Newfoundland we felt were men of integrity, a team who could be trusted to try to hold this country together and would understand that too much power for provinces would lead to a number of provincial dictators. That is not the Canada that I wish to see.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Andrew. Any questions from members of the panel? We've had a fairly lengthy presentation, Mr. Andrew. You've gone through a number of issues, and since you just supplied us with your brief, we had not had an opportunity of reviewing it in advance, but we will certainly take it under consideration.

MR. ROSTAD: Mr. Andrew, I just noticed in your brief you're saying that federal government should have certain powers and then the rest should be shared with the federal government and the provinces. Do you not see the province having any powers unique to itself?

MR. ANDREW: The thing that I found in talking to people . . . As I put this together I found that the people weren't leaving anything left for the provincial powers. I looked at this, and even after I wrote it up, I looked at it and questioned this myself. I said to myself: well, what are we saying? I still don't know what we're really saying. Are we saying that people have lost faith? I don't know. I am thinking in terms more that maybe we're saying that we need the provincial Legislature to be closer to the people and assist in governing Canada so that they would share a role with the federal government and do it in a

little different format. I'm guessing at that. I'm not an educated person. I know that fact is there, but I had to put it the way I see it.

MR. CHAIRMAN: Thank you very much, Mr. Andrew. We're running just a little bit behind time, so we'll move on to our next presenter. Thank you for coming.

MR. ANDREW: Okay. Thank you.

MR. POCOCK: I would like to ask Susan Jackel to come forward and make a presentation.

DR. JACKEL: I apologize for not having had this presentation in its full form available for you before. I outlined it very briefly in a one-page request for this opportunity to present to you, and I found in writing it up that it expanded and expanded, so you will have an opportunity to consider it at your leisure later. I'll just speak to it and probably not read very much of it.

I'll say briefly that I'm an associate professor of Canadian studies at the University of Alberta. In this profession I am doing what I love doing and what reflects a life-long interest in Canada and in Canadians and in the way we get along or sometimes don't get along with one another. It's my great joy to teach students about Canada. However, one of the points I'm making in this brief is that I've discovered over the years that many of the students who come to us at the university don't know much about Canada. So this prompts reflections on our educational system and on the ways in which we could perhaps make this better and better for foundations of Canada in terms of what people know about the country and how they relate to it and how they see themselves as citizens of this country.

Part of the brief is thinking about those problems and, in particular, recommending that insofar as it is possible for a commission of this kind to do so, there be some thought given to looking again at the exclusive jurisdiction over education that is allocated to the provinces, encouraging the provinces to think about some kind of federal/provincial commission, especially to look at secondary and postsecondary education. I think education in the elementary level up to about grade 7 is appropriately still within the provincial jurisdiction. But I think we're in a changing global economy. We have to think very hard about the foundations we are giving our citizens for their exercise of citizenship but also their ability to participate productively in a new economic order. I think now we're at the point where we have to have postsecondary education definitely as a joint federal/provincial responsibility and conceivably some kind of federal/provincial co-operation looking at the curriculum at the high school level as well. That's one concern I have and one specific recommendation I make to this commission.

On some of the larger issues -- and I know there are very many. I read with great interest the discussion paper that was given to everyone. There are so many questions that it's very difficult to think about how to encompass them all in one place. I know that in teaching Canadian studies, I'm often asked, as has been asked already this afternoon: does this include Quebec if you're talking about Canadian studies? Well, yes, it has so far. I would like it to continue to involve Quebec. My idea of Canada and Canadian is from sea to sea and involving historically all the peoples of this country.

At the same time I agree with an increasing number of commentators who say that we've had a long experiment, over 20 years now, with official bilingualism enacted by the federal government, that we've had enough time now to look at the

successes and failures of this policy, and I think it's time to look at it. I'm not saying that it's been a failure overall or it's been a success overall. I think it's time to look at it critically and see what parts of it need to be retained and what parts can be scaled back.

Another point I make in the brief has to do with the process. As many people observed about the Meech Lake discussions, groups have come forward who complained that they were not sufficiently involved in an early enough stage in those discussions. I compliment this province and this government in having hearings such as this. I know at the time of the Meech Lake debates that I regretted that similar all-party hearings were not held to involve people of the province. So part of my brief is simply saying: the people of Canada are interested in their Constitution; they want to be heard. It's very difficult to think about how you can frame a Constitution specifically to address every single social group. I'm not advocating that; I am saying that I do think we should constitutionalize public hearings like this one.

Beyond that I have views, I suppose, on many of the other things that are being floated around: referenda, constituent assembly, those kinds of things. I'm not a constitutional expert, but I do listen to my colleagues and my students about these things.

I think I'll leave it at that and leave you to look at the full presentation.

MR. CHAIRMAN: Thank you.

Jack Ady, first. You need your mike, Jack.

4:18

MR. ADY: Thank you. You suggest that there should be more effort put into involving people in the political process and specifically cite the cases of Meech Lake where there was not a lot of public involvement. I guess I have to ask the question: how do we really accomplish that? I know that in my particular case, I endeavoured to involve the people of my constituency in that process, tried very hard: held public meetings, advertised them, spent money to do it, and after several meetings, I had talked to a little over a hundred people out of 20,000. I'd done all that I could do to involve them. Then sometime later, after certain events took place in Quebec, everyone was interested. We weren't able to interest them as politicians from a political perspective; it took an event to do it, and they very quickly formed opinions. So my question back to you is: how do we do this? We look today; we don't have a lot of people here today to these hearings in an effort to involve people.

DR. JACKEL: Well, I made one of my suggestions and only half facetiously; I actually mean it quite seriously. I think it would help if we didn't hold hearings in the Hilton hotel. I think it would help if we held them in community leagues and in factory lunchrooms and in places where people live and work. I think it's very difficult for people to feel relaxed and as if they're on their own terrain. I know that when you go to rural areas, I think you'll find people feeling better and speaking more in those kinds of situations.

Beyond that, I do put a lot of responsibility at the steps of the federal government when the Meech Lake accord was introduced and a statement was made that there would be no changes except for egregious errors. In other words, there was not an invitation held out to the Canadian people at that time that they should be interested or could have anything to say. They were told from the beginning that they could have nothing

to say. So I think we've learned a lesson from that and that hereafter constitutional proposals will go through the kind of process that it's going through now.

As for having more people out to these meetings, I know it takes a lot to get things going. For one thing, I was a little distressed that these meetings were being held on a relatively short time frame. I know how long it takes groups, especially large groups who are serious about their own consultation of their own members, to get a discussion paper out, discuss it among themselves, decide what they want to say, and then come. You can't in six weeks.

MR. CHAIRMAN: Let me just jump in on that issue. We are making it very clear. Of course, this process started back last August, and we held a series of discussions at that time. It was only one party, but then we put out a discussion paper, Alberta in a New Canada. Did you have an opportunity of reviewing that particular document?

DR. JACKEL: Yes.

MR. CHAIRMAN: Could you just give us a general comment on the nature of that document?

DR. JACKEL: I've not only read the document, I read all the transcripts of the consultations that you had that went into it. I think as a discussion paper, as a place to start, it's quite good. I think that I would have certain quibbles with this and that. I would say that maybe such and such a question . . . I think there are several points at which it very much reflects the historic position of this province on constitutional issues. The way the questions were framed, I recognized it as an Alberta discussion paper. It would never have come out of Ontario or Nova Scotia.

Be that as it may, I think that process is excellent, but I think then it has to go one stage more. There have to be town hall meetings of some kind held for people to come and even do the first stage of thinking and talking before they'll prepare briefs.

MR. CHAIRMAN: One of the points is that the committee is unanimous in agreeing that after this process, we are going to meet on June 6 and see how well this has done and whether or not it is necessary then to expand the process further to make sure there is that opportunity. I wanted you to know that.

DR. JACKEL: Well, I would very much encourage it.

MR. CHAIRMAN: Thank you. Well, we're learning as we go along in this process.

Yes, John McInnis.

MR. McINNIS: Just one quick question. My experience as a graduate student marking papers is that Canadians don't know very much about their country. I like your ideas about promoting learning. It seems to me that another way to learn is to travel the country and get to meet people. At one time the government made it easy for young people to travel with youth hostels and sometimes bus tours and things. Do you think there's anything in that as an idea of making us familiar? Say, at one year in a young person's life they would have [not recorded]

DR. JACKEL: The first thing I ask a class in September is: how many of you have traveled outside Alberta, outside Canada?

Surprising numbers have. This generation is a much better traveled one than my generation. I've also taken a whole group of Canadian study students to Nova Scotia under the Open House Canada program and then brought Nova Scotia students back. I mean, that episode in itself eliminated a whole lot of lies. So I'm all for travel.

MR. CHAIRMAN: Ken Rostad.

MR. ROSTAD: Thank you. I think I heard you say that postsecondary education you think should be a shared jurisdiction in the Constitution. Could you perhaps elaborate a bit on that? What mechanism would be used to establish whatever you think is deficient in our present system, and how might you address dispute resolution on something that's shared?

DR. JACKEL: Well, we were in Australia for a year, and I know that the Australia postsecondary system is under what they call a commonwealth commission of postsecondary education. It's a national – what we call federal – responsibility. I think that's going too far. I think it should be joint; I think it should be shared, just because we have this long tradition of provincial responsibility. It's simply that our needs for highly trained manpower, the complexity and the cost of these systems, are such that we're finding – for instance, Nova Scotia is thinking now about how better to avoid duplication in their system. I think the same thing has to go on nationwide.

MR. CHAIRMAN: Yes, Mrs. Gagnon.

MRS. GAGNON: Thank you very much. I would like to ask you in your role, being a person who's very interested in Canadian history and knows Canadian history, if you feel that some of the reaction against the Charter has a lot to do with the fact that groups are now being empowered who were never empowered before, that it is a change that is occurring, and that it is causing a sense of unease on those who formerly had all the power that now others have power.

DR. JACKEL: Yes; I think that's exactly the dynamic that's at work. There are what I call Charter Canadians now. There are two generations of Charter Canadians. That used to mean people of English or French extraction; now I think Charter Canadians reflects all those social groups who are newly empowered under the Charter. This is disconcerting for the previous holders of power, and I think there will be a period of a sense of displacement and unease over that. On balance, I think the Charter is a good thing. I agree it's created work for the lawyers. I mean, I'm one of many groups who feel that the Charter has been their shield and their bulwark in the face of discrimination, disadvantage, and so on. I'm a supporter.

MR. CHAIRMAN: Could I just throw this at you? I perhaps should tell you that the next person who was to appear has apparently decided not to.

DR. JACKEL: Well, that was my colleague Gratien Allaire. He phoned me to tell me this morning that he wasn't going to be able to and please convey his excuses for him.

MR. CHAIRMAN: Well, since you are involved in the university – and I don't expect you to answer for the university on this. It always strikes me as interesting – and I was Minister of Advanced Education at one time – that the universities train

the teachers who go out into the elementary and secondary schools to teach the children, and yet when the children arrive at the university portals, the universities say, "Oh, these students aren't well trained enough in Canadian studies or history or whatever." Is this a chicken-and-egg situation, or how do we come to grips with that dilemma? It's something I've never really been able to get a clear answer on from anyone.

DR. JACKEL: Well, I think there are answers, and there are two levels. One is that what you describe accurately is that universities are the training place for teachers. We do have a Faculty of Education in which people get a degree in education. Most other provinces expect their teachers to get degrees in subject areas and then get their professional accreditation in after-degree programs in education, so you get a bachelor of education in science or history or whatever, and then you take teacher training after that. I think you get better teachers that way; that's my opinion. You will get more people conversant in subject areas if you require them to take more of their university education in those subject areas. As it is, our teachers have too much of their curriculum taken up with pedagogical curriculum, other matters, and not subject areas. So part of the problem – and at least I'm aware of the extent of the need for Canadian content in the programs of education students. It's often as little as one half course, so no wonder they don't know.

4:28

The other question has to do with the curriculum in the schools, and that's a huge area. Yes, you can talk to the social studies council and to the social studies area and get some very informed teachers who are also concerned.

MR. CHAIRMAN: It is almost, in my view, a chicken-and-egg situation, and it's frustrating, because I've got kids who went through the school system, and at one particular point in time I was appalled that none of them were able to place London on the map. I think we've done a disservice to our children to abandon history and geography and those things along the way. I think that's reflected in the fact that we don't know our history, and therefore we don't know our country. That's a personal opinion, and please don't think I'm taking it out on you.

DR. JACKEL: No, no. One of the points that occurred to me while I was composing this brief was that . . . As I prepared for my own teaching courses for next fall, I was rereading a book called *Canada and the Canadian Question* by Goldwin Smith. This was published in 1891; it's now a hundred years since then. He was saying we'll never make it, the country's too divided, we haven't got the economy, and we should just give up and join the United States. So here we are a hundred years later and still debating these questions. The point I was making in that particular little episode is that these are old questions. Definitely we need new answers, but they are very old questions, and we shouldn't rush headlong into some kind of panicky state.

MR. CHAIRMAN: Okay. Any other questions from other members of the panel? If not, we do have a few moments then for a coffee break and perhaps for members of the panel to stretch their legs and for members of the audience to do the same.

Thank you very much for your thoughtful comments, Prof. Jackel.

[The committee adjourned from 4:30 p.m. to 4:45 p.m.]

MR. CHAIRMAN: Ladies and gentlemen, could you please resume your seats, and we'll get going again.

MR. POCOCK: I'd like to invite David MacDougall and John Acheson from the Catholic school district who are seated here to make their presentation to the committee.

DR. MacDOUGALL: Thank you very much. The Catholic school district is certainly grateful for having an opportunity to address a group like this, especially in matters that are specifically significant to Catholic education both in Edmonton and in the province of Alberta. I would refer very briefly, certainly not in detail, to the existing pieces of legislation that guarantee Catholic education, and then I think I'd like to take the time to point out one or two areas that we perceive as areas of concern.

For over 100 years, going back to the time when Alberta was still a territory, denominational schools had status both in fact and in law. The BNA Act, section 93, stated:

Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union.

The third point in the same Act:

Where in any Province a System of Separate or Dissident Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education.

The Charter of Rights and Freedoms affirms:

Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools.

More recently still, the Alberta School Act further proclaims the notion of equality in public and separate schools in the preamble:

Whereas there is one publicly funded system . . . in Alberta whose primary mandate is to provide education programs to students through its two dimensions, the public schools and the separate schools.

We of the Edmonton community would like to ensure that any constitutional adjustments would preserve the integrity and equality of minority religious schools in the province of Alberta.

Catholic schools in urban centres have existed for well over 100 years and continue to play a vital role in educating students. The student populations of both Edmonton and Calgary are passing the 30,000 mark, and the health of these districts seems rather assured. The programs that are highlighted in Catholic education – and indeed there seems to be a growing demand and need for these to stress human and religious values in the face of a highly technological and sometimes dehumanizing world.

A growing problem is developing, however, in the province, particularly where there is a diminishing population or where the population is rather sparse. In the rural areas the formation of Catholic districts is restricted to what is known as the four by four geographic areas: four miles by four miles. That may have been viable more than a half-century ago, but in today's world the four by four school district is very difficult, to say the least.

Public schools, in the meantime, have been able to amalgamate into school divisions or county programs. Catholics have not been given the right to form Catholic school divisions or to expand boundaries in order to encompass Catholic families that might be scattered through a municipality or a county. Now, it is recognized that where several Catholic school districts are in reasonably close proximity, there seems to be no reason why

these districts cannot amalgamate. But that does not take care of the Catholic families who may be living in a county or municipality in which they are unable to form a Catholic school district. I can recollect that in several areas there may be a pocket of Catholics that will form a majority of the population in a four by four, but you can't have a Catholic public school in a county public school district. That is not allowed. So it would seem that while the rights of Catholics to maintain their own school districts is guaranteed by the existing laws – and of course the existing laws we would not like to see changed very much – by the very nature of our province it is currently not available to Catholics to form school divisions, and I think that's one area that might well be looked at.

The concept of fiscal equity is strongly supported by the Edmonton Catholic board. We have had dialogue with the Minister of Education, and I think in general there's a lot of support for some of the equity proposals that have come forth. We would like to see assured that equity would not diminish the rights of Catholics to a Catholic education. In fact, we believe that all Catholic students should have access to a Catholic education, the quality of which being on par with all other schools in the province.

So basically, in summary, we have three points that we would like to place before your commission for consideration. First, that the rights and privileges of minority religious schools, as outlined in the various Acts that I mentioned, be protected. I think that is certainly the key point that I would like to propose this afternoon. Second, that funding for education be equitable to all students in the province, and I think just by a matter of natural justice this is a reasonable expectation. Third, that provisions be made to allow Catholic school divisions to be formed and/or to allow boundary adjustments that would make Catholic schools viable in areas of sparse population.

Now, I recognize that our brief is indeed brief, but we wanted to pinpoint those three areas as the areas of concern that we would like to see presented to you. I would like to leave the rest of the time for any dialogue or questions.

MR. CHAIRMAN: Thank you very much.

Yes, Mrs. Gagnon.

MRS. GAGNON: Thank you. Dr. MacDougall, one of the major points, number 2: "That funding for education be equitable to all students in the Province." Would you include there students in private schools? Independent schools, I guess is a better term. Right now, as you know, it's not quite equal.

DR. MacDOUGALL: That is an area that as a board of trustees we have not specifically addressed, because it is not in the direct area of our purview. But I suppose that there could well be some arguments that would favour allowing all students to have an equal slice of the education dollar. I suppose I would be speaking very much as a citizen as opposed to a school board trustee in saying that.

MRS. GAGNON: Okay. Secondly, if I might, looking at the national picture and the powers that exist at the present time, would you say that your board is satisfied that education K to 12 remain a provincial responsibility, or could you see that as something that might be a shared responsibility with the federal government?

DR. MacDOUGALL: I believe that our feeling is that the farther the lawmakers and the legislators are away from the

people who are most directly affected, the less in touch with the needs of the individuals. I think having the existing regulations leaving the control of education up to the provinces is probably the best way to run a school setup.

4:55

MRS. GAGNON: Thank you.

MR. CHAIRMAN: Jack Ady, and then John McInnis.

MR. ADY: Thank you. My question was answered.

MR. CHAIRMAN: Yes, John.

MR. McINNIS: Dr. MacDougall, we had some discussion a bit earlier about who's responsible for the less than optimum quality of graduates from the schools. One of the things that occurs to me is that school systems these days have a lot of additional responsibilities put on them; for example, students with learning disabilities, physical disabilities. There's a variety of programs. There are French immersion programs, French for native, French-speaking students. I don't think in the Catholic system, but there is a Chinese school. There's an Arab school. There's a Jewish school. There's a Ukrainian-language school. Do you feel that perhaps part of the problem is all of these different expectations that are put on the system? Or do you think, really, that it's a question of finding some more dollars?

DR. MacDOUGALL: Well, I think that one of the things we've experienced over the last two or three decades is that more and more expectations are being placed upon the schools. Some time ago when children showed behavioural difficulties, we had special institutions to be able to function with them. I'm not saying that it was the best way to do it, but certainly dollars were placed into institutions for children who were behaviourally disordered. Now in the Edmonton area, at least, most of the institutions for behaviourally disordered kids have been closed down, the expectation being that the school districts are maybe in a better position to be able to do positive things with the children than an institution. Now, I have to concur with that. I think it is true.

However, I don't think the same proportion of dollars followed the children. The money that would have to be spent to keep an institution open did not come into the school district. We have a block-funded system in which we have to deal with all children's problems. Behaviourally disordered kids are among the most difficult; they can disrupt a class far more than a child who has difficulty in learning. One or two power-struggling youngsters can totally upset a class of 25 or 30 kids. So I think that part of it is probably correct.

Your preamble was correct: the schools are expected to deal with more things now, and there's bound to be a certain element of dilution. We don't focus purely now upon the academic elite. Hopefully, we still provide pretty good programs for the very bright children, and certainly higher education is geared towards that end.

MR. McINNIS: In terms of the way education is organized, most of the funding is set by the provincial government and the provincial budget with a minor share picked up by property taxes set by the trustees. Is that the kind of system - I'm just interpreting your previous answer - that you see as optimum for funding education?

DR. MacDOUGALL: To a degree, yes. However, in the last, again, couple of decades we have seen the proportion of provincial funding decreasing vis-à-vis the proportion of locally collected taxes. I think that certainly is a major concern we have.

MR. McINNIS: Thank you.

MR. CHAIRMAN: Dr. MacDougall, I think you'd probably agree with me if I said that in 1867, one of the great difficulties of bringing the country together was the issue of denominations and religious differences between the citizens of Canada in the various regions. And would you agree with me that one of the compromises was section 93?

DR. MacDOUGALL: I would think that statement is accurate.

MR. CHAIRMAN: Would you also agree with me if I said that in Alberta, despite the fact that back in 1905 and so on it may have been an issue, it really isn't an issue today that really divides the people, the issue of religious instruction?

DR. MacDOUGALL: Well, we don't look upon our schools as being divisive to the community. In fact, I think we look upon it in absolutely the reverse.

MR. CHAIRMAN: Well, that's my view. I think we've gone by that big issue now, particularly in Alberta. On the other hand, it was not so long ago a big issue in an election in the province of Ontario, where there was quite a different situation in existence. I think perhaps that underlines the importance of each province being allowed to do its own thing, if I can put it that way, relative to structuring its educational system. I just make that as a comment; I don't expect a response.

We are into a debate, and Mrs. Gagnon touched on it in her question, about the federal government's role in education. That's going to be, I think, one of the key issues that is going to emerge as we move along through this process and talk to other provinces and the federal government. So I was interested in your response on that particular item.

DR. MacDOUGALL: Well, sir, I wouldn't certainly think it would be very useful to have the same set of curricular expectations for children living in Labrador compared to children living in Calgary. I think that we've got a completely different set of criteria that would be required.

MR. CHAIRMAN: On the other hand, we do want to see transferability and mobility, don't we? So there's a legitimate debate and argument and discussion that has to take place as to how to make sure that there is that opportunity for Canadians in one part of the country to move into the other part and not be disadvantaged by the educational system.

DR. MacDOUGALL: Certainly dialogue is important. I would concur with that a hundred percent.

MR. CHAIRMAN: Just one of the issues that has come up recently in the field of education is the subject of testing achievement. The Council of Ministers of Education for Canada has devised a plan to establish something on a rather uniform basis in that area. What's your view on that? Or should that even be a matter of constitutional issue?

DR. MacDOUGALL: Well, to me it is not a constitutional issue. It would be a matter of ministers of education from across the country getting together and deciding what would be good to do. I have grave misgivings about a lot of the testing that we do. I don't necessarily find agreement with my colleague to my left. I think that much of the testing can give all kinds of spurious pieces of information to people. I think that some of the testing that has been done internationally makes comparisons between students in Japan and students in Switzerland and so on. All kinds of erroneous information can be derived from that. If the Japanese allow 7 percent of their students to write a power exam and the citizens of Alberta allow 30 percent of our students to write the same test, obviously you're not going to get the same kind of comparable results. I think those things have got to be understood when we start talking about even interprovincial testing.

MR. CHAIRMAN: Thank you very much, Dr. MacDougall. If there are no further questions, we thank you for your comments and your reference to maintaining the integrity of your school system within Alberta. I just make as a sort of gratuitous comment on my part that in the 16 years I've been in the Legislature, I really haven't heard anybody suggest that we would want to undermine the system that has in fact been in place relative to the two systems in the province.

DR. MacDOUGALL: Thank you, sir.

MR. CHAIRMAN: Thank you.

MR. POCOCK: I'd like to invite Dr. Roy Sinclair to make his presentation before the committee.

MR. CHAIRMAN: Thank you, Dr. Sinclair, for joining us today.

5:05

DR. SINCLAIR: Mr. Chairman and members of the panel, the brief that I would like to present focuses on three areas. The first of these deals with the fact that, in my view, the institution of a three-E Senate - i.e., elected, effective, and equal - is by itself a necessary but not sufficient condition to ensure that the interests, both political and economic, of western Canada be observed. That, I think, also includes those of Atlantic and northern Canada. Not only the form but the substance of government must be altered. The three primary branches of government are the executive, the legislative, and the judiciary. It would be most desirable, I maintain, in the effective governance of any country to see the three branches as independent centres of action and their necessarily interdependent participation in government. That is certainly not true of Canada.

Firstly, the executive branch is a subset of the legislative branch. The political party in the House of Commons that is able to command a majority sees its leader become Prime Minister. He then selects a cabinet - i.e., the executive - from the members of his party, which is part of the legislative group. Thus the PM through his power of selection and dismissal of the cabinet controls the executive branch. The laws that the executive branch must observe are those passed by the legislative branch over which the PM has control, since his party members constitute a majority, and he in turn controls the party members, for recall that he must sign their nomination papers in order for them to run for Parliament again, and more immediately he determines who will belong to cabinet with all its manifold

perquisites. Recall that in Canada we have 39 members in cabinet for just 26 million people; in the United States President Bush has only 12 for 260 million people.

At least this is true for that half of the legislative branch represented by the House of Commons. Again observe that the legislative branch is bicameral in nature, the other half being the Senate with its members being appointed by the PM. I remind the reader of the use, or abuse, recently made of this power to legislate the hugely unpopular goods and services tax. Lastly, compounding the dangers of this extreme concentration of power in one individual, there is the appointive power to the judiciary residing once again in the PM. Now, this subject of constitutional reform is in the air, and I think that these are matters which also should be kept in the back of the minds of those people who are participating.

The history of dictatorship is one in which the central theme is the concentration of power into fewer and fewer hands. Since the prize is so enormous, the risks willingly encountered and the ruthlessness engendered are proportionate. By contrast, the history of western democracy is one which features the diffusion of political and economic power into ever more hands.

I would like to suggest two groups of ideas. They have received wide currency in various countries. The first group of course deals with initiative, referendum, and recall, and the second group is exhibited by one of the oldest and stablest of western democracies, the United States of America, in which the legislative and executive branches are separately elected and share political power. They also have there the existence of a three-E Senate. The Western Independence Association of Canada has concerned itself with ideas of this nature, and I appended to my brief a copy of our suggested constitution for a west Canada.

The second area of concern is that the political and economic structures found in present-day Canada largely reflect the outdated realities of the late 19th century. In my view, they are inappropriate for today and are prejudicial to the further development of western Canada. Now, you recall through reading history that the function that colonies served was twofold. First of all, they were a source of cheap natural resources for the industrialized and populous motherland, and secondly, the colonies were to be captive markets for the frequently hugely overpriced manufactures of the motherland. I would suggest that in the early days of Canadian Confederation, with a very, very small population to be found in western Canada, Ontario viewed western Canada as a ready-found colony for their own private exploitation.

Now, I would like to remind people that if you look at the history of the United States, Canada's history follows it by a phase of about 100 years, and certainly they had these difficulties there. Chicago was the second city. California was totally ignored. It didn't come into its own until 1945, when the war on the Pacific Rim became so important. So what I'm suggesting and begging you is that we can see that the future of Canada as presently constituted is in the west. We now have 7 and a half million people, which is greater than that of Quebec and getting close to Ontario's 9 and a half million. So I beg you: do not negotiate from a position of what I might call feudal subservience but rather from a position of recognition of our present economic contributions. I mean, the work of Robert Mansell certainly shows that Alberta makes a far, far greater contribution to Canada than any other province, and our future pre-eminence in population and economics I suggest will mirror that of the United States and the west will become far, far more important. We should always remember this in our negotiations with central

Canada. To this point, last week's issue of the *Alberta Report* has an article entitled, "Keeping the West in its place: Two Tory MPs wonder 'why on earth would Ontario want to surrender its political power?'" I think apropos in this case.

The third issue is the following. The country is currently being rent asunder by factionalism, yet the federal government perversely emphasizes these policies that are extremely divisive and scratched those that are unifying. In the former group I place bilingualism and multiculturalism. In the latter group I place sound and equitable economic policies. Now, in my brief I mentioned one point. I said that in my view language is an extremely divisive force in any country. Indeed, in the very first book of the Old Testament, the book of Genesis, chapter 11, when the story of the Tower of Babel is told, it's recounted how the Lord confounded their tongues, "that they may not understand one another's speech" and thus "the Lord scattered them" from that place and to all lands and they ceased to build the city. Now, apparently the Lord has the insight into human nature to know that while a common language unites, different languages accentuate all sources of friction, and I feel that we should try to minimize these different sources of friction.

Lastly, I feel that economics is a force that tends to unite. For example, a country with a very weak economic system such as, say, Bangladesh is not going to entice very many people to immigrate there, but a country with a vibrant and active economy is one which will. So I feel that economics is certainly one thing that should be emphasized in trying to unify a country.

Thank you.

MR. CHAIRMAN: Thank you very much. Questions?

MS BARRETT: Sure.

MR. CHAIRMAN: Pam Barrett.

MS BARRETT: One of your quotes from just a moment ago was interesting. You said that different languages are sources of friction and should be eliminated.

DR. SINCLAIR: Minimized might be a better word.

MS BARRETT: Okay. This is coming from a larger perspective, then. Let me ask you: do you think that different languages in the global perspective are sources of friction?

DR. SINCLAIR: Well, can I answer the mirror question to that? The use of a universal language, a lingua franca, is certainly one that tends to enable people to participate more. For example, I was at an international conference in Czechoslovakia. All the major presentations were in English. The presentations made by private individuals, the majority of them were also in English, and it tended to unify that conference.

MS BARRETT: Would you be of the orientation that suspects that in the long run – however long run is defined – that English or one language will come to dominate or be the universal language? Is that what you're getting at?

DR. SINCLAIR: Yes. I agree that there is some cultural loss in this happening, but I see this as one of the consequences, say, of economics. Economics requires people to communicate with one another, and in order to communicate they have to have at least a common language. This has certainly been the ex-

perience in such countries as Nigeria and India and even, to a large extent, in the European Common Market.

5:15

MR. CHAIRMAN: Fred Bradley.

MR. BRADLEY: Just to follow up on this question of language I asked an earlier presenter. There have been some discussions in the country that perhaps language policy should become a responsibility of the provinces. How do you feel about that suggestion?

DR. SINCLAIR: Well, I would say that I would prefer to see a . . . I really can't answer that question with either a simple yes or no. I feel that if this were September 13, 1759, right after the Plains of Abraham, what Britain should have done was impose a uniform language across the country. That would have removed a source of divisiveness. But, of course, there were good military reasons for permitting . . . I mean, they were about to embark on a colonial war against the United States, and they didn't want to have to fight a two-front war, so they said, "Okay, we'll grant you these rights and privileges" so that, hopefully, the habitants would stay quiet. Apparently, it was successful.

But in the present-day situation I feel that with the orientation of the people in Quebec, separation is inevitable and that linguistic divisions are fostered in Quebec because it helps suit the agenda of the people who have the command of the economy and the command of the political scene as well.

MR. BRADLEY: Well, if Canada remained as a whole country with Quebec as part of it – I guess the premise of my question comes from that perspective, seeing Canada with Quebec. In that scenario would you see language policy being a power of the provinces as a tool in terms of keeping the country whole?

DR. SINCLAIR: Well, I disagree with your premise. I don't think it is possible to keep Quebec inside Canada. Assuming that by some chance or mischance it were to be the case, yes, I'd like to see language the purview of the individual provinces, because first of all, I feel that all provinces should be treated equally, and secondly, it would permit us, the country, to accommodate Quebec and the desires of the other provinces as well.

MR. BRADLEY: Thank you.

MR. CHAIRMAN: John McInnis.

MR. McINNIS: Dr. Sinclair, a question that's always been on my mind about the triple E Senate. From an Albertan perspective it appears to make a lot of sense because what we want is more influence over the affairs of the national government, but it seems to me an elected and an equal Senate would be a much more powerful Senate because it would have some legitimacy, coming from the people, and might in fact strengthen the national government. Do you see that perhaps a stronger national government might occur at the expense of provinces or regions, in a broader sense, that what we might end up with is a much more powerful national government?

DR. SINCLAIR: Yes, because certainly with the Senate being elected, they would have a stronger sense of legitimacy. That is what they are denied now, and I think this is one of the reasons

that they have been, politically speaking, so emasculated. Yes. Also, there has to be some mechanism by which the provincial and regional concerns are presented to the national government, and I believe they are scant currently.

MR. McINNIS: My question, though, is: do you feel that might make the provinces weaker then if you have a stronger national government?

DR. SINCLAIR: Looking at what has happened in the United States, the individual state governments are weaker because of the fact that they have a mechanism whereby the individual state's concerns can't be presented. Talking about the States as an entity rather than the political structure of the individual states, yes, I feel they are stronger although the political structure inside the states is weaker because of the Senate.

MR. McINNIS: Do you think that would be a good thing for Canada?

DR. SINCLAIR: Yes. It would be unifying, wouldn't it? I say that the provinces, as a whole, would be stronger with a stronger Senate, but the political government of the individual provinces would be weaker because now we rely upon the political structure inside the provinces to voice our concerns, and otherwise it would be the Senate.

MR. McINNIS: Thank you, sir.

MR. CHAIRMAN: Mrs. Gagnon.

MRS. GAGNON: Thank you. I realize that your orientation is more towards western independence.

DR. SINCLAIR: Yes.

MRS. GAGNON: But given that the country does stay together and that the west becomes more important, as you predict that it will because of its resources, I gather, would you also agree that we need more population – we only have two and a half million people in Alberta, for instance – and that the only way that's going to happen is for immigration to increase, because the birth rate is so low? Without more people, how can we compete with a Toronto that's already got 10 million people, when we've only 2 and a half million as a province.

DR. SINCLAIR: Well, if I can give a flip answer to that. This article of *Alberta Report* said, "Greener Pastures: How the West will benefit from socialism and separatism in Central Canada." Certainly separatism. There are about 700,000 Anglophones in a 6 and a half million population in Quebec. I think a large percentage of them are saying yes, particularly the young who can move are moving west. So we'll naturally gain population there. On socialism in central Canada, well, I guess you're aware that one of the new laws that the NDP government is trying to implement there is that directors be personally responsible for the misfortunes of a company if it happens because of competition, external or internal. If it happens to go under, then they are personally responsible. Industry seems to have a tendency to move out here. I think if we look at the history of the United States where we see the population gradually moving west, this will be duplicated in Canada. Certainly immigration would help, but I think there's going to be

a natural development, progression of the population in Canada from the central part to the western part.

If you go back 100 years and look at the ratio of the population of Ontario and Quebec to western Canada, I don't what the exact figures are, but it must have exceeded about 1,000. Now, there's – what? – 16 million in Ontario and Quebec and 7 and a half million in western Canada. That ratio is only essentially two.

MRS. GAGNON: One supplementary please.

MR. CHAIRMAN: Yes, one supplementary.

MRS. GAGNON: You also made a statement earlier on that our cabinet compared to the U.S. cabinet was extremely large, but you were saying that in a context of, I guess, an inclination to believe that we have more a dictatorship here than they do in the U.S. I would think it's just the opposite. If the Prime Minister's willing to share with that many more cabinet ministers, it means that we are totally not like the U.S., you know, because the authority is shared between more people, rather than in the U.S. where it's shared with a smaller number. I saw an inconsistency there in your comment.

DR. SINCLAIR: Yes; well, I certainly agree that the diffusion of power is one of the most salient characteristics of democracy. I believe that the way this is set up is that – I'm a cynic in saying that. Well, first of all, the individual cabinet minister in the United States has more jurisdictions directly to deal with, whereas in Canada, you know, election to a cabinet of course is a rather singular honour, and it might be that he can say, "Yes, you look after a very small area, and I will reward you." Now, that's a financial perk for the individual cabinet minister. Maybe this is a way in which he can exercise control. This is the other side of the suggestion that you made.

MR. CHAIRMAN: Well, I just want to follow up a little bit on a supplementary on that. You know the United States cabinet ministers are all appointed; they are not elected, are not responsible to anybody but the President of the United States. I mean, you talk about moving power from the people. Doesn't that move power further from the people by not having them elected?

MR. McINNIS: Aren't they confirmed by the Senate?

MR. CHAIRMAN: No, not cabinet ministers. No. No.

DR. SINCLAIR: Well, the function for which these people were initially elected – I mean, in Canada – was for their legislative abilities, not their executive abilities. When a person runs, he doesn't run and say, "If you elect me, I'm going to be a cabinet minister." No, he runs and says, "I will be a Member of Parliament." The selection is made subsequently.

MR. CHAIRMAN: Right; well, of course, we're into a . . .

DR. SINCLAIR: The executive is a subset of the legislative group.

MR. CHAIRMAN: Well, in any event, you're really into the issue of the difference between the British parliamentary system and a U.S. presidential form of government. You're opting for

the latter, and you're urging us to abandon the British parliamentary system. Is that correct?

DR. SINCLAIR: Yes. I feel it is appropriate to a unitary form of government, such as they have in Great Britain, but not as appropriate to a country which is as geographically diverse as Canada.

5:25

MR. CHAIRMAN: Okay. Well, thank you very much for your comments.

MR. POCOCK: Mr. Chairman, members of the committee, our final presenter for this afternoon's session is Mr. Maurice Fritze.

MR. FRITZE: Mr. Chairman, members of the committee, good afternoon. Thank you for the opportunity to be heard. While I appreciate being here, I have mixed feelings about these committee hearings. There are thousands of Canadians who need to be consulted about their country, but it is likely that these hearings will give an audience to those that are organized, special interest groups, and those who are skilled at presenting. Please remember that Canada is equally owned by the individuals who are not present, who are not skilled at speaking, and also those who are hard at work earning the minimum wage and need \$4 more than the parking lot company that will charge for this one hour of time.

I first became aware of Canada's constitutional challenges in the mid-60s, when I was in school in Castor, Alberta. Since, I have become aware that we are struggling to find an answer to a problem that has been building for 124 years. Lately the west and the maritimes have joined the debate, changing the players from French Canada and English Canada to a pan-Canadian discussion. It has become clear to many Canadians that any solution must have the following. It must be comprehensive; Canadians want a solution that doesn't have a limited shelf life. It must be accepted by a significant majority of Canadians and all of Canada's regions. It is not somebody's turn; it is necessary for all Canadians to benefit from constitutional reform. It must combine flexibility to meet changes resulting from political or economic challenges with an amending formula that does not require unanimity. It must be meaningful and open. What can be gained by hiding? Nothing. We need to build more integrity into our political life, and nothing can damage this image more than closed-door deal making and the appearance of self-interest. It is essential that this issue be given the potential to be as significant as nation making, because if it fails, that is exactly what we will be doing. Band-aid solutions and partisan politics are not welcome. This situation requires the boldest leadership possible, and I am convinced that leadership must come from individual Canadians.

Constitutional issues are ones that belong to the people. The lessons of Meech Lake are many, and the commonly referred to complaints are the exclusions of the interests of the west, the north, aboriginal people, and others. I think the most important lesson is illustrated by the minimum position demanded by Quebec. This really meant that even if Meech Lake amendments were passed, the debate was open the day after for additional improvements. Canadians want some finality to this issue. We have many other problems that need our attention. This subject deserves a final chapter, and the process I am proposing gives it just that. Canada needs a constitutional assembly, followed by a referendum and ultimate approval in Parliament.

In spite of the fact that our politicians and media have given a lot of attention to the constitutional issue, I haven't been able to come up with much evidence that Canadians really understand the crossroads that we are at. I can speculate at the reason, but it is my feeling that we have seen the problem for so many years that we can't see Canada not having some version of the French/English debate. We cannot picture our country divided or with new borders. Some of us love the idea that it happens one-half hour later in Newfoundland. We cannot come to grips with the fact that we are facing a real threat to our future. We watched a war on television without seeing the massive destruction we normally associate with armies and air forces. We are more accustomed to the image of tanks rolling into the cities of the Baltic states. Since none of these things are happening in Canada, we the citizens and politicians overlook the crisis we face, and in my opinion our elected officials have not presented us with a vision of Canada that will succeed in the next century, nor have they presented the vehicle for change that will allow Canada to evolve into the country that it can be.

Canadians want and need a structure that will involve citizens in a way that has never been done before. The Assembly and referendum achieve this. I have no ill feelings for any of the committees that have been formed to look into our constitutional question, including this one. But I don't view them as having any significant contribution to a solution. I am doubtful that any member of any committee can get past his or her own position or agenda. I believe that in 90 percent of the cases that position is already held and the public hearing process will be used to interpret input to support that position. Almost every member of this committee and their respective party has already made declarations of their intentions, and, indeed, the government has already initiated discussions with other provinces and political leaders. I doubt that the outcome of this process can do anything but muddy the waters.

Therefore, my recommendation is twofold: one is the process that takes us out of this mess, and the other is my image of Canada. As a committed Canadian, a believer in democracy, and a spokesperson for individual rights I believe that Canada may benefit from my position, but it will benefit even more from the process. My desire not to leave the solution entirely in politicians' hands is not because of polls that show a lack of trust in them, although I do think there is some validity in this argument in the case of Premiers who participated in the Meech Lake amendments. In spite of overwhelming opposition to Meech Lake the Alberta government championed its cause. This cannot happen again, that provincial governments speak for their citizens without a consultation that binds them. More importantly, politicians should not be solely in charge of the outcome, because not one of them has been elected to represent my views or the views of other Canadians on this issue with the exception of a by-election that resulted in a Bloc Québécois win.

This is not on par with raising salaries or controlling health care costs. It is the essence of Canada. No sitting government in this country has the elected mandate to deal with the issue. Therefore, short of calling an election to be fought on the future of Canada, we need a process that represents the views of Canadians in a meaningful way. "Meaningful" is not a parade of committees; it is not predetermined positions laundered through backroom posturing. The solution to the current challenges facing Canadians is one that must be unique and precedent setting to Canada. Any position that polarizes French and English must be rejected. There is no English Canada. This is 1991, and Canada's reality is a multicultural makeup with an estimated 10 million people who don't list French or English as

their first language. This is not a bridge game with teams marked them and us.

Therefore, I propose the following series of steps to resolve the constitutional deadlock: one, a Canadian constitutional assembly. This assembly of 172 citizens would be made up of both presently elected individuals and individuals elected precisely for this task. These people would meet for a period of four months to make constitutional recommendations. The larger regions – the west, Ontario, Quebec, the maritimes, and the north – would each appoint one constitutional expert. Together they would be the research, resource, and process consultants to this Assembly. The federal government would appoint three of these experts, making a total of eight. Citizens of each province would elect 10 people, Yukon and Northwest Territories would together elect 10, and aboriginal Canadians would elect another 10. The provincial and northern Legislatures would each appoint two people, and the federal Parliament would select 30 MPs to participate. All governments would be bound by a commitment to approach this on an all-party basis. Efforts would be made to resist the influence of special interest groups. Elected people would keep their salaries, and other participants would earn an equivalent salary based on a per diem including all expenses.

Rules for election in any province would prevent political party involvement in campaigning or in fund-raising. Candidates seeking election could be members of any party and use this influence, but the endorsement of candidates by parties would be prohibited. The election period would be short and would take advantage of media attention and local interest to generate support. The federal government would play a role in promoting election times and local forums. A cap of \$5,000 would be in place for fund-raising, and a two-week reporting requirement would see 100 percent disclosure of fund expenditures and donors.

The second component would be a national referendum. Immediately following publication of the draft Constitution it would be distributed and debated. Parliament would follow. This would lead up to a national referendum that would follow a final draft by 60 days.

5:35

The third component is a parliamentary approval step. If a majority supports the outcome, it immediately goes to the Legislatures and Parliament for approval. It would take only a majority of seven provinces and 50 percent of the population to effect the changes. Depending on the factors of rejection, if rejected at the referendum, it could be modified to overcome the drawbacks and presented in a second referendum.

In preparation for these steps I also ask that the provinces and federal government put a moratorium on decisions that alter the present makeup of Canada. I'm offended by the Prime Minister's actions on immigration recently. I believe we can address Quebec's concerns without allocating a higher percentage of immigrants than is fair. With a commitment of an extra 5 percent of new Canadians to Quebec, which province is going to lose? Alberta? Prince Edward Island? Decisions like these tear apart the unity that we need to feel.

My own view of Canada is one earned by extensive travel in and outside of Canada. My greatest concern is equality for all Canadians. Defining this is difficult, but its impact affects provinces and individuals alike. The Charter of Rights is an essential tool to deal with the pressures of racism, intolerance, special interests, and the tyranny of the majority. Canadians want a level playing field for opportunities both in their personal

lives and in their businesses. I see a need to remove the politicians' influence from administrative programs, grants, incentives, and any attempts to equalize the chance for all Canadians to participate in their country.

I'm in favour of a reformed Senate: elected, effective, and equal. Canada has been well served by a sense of balance, and regional interests are better served at this level than by a massive transfer of federal powers to the provinces. It is interesting to note that when asked if Alberta needs more powers, people are likely to say yes. I think this represents a dissatisfaction with the present model of Canada more than it does approval of massive decentralization. In other opinion surveys more detailed questions about the major powers of a federal government reveal substantial support for a strong central government in education, environmental concerns, health care, trade, and items of national unity. These perceptions of Canada need to be processed through a constructive means, one that has an impact on the final outcome. If allowed to just complain, we will not be advancing the solutions that I'm confident will rejuvenate the best country in the world. I'm confident that if nonelected Canadians are involved in defining the country's future, the likelihood of residents of Quebec rejecting this process is small. I and my fellow Canadians here in Edmonton and my neighbours in Prince Rupert and Sherbrooke will overcome regionalism and parochial attitudes.

There are few precedents to consider, if any, in Canadian history. We have a problem that won't go away. There was a time when we allowed politicians alone to deal with this problem. That time is over. Somebody said, "The west wants in." That isn't big enough. I want in; the whole country wants in.

Thank you.

MR. CHAIRMAN: Thank you.
Fred Bradley.

MR. BRADLEY: Thank you, Mr. Chairman, and thank you, Mr. Fritze, for your very thoughtful presentation. You've obviously given a lot of thought to what you put in your brief.

I'd like to just focus on your concepts in terms of amending the Constitution. It's something that's concerned me very much in terms of how we go about this whole process of amending the Constitution at this point. We've reached a sort of stalemate in terms of what the present Constitution provides us with in terms of how we approach that. You say that all governments would be bound by a commitment to approach this on an all-party basis. How do we legitimize a new process? The current Constitution provides an amending formula. You have sovereign governments. The amending formula is there. In terms of moving through the approach that you suggest, in order to legitimize that, we'd have to go through the current Constitution. Do you have any thoughts about how you legitimize the process you've suggested? You say that all governments would be bound by a commitment. What if two or three governments would not bind themselves to this process? Where does this leave us? How do we legitimize the process which you propose?

MR. FRITZE: I think the initiative for the constitutional reform should come from the federal government, and the federal government in essence doesn't need the provincial governments' support as governing bodies to call a constitutional assembly. The constitutional assembly can take the place of all the committees that are now touring the country. In essence, I see the replacing of committee reports with the outcome of a

constitutional assembly, and the offer to Canadians to be involved in the assembly is that their output, the decisions they make, would be in fact the decisions that are presented to the country in a referendum. Since this takes the place of the committees that are collecting data and input in the country, I don't think we've changed the essence of the legalities of reforming our Constitution. It's coming to the federal government as advice with a level of endorsement through referendum.

MR. BRADLEY: Well, I would suggest it's revolutionary and would be a unilateral declaration by the federal government in terms of assuming powers which they currently do not have. That would be my view of giving that power to the federal government solely. I think you'd have to have some ratification process in place vis-à-vis what is constitutionally there now.

MR. FRITZE: If I might be allowed . . .

MR. CHAIRMAN: Yes, by all means. Let's have some dialogue.

MR. FRITZE: My third step is a ratification by the Legislatures and Parliament, so I don't think that we've left that element out.

MR. CHAIRMAN: Let me take you to a difficult point. One of the things that has distinguished Canada from many other federations is that the provinces own, manage, and control the natural resources. Okay? You're of course familiar with the national energy program issue of the 1980s. Let's assume that the new Constitution as drafted by this constituent assembly proposed that the natural resources be retransferred to the federal government for their resource management and control, that that was put to the people in a referendum, and that Ontario and Quebec agreed and Alberta voted overwhelmingly against that transfer of powers back to the federal government. Would you agree, then, that that should be done?

MR. FRITZE: Mr. Chairman, without the specifics of your question I think the essence of the question is exactly the risk we have to take. I think that to actually address the constitutional question we face, we can't approach any solution that doesn't actually put everything up for grabs. I'm not suggesting that the referendum wouldn't start with our existing Constitution and that we wouldn't in essence be starting from scratch, but I think there is risk in doing this. I'm hoping the precedents that have been set by the Constitution already and by our habits, that have been working, would not be thrown out. But that would be the faith I would have in this body of people, that they would in fact respect those things that have worked to our favour and only address the things that require work and attention.

MR. CHAIRMAN: Well, my guess is that if the national energy program had been put to a vote in a referendum in Canada, it would have carried overwhelmingly by the votes of Ontario and Quebec and the Atlantic provinces. Think about that. I just put it to you that way. I'm trying not to be too terribly provocative on that issue.

There was one other question I wanted to pose to you. If each province were to elect these 10 new politicians, if I can say so – because that's what they would be whether you want to call them that or not – how would you see that being conducted so that the 10 people elected represented the majority of the people, at least, of the province?

MR. FRITZE: I think Alberta's precedent with the Senate elections is a good model to follow, much like what I understand to be the case for the parliament in Israel, where there is one slate of people and the total number of votes determines who the winners are. I would suggest that we could use the existing elections office for the administrative support. We would have to devise some method of dividing . . .

MR. CHAIRMAN: But you would agree those 10 people have to have the support of the majority of the people of each province. Somehow it would have to be achieved.

MR. FRITZE: Yes.

MR. CHAIRMAN: Yes, Yolande.

MRS. GAGNON: Thank you. You say – I guess it's on page 3 – that short of calling an election to be fought on the future of Canada, that would be an election issue, that we need this constitutional Assembly and so on. What would be wrong with having a federal election where the future of Canada would be the issue, the question at stake? Is that too risky? What is wrong with that rather than this other thing?

5:45

MR. FRITZE: I'm not sure that all the issues that would need to come out would be addressed in an election campaign, and I'm not sure that we would have all of Quebec's participation. It's only my personal confidence that if we approach this on a process basis rather than an on an election, we can address all of the issues that we need to. My fear about a federal election is that elections have a tendency to polarize issues. You can only be in favour of free trade or against it; you can't be in favour of a modified version of it. There's no room for discussion of those issues. I'm hoping that in a constituent assembly the gray in between the polarized positions can at least be debated and people can hear the answers, whereas in elections there is a tendency not to get into that kind of detail.

MR. CHAIRMAN: Do you have a supplementary?

MRS. GAGNON: Yes. In an election, at least in our democracy, you are choosing a representative. Given that in a particular constituency you would have four or five candidates chosen through nomination from the various parties, you would get quite a wide-ranging debate if you had four or five people running for the position and spending most of their time talking about the future of Canada. Then people would choose which person indicated their vision of Canada.

MR. FRITZE: You're right. I lost track of my reason for including that. It was really not as a choice; it is in fact, I guess, a replacement for the Assembly. The reason for saying that we need an assembly is because the present elected people have not given us their view of Canada. That's the reason for the assembly. If we had an election, I think that could take the place of a constituent assembly because in that election they would have to declare their interests.

MRS. GAGNON: And their vision.

MR. FRITZE: And their vision of Canada. That way we would be voting, and citizens coast to coast would be making their impressions known on a vision of Canada. But failing an

election, the present politicians have not in any process declared their feelings or their vision of Canada, and that's why I'm proposing the assembly.

MS BARRETT: I'd like to return to the subject the chairman raised for a moment just to chase your thoughts down a bit. In this process if one province's elected participants to the Assembly voiced a strong objection to an initiative proposed by another one, you're assuming that at some point during that four months those sorts of things would get worked out. In other words, some items would go off the table and some would stay on, and the ones that got cleared would be the ones that would be presented in a referendum. Is that it?

MR. FRITZE: In the same way that founding constitutions have some things that fall off the table, I guess that's a reasonable expectation.

MS BARRETT: I'm not challenging you. I just wanted to see if I was correct in my assumption.

MR. FRITZE: No, you're right. I would agree that some things would.

MS BARRETT: Okay; then the supplementary question has to do with the one Fred Bradley raised. He said: oh boy, you get something like this going, and it's pretty revolutionary, the feds inventing basically a new jurisdiction, I think is what you were getting at, in order to give themselves the authority to establish this. I'm not so sure that's the case; I think you can do anything by motion. I don't know if I got you wrong, Fred. That's why I question and bring it back. My question is: do you envision this as being a singularly federal initiative or something that could be done co-operatively by motion through Legislatures and the House of Commons?

MR. FRITZE: I'm not sure that it necessarily needs the approval of any provincial level of government.

MS BARRETT: Yeah, I know that's the way you answered it before, but what I'm asking you is . . . You're presenting really a very co-operative sort of orientation, right? Like saying, "Let's get this fixed or else." If you don't start with the assumption that there's something that can be fixed, then forget it. So then if that's the case, if your model were to be applied, would you also say that it would be a useful measure to suggest that the feds and the provinces got together on the plan to make this work?

MR. FRITZE: That would be my choice. I would prefer that definitely.

MS BARRETT: Yeah, that's what I thought.

MR. FRITZE: If I could just address something else I heard in your debate, and that is that even at the committee level things are going to fall off the table; even the committee is not going to deal with everything. Every suggestion you hear here won't make it into your final recommendations. That's the nature of the process. Our own preferences are bound to prioritize the things that are important to us. But we also have the opportunity in this process I'm proposing to debate it. I'm suggesting a 60-day period after the final output of the Assembly that would allow provincial governments to say, "They have over-

looked this aspect." Provincial governments, federal governments, and everybody in the country will have an opportunity to convince their fellow Canadians to support it in a referendum or to turn it down. We will have healthy debate, and the federal government will be in a position to interpret this data and to have a full sense of what is happening in the country. I am confident that this process will leave that body of people in charge, and if the provinces would co-operate and support this, I think it would ensure the best constitutional reform we could ever have.

MR. CHAIRMAN: Fred.

MR. BRADLEY: Just to clarify where I was coming from: the reason I say it's revolutionary is because it would be outside the current constitutional document, which provides the basis on which you would amend the Constitution. There's some parts of the Constitution that with seven out of 10, with 50 percent of the population you could change, but other parts of this current Constitution say you must have unanimity. If you're going to bring this consensus back for parliamentary approval, you'd have to have the consent of the federal level of government and the provincial levels of government to move forward in this process and make it legitimate; otherwise, you'd be moving extraconstitutionally, and I said "revolutionary" in terms of that process.

MR. McINNIS: Mr. Fritze, what makes this such a useful and strong presentation is that there's a lot of detail, which you don't often get from people who use the concepts of referendum and constituent assembly. I just want to see if I understand it correctly. The reason you have a ratification after the referendum is to recognize that we have a Constitution in our country that essentially has to be followed. The way the amending formula goes, if you're taking a power away from a province, that province has to agree. That's section 38(2) of the Constitution. That's the Alberta resources jurisdiction. My understanding is that you would want to follow the existing formula in terms of bringing in the new Constitution so that a province couldn't lose its control of natural resources, for example, against its will?

MR. FRITZE: I think I'm friendly to that.

MR. McINNIS: Okay.

MR. CHAIRMAN: Jack Ady, you wanted to ask a question.

MR. ADY: My question has to do with the structure and makeup of your constitutional assembly. I see some dangers there of it being weighted, specifically with the 30 MPs that would be selected by the federal government. I think it would be obvious that it would be weighted in favour of the populace end of the country just by the nature of Parliament. By that same token, we might have a tendency to have the final document weighted. Consequently, when it comes to the vote, the referendum, it would be accepted by the heavily populated areas of the country. I just see some dangers with this structure. Can you comment on that?

MR. FRITZE: I am aware of that element of risk, and I'm not sure that I have covered it to my own satisfaction. I am coming from a position where I think one person, one vote, and I don't know why 10 people living together should have any less influence than one person living out on their own. I'm not

convinced that in every single case I should have as much weight, so I'm looking for a sense of balance. In my own pursuits I'm promoting a triple E Senate that would help protect some of those regional interests. That's my own inclination. I recognize that there is an element of risk. But at the same time that I want to defend the smaller provinces from the larger population bases, I also want to see that individuals have the freedom of mobility. If I move to Toronto, I want to carry that same one person, one vote influence with me whether I live in Toronto or Charlottetown.

MR. ADY: Okay. A supplementary comment. I think we need to bear in mind, though, that a triple E Senate cannot go counter to a Constitution; in other words, if there's a Constitution adopted by this country, even though we have an equal Senate, or a triple E Senate, they're still bound to work within the bounds of that. If it's weighted away from the regions, the Senate becomes powerless.

MR. FRITZE: I think the hue and cry that would come from a constitutional assembly that wouldn't address those things would be so great that we'd be back in the starting position. I don't believe that Canadians would allow that to happen. That's the faith that I have in the people and in the process. I'll recognize the risk.

MR. ADY: I appreciate that, but we've been putting up a hue and cry for years.

MR. CHAIRMAN: Well, you've given us some interesting thoughts, and some specifics have been mentioned relative to the proposal for a constituent assembly. We've been hearing a lot about it. I just want to thank you for the time and effort you've put into making your presentation. Thank you very much.

I think we now adjourn until 7 o'clock, when we shall reconvene here. We have a number of additional people who wish to make presentations.

[The committee adjourned at 5:56 p.m.]

